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WATCH

**14 February 2022**

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We, the undersigned human rights organizations, are writing regarding Serbia's unlawful extradition of Ahmed Jaafar Mohammed Ali to Bahrain following his arrest triggered by an INTERPOL Red Notice. We wish to raise our serious concerns over this case and the broader misuse of Red Notices against Bahraini dissidents. We have serious concerns that INTERPOL has not conducted adequate due diligence before issuing Red Notices requested by Bahrain, resulting in the misuse of its systems in ways that violate articles 2 and 3 of the organization's constitution on human rights and political neutrality.

#### Ahmed Jaafar's Case

Ahmed Jaafar was unlawfully extradited to Bahrain on 24 January 2022, in contravention of an interim measure [issued](#) by the European Court of Human Rights (ECtHR) on 21 January 2022. The court ordered that Serbia not extradite Ahmed Jaafar to Bahrain until 24 February 2022, pending more information, including information on "the possible risks of torture and/or ill-treatment that the applicant would face if extradited to Bahrain."

Bahrain's Ministry of Interior [claimed](#) that Jaafar was extradited from Serbia "with the help of Interpol." While we appreciate that extraditions are bilateral matters between states, we understand that the Red Notice against Jaafar triggered his arrest and subsequent extradition proceedings.

You may be aware that at the time that the Red Notice was issued in 2015, there was publicly available information that highlighted that Jaafar was at risk of torture in Bahrain. A 2010 [report by Human Rights Watch](#) documented Ahmed Jaafar's torture at the hands of the Bahraini authorities in December 2007 following his participation in a demonstration. The report includes Ahmed Jaafar's detailed account of how Bahraini authorities tortured him during interrogation, subsequent to his arrest alongside other protesters.

## Persecution of Political Dissidents in Bahrain

In July 2016, Fair Trial wrote to warn INTERPOL of the risk that Bahrain might be attempting to request Red Notices that violate INTERPOL's rules on political neutrality and human rights, given the widespread criticisms of Bahrain's persecution of political dissidents and the systemic use of torture.

A 2014 Human Rights Watch report examined convictions against high profile political prisoners on the basis of court documents and [concluded](#) that these convictions, many on terrorism related charges, were "based solely on the peaceful expression of political views or the exercise of the rights to freedom of association and peaceful assembly." Human Rights Watch [cited](#) the ruling of Bahrain's Supreme Appellate Court that specified the defendants' roles in "the organization of popular demonstrations as a tool to pressure the government," a fundamental human right protected in article 21 of the International Covenant on Civil and Political Rights, to which Bahrain is a state party. The court wrote that terrorism need not involve the use of force but could consist of "moral pressure."

In May 2017, the United Nations Committee Against Torture, in its report on Bahrain, [concluded](#) that torture remains "widespread" and that a "climate of impunity" protects the perpetrators. The Committee found that there is "widespread torture" in Bahrain's penal system and recorded "numerous and consistent allegations" of abuse and mistreatment throughout the judicial system. Furthermore, the Committee found that mechanisms tasked with handling torture complaints in Bahrain were not independent of the Bahraini government, and "not effective at bringing accountability to torturers."

In November 2018, the UN Human Rights Committee [stated](#) that Bahrain's Act on the Protection of Society from Acts of Terrorism (Act No. 58 of 2006), the [law](#) used to convict leading opposition figures, "provides too much room for interpretation and may result in violations of the right to freedom of expression, association and assembly" and that they were concerned that this law has been used to persecute "human rights defenders and political activists." The Committee also expressed concern about reports of the extensive use of the Act outside the scope of terrorism, including against human rights defenders and political activists, and of violations of Article 14 of the Covenant in the context of trials based on the Act.

In January 2022, Human Rights Watch [stated](#) that Bahraini authorities "failed to credibly investigate and prosecute officials and police officers who allegedly committed serious violations, including torture, since the 2011 protests" and continued to deny access requested by UN special rapporteurs on torture.

## Bahrain's Previous Misuse of INTERPOL Red Notices

INTERPOL should also have been alert to the systemic misuse of Red Notices by Bahrain, given previous high-profile examples of Bahrain's targeting dissidents through INTERPOL's systems.

### **Hakeem al-Araibi's Case**

In November 2018, a Red Notice issued at Bahrain's request against footballer Hakeem al-Araibi led him to spend 76 days in detention in Thailand despite being recognized as a refugee by the Australian authorities.

In 2016, al-Araibi [publicly criticized a member of Bahrain's ruling Al Khalifa family](#), for allegedly failing to help him and other footballers targeted by Bahrain security forces. A simple investigation into Hakeem's case would have led to references such as his 2016 [interview](#) with the *New York Times*, detailing both his experience of torture during his detention in 2012 and his conviction on false and politically motivated charges against him; the same conviction formed the basis of the INTERPOL Red Notice. It was only following considerable international pressure that the Bahraini government [withdrew](#) the extradition request for al-Araibi, after which he [safely returned](#) to Australia.

### **Ali Haroon's Case**

Ali Haroon was arrested in Thailand on 13 December 2014, on the basis of an INTERPOL Red Notice issued at the request of the Bahraini government. Amnesty International [documented](#) that five days after his arrest, Thai authorities handed Ali Haroon to Bahraini authorities at Bangkok airport where, UNHCR [reported](#), he was "sedated and beaten, allegedly by the [Bahrain] police," before being extradited to Bahrain, where his injuries [required](#) his hospitalization upon arrival, according to Amnesty International.

Ali Haroon's extradition took place in spite of [reports](#) by human rights organizations that Ali had faced torture in Bahrain in 2013 for his role in the country's pro-democracy movement. Amnesty International [stated](#) there were "credible reports that [Ali Haroon] was tortured on return" to Bahrain.

### Concluding Remarks

We have serious concerns that INTERPOL has not conducted adequate due diligence on Red Notices requested by Bahrain, despite Fair Trials' 2016 request and the aforementioned publicly reported incidents involving Red Notices requested by Bahrain.

While we appreciate that INTERPOL has taken steps to improve screening processes since it issued Ahmed Jaafar's Red Notice, it is not apparent to us that these changes have helped to rid INTERPOL's databases of existing Bahraini Red Notices that violate INTERPOL's rules. Given that there is no data available on the number of Red Notices requested by Bahrain, we have no way of concluding that INTERPOL is able to prevent the future misuse of its systems by Bahrain.

In light of the above, we request the following information and actions:

- Explain what steps INTERPOL took to check Bahrain's Red Notice request against Ahmed Jaafar for compliance with articles 2 and 3 of INTERPOL's Constitution, and of the basis on which INTERPOL allowed this Red Notice to be issued;

- Conduct an urgent thorough review on all Red Notices and Diffusions requested by Bahrain, in particular those relating to alleged anti-terrorism charges;
- Disclose what specific steps INTERPOL will take to prevent similar cases of misuse of Red Notices requested by Bahrain in the future;
- Provide the number of:
  - Red Notices and diffusions from Bahrain currently in circulation;
  - The number of Red Notices requests made by Bahrain since 2011; and
  - The number of Red Notice requests of Bahrain rejected by INTERPOL.

We would appreciate your response to these requests by **22 February 2022**, so that we can reflect your views in our ongoing reporting on these issues.

Yours sincerely,



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