



# General Assembly

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## Human Rights Council

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Agenda item 4

**Human rights situations that require the Council's attention**

### **Written statement\* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

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\* Issued as received, in the language(s) of submission only.



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## Persistent Patterns of Reprisals against Human Rights Defenders in Bahrain

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 40<sup>th</sup> Session of the United Nations (UN) Human Rights Council (HRC) to raise serious concerns over the Government of Bahrain's arbitrary detention of and reprisals against the family of Sayed Ahmed Mustafa Mohamed Alwadaei, a prominent Bahraini human rights defender.

### Sayed Ahmed Alwadaei

Sayed Ahmed Mustafa Mohamed Ali Alwadaei is a Bahraini human rights activist who participated in the 2011 mass pro-democracy demonstrations in Bahrain. During this period he was detained, tortured and sentenced to six months' imprisonment *in absentia* by a military tribunal. In 2012 after serving his sentence, and fearing further prosecution by the Government of Bahrain, Mr. Alwadaei travelled to the United Kingdom of Great Britain and Northern Ireland (UK). In August 2012, the UK granted him refugee status, where he co-founded the London-based Bahrain Institute for Rights and Democracy (BIRD), a non-profit human rights organization that advocates for human rights and democracy in Bahrain.

On 31 January 2015, the Ministry of Interior in Bahrain revoked his citizenship on spurious charges brought for political reasons against Mr. Alwadaei. Consequently, he was rendered stateless.

### Arrest of the AlWadaei Family as Reprisal

On 26 October 2016, Mr. Alwadaei peacefully protested against the visit of King Hamad of Bahrain to 10 Downing Street in London. On the same day, Bahraini immigration officers detained his wife Duaa Alwadaei with their young son, and prevented them from boarding a London-bound flight. The government officers interrogated Ms. Alwadaei for more than seven hours about her husband's activism and threatened to charge her with assaulting a police officer, which carries a three-year sentence. After international pressure and the intervention of the Embassy of the United States of America, she and her son were released and were permitted to leave Bahrain.

In February and March 2017, Mr. Alwadaei participated in the 34<sup>th</sup> Session of the Human Rights Council, where he highlighted human rights abuses committed in Bahrain. On 2 March 2017, a group of masked security officers detained Mr. Alwadaei's brother-in-law Sayed Nazar Naama Baqer Ali Yusuf Alwadaei and cousin Mahmood Marzooq Mansoor at the latter's residence in the village of Jid Ali, without an arrest warrant. Both were interrogated without the presence of a lawyer by Criminal Investigation Directorate (CID) officers about Sayed Ahmed Alwadaei's activism. Both reported that they were tortured.

On 5 March 2017, Sayed Ahmed Alwadaei's mother-in-law Hajar Mansoor Hassan was summoned for interrogation at the CID without being informed of the charges against her. She was arrested, interrogated and questioned about Sayed Ahmed Alwadaei while being forced to stand for nearly 10 hours, without the presence of a lawyer. This resulted in her fainting and sustaining an injury to her hand and shoulder. Subsequently, she was transferred to a hospital. On 6 March 2017, Ms. Hassan was transferred to Isa Town women's detention center and charged with planting a fake bomb.

### Unfair Trials and Convictions

On 30 October 2017, Hajar, Sayed Nizar Alwadaei, and Mahmood Marzooq Mansoor were convicted and sentenced to three years in prison for allegedly planting a fake bomb, based on confessions coerced through torture. On 20 December 2017, a Bahraini appeal court upheld the sentences against them.

On 21 March 2018, Duaa Alwadaei was sentenced *in absentia* to two months in prison by the Fifth Criminal Court in Bahrain on the charge of assaulting a police officer. She was in London for the entirety of the trial.

During the 38th Human Rights Council session in June and July 2018, BIRD, ADHRB, and other organizations made reference to Hajar's case and identified a senior prison official as the individual responsible for the abuses that women in Isa Town Prison suffer,<sup>1</sup> the official threatened to punish Hajar if she continued to mention the abuses she and other inmates suffer at Isa Town Prison.

### **Working Group on Arbitrary Detention (WGAD) Opinion and Bahraini Response**

In August 2018, the WGAD Opinion concerning Sayed Nazar Alwadaei, Mahmood Marzoq Mansoor and Hajar Mansoor Hassan stated that all three individuals were deprived of their liberty, interrogated and prosecuted for their family ties with Sayed Ahmed Alwadaei and that these were acts of reprisals.<sup>2</sup> The Working Group called for their immediate release, to accord them the right to compensation and other reparations, in accordance with international law, and urged the Bahraini Government to ensure a full and independent investigation of the circumstances surrounding their arbitrary deprivation of liberty and to take appropriate measures against those responsible for the violation of their rights. This opinion was published in January 2019.

On 10 January 2019, the Bahraini Ministry of Interior published a statement in response to the WGAD opinion in the case of the Alwadaei family<sup>3</sup>. In the statement, the Ministry claimed that Sayed Nizar Alwadaei, Mahmood Marzoq Mansoor and Hajar Mansoor Hasan were arrested and tried for individual criminal acts committed with a terrorist intent, and not as a reprisal. In the statement, the Ministry referred to Sayed Ahmed Alwadaei as "a terrorist fugitive" and "fugitive convict." This was echoed in a tweet the Ministry posted linking to statement, in which the Ministry referred to "the allegations of the terrorist, Al Wadaei."<sup>4</sup>

### **Secretary-General Report, Further Reprisals**

On 12 September 2018, the UN published the ninth annual report of the Secretary-General on cooperation with the UN, its representatives, and mechanisms in the field of human rights.<sup>5</sup> The report presents the work of Assistant Secretary-General (ASG) for Human Rights Andrew Gilmour, who addresses intimidation and reprisals against those cooperating with the UN. Bahrain is one of 38 country cases cited in the report's summary, with the report noting "various United Nations actors have expressed grave concern about an ongoing trend of harassment and intimidation against Bahraini civil society representatives seeking to cooperate with the United Nations." Mr. Alwadaei's family was explicitly listed in the report.

Following publication of this report and ADHRB engagement in an oral intervention, Hajar was again targeted for abuse and ill treatment in the prison. These reprisals extended to

<sup>1</sup> "ADHRB at HRC38 Condemns Detention of Women Activists in Bahrain's Isa Town Women's Prison," ADHRB, <http://adhrb.org/2018/07/adhrb-at-hrc38-condemns-detention-of-women-activists-in-bahrain-s-isa-town-womens-prison/>.

<sup>2</sup> Working Group on Arbitrary Detention, *Opinion No. 51/2018 concerning Sayed Nazar Naama Baqer Ali Yusuf Alwadaei, Mahmood Marzoq Mansoor and Hajar Mansoor Hassan (Bahrain)*, U.N. Doc. A/HRC/WGAD/2018/51 (7 Jan. 2019).

<sup>3</sup> Kingdom of Bahrain Ministry of Interior, *Al Wadaei-linked terrorists were convicted after legal process* (10 Jan. 2019), <https://www.policemc.gov.bh/en/news/ministry/87963>.

<sup>4</sup> Ministry of Interior (@moi\_bahrain), Twitter (), [https://twitter.com/moi\\_bahrain/status/1083407790306136066](https://twitter.com/moi_bahrain/status/1083407790306136066).

<sup>5</sup> Report of the Secretary-General, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, U.N. Doc. A/HRC/39/41 (13 Aug. 2018).

other female political prisoners Najah Ahmed Habib Yusuf and Medina Ali Ahmed Husain AbdulMohsen - on 16 September 2018, prison guards assaulted Hajar, Medina and Najah in their cell. After the incident, Hajar was transferred to hospital and then taken back to her cell. All three women were prevented from making phone calls directly following the incident. Mr. Alwadaei believes that the assault was in reprisal for his advocacy and human rights efforts.

## Conclusion and Recommendations

On 12 October 2018, Bahrain won a seat at the HRC despite its abysmal human rights record and lack of cooperation with international human rights bodies and mechanisms. Instead of ameliorating its human rights record, the Government of Bahrain remains in breach of its international obligations to safeguard human rights and continues to engage in reprisals against the family members of individuals cooperating with the UN. This is evident in the case of the Alwadaei family, where the government describes the Alwadaei family members as “terrorists” despite UN statements to the contrary, and refuses to reform.

Similar character attacks were made when the Bahraini government responded to the statement from the Office of the High Commissioner for Human Rights, in which the OHCHR spokesperson called for the release of Nabeel Rajab,<sup>6</sup> after the Bahraini Court of Cassation confirmed his five-year prison sentence for statements made on Twitter. The government responded that Nabeel’s detention and conviction “have nothing to do with freedom of expression” and continued to refer to his tweets as “false” and “malicious.”<sup>7</sup> These continued public attacks on the character of human rights defenders shows Bahrain’s failure to adhere to behavior that is expected of a Member State of the Human Rights Council.

As such, ADHRB recommends that:

- The Government of Bahrain should implement the recommendations given by the WGAD Opinion No. 51/2018 concerning Sayed Nazar Naama Baqer Ali Yusuf Alwadaei, Mahmood Marzooq Mansoor and Hajar Mansoor Hassan and immediately release them; and
  - The Government of Bahrain should put an end to the reprisals against individuals seeking to cooperate or having cooperated with the United Nations in the field of human rights.
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<sup>6</sup> Spokesperson for the UN High Commissioner for Human Rights, *Press briefing note on Bahrain* (4 Jan. 2019),

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24055&LangID=E>.

<sup>7</sup> Kingdom of Bahrain Ministry of Interior, Nabeel Rajab posted false tweets not within freedom of expression (10 Jan. 2019), <https://www.policemc.gov/bh/en/news/ministry/87962>.