



Human Rights Council
Working Group on Arbitrary Detention**Opinions adopted by the Working Group on Arbitrary Detention at its sixty-sixth session, 29 April–3 May 2013****No. 12/2013 (Bahrain)****Communication addressed to the Government on 30 July 2012****Concerning Nabeel Abdulrasool Rajab****The Government replied to the communication on 24 September 2012.****The State is a party to the International Covenant on Civil and Political Rights.**

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the former Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. The Human Rights Council assumed the mandate in its decision 2006/102 and extended it for a three-year period in its resolution 15/18 of 30 September 2010. In accordance with its methods of work (A/HRC/16/47, annex, and Corr.1), the Working Group transmitted the above-mentioned communication to the Government.

2. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to the detainee) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, as established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status, and which aims towards or can result in ignoring the equality of human rights (category V).

Submissions

Communication from the source

3. Nabeel Ahmed Abdulrasool Rajab (hereinafter Mr. Rajab), born on 1 January 1964, national of Bahrain, is President of the Bahrain Centre for Human Rights (BCHR), Director of the Gulf Centre for Human Rights (GCHR) and Deputy Secretary General of the International Federation for Human Rights (FIDH) since 2010. He is also Chairman of CARAM Asia, Middle East and North Africa (MENA) advisory member of Human Rights Watch and an Ion Ratiu Democracy Award winner.

4. Between 5 and 28 May 2012, Mr. Rajab was detained and accused of “insulting statutory bodies” via Twitter, “participating in an illegal assembly” and “calling others to join” through social networking sites. On 5 May 2012, Mr. Rajab was arrested by police officers on the order of the Public Prosecutor, upon his return to Bahrain from abroad. Neither Mr. Rajab nor his lawyers were informed of the reason for his arrest until he was presented before the Public Prosecutor the following day. On 6 May 2012, Mr. Rajab was charged by the Criminal Court of First Instance in Manama with “incitement to illegal demonstrations by means of social media networking”. He was released on bail on 28 May 2012 after three weeks in detention. On 27 June 2012, the Court issued a final verdict to the effect that he had “insulted statutory bodies” and ordered him to pay a fine of 300 Bahraini dinars (approximately US\$796).

5. On 2 June 2012, Mr. Rajab posted comments via Twitter, an online social networking service, directed at the Prime Minister of Bahrain, who was visiting the town of Al-Muharraq. Mr. Rajab further called on the Prime Minister to resign, stating that the people of Al-Muharraq had only welcomed him because they received State subsidies.

6. Between 6 and 27 June 2012, Mr. Rajab was detained as the Public Prosecutor decided to remand him in custody while pursuing investigations into the matter. The decision was allegedly taken following accusations against Mr. Rajab by the residents of Al-Muharraq of “publicly vilifying Al-Muharraq citizens and questioning their patriotism with disgraceful expressions posted via social networking sites”.

7. On 9 July 2012, reports suggest that Mr. Rajab was forcibly arrested at his home by police officers following a court hearing and verdict. On the same day, the Fifth Lower Criminal Court sentenced him to three months in prison on charges of alleged libeling of the residents of the town of Al-Muharraq. It is alleged that the libel case against Mr. Rajab was filed in the name of Al-Muharraq citizens by individuals who are part of or are affiliated with the Government.

8. Two appeals have reportedly been filed against the verdict. The first appeal contained a request for the suspension of the sentence, which was rejected by the judge; the second appeal requested a reduction of the sentence to community work, in accordance with article 371 of the Bahraini Criminal Code. It is reported that libel cases are usually penalized with fines issued by the courts and not with prison sentences. The first hearing of

the second appeal before the Higher Appeal Court, initially scheduled to take place on 18 July 2012, was postponed to 24 July 2012. The court refused to release him on bail.

9. On 5 August 2012, the Higher Appeal Court was scheduled to consider an appeal filed by Mr. Rajab's lawyers in relation to the three-month detention order issued against him on 9 July 2012 by the Fifth Lower Criminal Court. This order concerned charges of alleged libel through a tweet posted on his Twitter account on 2 June 2012.

10. It is reported that Mr. Rajab faced two additional trials: one for "participation in an illegal gathering and calling for a march without prior notification in Manama"; and another trial related to charges of "involvement in illegal practices and incitement to gatherings and calling for unauthorized marches through social networking sites", and he could be sentenced to imprisonment on those charges. The trials for both cases were scheduled to take place on 26 September 2012. The source reports that Mr. Rajab was detained at the central prison in Jaw under harsh conditions. He was denied medical aid despite suffering serious health problems, including high blood pressure, an irregular heartbeat and back pain. His family and lawyers have reportedly not been allowed to visit him.

11. The source contends that the detention of Mr. Rajab is arbitrary as it is a direct outcome of his peaceful exercise of the rights to freedom of opinion and expression, to peaceful assembly and to take part in the conduct of public affairs, pursuant to articles 19, 21 and 25 of the International Covenant on Civil and Political Rights. The charges relating to Mr. Rajab's use of his Twitter account directly target his right to freedom of expression. In his tweets, Mr. Rajab criticized the impunity of armed gangs that allegedly attack civilians and blamed the Ministry of Interior. The source submits that such criticism is legitimate and necessary in a democratic society and cannot be considered as a "public insult". In accordance with the Human Rights Committee's rationale in its general comment No. 25, the full enjoyment of article 25 of the Covenant implies the possibility "to comment on public issues without censorship or restraint and to inform public opinion."¹ In its general comment No. 34, the Committee recalls that article 19, paragraph 2, of the Covenant "protects all forms of expression and the means of their dissemination, [...] includ[ing] all forms of audio-visual as well as electronic and internet-based modes of expression."²

12. Similarly, the charges relating to Mr. Rajab's participation in the peaceful protests held in February and March 2012 run counter to Article 21 of the Covenant. In its resolution 15/21, the Human Rights Council "calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, [...] including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law" (para. 1).

13. The source submits that there is a genuine link between the continuous detention orders issued to Mr. Rajab and his direct and active involvement in the peaceful protests and his exercise of the right to freedoms of opinion and expression. According to the source, no valid restriction to such rights is applicable in the present case and the prosecution has failed to show any factual allegations to the contrary. In this respect, the Committee's general comment No. 34 states that "when a State party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself"

¹ Human Rights Committee, general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service (art. 25), para. 25.

² *Ibid.*, general comment No. 34 (2011) on article 19: freedoms of opinion and expression, para. 12.

(para. 21). Any permissible restriction must be: (1) provided by law; (2) for the protection of one of the enumerated purposes; and (3) necessary to achieve that purpose³.

14. In the source's view, the prosecution has not established the precise nature of the threat that Mr. Rajab's expression poses to national security or public order of Bahrain.⁴ The source emphasizes that the measure of detention resorted to by the authorities is neither proportional nor necessary to the value sought to be protected. Rather, Mr. Rajab's detention is a measure taken by the authorities to silence his efforts at highlighting human rights violations against human rights defenders as well as actual or perceived political opponents in Bahrain, in particular since the popular uprising in the country in February 2011, through the use of Twitter, Facebook and other social network tools and media outlets.

Response from the Government

15. In a letter dated 24 September 2012, the Government informed the Working Group that Mr. Rajab was sent to the Reform and Rehabilitation Centre on 9 July 2012 to serve a term of three months' imprisonment, to which he had been sentenced in case No. 5807/2012. Mr. Rajab was sentenced to a further three terms of one year's imprisonment (i.e., three years' imprisonment in total) on 16 August 2012, as detailed below.

16. The defendant was arrested while participating in an illegal march on 14 February 2012. He was charged with participating with unknown others in a gathering; calling for a march without prior notification; participating in a march that endangered public security, without prior notification. The defendant appeared before the court accompanied by his lawyer, Mohammed Al-Jishi, on 6 May 2012. The court decided to postpone the hearing until 26 September 2012, in order to hear witnesses for the defence. The hearing was brought forward to 16 August 2012. The court sentenced the defendant to one year's imprisonment for each of the three related charges (i.e., three years' imprisonment). The defendant appealed the decision and the appeal hearing was scheduled for 5 August 2012 (sic); the judgement was postponed to 23 August 2012. The defendant was acquitted of the charges against him on 23 August 2012.

17. Regarding the allegation that Mr. Rajab was placed in harsh conditions in Jaw prison and refused medical care for serious health problems, the Government emphasized that Mr. Rajab enjoyed all his rights as established by law, including the right to visits from family members and his legal representatives, and the right to necessary medical care, on an equal basis with all inmates. Since he entered the Reform and Rehabilitation Centre on 11 July 2012, and up to 27 August 2012, Mr. Rajab had a total of eight visits from his family and legal representatives as follows:

³ See Human Rights Committee, communication No. 926/2000, *Shin v. Republic of Korea*, Views adopted 16 March 2004, para. 7.3.

⁴ See Human Rights Committee, communication No. 518/1992, *Sohn v. Republic of Korea*, Views adopted 19 July 1995, para. 10.4.

<i>Date</i>	<i>Visit detail</i>	<i>Number of visitors</i>	<i>Remarks</i>
11 July 2012	Family	7	Inmate refused the designated visit
12 August 2012 ⁵	Lawyer	2	Two lawyers, Mohammed Al-Jishi and Mohammed Ahmed, presented themselves; inmate refused to meet with them
19 July 2012	Family	12	Family visit took place
29 July 2012	Lawyer	2	Lawyer visit took place with Mohammed Al-Jishi and Mohammed Ahmed
1 August 2012	Lawyer	1	Lawyer visit took place with Jalilah Al-Sayyid
6 August 2012	Family	14	Family visit took place
15 August 2012	Family	8	Family visit took place
27 August 2012	Lawyer	2	Lawyer visit took place with Mohammed Al-Jishi and Mohammed Ahmed

18. The Government stated that Mr. Rajab's medical records indicated that he suffered from high blood pressure before entering the Reform and Rehabilitation Centre. He underwent a routine examination for new inmates by the Centre physician on 9 July 2012 and was prescribed the necessary medication, which was dispensed to him by nursing staff at the prescribed times. He received the necessary medical follow-up on an equal basis with all inmates. Between 9 July 2012 and 24 August 2012, he had a total of seven medical follow-up appointments and all necessary medications were dispensed to him. A follow-up appointment to monitor his health was scheduled at the medical clinic for 9 August 2012 as he suffered from a chronic condition that required follow-up; however, he refused to attend the appointment.

19. Regarding the arrest of Mr. Rajab on his return from abroad, without his being informed of the grounds for his arrest, the Government stated that on the basis of the arrest warrant and summons issued by the Public Prosecutor on 3 May 2012 in connection with Case No. 30313/2012/02, Mr. Rajab was arrested on 5 May 2012 at Bahrain international airport as he returned from abroad. The arrest warrant and the summons were served; all his rights were explained to him and he was treated with respect and in accordance with the law. Mr. Rajab was accompanied to the clinic of the Ministry of Interior for a medical examination and health check by a specialized physician. He was then accompanied to the Security Directorate. His wife was permitted to talk with him when he arrived at the Security Directorate and prior to his detention, when he surrendered his personal belongings. In addition, he was allowed to make the necessary telephone call prior to being placed in detention. He was then placed in preventive detention and was brought before the Public Prosecutor the following day in accordance with the law. On 6 May 2012, Mr. Rajab

⁵ Date in original document.

was brought before the Public Prosecutor so that the necessary legal proceedings could be taken. The Public Prosecutor ordered that he be remanded in custody for seven days pending investigation, renewable in accordance with the law. It should be noted that Mr. Rajab received a visit by four members of his family on that day (6 May 2012).

20. In conclusion, the Kingdom of Bahrain affirmed its strong desire to treat all inmates according to international human rights standards, in order to ensure their rights, respect their humanity and guarantee that they will not be subjected to cruel, harsh or degrading treatment. Moreover, it affirms that it guarantees that all inmates held in the Centre obtain their rights, which are enshrined in the laws and regulations in force in the Kingdom. All of Mr. Rajab's rights and guarantees were ensured during the investigation stage before the Public Prosecutor and during the trial stage. In addition, the defendant has the right to appeal the judgement before an appeal court and the Court of Cassation, in accordance with the Code of Criminal Procedure and the Court of Cassation. The Government affirmed its commitment to respect human rights principles, and its readiness to cooperate in order to preserve human dignity and respect for human rights.

Further comments from the source

21. The source refers to the response of the Government of Bahrain which alleged that Mr. Rajab's arrests and detention were based on sentences issued on 9 July and 16 August 2012, and the failure to demonstrate that Mr. Rajab's deprivation of liberty was for motives other than the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights.

22. The source states that the Government of Bahrain recognizes that Mr. Rajab was arrested, sentenced and detained in relation to his exercise of universally recognized human rights, in particular the right to freedom of expression and freedom of peaceful assembly (which includes the right to protest through peaceful assembly and speech, individually or in association with others, to promote and protect human rights). Those rights are protected under the articles 19 and 20 of the Universal Declaration of Human Rights, articles 5, 6 and 12 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and articles 19 and 21 of the International Covenant on Civil and Political Rights.

23. Furthermore, the detention of Mr. Rajab should be considered arbitrary as it constitutes a form of judicial harassment that contradicts international human rights standards and Bahrain's obligations thereunder. His detention is also arbitrary since it aimed at sanctioning and preventing him from acting towards the promotion and respect for universally recognized human rights standards by the national authorities of Bahrain.

24. The source also stated that Mr. Rajab's arrest, detention, prosecution, convictions and imprisonment only aimed at sanctioning and preventing his activities as a human rights defender, and as such this case falls within category II of arbitrary deprivation of liberty as defined by the Working Group and his detention infringes article 9, paragraph 1, of the Covenant. The source further states that on 10 September 2012, the Vice-President of FIDH was permitted to visit Mr. Rajab in his cell. According to the information received from the source, Mr. Rajab's conditions of detention were rather good at the time of the visit. Mr. Rajab only complained about his stay in solitary confinement in a dirty room during one night in August 2012.

25. The source stated that on 5 May 2012, Mr. Nabeel Rajab was arrested by plain-clothes police officers upon arrival at Manama airport from Lebanon and transferred to Al-Hawra police station. The police officers who carried out the arrest stated that they were

following orders from the Public Prosecutor. However, at the time, neither Mr. Rajab nor his lawyers were informed of the reasons for his arrest. On 6 May 2012, Mr. Rajab was presented before the Public Prosecutor who informed him of the reasons for his arrest. According to Mr. Rajab's lawyers, charges of "insulting the statutory bodies", pursuant to article 216 of the Penal Code, which carry imprisonment for up to three years and a fine, were pressed against him in relation to tweets he posted that were deemed "insulting" to the Ministry of Interior.

26. It should be noted that representatives of the Bahrain Center for Human Rights were banned from the courtroom during both the first instance and the appeal proceedings. On 10 September 2012, the appeal opened before the Bahrain Appeals Court. The court rejected the requests from Mr. Rajab's lawyers to release him on bail. During the hearing, Mr. Rajab's lawyers also submitted a request to merge the charges of the three cases and another request to add to the case file a report stating that Mr. Rajab had been beaten by the police. The court scheduled the next hearing for 27 September 2012. At that hearing, Mr. Rajab's lawyers intended to file a petition for review by the implementing judge of the decision not to order provisional release.

27. The appeal proceedings were expected to resume on 27 September 2012 with the examination of evidence and witness testimonies related to the three criminal cases brought by both the Public Prosecutor and the defence. Mr. Rajab's lawyers challenged the fairness of the trial on the basis that defence evidence was not heard before the convictions were entered and the sentence issued.

28. On 27 September 2012, the Bahrain Appeals Court once more refused to release Mr. Nabeel Rajab on bail. The court finally ordered that all three cases be joined, but did not expressly say that it would issue one single judgement and sentence. Therefore, it is possible that the court will hear all three cases together, but still issue three separate judgements. During the hearing, the judge showed a DVD containing images of Mr. Rajab participating in peaceful demonstrations and arguing with an officer about the legality of the protest; it also contained images of young people throwing Molotov cocktails during what the judge alleged was one of these protests. Mr. Rajab's lawyers insisted that this last part did not take place at the same location nor time as those of the said peaceful protest. Mr. Rajab further recalled that none of the protests in which he had participated had been the scene of violence. Mr. Rajab's lawyers consider that this part of the DVD was fake.

29. The defence requested the Court to grant visas for foreign witnesses, representing major human rights organizations to which Mr. Nabeel Rajab is connected, including Marie Camberlin (FIDH), Couva de la Camba (Amnesty International), Josh Brian (an American lawyer) and Joe Stork (Human Rights Watch). The appeal proceedings were expected to resume on 16 October 2012 with the testimonies of defence witnesses and the defence video.

30. Despite the requests of the defence lawyers, the Court refused to facilitate or support the issue of visas for the international witnesses. On 16 October 2012, the Bahrain Appeals Court resumed the hearing on the appeal. The hearing was attended by Antoine Aussedat, a French lawyer mandated by the Observatory for the Protection of Human Rights Defenders to conduct an international trial observation mission. He was the only trial observer mandated by an international NGO. Several diplomats representing Western countries also attended the hearing. At least one foreigner called as a witness by the defence was denied entry into Bahrain. FIDH representative, Stéphanie David, Head of the MENA Desk, who had been called to testify as a witness by the defence team, was denied entry into Bahrain on 16 October 2012. Mr. Rajab's lawyers had formally requested the Court to issue a letter to the Customs authorities to facilitate the entry of several international witnesses, including Ms. David, but the Court refused to issue such a letter.

31. Despite the Court's lack of support, FIDH, together with the defence lawyers, decided to confirm Ms. David's travel to Bahrain for the purpose of the trial. During the hearing, the defence lawyers' request to call international witnesses was rejected by the Court on the grounds that their testimonies were not "relevant". The defence lawyers then complained that part of the evidence used to convict Mr. Rajab had still not been examined in public and that they had not had access to all the evidence in due time. Indeed, at the appeal hearing, the defence lawyers asked the Court to show a video that had been used as evidence to convict Mr. Rajab, as the said video had not been shown publicly during the first instance hearing. The first instance court had insisted that the said video be shown in camera only, which the defence lawyers refused, insisting that it be shown in the courtroom in public. The Appeals Court informed the defence team that the video could not be shown because it had disappeared from the criminal case file. The Court attempted to show a second video submitted by the Prosecutor, but which had not been included as part of the criminal case file. After a brief attempt, the Court suspended the hearing for more than two hours to solve some technical issues. When the hearing resumed, the Court announced that the trial was again adjourned to 8 November 2012.

32. On 8 November 2012, the Bahrain Appeals Court resumed the hearing on the appeal against the sentence of three years' imprisonment sentence against Mr. Rajab on 16 August 2012, by the lower Criminal Court for three cases relating to his participation in peaceful gatherings in favour of fundamental freedoms and democracy. The hearing was again attended by Antoine Aussedat, the French lawyer mandated by the Observatory to conduct an international trial observation mission. He was the only observer mandated by an international NGO. Several diplomats representing Western countries, including the United States of America, also attended the hearing.

33. During the hearing, a new request for Mr. Rajab's provisional release was rejected by the Court. Then, eight videos were shown: five videos, filed by the Prosecutor, contained images shot by the police of the demonstration with regard to which Mr. Rajab had been arrested, and three videos filed by the defence lawyers, containing speeches or interviews attesting that Mr. Rajab advocated for non-violence, as well as a video of a demonstration during which Mr. Rajab was charged and hurt by the police, and extracts from a pro-Government television broadcast, in which Mr. Rajab was depicted as a dangerous agitator and manipulator. The content of the videos was discussed by the Court and the defence lawyers.

34. Finally the Court denied a petition filed by Mr. Rajab's lawyers to refer a matter to the Supreme Court for a preliminary ruling on the constitutionality and legality of the law banning demonstrations in Bahrain with regard to international conventions. It announced that the verdict would be made public on 11 December 2012. In the light of the foregoing, the source considers that the non-observance of the international norms relating to the right to a fair trial, as spelled out in the Universal Declaration on Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to render Mr. Rajab's deprivation of liberty arbitrary.

Discussion

35. The Working Group notes from information provided by the source that Mr. Rajab was arrested and is facing trial on three charges: (i) insulting the statutory bodies; (ii) participating in illegal demonstrations and calling others to join; (iii) alleged libel against the residents of the town of Al-Muharraq.

36. In its response, the Government stated that Mr. Rajab's arrest and detention was a consequence of his exercising his right to freedom of expression, opinion and assembly. In the words of the Government, Mr. Rajab was arrested and convicted for "participating with unknown others in a gathering; calling for a march without prior notification; participating

in a march that endangered public security, without prior notification.” For the above-mentioned offences, Mr. Rajab has been sentenced to three years’ imprisonment, that is, one year for each offence.

37. The issues before the Working Group include: (a) whether Mr. Rajab’s alleged actions are offences punishable by imprisonment/fine under the domestic laws of Bahrain; if so, (b) are they compatible with international human rights obligations incurred by the Kingdom of Bahrain as party to the International Covenant on Civil and Political Rights; (c) whether at the time of arrest and detention, due process was followed; and (d) whether the right to a fair trial has been respected.

38. From the Government’s response, it is clear that Mr. Rajab was detained and convicted under existing domestic laws of Bahrain, which seem to deny persons the basic right to freedom of opinion, expression and assembly, either individually or in association with others. The Kingdom of Bahrain is party to the International Covenant on Civil and Political Rights and therefore incurs the international legal obligation to align its domestic laws with the human rights instruments to which it is a signatory. The Government states: “We affirm our commitment to respect human rights principles and our readiness to cooperate in order to preserve human dignity and respect for human rights.”

39. The right to a fair trial includes access to counsel, production of evidence and defence witnesses. Since Mr. Rajab’s arrest on 5 May 2012, a number of court hearings have taken place where these rights have been partially respected. Denial of timely facilitation for foreign witnesses to attend the hearing by the relevant Government department is one such lapse; showing video evidence *in camera* and not in open court is another.

40. The Working Group considers that in order to ensure the right to a fair trial, the courts in Bahrain would have to confront and rule on the matter of the constitutionality and legality of the law banning public demonstrations. That is the crux of the matter at hand. Denial of a universally accepted human right to freedom of opinion and expression cannot be condoned by a domestic court, as seen in the case of Mr. Rajab.

41. The Government has not provided any other reason for detaining Mr. Rajab other than that of exercising his rights that protected under articles 19 and 20 of the Universal Declaration of Human Rights, and articles 19 and 21 of the International Covenant on Civil and Political Rights.

Disposition

42. In the light of the foregoing, the Working Group on Arbitrary Detention renders the following opinion:

The detention of Mr. Nabeel Ahmed Abdulrasool Rajab is arbitrary and in contravention of articles 19, 20 and 21 of the Universal Declaration of Human Rights, and articles 9, paragraph 1, 14, 21 and 22 of the International Covenant on Civil and Political Rights; it falls under categories II and III of the arbitrary detention categories referred to by the Working Group when considering cases submitted to it.

43. Consequent upon the Opinion rendered, the Working Group requests the Government of the Kingdom of Bahrain to take necessary steps to remedy the situation of Mr. Rajab and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

44. The Working Group is of the opinion that, taking into account all the circumstances of the case, the adequate remedy would be to immediately release Mr. Rajab and to accord

him an enforceable right to compensation in accordance with article 9, paragraph 5, of the International Covenant on Civil and Political Rights.

45. The Working Group encourages the Government of the Kingdom of Bahrain to bring its domestic laws into conformity with the substantive provisions of the Covenant to which it is a party.

[Adopted on 3 May 2013]
