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**Human Rights Council**

**Working Group on Arbitrary Detention**

Opinions adopted by the Working Group on Arbitrary Detention at its ninetieth session, 3–12 May 2021

Opinion No. 2/2021 concerning Kameel Juma Mansoor Salman Hasan (Bahrain)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 42/22.

2. In accordance with its methods of work,[[1]](#footnote-2) on 3 December 2020 the Working Group transmitted to the Government of Bahrain a communication concerning Kameel Juma Mansoor Salman Hasan. The Government replied to the communication on 29 January 2021. The State is a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

Submissions

Communication from the source

4. Kameel Juma Mansoor Salman Hasan is a Bahraini national born in 2003. Mr. Hasan is a secondary school student and the son of female Bahraini civil society activist and former prisoner of conscience Najah Ahmed Habib Yusuf.[[2]](#footnote-3)

Background

5. On 23 April 2017, at the age of 14, Mr. Hasan was reportedly investigated by officers from the National Security Agency in the security compound in Muharraq, with his mother, Ms. Yusuf. The source states that Ms. Yusuf had been summoned under false pretences concerning charges brought against her son. During this investigation, National Security Agency officers threatened Ms. Yusuf with the arrest of her son to compel her to work with them as a secret informant.

6. According to the source, Ms. Yusuf was taken into custody two days later and was charged on 25 May 2017 without the presence of a lawyer. She was subsequently sentenced to three years’ imprisonment by the Fourth Criminal Court of Bahrain on charges of: (a) setting up several social media pages that promoted terrorist activities, incited hate for the Government and promoted marches against the Government; (b) sharing videos that incited the latter; and (c) contacting people who had previously been stripped of their citizenship, and sending false information to them. On 10 August 2019, Ms. Yusuf was released from prison.

Arrest and detention

7. The source reports that on 24 August 2019, two weeks after the release of Ms. Yusuf, Mr. Hasan’s home was raided by Bahraini security personnel. Mr. Hasan was chased by security forces through the street following a failed attempt to apprehend him. His father subsequently began receiving repeated telephone calls summoning Mr. Hasan for investigation.

8. According to the source, Mr. Hasan maintains that the security forces that participated in the attempted arrest were an officer and a first lieutenant from the National Security Agency. These officers had also been involved in the previous interrogation of Mr. Hasan and his mother, Ms. Yusuf, at the security complex in Muharraq following her detention in April 2017.

9. Mr. Hasan was the subject of several summonses relating to charges of illegal assembly, rioting, possession and manufacture of explosive and usable incendiary bottles, arson, intentionally endangering the safety of private transportation, membership of a terrorist group, and supporting and funding a terrorist group.

10. On 30 December 2019, Mr. Hasan’s father received a telephone call from Nabih Saleh Police Station summoning his son to the police station.

11. On 31 December 2019, owing to continued pressure exerted by the Bahraini authorities on Mr. Hasan’s friends and family, Mr. Hasan was taken to Nabih Saleh Police Station by his father, at Mr. Hasan’s request and of his own volition. Mr. Hasan was arrested and was transferred on the same day to the Criminal Investigation Directorate. That day, three separate cases were reportedly brought against him, on charges of manufacture and possession of explosive and usable bottles, intentional arson, illegal assembly and rioting.

12. According to the source, Ms. Yusuf was informed of Mr. Hasan’s transfer to the Criminal Investigation Directorate after she went to Nabih Saleh Police Station demanding to know his whereabouts. After waiting 24 hours, she began telephoning the Directorate. The Directorate neither confirmed nor denied Mr. Hasan’s presence there. Ms. Yusuf kept calling the Directorate on 2 and 3 January 2020, demanding that her son be allowed to call her so that she could verify his condition. On 3 January 2020, the Directorate informed her that Mr. Hasan was fine and would call her soon.

13. During a call to his mother on 3 January 2020, Mr. Hasan reportedly told her that he had been taken to the Criminal Investigation Directorate on 31 December 2019 and then taken to Al-Qalaa Hospital for tests in accordance with the standard arrest procedure.

14. The source alleges that following these tests, Mr. Hasan was transferred to the Criminal Investigation Directorate and subsequently to the Royal Academy of Police, where he was subjected to torture and physical violence. During these interrogations, he was subjected to repeated beatings all over his body, particularly focusing on his genitalia, and to forced standing, among other forms of ill-treatment. According to the source, this treatment amounted to torture.

15. On 3 January 2020, Mr. Hasan was taken to the Criminal Investigation Directorate for interrogation, where he signed pre-prepared records without being allowed to read them. He was subsequently taken to the Public Prosecutor’s Office, where he signed pre-prepared investigation records without being allowed to read them and without the presence of a lawyer.

16. Also on 3 January 2020, Mr. Hasan informed his mother that he had been taken to the Public Prosecutor’s Office, and that he would be transferred to pretrial detention in the Juvenile Reform and Rehabilitation Centre, at Dry Dock, a prison for convicts under the age of 21, on the same day. On 5 January 2020, Mr. Hasan contacted his mother to inform her that he had been transferred to the Dry Dock Detention Centre.

Trial hearings and sentencing

17. According to the source, Mr. Hasan has faced over 20 separate prosecutions. The charges brought against him on 31 December 2019 resulted in three three-year sentences, totalling nine years of imprisonment. He was not present at his trials, which were conducted in absentia, with the latest sentence issued on 13 September 2020. In total, Mr. Hasan was sentenced to a term of imprisonment of 28 years and 10 months.

18. On 30 June 2020, Mr. Hasan’s sentence was reduced, following an appeal under case No. 13202000318, to 27 years and 10 months’ imprisonment, through alternative sentencing.

19. The source adds that Mr. Hasan’s family was unable to obtain copies of the judgments against him. His mother has been unable to obtain the necessary power of attorney and his family has experienced delays in hiring a lawyer to represent them. They have only recently received copies of the judgments.

20. On 7 May 2020, Mr. Hasan’s law firm communicated to his mother its refusal to represent him without the required power of attorney. Despite the fact that Mr. Hasan had given power of attorney to his lawyer on 12 June 2020, at the outset of the latest case against him, the power of attorney was only received by his lawyer on 30 June 2020.

Conditions of detention

21. According to the source, Mr. Hasan is still subjected to beatings and torture away from the cameras in the prison and his hair is frequently shaved as a form of psychological abuse. While Mr. Hasan received some initial family visits, he has since been unable to receive such visits as a result of the coronavirus disease (COVID-19) pandemic.

22. On 30 September 2020, Mr. Hasan informed his family in a call that he had been taken to the clinic and promised treatment for his dental condition. However, the source alleges that Mr. Hasan signed a document stating that he had been taken to the clinic when, in reality, he did not receive sufficient treatment or proper medication for his dental condition, his eye pain or the swelling in his face. He only received pain relief medication, eye drops and medication that reduced the swelling.

23. Additionally, the prison administration discussed the possibility of Mr. Hasan registering for school and taking examinations, which he and his family had been working towards. Mr. Hasan became upset and depressed when he was later told that he would not be registering for school and would not be able to continue his education. According to the source, he also signed a document regarding his inability to register for school, which falsely stated that his parents had failed to provide the necessary documents. As a result, Mr. Hasan, who is still a minor, is being denied his right to education.

24. The source states that the arrest and ill-treatment of Mr. Hasan constitute a targeting and retaliation against his mother, Ms. Yusuf, after her release as a result of pressure from various external parties. During the investigation phase, the investigating officials asked Mr. Hasan questions relating to his mother’s political activity and whether his mother was still writing to organizations or to the media.

Analysis of violations

25. The source submits that Mr. Hasan’s arrest and detention are based on his mother’s political activity, which is protected by the rights to freedom of opinion and expression enshrined in article 19 of the Covenant. The source recalls that on 23 April 2017, Mr. Hasan was initially investigated at the age of 14 by individuals from the National Security Agency when he was with his mother in the security compound in Muharraq. He was threatened with arrest if he refused to work with the National Security Agency as a secret informant. The source argues that the basis for Mr. Hasan’s ongoing detention is political and is thus arbitrary under category I. Furthermore, his detention is a reprisal for his mother’s activism.

26. In addition, Mr. Hasan was not allowed legal representation during the interrogation, the investigation and the pretrial process. Ms. Yusuf has not been able to hire a lawyer because the power of attorney has not been transferred to the law firm representing him. The source states that lawyers in Bahrain cannot provide legal representation without a power of attorney. During this period the cases against Mr. Hasan continued, despite the delayed access to legal counsel. Mr. Hasan was also not permitted to present exculpatory evidence, and he was forced to sign a confession, without being able to review it, after being subjected to torture. The source submits that the treatment of Mr. Hasan violates the obligations of Bahrain under article 14 (3) (b), (d), (e) and (g) of the Covenant. His detention is therefore arbitrary under category III.

27. The source also submits that the failure of the arresting officers to present a warrant at the time of Mr. Hasan’s arrest represents a violation of article 9 (1) of the Covenant read in conjunction with article 19 (a) of the Constitution of Bahrain, article 357 of the Criminal Code and article 61 of the Code of Criminal Procedure, which require that arrests be conducted with a warrant in Bahrain.

28. The source further submits that Mr. Hasan was subjected to enforced disappearance. According to the source, Mr. Hasan was deprived of his liberty against his will by government officials who failed to disclose his fate and whereabouts. Mr. Hasan’s whereabouts remained unclear to his family for a period of 48 hours. Given that Mr. Hasan is a minor, the authorities failed to disclose his whereabouts within a reasonable time. In addition, Mr. Hasan’s sentence of 27 years and 10 months is disproportionate. Bahrain has failed to take into account his age as a minor and the need to promote his rehabilitation, as required by article 14 (4) of the Covenant. Mr. Hasan was a high school student at the time of his arrest. He has been denied his right to education in prison as a result of the administration’s false promises and the hindering of the registration process. This constitutes a violation of the Convention on the Rights of the Child.

29. Furthermore, the source reiterates that Mr. Hasan was subjected to beatings all over his body, particularly his genitals, while being questioned at the Royal Academy of Police. This treatment rises to the level of torture prohibited under article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He was also subjected to forced standing for a period of two hours at the Academy. The source claims that the purpose of this torture was to force Mr. Hasan to sign a pre-written confession, which he eventually did sign. Additionally, Mr. Hasan has been subjected to psychological torture and was threatened by National Security Agency officers at his first interrogation with his mother in the Muharraq Security Complex at the age of 14. He has also been subjected to continued compulsory shaving of his head while in prison and to periods of solitary confinement. According to the source, this treatment is contrary to article 15 of the Convention against Torture and violates Bahraini domestic law, including article 19 (d) of the Constitution of Bahrain.

30. In addition, on 25 March 2020, Mr. Hasan was charged with terrorism offences in case No. 07202003543. The source argues that the definition of terrorism in Bahraini law is overly broad and has been used by the authorities to target political opposition figures and civil society actors. The source recalls that there is a history of political charges being brought against members of Mr. Hasan’s family, and his arrest and sentencing are a form of retribution against his family for their political activities. Mr. Hasan’s conviction on the basis of an overly broad terrorism provision is contrary to the principle of legal certainty enshrined in article 15 of the Covenant.

31. Finally, the source notes that Mr. Hasan’s family has been unable to secure the services of a lawyer despite Mr. Hasan having signed a power of attorney. Furthermore, Mr. Hasan’s family is unwilling to file a complaint with the country’s human rights oversight bodies, including the Ministry of the Interior Ombudsman and the National Institute for Human Rights, for fear of retribution and in light of their perceived lack of independence and efficacy. As a result, no complaint has been filed with any governmental or human rights organizations. According to the source, this indicates the lack of independence of the human rights oversight mechanisms and of lawyers in Bahrain.

Response from the Government

32. On 3 December 2020, the Working Group transmitted the allegations from the source to the Government under its regular communication procedure. The Working Group requested the Government to provide detailed information by 2 February 2021 about the situation of Mr. Hasan. The Working Group also requested the Government to clarify the legal provisions justifying his continued detention, as well as its compatibility with the obligations of Bahrain under international human rights law. Moreover, the Working Group called upon the Government to ensure the physical and mental integrity of Mr. Hasan.

33. The Government submitted its response on 29 January 2021. The Government states that Mr. Hasan was prosecuted in 18 criminal cases, with the final case still pending before the court. Mr. Hasan was charged with stealing and killing three dogs, participating in gatherings and attacking law enforcement with Molotov cocktails, stones and spray paint cans, setting fire to tyres, setting fire to a water tank, starting a fire with others, joining a terrorist group and collecting money for the group, writing phrases on the ground, and arson. Cumulatively, the courts sentenced him to 28 years and 10 months of imprisonment and placed him under judicial probation for one year. Of the 18 criminal cases, 16 were prosecuted by the Prosecutor for Terrorism, one was prosecuted by the Prosecutor for Family and Children and one was prosecuted by the Office of the Prosecutor.

34. According to the Government, the judiciary in Bahrain operates within a comprehensive and binding legislative framework under which there are no exceptions or discrimination, other than mitigating and aggravating circumstances in determining the penalty to be applied. Members of the judicial authority, whether judges or prosecutors, may not violate the procedural and punitive provisions of the law.

35. All of the cases against Mr. Hasan proceeded in the same way as other cases in Bahrain and in accordance with Bahraini law, including the Code of Criminal Procedure, of 2002, which is consistent with international law and human rights principles. Moreover, the judiciary is committed to providing the accused with all safeguards throughout the stages of investigation and trial. This includes bringing the accused before the prosecution within 48 hours, except for terrorism offences, for which the deadline is 28 days.

36. Under the law, arrested persons must immediately be informed of the reasons for their arrest and the charges against them. Accused persons are confronted with the charges against them and the penalties they are facing as soon as they appear before the prosecution. Any complaint made by the accused in relation to the arrest or detention procedures or any harm suffered as a result of treatment associated with those procedures is verified. Similarly, any alleged harm from this treatment is investigated and presented to the forensic doctor at the General Department of Forensic Evidence, affiliated with the Public Prosecution.

37. Furthermore, the Government notes that all interviews with suspects are conducted in an appropriate facility. Suspects are permitted to speak freely, without being coerced in any way. If a suspect feels unable to speak in front of an individual, that person is not allowed to attend the interview. Suspects also have the right to remain silent and this is not taken as evidence against them, as well as the right to have their lawyers attend any examinations. Suspects may be detained only in detention centres established by law for this purpose. They may contact a person of their choice to assist them in handling their personal affairs. In addition, family members are permitted to visit them in the detention facility, and accused persons may grant power of attorney, issue authorizations and correspond with third parties in accordance with the Reform and Rehabilitation Institutions Act, provided that such actions do not interfere with the collection of evidence or the conduct of the investigation. Accused persons are also permitted to complete their studies and take exams.

38. The Public Prosecution operates on a graduated supervision system in which the actions and decisions of its members are subject to the supervision and evaluation of their superiors. The law also allows the parties to appeal the Public Prosecutor’s decisions and demand that they be overturned.

39. According to the Government, the courts hear all cases in accordance with binding legal procedures that may not be violated. If these procedures are not complied with, the judgment may be declared a nullity. In criminal cases, the courts are obliged to ensure that the proceedings are conducted with the full knowledge of the accused and that hearings are public, except when it is considered that hearings should be held in private for the protection of public morals or of witnesses and victims, particularly children. The accused is allowed to seek the assistance of a lawyer. In felony cases, if the accused does not have a lawyer, one will be appointed to defend him or her. The accused and his or her lawyer have the right to present whatever statements and pleadings they deem fit. The courts are obliged to investigate the substantive and legal submissions presented by the defence. If the accused remains silent, this is not taken as evidence against him or her. A reasoned judgment is issued, covering all aspects and details of the case.

40. The courts may not base a judgment on evidence derived from an unlawful procedure. Article 253 of the Code of Criminal Procedure provides that the judge is to deliver a judgment in the case according to his or her own conviction with complete freedom. However, the judgment is not to be based on any evidence that has not been brought before the court. Every statement that has been proven to have been given by an accused or a witness under coercion or a threat thereof must be ignored and not relied upon.

41. The evidence used to refer the accused to trial is a combination of oral evidence, comprising witness testimony, and physical evidence and technical evidence, which includes expert reports on seized items, traces and fingerprints. On the basis of all of this evidence, the courts reach a verdict according to their conviction. The courts may not rely on the testimony of the accused if there is uncertainty as to its reliability, but may rely on other evidence derived with certainty from legitimate procedures if this is deemed satisfactory.

42. The Government clarifies that the decisions, actions and rulings of the judiciary and the Public Prosecution Service are subject to oversight, including through the right to lodge an ordinary appeal against a judicial decision and to lodge an appeal with the Court of Cassation, the highest court in the judicial system. Furthermore, the Judicial Inspection Department and its equivalent in the Public Prosecution Service examine the work of judges and prosecutors, and take the necessary measures to prove possible violations of the law. The Judiciary Act gives the Attorney-General and the Supreme Judicial Council the power to sanction and discipline those found guilty of wrongdoing.

43. In regard to the present case, Mr. Hasan does not suffer from any chronic health problems. He was examined and his vital signs were normal. A dental appointment and medical appointment were scheduled for him to follow up on tooth pain and eye pain. The Government emphasizes that Bahrain, through the Ministry of the Interior, is committed to providing a healthy and appropriate environment for all inmates in reform and rehabilitation centres. The doctor in each centre takes the measures required to preserve the health of all inmates and pretrial detainees.

44. In addition, Mr. Hasan had four family visits in 2020, the last of which was on 24 February 2020. Visits were temporarily suspended due to the COVID-19 pandemic and video calling was introduced in April 2020. Mr. Hasan had seven video calls and 72 telephone calls to his relatives in 2020, most recently on 23 December 2020.

45. According to the report of the Criminal Investigation Directorate, Mr. Hasan was transferred from Nabih Saleh Police Station on 31 December 2019, as he was wanted in connection with several cases and had been convicted in a number of others. The allegations that he was subjected to torture and physical violence are unfounded. After he was transferred from the police station, no records of his statements in relation to any of the previous cases were taken, as those cases had either already been tried or were pending before the court. On 2 January 2020, Mr. Hasan was brought before the Public Prosecution to sign an appeal against a judgment against him, after which he was transferred to the Dry Dock pretrial detention centre on 5 January 2020. He completed all the paperwork relating to his cases.

46. The Special Investigation Unit is aware of allegations that Mr. Hasan has been subjected to torture, and has ordered an investigation. All necessary measures are being taken, even though no complaint was submitted to the Unit by Mr. Hasan, his family or his lawyer.

47. According to the Government, continuing education is one of the correctional programmes provided by the General Directorate of Reform and Rehabilitation for inmates and detainees, in cooperation with the Ministry of Education. All inmates are informed of the deadline set by the Ministry of Education for submission of the documents required to complete their education. After reviewing the application submitted by Mr. Hasan, it was found that he had not submitted the required documents by the specified deadline, and he was therefore not enrolled in the continuing education programme. The Government states that he did sign any document in this regard.

Additional comments from the source

48. The source submits that the Government did not address several important issues in its response, including that the authorities had begun targeting Mr. Hasan with charges of illegal assembly and arson since his mother’s arrest in 2017, and that Mr. Hasan was threatened with arrest if he refused to work with the National Security Agency as a secret informant.

49. According to the source, the Government also failed to respond to allegations relating to the lack of access to legal representation and to proper trial procedures not being followed. In particular, the Government has not responded on the matters of the alleged arrest without a warrant, the enforced disappearance of Mr. Hasan, his forced confession, the absence of Mr. Hasan’s lawyer during the interrogation, and the trials in absentia.

50. Furthermore, contrary to the information provided by the Government, Mr. Hasan was allowed less than a third of the number of video calls that he was supposed to have with his family. The source also reiterates that Mr. Hasan has been suffering from eye and tooth pain since June 2020, but has been denied medical treatment under the pretext of the COVID-19 pandemic. Finally, the source acknowledges that Mr. Hasan’s family was unable to submit the application relating to his continued education prior to the deadline. This was due to the fact that prisoners are informed about the application procedure, who in turn must inform their family. Mr. Hasan was able to call his family and tell them about the application, a few days after submissions had already opened. Moreover, there was a technical error on the website for submitting applications. As a result, Mr. Hasan was denied his education, due to inefficient communication between the authorities and his guardians, as well as to the administration’s refusal to accept applications after the deadline despite the challenges arising from the pandemic.

Discussion

51. The Working Group thanks the source and the Government for their submissions.

52. In determining whether the detention of Mr. Hasan is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has established a prima facie case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.[[3]](#footnote-4) Mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source’s allegations.[[4]](#footnote-5)

53. The Working Group notes that Mr. Hasan is no longer a minor at the time of adoption of the present opinion. However, he was under 18 years of age at the time of his arrest, detention and convictions,[[5]](#footnote-6) and his case will be considered in light of the obligations of Bahrain under international human rights law, including the Convention on the Rights of the Child.

Category I

54. The source states that on 31 December 2019, owing to continued pressure exerted by the authorities on Mr. Hasan’s friends and family, Mr. Hasan was taken to Nabih Saleh Police Station by his father, at Mr. Hasan’s request and of his own volition. Mr. Hasan was then arrested and transferred to the Criminal Investigation Directorate. According to the source, a warrant was not presented to Mr. Hasan at the time of his arrest, contrary to the requirement under Bahraini law that arrests be conducted with a warrant. The Government did not address any of these allegations.

55. According to article 9 (1) of the Covenant, no one shall be deprived of liberty except on such grounds and in accordance with such procedure as are established by law. The Working Group considers that the source has presented a credible case – which was not rebutted by the Government – that Mr. Hasan was not presented with a warrant at the time of his arrest, in violation of article 9 (1) of the Covenant.[[6]](#footnote-7) By failing to present an arrest warrant, the authorities also violated article 37 (b) of the Convention on the Rights of the Child, which requires that the arrest of a child be in conformity with the law. An arrest warrant is an important means of ensuring that the authorities have considered the involvement of an individual in an alleged criminal act and determined that there is a sufficient legal basis for their arrest.[[7]](#footnote-8) In the absence of an arrest warrant, the authorities failed to establish a legal basis for Mr. Hasan’s arrest and detention.

56. Moreover, it appears that Mr. Hasan was not brought promptly before a judge following his arrest. According to the source, following his arrest, Mr. Hasan was transferred to the Criminal Investigation Directorate on 31 December 2019 and then taken to Al-Qalaa Hospital for tests. He was then transferred to the Criminal Investigation Directorate and the Royal Academy of Police, where he was allegedly subjected to torture and physical violence during his interrogation. On 3 January 2020, Mr. Hasan was reportedly taken back to the Directorate and then to the Public Prosecutor’s Office. Mr. Hasan’s mother was unable to speak with him or verify his condition and whereabouts until 3 January 2020, three days after his arrest.

57. According to article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge is to be brought promptly before a judge. The Human Rights Committee has stated that a strict standard of promptness applies to juveniles, who should be brought before a court within 24 hours of arrest.[[8]](#footnote-9) The Committee on the Rights of the Child has confirmed that a similar requirement exists under article 37 (d) of the Convention on the Rights of the Child, and that every child deprived of liberty should be brought before a competent authority within 24 hours to examine the legality of the deprivation of liberty or its continuation.[[9]](#footnote-10) It appears that this deadline was not met. The information provided by the parties does not suggest that Mr. Hasan was brought before a judicial authority within 24 hours of his arrest. While the Government states that Mr. Hasan was brought before the Public Prosecutor on 2 January 2020, two days after his arrest, a prosecutorial body cannot be considered a judicial authority for the purposes of article 9 (3) of the Covenant.[[10]](#footnote-11) As a result, the Government did not establish a legal basis for Mr. Hasan’s detention, and did not meet the requirements of article 9 (3) of the Covenant, article 37 (d) of the Convention on the Rights of the Child and rule 10.2 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

58. The Working Group further observes that Mr. Hasan was not afforded the right to take proceedings before a court so that it may decide without delay on the lawfulness of his detention, in violation of article 9 (4) of the Covenant. According to the source, Mr. Hasan did not have a lawyer during his interrogation and pretrial process, an essential safeguard that might have assisted in challenging the legal basis for his detention.[[11]](#footnote-12) It appears that he was also unable to contact his mother within the first three days of his detention. The Working Group considers that Mr. Hasan’s lack of access to a lawyer and his family was unacceptable, given that he was a minor at the time. Moreover, as the Working Group has noted, it is essential for detained children to have prompt and effective access to an independent and child-sensitive process to determine the legal basis of their detention and to receive appropriate and accessible remedies without delay.[[12]](#footnote-13) Without such access, Mr. Hasan was denied his right to an effective remedy under article 8 of the Universal Declaration of Human Rights and article 2 (3) of the Covenant.

59. The source further alleges that Mr. Hasan was subjected to enforced disappearance between his arrest on 31 December 2019 and 3 January 2020, when he was able to call his mother to let her know his location. According to the source, Mr. Hasan’s mother had made calls to the Criminal Investigation Directorate demanding to know his whereabouts, but the Directorate had neither confirmed nor denied Mr. Hasan’s presence there. The Government did not address these allegations. The Working Group considers that the source has submitted a credible case – which was not rebutted by the Government – that Mr. Hasan was subjected to enforced disappearance. That is, he was deprived of his liberty against his will by government officials who refused to disclose his fate and whereabouts.[[13]](#footnote-14) His enforced disappearance violated articles 9 and 14 of the Covenant and article 37 (b) of the Convention on the Rights of the Child, and constituted a particularly aggravated form of arbitrary detention without legal basis.[[14]](#footnote-15) Mr. Hasan was placed outside the protection of the law, in violation of article 6 of the Universal Declaration of Human Rights and article 16 of the Covenant.[[15]](#footnote-16) The Working Group will refer the present case to the Working Group on Enforced or Involuntary Disappearances.

60. Finally, both the source and the Government refer to the fact that Mr. Hasan was charged with terrorism offences. The source alleges that the definition of terrorism under Bahraini law is overly broad. However, the Working Group lacks sufficient information concerning the specific definition or provision of the legal framework that Mr. Hasan was charged under to be able to make any specific findings on this issue.

61. The Working Group concludes that the detention of Mr. Hasan is arbitrary under category I.

Category II

62. While the source did not make any allegations under category II, the Working Group considers it appropriate to analyse the information provided by both parties under this category of its methods of work.

63. Both the source and the Government provided information indicating that Mr. Hasan was convicted of a number of offences relating to his participation in gatherings and demonstrations, as well as to illegal assembly. There is no information to suggest, however, that Mr. Hasan was detained for the peaceful exercise of his rights, such as the rights to freedom of opinion and expression, and assembly.[[16]](#footnote-17) The Government states that Mr. Hasan was convicted of violent acts during these gatherings, including attacking law enforcement officers with Molotov cocktails, stones and spray paint cans and setting fire to tyres. In these circumstances, the Working Group does not have sufficient information at its disposal to find that Mr. Hasan was detained as a result of exercising his rights under international human rights law within category II.

Category III

64. The Working Group considers that the information submitted by the source discloses multiple violations of the right of Mr. Hasan to a fair trial. While the Government provided information on the legislative framework in Bahrain that makes provision for various fair trial rights, it did not specifically address most of the source’s allegations under this category. The Government did, however, deny that Mr. Hasan had been subjected to torture and physical violence, discussed below.

65. The source alleges that Mr. Hasan has had limited access to legal representation. According to the source, Mr. Hasan was not allowed legal representation during the interrogation, the investigation and the pretrial process. Mr. Hasan was taken to the Public Prosecutor’s Office on 3 January 2020, without a lawyer. Furthermore, the source reports that Mr. Hasan’s power of attorney was signed on 12 June 2020, but was only received by his lawyer on 30 June 2020, causing delays in his ability to retain legal representation. The source notes that the proceedings against Mr. Hasan continued, despite the delayed access to legal counsel. The Government did not address the alleged absence of legal counsel during interrogations and the other restrictions reported by the source that affected Mr. Hasan’s right to a fair trial.

66. The Working Group recalls 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 that such access is to be provided without delay.[[17]](#footnote-18) The Working Group considers that the source has established that Mr. Hasan did not have access to a lawyer from the outset of his detention, as well as at other key stages, including during his interrogation. As a result, Mr. Hasan was not afforded his right to adequate time and facilities for the preparation of his defence and to communicate with counsel of his choosing under article 14 (3) (b) of the Covenant, nor his rights under articles 37 (d) and 40 (2) (b) (ii) of the Convention on the Rights of the Child to prompt access to legal assistance and to legal assistance in the preparation of his defence. States should ensure that a child is guaranteed legal or other appropriate assistance from the outset of the proceedings, in the preparation and presentation of the defence, and until all appeals and/or reviews are exhausted.[[18]](#footnote-19) As noted earlier, Mr. Hasan did not have access to his family during this period, which further contributed to the lack of fairness during the proceedings.

67. In addition, the source makes several allegations relating to procedural aspects of the proceedings brought against Mr. Hasan. First, the source alleges that Mr. Hasan was tried in absentia, in violation of the right to be tried in his presence under article 14 (3) (d) of the Covenant. The information provided by the source indicates that a decision was issued in the absence of Mr. Hasan in at least eleven of the proceedings against him.[[19]](#footnote-20) However, the source also provided information showing the summonses issued in relation to the charges against Mr. Hasan, and the procedural history of all the proceedings involving Mr. Hasan.[[20]](#footnote-21) These documents indicate that summonses were issued for Mr. Hasan to attend the proceedings in at least nine of his cases. In some of these cases, a summons appears to have been issued for the same matter on more than one occasion. The summonses list the case number of each matter, as well as the time and place of each required appearance. Each summons contains a statement that if the individual does not appear before the court on the designated date, and does not send a lawyer to represent him or her, the judgment can be issued in his or her absence after review of the case file.

68. According to the Human Rights Committee, proceedings in the absence of the accused are only compatible with article 14 (3) (d) of the Covenant if the necessary steps are taken to summon accused persons in a timely manner and to inform them beforehand about the date and place of their trial and to request their attendance.[[21]](#footnote-22) In the present case, information provided by the source suggests that the authorities attempted to advise Mr. Hasan of the dates on which he was expected to be present in court in some cases, including those which the source claimed were heard in absentia. The source also refers to a case in which it states that Mr. Hasan was summoned, but it does not appear to have provided a copy of the summons. In these circumstances, the Working Group considers that the source has not established a credible prima facie case that Mr. Hasan was tried in absentia, and is unable to find a violation of article 14 (3) (d) of the Covenant.

69. Furthermore, the source submits that Mr. Hasan was not permitted to present exculpatory evidence, contrary to article 14 (3) (e) of the Covenant and article 40 (2) (b) (iv) of the Convention on the Rights of the Child. However, the source did not provide any further information or explanation of the nature of this exculpatory evidence and the impact of the alleged failure to allow its presentation during the proceedings. As a result, the Working Group is unable to determine whether there was a violation of Mr. Hasan’s rights owing to the failure to allow him to present this evidence.

70. Additionally, the source alleges that Mr. Hasan’s family was unable to obtain copies of the judgments against him until recently. This appears to be due to the delay in transferring the signed power of attorney to Mr. Hasan’s legal representatives. While a convicted person has the right to access a duly reasoned, written judgment of the trial court in order to be able to exercise the right to appeal effectively under article 14 (5) of the Covenant,[[22]](#footnote-23) it is not clear to the Working Group whether and how any actions by the authorities violated this right in Mr. Hasan’s case. The source did not provide any information to suggest that the authorities were involved in delaying the transfer of the signed power of attorney from Mr. Hasan to his lawyers or that the authorities failed to provide copies of the judgments to his family. In the absence of such information, the Working Group is unable to find a violation of article 14 (5) of the Covenant or of article 40 (2) (b) (v) of the Convention on the Rights of the Child.

71. Finally, the source alleges that Mr. Hasan was subjected to torture and ill-treatment while at the Royal Academy of Police on 3 January 2020 in order to coerce a confession from him. This allegedly included being subjected to beatings all over his body, particularly focusing on his genitals, and being forced to stand for two hours. The source alleges that Mr. Hasan is still being subjected to beatings and torture as well as to psychological abuse in prison, including the forced shaving of his head.

72. In its response, the Government asserts that the allegations that Mr. Hasan was subjected to torture and physical violence are unfounded. After he was transferred from Nabih Saleh Police Station, no records of his statements in relation to any of the previous cases were taken, as those cases had either already been tried or were pending before the court. On 2 January 2020, Mr. Hasan was brought before the Public Prosecution to sign an appeal against a judgment against him, after which he was transferred to the Dry Dock pretrial detention centre on 5 January 2020. According to the Government, the Special Investigation Unit has ordered an investigation into the allegations of torture and all necessary measures are being taken, even though no complaint was submitted to the Unit by Mr. Hasan, his family or his lawyer.

73. However, the Government’s response does not fully address the source’s claims. The Government does not specifically respond to the allegations of torture and ill-treatment at the Royal Academy of Police or the allegations of ongoing torture. Moreover, the Working Group notes that the lack of a complaint to the Special Investigation Unit does not demonstrate the absence of torture. The Government asserts that the Unit has opened an investigation into the alleged torture, but has not provided any further information to support this assertion, including, for example, the status of the investigation, any initial findings, and information on any forensic medical examinations conducted in relation to Mr. Hasan. In addition, the Working Group observes that the Government has not given a convincing account of Mr. Hasan’s location and what he was doing between 2 and 5 January 2020, having only suggested that this time was taken to complete paperwork at the Public Prosecutor’s Office.

74. The Working Group considers that the source has presented a credible prima facie case that Mr. Hasan was subjected to physical and psychological torture and ill-treatment. The alleged conduct appears to violate article 5 of the Universal Declaration of Human Rights, article 7 of the Covenant, article 37 (a) and (c) of the Convention on the Rights of the Child and articles 2 and 16 of the Convention against Torture. The use of physical or psychological force on a child is an extremely serious abuse of power, entirely lacking in necessity and proportionality.[[23]](#footnote-24) The alleged torture and ill-treatment of the minor in the present case must be subject to a thorough, independent investigation beyond the Special Investigation Unit enquiries mentioned by the Government. Given the serious allegations of torture and ill-treatment, the Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

75. Moreover, the source alleges that on 3 January 2020, after being tortured at the Royal Academy of Police, Mr. Hasan was taken to the Criminal Investigation Directorate for interrogation, where he signed pre-prepared records without being allowed to read them. He was subsequently taken to the Public Prosecutor’s Office where he signed pre-prepared investigation records without being allowed to read them and without the presence of a lawyer. In its response, the Government states that after Mr. Hasan was transferred from Nabih Saleh Police Station, no records of his statements were taken, which appears to be an assertion that no confessions were made by Mr. Hasan.

76. The Working Group considers that the admission into evidence of a statement obtained through torture renders the entire proceedings unfair.[[24]](#footnote-25) The burden is on the Government to prove that the statements of Mr. Hasan were given freely,[[25]](#footnote-26) but it has not done so. Mr. Hasan did not have access to a lawyer when he allegedly signed the two pre-prepared records. Confessions made in the absence of legal counsel are not admissible as evidence in criminal proceedings.[[26]](#footnote-27) As a result, the rights of Mr. Hasan to be presumed innocent under article 14 (2) of the Covenant and article 40 (2) (b) (i) of the Convention on the Rights of the Child, and not to be compelled to confess guilt under article 14 (3) (g) of the Covenant and article 40 (2) (b) (iv) of the Convention on the Rights of the Child, were violated. The intentional infliction of physical or psychological pressure to obtain a confession also violated the obligations of Bahrain under articles 2, 15 and 16 of the Convention against Torture.[[27]](#footnote-28) Moreover, the prosecutor has violated its obligation to uphold human rights under guideline 12 of the Guidelines on the Role of Prosecutors by allowing Mr. Hasan to sign pre-prepared records that he had not been allowed to read. The Working Group refers the present case to the Special Rapporteur on the independence of judges and lawyers.

77. Finally, the Working Group reminds the Government of its obligation under articles 37 and 40 of the Convention on the Rights of the Child to try minors in specific courts for that purpose and to use diversionary measures as the preferred manner of dealing with children.[[28]](#footnote-29)

78. The Working Group concludes that the violations of the right to a fair trial, namely the lack of access to legal representation and the forced confession, are of such gravity as to give the detention of Mr. Hasan an arbitrary character under category III.

Category V

79. While the source did not make any allegations under category V, the Working Group considers it appropriate to analyse Mr. Hasan’s detention under this category of its methods of work.

80. The source alleges that Mr. Hasan’s arrest and detention are based on his mother’s political activity. Mr. Hasan’s mother, Ms. Yusuf, is a civil society activist who had shared postings on social media calling for protests against the Bahrain Grand Prix Formula One race being held on 16 April 2017. On 25 June 2018, Ms. Yusuf was sentenced to three years’ imprisonment for, among other things, inciting hatred for the Government and promoting marches against the Government.[[29]](#footnote-30) The Working Group found a category II violation in relation to Ms. Yusuf, as her detention resulted from the exercise of her right to freedom of expression under article 19 of the Universal Declaration of Human Rights and article 19 of the Covenant. According to the source, Mr. Hasan’s arrest, detention and conviction amount to a reprisal for his mother’s activism, as well as a reprisal for the refusal by Mr. Hasan and his mother to work as secret informants for the National Security Agency.

81. The Working Group is convinced that Mr. Hasan’s detention was the result of his mother’s activism and her actions in speaking out against the Government. In reaching this conclusion, the Working Group has taken into account the source’s allegation – which was not addressed by the Government – that the authorities asked Mr. Hasan questions during his interrogation relating to his mother’s political activity and whether his mother was still writing to organizations or to the media. Moreover, the bringing of multiple charges of illegal assembly and arson against Mr. Hasan since his mother’s arrest in 2017, and the fact that an unsuccessful attempt was made to arrest him within two weeks of his mother’s release from prison in August 2019, does not appear to be coincidental. Rather, it appears that Mr. Hasan’s prosecution and imprisonment have been enacted in retribution against his mother for the exercise of her right to freedom of opinion and expression.

82. The Working Group considers that Mr. Hasan was detained on a discriminatory basis, namely on the basis of birth and family ties, as his detention was a reprisal against his mother for her activism. This appears to be a case of guilt by association.[[30]](#footnote-31) The Working Group reaffirms that no one should be deprived of their liberty for the crimes, real or not, committed by a family member by birth or marriage, in a free, democratic society.[[31]](#footnote-32) Mr. Hasan was deprived of his liberty in a discriminatory manner, contrary to articles 2 and 7 of the Universal Declaration of Human Rights, articles 2 (1) and 26 of the Covenant and article 2 of the Convention on the Rights of the Child. Mr. Hasan’s detention is arbitrary under category V.

Concluding remarks

83. According to the source, Mr. Hasan has been subjected to periods of solitary confinement while in prison. The Government did not respond to this allegation. The Working Group emphasizes that solitary confinement must not be used for a child.[[32]](#footnote-33) Solitary confinement may amount to torture or other cruel, inhuman or degrading treatment or punishment.[[33]](#footnote-34)

84. In addition, the source states that the authorities have restricted Mr. Hasan’s ability to contact his family, including following his arrest, by not informing his family of his transfer to other facilities and by interrogating him without a parent being present. In its response, the Government notes the number of family visits that Mr. Hasan has received, but acknowledges that the visits have been replaced with video and telephone calls during the COVID-19 pandemic. However, the Government does not address the alleged lack of contact of Mr. Hasan with his family at earlier stages of the detention (e.g. during interrogations). The Working Group considers that the authorities failed to meet the requirements of family contact under article 37 (c) of the Convention on the Rights of the Child, rules 43 (3) and 58 (1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and principles 15, 16 and 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.[[34]](#footnote-35)

85. The Working Group notes that Mr. Hasan has faced over 20 separate prosecutions, and has been sentenced to 27 years and 10 months’ imprisonment. While the appropriate sentence is a matter for domestic judicial bodies to determine, the Working Group is deeply concerned that this is a disproportionate sentence, particularly given that Mr. Hasan was a child at the time of commission of the alleged offences. The Working Group recalls the requirement under article 14 (4) of the Covenant and article 40 (1) of the Convention on the Rights of the Child that the age of the child and the desirability of promoting his or her rehabilitation is to be taken into account in criminal proceedings.

86. The Working Group is also concerned about the physical and psychological health of Mr. Hasan, who remains in detention. He has health issues that require medical treatment. The Working Group urges the Government to immediately and unconditionally release Mr. Hasan and ensure that he receives medical care and can resume his education outside prison.

87. This case is one of several cases brought before the Working Group in recent years concerning the arbitrary deprivation of liberty in Bahrain.[[35]](#footnote-36) The Working Group notes that many of the cases involving Bahrain follow a familiar pattern of arrest without a warrant, pretrial detention with limited access to judicial review, denial of access to lawyers, forced confession, enforced disappearance, torture and ill-treatment, and denial of medical care. The Working Group recalls that, under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity.[[36]](#footnote-37)

88. The Working Group would welcome the opportunity to conduct a country visit to Bahrain. The Working Group visited Bahrain in October 2001 and considers that it is now an appropriate time to conduct another visit. As a current member of the Human Rights Council, it would be timely for the Government to extend an invitation to visit, and the Working Group looks forward to a positive response to its previous request to visit.

Disposition

89. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Kameel Juma Mansoor Salman Hasan, being in contravention of articles 2, 6, 7, 8, 9, 10 and 11 (1) of the Universal Declaration of Human Rights and articles 2 (1) and (3), 9, 14, 16 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, III and V.

90. The Working Group requests the Government of Bahrain to take the steps necessary to remedy the situation of Mr. Hasan without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

91. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Hasan immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.[[37]](#footnote-38) In the current context of the global COVID-19 pandemic and the threat that it poses in places of detention, the Working Group calls upon the Government to take urgent action to ensure the immediate release of Mr. Hasan.

92. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Hasan, including the allegation that he was tortured, and to take appropriate measures against those responsible for the violation of his rights.

93. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the independence of judges and lawyers, for appropriate action.

94. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

Follow-up procedure

95. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether Mr. Hasan has been released and, if so, on what date;

(b) Whether compensation or other reparations have been made to Mr. Hasan;

(c) Whether an investigation has been conducted into the violation of Mr. Hasan’s rights and, if so, the outcome of the investigation;

(d) Whether any legislative amendments or changes in practice have been made to harmonise the laws and practices of Bahrain with its international obligations in line with the present opinion;

(e) Whether any other action has been taken to implement the present opinion.

96. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

97. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

98. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.[[38]](#footnote-39)

[*Adopted on 3 May 2021*]

1. A/HRC/36/38. [↑](#footnote-ref-2)
2. Ms. Yusuf was the subject of opinion No. 31/2019. [↑](#footnote-ref-3)
3. A/HRC/19/57, para. 68. [↑](#footnote-ref-4)
4. Ibid. [↑](#footnote-ref-5)
5. Convention on the Rights of the Child, art. 1. [↑](#footnote-ref-6)
6. Opinion No. 36/2018, paras. 39–40 (finding that the failure to present an arrest warrant to an individual who had presented himself at a police station violated art. 9 (1) of the Covenant). [↑](#footnote-ref-7)
7. Opinions Nos. 59/2019, 46/2019 and 33/2019 (finding that it is not sufficient that there is a law authorizing the arrest; the authorities must invoke that legal basis and apply it to the case through an arrest warrant). [↑](#footnote-ref-8)
8. Human Rights Committee, general comment No. 35 (2014), para. 33; and opinions No. 73/2019, para. 82; and No. 14/2015, para. 29. [↑](#footnote-ref-9)
9. Committee on the Rights of the Child, general comment No. 24 (2019), para. 90. [↑](#footnote-ref-10)
10. Human Rights Committee, general comment No. 35 (2014), para. 32; and opinions Nos. 5/2020 and 73/2019. [↑](#footnote-ref-11)
11. Opinions No. 61/2020, para. 70; and No. 40/2020, para. 29; and 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), principle 10. See also the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), rule 7.1; the Convention on the Rights of the Child, art. 37 (d); and the Committee on the Rights of the Child, general comment No. 24 (2019), paras. 47–53. [↑](#footnote-ref-12)
12. 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, principle 18 and guideline 18. [↑](#footnote-ref-13)
13. A/HRC/16/48/Add.3, para. 21. While Mr. Hasan was taken “at his request and of his own volition” to Nabih Saleh Police Station, the source states that he did so after continued pressure by the authorities on his friends and family. The Working Group considers that he was detained against his will. [↑](#footnote-ref-14)
14. Human Rights Committee, general comment No. 35 (2014), para. 17; and opinions No. 11/2020, para. 41; No. 6/2020, para. 43; and No. 5/2020, para. 74. [↑](#footnote-ref-15)
15. CCPR/C/BHR/CO/1, paras. 35–36, and opinions No. 5/2020, paras. 73–74; and No. 59/2019, para. 50. [↑](#footnote-ref-16)
16. This information might have included details of the location and context in which Mr. Hasan had participated in demonstrations, what actions he was undertaking at the time, and his motivation for doing so: see opinions No. 41/2020, para. 65; and No. 73/2019, para. 86. [↑](#footnote-ref-17)
17. 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, principle 9 and guideline 8; Committee on the Rights of the Child, general comment No. 24 (2019), para. 95 (e); and CRC/C/BHR/CO/4-6, para. 44 (b). [↑](#footnote-ref-18)
18. Committee on the Rights of the Child, general comment No. 24 (2019), para. 49; and the Beijing Rules, rule 15. [↑](#footnote-ref-19)
19. A list of the cases is annexed to the source’s original submission. [↑](#footnote-ref-20)
20. In annexes D and E of the source’s original submission. It is not clear whether annex D contains a complete list of all summonses issued in the matters relating to Mr. Hasan. No summons was attached in relation to five of the matters relating to Mr. Hasan. [↑](#footnote-ref-21)
21. Human Rights Committee, general comment No. 32 (2007), para. 36. [↑](#footnote-ref-22)
22. Ibid., para. 49. See also the Committee on the Rights of the Child, general comment No. 24 (2019), para. 62. [↑](#footnote-ref-23)
23. Opinion No. 3/2017, para. 30; and CRC/C/BHR/CO/4-6, paras. 26–27. [↑](#footnote-ref-24)
24. Opinion Nos. 59/2019, 52/2018, 34/2015 and 43/2012. [↑](#footnote-ref-25)
25. Human Rights Committee, general comment No. 32 (2007), para. 41; and CAT/C/BHR/CO/2-3, paras. 12–13 and 16–17. [↑](#footnote-ref-26)
26. Opinions No. 59/2019 and No. 14/2019. See also E/CN.4/2003/68, para. 26 (e); A/HRC/45/16, para. 53; and the Committee on the Rights of the Child, general comment No. 24 (2019), paras. 58–60. [↑](#footnote-ref-27)
27. CAT/C/BHR/CO/2-3, para. 16 (expressing concern about the widespread use of forced confessions). [↑](#footnote-ref-28)
28. CRC/C/BHR/CO/4-6, paras. 43–44; Committee on the Rights of the Child, general comment No. 24 (2019), paras. 15–18; and the Beijing Rules, rule 11. [↑](#footnote-ref-29)
29. Opinion No. 31/2019, para. 47. [↑](#footnote-ref-30)
30. Opinions No. 65/2019, para. 85; No. 83/2017, paras. 87–88; No. 33/2017, para. 98; and No. 1/2017, para. 59. See also opinions Nos. 36/2013, 35/2013 and 34/2013. [↑](#footnote-ref-31)
31. Opinion No. 65/2019, para. 83. [↑](#footnote-ref-32)
32. United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 45 (2); and Committee on the Rights of the Child, general comment No. 24 (2019), para. 95 (h). [↑](#footnote-ref-33)
33. General Assembly resolution 68/156, para. 28. See also A/66/268, para. 71. [↑](#footnote-ref-34)
34. Committee on the Rights of the Child, general comment No. 24 (2019), para. 95 (e). [↑](#footnote-ref-35)
35. Opinions Nos. 87/2020, 41/2020, 5/2020, 73/2019, 59/2019, 31/2019, 79/2018, 51/2018, 13/2018, 55/2016, 35/2016, 41/2015, 23/2015, 37/2014, 34/2014, 27/2014, 25/2014, 22/2014, 1/2014 and 12/2013. [↑](#footnote-ref-36)
36. Opinion No. 47/2012, para. 22. [↑](#footnote-ref-37)
37. A/HRC/45/16, annex I. [↑](#footnote-ref-38)
38. Human Rights Council resolution 42/22, paras. 3 and 7. [↑](#footnote-ref-39)