MISSION PERMANENTE DU ROYAUME DU BAHREÏN
AUPRÈS DE L'OFFICE DES NATIONS UNIES
GENÈVE/VIENNE

البعثة الدائمة لمملكة البحرين
لدى الأمم المتحدة
جنيف/فيينا

Geneva, 31 July 2024
1/5- 7361 (an)

The Permanent Mission of the Kingdom of Bahrain to the United Nations Office and other international organizations in Vienna presents its compliments to the Secretariat of the Working Group on Enforced or Involuntary Disappearances, and with reference to the letter of the chair Rapporteur, Ref: G/SO 217/1/BHR, dated 19 June 2024, regarding a request for submission of written information for the Working Group's consideration at its 134th session.

In this regard, the Mission has the honor to attach herewith an explanatory note in reply to the above-mentioned letter.

The Permanent Mission of the Kingdom of Bahrain avails itself of this opportunity to renew to the Secretariat of the Working Group on Enforced or Involuntary Disappearances, the assurance of its highest consideration.



To the Working Group on Enforced or Involuntary Disappearances
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Explanatory note

With reference to the letter received from the Working Group on Enforced Disappearances referring to their letter sent in the year 2018, concerning allegations of enforced disappearances, we would like to firstly reaffirm our commitment to protecting, promoting, and enhancing human rights, both within our borders in internationally. That being said, kindly find our response below.

Initially, it is of great importance to clarify that enforced disappearance is not a phenomenon within our borders. The legal framework and judicial system of the Kingdom ensure that all arrest procedures are conducted in strict accordance with the law, providing comprehensive legal guarantees to individuals. The criminal justice system in is designed to uphold the principles of fairness, due process, and the protection of individual rights. Arrests can only be made upon the presence of warrants, and existence of credible evidence and reasonable suspicion, unless they were caught in the act itself, otherwise an arrest warrant is a must. Once arrested, detainees are promptly informed of the charges against them and are granted access to legal representation and fair trial procedures. Those detainees are guaranteed fair treatment and protection of their safety and human dignity and integrity, whereby their lawyers and family members are aware of their whereabouts during the trial process and by virtue of law, they are able to contact the outside world, without prejudice to the rules and regulations.

That being said, we would like to state that the Kingdom affirms that the Bahraini legal system criminalizes all acts that constitute the crime of enforced disappearance, as the Constitution prohibits in article 19 the arrest, arrest, imprisonment, search, detention, detention or restriction of his freedom of residence or movement except in accordance with the law and judicial supervision. The same article also stipulates that no one may be detained or imprisoned except in the places designated for this purpose in prison laws and subject to judicial control. A person who is subjected to physical or mental torture, enticement or degrading treatment, and the law shall determine the punishment for such acts. Any statement or confession proven to have been made under torture, inducement, treatment, or threats thereof shall also be null and void. In accordance with Article (61) of the Code of Criminal Procedure, no person may be arrested except by order of the competent judicial authorities, and he must be treated in a manner that preserves his dignity and may not be physically or morally harmed, and he has the right to contact his lawyer and his family.

Moreover, we strongly acknowledge the importance of accountability and the rule of law. If any violation of the law, including if any case of alleged enforced disappearance was to occur, the responsible individuals would be subject to legal consequences and held accountable for their actions. The judicial system ensures that complaints and allegations of misconduct are thoroughly investigated and addressed. In addition, our human rights oversight bodies have the mandate of which have the mandate of ensuring the protection of human rights, and are tasked with monitoring prison conditions, investigating complaints, and ensuring adherence to international human rights standards. Their presence guarantees that any misconduct or violation is promptly addressed, and appropriate action is taken. These oversight bodies play a crucial role in maintaining transparency and accountability within our criminal justice system. They provide an avenue for individuals to voice their concerns and seek redress when necessary.

In conclusion, as a responsible member of the global community, we would like to reaffirm our commitment to continue protecting and promoting human rights, both on a regional and international level. Once again, we would like to denote that we refute any allegations suggesting otherwise and wish to assure that perpetrators involved in violations, whether related to alleged enforced disappearances or any other misconduct concerning detainees and detention facilities, will be held fully accountable. Respecting human dignity and upholding international standards are core elements of our criminal justice system. At the time of arrest, strict protocols are followed to ensure the protection of human dignity, such as stating the reasons for arrest, the right to legal representation, inter alia. As for during the investigation process, fair and transparent procedures are followed to gather evidence, and individuals are given the opportunity to present their case and defend themselves against the accusations. After imprisonment, effective measures are put in place to ensure the well-being and dignity of inmates. Detention facilities are regularly monitored to ensure compliance with international standards, including access to medical care, adequate living conditions, and the prevention of any form of mistreatment or torture. No inmate shall be subject to enforced disappearance and ambiguity of his whereabouts to his family, lawyer, or the outside world. Visits and communications via phone calls etc are a legitimate right that inmates acquire, and this right is protected by law, and any violations or acts of deprivation shall be not tolerated.