

31 January 2019

H.E. Michelle Bachelet  
United Nations High Commissioner for Human Rights  
Office of the High Commissioner for Human Rights (OHCHR)  
United Nations  
52 Rue des Paquis  
1201 Geneva, Switzerland

Your Excellency,

We, the undersigned organizations, write to you to express our concern regarding the worsening situation for civil society in Bahrain. We believe coordinated international action coupled with public scrutiny are imperative to address the Government of Bahrain's ongoing attacks on civil society and to hold the kingdom accountable to its commitments to international human rights laws and standards. To this end, we call upon your Office to continue to monitor the situation in Bahrain and to continue to raise concerns at the highest level, both publicly and privately, with the government as was done by your predecessor, Zeid Ra'ad Al Hussein. We believe heightened scrutiny of Bahrain's human rights record and its ongoing human rights violations is particularly important now that the kingdom is a Member State of the Human Rights Council.

In the past two years, the Bahraini government increased its repression of the kingdom's remaining civil society organizations, political opposition groups, and human rights defenders. In June 2016, Bahrain's Administrative Court [forcibly dissolved](#) al-Wefaq, Bahrain's largest political opposition society, a ruling that was [upheld](#) in February 2018. In May 2017, a court [approved the forcible dissolution](#) of the National Democratic Action Society, also known as Wa'ad. Only a month later, the government indefinitely [suspended](#) the kingdom's last remaining independent newspaper, Al-Wasat, continuing its repression of free expression and press freedom.

While there were hopes that the government might ease repression in the run-up to elections for the lower house of parliament on 24 November 2018, it dashed these hopes with a series of actions and policies that effectively [precluded the elections from being free or fair](#) and that continued the broader assault on civil society. Only weeks ahead of the elections, the country's highest appeals court sentenced Sheikh Ali Salman, the Secretary-General of Al-Wefaq to [life in prison](#) on spurious charges of espionage dating from 2011. The government also enacted new legislation [banning](#) all individuals who had ever belonged to a dissolved political society from seeking or holding elected office, as well as anyone who has ever served six months or more in prison. This affected a large portion of Bahrain's population, as the kingdom currently has around 4,000 political prisoners. In addition, the government [criminalized calls to boycott](#) the elections, and on 13 November 2018, arrested former Member of Parliament Ali Rasheed al-Asheeri for tweeting about boycotting the elections.

Beyond rigging the election process at the expense of political opposition societies and free and fair participation, over this past year Bahrain has continued to target, harass, and imprison activists and human rights defenders for exercising their right to free expression. Indeed, on 31 December 2018, Bahrain's Court of Cassation – its court of last resort - [upheld](#) prominent human rights defender Nabeel Rajab's five-year prison sentence on spurious charges of tweeting and re-tweeting criticism of torture in Jau Prison and the war in Yemen and [drawing criticism](#) from the Office of the High Commissioner for

Human Rights. With this decision, Rajab has exhausted all legal remedies to reverse the charges, and will remain in prison until 2023. He has already served a two-year prison sentence on charges related to television interviews in which he discussed the human rights situation in the kingdom.

While Bahrain has several institutions tasked with oversight responsibilities and enforcing accountability for human rights abuses, we have [grave concerns](#) over their effectiveness, their independence, and their seriousness at fulfilling their mandates. Similar concerns have been raised about the institutions - the National Institution for Human Rights (NIHR) and the Ministry of Interior Ombudsman – by the UN Human Rights Committee. In the Committee’s [first evaluation](#) of Bahrain under the International Covenant on Civil and Political Rights (ICCPR) in July 2018, it found the NIHR largely lacked sufficient independence from the government. The European Parliament has also criticized the NIHR, including in a [June 2018 resolution](#) where the body expressed “regret” for the honors it has bestowed upon the NIHR. In the resolution, the European Parliament cited the institution’s lack of independence to fulfill its duties. The MoI Ombudsman has [received sharp criticism](#), including from the [UN Committee Against Torture \(CAT\)](#). The CAT cited the Ombudsman’s lack of independence, impartiality, and efficacy in addressing complaints submitted to the institution.

The failure of Bahrain’s human rights institutions to address serious human rights abuses is indicative of a broader culture of impunity in the kingdom. Bahrain’s national institutions not only fail to implement human rights reforms, but they help perpetuate and whitewash abuses. Both the [Ombudsman](#) and [NIHR](#) have released reports that whitewash violations like police brutality, while neglecting to address or condemn violent police raids on peaceful protests. These institutions’ failure to protect human rights and hold violators accountable extends to the right to free expression. Bahraini authorities have increasingly clamped down on peaceful dissent, imprisoning critics of the government for disagreeing with government policies or criticizing the government or royal family. In Ali al-Asheeri and Nabeel Rajab’s cases, the government arrested them on free expression charges relating to their tweets. More fundamentally, without reliable and independent institutions to protect the rights of Bahrainis and to call for accountability in response to violations, the government has helped promote an environment rife with impunity for the government to continue to suppress free expression and civil society.

Despite these abuses and despite concerns from UN bodies, Bahrain has not been the subject of collective action in the United Nations Human Rights Council (HRC) since a joint statement in [September 2015 at HRC 30](#). Since then, the government has taken increased steps to limit fundamental freedoms, including restricting the rights to free expression, free assembly, free association, and free press, dissolving political opposition societies and jailing human rights defenders, religious leaders, and political figures.

Even as Bahrain has embarked on this campaign to suppress opposition and dissent, state action on Bahrain in the HRC has been limited to individual condemnations by various governments under Agenda Items 2 and 4. Despite this lack of joint action, the Office of the High Commissioner has been consistently vocal about Bahrain’s rights abuses and we are very appreciative of your Office’s attention to Bahrain over the past several years. Your predecessor has raised concerns about Bahrain in his opening statements at the HRC, including at the [36<sup>th</sup> Council session](#), where he highlighted restrictions on civil society and the kingdom’s lack of engagement with international human rights mechanisms, and at [38<sup>th</sup> Council session](#) in which he reiterated past concerns and sharply criticized Bahrain for its continued refusal to cooperate with the Office of the High Commissioner and the mandates of the Special Procedures. We believe that this public scrutiny is now even more necessary as Bahrain assumes a seat on the Council as a Member State.

We concur with your Office's assessment of Bahrain's human rights and with your Office's concern about the situation. But without an independent, viable civil society within Bahrain there can be no serious domestic pressure on the government to relax restrictions and ease repression. It is for this reason that we strongly urge you to continue to monitor the situation, to publicly express your concerns to Bahraini officials, and to call on the Bahraini government to meet its international obligations, including concerning protecting and promoting civil society. We hope that you will continue to highlight and identify human rights issues in Bahrain, both publicly and privately, through reporting and the broader work of the Office of the High Commissioner. We call on you to highlight Bahrain's restrictions on civil society, targeting of human rights defenders, dissolution of political opposition, and unrelenting attacks on free expression in your opening statement at the 40<sup>th</sup> Human Rights Council session, the first session of which Bahrain is a member of the Council.

Sincerely,

1. Adil Soz - International Foundation for Protection of Freedom of Speech
2. Americans for Democracy & Human Rights in Bahrain (ADHRB)
3. ARTICLE 19
4. Asian Human Rights Commission (AHRC)
5. Association for Human Rights in Ethiopia (AHRE)
6. Bahrain Center for Human Rights
7. Bahrain Institute for Rights and Democracy
8. Cairo Institute for Human Rights Studies (CIHRS)
9. Cartoonists Rights Network International (CRNI)
10. Center for Civil Liberties (Ukraine)
11. Centre for Independent Journalism (CIJ)
12. Center for Media Studies & Peace Building (CEMESP)
13. CIVICUS
14. European Centre for Democracy and Human Rights
15. Foro de Periodismo Argentino
16. Freedom Forum
17. Independent Journalism Center (IJC)
18. Index on Censorship
19. Initiative for Freedom of Expression – Turkey
20. JOINT Liga de ONGs em Mocambique
21. Latin American Network for Democracy (REDLAD)
22. Ligue Burundaise des Droits de l'homme ITEKA
23. Maharat Foundation
24. Mediacentar Sarajevo
25. Media Foundation for West Africa (MFWA)
26. Norwegian PEN
27. Odhikar (Bangladesh)
28. OpenMedia
29. Organisation Tchadienne Anti-Corruption (OTAC)
30. Pacific Islands News Association (PINA)
31. PEN America
32. Southeast Asian Press Alliance (SEAPA)
33. South East Europe Media Organisation
34. Sudanese Development Initiative (Sudan)

35. Syrian Center for Media and Freedom of Expression (SCM)
36. Vigilance for Democracy and the Civic State
37. West African Human Rights Defenders Network