

URGENT ACTION

FORCIBLY DISAPPEARED BAHRAINI FACES MILITARY TRIAL

On 9 May, Fadhel Sayed Abbas Hasan Radhi's case was transferred to a military court. Neither his family nor lawyer have been informed of the charges. Fadhel Sayed has been subjected to enforced disappearance since his arrest in September 2016, and since then remains at risk of torture and other ill treatment.

On 9 May, the Public Prosecution informed **Fadhel Sayed Abbas Hasan Radhi's** family that his case has been transferred to the military court. This is the first case to be heard before a military court since the King of Bahrain ratified a constitutional amendment on 3 April to allow military trials for civilians. As trying civilians under military law could lead to a closed trial or a denial to access a lawyer, it is prohibited by international law. As such, it contravenes fair trial standards. The Public Prosecution has not disclosed to Fadhel Radhi's family or his lawyer what the charges against him are, nor where he is being held.

Fadhel Radhi has been subjected to enforced disappearance since his arrest on 29 September 2016. His family has received only three brief phone calls since. On 28 February, during his last call, his family told Amnesty International that they heard another voice supplying answers to Fadhel Radhi. Amnesty International and Fadhel Radhi's family have made numerous inquiries to the Public Prosecution Office (PPO) and the Ombudsman of the Minister of Interior. They enquired about Fadhel Radhi's fate and whereabouts and what charges he was being held for. On 2 January, Fadhel Radhi's sister was told by the PPO to go home and wait for a call from her brother. She was also informed that he would be brought before the PPO on 24 April. Fadhel Radhi did not call his family until 28 February. The family has never been informed whether he had actually been brought before the PPO on that date.

Without having access to a lawyer and with only negligible phone contact with his family, Fadhel Radhi continues to be at risk of torture and other ill-treatment. Amnesty International is concerned that Fadhel Radhi may have been forced to "confess" during his detention, which may be used as evidence during his trial before the military court.

Please write immediately in Arabic, English or your own language:

- Urging the Bahraini authorities to immediately disclose the fate and whereabouts of Fadhel Sayed Abbas Hasan Radhi as well as the legal basis for his detention and provide him with prompt and regular access to his family, lawyer and any medical attention and ensure that he is protected from torture and other ill-treatment;
- Urging the Bahraini authorities to charge Fadhel Sayed Abbas Hasan Radhi with a recognizable criminal offense, or release him;
- If he is charged with a recognizable criminal offense, urging them to transfer his case to a civilian court that complies with international fair trial standards, excluding evidence obtained under torture and not resorting to the death penalty.

PLEASE SEND APPEALS BEFORE 23 JUNE 2017 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: <http://www.moj.gov.bh/en/>
Twitter: @Khaled_Bin_Ali

Please check with your section office if sending appeals after the above date. This is the first update of UA 30/17. Further information:

<https://www.amnesty.org/en/documents/mde11/5590/2017/en/>

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ADDITIONAL INFORMATION

On 29 September 2016, at around 3 am, Criminal Investigations Directorate (CID) officers arrested Fadhel Sayed Abbas Hasan Radhi, 24, at his family home in Hamad Town, south-west of the capital, Manama. The officers did not inform his family where he was being taken or the grounds for his arrest. The family did not hear from Fadhel Sayed until two weeks later, when he called them for the first time. During that short phone call, Fadhel Radhi told his family that he was being held at the CID and was feeling very tired and unwell. His family did not hear from him again until 10 December 2016 when he called and said he was still at the CID and did not know why he was being held. They received one further phone call from him on 28 February. The call was brief and his family had the impression that he could not speak freely as they heard another voice supplying answers to their questions.

On 3 April, the King of Bahrain ratified a constitutional amendment that allows the trial of civilians before military courts in cases deemed to be a threat to Bahrain's national security or its "independence, sovereignty or integrity" paving the way for grossly unfair trials. For further information see Amnesty International's Public statement: Disastrous move towards patently unfair military trials of civilians, 3 April 2017: <https://www.amnesty.org/en/latest/news/2017/04/bahrain-disastrous-move-towards-patently-unfair-military-trials-of-civilians/>

Amnesty International has documented a similar case to that of Fadhel Sayed Abbas Hasan Radhi. Al-Sayed Alawi Hussain al-Alawi, 43, has been detained without charge or access to his lawyer since his arrest in October 2016. His family have not heard from him since 14 December 2016, nor have they received any information about his whereabouts or well-being. Amnesty International is concerned that like Fadhel Sayed Abbas Hasan Radhi, al-Sayed Alawi Hussain al-Alawi is being subjected to enforced disappearance and is at risk of torture and other ill-treatment. For further information see Amnesty International's Urgent Action: Fate and whereabouts of Bahraini unknown, 27 January 2017: <https://www.amnesty.org/en/documents/mde11/5581/2017/en/>

Amnesty International has documented arbitrary arrests and detentions, and torture and other ill-treatment of detainees, particularly while held in the CID. Amnesty International collected numerous testimonies of detainees alleging that they were forced to sign "confessions", which were then used as evidence against them or to implicate others at trial. Documented methods include beatings, forcing detainees to remain standing for long periods, sleep deprivation and keeping detainees naked.

The right to have access to a lawyer is a fundamental safeguard against torture and other ill-treatment. It is also essential for a fair trial under international human rights standards. It is important to enable detainees to have access to a lawyer in order to enable them to challenge their detention at an early stage and serves as an important safeguard against torture and other ill-treatment, coerced "confessions", enforced disappearance and other human rights violations.

Under international law and standards, anyone who is arrested and detained has the right to inform, or have the authorities notify, someone in the outside world that they have been taken into custody and where they are held. In addition, they should be given all reasonable facilities to communicate with and receive visits from their family. The right for the detainees to communicate with the outside world and to receive visits is a key safeguard against torture and other ill-treatment and other human rights violations. It enables persons concerned about the wellbeing of detainees to see where they are held and their condition so as to be able to intervene on their behalf if there is reason for concern. It is also a key safeguard against enforced disappearances.

Name: Fadhel Sayed Abbas Hasan Radhi, Al-Sayed Alawi Hussain al-Alawi

Gender m/f: all male

Further information on UA: 30/17 Index: MDE 11/6224/2017 Issue Date: 11 May 2017