

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
AL BHR 2/2021

3 May 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 43/16, 42/22, 42/16 and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning cases **of alleged arbitrary detention and sentencing of five human rights defenders that carry prison sentences of 10 years or more in connection to the promotion and defense of human rights and related allegations of torture, ill treatment and poor conditions of detention.**

**This letter is a follow up to previous communications sent on human rights defenders Abdulhadi Al-Khawaja, Abduljalil Al-Singace, Naji Ali Fateel, Ali Abdulemam and Abbas Al-Omran. We would also like to reiterate the observations made in AL BHR 2/2019 on the Act No. 58 of 2006 on the Protection of Society from Terrorist Acts.**

According to the information received:

*Three human rights defenders serving prison sentences of 10 years or more, up to life imprisonment*

*The case of Mr. Abdulhadi Al-Khawaja*

Mr. **Abdulhadi Al-Khawaja** is a human rights defender and former Protection Coordinator of Frontline Defenders, the International Foundation for the Protection of Human Rights Defenders for the Middle East and North Africa, as well as the former President of the Bahrain Centre for Human Rights (BCHR). Through his work as a human rights defender, Mr. Al-Khawaja has openly discussed human rights concerns in Bahrain with a number of international human rights organizations including the UN. Mr. Al-Khawaja was subject of nine communications sent to Your Excellency's Government in the past, namely: BHR 3/2012; BHR 18/2011; BHR 17/2011; BHR 9/2011; BHR 5/2011; BHR 4/2011; BHR 2/2009; BHR 2/2007; BHR 6/2005. We acknowledge receipt of responses transmitted by your Excellency's Government regarding all the aforementioned communications on 30 December 2012, 21 December 2011, 23 September 2011, 8 June 2011, 7 June 2011, 26 April 2011, 1 April 2009, 15 February 2007 and 27 December 2005, respectively. The case of Mr. Al-Khawaja was included in the 2011 and 2012

reports of the Secretary-General on cooperation with the UN on allegations of reprisals following his engagement with several UN bodies and mechanisms, including the Universal Periodic Review and some treaty bodies (A/HRC/18/19, paras. 20-21 and 24; and A/HRC/21/16, paras. 53-54)

On its opinion No. 6/2012 (September 2012), the United Nations Working Group on Arbitrary Detention concluded that Mr. Al-Khawaja's arrest was due to his exercise of the fundamental rights to freedom of expression, peaceful assembly, and association, falling under categories II and III of the methods of work of the Working Group. According to it, the charges against Mr. Al-Khawaja - including membership of a terrorist organization - were "vague" and "raise doubts as to the actual purpose of detention." The Working Group also concluded that throughout Mr. Al-Khawaja's arrest, detention and trial, "the Government violated numerous international norms that relate to the right to fair trial."

On 9 April 2011, Mr. Al-Khawaja was arrested by the Bahraini special security forces at his daughter's home in Muqsha, Bahrain. He was provided with no arrest warrant and was subsequently placed in AlQurrain prison. During the first twenty days of his detention, Mr. Abdulhadi Alkhawaja was allegedly not permitted access to a lawyer.

On 8 May 2011, his trial began before the National Safety Court, a military jurisdiction in Bahrain. Mr. Alkhawaja was prosecuted with 20 other individuals, some of whom were tried *in absentia* and are also part of this letter. Furthermore, information received shows that little if no direct relationship existed between such individuals, who were tried *en masse*.

On 16 May 2011, the human rights defender was brought before the court for the third session of his trial. During such, he informed the court that he had been subjected to torture while in detention. He reportedly had four fractures to the side of his face, allegedly due to beatings from law enforcement officers at the time of his arrest in 2011, which required surgery in his jaw. He continues to have problems eating as a result of injuries sustained while in detention.

A week after, on 22 June 2011, Mr. Al- Khawaja was sentenced by the Lower National Safety Court to life imprisonment for a number of misdemeanors and felonies, including: 1) establishment, administration and membership of a terrorist group in order to overthrow and change the Constitution of the State and the royal system and to take it over, in accordance with articles 159 and 160 of the Bahraini Criminal Code; 2) intelligence contact with a terrorist organization abroad working in the interests of a foreign state in order to commit hostile acts against the Kingdom of Bahrain, in accordance with article 122 of the Bahraini Criminal Code; 3) attempting to overthrow and change the Constitution of the State and its royal system by force 4) and promoting and commending the overthrow or change of the political system of the State, in accordance with article 148 of the Bahraini Criminal Code; 5) obtaining and possessing publications and leaflets promoting and commending the overthrow of the political system of the State by force and unlawful means, 6) spreading false information and rumours and disseminating inflammatory propaganda such as to disturb public security and harm public welfare, in accordance with

article 168 of the Bahraini Criminal Code; and 7) inciting hatred and contempt for a certain group of people, in accordance with article 172 of the Bahraini Criminal Code. Mr. Al-Khawaja's detention and sentence were preceded by a speech he gave during the protests in Manama's Pearl Roundabout, in which he demanded that the royal family face charges for torture and corruption.

During the trial, Mr. Al-Khawaja was allegedly not permitted to present his own witnesses or to testify on his own behalf. The defence was not even allowed to conclude their argument before the sentencing date was announced, thereby allegedly precluding Mr. Al-Khawaja from presenting a full defence.

The latest information received shows that the human rights defender's health continues to deteriorate in prison, in particular his jaw, due to sequels from the fractures in his face by police officers at the time of his arrest and related surgery in 2011. He has reportedly been denied access to correspondence from his family, including boxes which personal belongings, which other inmates allegedly have access to. He is currently allowed to speak with his family via phone due to COVID-19 restrictions.

#### *The case of Mr. Abduljalil Al-Singace*

Mr. **Abduljalil Al-Singace** was the Director and spokesperson of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy. During his career as a human rights defender, Mr. Al-Singace has actively engaged with the UN Human Rights Council as well as other UN human rights mechanisms, and has openly spoken at the international level about alleged human rights violations in Bahrain. Mr. Al-Singace was subject of communications BHR 1/2019, BHR 5/2016, BHR 18/2011, BHR 4/2011, BHR 7/2010 BHR 5/2010. We acknowledge receipt of responses transmitted by your Excellency's Government regarding the aforementioned communications on 19 November 2019, 22 February 2017, 9 September 2016/27 September 2016, 23 October 2014/1 October 2014, 19 January 2012/24 January 2012 and 23 May 2011. The case of Mr. Al-Singace was included in the 2011 and 2012 reports of the Secretary-General on cooperation with the UN on allegations of reprisals following his engagement with several UN bodies and mechanisms, including the Universal Periodic Review and some treaty bodies (A/HRC/18/19, paras. 16-19 and 24; and A/HRC/21/16, paras. 53)

On 13 August 2010, Mr. Al-Singace was reportedly arrested at Bahrain International Airport on his way back from the UK with his family, following his participation on 5 August 2010 in a seminar on the human rights situation in Bahrain held at the House of Lords. During such, he denounced the alleged deterioration of the human rights situation in the country and met with a number of international human rights organizations. According to reports, Mr. Al-Singace, who has a disability and requires the use of a wheelchair, was forcefully apprehended by the authorities upon his arrival to Bahrain. On the same day, a peaceful demonstration in solidarity took place in front of Mr. Al-Singace's house, and was violently repressed by security forces using tear-gas, sound bombs and rubber bullets. Several demonstrators were injured in the course of the operation. Mr. Al-Singace was shortly released after without being charged.

On 25 March 2011, at approximately 11:00 a.m., forces purportedly belonging to the Ministry of the Interior forcibly entered Mr. Al-Singace's home without a warrant and arrested him. It is alleged that Mr. Al-Singace was forcibly disappeared for about two months. Reportedly, Mr. Al-Singace was immediately subjected to torture, including being hung, beaten, insulted, electrocuted until he fainted with focus on his genitals and forced to crawl on the ground and bark.

Mr. Al-Singace was first charged with participation in an illegal gathering and beating of a police officer. However, because the two charges placed Mr. Al-Singace in different locations at the same time, the prosecution dropped the accusation related to illegal gathering and kept that of beating of a police officer. According to the information received, Mr. Al-Singace was sentenced with the beating of a police officer to seven years in prison, however, he was subsequently released from prison on 23 February 2011, in the wake of civil unrest in Bahrain. Charges against him were not dropped at that time.

On 22 June 2011, Mr. Abduljalil Al-Singace was sentenced to life imprisonment on the following charges: 1) establishment, administration and membership of a terrorist group in order to overthrow and change the Constitution of the State and the royal system and to take it over, in accordance with articles 159 and 160 of the Bahraini Criminal Code; 2) intelligence contact with a terrorist organization abroad working in the interests of a foreign state in order to commit hostile acts against the Kingdom of Bahrain, in accordance with article 122 of the Bahraini Criminal Code; 3) attempting to overthrow and change the Constitution of the State and its royal system by force 4) and promoting and commending the overthrow or change of the political system of the State, in accordance with article 148 of the Bahraini Criminal Code; 5) obtaining and possessing publications and leaflets promoting and commending the overthrow of the political system of the State by force and unlawful means, 6) spreading false information and rumours and disseminating inflammatory propaganda such as to disturb public security and harm public welfare, in accordance with article 168 of the Bahraini Criminal Code; and 7) inciting hatred and contempt for a certain group of people, in accordance with article 172 of the Bahraini Criminal Code.

Although he was eventually given access to lawyers, he was initially held for a long period of time in incommunicado detention. It was further alleged that his confessions may have been extracted under duress.

In early May 2016, a new administrator took up his functions in the prison cell block where Mr. Abduljalil Al-Singace is currently being held. New guards went into his cell and demanded him to hand over a Shia religious book. They told the defender that he must remove certain passages from the book as the new administrator considered these passages to be heretical. He allegedly refused to tear those pages as it would compromise the integrity of the religious text, but allegedly compromised not to read those sections. Subsequently, the guards confiscated all the religious and academic books in the human rights defender's cell. Furthermore, they confined him to his cell without allowing him to walk around or outside for a week.

Mr. Al-Singace suffers the effects of polio and sickle-cell anemia. His symptoms include chronic pain, numbness of the extremities, shortness of breath, and constant dizziness.

According to the latest information received, Mr. Al-Singace health continues to deteriorate in prison. He is currently allowed to speak with his family via phone due to COVID-19 restrictions.

*The case of Mr. Najj Ali Fateel*

Mr. **Najj Ali Fateel** is a prominent blogger and board member of Bahrain Youth Society for Human Rights (BYSHR). He has participated in marches in which he discussed the importance of documenting human rights violations and encouraged people to form monitoring committees to document them. Mr. Fateel has been subject of five other communications sent by mandate holders to your Excellency's Government, namely: BHR 7/2018, BHR 5/2017, BHR 10/2014, BHR 2/2013, BHR 2/2008 and BHR 1/2008. We appreciate your Excellency's Government's response to these communications on 15 September 2014/1 October 2014, 5 November 2013, 08 July 2013, 06 March 2009, 23 April 2008. We regret that no reply has been given to BHR 2/2008.

On 2 May 2013, Mr. Najj Fateel was arrested at his home in the village of Bani Jamra. He was reportedly taken to the Criminal Investigation building, where he was handcuffed and blindfolded. Sources inform that while in the Criminal Investigation building, Mr. Fateel was tortured in multiple ways. According to reports, he was the subject of electrocution to the back, left leg and genitalia; simulated drowning; beatings to the head, back and left leg, which reportedly was operated previously in relation to a work injury; suspension from the ceiling by hanging him from his hands without his feet touching the floor; sexual harassment and threats of rape; being refused permission to sleep, sit or lay down; and being made to stand up for prolonged periods of time. Reportedly, Mr. Fateel was taken to the Public Prosecutor's Office where he then refused to be interrogated without a lawyer present. Sources inform that he was consequently taken back to the Criminal Investigation building and subjected to a more severe beating, allegedly for having requested legal representation.

In May 2013, the Public Prosecutor charged Mr. Fateel with alleged "establishment of a group in order to disable the provisions of the Constitution" and ordered his imprisonment for a period of sixty days pending investigation under the terrorism law. These charges were reportedly dropped subsequently, and on 22 May 2013, Mr. Fateel was sentenced to six months in prison for "attendance at illegal gatherings".

On 11 July 2013, Mr. Fateel was summoned to appear before the Fourth Criminal Court, and was charged under article 6 of the Anti-Terrorism law: "forming illegal organizations". On 29 September 2013, Mr. Fateel was reportedly sentenced to 15 years in prison under article 6 of the Anti-Terrorism law, on the charges which had previously been dropped. In the interim, allegations that Mr. Fateel was tortured during interrogation in the Criminal Investigations Directorate (CID) continued. On 29 May 2014, the Appeals Court of Bahrain upheld a 15-year sentence against human rights defender

Mr. Najj Fateel in relation to such charges.

Reportedly, on 10 March 2015, Bahraini security forces attacked prisoners at Jaw Prison using rubber bullets, tear gas, and shotgun pellets. The incident allegedly started when the family of a detainee protested after having been denied permission to visit the person. According to a witness, Najj Fateel was held in the same building where the clashes occurred, but was not involved in the events. However, shortly after the incident, an officer ordered that several individuals be taken to Building 10, including Mr. Fateel. He was then charged with an extra 10 years for “assault” and “damage to prison property”, and is therefore serving 25 years in combined sentences in Jau Prison.

On 2 September 2019, the human rights defender was transferred to solitary confinement and was prohibited from receiving phone calls and visits from his family and lawyers. On 9 August 2020, he began a 10-day hunger strike to protest conditions in Bahraini prisons, including lack of medical attention and the denial of their rights to practice their religion. He stopped the hunger strike when he was promised by prison officers to have medical attention. There is reportedly no information about his access to medical care and treatment.

#### *Human Rights Defenders in exile with outstanding charges*

##### *The case of Mr. Abbas Al-Omran:*

Mr. **Abbas Al-Omran** is a human rights defender and member of the Bahrain Centre of Human Rights. Mr. Abbas Al-Omran was subject of other communications namely BHR 12/2012, BHR 17/2011, BHR 18/2011 and while we thank your Excellency’s Government for its response to such communications on 5 February 2013, 7 February 2012, and 24/19 January 2012, we regret that they limit themselves to explain the sentencing charges against Mr. Al-Omran, as well as the procedure to revoke his citizenship but do not explain the reasons why.

On 22 June 2011, Mr. Abbas Al-Omran was allegedly found guilty for being part of a “terrorist cell” on the charges aforementioned, and sentenced to 15 years imprisonment. He was tried *in absentia*.

On 7 November 2012, the Ministry of the Interior published a list of names of 31 individuals whose Bahraini citizenship was reportedly revoked by the Ministry, on the grounds that the listed persons were allegedly “damaging the security of the State”. Sources report that 19 of the 31 persons do not hold another nationality and are now stateless. Among these names was Mr. Abbas Al-Omran. Mr. Al-Omran moved to the United Kingdom, where he currently resides after having been granted asylum.

##### *The case of Mr. Ali Abdulemam:*

Mr. **Ali Abdulemam** is a Bahraini human rights defender, blogger and founder of *Bahrain Online*, one of the first independent news website in Bahrain. He is also member of the research and advocacy group *Bahrain Watch*, a research and advocacy organisation devoted to human rights in Bahrain. Mr. **Abdulemam** was subject of another communication sent to your

Excellency's Government on 15 October 2010, namely BHR 8/2010. We acknowledge your Excellency's response to such communication on 30 November 2010.

On 4 September 2010 at approximately 9 p.m., Mr. Abdulemam was arrested following a summon, which was delivered via a telephone call, for questioning by the National Security Apparatus (NSA). Since his arrest, Mr. Abdulemam has been denied access to legal representation, and doubts exist as to whether or not he has been presented before the Public Prosecutor within the time limits proscribed by law. He was denied access to family members until 29 September 2010. Subsequently, Mr. Abdulemam's arrest was reportedly declared by the Ministry of Interior to form part of an investigation into an alleged "terrorist network accused of planning and executing a campaign of violence, intimidation and subversion in Bahrain", according to article 27 of the 2006 "Law to Protect Society from Acts of Terrorism". Such law establishes that a suspect may be detained for a maximum of 15 days before either being brought before the Public Prosecutor for questioning within three days and order his remand or release. Government officials have claimed that Mr. Abdulemam was presented before the Public Prosecutor soon after his arrest. On 22 September 2010 it was announced by officials that, as of 27 September 2010, all detained human rights defenders would be allowed to receive visits from their families. His brother visited the Office of the Public Prosecutor in order to apply for permission to visit Mr. Abdulemam in detention. He was, however, subsequently informed by an official at said Office that Mr. Abdulemam had not been brought before the Public Prosecutor and that there was neither any record of, nor personal number assigned to him, at the Office.

Since 5 September 2010 - the day following Mr. Abdulemam's arrest - the *BahrainOnline.org* website has been unavailable both within Bahrain and abroad. He was released from detention on 23 February 2011, the day that he went missing.

On 11 June 2011, the human rights defender was sentenced *in absentia* for "spreading false information" and being part of a terrorist network". Mr. Abdulemam subsequently moved to the United Kingdom, where he currently resides after having been granted asylum.

On 31 January 2015, the Bahrain Ministry of the Interior issued a decree revoking the citizenship of 72 individuals for "illegal acts". The list of names provided by the Ministry includes Mr. Ali Abdulemam.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our utmost concern at the detention and sentencing of the human rights defenders described above. We remind your Excellency's Government that the criminalization of the legitimate defence of the human rights of others would be incompatible with international human rights law.

We are concerned that the cases of Mr. Al-Khawaja, Mr. Al-Singace, Mr. Fateel, Mr. Al-Omran and Mr. Abdulemam reveal what seems to be a pattern of restrictions on space dissent and debate in Bahrain, whereby critical or dissenting opinions are characterised as terrorism. We express deep concern at the use of

counter-terrorism legislation to criminalize expression that is dissenting or critical. As such, there appears to be a systematic stifling of dissent and targeting of those who exercise their right to freedom of expression and association, as well as those who promote it. We would like to stress the essential work that human rights defenders play for any society as a whole, and in favor of the well-functioning of the rule of law. In particular, regarding the Act No. 58 of 2006 on the Protection of Society from Terrorist Acts, we are concerned for the special powers entrusted to the Public Prosecution Service, in addition to those previously specified in the law and beyond those regularly exercised in legal proceedings. We recall that where the law relating to terrorism confers discretionary powers upon public agencies, adequate safeguards, including judicial review, must exist for the purpose of ensuring that discretionary powers are not exercised arbitrarily or unreasonably. Counter-terrorism measures should, to the broadest possible extent, be entrusted to civilian authorities whose functions relate to combating crime and whose performance of counter-terrorism functions is pursuant to ordinary powers (A/HRC/16/51, Annex, Practice 3(1)). We would like to recall that the exercise of functions and powers shall be based on clear provisions of law that exhaustively enumerate the powers in question recognized by the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism as best practice (A/HRC/16/51, para. 15).

We want to express deep concern with regard to allegations of torture and other cruel, inhuman or degrading treatment or punishment and other human rights violations allegedly faced by Mr. Al-Khawaja, Mr. Al-Singace, and Mr. Fateel. While in detention, and show consternation at the allegations that their health seems to have acutely deteriorated since 2011.

We are also concerned by the allegations that fair trial standards were breached during the trials of these individuals. The criminalization of human rights defenders in reprisal for their legitimate and peaceful efforts to advocate for the rights of others in Bahrain is concerning not only for the detrimental impact on the lives of those individuals and their families, but for the chilling effect it creates on civic space in the country. We are concerned that such an approach is intended to discourage others from exercising their fundamental freedoms, and defending the right of others to do so too. We remind your Excellency's Government that the denial of due process of the human rights defenders described above is in contravention of their right not to be arbitrarily detained or deprived of liberty.

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 as to the factual basis for the arrests and sentencing of Mr. Al-Khawaja, Mr. Al-Singace, Mr. Fateel, Mr. Al



Omran and Mr. Abdulemam and how they are consistent with international human rights law.

3. Please provide information on why charges related to terrorist acts such as being a member of a terrorist organisation, offences relating to membership of a terrorist organisations have been levied against the aforementioned individuals and indicate how this complies the obligation to pursue counter-terrorism obligations consistent with international law as set out inter alia in United Nations Security Resolution 1373 and a strict understanding of the definition of terrorism as elucidated by international law norms including but not limited to United Nations Security Council Resolution 1566 (2004), and the model definition of terrorism provided by the mandate of the Special Rapporteur for the promotion and protection of human rights and fundamental freedoms while countering terrorism.
4. Please indicate why Mr. Abdulhadi Al-Khawaja seems 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.
5. Please provide information about the legal assistance received by the defenders included in this communication from/since their arrest and where appropriate during trial, as well as details of how access to legal representation of their choosing has been assured for the human rights defenders since these incidents.
6. Please provide information about Mr. Naji Fateel's access to medical assistance after his hunger strike in September 2019.

Please provide detailed information about Mr. Al-Khawaja's, Mr. Al-Singace's, Mr. Fateel's and Mr. Al-Omran's current health status and about the measures taken by your Excellency's Government to ensure that they have access to appropriate health care, including medical treatment.

7. 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 against Mr. Al.Khawaja, Mr. Al-Singace and Mr. Al-Omran. If no investigation has been initiated, please explain why and how this is compatible with the international human rights obligations of Bahrain.
8. Please provide detailed information concerning measures 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 violence, threats or acts of intimidation, harassment or prosecution of any sort.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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 may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would like to inform your Excellency's Government that 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 communications 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.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

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

Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable  
standard of physical and mental health

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

## **Annex**

### **Reference to international human rights law**

The above-mentioned allegations appear to be in contravention with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Bahrain on 20 September 2006, which provides, respectively, that no one shall be subjected to arbitrary arrest or detention and that everyone has the rights to liberty of movement, to fair proceedings before an independent and impartial tribunal, to freedom of opinion and expression, and to freedom of association with others.

In relation to article 9 of the ICCPR, we specifically wish to highlight that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19) (CCPR/C/GC/35, para. 17).

We also wish to refer your Excellency's Government to article 14 of the ICCPR, whereby everyone charged with a criminal offence shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law and shall be entitled to the number of minimum guarantees, in full equality, including to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing. We also wish to highlight that in the case of trials in absentia, article 14, paragraph 3 (a) of the ICCPR requires that, notwithstanding the absence of the accused, all due steps have been taken to inform accused persons of the charges and to notify them of the proceedings.

We would like to remind your Excellency's Government of principle 9 and guideline 8 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), which state that all persons deprived of their liberty have the right to legal assistance by counsel of their choice at any time during their detention, including immediately after their apprehension, and such access shall be provided without delay. This has also been highlighted in the most recent report of the Working Group on Arbitrary Detention to the Human Rights Council (see A/HRC/45/16, paras. 50-55). In addition, the denial of access to lawyers of one's choosing violates the right to legal assistance guaranteed under articles 10 and 11 (1) of the Universal Declaration of Human Rights and article 14 of the ICCPR as well as principles 15, 17 and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and rule 61 (1) of the Nelson Mandela Rules.

We would like to emphasize that any restriction to the right to liberty of movement and the freedom to leave any country, including his own must be compatible with paragraph 3 of article 12 of ICCPR which establishes that restrictions are only acceptable if they are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. Equally, we underline that any restrictions to the right to freedom of expression must be necessary, proportionate and prescribed by law, in accordance with paragraph 3 of the provision. The imposition of travel ban as a means to limit the exercise of freedom of expression and to prevent speech that is dissenting or critical is

not compatible with article 19(3) of the ICCPR. We reiterate the statement by the Human Rights Committee in General Comment 34 that article 19(3) may never be invoked as a justification for the muzzling of any advocacy of human rights (CCPR/C/G/34).

The absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment and punishment as codified in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Bahrain acceded on 6 March 1998, and in article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded on 20 September 2006. We recall articles 7 and 12 of the CAT, which prescribe State parties' obligations to promptly and impartially investigate alleged acts of torture and to prosecute the perpetrators. We call for the realization of their human rights, including their right to participate in political life or merely express dissent or/and their views on issues not align with the vision of the Government.

We would like to refer your Excellency's Government to the International Covenant on Economic, Social and Cultural Rights (ICESC), ratified by Bahrain on 27 September 2007, which in its article 12 provides for the right to mental and physical health. This includes an obligation on the part of all States parties to, inter alia, refrain from denying or limiting equal access for all persons, including prisoners or detainees, to medical care (General Comment 14 of the Committee on Economic, Social, and Cultural rights, para 34). In this connection, we would like to refer to the UN Standard Minimum Rules for the Treatment of Prisoners adopted unanimously by the UN General Assembly (A/Res/70/175) in December 2015 ("Mandela Rules"). Rules 24 to 35 establish that healthcare for prisoners is a State responsibility; prisoners should be ensured prompt access to medical attention in urgent cases and those requiring specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals.

We would also like to recall that according to article 21 of the ICCPR, "the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

Furthermore, we would like to refer your Excellency's Government to the International Covenant on Economic, Social and Cultural Rights (ICESC), ratified by Bahrain on 27 September 2007, which in its article 12 provides for the right to mental and physical health. This includes an obligation on the part of all States parties to, inter alia, refrain from denying or limiting equal access for all persons, including prisoners or detainees, to medical care (General Comment 14 of the Committee on Economic, Social, and Cultural rights, para 34). In this connection, we would like to refer to the UN Standard Minimum Rules for the Treatment of Prisoners adopted unanimously by the UN General Assembly (A/Res/70/175) in December 2015 ("Mandela Rules"). Rules 24 to 35 establish that healthcare for prisoners is a State responsibility; prisoners should be ensured prompt access to medical attention in urgent cases and those requiring specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (b), which provides for the right to form, join and participate in non-governmental organisations, associations or groups;
- article 6 (b) and (c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, (2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

In particular, with regard to the obstacles to the right to freedom of movement of defenders, we would like to refer also to the Commentary to the Declaration on human rights defenders which states that "travel restrictions imposed on defenders in order to prevent them from participating in assemblies of different kinds outside their country of residence is contrary to the spirit of the Declaration and the recognition in its preamble that individuals, groups and associations have the right to "promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels".

Furthermore, we wish to refer to Human Rights Council resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights; and Human Rights Council resolution 22/6, which provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms".

We would also like to refer to Human Rights Council resolution 12/2 which inter alia, "condemns all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights" (OP 2), and "calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights" (OP 3).

Moreover, the 2015 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/30/29) reiterates the Secretary-General's firm position that any act of intimidation or reprisal against individuals or groups for their engagement with the United Nations, its mechanisms and representatives in the field of human rights is completely unacceptable and must be halted, immediately and unconditionally (para.

47).

With respect to the use to counter terrorism and extremism justifications to restrict the legitimate exercise of freedom of expression, we would like to underline that any restriction on expression or information that a government seeks to justify on grounds of national security and counter terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34). We would like to stress that counter terrorism legislation with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of peaceful association and assembly. These rights are protected under ICCPR and non-violent exercise of these rights is not a criminal offence.

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.

In addition, the Special Rapporteur would also like to bring to the attention of the Government her 2018 report A/HRC40/52 entitled "Impact of measures to address terrorism and violent extremism on civic space and the rights of civil society actors and human rights defenders", and in particular would like to reiterate her observation at paragraph 36 "national counter-terrorism legislation increasingly includes provisions that restrict rights that are key to civil society: freedom of expression and opinion, freedom of association, freedom of assembly and freedom of religion". She would also like to bring to the attention of the Government paragraphs 75 (a) to (i) of the same report.