
Advance edited versionDistr.: General
15 May 2024

Original: English

Human Rights Council
Working Group on Arbitrary Detention**Opinions adopted by the Working Group on Arbitrary Detention at its ninety-ninth session, 18–27 March 2024****Opinion No. 16/2024 concerning Muntadhar Abdali Mohamed Khatam, Murtadha Abdali Mohamed Khatam and Mohamed Abdali Mohamed Hasan Khatam (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 51/8.
2. In accordance with its methods of work,¹ on 22 December 2023 the Working Group transmitted to the Government of Bahrain a communication concerning Muntadhar Abdali Mohamed Khatam, Murtadha Abdali Mohamed Khatam and Mohamed Abdali Mohamed Hasan Khatam. The Government replied to the communication on 16 February 2024. 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,

* Miriam Estrada Castillo did not participate in the discussion of the case.

¹ [A/HRC/36/38](#).

or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

1. Submissions

(a) Communication from the source

4. Muntadhar Abdali Mohamed Khatam is a citizen of Bahrain, born on 28 December 1994. His usual place of residence is in Salmabad, Bahrain.

5. Murtadha Abdali Mohamed Khatam is a citizen of Bahrain, born on 28 December 1994.

6. Mohamed Abdali Mohamed Hasan Khatam is a citizen of Bahrain, born on 31 October 1992.

(i) Context

7. The source reports that Muntadhar and Murtadha Khatam are twin brothers and that Mohamed Khatam is their older brother.

8. According to the source, the arrest and detention of the three brothers demonstrate a pattern of warrantless arrests and the use of torture by Bahraini officials to extract confessions, in violation of international law. The methods of torture reported include threats of electric shocks, threats of sexual assault, and physical beatings.

9. It is highlighted that all three individuals were high-school students when they were arrested and that they were detained for participating in peaceful protests on the pretext that they had participated in an “unlawful assembly”. In addition, Murtadha and Mohamed Khatam received a six-month prison sentence each for “insulting the judge” by not standing when the judge entered. Murtadha Khatam was subjected to enforced disappearance and solitary confinement for retaliatory purposes related to a peaceful strike that he was carrying out inside the prison.

10. The source highlights that the three brothers were arrested without an arrest, search or raid warrant and that they were convicted on charges related to violent protest, having been coerced into signing false confessions under duress and torture.

11. The source notes that neither the brothers nor their family members have access to the case files.

(ii) Arrest and detention

a. Muntadhar Abdali Mohamed Khatam

12. The source reports that Muntadhar Khatam was first arrested by the riot police on 22 October 2012, when he was 17 years old, during a raid on a neighbour’s house. The police did not provide any reason for the arrest or present an arrest or search warrant.

13. According to the source, while taking Muntadhar Khatam out of the house, the riot police threatened to shoot the homeowners if they continued to shout. When the neighbours asked where Muntadhar Khatam was being taken, the police mentioned the Criminal Investigations Department.

14. The source reports that Muntadhar Khatam was denied access to a lawyer and was not assigned one. He was sentenced to one year in prison for taking part in demonstrations calling for the overthrow of the Government and was released on 5 July 2013. Following his arrest and release, Muntadhar Khatam, who was a high-school student at the time, ceased attending school for fear of persecution.

15. On 5 April 2015, while Muntadhar Khatam was out with his twin brother, Murtadha Khatam, and their friends buying dinner, they were reportedly surrounded by members of the security forces. Muntadhar and Murtadha Khatam were pursued and arrested near a relative’s house, and their relative had a confrontation with the security officers, while their friends’ relatives attempted to intervene. As the security officers were leaving, they used stun

grenades and tear gas to disperse the relatives. The source adds that the authorities did not provide a reason for Muntadhar Khatam's arrest. Nor did they present an arrest warrant.

16. Reportedly, Muntadhar Khatam and his twin brother were transferred to the Criminal Investigations Department and were tortured on the way. Muntadhar Khatam telephoned his family members on the day of the arrest, after arriving at the Criminal Investigations Department, and informed them of his location, but he was unable to state the reason for his arrest, as the call was cut off.

17. The source reports that, in another telephone call, Muntadhar Khatam disclosed the charges to his family after being forced to do so by the authorities and told his relatives that the Criminal Investigations Department had prepared the case for trial. Muntadhar Khatam was charged with unlawful assembly (for which he had already been sentenced in absentia, before his arrest, as his family later discovered), assaulting security personnel, wounding a security officer and blocking roads with tyres.

18. The source submits that Muntadhar Khatam was subjected to physical and psychological torture during a three-day interrogation at the Criminal Investigations Department building, and no lawyer was allowed to attend. He was subjected to severe beatings, as well as threats of electrocution and sexual assault if he did not confess to the charges. Due to the severe beatings, Muntadhar Khatam confessed. It is reported that he sustained visible injuries and torture marks and that he did not receive medical treatment.

19. Reportedly, on 8 April 2015, Muntadhar Khatam was transferred to the Public Prosecution Office and then to the Dry Dock Detention Centre.

20. The source submits that Muntadhar Khatam did not have access to a lawyer, as neither he nor his family had the financial means to hire a private attorney, and he was not provided with a lawyer by the court. He did not have adequate time and facilities to prepare for his trial and was unable to present evidence and challenge the evidence presented against him.

21. Muntadhar Khatam was reportedly sentenced in absentia to one year in prison for unlawful assembly, five years for assaulting security personnel, which was reduced to three years after an appeal, which he filed himself, seven years for wounding a security officer and three years for blocking roads with tyres, bringing his total sentence to 14 years.

22. The source submits that, on 13 June 2022, while Muntadhar Khatam was being held at the Dry Dock Detention Centre, he was taken for an ophthalmologist's appointment at Salmaniya Hospital and was found to have poor eyesight in both eyes. A member of Muntadhar Khatam's family went twice to the Dry Dock Detention Centre to obtain the results of Muntadhar Khatam's medical examination, but the prison administration refused to release them, claiming that it had not yet received them.

23. Reportedly, in July 2022, during a video call, Muntadhar Khatam informed a member of his family that the ophthalmologist had given him a handwritten note with the examination results. His relative took a photograph of the note in order to purchase suitable eyeglasses, which Muntadhar Khatam was allowed to receive in September 2022.

24. It is submitted that, on 14 May 2023, officers at Jau Prison raided the prison building on the pretext of conducting an inspection and that they damaged detainees' belongings. Following this incident, some detainees, including Muntadhar Khatam, protested the damage done to their belongings. In response, the officers beat and used pepper spray on the detainees, causing injuries and burns to some of them. Moreover, the officers denied those who had protested the raid the opportunity to take certain examinations in the second semester of the academic year. As a result, Muntadhar Khatam failed the academic year, which he is currently repeating.

25. The source adds that Muntadhar Khatam remains unaware of the specific details of his alleged crimes and is currently serving his sentence at Jau Prison.

b. Murtadha Abdali Mohamed Khatam

26. The source reports that Murtadha Khatam is Muntadhar Khatam's twin brother.

27. Reportedly, he was first arrested near his home by the security forces in 2012 when he was 17 years old. No arrest warrant was presented at the time of his arrest.
28. It is reported that, on that occasion, Murtadha Khatam was taken to an unknown location, where he was severely beaten while being interrogated on charges of participating in protests. He was subsequently transferred to various locations, including the Isa police station, the Criminal Investigations Department and a detention centre, where he stayed for three and a half months before being released without having been sentenced.
29. The source reports that Murtadha Khatam was arrested for a second time in March 2013, during a peaceful demonstration in Sitrah, when he was 18 years old. On that occasion, he was hit directly in the face by a stun grenade, causing him to lose two of his teeth and his face to swell. For that reason, Murtadha Khatam was taken by ambulance to the hospital, where he received three stitches to the inside and outside of his mouth.
30. It is asserted that Murtadha Khatam telephoned one of his relatives two weeks after his arrest, but he was unable to speak properly due to his injuries.
31. The source notes that Murtadha Khatam was released on 5 July 2013 without having been convicted or sentenced. After his arrest, Murtadha Khatam stopped attending school for fear of being pursued or prosecuted.
32. According to the source, on 5 April 2015, Murtadha Khatam was arrested when he was with his twin brother, Muntadhar Khatam, and their friends. The twin brothers and their friends had gone out to buy dinner when they were surrounded by members of the security forces. Murtadha and Muntadhar Khatam were pursued and arrested near a relative's house, but the authorities did not provide a reason for Murtadha Khatam's arrest or present an arrest warrant. One of their relatives had a confrontation with the security officers, and members of their friends' families attempted to intervene. As the security officers were leaving, they used stun grenades and tear gas to disperse the relatives.
33. It is submitted that Murtadha Khatam was taken with Muntadhar Khatam to the Criminal Investigations Department and that they were tortured on the way.
34. The source affirms that Murtadha Khatam telephoned one of his relatives on the day of the arrest, after arriving at the Criminal Investigations Department, and provided his location, but he was unable to state the reason for his arrest, as the call was cut off.
35. It is submitted that, during Murtadha Khatam's interrogation at the Criminal Investigations Department, he was severely beaten and threatened with electrocution and sexual assault if he did not confess to the charges against him. He was questioned by officers as to the whereabouts of his older brother, Mohamed Khatam, who was a fugitive at the time. The interrogation and torture of Murtadha Khatam lasted for three days, without the presence of a lawyer, until he was transferred to the Dry Dock Detention Centre on 8 April 2015. Murtadha Khatam was not examined by a doctor during this period.
36. It is reported that, later, Murtadha Khatam's relatives received a summons requesting him to appear at the Public Prosecution Office, with no reason provided and without regard to the fact that he was detained at the time. Murtadha Khatam was not brought before a judge within 48 hours.
37. The source reports that Murtadha Khatam's relatives found out later that he had been sentenced in absentia to one year in prison for the crime of unlawful assembly.
38. According to the source, two weeks after his transfer to the Dry Dock Detention Centre, Murtadha Khatam was able to meet with his family.
39. Moreover, it is submitted that, like his twin brother, Murtadha Khatam did not have a lawyer, as his family could not afford to hire a private attorney, and he was not appointed a lawyer by the court. Murtadha Khatam did not have adequate time and facilities to prepare for his trial and was unable to present evidence or challenge the evidence presented against him.
40. It is reported that Murtadha Khatam faced multiple charges and received a sentence amounting to 15 years and six months of imprisonment, which was reduced to 13 years and six months on appeal. He was sentenced to two years in prison for unlawful assembly (one

year for each of two counts), five years for manufacturing fake explosives, which was reduced to three years after an appeal that he filed himself, five years for assaulting security personnel, three years for burning tyres and six months for insulting a judge. Murtadha Khatam is currently detained at Jau Prison.

41. Murtadha Khatam's visits were gradually reduced in frequency from weekly to biweekly and, eventually, to once a month. Ever since the coronavirus disease (COVID-19) pandemic, there have been no visits, due to the strict restrictions.

42. The source reports that, on 5 April 2021, detainees in buildings 12 and 13 of Jau Prison started a sit-in to protest the poor prison conditions, following the death of a detainee from medical negligence and lack of care after a COVID-19 outbreak. On 17 April 2021, the prison police attacked the detainees in buildings 12 and 13, including Murtadha Khatam, to break up the sit-in, using excessive force and hitting them with clubs, in what became known as "Bloody Saturday". Murtadha Khatam was hit on the head and suffered swelling as a result. After the attack, 34 detainees, including Murtadha Khatam, were handcuffed and transferred to an unknown location, where they were denied contact with their families or lawyers, until 5 May 2021.

43. The source notes that the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued a statement about the event, condemning it and expressing concern over the use of unnecessary and disproportionate force by the special police forces to dismantle a peaceful protest at Jau Prison on 17 April 2021 and calling upon the Government of Bahrain to conduct a comprehensive and effective investigation, to provide information on detainees held in solitary confinement, to take effective steps to ensure the timely provision of medical treatment to prison inmates, when needed, and to consider releasing more detainees, including political prisoners, to reduce overcrowding in prisons.²

44. The source reports that, on 14 May 2023, officers at Jau Prison raided the prison building and damaged the belongings of the detainees. Following the incident, some detainees, including Murtadha Khatam, protested the damage to their belongings. In addition, like his twin brother, Murtadha Khatam was denied the opportunity to take some of his examinations in the second semester of the academic year, in retaliation, leading him to fail the academic year, which he is now repeating.

45. The source submits that, recently, Murtadha Khatam has been experiencing pain in his left hand, prompting him to request a transfer to the prison clinic. At the prison clinic, the doctor recommended that he be transferred to the hospital for an X-ray of his hand, but the prison administration has refused to transfer him.

46. It is submitted that, on 7 August 2023, Murtadha Khatam joined his fellow detainees in a hunger strike to demand respect for their fundamental rights, including proper medical care, fewer restrictions on visits, increased time outside their cells, permission for group prayer and an end to the isolation of some detainees.

47. Reportedly, in October 2023, as the strike had been suspended, Murtadha Khatam's family visited him and noticed that his health had deteriorated considerably and that he was experiencing tremors. Murtadha Khatam was taken to the prison clinic only after numerous requests, but he did not receive treatment there. The prison administration insisted that Murtadha Khatam shave his head entirely before being taken to a hospital outside the prison, but he refused. Consequently, the administration denied him the necessary treatment, and it is still refusing to take him to the hospital.

c. Mohamed Abdali Mohamed Hasan Khatam

48. The source reports that Mohamed Khatam is the older brother of Murtadha and Muntadhar Khatam. Like his brothers, he was targeted by the police.

49. It is reported that Mohamed Khatam was still attending school when he was first arrested during a protest in Sitrah in 2012. During his arrest, he fell and broke his left hand, and officers continued to beat him until he sustained additional fractures in his hand.

² See <https://news.un.org/ar/story/2021/04/1075352> (in Arabic).

50. The source asserts that, on that occasion, Mohamed Khatam was transferred to the military hospital, where he underwent an operation during which metal rods were inserted into his hand. It is submitted that Mohamed Khatam was supposed to continue his treatment and have the metal rods removed, but the prison authorities did not provide him with the required treatment.

51. Mohamed Khatam was reportedly sentenced to a month in prison. He was released after completing his sentence, but the authorities did not provide his relatives with any medical documents or reports concerning his medical condition for the purpose of his continued treatment.

52. The source explains that, following his arrest, Mohamed Khatam, who was a high-school student at the time, stopped attending school for fear of being pursued or prosecuted.

53. According to the source, Mohamed Khatam later became a wanted person. He was pursued by the authorities several times, but they failed to arrest him. Mohamed Khatam and his family did not find out about his status as a wanted person until late 2014, when some of his friends, who had been summoned following the arrests of his brothers, told him. Subsequently, Mohamed Khatam avoided staying in his house, as it was frequently raided.

54. It is asserted that, on 5 May 2015, a man wearing plain clothes entered Mohamed Khatam's house 15 minutes after the latter's arrival. Thereafter, a number of riot police officers surrounded and entered the house and arrested Mohamed Khatam without presenting an arrest or search warrant.

55. The source adds that the officers placed Mohamed Khatam inside a minibus and returned to the house moments later, requesting that his family give them his telephone. However, one of his relatives refused to hand it over to the officers and, after five hours of trying to find the telephone, they left without it.

56. According to the source, following his arrest, Mohamed Khatam was transferred to the Criminal Investigations Department building, where he stayed for a week. He telephoned his family on the day of the arrest, informing them of his location and requesting clothes.

57. It is reported that Mohamed Khatam was not brought before a judge within 48 hours of his arrest. Moreover, his interrogation at the Criminal Investigations Department lasted for three days, without the presence of a lawyer, during which time he was severely beaten on parts of his body usually covered by clothing, tortured and threatened with electrocution and rape. Mohamed Khatam was not examined by a doctor.

58. It is alleged that the Criminal Investigations Department officers wanted Mohamed Khatam to confess that he had contacts outside the country, which he initially denied, since he does not know anyone abroad and has never travelled in his life. However, after enduring severe and ongoing torture, Mohamed Khatam agreed to sign the confessions put before him, without knowing their content. On 12 May 2015, he was transferred to the Dry Dock Detention Centre.

59. The source reports that, two weeks after his arrest, Mohamed Khatam was allowed to see members of his family, who found him to be tired and in pain.

60. It is reported that, like his younger brothers, Mohamed Khatam did not have a lawyer, as his family did not have the necessary financial means, and he was not appointed a lawyer by the court. Mohamed Khatam did not have adequate time and facilities to prepare for his trial and was unable to present evidence and challenge the evidence presented against him.

61. The source explains that Mohamed Khatam was charged with the following offences: unlawful assembly and rioting, assaulting security personnel, manufacturing fake explosives, blocking roads with burning tyres and insulting a judge in court by not standing when the judge entered.

62. For these offences, a few months after his arrest on 5 May 2015, Mohamed Khatam was reportedly sentenced to a total of 16 years, six months and 10 days of imprisonment. He was sentenced to five years in prison for manufacturing fake explosives, six months for insulting the judge and ten days for vandalism, for which he was allegedly forced to sign a

confession when he could not pay a fine of 50 Bahraini dinars. The details of the sentences for the other offences are unknown.

63. It is reported that, due to the court's denial of Mohamed Khatam's right to access to a court-appointed attorney, and his inability to hire a private one, he filed his own appeal. The Court of Appeal reduced Mohamed Khatam's sentence for manufacturing fake explosives from five to three years and upheld the other sentences, thereby reducing his total sentence to 14 years in prison. He is currently serving his sentence at Jau Prison.

64. The source adds that, in 2022, Mohamed Khatam had a toothache and requested a transfer to the prison clinic. However, he was transferred only a year later, when the staff performed a tooth extraction. He subsequently had another toothache and was again taken to the clinic, where he had a filling. However, the filling fell out a week later, leaving him in pain once more.

65. Lastly, it is submitted that, on 14 May 2023, officers at Jau Prison raided the prison to conduct an inspection and damaged the detainees' belongings. Subsequently, some detainees, including Mohamed Khatam, protested the damage to their belongings. As a result, he, like his younger brothers, was among the detainees assaulted for protesting, and he was denied the opportunity to take certain examinations in the second semester of the academic year, causing him to fail that academic year, which he is currently repeating.

(iii) *Legal analysis*

66. The source argues that the detention of the Khatam brothers is arbitrary, insofar as it falls within categories I, II and III of the categories used by the Working Group in accordance with its methods of work.

a. Category I

67. The source asserts that the Khatam brothers faced violations of their right to due process, as they were arrested without being presented with an arrest warrant or being informed of the reason for their arrest and were not brought promptly before a judge, in violation of articles 9 and 14 of the Covenant and of rule 7 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

68. The source concludes that, in the light of the above, the detention of the Khatam brothers is arbitrary under category I.

b. Category II

69. The source argues that the Khatam brothers were arrested for their participation in peaceful protests and exercising their rights and freedoms guaranteed under international law, specifically, their right to freedom of expression, in violation of articles 18, 19 and 20 of the Universal Declaration of Human Rights and articles 18, 19, 21 and 22 of the Covenant. For this reason, their detention is arbitrary under category II.

c. Category III

70. According to the source, Murtadha Khatam was subjected to periods of enforced disappearance of varying lengths, as he was deprived of his liberty against his will by government officials who failed to disclose his fate and whereabouts,³ in violation of rules 58 and 61 of the Nelson Mandela Rules.

71. It is argued that, while forcibly disappeared, Murtadha Khatam was in solitary confinement for retaliatory purposes related to a peaceful strike in which he was participating, in violation of rules 36, 37, 39, 43, 44 and 45 of the Nelson Mandela Rules.

72. The source claims that, considering that two of the individuals in the present complaint had previously been arbitrarily arrested when they were children, Bahrain violated article 37 of the Convention on the Rights of the Child, to which it is a party.

³ A/HRC/16/48/Add.3, para. 21.

73. In addition, it is asserted that the three brothers were subjected to unfair trials, denied access to legal counsel and convicted on the basis of confessions obtained through torture. Moreover, Muntadhar and Murtadha Khatam were sentenced in absentia.

74. The source argues that the three brothers were tortured, in violation of the obligations of Bahrain under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Covenant and in violation of rules 1 and 43 of the Nelson Mandela Rules. The use of coerced confessions in all three cases is in violation of article 15 of the Convention against Torture.

75. It is argued that the three brothers were subjected to medical neglect, in violation of article 25 of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights and rules 24 and 27 of the Nelson Mandela Rules.

76. In the light of the above, the source concludes that the Government of Bahrain failed to observe norms related to a fair trial in all three cases, rendering the Khatam brothers' detention arbitrary under category III and contrary to articles 9 and 14 of the Covenant.

(b) Response from the Government

77. On 22 December 2023, the Working Group transmitted the allegations from the source to the Government of Bahrain under its regular communications procedure, requesting a reply by 20 February 2024.

78. In its reply of 16 February 2024, the Government submits that no person in Bahrain may be arrested without a legal warrant issued by the competent authority and that all the procedures followed during the arrests of Muntadhar, Murtadha and Mohamed Khatam and their imprisonment are in line with the principles enshrined in the Constitution of Bahrain and other applicable laws.

79. As to the source's claims that a lawyer was not provided for the inmates, the Government affirms that no request for the appointment of a lawyer has been submitted by any of them to date.

80. Muntadhar Khatam was first arrested in flagrante delicto on 22 October 2011, on charges of unlawful assembly and rioting in a public place. These offences fall under articles 178 and 179 of the Penal Code. On 29 November 2011, the Lower Criminal Court sentenced him, in his presence, to one year's imprisonment. The Court of Appeal rejected the appeal because it was submitted after the deadline. It was proved that a lawyer for the defendant had been present during the trial.

81. Muntadhar Khatam was arrested for the second time on 5 January 2015. He received a 13-year prison sentence after being convicted of multiple offences under the Penal Code and Act No. 58 of 2006 regarding the protection of society from terrorist acts.

82. On 28 December 2015, the Fourth High Criminal Court convicted Muntadhar Khatam (alongside the other two individuals) of the offences, committed on 11 August 2014, of arson for a terrorist purpose and endangering a means of transportation, pursuant to articles 178, 179, 277 (1) and 286 of the Penal Code and articles 1, 2 (3) and 3 of Act No. 58 of 2006 regarding the protection of society from terrorist acts. The defendant was sentenced, in the presence of his lawyer, to three years' imprisonment. The Court of Appeal upheld the ruling. It was proved that a lawyer for the defendant had been present during the trial.

83. On 30 May 2016, the Fourth High Criminal Court convicted Muntadhar Khatam (alongside the other two individuals) of the offences, committed on 19 February 2015, of assaulting general security personnel, unlawful assembly, rioting in a public place and obtaining and possessing Molotov cocktails with the aim of using them to endanger people's lives and property. The defendant was sentenced, in the presence of his lawyer, to seven years' imprisonment, pursuant to articles 178, 179, 221, 277 bis and 339 of the Penal Code and articles 1, 2 (1) and 3 of Act No. 58 of 2006 regarding the protection of society from terrorist acts.

84. On 30 March 2017, the Court of Appeal upheld the ruling in the defendant's absence because of his proven unwillingness to appear before the court. It was proved that a lawyer for the defendant had been present during the trial.

85. The Fourth High Criminal Court convicted Muntadhar Khatam of the offences of arson for terrorist purposes, unlawful assembly and rioting in a public place, pursuant to articles 178, 179 and 277 (1) of the Penal Code and articles 1, 2 (3) and 3 of Act No. 58 of 2006 regarding the protection of society from terrorist acts. He was sentenced, in the presence of his lawyer, to three years' imprisonment. The Court of Appeal amended the sentence, in the presence of his lawyer, to two years' imprisonment. It was proved that a lawyer for the defendant had been present during the trial.

86. The Lower Criminal Court convicted Muntadhar Khatam (alongside the other two individuals) of the offences of unlawful assembly, rioting in a public place and possession of Molotov cocktails with the aim of endangering people's lives and property, pursuant to articles 178, 179 and 277 bis of the Penal Code. The defendant was sentenced, in the presence of his lawyer, to one year's imprisonment, with bail for the suspension of the sentence set at 500 Bahraini dinars. The Court of Appeal upheld the ruling.

87. As to the source's claims regarding the denial of visits, the Government declares that Muntadhar Khatam made approximately 105 telephone calls between October 2023 and January 2024. Furthermore, six visits were arranged for him between October 2022 and January 2024. However, he did not participate in three of the visits, and his visitors did not attend one of them.

88. As to the source's claims regarding denial of proper medical health care, the Government affirms that Muntadhar Khatam attended four medical appointments at the Reform and Rehabilitation Centre clinic in 2022 and 2023. Muntadhar Khatam himself informed the Ombudsman that he was receiving health care.

89. As to the source's allegations regarding the infringement of Muntadhar Khatam's right to study, the Government recalls that he himself informed the Ombudsman that he was allowed to continue his studies and take examinations at the Reform and Rehabilitation Centre. He requested the help of a teacher to explain the course materials to him a week before his examinations. The necessary measures were taken in this regard.

90. Murtadha Khatam was first arrested in flagrante delicto on 3 February 2013, charged with unlawful assembly, rioting in a public place and possession of Molotov cocktails, pursuant to articles 178, 179 and 277 bis of the Penal Code.

91. On 6 May 2013, the Special Investigation Unit received a complaint forwarded by the Public Prosecution Office regarding Murtadha Khatam. During the investigation by the Office in connection with charges of participating in an unlawful assembly, rioting and possessing Molotov cocktails, the defendant claimed that he had received an injury to the face from a tear gas grenade during his arrest. The defendant added that he had been physically assaulted after being apprehended and had been threatened by the police during his interrogation, in order to extract a confession. However, he did not accuse any specific individual. Murtadha Khatam was summoned to several interrogation sessions by the Special Investigation Unit, but he failed to comply with the summonses, despite having been duly notified.

92. The medical forensic report concerning Murtadha Khatam confirmed that he had sustained injuries to the right side of his face and had lost two teeth in the upper right jaw. The forensic pathologist concluded that the injuries observed were consistent with those caused by a tear gas grenade. Upon questioning, all the members of the general security forces involved in Murtadha Khatam's arrest denied the allegations made against them. The Special Investigation Unit decided to rule out a crime related to threatening behaviour intended to obtain a confession, since the defendant's statements were not supported by sufficient evidence. However, the defendant requested that a criminal complaint be filed for the failure to identify the person who had caused his facial injury during the arrest.

93. On 25 March 2014, the Lower Criminal Court sentenced the defendant, in his presence, to one year's imprisonment. The Court of Appeal rejected the appeal because it was submitted after the deadline.

94. The Lower Criminal Court sentenced Murtadha Khatam, in the presence of his lawyer, to one year of imprisonment, with bail for the suspension of the sentence set at 500 Bahraini dinars. The defendant was declared to be a fugitive on 1 March 2015, as he had failed to comply with an order to attend the investigation sessions and had not been apprehended. The Court of Appeal upheld the verdict in the absence of the defendant.

95. The Government recalls that Murtadha Khatam was arrested for the second time on 5 April 2015 and was sentenced to 15 years in prison and fined 20 Bahraini dinars. He was charged with multiple criminal offences falling under the Penal Code and Act No. 58 of 2006 regarding the protection of society from terrorist acts.

96. On 28 December 2015, the Third High Criminal Court sentenced Murtadha Khatam, in the presence of his lawyer, to three years' imprisonment. The Court of Appeal upheld the verdict. It was proved that a lawyer for the defendant had been present during the trial.

97. On 13 March 2016, the Fourth High Criminal Court sentenced Murtadha Khatam, in the presence of his lawyer, and alongside Mohamed Khatam, to five years' imprisonment for the offences, committed on 25 November 2015, of placing fake explosives on a public road for terrorist purposes, arson for terrorist purposes, participating in an unlawful assembly and rioting. The Court of Appeal, in the absence of the defendant, amended the sentence to three years' imprisonment. It was proved that a lawyer for the defendant had been present during the trial.

98. On 30 May 2016, the Fourth High Criminal Court sentenced Murtadha Khatam, in the presence of his lawyer, to seven years' imprisonment. The Court of Appeal upheld the verdict. It was proved that a lawyer for the defendant had been present during the trial.

99. The Government states that Murtadha Khatam made approximately 96 telephone calls between October and January 2024. Moreover, six visits were arranged for him between October 2023 and January 2024. However, Murtadha Khatam did not participate in two of the visits, and his visitors did not attend another two.

100. The Government affirms that six medical appointments were scheduled for Murtadha Khatam at the Reform and Rehabilitation Centre clinic in 2022 and 2023.

101. The Government notes that Murtadha Khatam refused to meet with the Ombudsman.

102. Mohamed Khatam was declared to be a fugitive in the case on 10 January 2012, as he had not complied with an order to attend the investigation sessions and had not been arrested. He was charged with the offences, allegedly committed on 31 December 2011, of unlawful assembly, rioting in a public place and possession of Molotov cocktails with the intention of endangering people's lives and property. These offences fall under articles 178, 179 and 277 bis of the Penal Code. The Lower Criminal Court sentenced him in absentia to one month's imprisonment. He was declared to be a fugitive in the case on 1 March 2015, as he had not complied with an order to attend the investigation sessions and had not been arrested. The Lower Criminal Court sentenced him, in the presence of his lawyer, to one year's imprisonment, with bail for the suspension of the sentence set at 500 Bahraini dinars.

103. Mohamed Khatam was declared to be a fugitive in the case on 3 March 2015. He was charged with the offences, allegedly committed on 11 August 2014, of arson for terrorist purposes and endangering a means of transportation. These offences fall under articles 178, 179, 277 (1) and 286 of the Penal Code and articles 1, 2 (3) and 3 of Act No. 58 of 2006 regarding the protection of society from terrorist acts.

104. Mohamed Khatam was arrested on 5 May 2015. He was charged with multiple criminal offences under the Penal Code and Act No. 58 of 2006 regarding the protection of society from terrorist acts.

105. Mohamed Khatam was declared to be a fugitive in the case on 6 May 2015, as he had not complied with an order to appear at the investigation sessions and had not been arrested.

106. On 28 December 2015, the Third High Criminal Court sentenced Mohamed Khatam, in absentia, to three years in prison. The defendant did not attend the court hearings despite having been notified of them. The sentence was handed down in absentia, and the defendant did not appeal it.

107. On 13 March 2016, the Fourth High Criminal Court sentenced Mohamed Khatam, in the presence of his lawyer, to five years' imprisonment. The Court of Appeal amended the sentence to three years in prison. It was proved that a lawyer for the defendant had been present during the trial.

108. On 30 May 2016, the Fourth High Criminal Court sentenced Mohamed Khatam, in the presence of his lawyer, to seven years' imprisonment. The Court of Appeal upheld the verdict. It was proved that a lawyer for the defendant had been present during the trial.

109. The Government states that Mohamed Khatam made approximately 98 telephone calls between October and January 2024. Moreover, six visits were scheduled for him between October 2023 and January 2024: two of the visits took place, and he did not participate in the other four.

110. The Government affirms that Mohamed Khatam attended 11 medical appointments in 2023.

111. As to the source's allegations about the infringement of Mohamed Khatam's right to study, the Government recalls that he himself informed the Ombudsman that he was taking his examinations and that no violation in that regard had occurred.

112. Mohamed Khatam informed the Ombudsman that he had endured beatings and torture. Such allegations of mistreatment were referred to the Special Investigation Unit and the relevant authorities.

(c) Further comments from the source

113. On 16 February 2024, the Government's reply was transmitted to the source for further comments, which the source submitted on 1 March 2024. The source reiterated its submissions and provided further information to rebut the Government's submissions, as discussed below.

2. Discussion

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

115. In determining whether the deprivation of liberty of the three individuals 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 law constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.⁴ Mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source's allegations.

116. The Working Group notes that Muntadhar Khatam and Murtadha Khatam were no longer minors at the time of the adoption of the present opinion. However, they were under 18 years of age when first arrested and subsequently detained, and their submissions relating to that incident will be considered in the light of the obligations of Bahrain under international human rights law, including the Convention on the Rights of the Child.

(a) Category I

117. The source submits that, in relation to their arrests in 2015, the three brothers were arrested without being presented with a warrant or informed of the reason for their arrest. The Government explains that no individual may be arrested without a legal warrant issued by a competent authority and makes general submissions on the necessary measures taken and legal guarantees provided. As stated by the source in its further submissions, the Government does not address the specific allegation that, at the time of arrest, none of the three detainees was presented with an arrest warrant or any legal proof of the existence of a warrant, nor was any of them informed of the reasons for the arrest.

118. Pursuant to article 9 (1) of the Covenant, no one is to be deprived of liberty except on such grounds and in accordance with such procedure as are established by law. To establish

⁴ [A/HRC/19/57](#), para. 68.

a legal basis for deprivation of liberty, the authorities must invoke that legal basis and apply it to the circumstances of the case.⁵ The international norms on detention include the right to be presented with an arrest warrant (or the equivalent), except for arrests that are made in flagrante delicto. Weighing up the submissions of both parties, the Working Group concludes that the three individuals were not shown an arrest warrant or the equivalent, in violation of articles 3 and 9 of the Universal Declaration of Human Rights and article 9 (1) of the Covenant.⁶

119. As the Working Group has stated, an arrest is arbitrary when it is carried out without the arrested person being informed of the reasons for the arrest.⁷ The reasons for arrest must be provided immediately upon arrest.⁸ Noting the source's credible submissions that the three individuals were not informed of the reasons at the time of their arrests, the Working Group finds a violation of article 9 (2) of the Covenant.

120. The source submits that the three brothers were not brought promptly before a judge following their arrests in 2015. According to article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge is to be brought promptly before a judge. As the Human Rights Committee has noted, 48 hours is ordinarily sufficient to satisfy the requirement of bringing a detainee "promptly" before a judge following his or her arrest; any longer delay must remain absolutely exceptional and be justified under the circumstances.⁹ In the absence of information or justification from the Government, the Working Group finds that none of the individuals was brought promptly before a judicial authority, in violation of article 9 (3) of the Covenant.

121. In relation to the arrests of Murtadha and Muntadhar Khatam in 2012, which, the source alleges, also occurred without the presentation of a warrant, the Working Group observes that both were minors at the time. The Working Group finds a violation of article 37 (b) of the Convention on the Rights of the Child, which states that: "No child shall be deprived of his or her liberty unlawfully or arbitrarily."¹⁰

122. The source submits that Murtadha Khatam was subjected to enforced disappearance and was held in solitary confinement as a retaliatory measure from 17 April 2021 until 5 May 2021. The Government remains silent on this allegation, while asserting that inmates have regular family contact. The source, in its further submissions, notes that these violations were the result of repression against detainees protesting their prison conditions. It adds that the incident in question was confirmed by two Members of Parliament from the United Kingdom of Great Britain and Northern Ireland, who wrote to the Secretary of State for Foreign, Commonwealth and Development Affairs of the United Kingdom, on 22 April 2021, calling upon him to urge Bahrain to disclose the whereabouts of the disappeared individuals and to ensure that all victims were provided with adequate medical care. Furthermore, on 30 April 2021, OHCHR condemned the incident and called for a thorough investigation and the provision of information on the condition of inmates in solitary confinement.¹¹

123. In relation to the allegation of solitary confinement, which the Government does not deny, the Working Group refers to rule 45 of the Nelson Mandela Rules, which states that solitary confinement must be used only in exceptional cases, as a last resort, for as short a time as possible, subject to independent review and authorized by a competent authority.

124. Noting the well-substantiated allegations made by the source, the Working Group concludes that Murtadha Khatam was subjected to enforced disappearance, which is an

⁵ See opinions No. 9/2019, No. 33/2019, No. 46/2019 and No. 59/2019.

⁶ Opinion No. 88/2017, para. 27.

⁷ Opinions No. 10/2015, para. 34; No. 46/2019, para. 51; No. 59/2019, para. 46; and No. 46/2020, para. 40.

⁸ Human Rights Committee, general comment No. 35 (2014), para. 27. See also opinion No. 30/2017, paras. 58 and 59.

⁹ Human Rights Committee, general comment No. 35 (2014), para. 33. See also [CCPR/C/BHR/CO/1](#), paras. 39 and 40.

¹⁰ See also Committee on the Rights of the Child, general comment No. 24 (2019), para. 90.

¹¹ OHCHR, "Press briefing notes on Bahrain", 30 April 2021.

aggravated form of arbitrary detention.¹² The Working Group has repeatedly asserted that holding persons at secret, undisclosed locations and in circumstances undisclosed to their family violates their right to contest the legality of their detention before a court or tribunal under article 9 (4) of the Covenant. Judicial oversight of any detention is a central safeguard for personal liberty and is critical in ensuring that detention has a legitimate basis.

125. For the reasons set out above, the Working Group finds that the detention of the three brothers is arbitrary under category I.

(b) Category II

126. The source argues that the three brothers were arrested for their participation in peaceful protests and exercising their rights and freedoms guaranteed under articles 18, 19 and 20 of the Universal Declaration of Human Rights and articles 18, 19, 21 and 22 of the Covenant. For this reason, their detention is arbitrary under category II. They were detained for participating in peaceful protests, on the pretext that they had participated in an unlawful assembly. While the Working Group is aware of the public protests that were occurring in Bahrain at the time of the events, it is unable to make a finding under this category, as the source has not furnished it with sufficient and relevant information relating to the participation of the brothers in the peaceful protests.

(c) Category III

127. The source alleges that the three brothers faced numerous fair trial and due process violations during the course of their trials and legal proceedings.

128. In relation to the right to counsel, the source submits that the three brothers were denied access to counsel. In response, the Government contends that none of the defendants has yet submitted a request for the appointment of a lawyer and asserts that, for each of the defendants, the presence of a lawyer at trial was established. The source asserts, in its further submissions, that the Government remained silent on the question of the absence of legal counsel during the interrogation and pretrial detention of all three brothers and that Murtafha and Mohamed Khatam were compelled to file their own appeals. During the court proceedings, none of the brothers was acquainted with the lawyer supposedly appointed by the court, and none of them met the lawyer in question. The brothers noted the presence of lawyers in court; however, they were unable to identify those assigned to them.

129. In its further submissions, the source asserts that all three brothers, along with other detainees, were gathered inside the courtroom and were asked to sign papers indicating their refusal to go to court. While they were sometimes taken to attend court sessions, they were at other times brought to court but forced to remain outside, in a vehicle, and prohibited from entering the courtroom. Furthermore, the lawyers present inside the courtroom identified themselves by stating the relevant case number and the number of the defendant whom they represented. However, the detainees were not aware of their case number or their respective numbers in the case. In addition, none of the three brothers met with a lawyer at any time during the trial period. Moreover, members of their family have recently communicated by email with the sentencing judge and the office of the director of the court administration to request the case files or, at a minimum, the names of the court-appointed lawyers, if any, who represented the three brothers in court. However, they have not received any response, and each entity asked them to approach another.

130. Noting the source's detailed submissions, the Working Group considers that it has established that the brothers did not have adequate access to a lawyer from the outset of their detention and at other key stages, including during their interrogation and at trial. As a result, they were not afforded the right under article 14 (3) (b) of the Covenant to adequate time and facilities for the preparation of their defence and to communicate with counsel of their choosing. The Working Group recalls that all persons deprived of their liberty have the right

¹² Human Rights Committee, general comment No. 35 (2014), para. 17. See also opinion No. 37/2021, para. 65.

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.¹³

131. The source submits that the three brothers were coerced into signing false confessions under duress and torture. The burden is on the Government to prove that the statements of the individuals were given freely,¹⁴ but it has not done so adequately. Noting the Government's claim that every inmate is granted humane treatment, the source, in its further submissions, indicates that this broad response fails to adequately respond to the need, for all three brothers, for detailed information on torture and forced confessions, notably given the presence of visible injuries, as in the case of Muntadhar Khatam. The Working Group is persuaded by the source's submissions that the three brothers confessed under torture and duress. The Working Group has repeatedly found that the admission as evidence of a statement obtained through torture renders the entire proceedings unfair.¹⁵ Moreover, confessions made in the absence of legal counsel are not admissible as evidence in criminal proceedings.¹⁶ Consequently, the right to be presumed innocent under article 14 (2) of the Covenant and the right not to be compelled to confess guilt under article 14 (3) (g) of the Covenant have been violated, as has principle 21 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which protects a detainee from self-incrimination or compelled confessions.

132. The Working Group recalls the finding of the Committee against Torture that the intentional infliction of physical or psychological pressure to obtain a confession violates the obligations of Bahrain under articles 2, 15 and 16 of the Convention against Torture. Moreover, the Prosecutor is obliged to investigate and report the torture and forced confessions in accordance with guidelines 12 and 16 of the Guidelines on the Role of Prosecutors.¹⁷

133. The source submits that the three brothers were subjected to medical neglect. In its further submissions, the source reiterates that the Government, in its response, mentions the number of medical appointments for each individual without providing reasons for the appointments or specifying the type of treatment administered. Nor is it clarified in the response whether the visits promptly followed instances of health problems or whether there were significant delays in scheduling. In its response, the Government does not establish that all three brothers received immediate post-arrest and post-interrogation medical checks. The response lacks specific information on examination dates, examining physicians and the content of medical reports. The Working Group recalls that denial of medical care can constitute a form of torture and other cruel, inhuman or degrading treatment.¹⁸ 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.

134. Taking these factors into account, the Working Group finds that the violations relating to the brothers' conditions of detention and lack of medical care significantly undermined their ability to properly defend themselves. The Working Group has consistently concluded in its opinions that, when it is not possible for a person who is subjected to torture or other forms of ill-treatment or punishment to prepare an adequate defence before the judicial proceedings, this amounts to a fair trial violation.¹⁹

135. The source submits that Muntadhar and Murtadha Khatam were sentenced in absentia. According to the Human Rights Committee, proceedings in the absence of the accused are compatible with article 14 (3) (d) of the Covenant only if the necessary steps are taken to summon the accused persons in a timely manner and to inform them beforehand about the

¹³ [A/HRC/30/37](#), 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).

¹⁴ Human Rights Committee, general comment No. 32 (2007), para. 41.

¹⁵ See opinions No. 43/2012, No. 34/2015, No. 52/2018 and No. 59/2019.

¹⁶ See opinions No. 14/2019 and No. 59/2019. See also [E/CN.4/2003/68](#), para. 26 (e); [A/HRC/45/16](#), para. 53; and Committee on the Rights of the Child, general comment No. 24 (2019), paras. 58–60.

¹⁷ Opinions No. 47/2017, para. 29; and No. 63/2020, para. 42.

¹⁸ [A/HRC/38/36](#), para. 18; and opinions No. 20/2022, para. 104; and No. 65/2022.

¹⁹ Opinions No. 32/2019, para. 42; No. 59/2019, para. 69; and No. 65/2022, para. 117.

date and place of their trial and to request their attendance.²⁰ The source has not provided sufficient information for the Working Group to make this assessment.

136. The Working Group concludes that the violations of the individuals' fair trial and due process rights are of such gravity as to render their detention arbitrary under category III.

(d) Concluding remarks

137. The Working Group is concerned about the severity of the torture alleged by the brothers, the ongoing impact of the injuries suffered by them as a result and their other health issues. It is troubled by the numerous allegations relating to conditions of detention at Jau Prison, which have attracted international attention and reportedly led detainees to carry out hunger strikes in 2023 in protest at these conditions. The Working Group reminds the Government of its obligations under article 10 (1) of the Covenant and of rules 1, 24, 27 and 118 of the Nelson Mandela Rules, which state that all persons deprived of their liberty must be treated with humanity and with respect for their inherent dignity, including by being allowed to enjoy the same standards of health care that are available in the community.²¹

138. The Working Group recalls the source's submission that, after being arrested and detained, all three brothers stopped attending school for fear of persecution. The source submits that, on 14 May 2023, following the raid at Jau Prison, some detainees, including the three brothers, were injured and were reportedly denied the opportunity to take certain examinations in retaliation for protesting the raid. As a result, they are currently repeating an academic year. While the Government denies this allegation, the Working Group is obliged to remind it that the right to education is enshrined in article 26 of the Universal Declaration of Human Rights, article 18 of the Covenant, articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights and article 7 of the Constitution of Bahrain. The Working Group calls upon the Government to take measures to reverse or otherwise redress any prejudice that the brothers have experienced in this regard. The Working Group is deeply troubled about the allegations made in the source's further submissions that the brothers refrained from taking other examinations because of the degrading process to which they were subjected before entering the classroom, as officers touched private areas of their bodies under the pretext of an "inspection". The Working Group calls upon the Government to investigate these allegations.

139. These cases follow a pattern of numerous others brought before the Working Group in recent years concerning arbitrary deprivation of liberty in Bahrain, namely, a pattern of warrantless pretrial detention with limited access to judicial review, denial of access to lawyers, forced confessions, torture and ill-treatment, and denial of medical care.²² 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.²³

140. 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.

3. Disposition

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

The deprivation of liberty of Muntadhar Abdali Mohamed Khatam, Murtadha Abdali Mohamed Khatam and Mohamed Abdali Mohamed Hasan Khatam, being in contravention of articles 3 and 14 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I and III.

²⁰ Human Rights Committee, general comment No. 32 (2007), para. 36.

²¹ Opinion No. 26/2017, para. 66.

²² See opinions No. 31/2019, No. 59/2019, No. 73/2019, No. 5/2020, No. 41/2020 and No. 87/2020.

²³ Opinion No. 47/2012, para. 22.

142. The Working Group requests the Government of Bahrain to take the steps necessary to remedy the situation of Muntadhar, Murtadha and Mohamed Khatam 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.

143. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Muntadhar, Murtadha and Mohamed Khatam immediately and accord them an enforceable right to compensation and other reparations, in accordance with international law.

144. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Muntadhar, Murtadha and Mohamed Khatam, including the allegation that they were tortured, and to take appropriate measures against those responsible for the violation of their rights.

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

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

4. Follow-up procedure

147. 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 Muntadhar, Murtadha and Mohamed Khatam have been released and, if so, on what date;

(b) Whether compensation or other reparations have been made to Muntadhar, Murtadha and Mohamed Khatam;

(c) Whether an investigation has been conducted into the violation of the rights of Muntadhar, Murtadha and Mohamed Khatam and, if so, the outcome of the investigation;

(d) Whether any legislative amendments or changes in practice have been made to harmonize 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.

148. 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.

149. 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 of any failure to take action.

150. 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.²⁴

[Adopted on 22 March 2024]

²⁴ Human Rights Council resolution 51/8, paras. 6 and 9.