

URGENT ACTION

JUVENILES SENTENCED IN TRIAL ALONGSIDE ADULTS

Two boys, Jihad Sadeq Aziz Salman and Ebrahim Ahmed Radi al-Moqdad were sentenced to 10 years imprisonment on 4 April 2013. Three male adults were also sentenced to 10 and 15 years' imprisonment.

The High Criminal Court in Manama issued its verdict in the cases of **Jihad Sadeq Aziz Salman** (16), **Ebrahim Ahmed Radi al-Moqdad** (15), **Naser Saeed Hassan** (20), **Hassan Abdul Jalil al-Ekri**, and **Sadeq Khalil Ibrahim al-Haiki**, on 4 April 2013. The two children and Nasser Saeed Hassan each received 10-year sentences and the remaining defendants were sentenced to 10 and 15 years' imprisonment. A sixth individual was convicted *in absentia*. The defendants' families were denied entry to the court room to hear the verdict. The children will be transferred from Dry Dock prison in the capital Manama, to Jaw Prison for adults on the outskirts of the capital. Their lawyers will appeal the verdicts in the coming weeks.

They were convicted under Bahrain Penal Code and Law 59 of 2006 with respect to protection of the community against terrorist acts (anti-terrorism law) for "intending to murder", "burning a police car", "illegal gathering and rioting", "throwing Molotov cocktails", and "attempting to steal a police car". According to one of the children's lawyers their conviction was based on alleged confessions that they had been forced to sign without the presence of a lawyer or a family member, and which they recanted during the trial.

Jihad Sadeq Aziz Salman and Ebrahim Ahmed Radi al-Moqdad are under 18, they are children and should be treated in accordance with international rules and principles for juvenile justice.

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

- Expressing concern that Jihad Sadeq Aziz Salman and Ebrahim Ahmed Radi al-Moqdad were tried as adults despite being under the age of 18;
- Urging the Bahraini authorities to quash the children's verdicts and to order a retrial in a court that adheres to the principle that all children must be tried according to the rules of juvenile justice. They should also be held in a detention facility for juveniles and not with adults;
- Urging the authorities to protect all five prisoners 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 17 MAY 2013 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>
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 third update of UA 236/12. Further information:
<http://amnesty.org/en/library/info/MDE11/007/2013/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 2012 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. The trial started on 16 October 2012, and there have been seven hearings in total. In previous hearings prosecution and defence witnesses were questioned by the court. Prosecution witnesses included several police officers. The defence lawyers complained in previous hearings about inconsistencies in the statements of the prosecution witnesses, as well as inconsistencies in injuries they claimed they sustained. For further information see: *Bahrain: Reform shelved, repression unleashed*, (MDE 11/062/2012, <http://amnesty.org/en/library/info/MDE11/062/2012/en>).

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(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".

Name: Jehad 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 11/009/2013 Issue Date: 05 April 2013