

URGENT ACTION

DEPORTED BAHRAINI AT RISK OF ILL-TREATMENT

On 20 October 2018, Ali Mohamed al-Showaikh was deported from the Netherlands and arrested upon arrival at Bahrain International Airport. For more than ten weeks since, he has been held without access to an attorney while the Public Prosecution's terrorism unit proceeds with charges against him. There are strong reasons to fear he has been subjected to ill-treatment.

On 20 October 2018, 27-year-old **Ali Mohamed al-Showaikh** was expelled by the Dutch authorities to Bahrain, despite the fact that he still had a valid passport and had stated his willingness to leave the Netherlands for any country other than Bahrain, where he believed he would be in danger of persecution. Ali was arrested upon arrival at Bahrain International Airport and was taken to the Criminal Investigations Directorate (CID) for interrogation. The CID authorities held him for 11 days before transferring him to Dry Dock Detention Centre in Manama, Bahrain's capital. During this time, Ali was brought before the Public Prosecution's terrorism unit, accused of various terrorism-related charges, and signed a confession under pressure. At no point was he allowed to see an attorney.

On 4 November, Ali Mohamed al-Showaikh's family was permitted to visit him for the first time at Dry Dock prison. The same day, Ali's lawyer asked the Public Prosecutor's Office (PPO) to be informed of any developments about the case in accordance with the Code of Criminal Procedure. However, for over two months Bahraini authorities did not inform Ali's attorney of interrogations, transfers, appearances before the PPO or any other developments in his case. On 27 November Ali was brought again before the PPO terrorism unit without his lawyer present, and his pre-trial detention was extended. On 27 December he was brought before the PPO a third time. This time his lawyer was allowed to be present, but not to meet in private with Ali or see any documents. Ali's pre-trial detention was extended for another month with no opportunity to contest the order in court.

Please write immediately in Arabic or English:

- Urging the Bahraini authorities to release Ali Mohamed al-Showaikh unless he is promptly charged before a court with a recognizable criminal offence, in accordance with international law and standards;
- Grant Ali Mohamed al-Showaikh immediate and unimpeded access to his lawyer and adequate facilities to prepare a defence, including access to all evidence held by the prosecution;
- Calling on them to ensure that pending his release, he is protected from torture and other ill-treatment.

PLEASE SEND APPEALS BEFORE 13 FEBRUARY 2019 TO:

King

Shaikh Hamad bin 'Issa Al Khalifa
Office of His Majesty the King
P.O. Box 555
Rifa'a Palace, al-Manama, Bahrain
Fax: +973 1766 4587

Salutation: Your Majesty

Minister of Justice and Islamic Affairs

Shaikh Khalid bin Ali Al Khalifa
Ministry of Justice and Islamic Affairs
P. O. Box 450, al-Manama, Bahrain
Fax: +973 1753 1284
E-form: <http://www.moj.gov.bh/en/>
Twitter: @Khaled_Bin_Ali

Salutation: Your Excellency

And copies to:

Minister of Interior
Shaikh Rashid bin 'Abdullah Al Khalifa
Ministry of Interior
P.O. Box 13, al-Manama, Bahrain
Fax: +973 1723 2661
Twitter: @moj_Bahrain

Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. His Excellency Shaikh Fawaz bin Mohammed Al Khalifa, Embassy of the Kingdom of Bahrain, 30 Belgrave Square, London, SW1X 8QB, Tel: 0207 201 9170, Fax 020 7201 9183, Email: information@bahrainembassy.co.uk or through the online contact form at <http://www.bahrainembassy.co.uk/>
Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Ali Mohamed al-Showaikh worked at Sadad, an electronic money-transfer service. In 2011, at the beginning of the Bahrain uprising, he participated in at least one demonstration on the Pearl Roundabout, after which he did not get involved in the events that engulfed the country.

Ali emigrated from Bahrain in February 2017 when he learned that he was being accused of sheltering fugitives, going first to Iran, and in October travelled to the Netherlands where he sought asylum. In October 2018 Dutch authorities rejected his asylum claim, finding that he had not proved he would be in danger of persecution if returned to Bahrain, and detained him in Rotterdam. Having handed over his passport for safe-keeping at the Dutch asylum-seekers camp where he was living, Ali was unable to freely leave the Netherlands and was forcefully returned to Bahrain on 20 October instead. The Dutch authorities did not look into other options such as allowing Ali to travel to a third country. Instead they aggressively pursued forcible return to Bahrain, although Bahrain has a known record of detaining dissidents upon arrival at Manama International Airport.

The terrorism unit of the Public Prosecution Office was established by Decree No. 68 of 2014. It operates under special procedures separate from those of regular criminal cases, which include the power to authorize detention for up to six months without a judicial order. It operates under the exceptionally broad definition of “terrorism” put forth by the counterterrorism law (No. 58 of 2006), which encompasses crimes “infring[ing] on public order,” “damag[ing] ... the national economy,” “harming national security,” etc.

The Netherlands is bound by the principle of non-refoulement, which prohibits the transfer of persons to any country or jurisdiction where they would face a real risk of serious human rights violations. This principle is protected in numerous international instruments, and has achieved the status of customary international law, binding on all states regardless of whether they have ratified the relevant treaties. The forcible return of persons to a country where they could face torture and other ill-treatment would also constitute a violation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Netherlands is a state party.