

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief; 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 Enforced or Involuntary Disappearances; Working Group on Arbitrary Detention; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 45/3, 42/22, 40/10 and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged violations of the rights of **Sheikh Zuhair Jasim Mohamed Abbas and Mr. Ali Abdul Husain Ali Hasan Ali AlWazeer**, including arbitrary arrest, enforced disappearance, torture and non-access to due process.

According to the information received:

Sheikh Zuhair Jasim Mohamed Abbas

Sheikh Zuhair Jasim Mohamed Abbas (عباس محمد جاسم زهير الشيخ), a Bahraini citizen born on [REDACTED], holder of national ID number [REDACTED], is a religious scholar and former teacher at Hoza Al Sayed Al Gharifi. He has been incarcerated at the Jau prison in Bahrain since 2013 and subjected to cruel, inhuman and degrading treatment.

Sheikh Abbas was initially arrested on 18 July 2013. At the time of his arrest, the police did not present an arrest warrant, neither was he informed of the reasons for his arrest. After his arrest, Sheikh Abbas was transported to an unknown location where he was allegedly subjected to acts of torture for over a month, before being transferred to Dry Dock Detention Centre around 24 August 2013.

During interrogations, from 18 July to 24 August 2013, Sheikh Abbas was subjected to beating, electric shocks, and forced to stand all day and night. He was further forced to sign documents while blindfolded, without having any knowledge of their content. Furthermore, he was informed of the charges against him for the first time upon his arrival at the Dry Dock Detention Centre more than a month after his arrest.

On 23 August 2013, his photo was released by the media on the local TV, accusing him of taking part in a terrorist plot. The Minister of Interior only issued an arrest warrant a year after his arrest. Subsequently, Sheikh Abbas was convicted for three different charges. He was first sentenced to life imprisonment in November 2013 for participating in the Riffa bombing. In

2015, he was further sentenced for espionage abroad. In October 2017, another life sentence was handed to him for financing and participating in a terrorist organisation.

Sheikh Abbas attended his first trial but was tried in absentia for the other two cases. He reportedly did not benefit from the presence of his lawyer during the interrogations and trials.

Sheikh Abbas was initially imprisoned in Building number 14 of Jau Prison where he was beaten, denied access to food, showers and appropriate medical care. He was deprived of sleep for seven days, with his hands and feet tied with iron chains throughout this period, food was passed to him through a small hole under the cell door, and water was provided to him twice per day. He was also constantly kicked and beaten with water hoses, prevented from relieving himself in the bathroom or from showering; moreover, he was forbidden to perform prayers while he was also insulted and threatened that he would soon be executed. After such ill-treatment, Sheikh Abbas was unable to move normally for a long time and his health deteriorates rapidly having suffered from acts of torture and other cruel, inhuman and degrading treatment.

Between July and August 2020, Sheikh Abbas participated in several hunger strikes together with other prisoners to demand better living conditions inside the penitentiary.

Following his participation in a hunger strike that took place on 9 August 2020, he was among the inmates transferred to Building number 15, on 10 August 2020, on grounds of inciting others to participate in the strike. He was later isolated in a cell with three other prisoners from different cultures and languages. This form of cell-assignment is perceived as a form of reprisal to further isolate him and prevent him from performing collective Ashura (Shiite) rituals.

On 18 August 2020, he returned to Building number 14, but he was transferred back, with other prisoners, to Building number 15 on the same day. During his detention in Building number 15, Sheikh Abbas and other inmates allegedly suffered various ill-treatments: their legs were chained all the time, they were not allowed to go outdoors nor were they permitted to buy products from the canteen. They were also constantly subjected to verbal abuse. Officers also confiscated religious books and prevented Sheikh Abbas from practicing his religious rituals.

On 29 August 2020, an altercation ensued between Ali AbdulHusain Ali Hasan Ali AlWazeer, a prisoner sharing the same cell with Sheikh Abbas in Building number 15, and a guard when the latter allegedly insulted the religious ritual Mr. Ali AlWazeer was practicing. The guard was injured during the altercation. As a result, Mr. Ali AlWazeer and Sheikh Abbas were removed from their cells and subjected to enforced disappearance for some time.

From July 2020 to 17 January 2021, Sheikh Abbas' relatives had not heard from him. Despite various attempts and complaints lodged through official channels,

they had been unsuccessful in receiving any information of his status in prison, his whereabouts or his state of health. Later, it became known that from 5 September to 7 January 2021, he had been held in solitary confinement in Building number 15.

On 6 January 2021, the National Institution for Human Rights (NIHR) visited Sheikh Abbas. The NIHR declared that the interview took place in a room without the presence of any prison personnel and that Sheikh Abbas was not able to walk freely as he was being shackled and stated that his rights in prison were respected. The NIHR, also reported that Sheikh Abbas declared that he did not want to be in contact with his relatives. However, other sources reported that Sheikh Abbas was shackled by his hands, legs, and neck during that visit. During the NIHR visit, he could not speak freely for fear of reprisal and further acts of torture. In 2015, Sheikh Abbas was tortured and severely beaten for three days following a meeting with a representative from the NIHR during which he had revealed information about his torture in prison. Reportedly, nothing was done about his 2015 complaint to the NIHR.

Following the continuous pressure on the authorities by an online campaign, Sheikh Abbas was finally able to call his family on 17 and 18 January 2021. However, the call on 18 January was reportedly cut off after persons associated with Sheikh Abbas heard shouting from the officers in the room when Sheikh Abbas started providing details of the torture that he was subjected to. Persons associated with Sheikh Abbas submitted a complaint to the Ombudsman regarding this incident. It was further reported that his previous calls with relatives were always supervised by guards, who prevented him from speaking freely and subjected him to harassments.

Sheikh Abbas is currently facing charges of incitement to commit murder in relation to the 29 August 2020 incident involving the prison guard. He is held in Building number 4, which is known to be for inmates who have dangerous and contagious diseases, which places Sheikh Abbas at serious risk of being infected. His three cellmates have allegedly attacked and harassed him repeatedly.

Ali AbdulHusain Ali Hasan Ali AlWazeer

Mr. Ali AbdulHusain Ali Hasan Ali AlWazeer, a Bahraini citizen born on [REDACTED], holder of a national ID no. [REDACTED], has been incarcerated in the Jau prison in Bahrain since 2013 and was allegedly subjected to degrading and inhuman treatment.

Mr. AlWazeer was arrested in 2013. At the time of his arrest, the police did not present an arrest warrant neither was he informed of the reasons for his arrest. He was subsequently subjected to enforced disappearance for three months. It later became known that during this period, he was held at Qudaibiya Police Station, where he spent 40 days in solitary confinement. The conditions in the cell were reportedly unsanitary and inhumane. The size of the cell did not allow him to sleep, he was prohibited from cleaning himself, and there were rats in the cell. He was later moved to a building without having certainty on the place he

was taken to, and where he spent his days blindfolded with shackles on his hands and legs until he was moved to the Dry Dock Detention Center.

During his interrogation, Mr. AlWazeer allegedly suffered physical and psychological torture. He was allegedly placed in a dark room where he was beaten on his back with a pipe, endured electric shocks on his private parts, and officers forced him to imitate the sound of a duck and would proceed to torture him if the sound was not identical. Officers also threatened him and his family. It was further reported that Mr. AlWazeer did not have an attorney, and, under torture, he was coerced into signing a statement.

Mr. AlWazeer was convicted of three different charges: the detonation of a bomb, the murder of a migrant worker and the detonation of a bomb on a bus. The Appeals Court overturned his conviction in the case of the killing of the migrant worker, but the Courts of Appeal and Cassation upheld the judgment for the other two cases. He received sentences amounting to 56 years in prison. Mr. AlWazeer was transferred to Jau Prison in 2013 following the issuance of the judgment.

In July 2020, Mr. AlWazeer participated in a hunger strike together with other prisoners in Building 13 and 14 in Jau Prison. They demanded proper medical care, ending the use of severe shackling, stopping the harassment of prisoners during calls and visits, providing personal hygiene products at the canteen, and allowing prisoners to practice religious rituals freely.

On 10 August 2020, following a hunger strike inside the prison which occurred on 9 August 2020, he was transferred along with other inmates to Building 15 and accused of inciting others to participate in the strike. He was later isolated in a cell with three other prisoners from different cultures and languages. This form of cell-assignment is perceived as a form of punishment to further isolate him and prevent him from performing collective religious rituals, specifically linked to the celebration of Ashura.

On 13 August 2020, persons associated with Mr. AlWazeer submitted a complaint to the Ombudsman Office regarding his wellbeing and isolation in Building number 15. As a result, he was allowed to call his family.

During his detention in Building 15, he faced harassment and suffered various ill-treatments: his legs were chained all the time; he was not allowed to go outdoors or to buy products from the canteen. Officers also confiscated religious books, preventing and prohibiting Mr. AlWazeer and the other prisoners from performing their religious rituals.

On 29 August 2020, an altercation between Mr. AlWazeer and a prison guard ensued after the guard allegedly insulted the religious rituals he was performing and hit him. The altercation led to injuries sustained by the guard. As a result, Mr. AlWazeer and his cellmate, Sheikh Abbas, were taken from their cells.

It was indicated that during the following days Mr. AlWazeer and Sheikh Abbas remained forcibly disappeared as no one had information on their whereabouts.

It later became known that on 30 August they were transferred to the Royal Academy building and then to the Criminal Investigation Directorate (CID) building in Adliya, where they were interrogated and subjected to severe beatings. Mr. AlWazeer was further charged with assaulting a prison guard while Sheikh Abbas was charged with incitement.

On 8 and 14 September 2020, Mr. AlWazeer was finally able to call his family and communicated to them that he was fine. On 14 September he also communicated that he would be transferred to Building number 22.

On the same day Mr. AlWazeer was seen at the prison clinic in critical conditions. He presented traces of torture and blood all over his body as well as his face. His clothes were ripped and bloodstained. In addition to this, he was unable to move his hand, which seemed to be broken and could not speak properly due to the intense pain resulting from the severe torture he was subjected to.

Mr. AlWazeer was tortured by the Prison Director in Building 2, which is known for not being equipped with surveillance cameras. While he was in Building number 2, Mr. AlWazeer suffered various forms of ill-treatment: he was shackled to an iron bed by his hands and legs for 7 days, where he would be tortured on a daily basis and be denied going to the bathroom and he was beaten and tied by his hands while standing up.

On 15 September, during a video call Mr. AlWazeer appeared with his face bruised, and two of his front teeth broken. Additionally, he appeared to be moving his arms with difficulty. During the call, he had requested a brace for his arm as his shoulder was dislocated. However, authorities had hindered the family's efforts to provide him with one. It was further reported that he was unable to speak freely because he was surrounded by a group of 5 to 6 officers. On the same day, it was reported that Mr. AlWazeer had been transferred to Salmaniya Hospital where he was refused treatment. For this reason, he was taken to the Jau Prison clinic. He was then transferred to solitary confinement in Building 23.

On 16 September, Mr. AlWazeer was again able to speak with his family. However, it was reported that guards were supervising the call, preventing him from speaking freely.

It was reported that in February 2021 he was physically assaulted by four prisoners and was harassed while praying. The prison administration allegedly held him responsible for the altercation and transferred him to solitary confinement for a week, from 20 to 26 February 2021, as punishment.

Mr. AlWazeer is currently facing charges of attempted murder linked to the 29 August 2021 incident involving the prison guard.

While we do not wish to prejudge the accuracy of these allegations, we are expressing our most serious concern at the acts of torture and other cruel, inhuman or degrading treatment or punishment against Sheikh Abbas and Mr. AlWazeer, which

seems to be a pattern of abuse against prisoners from Shiite religious minority in Bahrain. We also express our concern with regards to violations of the right to liberty and security of the two individuals and the right to due process during the stages leading up to sentencing. Concern is also expressed at the reported deplorable conditions of detention, the excessive use of solitary confinement, denial of medical care, as well as denial of fundamental safeguards such as access to a lawyer and contact with the family. We also express concern that the above-mentioned individuals were prevented from professing their faith through religious prayers or rituals, hence amounting to a violation of their rights to freedom of religion and belief.

Should they be confirmed, the facts alleged would contravene, inter alia, articles 2, 7, 9, 10, 14, 17 and 18 of the International Covenant on Civil and Political Rights, to which Bahrain is a party, and article 12 of the Universal Declaration of Human Rights.

Moreover, 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 or punishment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and an international norm of *jus cogens*, and as reflected inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156.

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 as to how the arrest and detention of Sheikh Abbas and Mr. AlWazeer are compatible with the obligations of your Excellency's Government under international human rights norms and standards, particularly with articles 7, 9 and 14 of the ICCPR and articles 2, 15 and 16 of the CAT.
3. Please provide detailed information on the measures which have been taken, or which are foreseen, to ensure full and impartial investigations, independent medical examinations, and judicial or other inquiries in relation to the allegations of torture and other cruel, inhuman or degrading treatment or punishment. If measures have been undertaken, please make available the results of investigations. If no such measure have been taken, please explain how this is compatible with the international human rights obligations of the Kingdom of Bahrain
4. 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.

5. Please indicate if there are guidelines or training provided to the penitentiary personnel in relation to the treatment of prisoners, including the principle of non-discrimination based on religion or belief and the right of the prisoners to their spiritual needs. Please also indicate if any protection measures against torture and any forms of inhuman or degrading treatment have been put in place especially in places of detention.
6. Please provide detailed information on the Ombudsman mechanism of investigation and how it complies with the principles of independence and impartiality. Also, explain measures taken by the Government of Bahrain to protect victims from potential acts of reprisal.

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 prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Tae-Ung Baik
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Miriam Estrada-Castillo
Vice-Chair of the Working Group on Arbitrary Detention

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

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

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*, in the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded on 20 September 2006, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Bahrain ratified on 6 March 1998.

We would also like to draw the attention of your Excellency's Government to article 9 of the ICCPR whereby everyone has the right to liberty and security of person, no one shall be subjected to arbitrary arrest or detention, and no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. We also recall that according to article 14 of the ICCPR, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

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-defense or in the defense 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).

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 also wish to refer your Excellency's Government to the statement of the Human Rights Committee in its general comment No. 35, whereby enforced disappearances violate numerous substantive and procedural provisions of the Covenant and constitute a particularly aggravated form of arbitrary detention (CCPR/C/GC/35, para. 17).

We also refer your Excellency's Government to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). According to rule 1, all prisoners shall be treated with the respect due to their inherent dignity and value as human beings. We also recall that solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority (rule 45). In this respect, solitary confinement for a time period in excess of 15 consecutive days is referred to as prolonged solitary confinement (para. 44).

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.

On allegation of the discriminatory treatment of the Shia prisoners for not allowing them to own religious texts or perform prayers and rituals according to their religion, 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 [...]. The General Assembly 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief stressed that the right to freedom of thought, conscience, religion or belief includes the freedom "to worship or assemble in connection with a religion or belief [...]" (article 6 (a)); and "to make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief" (article 6 (c)).

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 ...".