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Human Rights Council
Working Group on Arbitrary Detention

Opinions adopted by the Working Group on Arbitrary Detention at its ninety-sixth session, 27 March–5 April 2023

Opinion No. 2 /2023 concerning Abduljalil Abdulla Yusuf Ahmed Al-Singace (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 15 November 2022 the Working Group transmitted to the Government of Bahrain a communication concerning Abduljalil Abdulla Yusuf Ahmed Al-Singace. The Government replied to the communication on 12 January 2023. 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).

¹ [A/HRC/36/38](#).

Submissions

Communication from the source

4. Abduljalil Abdulla Yusuf Ahmed Al-Singace, born in 1962, is a Bahraini national. He is a professor with a PhD in mechanical engineering and a prominent human rights defender.

5. The source submits that Mr. Al-Singace is known for his advocacy work and blog *Al-Faseelah*, one of the first of its kind, where he publishes articles written by him and others on the human rights situation in Bahrain. The blog was blocked and Mr. Al-Singace was arrested and held in solitary confinement in 2009. He was released after international pressure. He was also the first to document cases of prisoners of conscience and sent communications to United Nations human rights mechanisms. He also gave workshops for others to do the same. He had an important role in drafting shadow reports on Bahrain.

6. Mr. Al-Singace has appealed to Western politicians regarding the situation in Bahrain, writing an op-ed in the *New York Times* and speaking before the House of Lords of the United Kingdom of Great Britain and Northern Ireland in 2010. Upon his return from the United Kingdom, he was imprisoned, tortured and held in incommunicado detention for six months.

a. Arrest and detention

7. The source reports that on 17 March 2011 at 3 a.m., masked armed and civilian forces broke into Mr. Al-Singace's home and entered his bedroom. A gun was put to his head and he was forced onto the ground. He was not presented with an arrest warrant, nor was he informed of the charges against him. Instead, the masked forces insulted Mr. Al-Singace and his family, who were also threatened. National Security Agency agents scared and mistreated his family members, as they remained in the house until dawn and ended up taking Mr. Al-Singace's personal belongings, documents, laptops, passport and wallet. Before leaving, they destroyed some items in the house.

8. Mr. Al-Singace was dragged out of his home from the second floor in his underwear. His crutches, which he needs due to his post-polio syndrome, were taken away from him. He was blindfolded, handcuffed and thrown into the back of a car with masked commando forces, who pinned him down with their legs and pointed their weapons at him.

9. While in the car, officers put on music and clapped while Mr. Al-Singace was taken to an unknown location. He was dragged from the back of the car into a small windowless cell with no lighting. He later learned that he was in Al Qurain prison, which is a military prison for the Bahraini Defence Forces.

10. In Al Qurain prison, Mr. Al-Singace was tortured on a daily basis. He was not allowed to bathe or change his clothes for over 10 days and was forced to sleep on the ground in the cold March weather with the air conditioning on the entire time. Officers would knock on the metal door of his 2m x 3m solitary confinement cell in order to disrupt his sleep.

11. Mr. Al-Singace was denied treatment and hygienic products. His spectacles and crutches were placed outside his cell and he would only be given his crutches when he was taken to investigations, after he was blindfolded and hooded.

12. Mr. Al-Singace was interrogated by the National Security Agency and military intelligence without the presence of his lawyer. He was beaten, threatened and sexually assaulted.

13. Around two weeks after his arrest, he was taken to the military prosecutor. He was blindfolded and hooded before and after meeting with the prosecutor. His lawyer was only allowed to be present during the meeting with the prosecutor and Mr. Al-Singace was not allowed to be alone with his lawyer. Furthermore, during his second meeting with the prosecutor (he only met with him twice) his lawyer was not present because he had been arrested. Another lawyer, whom Mr. Al-Singace did not know, was present.

14. Outside the prosecutor's office, Mr. Al-Singace was beaten with batons, especially on his head. After his return from the prosecutor's office, an officer of the Bahraini Defence Forces hit him, telling him: "This is for the complaint you raised to the military prosecution."

15. Throughout a two-week period, Mr. Al-Singace was unable to contact his family and his lawyer, who did not know his whereabouts. As such, he was forcibly disappeared. After two weeks, Mr. Al-Singace was allowed a 90-second telephone call with his family in which he was prevented from informing them of his location, which in any case he did not know at the time. He was only able to reassure them that he was still alive.

b. Trial

16. On 8 June 2011, Mr. Al-Singace was taken to the first session of a military court trial. He did not have a lawyer to represent him. By the time of the second session, his family had appointed another lawyer. On 22 June 2011, the military National Safety Court sentenced Mr. Al-Singace to life imprisonment on the charge of attempting to overthrow the Government.

17. Mr. Al-Singace was held in solitary confinement until 17 June 2011. Afterwards, he was taken to another wing of the prison with another inmate and was held until around mid-July 2011 in a closed cell, which he could only exit to go to the bathroom and to eat. After that, the cell doors of the wing were opened to Mr. Al-Singace and 12 other inmates who belonged to the same group, but the door to the wing was locked and heavily guarded.

18. Mr. Al-Singace was only able to meet his family and lawyer after the issuance of the judgment, although the visits were not private.

19. On 28 September 2011, the military Court of Appeals upheld Mr. Al-Singace's life sentence. He had not been able to meet with his lawyer either before or after the sessions.

20. Mr. Al-Singace and the other defendants in the case appealed to the Court of Cassation, which overturned the verdict and on 30 April 2012, referred the case to the civilian High Court of Appeal.

21. On 4 September 2012, the civilian High Court of Appeal held a retrial and upheld the sentence. Mr. Al-Singace was not able meet with his lawyer throughout this trial. Following the retrial, he was transferred to Jau prison.

22. On 7 January 2013, the civilian Court of Cassation upheld his sentence.

c. Hunger strike

23. On 8 July 2021, Mr. Al-Singace went on a hunger strike in protest against the degrading treatment in Jau prison. An officer confiscated his manuscript, which he had spent four years writing. Reportedly, the manuscript is not political in nature, rather it covers Bahraini culture and language. The officer also refused to respond to Mr. Al-Singace's requests to make phone calls and meet urgent needs.

24. According to the source, the authorities, through the Ministries of the Interior and of Foreign Affairs, claimed that Mr. Al-Singace was attempting to smuggle his manuscript out of the prison, which was not the case. Mr. Al-Singace had no intention of smuggling the manuscript out of the prison, rather he asked a prisoner who had been released to hand the manuscript over to his family, along with two unworn sets of pyjamas. Mr. Al-Singace had written his full name on the manuscript, which would defeat the point of illegally smuggling it out, as he would be directly exposing himself.

25. Before Mr. Al-Singace had begun his hunger strike, an officer informed him that if he wanted to send the manuscript out of the prison, it needed to be formally requested and ordered by the Director of the prison. Mr. Al-Singace accordingly submitted a request in which he identified the family member who should receive the manuscript. That is further proof that Mr. Al-Singace had no intention of smuggling the manuscript out of the prison and that he went through the official channels when he was notified of them.

26. Furthermore, in a speech on 13 July 2022, the Director of Jau prison claimed that Mr. Al-Singace had requested an examination of his manuscript with a view to publishing it. Mr. Al-Singace had no intention of publishing the manuscript and never indicated that he would be doing so. His only request was that the manuscript be handed over to his family.

27. The source notes that the press agency of the security forces examined the manuscript and did not confiscate it, meaning that it did not contain any problematic material. It was returned and stored in the office of the prison Director.

28. The Ministry of Information, which also examined the manuscript, indicated that it was unfit for publishing because it used indecent language and would harm public unity. According to the source, the manuscript only presented common sayings in Bahrain, linking them to the Arabic language.

29. Despite this, the manuscript has remained confiscated. Since July 2021, Mr. Al-Singace has been on hunger strike in protest against his ill-treatment in Jau prison and the confiscation of his manuscript.

30. Since July 2021, Mr. Al-Singace has been held in the Kanoo medical centre. He has been surviving on tea with milk and sugar and taking vitamins in a drink. However, the administration regularly withholds milk and sugar from him in an effort to make him end his hunger strike. As a result, Mr. Al-Singace has low blood sugar levels and low blood pressure, and tremors in his eyes and chest. He has lost over 25 kg in weight, is weak and sometimes shakes. His health could deteriorate quickly.

31. Reportedly, the administration has also delayed the provision of medication. Mr. Al-Singace had to wait many months to receive his prescribed pain-relieving creams and is still awaiting other medication. The authorities are not providing him with treatment for his prostate, nerve and joint problems, nor are they sharing the images from an MRI scan, which he had done months previously. He has not been seen by his assigned doctor since January 2022.

32. The family has been able to visit him once a week on Sundays but the visit is limited to three individuals. The authorities have prevented Mr. Al-Singace from having video calls, which were arbitrarily suspended last year.

33. In March 2022, a representative from the Office of the Ombudsman of the Ministry of the Interior visited Mr. Al-Singace in the Kanoo medical centre and requested that he edit his manuscript so that they could review it again. He was informed that if it was published without editing, he would face legal consequences for its contents. The source maintains that Mr. Al-Singace is not asking for the work to be published but only for it to be given to his family.

d. Legal analysis

i. Category I

34. The source submits that Mr. Al-Singace was subjected to enforced disappearance after his arrest, as he was deprived of liberty against his will by government officials, who failed to disclose his fate and whereabouts. During his disappearance, Mr. Al-Singace was subjected to torture, blindfolded, hooded and held in solitary confinement, which constitute violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

35. Considering the circumstances of Mr. Al-Singace's arrest, whereby he was threatened at gunpoint, his family was insulted and he was neither presented with a warrant nor informed of the reason for his arrest, his detention can be considered unlawful. That is supported by the fact that Mr. Al-Singace was not permitted to contact his lawyer following his arrest and throughout the interrogation period, nor was he promptly brought before a judicial authority. That is in violation of article 9 of the Covenant, rendering Mr. Al-Singace's detention arbitrary under category I.

ii. Category II

36. According to the source, Mr. Al-Singace was routinely targeted by the authorities due to his human rights activism, as is evident from his being arrested in 2009 and 2010. Additionally, Mr. Al-Singace had been active in the 2011 pro-democracy demonstrations, which erupted a month before his arrest. He was tried and convicted alongside 12 other prominent activists, who had all been arrested in connection to their role in the

demonstrations. As such, Mr. Al-Singace's detention is a direct result of him practising his right to freedoms of expression and of assembly, and is thus arbitrary under category II.

iii. Category III

37. The source submits that Mr. Al-Singace was not permitted to meet with his lawyer to prepare for any of his trials and was tortured during interrogation, which took place without the presence of his lawyer. In addition, Mr. Al-Singace, a civilian, has been tried by the military National Safety Court, which is considered a severe violation of fair trial rights and standards. Fair trial violations persisted during the appeal of his case to the civilian courts, during which Mr. Al-Singace was unable to prepare his defence with his lawyer and his torture in detention was not taken into consideration during the trial. In violation of article 14 of the Covenant, Mr. Al-Singace's deprivation of liberty is arbitrary under category III.

iv. Category V

38. The source argues that Mr. Al-Singace's detention can be found to be discriminatory, as he was convicted of severely disproportionate charges by the military court on the basis of his political opinions, which were opposed to the Government of Bahrain. Consequently, his deprivation of liberty is arbitrary under category V.

Response from the Government

39. On 15 November 2022, the Working Group transmitted the allegations from the source to the Government under its regular communications procedure, requesting a reply by 16 January 2023. The Working Group called upon the Government to ensure Mr. Al-Singace's physical and mental integrity.

40. In its reply of 12 January 2023, the Government submits that Mr. Al-Singace is serving a life sentence in a reform and rehabilitation centre (Jau prison) for his involvement in the following crimes: attempting to overthrow the regime; inciting hatred of the regime; communicating with a hostile country in its military operations or harming his country's military operations; promoting regime change by force or any other illegal means; possession of publications or recording tools intended to promote regime change; incitement to overthrow the regime and change it; and incitement to hatred of a sect or sects.

41. Mr. Al-Singace has been placed in the Ibrahim Kanoo medical centre, where he is provided with the necessary medical care and his health is continually monitored in accordance with the highest medical standards and his care needs. Regarding his abstinence from food, he is currently receiving intravenous solutions, according to need, of milk, water, tea and proteins provided by a nutritional formula.

42. The health care provided to inmates in reform and rehabilitation centres falls under the responsibility of the Ministry of Health and is a constitutional right.

43. All inmates enjoy integrated health care provided around the clock by specialized medical personnel from the Ministry of Health, in coordination with the Ministry of the Interior. All patients have regular tailored treatment and receive medical prescriptions. An ambulance is on continuous standby. The health status in such centres conforms to all medical standards. Primary health-care services, specialized medical services, psychiatric services, psychological and social care, follow-up of chronic diseases and supportive medical services, such as physiotherapy, are provided. There are telemedicine consultations and a programme of visits by senior consultants with various specializations to follow up on the health status of the inmates and provide the highest level of medical service and treatment. Medicines and any necessary medical examinations are provided through specialized clinics. Medical clinics in reform and rehabilitation centres are linked through an integrated medical information exchange system and inmates receive integrated health care according to the recommendations of specialized doctors.

44. During the entry into force of the state of national safety in 2011, the military prosecution charged Mr. Al-Singace and others with establishing and joining a group, in violation of the law, of which the purpose was to overthrow and change the political system in the State by force and terrorism was one of its means to achieve its goals and communicate

with those who work for a foreign State with the intention of committing hostile acts against Bahrain, attempting to change the Constitution of the State and overthrow its monarchy, promoting a change in the political system in the State through illegal means. The Government refers to other charges as well.

45. The military prosecution referred 21 defendants (7 of them fugitives) to criminal trial, where on 22 June 2011 in the actual presence of 14 defendants and in the legal presence of 7 defendants, the National Safety Court (first instance) handed down sentences of between 2 and 15 years, or life imprisonment, and confiscated all seized items. The defendants appealed the verdict. On 28 September 2011, the National Safety Court of Appeal rejected the appeal and upheld the verdict of the court of first instance.

46. Mr. Al-Singace was sentenced to life imprisonment. Fourteen defendants, including Mr. Al-Singace, appealed. The public prosecution dropped the charges that interfered with the exercise of freedom of expression, namely inciting hatred of the regime and broadcasting false news and malicious rumours, and incitement to non-compliance with the law. On 30 April 2012, the Court of Cassation overturned the judgment and referred the case to the Supreme Court of Appeal (civil) to decide on it again.

47. The Supreme Court of Appeal considered the case on 2 September 2012 and upheld the previous verdict for Mr. Al-Singace, while acquitting some of the defendants of the charge of espionage for a foreign country and promoting regime change, and another of the charges of joining a terrorist group and attempting to overthrow the Government. Those convicted, including Mr. Al-Singace, appealed the judgment. On 7 January 2023, the Court of Cassation accepted the appeals in form and rejected them in substance. The sentence issued became final and Mr. Al-Singace is currently in a correction and rehabilitation centre serving his sentence.

48. The Government submits that the military prosecution based its establishment on the testimony of members of the National Security Agency in explaining the activities of the defendants during the unrest in Bahrain, the accompanying crimes of assault on lives and property and the decision of 12 defendants in the investigations of their participation and the other defendants in those events, which evolved into the formation of the main defendants, the so-called Alliance for the Republic, and their organizational and operational objectives to overthrow the constitutional system in the country. Data, publications and audio and video recordings that were seized confirm the purpose and result they were seeking to achieve.

49. The Government submits that all legal guarantees for the accused and due process were respected from the beginning of the investigation by the military prosecution until the final verdict. Mr. Al-Singace was allowed to meet with his lawyers in private in detention facilities or in the courtroom. The lawyers were able to mount all aspects of their defence and express their requests. The courts responded to them at various levels in investigating all aspects of the defence and met their requests. Forensic doctors were assigned to sign the medical examination of the accused. The Special Investigation Unit in the Public Prosecution Office investigated the allegations of abuse. All defence witnesses were called and their testimony was repeated whenever the lawyers requested. The court responded in its judgment to the detailed defence.

50. The Court of Cassation, as the highest court, monitored all those procedures, overturned the verdict of the court of first instance and then upheld the judgment issued in the retrial after it found that the judgment was free of any procedural or substantive defects. The court of first instance provided all the guarantees prescribed for the accused during the trial. From the outset until the judgment of cassation issued on 7 January 2013, the defendants had several public trials in the presence of representatives of local or foreign human rights organizations and the embassies of some countries. In total, there were five trials: two before the National Safety Court of First Instance and Appeal; one before the ordinary criminal Supreme Court of Appeal; and two in the Supreme Court of Cassation, as all verdicts handed down by the national safety and military courts were retried before the regular courts. More than 19 judges participated in the hearing and sentencing of these cases.

51. The judgments were issued after the cases had been deliberated by various courts of various degrees, which indicates that all the judges involved in the case were fully persuaded by the evidence provided and that it met the required standards of proof.

52. During the trial proceedings, the legal guarantees prescribed for the defendants were provided in the presence of lawyers selected by them, who were briefed on the case and were fully informed. They put forward the defence either orally or in written submissions. In addition to the pleas by the lawyers, the courts also allowed the defendants to plead for themselves in lengthy oral arguments that lasted several hours. The courts responded to all the defendants' requests by allowing their witnesses to be heard, offering them consultations with specialized doctors, submitting documents and providing them with all aspects of care.

53. The Government submits that throughout the trial period, the public prosecution did not appeal any acquittals or reductions of sentences of some of the defendants regarding some of the charges against them. The defendants were not charged with their human rights activity or political beliefs, but for acts that constituted crimes in law.

54. On 4 October 2022, the Special Investigation Unit received through the Office of the Attorney General a complaint from Amnesty International that included allegations that Mr. Al-Singace had been subjected to torture and ill-treatment while serving his sentence at the reform and rehabilitation centre but without providing details about how or when he was tortured or ill-treated. The complaint also included allegations that he had not received the necessary medical care and went on hunger strike because of the confiscation of his books.

55. The Special Investigation Unit began its procedures by going to the health centre where Mr. Al-Singace was receiving medical care in a private room. He refused to make any statements, although the Special Investigation Unit had informed him of the nature of its work and its independence from any party that had initiated the investigation and trial procedures. It is entrusted with investigating the veracity of allegations in accordance with national and international legal obligations to prevent torture or ill-treatment. It attached all his medical papers from the Department of Health and Social Affairs of the Ministry of the Interior and also notified the Ombudsman to take legal action regarding the allegations that Mr. Al-Singace was not receiving the necessary medical care. It also referred a copy of the papers to the prosecution arm of the Southern Governorate.

56. The Office of the Independent Ombudsman ensured that Mr. Al-Singace was receiving the health care he needed, according to medical protocol. His health status is stable and he is fully conscious. The Ministry of Health regularly follows up on his medical condition. All his rights are respected, including calls and visits. He has received 23 visits from his family since January 2022.

57. On 15 June 2022, the Office of the Independent Ombudsman confirmed that, together with the General Directorate of Reform and Rehabilitation Centres at the Ministry of the Interior, it continued to follow up the case of Mr. Al-Singace, who had gone on hunger strike because a bundle of papers written by him had been seized.

58. The Ministry of the Interior referred those papers to the competent authority in the Ministry of Information for technical review, according to the laws of printing, publishing, intellectual property, copyright and other laws that regulate the issue of authorship, publication and circulation of written materials.

59. The competent authority at the Ministry of Information issued a number of recommendations regarding the papers. Mr. Al-Singace was notified that if he wished to print and publish them, he must correct and amend them taking account of the following comments:

(a) He used some phrases that confined the population of Bahrain to a single sect by focusing on its own words and meanings, which negatively affected national unity;

(b) He used many indecent and inappropriate phrases in circulation and elaborated on them, which was contrary to regulations and laws and to public morals, customs and traditions;

(c) He reviewed many proverbs and their explanations, which he claimed were local proverbs, without referring to the sources or the linguistic references on which he relied, explaining them personally, which represents a tampering with folklore, which is inconsistent with article 69 of the Copyright Law;

(d) He used some sentences with political and religious projections that do not have a logical context within the narration sequence contained in the papers.

60. The authorities allowed Mr Al-Singace to receive the papers he had written after receiving the comments of the Government and being told to abide by them if he wanted to publish the papers.

61. As part of the follow-up, on 27 March 2022, the investigator from the Office of the Independent Ombudsman held an interview with Mr. Al-Singace that was video recorded and in the presence of representatives of the reform and rehabilitation centre where he receives medical care, to inform him of the latest updates regarding his papers and the notes on them, which the investigator handed over to him. However, Mr. Al-Singace first refused to have the interview recorded, which is standard procedure when interviewing inmates while taking their statements or grievances. He refused to check or sign the attached notes. He later changed his mind and asked to be read the notes, but he refused to sign them and receive his writings.

62. In consideration of Mr. Al-Singace's psychological state, the investigator left the papers in the room in case Mr. Al-Singace changed his mind. However, Mr. Al-Singace insisted on his position and went out of the room carrying the papers and placed them in the clinic's corridor. The investigator returned to the room in an attempt to convince Mr Al-Singace to receive the papers, but he refused. The investigator therefore returned them to the representatives of the reform and rehabilitation centre to ensure that they would not be lost or damaged. The public prosecutor's office was notified of this. Mr. Al-Singace was notified that his papers were available and could be handed over to him at any time if he so requested.

Further comments from the source

63. On 23 January 2023, the reply of the Government was transmitted to the source for further comments, which the source submitted on 2 February 2023.

64. The source reiterates that Mr. Al-Singace's detention is arbitrary under categories I, II, II and V and makes a number of submissions set out below.

65. The Government does not address the issues of his warrantless arrest, enforced disappearance, severe torture, solitary confinement and forced confession.

66. The charges against Mr. Al-Singace, which include attempting to overthrow the Government and "public disorder and threatening safety and security in the country", were brought only for his participation in the peaceful pro-democracy protests in 2011 and no substantial proof or evidence was presented for these claims.

67. The Government's submission on Mr. Al-Singace's contact with his lawyer is misleading. In this context, the source clarifies that Mr. Al-Singace was denied legal counsel during interrogation. Mr. Al-Singace was presented to the public prosecutor twice, but his lawyer was only allowed to accompany him once and not allowed to speak. He was only assigned a lawyer for the second session of his trial. He was only able to talk to his lawyer after the trials. However, their conversations were not private and police officers would be present and interject.

68. The Government has not supported its claim that Mr. Al-Singace is being provided with the required medical care. The source reiterates that the authorities are still denying him medical care, including medication and medical tests. Mr. Al-Singace, who has been on hunger strike for a year and a half, since 8 July 2021, has stated that this practice has not ended and his health continues to deteriorate. Moreover, with regard to his hunger strike, the authorities claim that they are providing him with the required nutrients intravenously. The source submits that the Government ignores the reasons behind his hunger strike, which is to protest about his maltreatment and the confiscation of his writings. The source refers to various medical issues that are pending without proper diagnosis or treatment and that his medication is being delayed, noting that these actions are an apparent attempt to pressure him to end his hunger strike.

69. Mr. Al-Singace is not allowed regular telephone calls. Long periods of time pass without him being allowed to make a single call. When he is allowed a telephone call, officers inform him of the date and duration of the call.

70. While the source accepts that Mr. Al-Singace receives regular visits from doctors, the Government ignores the fact that his prescriptions and his medicines are changed without the doctor who initially prescribed the medication being consulted. When Mr. Al-Singace requests an appointment with a specialist who could examine him and prescribe the required medicine, the doctor tells him that his concerns will be raised to the Ministry of the Interior. That contradicts the Government's response that the Ministry of Health is responsible.

71. The Government falsely claims that when Mr. Al-Singace was visited by the Ombudsman, he refused to have the interview recorded. The source states that he only asked that his family be provided with a copy of the recording. When the officer indicated that this was not possible, as the recording was the property of the Ministry of the Interior, he agreed to the meeting being recorded. The source also rebuts the Government's claims that Mr. Al-Singace's writings were left in the clinic's hallway outside his room and that the investigator attempted to convince him to take them. If the authorities had reviewed the writings and were ready to return them to him, why did they not give the writings to Mr. Al-Singace's family, as he requested from the beginning? The source reiterates that Mr. Al-Singace does not intend to publish these writings. Further, the Government has still not met his request that his writings be given to his family.

72. The Government falsely claims that Mr. Al-Singace's writings include offensive and sectarian phrases that restrict Bahraini people to a single sect. The content of the writings is purely cultural. The Government seeks to distort the content of the writings and Mr. Al-Singace's reputation as a reprisal for his activism and dissent. Mr. Al-Singace is a respected academic who knows how to conduct scientific research. In 2022, he received the prestigious Pinter International Writer of Courage Award from English PEN.

Discussion

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

74. In determining whether Mr. Al-Singace's deprivation of liberty is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has presented a prima facie case for a 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. Mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source's allegations.²

Category I

75. The source submits that Mr. Al-Singace was arrested at gunpoint and that he was neither presented with a warrant, informed of the reason for his arrest nor promptly presented before a judicial authority. The Government does not respond to these allegations.

76. International law on detention includes the right to be presented with an arrest warrant (or equivalent), except in cases where the arrest is made in flagrante delicto, to ensure the exercise of effective control by a competent, independent and impartial judicial authority, which is procedurally inherent in the right to liberty and security and the prohibition of arbitrary deprivation under articles 3 and 9 of the Universal Declaration of Human Rights and article 9 (1) of the Covenant, as well as principles 2, 4 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The Working Group reiterates that any deprivation of liberty without, as in the present case, a valid arrest warrant issued by a competent, independent and impartial judicial authority is contrary to article 9 (1) of the Covenant and lacks a legal basis.

77. The Working Group also notes the circumstances surrounding Mr. Al-Singace's arrest: the arresting forces reportedly insulted him and his family, mistreated his family

² [A/HRC/19/57](#), para. 68.

members, took his personal belongings, including documents, laptops, passport and wallet, and destroyed some items in his house. He was blindfolded, handcuffed and thrown into the back of a car with masked commando forces who pinned him down with their legs and pointed their weapons at him, while officers put on music and clapped as he was taken to an unknown location. In the Working Group's view, these circumstances serve to compound the illegality of his arrest and the arbitrariness of his detention.

78. Following his arrest on 17 March 2011, it would appear that on 8 June 2011, Mr. Al-Singace was taken to the first session of his military court trial. The Government does not address the issue of when Mr. Al-Singace was first brought before a judicial authority. According to article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge is to be brought promptly before a judicial authority. 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. The Working Group notes that the information provided indicates that Mr. Al-Singace was not brought before a judicial authority within 48 hours of his arrest, in violation of article 9 (3) of the Covenant.

79. While the source does not make the specific argument, the Working Group reiterates that it is a well-established norm of international law that pretrial detention should be the exception and not the rule and should be ordered for the shortest time possible. Put differently, liberty is recognized under article 9 (3) of the Covenant as the core consideration, with detention merely as an exception. Detention pending trial must thus be based on an individualized determination that it is reasonable and necessary for such purposes as to prevent flight, interference with evidence or the recurrence of a crime. In the present case, the Working Group concludes that an individualized determination of Mr. Al-Singace's circumstances was absent. As a result, his detention lacked a legal basis and was ordered in violation of article 9 (3) of the Covenant.

80. The source submits that Mr. Al-Singace was subjected to enforced disappearance after his arrest, as he was deprived of liberty against his will by government officials, who failed to disclose his fate and whereabouts. During the two-week period in question he was subjected to torture, blindfolded, hooded and held in solitary confinement. Mr. Al-Singace was unable to contact his family or his lawyer, who did not know his whereabouts. The Working Group thus finds that he was subjected to enforced disappearance, in contravention of articles 9 and 14 of the Covenant. Enforced disappearances are prohibited by international law and constitute a particularly aggravated form of arbitrary detention.³

81. The Working Group has also 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. In the circumstances of Mr. Al-Singace's pretrial detention, he was unable to challenge the lawfulness of his detention before a court and, as such, his rights under article 9 (4) of the Covenant were violated. Consequently, his rights to an effective remedy under article 8 of the Universal Declaration of Human Rights and article 2 (3) of the Covenant were also violated. He was also placed outside the protection of the law, in violation of his right to be recognized as a person before the law under article 6 of the Universal Declaration of Human Rights and article 16 of the Covenant.

82. After two weeks of detention, the source submits that Mr. Al-Singace was allowed a 90-second telephone call with his family, during which he was prevented from informing them of his location, which he himself did not know at the time. He only reassured them that he was still alive. Failure to acknowledge where a detainee is being held and to deny the family and lawyers access to the detainee is akin to incommunicado detention. Regrettably, the Government does not explain this aspect of the complaint in its response.

³ See Human Rights Committee, general comment No. 35, para. 17, and opinions No. 5/2020, para. 74; No. 6/2020, para. 43; and No. 11/2020, para. 41.

83. While the Government has responded that Mr. Al-Singace's right to make phone calls was respected, the source reiterates in its further submissions that he was not allowed regular calls. The source also submits that Mr. Al-Singace was then prevented from contacting his family during the whole duration of his pretrial detention. While the Government states that he has been visited 23 times by his family since January 2022, the Working Group observes that Mr. Al-Singace was arrested in 2011 and the Government's response does not address the specific issue of the exclusion of family visitation during pretrial detention. For this reason, the Working Group is inclined to accept the undisputed position as narrated by the source.

84. The source submits that Mr. Al-Singace was only able to meet his family and lawyer after the issuance of the judgment and that these visits were not private. The Working Group recalls that the rights of any detainee to communicate with the outside world, and be visited by family, are fundamental safeguards against any attempts by the authorities to violate his or her human rights, including by torture or any other ill-treatment and enforced disappearance. The Human Rights Committee has observed that giving prompt and regular access to family members, as well as independent medical personnel and lawyers, is an essential and necessary safeguard for the prevention of torture and for protection against arbitrary detention and infringement of personal security. The Working Group therefore finds that the denial of the rights of Mr. Al-Singace to be visited by and to correspond with his family and to be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions, as specified by law or lawful regulations, is contrary to principles 15 and 19 of the Body of Principles and rules 43 (3) and 58 (1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

85. Based on the foregoing, the Working Group finds that the Government failed to establish a legal basis for Mr. Al-Singace's detention, thus rendering his detention arbitrary under category I.

Category II

86. According to the source, Mr. Al-Singace had been active in the 2011 pro-democracy demonstrations which erupted a month before his arrest. He had been tried and convicted alongside 12 other prominent activists, who had all been arrested in connection with their role in the demonstrations. As such, the source submits that Mr. Al-Singace's arbitrary detention is a direct result of him practising his right to freedom of expression and of assembly.

87. The Government submits that these individuals were not charged with all their human rights activities or political activities but with acts that constituted crimes under the law and it refers to "crimes of assault on lives and property". In its rebuttal, the source clarifies that while the Government mentions that the charges against Mr. Al-Singace included attempting to overthrow the government and "public disorder and threatening safety and security in the country", these charges were brought against him only for his participation in the peaceful pro-democracy protests in 2011, and that no substantial proof or evidence of these claims was presented.

88. The Working Group recalls that in 2018, the Human Rights Committee expressed concerns about the "serious restrictions imposed on freedom of expression and the large number of arrests and prosecutions of individuals criticizing State authorities or political figures".⁴ Referencing a wide range of broad and vague provisions in the Criminal Code of Bahrain, the Committee noted that Bahrain "regularly avails itself of legal provisions making assemblies illegal to disperse protests violently" and make arrests.⁵ The Working Group recalls that the Human Rights Committee has recognized freedom of expression as essential for the full development of an individual and, in its general comment No. 34 (2011), it described this right as an indispensable element of democratic society and "the vehicle for the exchange and development of ideas". Included in this freedom, according to the

⁴ CCPR/C/BHR/CO/1, para. 53.

⁵ Ibid., para. 55.

Committee, is “the right of individuals to criticize or openly and publicly evaluate their Governments without fear of interference or punishment”.⁶

89. The Working Group considers that by participating in a peaceful pro-democracy protest, Mr. Al-Singace was exercising his right to freedom of opinion and expression, which protects the holding and expression of opinions, including those which are critical of, or not in line with, government policy. He was also exercising his right to peaceful assembly and association with other like-minded individuals involved in the protests. The source has presented a prima facie case that the permissible restrictions on the rights exercised by Mr. Al-Singace, as set out in articles 19 (3), 21 and 22 (2) of the Covenant, do not apply here. The Working Group finds that Mr. Al-Singace was detained for the peaceful exercise of his rights under articles 19 and 20 of the Universal Declaration and articles 19, 21 and 22 of the Covenant. The Working Group refers the case to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

90. The imprisonment of human rights defenders for speech-related reasons is subject to heightened scrutiny. The Working Group has recognized the necessity to “subject interventions against individuals who may qualify as human rights defenders to particularly intense review”.⁷ This heightened standard of review by international bodies is especially appropriate where there is a pattern of harassment by national authorities targeting such individuals. In that regard the Working Group notes with concern the source’s submissions on Mr. Al-Singace’s previous arrests. The Working Group refers the case to the Special Rapporteur on the situation of human rights defenders.

91. The Working Group thus finds that the detention of Mr. Al-Singace was arbitrary under category II.

Category III

92. Given its finding that Mr. Al-Singace’s detention was arbitrary under category II, the Working Group emphasizes that no trial should have taken place. However, Mr. Al-Singace was tried and sentenced to life imprisonment on 22 June 2011 on the charge of attempting to overthrow the Government. That sentence was upheld on 7 January 2013.

93. The source contends that the detention of Mr. Al-Singace was arbitrary under category III because he was not permitted to contact his lawyer following his arrest and throughout the interrogation period, nor was he permitted to meet with his lawyer to prepare for any of the trials. The source adds that he was tortured during interrogation, which took place without the presence of a lawyer.

94. The Government submits that all legal guarantees prescribed for the accused were provided and due process followed from the beginning of the investigation by the military prosecution until the issuance of the final verdict, noting that he was able to meet with his lawyer in private. The source rebuts this claim, reiterating that he was denied legal counsel and was therefore interrogated without the presence of his lawyer. It further submits that he was presented to the public prosecutor twice and his lawyer was only allowed to be present on one occasion and was not allowed to speak. Mr. Al-Singace was only assigned a lawyer for the second session of his trial. He was unable to talk to his lawyer, except after the trials, and these visits were not private, because police officers would be present and interfere in the talks between them.

95. In the light of its detailed submissions, the Working Group considers that the source has established that Mr. Al-Singace did not have access to a lawyer from the outset of his detention, as well as at other key stages, including during his interrogation. The Working Group recalls that all persons deprived of their liberty have the right to legal assistance by a counsel of their choice at any time during their detention, including immediately after their apprehension, and such access is to be provided without delay. As a result, the Working Group finds that his right to prompt recourse to an effective legal counsel was denied, in

⁶ *Marques de Morais v. Angola* (CCPR/C/83/D/1128/2002), para. 6.7.

⁷ Opinion No. 65/2022, para. 103.

violation of article 10 of the Universal Declaration of Human Rights and article 14 (1) and (3) (b) and (d) of the Covenant.

96. The Working Group recalls Human Rights Committee general comment No. 32 (2007), according to which a detainee has the right to have prompt access to legal counsel and that a lawyer is granted the right to have private communication and meetings with the detainee and to attend all proceedings without interference or restrictions. In addition, a detainee is to have access to effective counsel. The effectiveness of legal counsel is fundamentally related to the principle of equality of arms, as enshrined in article 11 of the Universal Declaration of Human Rights and article 14 of the Covenant, which enshrines the right to have adequate time and facilities for the preparation of one's defence and to communicate with a counsel of one's own choosing.

97. The source submits that Mr. Al-Singace, a civilian, was tried by the military National Safety Court, which is considered a severe violation of fair trial rights and standards. The Government in its response states that all verdicts handed down by the national safety and military courts were retried before regular courts. It also submits that all legal guarantees prescribed for the accused were provided and due process was followed from the beginning of the investigation by the military prosecution until the issuance of the last verdict against him, including legal access.

98. The Working Group considers that military tribunals are competent to try only military personnel for military offences and must not try civilians under any circumstances, whatever the charges. As the Working Group has consistently held in its jurisprudence, a tribunal composed of military personnel cannot be considered a competent, independent and impartial tribunal, as required under international human rights law.⁸ Trials of civilians and the placing of civilians in preventive detention by military courts are in violation of the Covenant, as confirmed by the jurisprudence of the Working Group.⁹ The Working Group also recalls Human Rights Committee general comment No. 32 (2007), in which the Committee stated that: "Trials of civilians by military or special courts should be exceptional, namely limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where, with regard to the specific class of individuals and offences at issue, the regular civilian courts are unable to undertake the trials."¹⁰ Accordingly, the trial of Mr. Al-Singace before the National Safety Court, a military court, violated his right to a fair hearing by an independent and impartial tribunal under article 10 of the Universal Declaration of Human Rights and article 14 (1) of the Covenant.¹¹

99. The source also submits that fair trial violations persisted during the appeal of the case before the civilian courts, for which Mr. Al-Singace was unable to prepare with his lawyer, and that his torture in detention was not taken into consideration during the trial. The Government responds to the allegations of torture by noting that the Special Investigation Unit received from the Office of the Attorney General a complaint from Amnesty International that included allegations that Mr. Al-Singace had been subjected to torture and ill-treatment while serving his sentence, without details about how or when he was tortured or ill-treated. The source accepts the Government's submission that Mr. Al-Singace refused to meet with individuals from the Office of the Ombudsman or the Special Investigation Unit and points out in its further submissions that the Government does not address the reasons why he refused to meet with them. It explains that this was because when he met with them previously, they distorted his words, claiming that he said that he was fine, comfortable and content with the Government's efforts instead of reporting what he actually said.

100. The source adds that, according to Mr. Al-Singace, the Ombudsman and the Special Investigation Unit do not accurately present what happened to him in prison. Although he

⁸ A/HRC/27/48, paras. 66–71 and 85–86. See also, for example, opinions No. 56/2017, para. 58; No. 3/2018, para. 57; No. 73/2018, para. 61; No. 4/2019, para. 58; and No. 46/2019, para. 66.

⁹ A/HRC/27/48, paras. 66–71. See also opinions No. 66/2019, No. 48/2020, No. 1/2021, No. 3/2021, No. 8/2021 and No. 10/2021.

¹⁰ Para. 22.

¹¹ Opinions No. 6/2012, para. 45, and No. 59/2019, paras. 73–74.

had previously raised multiple complaints, this had had no effect. The Working Group observes that this is consistent with concerns it has previously raised about the independence and effectiveness of the Special Investigation Unit.¹² In its concluding observations in 2017, the Committee against Torture noted that the investigative bodies of Bahrain, including the Special Investigation Unit, were not independent or effective. The Committee noted that since their establishment in 2012, the Ombudsman and the Special Investigation Unit had had little or no effect and that the authorities had provided negligible information regarding the outcome of their activities.¹³

101. The Working Group is also alarmed by the litany of mistreatment reportedly faced by Mr. Al-Singace in detention: being forced to sleep on the ground, denied hygiene products, not allowed his spectacles or crutches in his cell and sleep deprivation. It is submitted that he was taken blindfolded and hooded to interrogations where he was beaten, threatened and sexually assaulted. He was also allegedly slapped and beaten on the head with a baton in retaliation for raising a complaint. Noting his conditions of detention, the Working Group recalls rules 13, 21 and 23 (1) of the Nelson Mandela Rules.¹⁴

102. Moreover, the source submits, and the Government does not deny, that Mr. Al-Singace was held in solitary confinement for two months. According to rule 45 of the Nelson Mandela Rules, solitary confinement must only be used in exceptional cases as a last resort, for as short a time as possible, subject to independent review and authorized by a competent authority. Prolonged solitary confinement in excess of 15 consecutive days is prohibited under rules 43 (1) (b), 44 and 45 of the Nelson Mandela Rules. The Working Group recalls that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has deemed that prolonged solitary confinement in excess of 15 days, whereby some of the harmful psychological effects of isolation can become irreversible, may amount to torture as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

103. The Working Group thus considers that the source has presented a credible prima facie case that Mr. Al-Singace suffered torture and ill-treatment. The alleged conduct is contrary to article 5 of the Universal Declaration of Human Rights and article 7 of the Covenant. Noting the source's detailed submissions on the denial of medical care, the Working Group recalls that the denial of medical care can constitute a form of torture.¹⁵ Given the serious allegations of torture and ill-treatment, the Working Group refers the present case to the Special Rapporteur on torture. Taking these factors into account, the Working Group finds that the violations linked to Mr. Al-Singace's conditions of detention significantly undermined his ability to properly defend himself. 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 for a trial that respects the equality of both parties before the judicial proceedings, that amounts to a fair trial violation.¹⁶

104. The Working Group thus finds that the violations of Mr. Al-Singace's fair trial rights are of such gravity as to render his detention arbitrary under category III.

Category V

105. The Working Group has already established that the arrest and detention of Mr. Al-Singace resulted from the exercise of his rights under international law and thus constituted a violation under category II. The Working Group recalls that, when detention has resulted from the active exercise of civil and political rights, there is a strong presumption that the deprivation of liberty also constitutes a violation of international law based on political and other views. The source submits that Mr. Al-Singace was targeted by the authorities because of his human rights activism, as evidenced by his prior arrests, detention and torture in 2009

¹² Opinions No. 4/2021, para. 72, and No. 49/2022, para. 97.

¹³ CAT/C/BHR/CO/2-3, para. 28.

¹⁴ See opinion No. 54/2022.

¹⁵ A/HRC/38/36, para. 18, and opinions No. 20/2022 and No. 65/2022.

¹⁶ Opinions No. 59/2019, para. 69, and No. 65/2022, para. 11.

and 2010. The Working Group considers that the events preceding Mr. Al-Singace's arrest clearly demonstrate a pattern of attitude displayed by the authorities towards him in relation to his peaceful exercise of fundamental rights, which ultimately culminated in his further arrest and detention.

106. The Working Group recalls that since 2010, Mr. Al-Singace has been the subject of several communications by special procedure mandate holders.¹⁷ His case was included in the 2011, 2012, 2021 and 2022 reports of the Secretary-General on cooperation with the United Nations in the field of human rights regarding various allegations of acts of reprisal due to his engagement with a number of United Nations mechanisms, including the universal periodic review and the treaty bodies.¹⁸ In its initial concluding observations, the Committee on Economic, Social and Cultural Rights, expressed concerns about reports of harassment, intimidation and reprisals against human rights defenders, including Mr. Al-Singace.¹⁹

107. The Working Group thus concludes that Mr. Al-Singace was deprived of his liberty on discriminatory grounds, namely his political or other opinions, contrary to articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 (1) and 26 of the Covenant. His detention is arbitrary and falls within category V.

Concluding remarks

108. The Working Group is gravely concerned for the well-being of Mr. Al-Singace who has been on hunger strike since July 2022 to protest against his mistreatment in detention and the confiscation of his manuscript. While the Government maintains that his health is stable and that "he is in full consciousness", the source details numerous health issues he faces that indicate his deteriorating health. In November 2021, a number of special procedure mandate holders expressed concerns about the deteriorating health of Mr. Al-Singace following his commencement of a hunger strike in July 2021.²⁰

109. Mr. Al-Singace is a human rights defender who has advocated for human rights in Bahrain at both the domestic and international levels. He has received international recognition and awards for his work and writing. The Working Group is obliged to remind the Government of its obligation under article 10 (1) of the Covenant and rules 1, 24, 27 and 118 of the Nelson Mandela Rules 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 available in the community.

110. Mr. Al-Singace is currently 61 years old and has been arbitrarily detained for various periods over the past 12 years. The Working Group recalls that States should treat detainees over 60 years of age and those with underlying health conditions as vulnerable to the coronavirus disease (COVID-19) pandemic, refraining from holding them in facilities where the risk to their life is heightened and implementing early release schemes whenever possible.²¹ The Working Group urges the Government to immediately and unconditionally release him and to ensure that he receives the medical attention he requires. The Working Group refers the case to the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

111. The Working Group notes the differing version of events put forward by both parties in relation to Mr. Al-Singace's manuscript. It recalls that the right to freedom of expression protected under article 19 (2) of the Covenant includes cultural and artistic expression and religious discourse.²² As the Human Rights Committee has stated, that right also encompasses expression that may be regarded as deeply offensive.²³ Based on its overall

¹⁷ BHR 17/2011, BHR 18/2011, BHR 5/2014, BHR 5/2016, BHR 1/2019 and BHR 2/2021. See also the Government's replies on 23 September 2011, 22 September 2016, 1 November 2019, 28 June 2021 and 1 February 2022.

¹⁸ See [A/HRC/18/19](#), [A/HRC/21/18](#), [A/HRC/48/28](#) and [A/HRC/51/47](#).

¹⁹ [E/C.12/BHR/CO/1](#), paras 8–9.

²⁰ BHR 4/2021.

²¹ Deliberation No. 11 ([A/HRC/45/16](#), annex II), paras. 15–16.

²² Human Rights Committee, general comment No. 34 (2011), para. 11.

²³ *Ibid.*

findings, the Working Group calls on the Government to take measures to reverse or otherwise redress any prejudice that Mr. Al-Singace suffers in that regard and allow him to pass on the manuscript to his family.

112. The present case follows the pattern of numerous other cases brought before the Working Group in recent years concerning the arbitrary deprivation of liberty in Bahrain.²⁴ 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 confessions, 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.²⁵

113. The Working Group would welcome the opportunity to conduct a country visit to Bahrain. It last visited Bahrain in October 2001 and considers that it is now an appropriate time to conduct another visit.

Disposition

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

The deprivation of liberty of Abduljalil Abdulla Yusuf Ahmed Al-Singace, being in contravention of articles 2, 3, 5–11, 19 and 20 of the Universal Declaration of Human Rights and articles 2, 7, 9, 14, 16, 19, 21, 22 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II, III and V.

115. The Working Group requests the Government of Bahrain to take the steps necessary to remedy the situation of Mr. Al-Singace 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.

116. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Al-Singace and accord him an enforceable right to compensation and other reparations, in accordance with international law.

117. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Al-Singace and to take appropriate measures against those responsible for the violation of his rights.

118. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on torture, the Special Rapporteur on freedom of expression, the Special Rapporteur on freedom of peaceful assembly and of association, the Special Rapporteur on human rights defenders and the Special Rapporteur on health.

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

Follow-up procedure

120. 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. Al-Singace has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. Al-Singace;
- (c) Whether an investigation has been conducted into the violations of Mr. Al-Singace's rights and, if so, the outcome of the investigation;

²⁴ See, for example, opinions No. 31/2019, No. 59/2019, No. 73/2019, No. 5/2020, No. 41/2020 and No. 87/2020.

²⁵ Opinion No. 47/2012, para. 22.

(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.

121. 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.

122. 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.

123. 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.²⁶

[Adopted on 27 March 2023]

²⁶ See Human Rights Council resolution 51/8, paras. 6 and 9.