



March 11, 2019

Members & Delegates,

We, the undersigned, write to you on the occasion of the 40th session of the United Nations Human Rights Council from 25 February through 22 March 2019, to urge you to introduce a joint statement on Bahrain under Agenda Item 4. We believe that the situation in Bahrain meets the criteria for joint action as laid out in a [joint statement delivered by Ireland in July 2016](#) that outlines how the Council can fulfill its mandate of contributing, through dialogue and cooperation, to the prevention of human rights violations and of responding promptly to human rights emergencies in a manner that is “non-politicised, non-selective and objective.” Over the past couple of years, the situation in Bahrain has deteriorated significantly, with the government having taken steps to eliminate the organized political opposition, close the space for civil society, target and jail human rights defenders and activists, continue its pattern of reprisals and travel bans against activists, and refuse to take steps to rein in a rampant culture of impunity. Given the decline of the situation in Bahrain, we lament the inability of the Council to take joint action, especially as the Council has seen five joint statements between 2012 and 2015. Bahrain has just been elected to the Council and must, according to UNGA resolution 60/251, “uphold the highest standards in the promotion and protection of human rights” and “fully cooperate with the Council” (operative ¶ 9).

Since 2011, when the authorities violently suppressed the mass pro-democracy protests in Bahrain, the government has been the subject of almost a half dozen joint statements in the Council. In these statements, issued in [June 2012](#), [February 2013](#), [September 2013](#), [June 2014](#), and [September 2015](#), states called attention to the serious human rights violations in the Kingdom including restrictions on the rights to freedom of expression, opinion, assembly, and association, lack of legal due process, revocation of citizenship, the culture of impunity, reprisals, and torture. In that time, the Bahraini government took steps, albeit minimal, to address international concerns. However, since June 2016, with Bahrain no longer facing the same level of scrutiny from the international community, the human rights situation has deteriorated markedly, as the government enacted repressive and restrictive measures on a scale not seen since the suppression of the 2011 mass protests. On 20 June 2016, the government arbitrarily [revoked](#) the citizenship of one of Bahrain’s most prominent Shia leaders, Sheikh Isa Qassim. After that move, officials embarked on what Human Rights Watch has called a “[systematic campaign targeting](#)” Shia clerics. Then on 24 May 2017, after [several raids](#) on demonstrators outside Sheikh Qassim’s house in Diraz, security forces attacked the demonstrators in force, [killing five people](#).

On 13 June 2016, a week before the government arbitrarily revoked Sheikh Qassim’s citizenship, authorities [arrested](#) prominent human rights defender Nabeel Rajab on charges arising from the peaceful exercise of his freedom of expression. On 10 July 2017, he was [sentenced](#) to two years in prison for “spreading false news and rumors” about Bahrain in relation to television interviews he had given where he discussed restrictions on freedom of the press. The Court of Cassation confirmed this sentence in January 2018, while Rajab was also on trial in a second case for charges stemming from tweets and re-tweets that were critical of the government, torture in prison, and the war in Yemen. On 31 December 2018, Rajab [received](#) the final verdict in his trial for activity on Twitter, when the Court of Cassation upheld his five-year sentence. He will remain in prison until 2023.

Nabeel Rajab is only one of many human rights defenders and activists the Bahraini government has targeted since 2016. Among the ways authorities have worked to repress activism is through travel bans, intimidation, and reprisals. Every year, ahead of the Human Rights Council, the government [bans activists](#) from traveling to Geneva. The government also carries out reprisals against activists who engage with the international community. Among those who have suffered is [Ebtisam al-Saegh](#), who has been physically, psychologically, and sexually assaulted by Bahraini authorities for her activism. Other detainees who have faced reprisals are Hajer Mansoor and her cell mates at Isa Town Prison Center, Najah Yusuf and Medina Ali, who were [beaten](#) after a UN report called attention to their case. Mansoor has been [targeted](#) along with her son and nephew because of the activism of her son-in-law Sayed Ahmed Al-wadaei, a London-based activist and human rights defender who is the Director of Advocacy at the Bahrain Institute for Rights and Democracy. The Government of Bahrain's reprisals demonstrate the escalating feeling of impunity, with officials explicitly targeting activists and subjecting them to arbitrary arrest and torture, without concern for accountability.

The government has also targeted organized political opposition and civil society organizations. On 30 May 2016, the Court of Appeals [upheld](#) the prison sentence handed down to Sheikh Ali Salman for delivering a political speech two-and-a-half years prior. Sheikh Salman is the Secretary General of Al Wafaq National Islamic Society, Bahrain's largest political opposition group. On 14 June 2016, the Ministry of Social Development [closed down](#) the Shia civil society organizations Al Risala Islamic Society and the Islamic Enlightenment Society, and a month later, a court ordered the dissolution of Al Wafaq. In May 2017, a court approved the [dissolution](#) of the National Democratic Action Society, also known as Wa'ad, and the next month the courts indefinitely suspended the kingdom's only independent newspaper, [Al-Wasat](#). On 4 November 2018 Sheikh Salman was [sentenced to life in prison](#) in a case based on [spurious charges of spying for Qatar](#). The rulings against Sheikh Salman, Al Wafaq, and Wa'ad have all been upheld by Bahrain's highest judicial authority, the Court of Cassation.

Given the sharp deterioration in human rights in the time since the last joint statement, the situation in Bahrain is ripe for the Council to trigger collective and preventative action, including under Agenda Item 4. The objective criteria in the Ireland-delivered joint statement identify triggers for Council action. A sufficient number of criteria are met to make the situation rise to the level of a pressing concern, which should trigger prompt Council consideration of the human rights situation in Bahrain. Below we lay out the most relevant criteria and the ways in which Bahrain falls under their purview.

- **Whether the State is facilitating or obstructing access and work on the part of humanitarian actors, human rights defenders and the media:** Bahrain's most prominent human rights defender, Nabeel Rajab, has been imprisoned - specifically, for commenting on human-rights related issues, such as tweets criticizing the Arab coalition's role in the war in Yemen and disseminating allegations of torture in Jaw prison. Access by outside human rights organizations, such as Amnesty International and Human Rights Watch, is categorically blocked. Media access to Bahrain has been significantly restricted since 2011. To take a recent example, even at the time of the November 2018 parliamentary elections - which Bahrain regarded as a significant opportunity to burnish its international image - only two media teams from non-allied states were allowed into the country: a Japanese television crew and a reporter from Deutsche Presse Agentur. Coverage by both teams was restricted to reporting on arranged news items at the official press center.
- **Whether the State concerned is effectively cooperating with the Special Procedures, including by allowing country visits, and 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 refuses to effectively cooperate with the Special Procedures. The government has not allowed visits by any of the Special Rapporteurs or Working Groups since 2006, despite repeated requests by various mandate holders. In addition, former High Commissioner Zeid Ra'ad Al Hussain has "[*repeatedly offered the support of \[his\] Office to assist with practical improvements. These efforts have been met with point blank denials, unfounded accusations and unreasonable last-minute conditions to technical missions.*](#)" Bahrain has also [*failed to comply*](#) with the majority of its substantive Universal Periodic Review (UPR) recommendations, and has imposed travel bans on activists throughout numerous Council sessions. With respect to the treaty bodies, Bahrain did not submit an initial report to the Human Rights Committee until a decade after its deadline, and likewise did not submit its last report to the Committee Against Torture until nine years after the deadline. In its "Concluding observations," the Human Rights Committee urged Bahrain "to ensure that military courts are prevented from exercising jurisdiction over civilians," to take legislative measures "clarifying and narrowing" the "overly broad definition of terrorism" under Bahraini law, and to "[e]nsure ... that the burden of proving that confessions were made voluntarily falls on State authorities." To date, no action has been taken to comply with these, and other, recommendations.

- **Whether the State concerned is engaging in a meaningful, constructive way with the Council on the situation:** Bahrain participates in the Council and has dialogue with its mechanisms. Beyond that, however, it cannot be said that it engages in good faith "in a meaningful, constructive way." Engagement in good faith in a meaningful and constructive way requires that a state, as an essential prerequisite, permit independent civil society voices to participate in the process without fear. This is a minimum requirement and not a simple expectation to be achieved under the best of circumstances. Without free participation by civil society the Council cannot be fully informed on the human rights situation in a country; and, conversely, refusal to accept such participation without interference demonstrates a basic intolerance of criticism that precludes real dialogue on the subject of respect for human rights. For the past several years, Bahrain has prevented participation at the Council by civil society delegations from within the country, which used to be a familiar presence in Geneva. Those Bahrainis who have attended in recent years now live in exile. The coercive exclusion of Bahraini civil society from the Council has been effected through direct measures such as official travel bans as well as indirect measures such as reprisals against family members, in addition to more subtle means that are difficult to detect such as threats to disclose damaging personal information about civil society actors or their family members.
- **Whether there has been a call for action by the UN Secretary General, the High Commissioner for Human Rights, or a relevant UN body, organ, or agency:** On 4 January 2019, the Office of the High Commissioner [*issued a statement*](#) in response to Bahrain's upholding of Nabeel Rajab's five-year prison sentence calling "on the Government of Bahrain to immediately and unconditionally release prominent human rights defender Nabeel Rajab and to ensure that all Bahrainis are able to exercise their rights to freedom of opinion and expression without fear of arbitrary detention." The Office of the High Commissioner has previously highlighted concerns about Bahrain, including in remarks delivered on [*18 June 2018*](#) and [*10 September 2018*](#). Likewise, the UN Assistant Secretary General for Human Rights, Andrew Gilmore, has raised Bahrain repeatedly in his reports on reprisals, including his [*2017*](#) and [*2018*](#) reports.
- **Whether the State concerned has been willing to recognise 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:** On 30

Americans for Democracy



& Human Rights in Bahrain



April 2018, the Special Rapporteurs on executions, freedom of expression, countering terrorism, torture, religion, and the Working Groups on Arbitrary Detention and Involuntary Disappearances [called](#) on Bahrain to retry four men sentenced to death in a military court trial that did not follow international standards of due process and proceeded after the defendants confessed to the charges under torture. Rather than address the existence of the problem, Bahrain's National Institution for Human Rights issued a [report](#) endeavoring to prove that no violations of legal due process and human rights had taken place. More recently, following on the heels of a formal [Opinion](#) by the Working Group on Arbitrary Detention finding that several relatives (by marriage) of Sayed Ahmed al-Wadaei were held contrary to international law, Bahrain responded non-substantively and non-credibly by [dismissing](#) the detainees as “terrorists.”

The Council can only function successfully if it demands accountability for and works to prevent rights violations, especially from those countries that are member states and which are therefore explicitly charged with upholding “the highest standards in the promotion and protection of human rights.” Under any objective criteria, and especially in light of its troubling record and the heightened standard of scrutiny applied to Council members, Bahrain deserves attention. We thus urge you to commit to joint action on Bahrain under Agenda Item 4 during the 40th session of the Human Rights Council, at a minimum through a joint statement.

Sincerely,

Americans for Democracy & Human Rights in Bahrain

Amnesty International