

DECISION No. 23/1996 (BAHRAIN)

Communication addressed to the Government of the State of Bahrain on 20 February 1996.

Concerning: Shaikh Abd al-Amir Mansour al-Jamri, Shaikh Hassan Sultan, Shaikh Hussein el-Deihi, Shaikh Ali bin Ahmed al-Jeddhafsi, Shaikh Ali Ashour, Sayyed Ibrahim Adnan al-Alawi, Hassan Meshma'a, Salah Abdallah Ahmed al-Khawaja and Abdel Wahab Hussein, on the one hand and the State of Bahrain, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the revised methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group takes note of the information forwarded by the Government concerned in respect of the cases in question within 90 days of the transmittal of the letter by the Working Group.
3. (Same text as para. 3 of Decision No. 35/1995.)
4. In the light of the allegations made the Working Group welcomes the cooperation of the Government of the State of Bahrain. The Working Group transmitted the reply provided by the Government to the source and received its comments. The Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, in the context of the allegations made and the response of the Government thereto.
5. According to the communication submitted by the source, a summary of which was forwarded to the Government, scores of people were arrested by security forces since the beginning of January 1996. The arrests were reportedly made in connection with peaceful demonstrations protesting the continued detention of some 500 persons arrested during unrests in December 1994 to April 1995, or following clashes with security forces in the wake of the bomb explosions which occurred in Manama during the first two weeks of January, and the closure of some mosques during the same month. The arrests were made between 21 and 22 January 1996. The majority of the detainees were said to be held incommunicado and to include prominent Muslim clerics such as Shaikh Abd al-Amir Mansour al-Jamri and Shaikh Hassan Sultan in addition to the following persons: Shaikh Hussein el-Deihi, Shaikh Ali bin Ahmed al-Jeddhafsi, Shaikh Ali Ashour, Sayyed Ibrahim Adnan al-Alawi, Hassan Meshma'a, Salah Abdallah Ahmed al-Khawaja and Abdel Wahab Hussein.
6. The Government in its reply dated 21 May 1996 categorically refuted the allegation by the source which it described as a "recognisable product of terrorist propaganda which should be viewed against the background of the continuing unrest in Bahrain and therefore treated with extreme caution".
7. As to the facts alleged, the Government says, in reference to the persons arrested in January 1996 that no one was detained arbitrarily. "Many have been released and those still in custody are held strictly according to the law for their violence-related activities contrary to

specific provisions of the 1976 Penal Code. Their trials or release will be determined by due process of law and in the meantime they are well treated, their conditions are humane and they are afforded all their rights of visitation, representation, welfare and medicare strictly according to the law".

8. The Working Group regrets to note that the Government's reply does not provide specific information on the list of persons who were allegedly detained. No details are given as to the legal situation of those who are still in custody and the charges brought against them. Nor does the Government inform the Group as to whether any of the persons figuring on the above list have been released.

9. The source in its observations to the Government's reply indicates the following: "The first eight men mentioned above have been held in incommunicado detention since their arrest on 22 January 1996. Lawyers and relatives confirmed in July 1996 that they did not know where the men were being held, that they have been unable to visit or contact them. Neither lawyers nor families got any response from the Interior Ministry when they requested visitation permits and information on their whereabouts. This contradicts the Government's claim that the detainees are afforded visitation rights. The above-mentioned detainees' state of health also remains unknown, although there have been reports that a number of them were moved temporarily to the Military Hospital for unknown reasons ... . In addition, the detainees have not been granted their right to challenge their detention, according to lawyers assigned by the men's families to follow their cases ...".

10. It appears from the facts as described above that the nine above-mentioned persons were arrested on 22 January 1996 and have since that date been detained without charge or trial. The failure to bring charges against them and put them on trial for such a long period constitutes a violation of the rights guaranteed by article 9 of the Universal Declaration of Human Rights and by principles 11, 12 and 38 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The non-observance of the above-mentioned provisions relating to the right to fair trial is such that it confers on the detention an arbitrary character.

11. In the light of the above the Working Group decides:

The detention of Shaikh Abd al-Amir Mansour al-Jamri, Shaikh Hassan Sultan, Shaikh Hussein el-Deihi, Shaikh Ali bin Ahmed al-Jeddhafsi, Shaikh Ali Ashour, Sayyed Ibrahim Adnan al-Alawi, Hassan Meshma'a, Salah Abdallah Ahmed al-Khawaja and Abdel Wahab Hussein is declared to be arbitrary being in contravention of article 9 of the Universal Declaration of Human Rights and falling within category III of the principles applicable in the consideration of the cases submitted to the Working Group.

12. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned persons to be arbitrary, the Working Group requests the Government of the State of Bahrain to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights.

Adopted on 17 September 1996.