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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.

[20 August 2019]

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



The persistent patterns of reprisals against Human Rights Defenders in Bahrain

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 42nd session of the United Nations (UN) Human Rights Council (HRC) to raise concerns over the Government of Bahrain's arbitrary detention of and reprisals against individuals who cooperate with the UN.

Travel bans

The UN Secretary-General's 2018 report on cooperation with the UN's human rights mechanisms noted the Government of Bahrain's imposition of "sweeping" travel bans against at least 20 individuals.¹ Bahrain responded, stating that the travel bans are due to criminal offences, rather than acts of reprisals.² However, the situation for human rights defenders remains oppressive.

Ahead of HRC40 in March 2019, the Bahrain authorities changed their tactics. Rather than imposing travel bans, authorities instead targeted human rights defenders with threats, including threats of rape, defamation, and death threats against individuals and their families if they attempted to travel to Geneva ahead of the Council session. Faced with these threats, many Bahraini human rights defenders declined to attend the Council's 40th session.

One individual, who wished to remain anonymous, travelled in Europe in countries in the Shengen zone just ahead of HRC40. The individual reported that upon their return to Bahrain, the authorities questioned him about his travels, including the number of dates in each location. This individual believed this line of questioning and the careful scrutiny of passport stamps was in order to identify whether they had travelled to Geneva.

Arrest of the Alwadaei family in reprisal

Sayed Ahmed Alwadaei is a London-based Bahraini human rights activist. Because of his participation in the 2011 mass pro-democracy demonstrations in Bahrain, he left the country. The United Kingdom granted him refugee status in August 2012. Due to his activism, on 31 January 2015, Bahrain's Ministry of Interior revoked his citizenship, rendering him stateless.

On 26 October 2016, Alwadaei's wife, Duaa Alwadaei, was detained in Bahrain's airport with their son by Bahraini immigration officers and prevented from boarding a London-bound flight, as a reprisal for Alwadaei's participation in a peaceful protest against King Hamad's visit to London. It was only after international pressure and the intervention of the United States' embassy that Duaa Alwadaei and her son were permitted to leave Bahrain.

In an act of reprisal for Alwadaei's participation at HRC34 in February and March 2017, Bahraini officers detained his brother-in-law Sayed Nezar Alwadaei, cousin Mahmood Mansoor, and mother-in-law Hajer Mansoor in early March 2017. Officials arrested Sayed Nezar and Mahmood without a warrant and tortured them during their interrogations. Officials detained Hajer and harshly interrogated her about her son-in-law's activities, without a lawyer present. They forced her to stand for nearly ten hours. As a result, she fainted and sustained an injury to her hand and shoulder.

¹ Report of the Secretary-General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (13 Aug. 2018) U.N. Doc. A/HRC/39/41, para. 29.

² *Id.*, Annex I, para. 4.

Unfair trials, abuse and convictions

On 30 October 2017, Hajer, Sayed Nezar, and Mahmood were convicted and sentenced to three years in prison on the basis of confessions coerced through torture for allegedly planting a fake bomb. Their convictions have been upheld by the Bahrain's highest court, and they have exhausted all domestic remedies. Hajer and her son will remain in prison until March 2020, and Mahmood will remain in prison until 2028, having been convicted on additional charges.

On 21 March 2018, Duaa Alwadaei was sentenced *in absentia* to two months in prison charges of assaulting a police officer. She was in London during the duration of the trial.

Since the Secretary-General's report was published in September 2018, Hajer has faced further reprisals. Following the interactive dialogue with the Assistant Secretary General Andrew Gilmour at HRC39, Hajer and her cellmates Najah Yusuf and Medina Ali reported being assaulted by prison guards, led by Major Maryam AlBardoli, the head of Isa Town Prison. Since this incident, the three women reported that prison authorities have imposed collective punishment against all prisoners, including the imposition of a barrier during familial visits, reduced phone calls, and the requirement for prisoners to wear uniforms at all times. Hajer has also reported medical neglect throughout her imprisonment, including delay in cancer screenings for a lump she discovered in her breast.

In January 2019, the Working Group on Arbitrary Detention (WGAD) published its opinion on the Alwadaei family,³ finding their detention to be the result of an unfair trial and in reprisal for Sayed Alwadaei's human rights work. In response to calls from civil society for their release, Bahrain's Ministry of Interior published a statement referring to Alwadaei as a "terrorist fugitive" and a "criminal" and his family members as "terrorists."⁴

On 18 March 2019, an Allegation Letter sent by six Special Procedures Offices was published.⁵ The letter discusses Hajer's and the allegations that Major AlBardoli was the main perpetrator of her ill-treatment in detention. Following the publication of the Letter and social media coverage, rather than investigating the allegations, the Bahrain Embassy in London published a series of now-deleted tweets⁶ concerning her case and including private correspondence between her family and the Ombudsman in a bid to rehabilitate AlBardoli.

Ebtisam AlSaegh's case was included in the ASG's report in the context of travel bans, as well as for the threats she received on social media during the HRC38.⁷ In response to an Allegation Letter sent by six Special Procedures Offices on 17 January 2019,⁸ Bahraini authorities failed to acknowledge the threatening tweets, as well as the travel ban against AlSaegh, and they did not indicate that they had initiated an investigation.⁹

Nabeel Rajab was banned from travelling in 2015 and subsequently convicted on charges relating to comments he made during television interviews in 2015 and 2016, as well as charges relating to statements he published on Twitter critical of the Saudi coalition actions in Yemen, and torture in Bahraini prisons.¹⁰

³ Working Group on Arbitrary Detention, Opinion No. 51/2018 concerning Sayed Nazar Naama Baqquer Ali Yusuf Alwadaei, Mahmood Marzooq Mansoor and Hajar Mansoor Hassan (Bahrain) (7 Jan. 2019), U.N. Doc. A/HRC/WGAD/2018/51.

⁴ Kingdom of Bahrain Ministry of Interior, *Al Wadaei-linked terrorists were convicted after legal process*, Police Media Center (10 Jan. 2019), <https://www.policemc.gov.bh/en/news/ministry/87963>.

⁵ Letter to the Government of Bahrain, Ref. AL BHR 7/2018 (17 Jan. 2019).

⁶ Bahrain Institute for Rights and Democracy, *UK-Trained Bahraini Ombudsman Breaches Confidentiality of Victim of Abuse*, BIRDbh.org, (21 March 2019), http://birdbh.org/2019/03/uk-trained-bahraini-ombudsman-breaches-confidentiality-of-victim-of-abuse/?mc_cid=f6b31a4654&mc_eid=40d8b3b99c.

⁷ Report of the Secretary-General, supra n. 1, Annex I, para. 4, Annex II, paras 4-8.

⁸ Letter to the Government of Bahrain, Ref. AL BHR 7/2018 (17 Jan. 2019).

⁹ Letter to the Office of the High Commissioner for Human Rights, (11 March 2019).

¹⁰ Report of the Secretary-General, supra n. 1, Annex I, para. 4, Annex II, para. 9.

Despite a WGAD opinion that Rajab’s detention is in violation of his right to freedom of expression,¹¹ on 31 December 2018, Bahrain’s Court of Cassation upheld Rajab’s conviction and sentence of five years in prison concerning his tweets.¹² He has exhausted all legal remedies and will remain in prison until 2023. Bahrain’s Ministry of Interior has rejected the WGAD’s findings, alleging that Rajab’s activism via Twitter constitutes criminal acts and that his conviction has “nothing to do with freedom of expression,” and detailing his “offenses” and the disciplinary actions taken against him, gravely misrepresenting the nature of the authorities’ treatment of Rajab and his activism.¹³

Intimidation at HRC 41

Delegates from Saudi Arabia, Bahrain, and the UAE engaged in intimidation against members of ADHRB during the HRC41. Most notably, members of their delegations sat in seats reserved for non-governmental organizations, conspicuously photographed members of ADHRB’s delegation, obviously eavesdropped on conversations, and pointed and gestured towards ADHRB’s Executive Director in a threatening manner.

Conclusion

Considering that Bahrain is a member of the Council despite its poor human rights record, lack of cooperation with international human rights bodies and mechanisms, and ongoing reprisals against human rights activists, ADHRB calls upon the Government of Bahrain to:

- Implement WGAD Opinions No. 13/2018 and 51/2018 on Nabeel Rajab and the Alwadaei family and immediately release them; and
- End the reprisals against individuals cooperating with the UN in the field of human rights.

¹¹ Working Group on Arbitrary Detention, Opinion No. 13/2018 concerning Nabeel Ahmed Abdulrasool Rajab (*Bahrain*) (13 Aug. 2018), U.N. Doc. A/HRC/WGAD/2018/13.

¹² Americans for Democracy & Human Rights in Bahrain, Nabeel Rajab Faces 5 Years in Prison as Bahrain’s Court of Cassation Rejects his Final Appeal, ADHRB.org (31 Dec. 2018), <https://www.adhrb.org/2018/12/nabeel-rajab-faces-5-years-in-prison-as-bahrains-court-of-cassation-rejects-his-final-appeal/>.

¹³ The MoI post has since been deleted from the Bahrain News Agency website, but MoI commentary was also published on the following site: Kingdom of Bahrain Ministry of Interior, *Nabeel Rajab posted false tweets not within freedom of expression*, Police Media Center (10 Jan. 2019), <https://www.policemc.gov.bh/en/news/ministry/87962>.