

Americans for Democracy



& Human Rights in Bahrain

Mid-Term Assessment of the Universal Periodic Review - Bahrain

Americans for Democracy & Human Rights in Bahrain (ADHRB)

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I. Executive Summary

1. Americans for Democracy & Human Rights in Bahrain (ADHRB) is a Washington DC-based non-profit human rights organization that fosters awareness of and support for democracy and human rights in Bahrain and the Arab Gulf.
2. In May 2017, member and observer states of the UN Human Rights Council (HRC) submitted 175 recommendations to the Government of Bahrain for its third Universal Periodic Review (UPR) cycle. These recommendations were grouped into 20 issue areas, encompassing issues from freedom of expression to treatment of prisoners. The government supported 139 recommendations and noted 36. In declining to accept these recommendations, authorities stated that they are incompatible with Islamic sharia, conflict with national legislation, or require further study and as such could be only partially accepted.¹

Now, two-and-a-half years later, we find that Bahrain has largely failed to implement the recommendations it accepted, and has backslid on a number of recommendations it accepted. Among the recommendations that have gone unfulfilled are some that, if implemented, would improve the treatment of women in prison and political prisoners, some that would lift undue restrictions on the rights to free expression, free media and press, and some that would make it easier for human rights defenders to engage in their work.

3. In light of Bahrain's refusal to take serious steps to implement the numerous UPR recommendations it accepted, we welcome the opportunity to contribute to Bahrain's mid-term third-cycle UPR report and to iterate our concerns over the kingdom's human rights abuses writ broadly within the framework of the UPR process. To this end, our submission focuses on issues ranging from national politics to executions and includes thematic areas of concern such as the right to free expression and freedom of religion.

We have found that not only has the government not made improvements in areas of importance, but it has expanded its penal code and its counterterrorism and cybercrime laws, further empowering officials to suppress dissent and to jail critics. Nor has the government taken steps to hold security force officers accountable for abuses they have committed. Rather, authorities have continued to engage in blatant reprisals against human rights defenders and activists, with the offending officers going unpunished.

We have also found that long-standing issues included in previous UPR cycles, such as abusive conditions in detention centers and torture and abuse of prisoners have continued unabated. Recently, our concerns surrounding poor detention conditions have been augmented by a widespread, and seemingly systematic, practice to deny prisoners unconditional and unfettered medical care. This practice affects older prisoners and victims of torture in particular.

4. In an effort to systematically and adequately address the varied recommendations and Bahrain's follow through, we have divided our analysis into five sections:
 - A. "Effectiveness of the BICI," focusing on refusal to implement the BICI recommendations, and in particular, addressing the re-empowering of the National Security Agency and re-empowering of military courts to try civilians outside periods of martial law;
 - B. "National Politics," addressing the elections for Bahrain's lower house of parliament as well as ongoing concerns about political disenfranchisement;

¹ Human Rights Council, "Report of the Working Group on the UPR-Bahrain", 10 July 2017, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BHindex.aspx>.

- C. “Freedom of Expression, Press and Media,” in which we address the measures the government has taken to criminalize dissent, including by strictly censoring online content and prosecuting human rights defenders, journalists, bloggers, and activists for their expression;
 - D. “Human Rights Defenders, Political Prisoners, and Civil Society,” in which we
 - analyze recent trends in the targeting of human rights defenders and political prisoners, and look at significant individual cases, including female political prisoners;
 - examine prison conditions and the treatment of prisoners; and
 - cases of reprisals;
 - E. “Nationality Regulations, Statelessness, and Capital Punishment,” which addresses mass trials and denationalizations, and which segues into concerns about capital punishment.
5. The UPR process is central to the functioning of the UN Human Rights Council and to the UN’s broader efforts to promote and protect human rights around the world. However, the UPR process can only be effective if states take the process seriously. We strongly urge the international community to iterate to the Bahraini government the importance of cooperating with the UPR, and to stress the importance of compliance with the process, in particular the implementation of the recommendations it has already accepted.

SECTION A: ROLL-BACK OF BICI RECOMMENDATIONS

Not implemented; No perceived progress

During its third cycle UPR review, the Government of Bahrain fully supported recommendations **114.37**, **114.58** and **114.59** concerning the implementation of the Bahrain Independent Commission of Inquiry (BICI) recommendations.² Despite accepting these recommendations, Bahrain has not made any progress towards their implementation.

These recommendations refer to a series of steps that Bahrain promised to take in 2011 in the aftermath of the large protests, which government forces suppressed using violence. Following the protests and reeling from international condemnation, the Bahraini government pledged to make reforms and to take steps towards accountability. However, the government never completely fulfilled its promises.³ Shortly after ending martial law in early 2011, authorities stripped the National Security Agency (NSA) – the kingdom’s secret police force – of its powers of arrest and interrogation, and revoked the military courts’ power to try civilians of terror crimes.

However, on 9 May 2016, Bahrain celebrated what it said was the culmination of the work of the BICI, announcing that all 26 recommendations had been fully implemented, although ADHRB, in conjunction with the Bahrain Center for Human Rights and the Bahrain Institute for Rights and Democracy, found that the government had only fully implemented two of the 26 recommendations. A year later, the government re-empowered the NSA and the military courts, in a move that further demonstrated Bahrain’s unwillingness to reform and address concerns about violations. As a result, while the initial recommendations pertain to events that took place in 2011, they remained relevant during Bahrain’s third cycle UPR, and they continue to remain relevant half-way through Bahrain’s third cycle.

114.37 Set a timeline with clear deadlines for the implementation of all Bahrain Independent Commission of Inquiry recommendations and provide regular and public reports on the progress of their implementation (Slovenia);

114.58 Maintain its commitment to achieving concrete political reform based on respect of the legitimate rights and aspirations of all its citizens, consistent with Bahrain’s international obligations and acceptance of the findings and recommendations of the 2011 report of the Bahrain Independent Commission of Inquiry (Australia); and

114.59 Ensure the full implementation of all recommendations from the Bahrain Independent Commission of Inquiry (Belgium).

Although the Government of Bahrain supported these recommendations in regards to implementation of the BICI, it has not taken steps to implement them. To the contrary, on 5 January 2017, just five months before the kingdom’s third cycle review, authorities published a decree restoring the NSA’s powers of arrest and interrogation.⁴ Less than three months later, on 5 March, Bahrain’s parliament approved a constitutional change that would once again allow military courts to try civilians of terror

² “Report of the Working Group on the Universal Periodic Review: Bahrain,” United Nations, 15 September 2017, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BHindex.aspx>.

³ For more information on Bahrain’s fulfillment of the BICI recommendations, see “Shattering the Façade,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 16 November 2015, <https://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrains-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>.

⁴ “Bahrain: Arrest Powers Restored to Abusive Agency,” Human Rights Watch, 31 January 2017, <https://www.hrw.org/news/2017/01/31/bahrain-arrest-powers-restored-abusive-agency>.

crimes. However, unlike the empowerment of military courts to try civilians in 2011, this constitutional change comes outside a period of martial law or state of emergency.⁵

1. The Re-Empowerment of the NSA

During the mass protests in 2011, the NSA operated as Bahrain's secret police, forcibly disappearing dissidents in unannounced home raids and engaging in widespread torture. At least one individual, Karim Fakhrawi – the cofounder of the now-closed Al Wasat newspaper – was tortured to death in NSA custody. In addition, the NSA referred hundreds of detainees to the National Security Courts – the military courts established to try individuals accused of offenses relating to the protests.⁶

Almost immediately following the re-instatement of the NSA's powers of arrest and detention, on 26 January, the agency attacked a peaceful sit-in in the village of Duraz, using lethal force. Among those shot was 18-year-old Mustafa Hamdan, who died two months later on 24 March.⁷ On 23 May – around the date of Bahrain's third cycle UPR - security forces, including NSA officials once again attacked a sit-in in Duraz. The officers used violence and killed five men and injured hundreds more. According to Amnesty International, 39-year-old Mohamed Kazem Mohsen Zayn al-Deen, an environmental activist, was among those who was killed. He died from injuries to his head caused by birdshot.⁸

The NSA also targeted, arbitrarily arrested, forcibly disappeared and tortured human rights defenders and activists for their human rights work. Among those who have been targeted by the NSA are human rights defender Ebtisam al-Saegh, Mohamed Khalil al-Shakhoori, and Mohamed Hasan Ali Mohamed Juma Sultan. NSA officials twice detained and tortured al-Saegh in response to her activism at the UN HRC. They forcibly disappeared activist al-Shakhoori, and they repeatedly summoned and tortured Sultan, the son of a former opposition parliamentarian, while attempting to coerce him into informing on his father and other political figures.⁹

2. The Expansion of the Jurisdiction of Military Courts

Prior to the mass demonstrations and institution of martial law in 2011, and the re-empowering of the military courts in March 2017, the courts' jurisdiction only extended to crimes perpetrated by members of the Defense Force, National Guard, and other military and security bodies.¹⁰ However, in March 2017, King Hamad ratified an amendment to Article 105 of the kingdom's Constitution, once again empowering military courts to try civilians accused of "threatening the security of the state,"¹¹ working in a non-licensed organization, and "causing offence to the country's reputation."¹²

⁵ "Bahrain's Parliament Approves Military Trials for Civilians," New York Times, 5 March 2017,

<https://www.nytimes.com/2017/03/05/world/bahraains-parliament-approves-military-trials-for-civilians.html>.

⁶ "ADHRB submits written statement on Bahrain's National Security Agency to the Human Rights Council", 12 October 2017, <https://www.adhrb.org/2017/10/adhrb-submits-written-statement-on-bahraains-national-security-agency-to-the-human-rights-council/>.

⁷ "18-year-old Mustafa Hamdan dies after security forces shooting," ADHRB, 24 March 2017, <https://www.adhrb.org/2017/03/18-year-old-mustafa-hamdan-dies-security-forces-shooting/>.

⁸ "Bahrain: At least one dead and hundreds injured as government violently cracks down on opposition," Amnesty International, 23 May 2017, updated 24 May 2017, <https://www.amnesty.org/en/latest/news/2017/05/bahrain-at-least-one-dead-and-hundreds-injured-as-government-violently-cracks-down-on-opposition/>.

⁹ "ADHRB submits written statement on Bahrain's National Security Agency to the Human Rights Council," ADHRB.

¹⁰ "Military Courts in Bahrain," Global Military Justice Reform, 11 October 2018, <http://globalmjreform.blogspot.com/2018/10/military-courts-in-bahrain.html>.

¹¹ "ADHRB submits written statement on Bahrain's National Security Agency to the Human Rights Council," ADHRB.

¹² "NGOs Condemn Confirmation of Civilian Sentences by Bahrain Military Court: Four at Risk of Imminent Execution," ADHRB, 25 April 2018, <https://www.adhrb.org/2018/04/ngos-condemn-confirmation-of-civilian-sentences-by-bahrain-military-court-four-at-risk-of-imminent-execution/>.

In December 2017, Bahrain's Military High Court tried 17 civilians on charges related to their alleged terrorist activities. The court sentenced six of them to death and seven of them to seven-year prison terms. The court also stripped the 13 men who were convicted of their nationality. There were broad concerns about the trial proceedings, as the court convicted eight of the defendants *in absentia*. Some of the defendants stated they were denied access to legal counsel, family visits and were subjected to *incommunicado* detention and forced to confess under torture.¹³ Despite these concerns, the Military High Court of Appeal rejected their appeals.¹⁴

Through these measures – the re-empowerment of the NSA to arrest and interrogate individuals, and the re-expansion of the military courts' jurisdiction to include civilians accused of terror crimes and outside periods of martial law – the Bahraini government has effectively enshrined many aspects of the 2011 martial law into normal law. This transposition of exceptional powers, previously reserved under martial law and states of emergency, into normal law has given Bahrain's security apparatus greater leeway to silence peaceful dissidents and to commit human rights abuses from arbitrary detention to torture.

3. Mid-term recommendations

The Government of Bahrain should:

- Revoke the NSA's ability to arrest and interrogate civilians;
- Revoke the military courts' power to try civilians accused of terror and state security crimes in times of peace;
- Empower an independent and impartial committee to investigate and prosecute all allegations of torture and ill-treatment.

¹³ "NGOs Condemn Confirmation of Civilian Sentences by Bahrain Military Court: Four at Risk of Imminent Execution," ADHRB.

¹⁴ "Seven Years After the 2011 Uprising, Bahrain's Military Courts Confirm Death Sentences for Civilians," ADHRB, 21 February 2018, <https://www.adhrb.org/2018/02/seven-years-after-the-2011-uprising-bahrains-military-courts-confirm-death-sentences-for-civilians/>.

SECTION B: NATIONAL POLITICS

Technically Implemented, No Perceived Progress

1. Elections for the Lower House of Parliament

On 24 November 2018, the Government of Bahrain announced it would hold elections for the kingdom's lower house of parliament. This is the second set of elections since the mass pro-democracy protests in 2011, with the first set having been held in late 2014. Due to numerous restrictions placed on political opposition societies; the targeting of political opposition leaders; restrictions on free expression, free association, and free assembly; the dearth of independent media and concerns about censorship; as well as long-standing issues surrounding gerrymandering and the violation of the one-person, one-vote principle, the elections were criticized by human rights organizations¹⁵ as well as members of the US Congress, Members of the European Parliament, and members of the British, Irish, and Italian parliaments.¹⁶

Bahrain is governed by a constitutional monarchy, with overall power vested in the monarchy and the king. The country's parliament has two chambers: the Consultative Council (or Shura Council) which has 40 seats and functions as the upper house, and whose members are appointed by the king, and the lower house of the Council of Representatives, which also has 40 seats and whose members are elected by the people in elections every four years. As a result, the lower house of parliament – the Council of Representatives – is the only elected governing body in Bahrain. However, it has little power and serves largely as a rubber-stamp for the king.

During Bahrain's third cycle UPR review, the government supported several recommendations pertaining to national politics, the right to free assemble and form political associations, the right to participate in politics freely and unhindered, and calling on the government to halt the persecution of political opposition members: recommendations **114.56**, **114.97**, **114.101**, **114.109**, **114.116**, **114.122**, and **114.123**. Despite supporting these recommendations ahead of the elections for the lower house of parliament, the Government of Bahrain continued to target members of the political opposition, to suppress free expression and independent media, and to restrict the right of Bahrainis to freely assemble and join and establish political associations. Moreover, despite targeted recommendations specifically calling on the government to "cease unwarranted legal action" against two dissolved political societies, Al-Wefaq and Wa'ad, authorities continued to target their members and leadership. As a result, and despite supporting recommendation **114.56** calling on national dialogue in an effort to address the aims and concerns of the populace, Bahrain denied the kingdom's citizens and residents of an effort to engage in such dialogue through elections and to put forward ideas and solutions for addressing long-standing grievances and holding rights abusers and individuals accused of corruption accountable.

114.56 Engage in a genuine national dialogue in an open and inclusive manner with all stakeholders, with the aim of effectively addressing the legitimate aspirations and concerns of all the population in a comprehensive and inclusive manner (Islamic Republic of Iran);

¹⁵ "Bahrain: No Free Elections in Current Environment," Human Rights Watch, 20 November 2018, <https://www.hrw.org/news/2018/11/20/bahrain-no-free-elections-current-environment#>; "Bahrain: suppression of opposition ahead of Bahraini elections," Amnesty International, 23 November 2018, <https://www.amnesty.org/en/documents/mde11/9440/2018/en/>.

¹⁶ See "As Expected, Bahrain's Parliamentary Elections Were Neither Free Nor Fair," ADHRB, 26 November 2018, <https://www.adhrb.org/2018/11/as-expected-bahrain-parliamentary-elections-were-neither-free-nor-fair/> for hyperlinks to letters sent by these members to Bahrain expressing their concern.

114.97 Avoid the intimidation and harassment of human rights defenders, journalists and civil society organizations, lifting the restrictions imposed on them and allowing them to freely exercise their rights to freedom of expression, association and assembly (Spain);

114.101 Protect the rights to freedom of association and assembly in accordance with its international obligations, notably those under the International Covenant on Civil and Political Rights, and cease the dissolution of political parties and civil society organizations (Sweden);

114.109 Take measures to guarantee the exercise of the right to freedom of association and peaceful assembly and to promote and facilitate the activities of NGOs (France);

114.116 Reduce restrictions on peaceful assembly and association, allow individuals to participate freely in independent political societies, consistent with the Constitution and national action charter, and cease unwarranted legal action against Wefaq and Wa'ad for engaging in protected activities (United States of America);

114.122 Respect and protect the right of all groups and individuals to participate in legitimate political activities (New Zealand);

114.123 Remove restrictive limitations on the establishment of political parties or membership therein and cease the dissolution by law of oppositional political societies (Canada).

Despite accepting these recommendations, Bahrain's elections for the lower house of parliament were marred by significant concerns encompassing restrictions on political participation and gerrymandering. Prior to the elections, authorities took several steps to ensure that members of the political opposition could not participate. On 14 June 2016, ahead of the kingdom's UPR review, a court approved the suspension of Al-Wefaq National Islamic Society, Bahrain's largest political opposition society.¹⁷ Authorities subsequently froze the society's assets, blocked its website, and closed its headquarters. Two years later, in February 2018, Bahrain's Court of Cassation ruled to uphold Al-Wefaq's dissolution.¹⁸

The government also targeted Al-Wefaq's leaders, in particular Sheikh Ali Salman, the society's Secretary General. Before closing Al-Wefaq, officials arrested Sheikh Salman in 2014. On 1 November 2017, authorities brought new charges against Salman of maintaining "intelligence contacts with Qatar" to undermine Bahrain's political and economic states as well as its national interest to overthrow the political system.¹⁹ On 4 November 2018, only weeks before the elections, Bahrain sentenced Salman to life in prison.²⁰

In addition to Al-Wefaq, authorities targeted the National Democratic Action Society, also known as Wa'ad, the country's leading secular, leftist opposition society and, after the dissolution of Al-Wefaq, the last major opposition society in Bahrain. Bahrain's Ministry of Justice and Islamic Affairs launched dissolution proceedings against Wa'ad on 6 March 2017, citing unsubstantiated allegations of "incitement of acts of terrorism and promoting violent and forceful overthrow of the political regime after the society issued a statement describing Bahrain as experiencing a "constitutional political

¹⁷ "NGOs Strongly Condemn Bahrain's Government Closing Al-Wefaq," ADHRB, 14 June 2016

<https://www.adhrb.org/2016/06/ngos-strongly-condemn-bahrains-government-suspending-al-wefaq/>.

¹⁸ "Bahrain: Final Verdict on Al-Wefaq Closure," Bahrain Mirror, 19 February 2018,

<http://bahrainmirror.com/en/news/44788.html>.

¹⁹ "Updated: Bahrain brings new charges against Al-Wefaq's Sheikh Ali Salman amid campaign against opposition," ADHRB, 21 November 2017, <https://www.adhrb.org/2017/11/bahrain-brings-new-charges-against-al-wefaqs-sheikh-ali-salman-amid-campaign-against-opposition/>.

²⁰ "Bahrain opposition leader sentenced to life in prison," BBC, 4 November 2018, <https://www.bbc.com/news/world-middle-east-46088430>.

crisis.”²¹ Two weeks later, officials charged Wa’ad leader Ebrahim Sharif with “inciting hatred against the regime” and against “factions of society” under Articles 165 and 172 of Bahrain’s Penal Code due to messages he wrote on social media.²² Later that year, on 26 October 2017, the High Court of Appeals confirmed the asset seizure and dissolution of Wa’ad.²³ The Court of Cassation upheld Wa’ad’s dissolution and confiscation of assets in January 2019, two months after the elections.²⁴

In addition to targeting and closing political opposition societies and their leaders, the government has taken several other steps to limit opposition engagement. According to Human Rights Watch, on 11 June 2018, the king signed an amendment to the Law on the Exercise of Political Rights that bans anyone from running for office who belonged to a dissolved political organization or who was previously convicted and sentenced to more than six months in prison. This move had the effect of disqualifying large numbers of political opposition figures from running for office and also ensuring that many formerly incarcerated political prisoners could not hold office.²⁵ These moves were accompanied by further restrictions on free expression. Shortly ahead of the elections, officials detained former Member of Parliament Ali Rashed AlAsheeri for tweeting about boycotting the elections.²⁶

Furthermore, there have been long-standing concerns about gerrymandering efforts that have diluted the influence of Bahrain’s Shia majority population. Electoral districts in Bahrain are of different sizes, with the largest electoral district containing several times the number of eligible voters than the smallest district. As a result, the votes of many of those who do not vote for the government, mean little to nothing.²⁷

²¹ “Bahraini government moves to dissolve leading secular, leftist opposition society Wa’ad,” ADHRB, 6 March 2017 <https://www.adhrb.org/2017/03/bahraini-government-moves-dissolve-leading-secular-leftist-opposition-society-waad/>; “Bahrain heading for ‘total suppression’ of human rights as secular opposition group banned,” Amnesty International, 31 May 2017, <https://www.amnesty.org/en/latest/news/2017/05/bahrain-heading-for-total-suppression-of-human-rights-as-secular-opposition-group-banned/>.

²² “Bahrain: Political Opposition Leader Ebrahim Sharif Charged With Inciting Hatred,” ADHRB, 20 March 2017 <https://www.adhrb.org/2017/03/12050/>.

²³ “Bahraini Appeals Court Confirms Dissolution of Wa’ad, Last Major Opposition Group,” ADHRB, 26 October 2017 <https://www.adhrb.org/2017/10/bahraini-appeals-court-confirms-dissolution-of-waad-last-major-opposition-group>.

²⁴ “Bahrain: Court upholds unlawful dissolution of major opposition political group,” Amnesty International, 22 January 2019, <https://www.amnesty.org/en/latest/news/2019/01/bahrain-court-upholds-unlawful-dissolution-of-major-opposition-political-group/>.

²⁵ “Bahrain: No free elections in current environment,” Human Rights Watch, 20 November 2019, <https://www.hrw.org/news/2018/11/20/bahrain-no-free-elections-current-environment#>.

²⁶ Ibid.

²⁷ Fahad Desmukh, “Gerrymandering in Bahrain: Twenty-one persons, one vote,” Bahrain Watch, <https://bahrainwatch.org/blog/2013/02/11/gerrymandering-in-bahrain-twenty-one-persons-one-vote/>.

SECTION C: FREEDOM OF EXPRESSION, PRESS AND MEDIA

Not implemented; No perceived progress

Brief Assessment

During its third UPR cycle, Bahrain received 33 recommendations concerning freedom of expression, political association, protection of journalists and human rights defenders, the adoption of a new media law, and compliance with international standards.²⁸ Although authorities supported 28 of the recommendations, the government did not make sufficient efforts to lift restrictions on the rights to freedom of expression or peaceful political association. Rather, officials took steps to impose increasingly severe limitations on the free expression of one's opinion, including in the media, and on the right to freely associate with a peaceful political organization.

Over the last two years, the Government of Bahrain has taken increased measures to criminalize dissent expressed on social media by imposing a strict censorship on online content. Authorities have also continued to target human rights defenders, journalists, bloggers, and activists, in particular because of their expression, assembly, and association.

As a result, Reporters Without Borders (RSF) has consistently ranked Bahrain as among the worst countries for free expression. In its World Press Freedom Index, RSF ranked Bahrain 164, 166, and 167 out of 180 countries in 2017, 2018, and 2019 respectively.²⁹ Freedom House has also recognized the Bahraini government's highly restrictive environment in regards to media, the internet, and respect for political rights and civil liberties, granting the kingdom a score of 12/100, or "not free."³⁰

Among the recommendations that Bahrain accepted pertaining to free expression, association, and assembly are:

114.57 Take urgent steps to facilitate the work of civil society and human rights defenders, and guarantee protection of all persons from intimidation or reprisals for seeking to cooperate with the United Nations (Ireland);

114.61 Take specific and additional measures aimed at strengthening its national unity and internal domestic security and fostering cooperation in order to disseminate the culture of social peaceful coherence and guarantee freedom of expression that ensures social justice among all components of society (Iraq);

114.70 Review the anti-terrorism law and its implementation in order to ensure it cannot be abused for harassment, detention and prosecution of dissenters (Czechia);

114.96 Take necessary measures to guarantee the enjoyment of all fundamental freedoms, including the participation in political and public affairs by all (Botswana);

114.97 Avoid the intimidation and harassment of human rights defenders, journalists and civil society organizations, lifting the restrictions imposed on them and allowing them to freely exercise their rights to freedom of expression, association and assembly (Spain);

²⁸ "Bahrain matrix of recommendations," United Nations Office of the High Commissioner for Human Rights, May 2017, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BHindex.aspx>.

²⁹ "2019 World Press Freedom Index," Reporters without Borders, <https://rsf.org/en/ranking>.

³⁰ "Bahrain," Freedom House, <https://freedomhouse.org/country/bahrain>.

- 114.98** Adopt a law to protect human rights defenders that includes special protection for vulnerable groups of defenders, including women defenders and those who express themselves through the Internet and social media (Mexico);
- 114.99** Rescind impediments to freedom of expression, association and peaceful assembly (New Zealand);
- 114.100** Release as soon as possible all individuals, including human rights defenders, having been imprisoned solely due to the exercise of their fundamental rights of expression and assembly (Norway);
- 114.101** Protect the rights to freedom of association and assembly in accordance with its international obligations, notably those under the International Covenant on Civil and Political Rights, and cease the dissolution of political parties and civil society organizations (Sweden);
- 114.102** Release all persons detained solely for the exercise of their right to freedom of expression or their right to peaceful assembly and repeal all legislative provisions criminalizing the exercise of these rights (Switzerland);
- 114.103** Review convictions, commute sentences, or drop charges for all persons imprisoned solely for non-violent political expression (United States of America);
- 114.104** Remove undue restrictions on the online publication of news media, and the licencing restrictions on media organizations and individuals seeking to practise journalism (Canada);
- 114.105** Amend the penal code and the press law to remove criminal penalties for alleged libel and insult offences, as accepted by Bahrain during its last universal periodic review (Canada);
- 114.107** Redouble efforts to promote and safeguard the freedom and independence of the press and electronic media on the basis of international standards and norms (Cyprus);
- 114.108** Ensure that the new bill for the press and electronic media complies with international norms and continues its efforts to ensure respect for the right to freedom of expression and the right to peaceful assembly and association (State of Palestine);
- 114.109** Take measures to guarantee the exercise of the right to freedom of association and peaceful assembly and to promote and facilitate the activities of NGOs (France);
- 114.110** Modify the legislation to repeal criminal responsibility for activities that fall within the legitimate exercise of freedom of expression, particularly on the Internet and Twitter (France);
- 114.111** Repeal or amend all laws that restrict the freedoms of expression, association or assembly, including decree No. 31 of 2013, Law No. 34 of 2014, and Law No. 26 of 2015 (Germany);
- 114.112** Immediately and unconditionally release all prisoners of conscience imprisoned only for exercising their right to freedom of expression, association and peaceful assembly (Iceland);
- 114.113** Implement relevant legislation for the full exercise of the right to freedom of expression, peaceful assembly and association (Italy);

- 114.114** Continue strengthening the freedom of the media and the rights of media workers (Lebanon);
- 114.115** Respect the legitimate rights of all its citizens to freedom of assembly, expression and participation in political societies (Australia);
- 114.116** Reduce restrictions on peaceful assembly and association, allow individuals to participate freely in independent political societies, consistent with the Constitution and national action charter, and cease unwarranted legal action against Wefaq and Wa'ad for engaging in protected activities (United States of America);
- 114.117** Take further steps to create a more enabling environment for international and national media platforms and ensure plurality of opinions within the country (Lithuania);
- 114.118** Allow journalists to exercise their profession, and refrain from arbitrarily withholding license renewals (Lithuania);
- 114.119** Adopt appropriate measures to ensure the protection of human rights defenders, journalists and members of the political opposition from acts of aggression and intimidation and abstain from taking any restrictive measures or reprisals against human rights defenders, notably those who cooperate with the Human Rights Council (Luxembourg);
- 114.120** Finalize and enact the new media law with the meaningful involvement of all stakeholders, providing for a truly independent regulatory body (Austria);
- 114.121** Remove undue restrictions on the organization of peaceful protest in opposition to the Government, and repeal the application of criminal penalties to peaceful participation in unauthorized protests (Canada);
- 114.122** Respect and protect the right of all groups and individuals to participate in legitimate political activities (New Zealand);
- 114.123** Remove restrictive limitations on the establishment of political parties or membership therein, and cease the dissolution by law of opposition political societies (Canada);
- 114.124** End immediately the reprisals against human rights defenders and lift restrictions on civil society (Estonia);
- 114.29** Accept the request of the Special Rapporteur on torture and the Special Rapporteur on the rights to freedom of peaceful assembly and of association (France); and
- 114.30** Implement fully the recommendations made by the United Nations mandate holders, including through the immediate release of all political prisoners and by ending impunity, thus bringing perpetrators of human rights violations to justice (Islamic Republic of Iran).

1. Freedom of Expression

Since 2011, the Government of Bahrain has increasingly restricted Bahrainis' rights to free and peaceful expression, assembly, and association. Even as authorities accepted numerous recommendations during the kingdom's third cycle UPR, the government has continued its efforts to limit forms of critical expression and gatherings and assemblies, as well as the formation of associations.

Ahead of the kingdom's elections for the lower house of parliament in November 2018, officials detained former Member of Parliament Ali Rashed AlAsheeri because of tweets he had posted saying that he would boycott the elections, and for calling on others to boycott the elections because they would not be free or fair. While they released him shortly after arresting him, his arrest remains deeply concerning. A month after AlAsheeri's arrest, on New Year's Eve 2018, the Court of Cassation upheld prominent human rights defender Nabeel Rajab's five-year prison sentence for tweeting criticism of the war in Yemen, and torture in Jau Prison.³¹

Then, in May 2019, the Director-General of Bahrain's Ministry of Interior's General-Directorate of Anti-Corruption, Economic and Electronic Security (GDAEES) announced that the Directorate had conducted an investigation into social media accounts that are deemed to hinder national unity and stability by denigrating the image of Bahrain and its citizens. The GDAEES claimed that that most of the accounts were managed from foreign countries such as Iran, Qatar, Iraq, France, Germany, and Australia.³² Following the investigation, Bahrain's Council of Representatives' Committee on Foreign Affairs, Defense, and National Security introduced a bill punishing individuals deemed to spread false news, defame the state, or insult state bodies over social media. On 30 May 2019, Bahrain's MoI announced that following social media accounts deemed to incite hatred and spread false news would be at risk of legal punishment.³³

The bill passed, and in early June, Bahrain's king subsequently amended Article 11 of the anti-terror law to allow the government to prosecute individuals, including those living outside Bahrain, who are determined to undermine the peace and stability of the country through online activities. This action effectively equates online dissent with terrorism. In line with this change, Bahrain's Interior Ministry sent a number of text messages to activists living outside the kingdom, who had been deemed to be biased against the kingdom or to incite discord, warning them against following or supporting social media accounts deemed to defame the state.³⁴

2. Online Censorship and Restrictions to Freedom of the Press

In addition to supporting recommendations pertaining to the right to free expression, Bahrain supported several recommendations concerning freedom of the press and electronic media. During the kingdom's UPR, it claimed that it seeks to promote free press and the independence of the media, while condemning the incitement to hatred and violence, threats to national security, and violations of public order, morals, and the kingdom's reputation.³⁵ Despite this rhetoric, since its third cycle UPR, authorities have imposed further restrictions on the media, shut down the only independent newspaper, strictly censored websites and online content.

In June 2017, Bahrain's Ministry of Information Affairs (MIA) ordered the indefinite suspension of Al-Wasat, Bahrain's only independent newspaper, following the publication of an article concerning the

³¹ "Bahrain: Five-year prison sentence over tweets upheld for Nabeel Rajab," Amnesty International, 31 December 2018, <https://www.amnesty.org/en/latest/news/2018/12/bahrain-five-year-prison-sentence-over-tweets-upheld-for-nabeel-rajab/>.

³² "Bahrain's Threat to Crack Down on Social Media Users Would Violate Free Expression, Says PEN America," PEN America, 10 June 2019, <https://pen.org/press-release/bahrain-threat-of-crack-down-on-social-media-users/>.

³³ "ADHRB Strongly Condemns Bahrain's New Legal Campaign to Attack Activists on Social Media," ADHRB, 4 June 2019, <https://www.adhrb.org/2019/06/adhrb-strongly-condemns-bahrains-new-legal-campaign-to-attack-activists-on-social-media/>.

³⁴ "Bahrain says following opposition social media could result in legal action," Reuters, 2 June 2019, <https://www.reuters.com/article/us-bahrain-security-socialmedia/bahrain-says-following-opposition-social-media-could-result-in-legal-action-idUSKCN1T30PU>.

³⁵ "Report of the Working Group on the Universal Periodic Review: Bahrain," United Nations, 15 September 2017, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BHindex.aspx>.

legitimacy of a rural unrest in Morocco.³⁶ Since 2011, this newspaper has been targeted and suspended without notice a number of times.³⁷

Following the suspension of the last remaining independent newspaper, authorities began to restrict online expression and expression over other forms of media. To this end, in February 2018, officials amended the penal code, increasing the maximum prison sentence for posting private news, comments, or images determined to be defamatory to the state, from one to three years and raised the maximum fine from BD 500 (US\$1,327) to BD 10,000 (US\$26,533).³⁸ Authorities also targeted and blocked hundreds of websites and moved to ban content related to regional politics or criticism of the Bahraini royal family and government.³⁹

Among the most prominent websites Bahraini authorities have banned are Bahrain Online, the Arab Network for Human Rights Information, the Bahrain Center for Human Rights (BCHR), Bahrain Mirror, and Al-Quds Al-Araby.⁴⁰ Furthermore, following a diplomatic crisis between Qatar and GCC countries, the Bahraini officials have blocked several Qatari websites, such as Al Jazeera, Al Sharq, Qatar Airways, and Al Raya.⁴¹ More broadly, making comments deemed to be supportive of Qatar can lead to a five-year prison sentence and a fine.⁴²

Freedom House has reported that as of August 2018, of the 367 blocked websites 39 percent had been banned for political reasons, and 23 percent had been blocked because of the use of tools to bypass blocking and censorship.⁴³ In addition, June 2017 to May 2018, the government has sentenced seven individuals to a combined 207 months in jail because of their online activities, while many others are on trial or detention.⁴⁴

Due to the government's abstract language about defamation, etc. it is unclear what constitutes potentially punishable language. Furthermore, the list of censored websites remains hidden to the public and authorities do not provide explanations or notifications when ordering the banning of content.⁴⁵ Because the criteria for persecution is opaque, and due to intimidation from security forces, users edit or delete online content, or self-censor content. Among the methods security forces and officials use to force activists to self-censor their material is spreading false information to distort the image of critics and activists with the aim of discrediting them or forcing them into compliance.⁴⁶ These methods make it hard to know the extent of the government's efforts to restrict online criticism.

3. Silencing of the Political Opposition

After receiving and supporting recommendations regarding political freedom and participation, authorities claimed that Bahrain is taking steps to grant the rights to association and assembly and that political groups are dissolved only if they engage in practices that undermine the security and unity of

³⁶ "Bahrain: Only Independent Newspaper Shut Down," Human Rights Watch, 18 June 2017, <https://www.hrw.org/news/2017/06/18/bahrain-only-independent-newspaper-shut-down>.

³⁷ "Bahrain suspends Al-Wasat, further restricting press freedom," ADHRB, 6 June 2017, <https://www.adhrb.org/2017/06/bahrain-suspends-al-wasat-restricts-press-freedom/>.

³⁸ "Internet Freedom Score," Freedom House, May 2018, <https://freedomhouse.org/report/freedom-net/2018/bahrain>.

³⁹ Ibid.

⁴⁰ "Bahrain Follows Suit after UAE and Saudi Arabia, Blocks Qatari Media Outlets," Bahrain Mirror, 25 May 2017, <https://bit.ly/2BAxyB4>.

⁴¹ Ibid.

⁴² "Those siding with Qatar or objecting to Bahrain action to be punished," Bahrain News Agency, 8 June 2017, <https://bit.ly/2ORWHcd>.

⁴³ "Internet Freedom Score," Freedom House.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ "In the Arab Spring's Wake, Twitter Trolls and Facebook Spies," The Chronicle of Higher Education, 29 November 2011, <http://bit.ly/1Kx8zdJ>.

the country by supporting terrorism, violence, challenging the Constitution and conspiring against the Government.⁴⁷

Nevertheless, the Government of Bahrain has systematically restricted all forms of organized political opposition and political participation by shutting down opposition societies and silencing dissent. In 2016, authorities dissolving Al-Wefaq National Islamic Society, Bahrain's largest political opposition society. In 2017, officials dissolved the National Democratic Action Society, also known as Wa'ad.⁴⁸ In January 2019, after numerous appeals, Bahrain's Court of Cassation upheld Wa'ad's dissolution.⁴⁹

Authorities also targeted Al-Wefaq and Wa'ad's leaders. Officials have repeatedly arrested and detained Ebrahim Sharif, the secretary general of Wa'ad, on charges stemming solely from his speeches. In March 2019, Sharif was sentenced to six months in prison for posting a tweet critical of Sudan's president, although he was released soon after the sentence was handed down.⁵⁰ Officials have also targeted Sheikh Ali Salman, secretary general of Al-Wefaq since 2015, when he was sentenced to four years in prison on accusations stemming from his political speeches.⁵¹ In early November 2018 – only weeks before the elections for the lower house of parliament, he received a life sentence for allegedly spying for Qatar.⁵² In addition to targeting high profile activists, authorities have arrested anyone seen as critical of the government or ruling family, and has jailed around 4,000 political prisoners.

4. Persecution of Journalists and Activists

During its third UPR cycle, Bahrain supported the recommendations it received regarding the right of journalists to practice their profession. Authorities claimed that the law forbids restrictions on the flow of information and guarantees journalists the right to work freely and to have access to information. Authorities also claimed that they have not imprisoned any journalists or bloggers for practicing their profession.⁵³ Contrary to this claim, the Government of Bahrain has regularly targeted journalists and bloggers, interfering with their work and arresting, interrogating, and detaining them.

In July 2017, Bahraini authorities sentenced prominent human rights defender Nabeel Rajab to two years in prison for allegedly spreading rumors and false news during TV interviews released in 2015 and 2016.⁵⁴ In February 2018, Bahrain sentenced Rajab to five years in prison for tweeting criticism of the war in Yemen and torture in Bahrain's Jau Prison.⁵⁵ On 31 December 2018, the Court of Cassation upheld

⁴⁷ "Report of the Working Group on the Universal Periodic Review: Bahrain," United Nations, 15 September 2017, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BHindex.aspx>.

⁴⁸ "HRC38 Written Statement: Bahrain's Closure of Political Space Ahead of Elections," ADHRB, 15 June 2018, <https://www.adhrb.org/2018/06/hrc38-written-statement-on-bahrain-closure-of-political-space-ahead-of-elections/>.

⁴⁹ "Bahrain: Court upholds unlawful dissolution of major opposition political group," Amnesty International, 22 January 2019, <https://www.amnesty.org/en/latest/news/2019/01/bahrain-court-upholds-unlawful-dissolution-of-major-opposition-political-group/>.

⁵⁰ "Bahrain: opposition leader given six-month sentence for tweet about Sudanese president," Amnesty International, 13 March 2019, <https://www.amnesty.org.uk/press-releases/bahrain-opposition-leader-given-six-month-sentence-tweet-about-sudanese-president>.

⁵¹ "Bahrain: Opposition leader Sheikh Ali Salman unlawfully convicted," Amnesty International, 4 November 2018, <https://www.amnesty.org/en/latest/news/2018/11/bahrain-opposition-leader-sheikh-ali-salman-unlawfully-convicted/>.

⁵² "Bahrain opposition leader sentenced to life in prison," BBC, 4 November 2018, <https://www.bbc.com/news/world-middle-east-46088430>.

⁵³ "Report of the Working Group on the Universal Periodic Review: Bahrain," United Nations, 15 September 2017, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BHindex.aspx>.

⁵⁴ "Case History: Nabeel Rajab," Frontline Defenders, accessed 4 November 2019, <https://www.frontlinedefenders.org/en/case/case-history-nabeel-rajab#case-update-id-6029>.

⁵⁵ "Bahrain: Shameful attack on freedom of expression as Nabeel Rajab sentenced to five years in prison for tweets," Amnesty International, 21 February 2018, <https://www.amnesty.org/en/latest/news/2018/02/bahrain-shameful-attack-on-freedom-of-expression-as-nabeel-rajab-sentenced-to-five-years-in-prison-for-tweets/>.

his five-year sentence.⁵⁶ As a result, Rajab will remain detained until 2023. The government holds additional charges against Rajab, should it choose to file them. Rajab has also been charged for spreading false news and hindering the prestige of the state after the publication of two pieces posted on his name on The New York Times and Le Monde.⁵⁷

In May 2017, blogger Hassan Al-Sharqi announced he would stop tweeting. Al-Sharqi had been summoned by the NSA, beaten, and ordered to stop his online activity.⁵⁸ In July 2017, an appeals court upheld the verdict against journalist Nazeeha Saeed, sentencing her for working without a license and fining her 1,000 Bahraini dinars.⁵⁹ In September 2017, the government arrested and detained Rawan Sanqoor for about a month for tweeting about her brother's, Ali Sanqoor, lack of access to medical care in jail, and for having been in contact with the International Committee of the Red Cross.⁶⁰ In February 2018, authorities arrested and beat blogger Sayed Ali Al-Durazi for allegedly inciting hatred against the government and the royal family, through social media. In May 2018, he was found guilty and sentenced to two years in jail.⁶¹ In March 2018, the Bahraini Court of Appeal confirmed photojournalist Sayed Ahmed al-Mousawi's ten-year prison sentence and denaturalization.⁶² Al-Mousawi had been arrested in 2014 and arbitrarily detained, tortured, sexually assaulted, and convicted under the anti-terror law.⁶³

In June 2018, Bahrain's Criminal Court sentenced activist Najah Ahmed Yousuf to three years in prison on charges related to her activities on social media. Yousuf was convicted under Bahrain's anti-terrorism law for sharing photos of protests and for criticizing the Formula One Grand Prix auto race on Twitter.⁶⁴ In August and September 2018, Bahraini authorities arrested Mohamed Khatim multiple times for demanding for reforms through peaceful protests via social media.⁶⁵ Then, in November 2018, Ali Rashed AlAsheeri was arrested and convicted for tweeting about the elections for the lower house of parliament. He was later sentenced to one month of community service.⁶⁶

5. Mid-term Recommendations

Despite supporting 28 of the 33 recommendations it received concerning freedom of expression, political participation and media, authorities have not taken sufficient measures to grant these rights. As a result, Bahrain has not made progress with regards to the implementation of these recommendations.

⁵⁶ "Bahrain: Five-year prison sentence over tweets upheld for Nabeel Rajab," Amnesty International, 31 December 2018, <https://www.amnesty.org/en/latest/news/2018/12/bahrain-five-year-prison-sentence-over-tweets-upheld-for-nabeel-rajab/>.

⁵⁷ "Bahrain: two-year prison sentence for human rights activist Nabeel Rajab condemned," Amnesty International, 10 July 2017, <https://www.amnesty.org.uk/press-releases/bahrain-two-year-prison-sentence-human-rights-activist-nabeel-rajab-condemned>.

⁵⁸ "Bahrain: Relentless persecution, including torture and sentencing, of human rights defenders continues unabated," Gulf Centre for Human Rights (GCHR), 31 May 2017, <https://www.gc4hr.org/news/view/1607>.

⁵⁹ Ibid.

⁶⁰ "Prosecution renews detention of prisoner of conscience Rawan Sanqour for 30 days," Manama Post (Arabic), 19 October 2017, <http://www.manamapost.com/news.php?name=2017023345>.

⁶¹ "Bahrain: Photographer Sayed Baqer Al-Kamel and online blogger Sayed Ali Al-Durazi sentenced to prison, while Nabeel Rajab awaits appeal verdict," GCHR, 25 May 2018, <https://www.gc4hr.org/news/view/1871>.

⁶² "Appeal Court Upholds Photographer Al-Mousawi's 10-Year Prison Sentence and Revocation of Nationality," Bahrain Mirror, 29 March 2018, <http://bahrainmirror.com/en/news/45988.html>.

⁶³ "Bahrain Upholds 10-Year Sentence for Photojournalist Sayed Ahmed al-Mousawi in Further Attack on Press Freedom," ADHRB, 30 March 2018, <https://www.adhrb.org/2018/03/bahrain-upholds-10-year-sentence-for-photojournalist-sayed-ahmed-al-mousawi-in-further-attack-on-press-freedom/>.

⁶⁴ "ADHRB Strongly Condemns the Arbitrary Imprisonment of Female Bahraini Activist Najah Ahmed Yousif for Social Media Posts," ADHRB, 26 June 2018, <https://www.adhrb.org/2018/06/adhrb-strongly-condemns-the-arbitrary-imprisonment-of-female-bahraini-activist-najah-ahmed-yousif-for-social-media-posts/>.

⁶⁵ "Mohamed Khatim Released and Temporarily Rearrested for Continuing to Peacefully Protest for Economic Reform," ADHRB, 5 September 2018, <https://www.adhrb.org/2018/09/mohamed-khatim-released-and-temporarily-rearrested-for-continuing-to-peacefully-protest-for-economic-reform/>.

⁶⁶ "Bahraini charged over tweet on upcoming elections," The National, 14 November 2018, <https://www.thenational.ae/world/gcc/bahraini-charged-over-tweet-on-upcoming-elections-1.791565>.

Rather, the government has imposed further restrictions on the right to the freedom of speech. The Government of Bahrain should:

- Reform its legislation and lift all the restrictions imposed on traditional and social media;
- Amend its overly broad anti-terror law to ensure that individuals are not sentenced as terrorists on charges related to their right to freedom of expression, association and assembly;
- Reinstatement of opposition parties and grant political participation;
- Immediately release all wrongfully convicted human rights defenders, activists, journalists, photographers and social media activists;
- Cease the restrictions imposed on mainstream and social media, reinstate independent press, lift online censorship and re-allow arbitrary blocked websites.

SECTION D: HUMAN RIGHTS DEFENDERS, POLITICAL PRISONERS AND CIVIL SOCIETY

Not implemented; No perceived progress

During its third cycle UPR review, Bahrain received a number of recommendations pertaining to human rights defenders, political prisoners, and civil society calling on the government to ease restrictions on human rights work and civil society engagement. However, two-and-a-half years after undergoing its third cycle UPR review, the government has failed to implement the recommendations and to reform the criminal justice system. Instead of making progress in this field, authorities continue to arrest and detain human rights defenders and political prisoners. Moreover, the kingdom's judicial system is deeply flawed, with political prisoners, human rights defenders, and activists rarely receiving fair trials, and prosecutors and judges using confessions obtained under torture as evidence. As a result of widespread repression, Bahrain's jails hold almost 4,000 political prisoners, a remarkable number given the size of the country. Among the recommendations Bahrain received in this category are:

114.57 Take urgent steps to facilitate the work of civil society and human rights defenders, and guarantee protection of all persons from intimidation or reprisals for seeking to cooperate with the United Nations (Ireland);

114.95 Release all arbitrarily detained persons in Bahrain, including the Danish-Bahrain citizen Abdulhadi Al-Khawaja, a victim of torture who needs treatment and rehabilitation (Denmark);

114.97 Avoid the intimidation and harassment of human rights defenders, journalists and civil society organisations, lifting the restrictions imposed on them and allowing them to freely exercise their rights to freedom of expression, association and assembly (Spain);

114.98 Adopt a law to protect human rights defenders that includes special protection for vulnerable groups of defenders, including women defenders and those who express themselves through the Internet and social media (Mexico);

114.100 Release as soon as possible all individuals, including human rights defenders, having been imprisoned solely due to the exercise of their fundamental rights of expression and assembly (Norway);

114.103 Review convictions, commute sentences, or drop charges for all persons imprisoned solely for non-violent political expression (United States of America);

114.112 Immediately and unconditionally release all prisoners of conscience imprisoned only for exercising their right to freedom of expression, association and peaceful assembly (Iceland); and

114.119 Adopt appropriate measures to ensure the protection of human rights defenders, journalists and members of the political opposition from acts of aggression and intimidation and abstain from taking any restrictive measures of reprisals against human rights defenders, notably those who cooperate with the Human Rights Council (Luxembourg).

1. Cases of Arrest and Detention of Prominent Individuals

The authorities in Bahrain have specifically targeted prominent human rights defenders and political prisoners like Nabeel Rajab and Sheikh Ali Salman. Nabeel Rajab has been arrested multiple times since 2011, including on 13 June 2016 by Bahraini security forces, led by the Ministry of Interior's Cybercrime Unit in the General Directorate of Anti-Corruption, Economic and Electronic Security on charges related to comments he posted on Twitter the previous year. The tweets criticized torture in Jau Prison and the war in Yemen. He was also charged over comments he made in media interviews. Specifically, He faced

charges of spreading “false or malicious news, statements, or rumors” under Article 133 of Bahrain’s Penal Code⁶⁷ as well as “offending a foreign country [Saudi Arabia]” under Article 215 of the Penal Code, and potentially of “offending a statutory body” under Article 21 of the Penal Code.⁶⁸ With the Court of Cassation’s 31 December 2018 decision to uphold his five-year sentence related to the tweets, Rajab is currently serving a total of seven years in prison. On 17 September 2019, the request to grant Rajab non-custodial sentence was rejected. Unless the king intervenes, he will remain incarcerated until 2023.

The Bahraini authorities have also imprisoned political opposition leader, Sheikh Ali Salman of the now-dissolved political opposition society Al-Wefaq. Salman was initially arrested in 2014 after being re-elected as the Secretary-General of Al-Wefaq, on charges of giving political speeches. After his arrest, the United Nations Working Group on Arbitrary Detention (WGAD), issued a formal communication to the Government of Bahrain in 2015 raising concerns that Sheikh Salman’s fair trial and due process rights had been violated.⁶⁹ In 2015, a court sentenced him to five years in prison, but in 2016, another court more than doubled his sentence to nine years in prison.⁷⁰ In November 2017, brought new charges against him of “spying for Qatar.”⁷¹ In November 2018, weeks ahead of the elections for the lower house of parliament, and a month before he was supposed to be released from prison, Sheikh Salman was sentenced to life in prison.⁷²

2. Treatment of Female Political Prisoners

In addition to targeting and persecuting male activists and human rights defenders, the Bahraini government has targeted women who have spoken out against the government. Along with partner organizations, ADHRB has documented the cases of nine women who were targeted for political reasons, including their activism. These women were arbitrarily arrested, detained, sexually, physically, and verbally assaulted, forced to confess to a number of crimes, and then sentenced to prison on the basis of their confessions. Bahrain accepted a number of recommendations pertaining to torture and ill-treatment, which apply in their cases, including:

115.22 Explicitly criminalize torture and other cruel and inhuman treatment (Spain);

115.88 Incorporate an explicit prohibition of torture and other ill-treatment, as well as a clear definition of torture, into national legislation in order to comply with the obligations derived from CAT and facilitate independent, timely and thorough investigations of all allegations of torture to facilitate appropriate redress for victims (Maldives);

115.90 Clearly prohibit torture and ill-treatment along with effective enforcement of relevant legislations (Republic of Korea);

⁶⁷ “Serious Concerns over Trial on 6 October of Prominent Bahraini Human Rights Defender Nabeel Rajab,” BCHR, 5 October 2016, <http://www.bahrainrights.org/en/node/8226>.

⁶⁸ “Serious Concerns over Trial on 6 October of Prominent Bahraini Human Rights Defender Nabeel Rajab,” BCHR, 5 October 2016, <http://www.bahrainrights.org/en/node/8226>.

⁶⁹ “Opinions adopted by the Working Group on Arbitrary Detention at its seventy-third session, No.23/2015,” United Nations Office of the High Commissioner for Human Rights, 17 September 2015, https://www.ohchr.org/Documents/Issues/Detention/Opinions2015AUV/Opinion%202015%2023_Bahrain_Salman_AUV.pdf; The Guardian, “Bahrain opposition leader Ali Salman sentenced to four years in jail,” 16 June 2015, <https://www.theguardian.com/world/2015/jun/16/bahrain-opposition-leader-ali-salman-sentenced-to-four-years-in-jail>.

⁷⁰ “Bahrain: nine year sentence for opposition leader,” HRW, 2 June 2016, <https://www.hrw.org/news/2016/06/02/bahrain-9-year-sentence-opposition-leader#>.

⁷¹ “Updated: Bahrain brings new charges against Al- wefaq’s Sheikh Ali Salman amid campaign against Opposition,” ADHRB, 21 November 2017, <https://www.adhrb.org/2017/11/bahrain-brings-new-charges-against-al-wefaqs-sheikh-ali-salman-amid-campaign-against-opposition/>.

⁷² “Prominent Bahraini Political Leader Sentenced to Life in Prison Weeks Before Election,” ADHRB 5 November 2018, <https://www.adhrb.org/2018/11/prominent-bahraini-political-leader-sentenced-to-life-in-prison-weeks-before-election/>.

115.92 Prohibit torture and other ill-treatment, in national legislation and in practice in line with its obligations under [the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)], ensuring that all allegations of torture and other ill-treatment are independently, promptly and thoroughly investigated, and perpetrators are brought to justice in accordance to international fair trial standards (Slovakia);

115.100 Release immediately and unconditionally all persons convicted for merely exercising their fundamental rights to freedom of expression and assembly, especially during anti-government protests that began in February 2011 (Czech Republic);

115.101 Release immediately all persons solely convicted or detained for offences connected to peaceful assembly and free speech (Germany);

115.115 Ensure that all detainees are charged with an offense established under the law and receive a fair trial before the ordinary criminal courts, in conformity with international standards (Belgium); and

115.159 Release persons imprisoned as required by freedom of expression and repeal all legislation that criminalizes the exercise of this right (Switzerland).

Despite receiving these recommendations, Bahrain has not taken steps to end torture and ill-treatment, it released all prisoners convicted due to their expression, or ensured that trials are fair and in accordance with international standards. To the contrary, explication of the cases of nine women targeted for political reasons demonstrates that torture and ill-treatment, unfair trials, and lack of due process are hallmarks of Bahrain's judicial system. Moreover, their cases demonstrate consistent patterns of impunity in which the offending officers are not punished for carrying out abuses.⁷³

Ameera Al-Qashami, Ebtisam AlSaegh, Faten Naser, Hajer Mansoor, Medina Ali, Najah Yusuf, Zahra AlShaikh, Zainab Marhoon, and Zakeya AlBarboori were all targeted for political reasons. All of the women were arbitrarily arrested and detained without seeing a warrant for their detention and without informing the women why they were being detained. During their detentions, the women reported that officials denied them access to legal counsel, and physically, sexually, psychologically, and verbally abused them, including through threats of rape, physical abuse, or death. In particular, Zainab, Ebtisam, Faten, Hajer, and Najah said that officers subjected them to verbal abuse and harassment during interrogation, often resorting to religious and sexual denigration.⁷⁴ Zahra, Najah, Medina and Ebtisam also reported physical abuse in their interrogations, ranging from slaps to beatings so intense that they required hospitalization.⁷⁵

Bahraini courts convicted eight of the 9 women - Zakeya, Najah, Ameera, Faten, Hajer, Medina, Zahra, and Zainab – in trials between October 2017 and February 2019, issuing them sentences ranging from six months to five years in prison. Hajer, Ameera, Faten, Medina, and Najah have exhausted all legal remedies; Ameera and Faten saw their sentences reduced to three years on appeal, although they were later released under the alternative sentencing law. Ebtisam, who was released from detention on 22 October 2017, is the only woman whose case did not go to trial.⁷⁶

⁷³ For more information see "Breaking the Silence: Bahraini Women Political Prisoners Expose Systemic Abuses," ADHRB and the Bahrain Institute for Rights and Democracy (BIRD), 11 September 2019, <https://www.adhrb.org/2019/09/breaking-the-silence-bahraini-women-political-prisoners-expose-systemic-abuses/>.

⁷⁴ Ibid.

⁷⁵ Case of Zahra AlShaikh, ADHRB UN Complaint Program Documentation, January 2019; Medina Ali, Telephone interview with BIRD, 11 October 2017; Najah Yusuf, telephone interview with BIRD, 2 April 2019; Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

⁷⁶ "Breaking the Silence: Bahraini Women Political Prisoners Expose Systemic Abuses," ADHRB.

The eight women whose cases went to trial reported several violations to their rights to fair trial. Many of the women reported that the court allowed their confessions under duress as evidence that was later used to convict them.⁷⁷ Furthermore, Ameera, Faten, Zakeya, Najah, and Zainab reported restrictions to their ability to speak with their lawyers before and during their trial. Moreover, Ameera and Faten were sentenced together in a mass trial of 60 individuals.⁷⁸ Zainab was convicted alongside 20 other defendants.⁷⁹

Authorities' persecution of the women continued in detention at Isa Town Women's Prison and Detention Centre - the only detention facility for women in Bahrain.⁸⁰ While detention, the women have sought to call attention to their cases, for which they have faced reprisals. They claim that the prison administration uses collective punishment against the entire prison population to alienate them from other inmates. Several of the women reported that guards have confiscated their belongings, physically assaulted them, and more generally infringed on their privacy – monitoring them while in the prison yard and during family calls and visitations.⁸¹ They also claimed that the prison administration discriminated against their religion, by scheduling meal times to conflict with prayer times, forcing the women to choose between food and prayer,⁸² denying them their religious rites during Ashura, banning them from participating in Ashura commemorations, and denying them access to religious texts.⁸³

3. Oversight Bodies

Following the protests in 2011 and the international backlash to the government's violent response, authorities established several bodies and agencies to address rights abuses, and receive and investigate complaints of violations, including the Ministry of Interior's Ombudsman, the NSA Ombudsman, the National Institution for Human Rights (NIHR), and the Special Investigations Unit (SIU). However, these bodies have not seriously investigated complaints or taken action to hold abusers accountable.

Since Bahrain's third cycle UPR, the MoI Ombudsman has released three annual reports. These reports demonstrate that the Ombudsman has systematically failed to address extensive, credible evidence of arbitrary detention, torture, and mistreatment committed by MoI personnel. Within the reporting period from 2016 to 2017 and overlapping with Bahrain's third cycle UPR review, the MoI Ombudsman received 1,156 complaints. However, it referred only 83 – or seven percent – to a disciplinary or prosecutorial authority. Even then, the majority were referred to the Special Prosecution, a separate judicial body for Bahrain's security personnel which, in 2012, was purportedly restricted from prosecuting cases of "torture and inhuman or degrading treatment or deaths linked thereto."⁸⁴

This failure to refer more than a small percentage of cases for prosecution has continued in the Ombudsman's subsequent reports. In its fifth annual report released on 4 October 2018 covering the period from 1 May 2017 to 30 April 2018, the Ombudsman received 1,094 complaints. Of these complaints, only one was launched by the Ombudsman of its own initiative, underscoring the

⁷⁷ "Breaking the Silence: Bahraini Women Political Prisoners Expose Systemic Abuses," ADHRB.

⁷⁸ Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Verdict against Ameera AlQashami and Faten Naser, Fourth High Criminal Court, case No. 0720170804, 31 January 2018.

⁷⁹ Kingdom of Bahrain Public Prosecution, Report Submitted by the Public Prosecution Against Defendants [including] Zainab Marhoon; Court case No. 07201804332, 29 November 2018.

⁸⁰ "Locked Inside a Nightmare: Voices from Bahraini Prison," BCHR, 9 June 2014, <http://bahrainrights.org/sites/default/files/Prison%20Report%20-%20FINAL%20II.pdf>.

⁸¹ "Mother-in-law of UK-based Bahraini Activist Declares Hunger Strike, as her Mistreatment Continues," BIRD, 20 March 2018 <http://birdbh.org/2018/03/mother-in-law-of-uk-based-bahraini-activist-declares-hunger-strike-as-her-mistreatment-continues/>; Hajer Mansoor, telephone interview with BIRD, 5 July 2018; Medina Ali, telephone interview with BIRD, 23 March 2018.

⁸² Zainab Marhoon, telephone interview with BIRD, 16 April 2019.

⁸³ Hajer Mansoor, telephone interview with BIRD, 24 September 2018.

⁸⁴ "Bahrain: Fourth Annual Report of Police Ombudsman Reveals Failure to Fulfill Mandate," ADHRB, 15 September 2017, <https://www.adhrb.org/2017/09/bahrain-fourth-annual-report-of-police-ombudsman-reveals-failure-to-fulfil-mandate/>.

institution's continued reluctance to take a more active role in investigating police abuse. Of the 1,094 cases it received, only 120 were referred to the relevant bodies, 90 of which were referred to the Special Prosecution.⁸⁵

In the Ombudsman's most recent report, released on 3 October and covering the period from May 2018 to April 2019, it states that it received 1,067 complaints, none of which it initiated. Of these cases, only 70 were referred to the relevant bodies for potential disciplinary action. 60 of them were referred to the Special Prosecution and nine were referred to the Ministry of Justice, while one was referred to the Public Prosecution's Office.⁸⁶

Overall, over the past three years, including the two-and-a-half years since Bahrain underwent its UPR review, the kingdom's oversight bodies, in particular, the MoI Ombudsman have failed to take any serious steps to investigate abuses, much less hold those responsible, accountable. As a result, Bahrain's oversight institutions facilitate a culture of impunity, demonstrating to security force officials that any abuses they may commit will go unpunished.

4. Prison Conditions and Poor Treatment of Detained Individuals

During its third cycle UPR, Bahrain received several recommendations aimed at improving detainees' access to medical facilities and ensuring investigations into allegations of torture. Despite supporting these recommendations, torture, poor prison conditions, and the denial of medical care to prisoners remains prevalent in Bahrain.

114.17 Take steps to establish an independent, effective and well-resourced national preventive mechanism in compliance with Optional Protocol to the Convention against Torture requirements (Ghana);

114.79 Investigate all allegations of torture and start prosecuting all individuals found responsible (Norway);

114.81 Further implement measures on the protection of victims of mistreatment and torture and on the prosecution of perpetrators (Italy);

114.83 Ensure the independence, impartiality and effectiveness of the Special Investigations Unit and other relevant human rights institutions in investigating all allegations of torture and other ill-treatment, unlawful killings and deaths in custody (Finland);

114.84 Strengthen health services for prisoners and detainees (Qatar);

114.94 Ensure that all allegations of enforced disappearances, torture or any other form of ill-treatment are independently, promptly and thoroughly investigated, and perpetrators are brought to justice in accordance with international rule of law standards (Germany);

114.95 Release all arbitrarily detained persons in Bahrain, including the Danish-Bahrain citizen Abdulhadi Al-Khawaja, a victim of torture who needs treatment and rehabilitation (Denmark); and

⁸⁵ "Fifth Report of Bahrain's MoI Ombudsman Whitewashes Impunity for Police Brutality," ADHRB, 11 October 2018, <https://www.adhrb.org/2018/10/fifth-report-of-bahrain-s-moi-ombudsman-whitewashes-impunity-for-police-brutality/>.

⁸⁶ "Sixth Annual Report of Bahrain's MoI Ombudsman Shows a Continued Failure to Address Impunity within Security Forces," ADHRB, 7 October 2019, <https://www.adhrb.org/2019/10/sixth-annual-report-of-bahrain-s-moi-ombudsman-shows-a-continued-failure-to-address-impunity-within-security-forces/>.

114.163 Develop health programs in healthcare centers, correctional and rehabilitation centers to accommodate all age groups and people with special needs (Oman).

According to Article 19 of Bahrain's constitution, "No person shall be subjected to physical or mental torture, inducement, or degrading treatment, and the law shall provide the penalty for these acts."⁸⁷ Article 208 of the Penal Code of 1976 states that "civil servant or officer entrusted with public service who uses torture, force of threat, either personally or through a third party, against an accused person, witness or expert to force him to admit having committed a crime or give statement or information in respect thereof" will face a prison sentence.⁸⁸ It further prescribes a punishment of life in prison for any civil servant or officer whose "use of torture or force lead[s] to death."⁸⁹ Article 232 of the Penal Code prescribes a penalty of "at least six months" imprisonment for any use of torture that "results in harming the safety of the body."⁹⁰ Despite this legal framework, perpetrators of torture and abuse in Bahrain are rarely held accountable.

Bahraini security force officials frequently torture and abuse detainees, including beatings with fists and weapons, starvation, deprivation of toilet use, forced standing, threats to family members, sleep and prayer deprivation, sectarian insults, electric shock, genital and sexual abuse, sodomy, solitary confinement, and denial of medical care. Abuse frequently begins at the moment of detention, with victims arbitrarily detained and forcibly disappeared, but increases during the victim's disappearance, at which point they are most at risk of increased abuse and torture, including the extraction of false confessions under duress.

In addition to facing abuse and torture during the interrogation process, detainees are held in poor prison conditions and are frequently denied necessary medical treatment. Dr. Abduljalil Al-Singace, a prominent human rights defender who is serving a life sentence in prison is among those who have been denied medical treatment despite severe conditions that require care. He suffers from several health issues like poliomyelitis and sickle-cell anemia, but has not been allowed unconditional and unfettered access to treatment since March 2013.⁹¹ Hassan Mushaima, a prominent political activist who is 71-years-old is also serving a life sentence in prison and he has also been denied adequate and necessary medical care. As a survivor of lymphoma, he requires regular cancer screenings and proper medical attention. Yet, he has been denied access to such services.⁹²

Nabeel Rajab has also been denied necessary medical care. While in prison, Rajab has continued to face health issues like heart problems due to the dismal conditions of the prisons. It has been reported that he has been held in solitary confinement for the vast majority of his prison sentence, with a cell infested with cockroaches, denied of basic hygienic conditions and access to healthcare.⁹³

5. Reprisals

In the two-and-a-half years since undergoing its the third cycle UPR review, the Government of Bahrain has failed to implement the recommendations it received concerning reprisals and intimidation against activists and human rights defenders. Rather, it has increased the use of this practice since the UPR,

⁸⁷ Constitution of the State of Bahrain, 26 May 1973, Part Three, Public Rights and Duties, Article 19(d), <http://www.servat.unibe.ch/icl/ba01000.html>.

⁸⁸ Kingdom of Bahrain, Bahraini Penal Code 1976, reprinted by the UN Office on Drugs and Crime (UNODC), 1976, https://www.unodc.org/res/cld/document/bhr/1976/bahrain_penal_code.html/Bahrain_Penal_Code_1976.pdf.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ "Abduljalil Al-Singace," BIRD, 17 March 2011, <http://birdbh.org/abduljalil-al-singace/>.

⁹² "Bahrain Imposes New Restriction and Denies Medical Care at Jau Prison," ADHRB, 29 March 2017, <https://www.adhrb.org/2017/03/bahrain-imposes-new-restriction-denies-medical-care-jau-prison/>.

⁹³ "Case History: Nabeel Rajab," Front Line Defenders, accessed 28 October 2019, <https://www.frontlinedefenders.org/en/case/case-history-nabeel-rajab>.

changing tactics, especially ahead of the 40th session of the UN HRC. Indeed, instead of imposing travel bans, authorities have targeted human rights defenders and their families with threats like rape, defamation, and death if they attempt to travel to Geneva to collaborate with UN treaty bodies,⁹⁴ as well as arrest, detention, sexual assault, and torture.⁹⁵ As a result, human rights defenders, former prisoners of conscience, lawyers, and journalists have been unable to travel abroad to participate in human rights advocacy meetings. Among the pertinent recommendations Bahrain received regarding reprisals are these:

114.57 Take urgent steps to facilitate the work of civil society and human rights defenders, and guarantee protection of all persons from intimidation or reprisals for seeking to cooperate with the United Nations (Ireland);

114.97 Avoid the intimidation and harassment of human rights defenders, journalists and civil society organizations, lifting the restrictions imposed on them and allowing them to freely exercise their rights to freedom of expression, association and assembly (Spain);

114.118 Allow journalists to exercise their profession, and refrain from arbitrarily withholding license renewals (Lithuania);

114.119 Adopt appropriate measures to ensure the protection of human rights defenders, journalists and members of the political opposition from acts of aggression and intimidation and abstain from taking any restrictive measures or reprisals against human rights defenders, notably those who cooperate with the Human Rights Council (Luxembourg); and

114.124 End immediately the reprisals against human rights defenders and lift restrictions on civil society (Estonia).

Ahead of the 41st and 42nd session of the UN HRC, the UN Secretary General released his reports concerning reprisals and intimidation. Bahrain was included in both reports as one of the countries that is still using acts of reprisals against individuals, with 20 individuals highlighted.⁹⁶ Ten special procedure mandate holders expressed grave concern about an ongoing trend of harassment and intimidation against Bahraini civil society representatives seeking to cooperate with the UN. There were longstanding travel bans between June 2017 and June 2018 during sessions of the HRC for many civil society representatives. A number of individuals have also reported the continued use of intimidation due to their past engagement with the HRC in order to discourage them from speaking out again. Such intimidation tactics include threats of physical violence, public defamation and rape.⁹⁷ Among those named in the reports were Sayed Ahmed Al-Wadaei, Hajar Mansoor Hassan, Medina Ali, Najah Yusuf, Ebtessam Abdulhusain Ali-Alsaegh and Nabeel Rajab.

⁹⁴ "The persistent patterns of reprisals against Human Rights Defenders in Bahrain," ADHRB, Written statement to the UN No.A/HRC/42/NGO/40 23 August 2019, <https://undocs.org/%20A/HRC/42/NGO/40>.

⁹⁵ Michel Forst and Nils Melze, "Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment," United Nations, 13 July 2017, UA BHR 8/2017; David Kaye, Michel Forst, and Alda Facio, "Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Working Group on the issue of discrimination against women in law and in practice," United Nations, 19 December 2017, BHR 13/2017, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23218>.

⁹⁶ Annual Report of the UN High Commissioner for Human Rights, "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights," UN Secretary General, 13 August 2018, <https://undocs.org/en/A/HRC/39/41>.

⁹⁷ Annual report of the UN High Commissioner for Human Rights, "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights," United Nations, 13 August 2018, <https://undocs.org/en/A/HRC/39/41>.

Sayed Ahmed Al-Wadaei is a Bahraini human rights activist based in London and because of his participation in the 2011 pro-democracy demonstrations in Bahrain, he decided to emigrate to the UK. The Government of Bahrain stripped him of his citizenship, rendering him stateless.⁹⁸

In this case, as Al-Wadaei was not in Bahrain, the authorities decided to sentence three of his family members on terrorism-related charges on 30 October 2017; as a type of reprisal against him.⁹⁹ While Al-Wadaei was attending the 34th session of the HRC in Geneva, his relatives, Sayed Nazar Al-Wadaei, Mahmoud Marzooq Mansoor and Hajar Mansoor Hassan, were arrested in Bahrain and subjected to different forms of ill-treatment and torture and faced terrorism-related charges.¹⁰⁰ Officials arrested them without a warrant and they were harshly interrogated about Al-Wadaei's activities; without a lawyer present.¹⁰¹ Bahraini authorities also reportedly targeted Al-Wadaei's wife, Duaa Al-Wadaei in March 2018 and was sentenced in absentia to two months in prison for "insulting a police officer".¹⁰² Al-Wadaei reportedly continues to suffer disparaging public statements in pro-Government media.

The Government stated that Al-Wadaei's family members like Nazar Al-Wadaei, Mahmoud Marzooq Mansoor, and Hajar Mansoor Hassan faced reprisals for committing their own criminal offences. These cases were reported in the media and the MOI publicly referred to Al-Wadaei as a "terrorist fugitive" and a "criminal" and his family members as "terrorists"¹⁰³.

On 16 September 2018, Hajer Mansoor Hassan, the mother-in-law, of Al-Wadaei was reportedly assaulted, beaten, hospitalized and then held *incommunicado* in Isa Town Prison. She was held from 16 to 23 September 2018. Her case was presented for the first time in the 2018 report of the Secretary-General at the 39th session of the HRC and again at the 42nd session of the HRC. Her family has reportedly not seen her since September 2018 and in January 2019 she went on a hunger strike to protest against the restrictions placed on the findings of the WGAD regarding her detention and the reprisals she has faced for her family ties with Al-Wadaei.¹⁰⁴ The mandate holders also raised concerns about further acts of reprisals, including physical abuse while detained. Hajer Mansoor Hassan was also allegedly denied access to adequate medical care since August 2018; when her health situation got worse. The report states that on 20 March 2019 the Embassy of Bahrain in London, through its Twitter account, posted private correspondence between Al-Wadaei and the Ombudsman Office of the MOI of Bahrain, including information on the situation of Hajer Mansoor Hassan and private email accounts of relatives. Furthermore, it was reported that Hajer Mansoor Hassan faced further reprisals while in detention as her and her family's situation were raised at the HRC on 2 July 2018 and also at the review

⁹⁸ ADHRB, "The persistent patterns of reprisals against Human Rights Defenders in Bahrain", Written statement submitted, 23 August 2019, <https://undocs.org/A/HRC/42/NGO/40>

⁹⁹ Annual report of the UN High Commissioner for Human Rights, "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights", 9 September 2019, <https://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx>

¹⁰⁰ Annual report of the UN High Commissioner for Human Rights, "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights", 9 September 2019, <https://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx>

¹⁰¹ ADHRB, "The persistent patterns of reprisals against Human Rights Defenders in Bahrain", Written statement.

¹⁰² "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights", Annual report of the UN High Commissioner for Human Rights, 9 September 2019, <https://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx>

¹⁰³ "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights", Annual report of the UN High Commissioner for Human Rights, 9 September 2019, <https://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx>

¹⁰⁴ Opinion No. 51/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Sayed Nazar Naama Baqquer Ali Yusuf Alwadaei, Mahmood Marzooq Mansoor and Hajar Mansoor Hassan (Bahrain), 24 August 2018, https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_51.pdf

of Bahrain by the Human Rights Committee from 2 to 4 July 2018.¹⁰⁵ The Bahraini Government responded by stating that these allegations were false.¹⁰⁶

Medina Ali is one of the cellmates of Hajer Mansoor Hassan and she faced assaults by prison guards in Isa Town prison. She was arrested in May 2017 and was sentenced to three years in prison in February 2018 on charges of hiding a fugitive who was convicted on charges related to political unrest.¹⁰⁷ She suffered threats and was forced to sign a false confession. She engaged in a number of hunger strikes in October 2017 and March 2018 to protest poor prison conditions, the lack of privacy and humiliating strip searches.¹⁰⁸ Ali along with Hajer Mansoor and Najah Yusuf protested prison conditions resulting in reprisals while detained.

On 17 January 2019, five special procedures mandate holders addressed allegations concerning Ebtisam Abdulhusain Ali-Alsaegh in relation to threats, travel restrictions and criminal charges for her cooperation with the UN, especially the HRC.¹⁰⁹ She was arrested in July 2017 and was forcibly disappeared for three days. She suffered ill-treatment and was harshly interrogated until she was convicted on terrorism-related offences due to her human rights work.¹¹⁰ During the 38th session of the HRC, in July 2018, she posted several tweets highlighting the human rights situation in Bahrain and immediately received messages through Twitter and Instagram urging her to close her accounts and was threatened with rape and public defamation in order to put an end to her human rights work. Her situation was addressed by special procedures in 2016 and 2017.¹¹¹ The Government of Bahrain clarified that the travel ban placed on her was a judicial order issued in April 2017 that was part of a different case; one in which she was charged with taking part in an unauthorized public assembly. Additionally, authorities clarified that there have been no complaints filed through any of the relevant national mechanisms regarding her allegations of threats.¹¹²

Lastly, Hakeem Al-Araibi, a Bahraini footballer, now a refugee in Australia, was convicted *in absentia* to 10 years in prison for “terrorism-related offences, including an attack on a police station¹¹³”. This sentence was controversial as Al-Araibi was playing in a football match when the alleged crime was committed¹¹⁴. Interpol granted a red notice against him and the Bahraini Government trying to extradite

¹⁰⁵ Annual report of the UN High Commissioner for Human Rights, “Cooperation with the United Nations, its representatives and mechanisms in the field of human rights”, 9 September 2019.

¹⁰⁶ Response from Government, 11 March 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34562>.

¹⁰⁷ ADHRB and BIRD, “Breaking the Silence. Baharini Women Political Prisoners Expose Systematic Abuses”, September 2019, https://www.adhrb.org/wp-content/uploads/2019/09/ADHRB_BreakingTheSilence_Web.pdf

¹⁰⁸ ADHRB and BIRD, “Breaking the Silence. Baharini Women Political Prisoners Expose Systematic Abuses”, September 2019, https://www.adhrb.org/wp-content/uploads/2019/09/ADHRB_BreakingTheSilence_Web.pdf

¹⁰⁹ Elina Steinerte, Agnes Callamard, David Kaye, Michel Forst, Ahmed Shaheed, Ivana Radacic, “Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on freedom of religion or belief; and the Working Group on the issue of discrimination against women in law and in practice”, BHR 7/2018, 17 January 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24269>

¹¹⁰ ADHRB and BIRD, “Breaking the Silence. Bahraini Women Political Prisoners Expose Systematic Abuses”, September 2019, https://www.adhrb.org/wp-content/uploads/2019/09/ADHRB_BreakingTheSilence_Web.pdf

¹¹¹ Annual report of the UN High Commissioner for Human Rights, “Cooperation with the United Nations, its representatives and mechanisms in the field of human rights”, 9 September 2019, <https://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx>

¹¹² Annual report of the UN High Commissioner for Human Rights, “Cooperation with the United Nations, its representatives and mechanisms in the field of human rights”, 9 September 2019, <https://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx>

¹¹³ Aya Majzoub, Human Rights Watch, “Hakeem al-Araibi Case: Bahrain is Emboldened to take Human Rights Abuse beyond its Borders”, 4 February 2019, <https://www.hrw.org/news/2019/02/04/hakeem-al-araibi-case-bahrain-emboldened-take-human-rights-abuse-beyond-its-0>

¹¹⁴ Aya Majzoub, Human Rights Watch, “Hakeem al-Araibi Case: Bahrain is Emboldened to take Human Rights Abuse beyond its Borders”, 4 February 2019, <https://www.hrw.org/news/2019/02/04/hakeem-al-araibi-case-bahrain-emboldened-take-human-rights-abuse-beyond-its-0>

the footballer just weeks before he travelled to Thailand for holidays. He is now imprisoned for more than two months in Bangkok where he awaits the formal extradition request from Bahrain¹¹⁵. This highlights how Bahrain's reach is far-reaching, going beyond its borders, intimidating and persecuting a refugee for illegitimate reasons.

On 25 June 2018, the Government responded to the allegations of travel bans as freedom of movement in Bahrain is guaranteed by law. According to authorities, Al-Asaegh, Rajab and the family members of Al-Wadaei were not subjected to reprisals for cooperation with the UN but rather because of criminal offenses. The Government stated that Al-Wadaei's family members faced reprisals for committing criminal offences and not because of his cooperation with UN mechanisms. The authorities claim that Nazar Al-Wadaei, Mahmoud Marzooq Mansoor and Hajar Mansoor Hassan were arrested for planting explosives in public places on 28 January 2017 and confessed to committing the act. According to the Government, when Al-Wadaei's wife was leaving the country, she reacted in a provocative and offensive way to the officials who were checking passports and boarding passes. On 21 March 2018, the Court sentenced Ms. Al-Wadaei in absentia to two months of imprisonment.¹¹⁶

In March 2019, the Government responded to the last report presented by the ASG, stating that in its view, any allegations of intimidation or acts of reprisal against individuals or their families due to their human rights work are untrue and false. Moreover, anyone making such allegations are said to be covering up legal proceedings against them or their relatives as they have committed acts prohibited or criminalized by national law.¹¹⁷ Additionally, the Government addressed the case of Ali-Asaegh by claiming that her travel ban was due to "unauthorized demonstration".¹¹⁸ Regarding the situation of Mansoor Hassan, the Government indicated that she was arrested in March 2017 on the charge of having taken part in placing an object resembling an explosive in a public roadway for the purpose of terrorism.¹¹⁹

Mid-term Recommendations

Concerning judicial independence and unfair trials, the Government of Bahrain should:

- Release immediately all human rights defenders, political prisoners and prisoners of conscience like Nabeel Rajab and Sheikh Ali Salman and those tried in unfair trials;
- Reform the judicial system to conform to international standards of due process and fair trials; and
- Promptly halt harassment and unjust trials against human rights defenders and enable them to carry out their legitimate human rights activities without being subjected to intimidation or retaliation.

Concerning restrictions, intimidation and reprisals against individuals or organizations engaged in the promotion and protection of human rights, the Government of Bahrain should:

- End all reprisals against activists who are cooperating with UN mechanisms, and allow them to travel unhindered to attend and participate in international and regional human rights conferences.

¹¹⁵ Aya Majzoub, Human Rights Watch, "Hakeem al-Araibi Case: Bahrain is Emboldened to take Human Rights Abuse beyond its Borders", 4 February 2019, <https://www.hrw.org/news/2019/02/04/hakeem-al-araibi-case-bahrain-emboldened-take-human-rights-abuse-beyond-its-0>

¹¹⁶ "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights", Annual report of the UN High Commissioner for Human Rights, 9 September 2019, <https://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx>

¹¹⁷ Response from Government, 11 March 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=34562>.

¹¹⁸ Response from Government, 11 March 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=34562>.

¹¹⁹ Response from Government, 11 March 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=34562>.

Concerning the use of torture and abuse to coerce confessions from detainees as well as the failure and refusal of oversight bodies to act seriously to address complaints of abuses, the Government of Bahrain should:

- Release Hajer Mansoor, Medina Ali, and Zakeya Al Barboori, in light of the unfair nature of their trials.
- Provide a timely, transparent, and thorough investigation into allegations of arbitrary arrests, coercive interrogation tactics, and physical and sexual assault, ensuring that all responsible officers are held accountable.
- Conduct an impartial, independent review of conditions at Isa Town Prison and Jau Prison and hold perpetrators of human rights abuses accountable.
- Investigate allegations of medical negligence, assault, punitive measures, and denial of religious rights.
- Establish an independent commission to oversee the reform of oversight and accountability institutions to guarantee genuine impartiality and independence from the government of Bahrain.
- Allow country access to the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the WGAD, and the Special Rapporteur on Violence Against Women and allow them to independently assess allegations of torture.
- Ratify the Optional Protocol to the Convention Against Torture, which calls for the establishment of “a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment”.

Concerning the neglectful treatment of prisoners and detainees and appalling prison conditions, the Government of Bahrain should:

- Immediately release Dr. Abduljalil Al-Singace and Hassan Mushaima who is imprisoned for practicing their right to freedom of speech and provide them with access to the necessary medical examinations and treatments that they require in order to avoid further risk to their life.
- Provide all prisoners with adequate, and timely, access to medical treatment.
- End the practice of denying prisoners medical attention as a means of intimidation, and punishment for exercising their human rights.
- Commit fully to their international obligations, constitution and penal code that prevents and criminalizes the use of torture, especially on all detainees and inmates in all holding facilities.

SECTION E: NATIONALITY REGULATIONS, STATELESSNESS AND CAPITAL PUNISHMENT

3. Mass Trials and Denationalization in Bahrain

Perceived Progress

Brief Assessment

In the past two years, Bahrain has conducted five mass trials and convicted 505 individuals. All of these mass trials were on the basis of counterterrorism laws and the remaining one concerned participation in peaceful demonstrations. These trials have all been marred by allegations of torture to extract confessions. Also, there has been a denial of access to legal counsel, *in absentia* hearings, and other fair trial rights violations. Bahrain frequently claims to have discovered terrorist cells financed and supported by regional rivals to bolster and inflate concerns regarding terrorist activity. The authorities are dependent on evidence extracted through torture to support their claims. There has been an increase in the number of mass trials in Bahrain with outcomes like mass arbitrary citizenship revocation. During the third cycle of the UPR process, Bahrain received the following recommendations concerning fair trials and denationalization.

114.71 Amend the 2006 law on protecting society from terrorist acts to avoid imposing statelessness on individuals and minimize the negative impact on the families of those affected (Germany);

114.128 Focus on strengthening the legal framework, the institutions and the judiciary to guarantee an independent judicial system and the right to a fair trial guaranteed by articles 9 and 14 of the International Covenant on Civil and Political Rights (France);

114.149 Amend the citizenship law to enable women to transfer citizenship to their children without restriction and on an equal basis with men (Slovenia);

114.153 Make necessary efforts to reform all legislation that is discriminatory towards women, in particular nationality act and the family affairs laws (Argentina);

114.173 Speed up the legislative process to operationalize the draft law amending the nationality act so as to address the problem of statelessness in the country (Uganda); Amend article 10 (c) of the 1963 citizenship act to bring it into line with international standards (Belgium);

114.174 End the practice of revoking citizenship from individuals (Denmark);

114.175 End the practice of revocation of citizenship, adopt legal and institutional safeguards to prevent discrimination against members of religious minorities and provide effective remedy for victims of arbitrary arrest, detention, summons or travel bans (Czechia); and

114.176 Abolish the practice of revoking nationality as a punishment on any grounds (Mexico); End the practice of arbitrarily revoking citizenship, especially where this renders individuals stateless and forces them into exile (Belgium).

In consideration of recommendation number **114.174**, the Government of Bahrain clarified that the Bahraini Nationality Act complies with international standards and decisions of withdrawal and revocation of citizenship are based on Legislative Decree No. 20 of 2013 amending the provisions of Act No. 58 of 2006 on the Protection of Society from Terrorist Acts. According to this law, a person

convicted of certain offences related to terrorism acts shall be deprived of his citizenship.¹²⁰ This confirms the misuse of terrorism charges and that the definition of terrorism by the Government allows for easy condemning and restricting of activists, human rights defenders and journalists' activities.

I. Legal Framework

All known citizenship revocations since 1 January 2018 have been handed down by civil or military courts and there has been documentation of widespread fair trial violations in both courts.¹²¹ In the judicial system, only courts can officially revoke a citizenship and their decision is subject to appeal. However, Courts have rarely overturned a citizenship revocation ordered by the MOI.¹²² In Article 10 of the Citizenship Law of 1963, which was amended in July 2014,¹²³ it states that there is a possibility of the MOI, with cabinet approval, to strip the citizenship of a person who "aids or is involved in the service of a hostile state" or who "causes harm to the interests of the Kingdom or acts in a way that contravenes his duty of loyalty to it".¹²⁴ Some of the last unfair mass trials took place from 2018 to 2019. On 31 January 2018, 58 of 60 defendants were convicted in a mass trial, the citizenship of 47 of them was revoked, and Ali AlArab and Ahmed AlMalali were sentenced to death¹²⁵ by the Bahraini Forth High Criminal Court.¹²⁶ On 1 February 2018, the Fourth High Criminal Court convicted 26 of 32 defendants, stripped the citizenships of 25 of them and sentenced a man to death. Similarly, in May 2018, 115 of 132 defendants were sentenced in a mass trial. 53 of them were sentenced to life imprisonment and the nationality of all of those convicted were revoked. This case is known as "Zulfiqar Brigade Case".¹²⁷ In 2019, two unfair mass trials took place. The first one, occurred in February 2019 which lead to the conviction and denationalization of 167 out of 171 defendants on charges like peaceful protesting. The second mass trial, known as the "Bahraini Hezbollah case", took place in April and convicted 69 out of 139 individuals to life imprisonment.¹²⁸ Below, three proceedings are examined - the Zulfiqar Brigade Cell, the Bahraini Hezbollah and the Duraz case.

II. Zulfiqar Brigade Case

On 15 May 2018, Bahrain's High Criminal Court sentenced 115 out of 138 defendants in an unfair mass trials amid reports of torture and due process abuses. The defendants were accused of committing terror related offenses through participation in an organization referred to by the Bahraini government as the Zulfiqar Brigade Cell. The court issued the denaturalization order and as part of the verdict, 13 out of 115 defendants had their citizenship revoked while, 53 of the defendants were sentenced to life in prison. 3 defendants were sentenced to 25 years in prison and 1 was sentenced to 10 years

¹²⁰ Human Rights Council, "Report of the Working Group on the UPR-Bahrain", 10 July 2017, <https://www.refworld.org/docid/59b81cc84.html>

¹²¹ Human Rights Watch, "Bahrain: Hundreds Stripped of Citizenship. Bahrainis deported from Homeland; Others at Risk", 27 July 2018, <https://www.hrw.org/news/2018/07/27/bahrain-hundreds-stripped-citizenship>

¹²² Human Rights Watch, "Bahrain: Hundreds Stripped of Citizenship. Bahrainis deported from Homeland; Others at Risk", 27 July 2018, <https://www.hrw.org/news/2018/07/27/bahrain-hundreds-stripped-citizenship>

¹²³ Human Rights Watch, "Bahrain: Citizenship Rights Stripped Away. Authorities Take Now Powers to Arbitrarily Revoke Nationality", 21 August 2014, <https://www.hrw.org/news/2014/08/21/bahrain-citizenship-rights-stripped-away>

¹²⁴ Human Rights Watch, "Bahrain: Hundreds Stripped of Citizenship. Bahrainis deported from Homeland Others at Risk".

¹²⁵ ADHRB, "Unjust executions in Bahrain: the cases of Ali AlArab and Ahmed AlMalali", Written statement submitted to the UN Human Rights Council, 23 August 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/251/72/PDF/G1925172.pdf?OpenElement>

¹²⁶ ADHRB, "Mass Trials and Denationalization in Bahrain", 20 June 2019, file:///C:/Users/cm/Documents/ADHRB%20Geneva/UPR%20midterm%20Bahrain/2019.06.20_Mass%20Trials%20and%20Denat%20in%20Bahrain.pdf

¹²⁷ ADHRB, "Mass Trials and Denationalization in Bahrain", 20 June 2019, file:///C:/Users/cm/Documents/ADHRB%20Geneva/UPR%20midterm%20Bahrain/2019.06.20_Mass%20Trials%20and%20Denat%20in%20Bahrain.pdf

¹²⁸ ADHRB, "Mass Trials and Denationalization in Bahrain", 20 June 2019, file:///C:/Users/cm/Documents/ADHRB%20Geneva/UPR%20midterm%20Bahrain/2019.06.20_Mass%20Trials%20and%20Denat%20in%20Bahrain.pdf

imprisonment. Also, 15 defendants were sentenced to 7 years and 37 were sentenced to five years imprisonment. Lastly, 6 were sentenced to three years. The court acquitted 23 of the defendants. Many of those denaturalized were likely rendered stateless, contravening international law. This case is indicative of a broader context of human rights abuses in which this trial occurred. According to ADHRB's documentation, there are multiple reports that defendants suffered severe due process violations and inhumane treatment.¹²⁹ One defendant was arrested after police and MOI officers raided his home without a warrant. He was taken to the MOI's Criminal Investigations Directorate (CID) for interrogation, where he was then held for two months and subjected to physical and mental torture.¹³⁰ During the interrogation authorities insulted him, beat him and subjected him to electric shocks. The defendant also experienced torture while being held in the Dry Dock Detention Center, including extended solitary confinement, forced nudity, and having objects thrown at him. Another defendant was held in interrogation for two weeks following his arrest where he was beaten in the head, neck and stomach, subjected to electrical shocks, submerged in cold water; deprived of sleep and repeatedly threatened. At least one defendant provided a confession to end the torture and this coerced confession was later used in some of the legal proceedings against him. Some defendants were also subjected to enforced disappearance after their initial arrest. Furthermore, at least two individuals reported that they were unable to meet with legal counsel during their detention and multiple hearings were held in the absence of many of the defendants.

III. Bahraini Hezbollah Case

On 17 April 2019, Bahrain's Fourth High Criminal Court issued the final verdict in the trial of the so-called Bahrain Hezbollah cell. A mass trial of 169 defendants was held which accused the group of committing various terrorist acts through participation in an organization the Bahraini government calls the "Bahraini Hezbollah".¹³¹ The court revoked the citizenship of all but one of 139 defendants on terrorism charges in a mass trial involving 169 defendants. The court issued the denationalization order as part of its verdict. It acquitted 30 defendants, revoked the citizenship of 138 individuals, sentenced 69 defendants to life imprisonment. It also sentenced 39 individuals to 10 years in prison, 23 to seven years in prison, and eight men to five years in prison or fewer. The court also fined 96 defendants 100,000 Bahraini dinars – approximately 26,500 USD.¹³²

IV. Citizenship Revocation

Since 2011, the Bahraini government has arbitrarily revoked the citizenship of roughly 990 individuals. In 2015, the government denationalized 208 people. In 2017, authorities denaturalized 156 people. In 2018, Bahrain stripped 298 individuals of their citizenship and thus far in 2019, the government has stripped 181 individuals of their Bahraini citizenship.¹³³ The arbitrary revocation of nationality is a method employed by the authorities as a tool of political repression against all forms of opposition, activism and dissent. The government has used the overly broad definition of terrorism, embodied in Bahrain's legislation, to target and judicially harass human rights defenders, activists, critics of the

¹²⁹ Elina Steinerte, Diego García-Sayán, Ahmed Shaheed, Fionnuala Ní Aoláin, Nils Melzer, Mandates of the Working group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 5 November 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24166>

¹³⁰ "Profiles in Persecution: Husain Abdulla Mohamed", ADHRB, 26 April 2018, <https://www.adhrb.org/2018/04/profiles-in-persecution-husain-abdulla-mohamed/>

¹³¹ Reuters, "Bahrain accuses 169 of forming another Hezbollah", 25 September 2018, <https://uk.reuters.com/article/uk-bahrain-security/bahrain-accuses-169-of-forming-another-hezbollah-idUKKCN1M511I>

¹³² "ADHRB Condemns the Verdicts Issued in the "Bahrain Hezbollah" Case and the Denationalization of 138 Defendants", ADHRB, 2019 <https://www.adhrb.org/2019/04/adhrb-condemns-the-verdicts-issued-in-the-bahrain-hezbollah-case-and-the-denationalization-of-138-defendants/>

¹³³ "ADHRB Remains Concerned About Bahrain's Arbitrary Deprivation of Citizenship", ADHRB, 2019 <https://www.adhrb.org/2019/04/adhrb-remains-concerned-about-the-arbitrary-deprivation-of-citizenship/>

government, journalists and Shia clerics. Authorities have been revoking nationalities as part of a state policy aimed at tackling terrorism. However, allegations of terror often stem merely from the exercising of one's right to freedom of expression, association and assembly.¹³⁴

By stripping citizens of their nationality, authorities have left hundreds of Bahrainis stateless and deprived of any rights such as medical care or social services. Furthermore, the government has forcibly deported a part of the denaturalized civilians to Iraq or Lebanon. The practice of citizenship revocation negatively affects the families of the individuals made stateless. Due to the discriminatory gender-based treatment in assigning citizenship that does not allow women to transmit their nationality, infants with Bahraini mothers and non-Bahraini fathers are born stateless and therefore deprived of many rights.¹³⁵

Following the Bahraini Hezbollah case, which was the largest mass denationalization in Bahrain's history, Bahrain received strong criticisms from the international community. On April 2019, the United Nations Office of the High Commissioner (OHCHR) issued a statement expressing "alarm at the court decision in Bahrain that revoked the nationalities of 138 people after a mass trial" and raised concerns that "the court proceedings failed to comply with international fair trial standards."¹³⁶ In response to the international pressure, King Hamad issued an order reinstating the citizenship of 551 individuals previously stripped of their Bahraini citizenship through criminal convictions.¹³⁷ Nevertheless, the effects of this measure were nullified considering that it does not apply to denaturalization's ordered by royal decree or ministerial order and that the majority of those who had their citizenship reinstated are serving life sentences while the status of 439 people remain unknown.¹³⁸ Moreover, major opposition figures, prominent human rights defenders and Shia clerics are not among those who had their nationality reinstated.¹³⁹

V. Mid-term Recommendations

In the two years since the beginning of the third UPR cycle, Bahraini authorities have failed to implement the recommendations received concerning mass trials and denationalization. In the past two years, Bahrain has carried out five mass trials that do not comply with international fair trial standards, convicting over 500 individuals on terror-related charges. Furthermore, authorities have stripped the nationality of hundreds of Bahrainis as a tool to silence the opposition and repress any form of criticism. The Government of Bahrain should:

- Release all individuals convicted in unfair mass trials.
- Ensure the defendants are sentenced in fair trials in accordance with international standards.
- Reinstatement all revoked citizenships.
- End the practice of denationalization as a means to suppress dissent.
- Enable women to transmit their nationality to their children.

¹³⁴ Fatiha Belfakir, "Activists: Bahrain Continues to Revoke Citizenship of Dissidents", 6 November 2018, <https://www.voanews.com/extremism-watch/activists-bahrain-continues-revoke-citizenship-dissidents>

¹³⁵ Saad Hasan, "Why is Bahrain Revoking Nationality of Its Citizens?", 17 April 2019, <https://www.trtworld.com/middle-east/why-is-bahrain-revoking-nationality-of-its-citizens-25949>

¹³⁶ UN OHCHR, "UN human rights chief deeply concerned by mass terrorism convictions in Bahrain", 18 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24502&LangID=E>

¹³⁷ Bahrain News Agency, "HM King order reinstatement of citizenship of 551 convicts", 21 April 2019, <https://www.bna.bh/en/HMKingordersreinstatementofcitizenshipof551convicts.aspx?cms=q8FmFJgiscL2fwlZON1%2bDh%2bjQDtO6xrJDAIxe%2fob2kY%3d>

¹³⁸ ADHRB, "ADHRB Remains Concerned About Bahrain's Arbitrary Deprivation of Citizenship", 22 April 2019, <https://www.adhrb.org/2019/04/adhrb-remains-concerned-about-the-arbitrary-deprivation-of-citizenship/>

¹³⁹ Reuters, "Major opposition figures not among those given back Bahraini citizenship", 29 April 2019, <https://uk.reuters.com/article/uk-bahrain-security/major-opposition-figures-not-among-those-given-back-bahraini-citizenship-idUKKCN1S50QK>

4. Executions

Not Accepted; no perceived progress

Brief assessment

Two years since the third UPR cycle, ADHRB finds that the Government of Bahrain has failed to implement the recommendations received. The Government of Bahrain have noted the recommendations on ending capital punishment but has yet to abolish the death penalty. The authorities have neither accepted recommendations concerning the possibility to commute all death sentences to prison terms and to ratify the Second Optional Protocol of the ICCPR.¹⁴⁰

114.2 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Estonia) (Uruguay) (Ireland);

114.3 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and abolish the death penalty (Portugal); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Angola);

114.74 Abolish the death penalty, and commute all death sentences to prison terms (Sweden);

114.75 Commute all the death sentences and establish a moratorium on executions (Portugal); Commute all death sentences, declare a moratorium on executions and move towards an abolition of the death penalty (Norway); Introduce a moratorium on the execution of the death penalty (Germany); Impose a moratorium on the use of the death penalty (Montenegro); Re-introduce the moratorium on executions with a view to definitively abolishing the death penalty (Spain); Impose an official moratorium on the death penalty and replace the death penalty with a sentence that is fair and proportionate and respects international human rights standards (Bulgaria);

114.76 Suspend without delay the executions and declare a moratorium on the application of death penalty as the first phase towards its abolition (France); Immediately implement a formal moratorium on the death penalty with a view to abolishing the practice (Australia); Immediately declare an official moratorium on executions with a view to the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights and the abolition of the death penalty (Austria); Establish without delay a legal moratorium on the application of the death penalty with a view to its subsequent abolition (Luxembourg);

114.77 Establish an official moratorium on the death penalty (Lithuania); Establish a moratorium on executions with a view to abolishing the death penalty (Italy); Take urgent measures to establish a formal moratorium on executions of prisoners on death row (Argentina); Establish a moratorium on the death penalty with a view to its abolition (Chile); and

114.78 Restrict the use of the death penalty to crimes that meet the threshold of “most serious crimes” under international law (Belgium).

¹⁴⁰ ADHRB, BIRD, BCHR, “Bahrain’s Third Cycle UPR. A record of Repression”, January 2017, <https://www.adhrb.org/2017/03/11848/>

I. Legal Framework

During the third UPR cycle, the ICCPR Committee requested that the Government of Bahrain identify any plans to establish a moratorium on the death penalty and to explain whether the law limits the death penalty to the “most serious crimes”, as required under article 6(2) of the Covenant.¹⁴¹ The Committee further requested that the Government of Bahrain respond to allegations that capital trials have not been conducted in accordance with international fair trial standards.¹⁴² Until now the Bahraini Government did not provide reliable clarifications on these cases.

The Bahrain’s Penal Code provides a wide range of possible serious crimes to be sentenced to death. Murder and aggravated murder, namely a murder of the perpetrator’s close relatives or of a public official, and murder using poisonous or explosive materials are all punishable by death. Also, ambiguous crimes like calumny or falsely reporting information to judicial officials are punishable by death. In addition, the following crimes, when they result in death, are warrant execution like kidnapping, especially under aggravating circumstances, rape, sexual assault, statutory rape, especially under aggravating circumstances, assault, arson, the use of force in theft, drug trafficking and deliberately obstructing funerals or memorial services.¹⁴³ There are no official explanations of when a circumstance is considered aggravating, leaving broad discretion to judges to determine when a crime could fall under the definition of aggravating circumstances and as such considered eligible for a death sentence.

Arson of a public or Government building, even if it does not result in death, is punishable by death, but only if it is carried out against the state or civil servants. In assessing, the authorities and judicial branch seem to be unable to define if the act was intentional or not, and their judgement appear arbitrary. Moreover, deliberately committing an act which affects the country’s independence, unity, or territorial integrity like taking up arms against Bahrain, assisting the enemy in weakening the Armed Forces, joining a hostile armed force, making attempts on the life or freedom of the Amir or Crown Prince and/or cooperating with a foreign power which leads to the formation of an armed gang in an attempt to overthrow the Constitution, is punishable by death.¹⁴⁴

Recent amendments to Bahrain’s anti-terror law 58/2006 have made the death penalty a possible sentence for acts of terror that cause death or injury. The deliberate damaging of a public building or property in order to cause panic or anarchy, the endangering or obstructing the operation of a vehicle, obstructing a telecommunications medium intended for public use, if results in death, is punishable by death.¹⁴⁵ The Penal Code provides the same sentence also for forming or leading an armed gang which uses force to occupy or destroy a public or Government building, attacking the local population and the use of arms to resist public authority, or aiming to expropriate property or land.¹⁴⁶

¹⁴¹ ICCPR Art 6 2.: “In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court”.

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁴² The Advocates for Human Rights, “Bahrain’s Compliance with the International Covenant on Civil and Political Rights. Alternative Report about the Death Penalty”, June 2018,

https://www.theadvocatesforhumanrights.org/uploads/bahrain_human_rights_committee_death_penalty_2.pdf

¹⁴³ Cornell Center on the Death Penalty Worldwide, Death Penalty Database, Bahrain, last updated on 2 October 2019, <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Bahrain>

¹⁴⁴ Cornell Center on the Death Penalty Worldwide, Death Penalty Database, Bahrain, last updated on 2 October 2019, <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Bahrain>

¹⁴⁵ Cornell Center on the Death Penalty Worldwide, Death Penalty Database, Bahrain, last updated on 2 October 2019, <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Bahrain>

¹⁴⁶ Cornell Center on the Death Penalty Worldwide, Death Penalty Database, Bahrain, last updated on 2 October 2019, <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Bahrain>

However, the anti-terror law lacks a precise definition of terrorism and this lack of transparency and nuanced definition enables the authorities to sentence an individual even when there is no evidence proving an intent to commit a terrorist act. The law introduces a separate prosecution office for terrorism related crimes, creating a new process for criminal procedure for persons accused of terrorism.¹⁴⁷ This allows Bahraini authorities to justify prolonged pretrial detentions under national law, even as they remain in violation of the international obligations, especially the ICCPR. Article 9 of the ICCPR states that “anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release”.¹⁴⁸ In April 2019, the Bahrain’s Council of Representatives passed new amendments to the Bahrain Penal Code. It expanded the use of the death penalty in the country.¹⁴⁹ These amendments are aimed to include punishments, including the death penalty, for manufacturing, possessing, distributing or using explosives. These amendments need to be approved by Bahrain’s Shura Council and then King for ratification.¹⁵⁰ It has been noticed that despite the increase in punishments introduced like capital punishment especially for crimes related to terrorism there has not been a drop in crimes over the past few years.¹⁵¹ This highlights the lack of effectiveness of such methods, the falsification of crimes committed by the public and the need for authorities in Bahrain to revise its Penal Code.

During the third UPR cycle, in the report of OHCHR, emphasized that the majority of the people sentenced to death were on charges related to terrorist acts.¹⁵² Moreover, it criticized the prevalence of unfair trials in Bahrain as confessions used as evidence were obtained under torture and had not been properly investigated.

II. Trend and Recent Cases

Following the executions in January 2017, the year of the third UPR cycle, the country has seen a dramatic increase in the issuing of death sentences. Bahraini authorities use enforced disappearance, detention *incommunicado* and torture particularly during the investigation. Legal safeguards against torture and the consideration of evidence obtained using torture are not implemented.

In January 2017, Bahrain executed three men sentenced to death in 2015 on charges of terrorism. Sami Mushaima, Abbas al-Samea and Ali al-Singace were convicted of a bomb attack on police and all three were arbitrarily arrested, tortured and deprived of access to legal counsel.¹⁵³ The U.S. State Department said that activists accused the MOI and Public Prosecutor’s Office of using beatings, electric shocks, and resource deprivation to force confessions and proceeded with improperly investigating such claims prior to the executions.¹⁵⁴ The trial seemed did not meet international standards and their lawyers did not have sufficient access to their clients or to important evidence. Prior to 2010, Bahrain carried out

¹⁴⁷ ADHRB, BIRD, BCHR, “NGOs Express Concern that Bahrain Anti-Terrorism Amendment Permits Human Rights Violations”, http://www.adhrb.org/wp-content/uploads/2014/12/2014.12.19_NGOs-Express-Concern-that-Bahrain-Anti-Terrorism-Amendment-Permits-Human-Rights-Violations.pdf

¹⁴⁸ International Covenant on Civil and Political Rights, OHCHR, March 1976, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁴⁹ BIRD, “Bahrain Parliament Passes Amendment Expanding Use of Death Penalty”, 11 April 2019, <http://birdbh.org/2019/04/bahrain-parliament-passes-amendment-expanding-use-of-death-penalty/>

¹⁵⁰ BIRD, “Bahrain Parliament Passes Amendment Expanding Use of Death Penalty”, 11 April 2019, <http://birdbh.org/2019/04/bahrain-parliament-passes-amendment-expanding-use-of-death-penalty/>

¹⁵¹ United States Department of State, Country Reports on Terrorism 2017-Bahrain, 19 September 2018, <https://www.refworld.org/docid/5bcf1fb713.html>

¹⁵² Working Group on the Universal Periodic Review, “Compilation on Bahrain. Report of the Office of the United Nations High Commissioner for Human Rights”, 14 February 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/031/76/PDF/G1703176.pdf?OpenElement>

¹⁵³ ADHRB, “UPDATED: Bahrain and the Death Penalty”, 29 August 2019, <https://www.adhrb.org/2019/04/bahrain-and-the-death-penalty/>

¹⁵⁴ U.S. Department of State, Country Reports on Human Rights Practices for 2017: Bahrain.

executions rarely, maintaining de facto moratoriums on the death penalty from 1977 to 1996 and from 1996 to 2006 and these were the first executions of Bahraini citizens since 1996.¹⁵⁵

Sami Mushaima was arrested on 3 March 2014 at his home due to his family's association with the pro-democracy movement related to the activist Hassan Mushaima. Authorities arrested him for his alleged involvement in a bomb explosion killing three police officers. He was subjected to extreme torture, including electrocution and sexual assault. The family declared that Sami was illiterate and for this reason was even more unlikely that he signed a confession without being coerced. Moreover, they declared his absence of necessary skills to assemble a remote-controlled explosive device.¹⁵⁶ Abbas al-Samea was arrested for his alleged participation in the same bomb explosion. He was subjected to the same ill-treatment during the arrest and detention and despite credible evidence that he was at school at the time of the bombing, he was sentenced and then executed two years later. The trial was characterized by a total lack of respect for due process including preventing the defendants' lawyers from accessing relevant the case files.

On 3 April 2017, the King ratified a constitutional amendment opening the way for trials of civilians in military courts. Military trials of civilians are inherently unfair as all officials in military courts, including judges are serving members of the military. This constitutional amendment is a part of the broader pattern of crackdown on freedom of expression to crush dissent including through the judiciary.¹⁵⁷ The first trial of civilians before military courts began in October 2017. In December 2017, a Bahraini military court sentenced 6 men to death after they were convicted of forming a terrorist cell and plotting to kill a military official. These men are Mubarak Adel Mubarak Mohanna, Fadhel Alsayed Abbas Hasan Radhi, Sayed Alawi Hussain Alawi Hussain, and Mohammed Abdulhassan Ahmed Al Mitghawi.¹⁵⁸ In 2018, the Bahraini High Military Court of Appeals upheld the death sentences for 4 of the 6 defendants.

In January 2018, a Bahraini court sentenced two men to death on charges of terrorism in a mass trial during which 47 defendants were stripped of their citizenship, 19 sentenced to life in prison, 28 sentenced to five years in prison and 9 sentenced to ten years imprisonment. Some death penalties have been reduced to life imprisonment on charges of terrorism, but numbers of Bahraini individuals sentenced to death has been increasing since 2017. In March 2018, the Bahrain Public Prosecutor announced a request to review the cases of Mohamed Ramadhan Issa Ali Hussain and Hussain Ali Moosa Hussain Mohamed, citing new evidence from the SIU.¹⁵⁹ Both are currently at the stage of appeals and they have alleged that they were tortured to extract confessions.¹⁶⁰ On April 25, the Military Court of Cassation confirmed the death sentences of four of the six men convicted on terrorism charges in December 2017. However, on the following day, King Hamad commuted these four sentences to life imprisonment. Also, in April 2018, a group of UN human rights experts, which included Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions, and Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, called for a retrial of the four men - Mohamed AbdulHasan Al-Mutaghawi, Fadhel Sayed Radhi, Sayed Alawi Husain and Mubarak Adel Mubarak Mahanna.¹⁶¹

¹⁵⁵ Cornell Center on the Death Penalty Worldwide, Death Penalty Database: Bahrain.

¹⁵⁶ ADHRB, BIRD, BCHR, "Bahrain's Third Cycle UPR. A record of Repression".

¹⁵⁷ Amnesty International, "Bahrain: King commutes four death sentences to life imprisonment but trials remain nonetheless unfair", Public Statement, 2 May 2018, <https://www.amnesty.org/download/Documents/MDE1183332018ENGLISH.pdf>

¹⁵⁸ Asharq Al-Awsat, "Bahrain's King Commutes Death Sentences of 4 Terrorists", 27 April 2018,

<https://aawsat.com/english/home/article/1250866/bahrain%E2%80%99s-king-commutes-death-sentences-4terrorists>

¹⁵⁹ The Advocates for Human Rights, "Bahrain's Compliance with the International Covenant on Civil and Political Rights. Alternative Report about the Death Penalty", June 2018.

¹⁶⁰ ADHRB, "UPDATED: Bahrain and the Death Penalty", 29 August 2019

¹⁶¹ United Nations, Office of the High Commissioner for Human Rights, "Bahrain: UN rights experts condemn military court convictions, cite torture allegations", 30 April 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23010&LangID=E>

On 27 July 2019, the Government of Bahrain carried out the executions of three individuals, two Bahrainis - AlArab and Ahmed AlMalali - and one from Bangladesh. All of them had been convicted and sentenced to death, alongside allegations of torture and due process violations, in a mass trial with other 58 individuals held on 31 January 2018.¹⁶²

Ali Mohammed Hakeem Al Arab was arrested in a joint operation in February 2017 carried out by the MOI alongside the General Directorate for Criminal Investigation and Forensic Science¹⁶³ and the Bahrain's National Security that reportedly "aimed at apprehending escaped prisoners and other terrorist fugitives".¹⁶⁴ He was sentenced for suspected involvement in the murder of a police officer and of being involved in supporting the Jau Prison escapees. His detention was characterized by solitary confinement and torture. He reported being prevented from attending the appeals hearings during his detention and despite the violation of many national laws and international standards, the Bahraini High Court of Appeals rejected all the appeals of the defendants.¹⁶⁵ Similarly, Ahmed AlMalali was arrested without an official warrant and was held *incommunicado* for a month at the CID where he suffered brutal torture and was prevented from meeting with legal counsel. He was charged with possessing firearms, training in the use of firearms and membership in a terrorist cell.¹⁶⁶

Despite urgent calls and international pressure on the Government of Bahrain by Members of the Congress, Members of the European Parliament, French Parliament and the Special Rapporteur Agnes Callamard, the executions were still carried out.¹⁶⁷

III. Individuals on the Death Row and at Imminent Risk of Execution

Presently, there are around 18 people on death row, mainly on political grounds, still undergoing appeals for their cases. There are eight Bahrainis and five non-Bahrainis at imminent risk of execution.¹⁶⁸ An example would be, Mohammed Ramadan who was arrested in February 2014. He was allegedly tortured to confess to the killing of a police officer. Mohammed has never been allowed to see and talk with his lawyer and was convicted almost only on the basis of a false confession extracted through torture practices.¹⁶⁹ In December of the same year, he was sentenced to death but in March 2018 the SIU of the Office of Public Prosecution requested to further investigate his case due to possible evidence of torture. On 22 October 2018, the Court of Cassation overturned the confirmation of the death sentence but the situation still remains unclear.¹⁷⁰ Also, Ahmed Mohamed Ali Mahdi Ebrahim Zainuddin, Husain Ali Ahmed Dawood/Dawoun and Sayed Mohamed Qasim Mohamed Hasan Fadhul/Fadhel were

¹⁶² ADHRB, "UPDATED: Bahrain and the Death Penalty", 29 August.

¹⁶³ ADHR, "Unjust executions in Bahrain: the cases of Ali AlArab and Ahmed AlMalali", Written statement submitted to the UN, 23 August 2019, available here <https://www.adhrb.org/2019/08/hrc42-written-statement-unjust-executions-in-bahrain-the-cases-of-ali-alarab-and-ahmed-almalali/>

¹⁶⁴ Kingdom of Bahrain Ministry of Interior, "MOI issues statements on Feb.9 operations", 9 February 2017, <https://www.policemc.gov.bh/en/news/ministry/60161>

¹⁶⁵ ADHRB, "Unjust executions in Bahrain: the cases of Ali AlArab and Ahmed AlMalali".

¹⁶⁶ Human Rights Council, Mandates of Special Rapporteurs Agnes Callamard, Fionnuala Ni Aolàin and Nils Melzer, UA BHR 6/2018, 11 December 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24236>

¹⁶⁷ Office of the High Commissioner for Human Rights, "UN expert urges Bahrain to halt executions of two men amid torture allegations", Press Release, 26 July 2019,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24855&LangID=E>

¹⁶⁸ Aziz El Yaakoubi, Reuters, "Renewed unrest grips Bahrain after authorities execute activists", 29 July 2019, <https://www.reuters.com/article/us-bahrain-execution-protests/renewed-unrest-grips-bahrain-after-authorities-execute-activists-idUSKCN1UO1K8>

¹⁶⁹ Reprieve, "Profile: Mohammed Ramadan", <https://reprieve.org.uk/case-study/mohammed-ramadan/>

¹⁷⁰ Human Rights Council, Mandates of Special Rapporteurs Agnes Callamard, Fionnuala Ni Aolàin and Nils Melzer, UA BHR 6/2018, 11 December 2018.

convicted *in absentia* in the same trial on 12 November 2018.¹⁷¹ On 25 February 2019, the verdict was confirmed but all the individuals are not present in Bahrain.¹⁷²

The death sentence of Husain Moosa Ali Moosa Hasan Mohamed was overturned by the Court of Cassation on 29 December 2015 and it is currently at the stage of appeal for a retrial.¹⁷³ Furthermore, Zuhair Ibrahim Jasim Abdullah and Mohamed Mahdi Mohamed Hasan were convicted to death on 30 November 2018 and are currently waiting for the appeal process.¹⁷⁴ Also, Ali Mohamed Hakeem al-Arab and Hussein Abdullah Marhoun were convicted to death on 28 January 2019 and on 25 February 2019 respectively, during the appeal process. They are waiting for the next appeal to the Court of Cassation, their last resort before the King's ratification.¹⁷⁵

There are 8 Bahrainis at imminent risk of execution and are awaiting the King's ratification. Bahraini authorities arrested Maher Abbas al-Khabbaz for allegedly killing a police officer on 14 February 2013.¹⁷⁶ On 19 February 2014, a court sentenced him to death. Three days after the alleged attack, plainclothes officers arrested al-Khabbaz at his place of business and took him to a local security facility. There, the officers subjected him severe physical torture including electrocution and falaka, a technique of whipping most sensitive areas of the feet and hands. After a week, and although he is illiterate and was blindfolded, the authorities forced al-Khabbaz to sign a confession. The ensuing trial was based on this false confession and in open violation of fair trials standards denying him during the proceedings consistent access to an attorney and threatened him with continued torture. Complaints regarding his torture and forced confession were submitted to the SIU, which claimed to find no evidence of torture despite never meeting with him. The Court of Cassation confirmed his sentence on 31 January 2018, and he is currently detained at Jau Prison, where he is at imminent risk of execution.¹⁷⁷

Similarly, the High Criminal Court sentenced Salman Isa Ali Salman to death on 29 April 2015 for his alleged involvement in a bomb attack that killed a police officer a year prior. He was arrested on 27 December 2014 without a warrant under "terrorist" allegations, repeatedly beaten and tortured until he signed a false confession.¹⁷⁸ Along with Ali Salman, the court sentenced 11 other defendants to prison terms. On 4 June 2018, the Court of Cassation upheld the death sentence and as he has exhausted all domestic remedies, he is at imminent risk of execution.¹⁷⁹

Husain Ali Mahdi Jasim Mohamed was charged with "unlawful assembly" and "unlawful possession of a firearm", a frequent charge in Bahrain which is incompatible with the right to freedom of assembly under Article 21 of the ICCPR, to which Bahrain is a party, and was arrested in April 2016.¹⁸⁰ Following his arrest, he was transferred to the CID and he was held there for two weeks without any kind of

¹⁷¹ Human Rights Council, Mandates of Special Rapporteurs Agnes Callamard, Fionnuala Ni Aolain and Nils Melzer, UA BHR 6/2018, 11 December 2018.

¹⁷² Salam-Dhr, "Bahrain: a list of names of those sentenced to death in political cases", updated 25 February 2019, <https://salam-dhr.org/wp-content/uploads/2019/02/Salam-DHR-Death-penalty-list-2.pdf>

¹⁷³ Salam-Dhr, "Bahrain: a list of names of those sentenced to death in political cases", updated 25 February 2019, <https://salam-dhr.org/wp-content/uploads/2019/02/Salam-DHR-Death-penalty-list-2.pdf>

¹⁷⁴ Salam-Dhr, "Bahrain: a list of names of those sentenced to death in political cases", updated 25 February 2019, <https://salam-dhr.org/wp-content/uploads/2019/02/Salam-DHR-Death-penalty-list-2.pdf>

¹⁷⁵ Salam-Dhr, "Bahrain: a list of names of those sentenced to death in political cases", updated 25 February 2019, <https://salam-dhr.org/wp-content/uploads/2019/02/Salam-DHR-Death-penalty-list-2.pdf>

¹⁷⁶ ADHRB, "Bahrain: Maher Al-Khabbaz Awaits Impending Execution Following Flawed Trial", February 2018, <https://www.adhrb.org/2018/02/bahrain-maher-al-khabbaz-awaits-impendingexecution-following-flawed-trial/>

¹⁷⁷ ADHRB, "Unjust executions in Bahrain: the cases of Ali AlArab and Ahmed AlMalali".

¹⁷⁸ ADHRB, "Unjust executions in Bahrain: the cases of Ali AlArab and Ahmed AlMalali".

¹⁷⁹ ADHRB, "Profiles in Persecution: Salman Isa Salman", August 2017, <https://www.adhrb.org/2017/08/profiles-in-persecution-salman-isa-salman/>

¹⁸⁰ ICCPR Article 21 "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others", <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

contact with the outside.¹⁸¹ Also, he was subjected to inhumane treatment and torture and to an unfair trial. Given that the evidence in Husain's trial was obtained by torture, the legal presumption of innocence must stand. On 26 February 2018, the Court of Appeals upheld this sentence and his death sentence was confirmed by the Court of Cassation on 21 May 2018 and so is at imminent risk of execution.

Also, Husain Ali Husain Marzooq was charged with around 12 crimes, including being involved in a bombing which killed a teacher, possession of explosives and weapons, communication and conspiracy with a foreign country and being trained by the Iranian Revolutionary Guards. Like other cases, he was tortured during interrogation at the CID to sign a false confession. The Court of Appeals upheld his conviction on 22 November 2017 which was confirmed on 28 February 2018 by the Court of cassation.¹⁸² His detention has been declared arbitrary by the WGAD in the Opinion No.79/2018.¹⁸³ and he is at imminent risk of execution.

Husain Abdulla Marhoon Rashed was arrested on 28 June 2017 by officers from CID and NSA in a raid. He was forcibly disappeared for 20 days and was interrogated and tortured to provide a confession which was used during the trial against him. He was convicted of killing a policeman on 12 November 2018.

Authorities revoked his citizenship and sentenced him in multiple cases. According to some local news outlets his death sentence was confirmed by the Court of Cassation on 20 May and is now at imminent risk of execution. There is no official information on this case but the family confirmed the Court's disposition. Mohammad Radhi Abdulla Hassan was arrested on 1 August 2015 without a warrant by police officers. They took him to an NSA facility where they tortured him and was subsequently stripped of his nationality on 29 March 2017 for allegedly participating in a bombing in Sitrah.¹⁸⁴ His death sentence was confirmed on 25 February 2019 by the Court of Cassation and now he is at imminent risk of execution.¹⁸⁵

Sayed Ahmed Isa Ahmed al-Abbar was arrested on 24 April 2016 by agents of the NSA without a warrant. On 6 June 2017, after suffering torture for authorities to extract confessions, he was sentenced to death on charges of unlawful assembly with the intent to undermine the constitution of the state, terrorism and premeditated murder.¹⁸⁶ The Court of Cassation confirmed his death sentence on 21 May 2018 and having exhausted all avenues is at current risk of execution and is awaiting ratification by the King. Lastly, Husain Ali Mahdi Jasim was arrested on 24 April 2016 and was sentenced with three different charges such as unlawful assembly, unlawful possession of a firearm and burning a security vehicle in an incident killing a security officer. On 6 June 2017, the Court sentenced Mohamed to the death penalty for killing a security officer. On 21 August 2017, the Ombudsman decided that the case falls under the jurisdiction of the SIU and the case was finally concluded with a death sentence on 21 May 2018, rendering his verdict final.¹⁸⁷

¹⁸¹ ADHRB, "Profiles in Persecution: Husain Ali Mohamed", 27 October 2017, <https://www.adhrb.org/2017/10/profiles-in-persecution-husain-ali-mohamed/>

¹⁸² ADHRB, "Profiles in Persecution: Husain Ali Mohamed", 27 October 2017, <https://www.adhrb.org/2017/10/profiles-in-persecution-husain-ali-mohamed/>

¹⁸³ UN Working Group on Arbitrary Detention, Opinion No. 79/2018 concerning Husain Ebrahim Ali Husain Marzooq, Husain Abdulla Juma Maki Mohamed, Jalila Sayed Ameen Jawad Mohamed Shubbar, Mohamed Ahmed Ali Hasan Mohsen and Hameed Abdulla Hasan al-Daqqaq (Bahrain)", 13 February 2019, https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_79.pdf

¹⁸⁴ Human Rights Council, Mandates of Special Rapporteurs Agnes Callamard, Fionnuala Ni Aolàin and Nils Melzer, UA BHR 6/2018

¹⁸⁵ Salam-Dhr, "Bahrain: a list of names of those sentenced to death in political cases".

¹⁸⁶ Human Rights Council, Mandates of Special Rapporteurs Agnes Callamard, Fionnuala Ni Aolàin and Nils Melzer, UA BHR 6/2018.

¹⁸⁷ Human Rights Council, Mandates of Special Rapporteurs Agnes Callamard, Fionnuala Ni Aolàin and Nils Melzer, UA BHR 6/2018.

IV. Mid-term Recommendations

To date, in Bahrain many individuals continue to face arbitrary arrest, torture to extract false confessions and unfair trials prior to their death sentencing. The use of the death penalty violates its obligations under the ICCPR, to which Bahrain acceded in 2006. According to the ICCPR, the death penalty must only be handed down for the “most serious crimes”¹⁸⁸ and that fair trial standards must be applied and respect. It includes a peremptory prohibition against torture and in Bahrain torture is widespread. Therefore, the Government of Bahrain should:

- Establish a moratorium on death penalty with a view to abolish it.
- Investigate and prosecute all acts of torture, mistreatment and enforced disappearances.
- Dismiss all convictions made on the basis of false confessions obtained under conditions of torture or coercion.
- Amend and review vague anti-terror laws under the Penal Code that are ambiguous that criminalize free expression, opinion, association and assembly so that such a law cannot be abused by authorities.

¹⁸⁸ ICCPR Art.6.2 " In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court".
<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>