

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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(Please use this reference in your reply)

15 May 2024

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 54/14, 51/21, 53/12 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning several allegations of arbitrary detention, enforced disappearance, torture, and systematic violations of rights to a fair trial by denying legal counsel, forcing confessions under torture, failing to provide adequate time and facilities for the preparation of defense, and lack of access to adequate healthcare, *inter alia*. Allegations include reports of discriminatory treatment based on religious beliefs, sectarian-based insults, and offensive remarks directed at religious figures.

The Working Group on Arbitrary Detention (WGAD) has written your Excellency's government already on some of the cases here included. opinion No. 74/2023 and No. 47/2023 address some of the cases below.

According to the information received, the allegations submitted are presented in four groups.

Cases of Messrs. Hasan Mushaima, Sheikh Abdullah Isa Abdulla Mahroos, Abdulwahab Husain Ali Ahmed Ismaeel, and Sheikh Abduljalil Radhi Mansoor Maki (Al-Muqdad)

All four individuals are well-known opposition leaders and activists, members of the so-called "Bahrain Thirteen", namely a group of persons who were arrested by the authorities in March 2011 for reasons related to their involvement in pro-democracy demonstrations. All four individuals were arrested without being presented with a warrant and were detained by the authorities without their fate or whereabouts being made known to their relatives or legal representatives. Notably, a deprivation of liberty, followed by a refusal to acknowledge such deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law, amounts to an enforced disappearance, regardless of the duration of the said deprivation of liberty or concealment.

According to the information received, when these men were brought to trial, the judicial proceedings did not fulfill the requirements for a fair trial and due process under international human rights law. For example, there are allegations that the men were coerced into making confessions under torture. Reportedly, they were subjected to waterboarding, electric shocks, beatings, sexual assaults and they were hung upside down. Additionally, they were denied legal counsel during the interrogations, could not access their lawyers to prepare for trial and were not brought promptly before a judge.

The cases have been addressed by the WGAD in opinion No. 74/2023.

Cases of Messrs. Abduljabbar Isa Abdulla Hasan Mohamed, Fadhel Abbas Abdulla Hasan Mohamed, Ahmed Abdulla Marhoon Rashed, ██████████, ██████████, Mohamed A. Jabbar Mansoor Ali Husaini Sarhan, and Faris Husain Habib Ahmed Salman

These six individuals, one of whom was a minor, were reportedly convicted on 15 January 2023 in a mass trial involving 21 defendants, for allegedly belonging to a terrorist organization, referred to as the "Al-Ashtar Brigades".

All six individuals were arrested in November 2021, in most of the cases without a warrant, by officers from the Criminal Investigations Directorate (CID) of the Ministry of Interior. More specifically, the information suggests that officers from the "riot police", "commandos" (which typically refer to the Special Security Force Command), and/or the National Security Agency were involved. Some of these officers could not be identified, as they wore plainclothes and sometimes masks.

All of these victims reported enduring torture to extract coerced confessions during their detention. Reportedly, they were subjected to beatings, sexual assault, rape, electrocution, and death threats. The information suggests they were also subjected to discriminatory treatment on the basis of their religious beliefs.

Some of the victims reported having been denied access to appropriate and timely medical care during their detention, leading to health deterioration.

The trial reportedly did not meet international standards of fair trial and due process. According to the information received, the victims were denied access to legal counsel, deprived of adequate time and facilities to prepare for the trial, and were not promptly brought before a judge. None of the defendants was present in the courtroom at the time of the announcement of the verdict. Their sentences ranged from three to ten years of imprisonment.

Mr. ██████████ did not have a guardian during the interrogations despite being a minor. He was detained with adults at Dry Dock Detention Center and was one of 21 defendants in a mass trial. The information suggests he was not given adequate time or facilities to prepare for the trial and was unable to present evidence.

The cases have been addressed by the WGAD in opinion No. 47/2023

Cases of Ammar Abdulghani Khamis Ebrahim Abdulla, Husain Ahmed Abdulla Ali (Al-Moamen), Yaser Ahmed Abdulla Ali Ahmed Ali (Al-Moamen), Salman Abbas Salman Hasan Al-Ismaeel, Mohamed Abduljalil Mahdi Jasim Abdulla, Hussain Ali Saleh Mahdi Ayyad, Ahmed Jasim Saeed Mahdi Mohamed, Hasan Ahmed Radhi Mohamed (Serhan), Mohamed Abdulnabi Juma Ali Abdulla (Al-Khoor), Husain Ali Mohsen Ali Muhana, Sayed Mohamed Mostafa Isa Ahmed Mohamed (Al-Tublani), and Husain Ali Ahmed Ali Ahmed Shaikh Husain

Between 2012 and 2018, these twelve individuals were reportedly arrested for their involvement in pro-democracy protests and alleged terrorist activities. Six of them were reportedly detained by the authorities without their fate or whereabouts being made known to their relatives or legal representatives for periods lasting from two days to two weeks. They were deprived of legal representation, lacked adequate time to prepare for trial, and were not promptly brought before a judge. Additionally, reports indicate each of them was subjected to torture with the aim of extracting confessions. As mentioned above, a deprivation of liberty, followed by the concealment of the fate or whereabouts of the person, amounts to an enforced disappearance, regardless of the duration of the said deprivation of liberty or concealment.

At the time of the reported information, the twelve individuals were serving their sentence in Jau prison and had been placed in isolation since August 2022, where they report having endured ill-treatment that could amount to torture, such as beatings, threats of rape to their person and their families, and discrimination based on their religious beliefs, leading to four of them being transferred to a hospital in critical condition. Following their move to isolation, they were cut off from the outside world. They were handcuffed for periods ranging from days to a week and were unable to carry out daily activities. Visits and communication with counsel and family have reportedly been denied, and there has been no official statement from the government concerning their state of detention and wellbeing. Most individuals reported that they were denied medication during their imprisonment, experienced stomach pain and high fever due to the insufficient food provided in the correctional facility and faced exposure to contagious diseases spreading among prisoners without proper health measures implemented by the authorities.

Cases of Messrs. Habib Ali Habib Jasim Mohamed AlFardan, Jasim Mohamed Saeed Ahmed Ali Ajwaid, [REDACTED], and Ebrahim Yusuf Ali Ebrahim AlSamahiji

These four individuals were reportedly arrested in 2015 by officers in plain clothes without any warrant for their arrest or the ensuing search. Their ages range from 16 to 39.

Reports indicate that all four of these individuals were detained by the authorities without their fate or whereabouts being made known to their relatives or legal representatives for periods ranging from a week to more than three weeks, thus being placed outside the protection of the law. Two of the individuals report facing solitary confinement as retaliation for filing complaints about prison conditions and protesting against the denial of

medical treatment.

Based on the available information, it appears that all four individuals experienced torture while in detention. This reportedly included beatings, prolonged standing, hand cuffing and leg cuffing for extended periods, electroshocks, beatings on sensitive organs, sexual harassment, and sleep deprivation. All individuals were reportedly sexually assaulted and threatened with the use of physical beatings, electric shock, rape, and threats of assault against them and/or their relatives. Three of the four individuals developed injuries resulting from the torture, with one experiencing severe hysteria as a result. Reports indicate that torture was used to extract confessions, based on which they were sentenced during trial.

All individuals claim to have been denied access to legal counsel during their interrogation, and none was brought before a judge within 48 hours of their arrests. Allegedly, three of them were not provided adequate time and facilities to prepare for their trial. Additionally, one individual reported being prevented from presenting and challenging evidence against him during the trial. Another individual stated that his attorney was not allowed to attend the trial. Furthermore, one individual allegedly faced threats from the judge after disclosing torture and coercion aimed at obtaining a confession, regardless of its veracity. The judge reportedly responded with a threatening remark, asking, “Do you want us to take you back to the same place again?” in reference to the CID building where the individual had been tortured.

Information suggests that two individuals were convicted in mass trials on charges related to terrorism, having been coerced into signing false confessions under duress and torture, with one of them being convicted for a crime that occurred outside the prison while he already was in prison. Two individuals were sentenced to life imprisonment, and a third was sentenced to over 100 years in prison as a minor, effectively constituting a life sentence.

Two individuals reportedly encountered discriminatory treatment based on their religious beliefs, enduring sectarian-based insults, including offensive remarks directed at Shia religious figures. Additionally, one individual reportedly experienced retaliatory measures in prison for protesting against the mistreatment of a prominent detained Shia cleric.

Reports indicate that all these cases involve severe medical negligence, coupled with the denial of essential medical care, posing life-threatening risks. Notably, one of the alleged victims faces an ongoing deterioration of health and is at significant risk of death due to persistent medical neglect and the denial of care for brain cancer. Another individual, despite suffering from asthma, is confined in a facility housing drug and tobacco users and is reportedly being denied medical attention, resulting in the significant deterioration of his health condition.

Reports indicate that Mr. [REDACTED] and Mr. Ajwaid were released 8 April 2024 through the royal decree pardoning 1,584 inmates.

Without wishing to prejudge the accuracy of the information received, we express serious concern for the physical and psychological integrity of these

individuals. More specifically, we would like to express serious concern about the alleged ill-treatment and torture in detention facilities, including denial of appropriate and timely medical care, confessions under duress, solitary confinement and restrictions on communication with detainees' families and legal representatives.

Our concern in this latter regard is particularly heightened since the right to legal counsel of one's choosing of those arrested, their right to confer with a lawyer before, during and at trial, adequate time to prepare for a defense before trial, and the right to present and challenge evidence, and the presumption of innocence, are key elements of due process. Additionally, the right to be fairly tried without undue delay means that a person must be brought before the courts without delay and that criminal proceedings, including any appeal arising from them, must be disposed of promptly. If persons who are held in detention and have been charged with a criminal offense are not tried in a reasonable time, they must be released.

We are also concerned that the mass trial of some of these individuals may have further compromised their individual rights to fair trial, including the presumption of innocence, specific procedural rights, and the principle of individual criminal responsibility. Additionally, the reported threats made by a judge are especially concerning, as they may constitute a violation of the right to a fair trial, which requires judges to maintain impartiality. The right to liberty also requires arrested persons to be brought promptly before a judge.

We underline that all individuals, regardless of the severity of the charges brought against them, have a right to a fair trial under human rights treaties and customary international law (see A/63/223). It is linked to the enjoyment of other rights, such as the right to life, the prohibition against torture and other cruel, inhuman, or degrading treatment or punishment, and humane conditions of detention.

We also emphasize that several mandate-holders have previously expressed concern over the overly vague and broad definition of terrorism in Law No. (58), including the Working Group on Arbitrary Detention¹ and the Human Rights Committee, which stated that such a definition 'provides too much room for interpretation and may result in violations of the right to freedom of expression, association and assembly'.²

Charges of the most serious crimes, including for "terrorism" do not release the State from its international obligations to prevent torture, enforced disappearance, and to safeguard the due process rights of persons undergoing judicial proceedings.

We express further concern that some individuals were prevented from practicing their religion while in custody and that others were reportedly further subjected to torture and ill treatment based on their religious beliefs.

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.

¹ See, for example, opinions No. 59/2019, para. 60, No. 5/2020, para. 76; No. 84/2021, para. 94; No. 65/2022, para. 98.

² CCPR/C/BHR/CO/1, para. 29

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 the factual and legal grounds justifying the arrest, detention and charges against the aforementioned individuals, and how these measures are compatible with international human rights law and standards, in particular the principles of legality, necessity, proportionality, non-discrimination, fair trial, and proportionality in sentencing.
3. Please provide information on the measures taken to ensure the right to a fair trial in Bahrain.
4. Please provide information on the current health situation of the aforementioned individuals and what access to health care services they are being provided with.
5. Please provide detailed information to ensure that any person deprived of liberty is authorized to communicate with, and be visited by, his or her family, counsel or any other person of his or her choice and is brought before a court that can decide without delay on the lawfulness of the deprivation of liberty and order the person's release, if such deprivation of liberty is not lawful.
6. Please provide information on the measures taken to investigate the allegations of enforced disappearance, identify those responsible, prosecute and, where appropriate, sanction them, as well as to ensure that victims of enforced disappearance receive adequate compensation and full reparation for the harm suffered.
7. Please provide information as to compliance with the absolute prohibition against torture and other ill-treatment, including legal, procedural and practical safeguards against the extraction of confessions or information by force, intimidation or other coercion, and further ensures the exclusion of any such confession or information from being used in proceedings, as required via article 15 of CAT.
8. Please provide detailed information about whether any investigation or inquiry has been conducted into the allegations of the use of torture or other cruel, inhuman or degrading treatment or punishment, as well as the allegations of incommunicado detention. If no such investigations have taken place and no one has been held accountable, please explain why and what measures are proposed to be taken.

We would appreciate receiving a response within 60 days. Past 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 prevent any irreparable damage to the life or personal integrity of the 26 individuals concerned, 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 bring to the attention of your Excellency's Government that should sources submit the allegations concerning the above mentioned individuals for the consideration of the Working Group on Enforced or Involuntary Disappearances under its humanitarian procedure, the case will be examined by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

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.

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

Aua Baldé

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

Tlaleng Mofokeng

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

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

Ben Saul

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

Annex

Reference to international human rights law

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

We would like to refer to articles 6, 7, 9, 10 and 16 read alone and in conjunction with article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), and articles 2 and 16 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Bahrain acceded on 20 September 2006 and 6 March 1998, respectively. The aforementioned provisions establish the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment. Article 12 of the CAT specifically stipulates State Parties' obligation to conduct a prompt and impartial investigation wherever there are reasonable grounds to believe that an act of torture has been committed in any territory under their jurisdiction. In addition, article 15 of the CAT and paragraph 7(c) of Human Rights Council resolution 16/23 provide that evidence that has been obtained as a result of torture shall not be invoked as evidence in any proceedings.

We respectfully remind your Excellency's Government of the applicable international human rights standards outlined by the Arab Charter on Human Rights (ACHR), specifically to articles 5, 8, 13, 15, 16, 32 which safeguard the rights to life, liberty and security of person, to be brought promptly before a judge, to not be subjected to torture or cruel, inhuman or degrading treatment, to be treated with humanity while in detention and to be compensated in circumstances of unlawful arrest or detention, and the right to seek, receive and impart information and to freedom of opinion and expression.

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

We also make reference to General comment No. 36 (2018) on article 6 of the ICCPR, which states, inter alia, that extreme forms of arbitrary detention that are themselves life-threatening, in particular enforced disappearances, violate the right to personal liberty and personal security and are incompatible with the right to life (para. 57), and that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and States parties must take adequate measures to prevent the enforced disappearance of individuals, and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance. (Para. 58)

In addition we would like to highlight paragraph 27 of General Assembly resolution 68/156 (February 2014), which, "[r]eminds all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration

of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished".

We would also like to refer to the right not to be arbitrarily deprived of liberty and to fair proceedings before an independent and impartial tribunal, as set forth in articles 9 and 14 of the ICCPR. Article 9 establishes, in particular, that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, and that anyone who is arrested shall be informed, at the time of the arrest, of the reasons behind such arrest and be brought promptly before a judge for the purpose of legal assessment of detention. Article 14 of the ICCPR stipulates that, in the determination of any criminal charge, everyone should have adequate time to communicate with a counsel of their choice, and that no one should be compelled to confess to guilt. The right to have access to a lawyer without delay and in full confidentiality is also enshrined in the Basic Principles on the Role of Lawyers (principles 1, 7 and 8).

Paragraph 1 of article 14 of the ICCPR enshrines the requirements of independence and impartiality of the judiciary. As the Human Rights Committee has stated, these are absolute rights that do not allow any limitations, see General comment No. 32, para. 19. As also highlighted by the Human Rights Committee, article 14 guarantees the right to a public and fair hearing before a competent, independent and impartial tribunal established by law. The notion of a fair trial includes the guarantee of a public and impartial hearing. The UN Basic Principles on the Independence of the Judiciary, spell out this requirement: "[...] judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary" (principle 8). The Human Rights Committee also pointed out that an "essential element of this right [to an impartial tribunal] is that an accused must have adequate time and facilities to prepare his defence".³

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

We would 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 with no discrimination (article 2.2). States Parties have an obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services ((General comment no. 14 of the Committee on Economic,

³ Communication No. 451/1991, Barry Stephen Harward v. Norway (Views adopted on 15 July 1994), UN document CCPR/C/51/d/451/1991, para. 9.4. See also Communication N° 577/1994, Víctor Alfredo Polay Campos v. Peru (Views adopted on 6 November 1997), UN document CCPR/C/61/d/577/1994, para. 8.8, where the Committee took the view that "a cardinal aspect of a fair trial within the meaning of article 14 of the Covenant [is] that the tribunal must be, and be seen to be, independent and impartial".

Social, and Cultural rights, para. 34)para. 34). General comment 14 further indicates that "The creation of conditions which would assure to all medical service and medical attention in the event of sickness" (art. 12.2(d)), both physical and mental, includes the provision of equal and timely access to basic preventive, curative, rehabilitative health services and health education; the provision of essential drugs. (Para. 17). In this connection, we would also like to refer your Excellency's Government to the former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health's report to the Human Rights Council on access to medicines (A/HRC/23/42), where he state that "while several aspects of the right to health are understood to be progressively realizable, certain core obligations cast immediate obligations on States, including the provision of essential medicines to all persons in a non-discriminatory manner." (Para. 3).

In this connection, we would like to refer your Excellency's Government to General The Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, according to which "Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation" (Basic Principles for the Treatment of Prisoners. Principle 9).

In this connection, we would also 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. Rule 27 states that *All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.* We further refer to rule 45 which prohibits indefinite and prolonged solitary confinement (rule 43 with rule 44), and restricts its use for as short time as possible as a measure of last resort, to be used only in exceptional circumstances (rule 45). It shall be noted that States parties to the CAT, including the UAE, are obliged to conduct prompt, impartial and thorough investigations when complaints of torture or other ill-treatment are made, in accordance with articles 12 and 13 of the Convention.

We are further drawing your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances (articles 2 and 7) which has attained the status of jus cogens. We would also like to further refer to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which sets out the necessary protections with respect to the responsibility of the State; in particular articles 2, 9 to 14 and 19, which provided that no State shall practice, permit or tolerate enforced disappearances, the rights to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty; to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; and to the maintenance in every

place of detention of official up-to-date registers of all detained persons. We also make reference to the Working Group's study on Enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), in particular with reference to the disappearances of religious leaders, would prevent their communities from exercising their religious practices, therefore violating the communities rights to take part in cultural life (para. 41).

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

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

When confronting the challenge of terrorism in particular, the Human Rights Committee has stressed the importance of developing and maintaining effective, fair, humane, transparent and accountable criminal justice systems which provide access to a fair and public hearing and to independent and adequate legal representation in accordance with obligations under international law (CCPR/C/GC/32). Should they be confirmed, the facts alleged would contravene, inter alia, articles 3, 5, 7, 8, 9, 10, and 19 of the UDHR, articles 5, 6, 8, 11, 13, 14, 15 and 16 of the ACHR and articles 2, 15 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Bahrain acceded to on 6 March 1998. They would also contravene principles 10, 11, 17 and 32 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

In the same vein, we would further like to refer to Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights. Further, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism urged States to ensure that their counter-terrorism legislation is sufficiently precise to comply with the principle of legality, in order to prevent the possibility that it may be used to target civil society on political or other unjustified grounds (A/70/371, para. 46(b)).