

DECISION No. 22/1996 (BAHRAIN)

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

Concerning: Sadeq Abdulla Ebrahim, Jaffar Ahmad Yaquob, Abbas Jawad Sarhan, Abdul-Hamid J. Sarhan, Abbas Ali Saleh, Abbas Abdulla Sarhan, Habid Hussain Yousif, Ali Abdulla Mattar, Issa A. Hassan Mattar, Majeb Ebrahim Radhi, and Abdulla Habid Mattar, 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, the following students were reportedly arrested on 30 October 1995 in Maamir: Sadeq Abdulla Ebrahim, aged 14; Jaffar Ahmad Yaquob, aged 15; Abbas Jawad Sarhan, aged 15; Jamil A. Hassan Mattar, aged 15; Abdul-Hamid J. Sarhan, aged 15; Abbas Ali Saleh, aged 15; Abbas Abdulla Sarhan, aged 16; Habid Hussain Yousif, aged 17; Ali Abdulla Mattar, aged 18; and Issa A. Hassan Mattar, aged 21. Majeb Ebrahim Radhi, aged 23, a carpenter and Abdulla Habid Mattar, aged 27, a farmer, were also reported to have been arrested in Maamir on the same date. The arrest on 30 October of the above-named persons was reportedly connected with a hunger strike staged in protest against the Government by a member of the dissolved Parliament and six former detainees. It has been reported that during the hunger strike, thousands of people had gathered to show their support to the strikers and that although no acts of violence were reported, many citizens, among them children, were allegedly detained.
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 children and the youths allegedly detained on 30 October 1995, that no one was detained arbitrarily. All the persons arrested in 1995 following violent disturbances were either released or tried by tribunals in keeping with the law.

8. The Working Group regrets to note that the Government's reply does not make it possible to verify the names of persons who were reportedly tried or released. No details are given as to the number of persons in each category, the legal situation of those who were tried and the charges brought against them. Nor does the Government inform the Group about the sentences meted out to those convicted. Furthermore, the Government does not deny that among those arrested and detained there were children, as may be seen in the above list which includes a child aged 14 and five children aged 15.

9. The source in its observations to the Government's reply challenges the Government's affirmation that all those arrested in November 1995 in relation to the unrest were either tried or released. The source claims that it has documented many cases of people held for more than one year without being charged or tried, apparently under administrative detention. The Bahraini Information Minister admitted in February 1996, according to the source, that about 200 of those arrested in 1994-95 were "still under interrogation". The Decree Law of State Security Measures of October 1974 permitted administrative detention at the discretion of the Minister of Interior for renewable periods of three years. In addition, although the law allowed for a petition to the Attorney General challenging the detention every three months, lawyers have told the source that many of those arrested since November 1995 were held without an official order and thus could be detained for months without any possibility of review.

10. It appears from the facts as described above that the detention since 30 October 1995 of the aforementioned eight children and four youths solely motivated by the fact that they protested in support of a hunger strike undertaken by a member of the dissolved Parliament and six former detainees. There is nothing to indicate that by doing so they had resorted or incited to violence. Their detention is therefore motivated by activities which they had exercised in their right to freedom of opinion and expression, as well as their right to freedom of peaceful assembly, rights which are guaranteed by articles 19 and 20 of the Universal Declaration of Human Rights.

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

(a) The detention of Sadeq Abdulla Ebrahim, Jaffar Ahmad Yaquob, Abbas Jawad Sarhan, Abdul-Hamid J. Sarhan, Abbas Ali Saleh, Abbas Abdulla Sarhan, Habid Hussain Yousif, Ali Abdulla Mattar, Issa A. Hassan Mattar, Majeb Ebrahim Radhi, and Abdulla Habid Mattar is declared to be arbitrary being in contravention of articles 19 and 20 of the Universal Declaration of Human Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

(b) To transmit the present decision to the Committee established by the United Nations to monitor the implementation of the Convention on the Rights of the Child, to which the State of Bahrain is a party.

12. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned children and youths 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.