

URGENT ACTION

TRIAL OF TWO BOYS STARTS IN BAHRAIN

Two children and three male adults continue to be held in a prison in Bahrain after they participated in a protest in July. Their trial before the High Criminal Court in Manama started on 16 October.

On 16 October, **Jehad Sadeq Aziz Salman** (16), **Ebrahim Ahmed Radi al-Moqdad** (15), **Naser Saeed Hassan** (20) and **Hassan Abdul Jalil al-Ekri** (20) appeared before the High Criminal Court in Manama, the capital of Bahrain, for the first time, together with **Sadeq Jalil Ibrahim al-Haiki**. Their charges under articles of the Bahrain Penal Code and the 2006 anti-terrorist law include "intending to murder", "burning a police car", "illegal gathering and rioting", "throwing Molotov cocktails", and "attempting to steal a police car". One of the defendants told the court he had been tortured in detention. Their lawyers are still waiting for the results of a forensic examination and their case has been adjourned to 3 December. All five are still held in the Dry Dock prison in Manama.

The age of criminal responsibility in Bahraini law is 15 years old. However, as Jehad Sadeq Aziz Salman and Ebrahim Ahmed Radi al-Moqdad are under 18, they are children and should be treated in accordance with the rules and principles of juvenile justice. The Committee on the Rights of the Child has stated that "every person under the age of 18 years at the time of the alleged commission of an offence must be treated in accordance with the rules of juvenile justice". Principles of juvenile justice include: detention or imprisonment only as a measure of last resort – under regular review and for the shortest appropriate time and a commitment to the use of alternatives to detention whenever possible; prohibition of solitary confinement; separation of children in detention facilities from adult detainees; no life imprisonment without the possibility of release in connection with offences committed while under 18; attention to the particular needs of children in custody; and an emphasis on reformation and social rehabilitation of child prisoners.

Please write immediately in English or Arabic:

- Expressing concern that Jehad Sadeq Aziz Salman and Ebrahim Ahmed Radi al-Moqdad are being treated as adults despite being under the age of 18, and urging the authorities to ensure that they are treated in accordance with the rules of juvenile justice;
- Urging the authorities to protect all five detainees from torture and other ill-treatment, ensuring that their allegations of torture are independently investigated and that statements obtained through the use of torture or other ill-treatment are not accepted in any proceedings.

PLEASE SEND APPEALS BEFORE 19 DECEMBER 2012 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 Interior
Shaikh Rashid bin 'Abdullah Al Khalifa
Ministry of Interior
P.O. Box 13, al-Manama, Bahrain
Fax: +973 1723 2661
Twitter: @moi_Bahrain
Salutation: Your Excellency

And copies to:
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
Email via website:
<http://www.moj.gov.bh/en/default76a7.html?action=category&ID=159>
Twitter: @Khaled_Bin_Ali
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the first update of UA 236/12. Further information:

<http://amnesty.org/en/library/info/MDE11/049/2012/en>.

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ADDITIONAL INFORMATION

The Bahraini authorities have publicly stated their intention to introduce reforms and learn lessons from events in February and March 2011, when they cracked down on anti-government protesters. In November 2011, the Bahrain Independent Commission of Inquiry (BICI) submitted a report, which concluded that the authorities had committed gross human rights violations with impunity. Despite the authorities' claims to the contrary, abuses continue to be committed against those who oppose the Al Khalifa family's rule.

The two children and the three male adults were arrested on 23 July during an anti-government protest in Bilad al-Qadeem, west of Manama. After their arrest, they were taken to a police station in Gudaibiya neighbourhood in Manama, then to the Criminal Investigation Department for interrogation (at which a lawyer was not present) before being taken to the Public Prosecutor Office for further questioning. They were only allowed to contact their families nearly 48 hours after their arrest to inform them where they were being held. When the two children finally saw their families they told them they had been beaten in detention.

Article 15 of the Convention on the Rights of the Child (CRC), to which Bahrain is a state party, states: 1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly. 2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 37 of CRC states that: States Parties shall ensure that: (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Furthermore, Article 40 also states: 2(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed; 2(b)(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence and 2 (b)(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality.

An 11-year-old boy, Ali Hassan, was also arrested in Bahrain in May 2012. He was released on 5 July after a Juvenile Court convicted him on charges of "participating with others in an illegal gathering of more than five people, in order to disturb public security by way of violence" under articles purporting to the Juvenile Laws and Articles 178 and 179 of Bahrain's Penal Code. He was sentenced to remain under supervision for a year, during which he would be assessed every six months by social workers. Further information: MDE 11/043/2012, www.amnesty.org/en/library/info/MDE11/043/2012/en

Name: Jihad Sadeq Aziz Salman, Ebrahim Ahmed Radi al-Moqdad, Naser Saeed Hassan, Hassan Abdul Jalil al-Ekri, Sadeq Jalil Ibrahim al-Haiki

Gender m/f: m

Further information on UA: 236/12 Index: MDE 11/064/2012 Issue Date: 7 November 2012