

Americans for Democracy



& Human Rights in Bahrain



CAIRO INSTITUTE FOR HUMAN RIGHTS STUDIES



CIVICUS



ECDHR



ISHR



***Re: Addressing intensifying human rights violations in Bahrain at the Human Rights Council***

Geneva, 31 August 2017

Your Excellency,

We, the undersigned Bahraini, regional and international human rights organizations, remain alarmed at the ongoing human rights crisis in the Kingdom of Bahrain. We are also concerned about the diminished response from states at the Human Rights Council since the situation began to dramatically deteriorate over one year ago. We welcome your country’s commitment to address situations of concern based on the objective criteria laid out in the joint statement delivered by Ireland at the 32<sup>nd</sup> session of the HRC. This commitment was reiterated in a subsequent joint statement on the improvement of membership standards, signed by 48 states at the 35<sup>th</sup> session this year. However, we have yet to see this commitment translate into a principled response to the deteriorating situation in Bahrain. As this letter outlines in detail, Bahrain demonstrably meets the criteria that should compel states and the Council to act to address this situation. We therefore call on your delegation to uphold your pledge and renew both individual and collective initiatives at the Council to address the Bahraini Government’s intensifying human rights violations.

The Government of Bahrain has continued to suppress all forms of opposition, criticism, or dissent in 2017. The Government began the year by ending a *de facto* moratorium on the death penalty when it executed three victims of torture after trials marred by serious due process violations. In January, the Government restored domestic law enforcement powers to Bahrain’s National Security Agency (NSA), an institution implicated in systematic and widespread torture in 2011. In April, the King approved a constitutional amendment allowing civilians to be tried in military courts, further eroding the limited reforms made in line with the recommendations of the 2011 Bahrain Independent Commission of Inquiry (BICI) report. Bahrain’s leading Shia cleric, Sheikh Isa Qassim, was convicted of money laundering in May on politically motivated charges, and the Government used lethal force to clear a months-long

peaceful sit-in around his home, killing five individuals in the process, injuring hundreds more, and arresting 286 individuals. In May, courts disbanded the Kingdom's last major opposition political society, Wa'ad, and in June the Government indefinitely suspended operations at the country's only independent newspaper, Al-Wasat. Meanwhile, the Government continued its relentless suppression of civil society, committing reprisals against activists and their families and convicting Bahrain's leading human rights defender, Nabeel Rajab, for commenting on continuing human rights abuses during television interviews and on social media, violating his right to freedom of expression.

We recall here the guiding considerations outlined in the June 2016 joint statement, and reaffirmed in the June 2017 joint statement, and their application to the situation in Bahrain:

**1. Whether there has been a call for action by the UN Secretary General, the High Commissioner for Human Rights or a relevant UN organ, body or agency:**

- On [13 September 2016](#), High Commissioner Zeid Ra'ad al-Hussein stated: *"In Bahrain, I am concerned by harassment and arrests of human rights defenders and political activists, and legislation which enables revocation of citizenship without due process. I urge greater attention to this situation.* [emphasis added] *The past decade has demonstrated repeatedly and with punishing clarity exactly how disastrous the outcomes can be when a Government attempts to smash the voices of its people, instead of serving them."*
- Likewise, during his [Annual Report and Oral Update](#) to the 34<sup>th</sup> Session of the Human Rights Council, the High Commissioner said of Bahrain, *"I am deeply concerned over the increasing levels of human rights violations in the Kingdom. I call on the Government of Bahrain to undertake concrete confidence building measures, including allowing my Office and Special Procedures mandate holders to swiftly conduct visits."*
- And, on [2 June 2017](#), the High Commissioner said, *"Human rights defenders working in Bahrain reportedly continue to face restrictions, intimidation, interrogations, detentions and travel bans... I urge Bahrain to choose a different path – one of engagement and dialogue, as well as accountability for violence, regardless of the perpetrator. My Office stands ready to offer technical assistance and advice on the promotion and protection of human rights in Bahrain."*

**2. Whether a group of Special Procedures have recommended that the Council consider action:**

- On [16 June 2017](#), the Special Procedures on extrajudicial executions, peaceful assembly and association, human rights defenders, freedom of religion or belief, and the working group on arbitrary detention, issued a statement saying: *"We call on the Government of Bahrain to immediately cease its campaign of persecution against human rights defenders, journalists and anyone else with divergent opinions, and take all measures to guarantee a safe and enabling environment for all Bahrainis, independent of their political opinions, beliefs or confession."*
- On [18 July 2017](#), the Special Procedures further stated: *"We reiterate our serious concerns regarding the wider context of a general crackdown and mounting pressure exerted on civil society and dissidents in Bahrain, the ongoing prosecution and*

*punishment of human rights defenders, and especially intimidation and reprisals against people who have cooperated with UN human rights mechanisms.”*

- Since 2016, Bahrain has been the subject of at least ten communications from Special Procedures concerning credible allegations of human rights violations including extrajudicial killing, torture and ill-treatment, arbitrary detention, and systematic persecution of religious groups. In many cases, these violations were in response to the exercise of the rights to freedom of expression, and freedom of peaceful assembly and association.
3. **Whether the state concerned has a national human rights institution with A-status** [and whether that institution has drawn the attention of the international community to an emerging situation and called for action]:
- According to the most recent [review](#) in May 2016, Bahrain’s National Institution for Human Rights has not been granted A-status. The Sub-Committee on Accreditations expressed reservations regarding the institution’s independence and its effective application of its mandate.
  - The UN Committee Against Torture’s May 2017 [concluding observations](#) on Bahrain’s latest periodic report stated concerns regarding the NIHR and six other bodies. The Committee said the following: *“that they are not independent, that their mandates are unclear and overlap, and that they are not effective given that complaints ultimately pass through the Ministry of the Interior. It is also concerned that their activities have had little or no effect, and that the authorities provided negligible information regarding the outcome of their activities.”*
4. **Whether the State concerned has been willing to recognize that it faces particular human rights challenges and has laid down a set of credible actions, including a timetable and benchmarks to measure progress, to respond to the situation:**
- In 2011, the Bahraini Government accepted 26 recommendations issued by the BICI, a panel of jurists and international human rights experts. The Government claimed it had fully implemented all 26 recommendations in May 2016, citing the chairman of the BICI, Cherif Bassiouni, as [evidence](#) of its progress. However, on 10 May 2016, Bassiouni stated he was [wrongfully quoted](#) and asserted that the Government had only implemented ten of the 26 recommendations and had failed to address “priority” reforms such as those pertaining to accountability and prisoners of conscience. All independent assessments – including those conducted by Americans for Democracy & Human Rights in Bahrain, the Project on Middle East Democracy, and the United States Government – have similarly found that Bahrain’s authorities have failed to make substantive progress on the majority of reforms.
  - In 2017, the Bahraini government actively contravened BICI recommendations that had previously seen partial or full levels of implementation, including recommendations to restrict the NSA’s arrest authority and to prevent military courts from trying civilians. During Bahrain’s Second Cycle Universal Periodic Review ([UPR](#)) in 2012, member and observer states presented 176 recommendations to the Bahraini Government to recognize and address ongoing, widespread human rights violations in the Kingdom. Bahraini authorities partially or fully accepted 158 of those recommendations, promising to bring

the national situation in line with international human rights obligations. However, by Bahrain's Third Cycle UPR in May 2017, the Government had failed to fulfill these recommendations and had regressed in many key sectors identified for reform, as noted by OHCHR, States, and NGO stakeholders.

- Rather than acknowledge the scope of the Kingdom's human rights challenges, as highlighted by the recommendations issued during both UPR cycles, the Assistant Foreign Minister, Abdulla bin Faisal bin Jabur Al Doseri, [described](#) the result as "praise" for "Bahrain's human rights achievements." In a meeting with Bahrain's National Institution for Human Rights in July 2017, the King [dismissed](#) the country's human rights challenges outright, stating that the Kingdom "takes pride in its outstanding human rights record" and that "human rights represent a core part of Bahrain's culture."

**5. Whether the State concerned is engaging in a meaningful, constructive way with the Human Rights Council on the situation:**

- The Bahraini Government has consistently declined to substantively engage the Council and, as indicated in the following statements, has actively targeted Bahraini civil society actors for their participation in Human Rights Council sessions or for otherwise interacting with the UN. As noted, although it nominally participates in the UPR process, the Government has consistently failed to implement accepted recommendations and has submitted [misleading national reports](#) on its progress. Moreover, in June 2016, Bahrain's Foreign Minister, Khalid Al Khalifa, [explicitly maligned](#) the High Commissioner for urging the Kingdom to undertake human rights reform: *"We will not allow the undermining of our security and stability and will not waste our time listening to the words of the High Commissioner who is powerless."*
- The Bahraini Government has used wide-ranging travel bans against civil society and political figures to obstruct their access to UN bodies and mechanisms. These travel bans have been in effect since throughout the 32<sup>nd</sup>, 33<sup>rd</sup>, 34<sup>th</sup> and 35<sup>th</sup> Sessions of the Human Rights Council, and during Bahrain's 3<sup>rd</sup> Cycle Universal Periodic Review.
- Government ordered travel bans and reports of targeted reprisals against civil society for their engagement at the Human Rights Council have prompted statements of concern from the Office of the High Commissioner for Human Rights. As noted in a statement by the OHCHR spokesperson on [14 July 2017](#): *"The continuing restrictions on civil society and political activists and the targeting of human rights defenders and organisations in Bahrain are deeply worrying. We urge the Government to take the necessary steps to ensure compliance with Bahrain's obligations under international human rights law, in particular to guarantee the freedoms of expression, opinion and association and the right not to be arbitrarily deprived of liberty."*
- On [18 July 2017](#), following reports that Bahraini human rights defender Ebtisam al-Saegh was arrested and tortured by members of the National Security Administration as a reprisal for her human rights work at the Human Rights Council, a group of United Nations experts *"expressed deep concern at the alleged arbitrary detention of Bahraini human rights defender Ebtisam Alsaegh amid reports she has been tortured and sexually abused and is now on hunger strike."*

**6. Whether the State concerned is effectively cooperating with Human Rights Council Special Procedures, including by enabling country visits:**

- Bahrain has failed to follow through on repeated calls from the Council to welcome Special Procedures to visit the country and, as noted above, has dismissed the OHCHR as “powerless.” In 2015, Bahrain’s Chief of Public Security, Major General Tariq al-Hassan, suggested that the Government has denied the Special Procedures access to Bahrain because they are biased against the Kingdom: Hassan specifically [accused](#) then Special Rapporteur on torture Juan Mendez of “prejudice” and spreading “uninvestigated” claims of Bahraini Government abuse.
  - Bahrain has not allowed any of the Special Procedures to visit since 2006, despite repeated requests by various mandate holders. In recent years, Bahrain has ignored or rejected country visit requests from the following: the Special Rapporteur on torture, the Working Group on arbitrary detention, the Working Group on enforced disappearances, the Special Rapporteur on freedom of peaceful assembly and association, the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on human rights defenders, and the Working Group on discrimination against women.
7. **Whether the State concerned is engaging with OHCHR, including in the field of technical assistance and effective engagement with the UN Human Rights Treaty Bodies:**
- Bahrain has failed to successfully conclude multiple rounds of negotiations with the OHCHR to carry out a technical mission to Bahrain, or to establish an OHCHR office in the country.
  - Most recently, in June 2017, renewed efforts to carry out an OHCHR technical mission to Bahrain again stalled and remain indefinitely “postponed,” similar to the indefinite postponement and [effective cancellation](#) of the 2013 country visit by the Special Rapporteur on torture.
8. **Whether a relevant regional mechanism or institution has identified a situation as requiring the attention of the international community; or whether the State concerned is cooperating with relevant regional organizations:**
- No competent, independent regional mechanism or institution exists in the region from which Bahrain can seek relevant assistance to positively affect the human rights situation in the country.
9. **Whether the State is facilitating or obstructing access and work on the part of humanitarian actors, human rights defenders, and the media:**
- Bahraini authorities have consistently and increasingly obstructed the work of civil society actors in the kingdom, including human rights defenders and the media.
  - As noted above in point 5, the Government of Bahrain has imposed wide-spread travel bans on civil society and political activists to obstruct their access to the Human Rights Council and its mechanisms.
  - On [10 July 2017](#), Nabeel Rajab, president and co-founder of the Bahrain Center for Human Rights and FIDH Deputy Secretary General, was sentenced to two years in prison solely for exercising his right to freedom of expression by conducting interviews with television media outlets. He faces up to fifteen more years in prison if convicted on additional charges related to tweets.



- Human rights defender Ebtisam al-Saegh has been repeatedly arrested and subjected to torture and sexual assault in relation to her work, as [noted](#) by Special Procedure mandates on 18 July 2017. She currently faces politically motivated “terrorism” charges related to her human rights work.
- During the 34<sup>th</sup> Session of the Human Rights Council in March 2017, three family members of Sayed Ahmed Alwadaei of the Bahrain Institute for Rights and Democracy were arrested in Bahrain as a reprisal against his human rights activities. Authorities subjected them to torture and ill-treatment to coerce false confessions on charges of “fake bomb making.” They remain in detention and face trial on these fabricated charges.
- On 4 June 2017, Bahrain [indefinitely suspended](#) the only independent newspaper in the country, Al-Wasat, ultimately forcing their office to close and all staff to be laid off.

It is clear that the Government of Bahrain has failed to uphold its international obligations to safeguard human rights and has repeatedly acted to violate and curtail the fundamental rights of people in the country. Bahrain’s current human rights situation manifestly fulfills the criteria set out in the June 2016 joint statement committing state signatories to engage – strong action is imperative to prevent further instability.

We therefore call on your Government to individually and collectively with others respond to the human rights crisis in Bahrain. Such efforts should include, but are not limited to, national statements and joint statements under Items 4 or 2 of the Council’s agenda, and ultimately a resolution by the Human Rights Council.

Sincerely,

Americans for Democracy & Human Rights in Bahrain  
 ARTICLE 19  
 Bahrain Center for Human Rights  
 Bahrain Institute for Rights and Democracy  
 Cairo Institute for Human Rights Studies  
 CIVICUS World Alliance for Citizen Participation  
 European Center for Democracy and Human Rights  
 Human Rights Watch  
 International Federation for Human Rights (FIDH)  
 International Service for Human Rights  
 Reporters Without Borders (RSF)