



General Assembly

Distr.: General
12 February 2020

English only

Human Rights Council

Forty-third session

24 February–20 March 2020

Agenda item 4

Human rights situations that require the Council's attention

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

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

[29 January 2020]

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



Bahrain's continued failure to implement its UPR recommendations

On the occasion of the 43rd session of the United Nations (UN) Human Rights Council (HRC), Americans for Democracy & Human Rights in Bahrain (ADHRB) would like to take the opportunity to raise concerns over Bahrain's failure and refusal to carry out reforms suggested by states in its 3rd cycle Universal Periodic Review (UPR) in 2017. On the contrary, the vast majority of recommendations offered by other states remain unfulfilled, even as the government has taken increased steps to curb domestic dissent and silence opposition to its policies.

Bahrain underwent its 3rd cycle UPR in May 2017. During its review, member and observer states of the UN HRC submitted 175 recommendations. These recommendations were grouped into 20 issue areas, encompassing thematic concerns from the right to freedom of expression to the treatment of prisoners. Due to the depth and breadth of the recommendations, they would, if implemented, bring about large-scale reforms in Bahrain's political, judicial, and penal systems. They would also lift restrictions on, and potentially enlarge, the sphere in which independent civil society organizations and political societies could operate. While the government supported 139 recommendations, and noted only 36, it has largely failed or refused to implement the recommendations, taking few serious steps towards changing its policies or laws.

Steps backward – the NSA

In November 2011, the Bahrain Independent Commission of Inquiry (BICI) – which had been appointed by King Hamad bin Isa AlKhalifa – submitted its report to the king.¹ The 500-page report contained a narrative of the events surrounding the protests in February and March 2011, noting the context for the protests, and seeking to identify any human rights abuses committed by the security forces in suppressing the protests. The report, which was accepted by the king, made 26 recommendations that sought to address the abuses.² While the government claimed to have fully implemented the majority of the recommendations,³ ADHRB has found that the government only fully implemented two recommendations: one of them to “commute the death sentence imposed for murder arising out of the events of February/March 2011” (recommendation 1722i); and the second “Ensure [the National Security Agency] is an intelligence-gathering agency without law enforcement capabilities or powers of arrest. [...]” (Recommendation 1718.) The latter is significant because the National Security Agency (NSA) was the agency responsible for overseeing much of the torture of protesters in 2011.

In 2016, at a ceremony attended by Professor Mahmoud Cherif Bassiouni, a drafter of the BICI, the government claimed to have completed its implementation of the BICI's 26 recommendations.⁴ As a result, the BICI's importance has diminished and it has fallen by the way-side. However, in January 2017, just five months before Bahrain underwent its 3rd cycle UPR, authorities took steps to reverse some of its BICI progress, publishing a decree restoring the NSA's power of arrest and interrogation.⁵ Almost immediately after this announcement, the NSA attacked a peaceful sit-in in the village of Duraz, shooting 18-year-old Mustafa

¹ “Report of the Bahrain Independent Commission of Inquiry,” Bahrain Independent Commission of Inquiry, 2011, <http://www.bici.org.bh/BICIREportEN.pdf>.

² “Shattering the Façade: A report on Bahrain's implementation of the Bahrain Independent Commission of Inquiry (BICI),” 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/>.

³ “Highlights of Bahrain's Reform Progress 2015,” Bahrain Embassy, 17 September 2015, <https://medium.com/@bahrainembdc/highlights-of-bahrain-s-reform-progress-2015-d1863093b945>.

⁴ “Bahraini Government's Claims of Having Implemented all BICI Recommendations Are Mere Lip Service,” ADHRB, 13 May 2016, <https://www.adhrb.org/2016/05/bahraini-governments-claims-implemented-bici-recommendations-mere-lip-service/>.

⁵ “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>.

Hamdan, who died two months later. In May 2017, the NSA attacked another sit-in in Duraz, killing five men.

National Security Courts

In February 2017, Bahrain passed a bill that once again allowed national security courts to try civilians. In 2011, these courts, chaired by members of the military were responsible for the convictions of hundreds of civilians during the protests. King Hamad stripped the courts of their powers to try civilians when it became clear that authorities could manage the mass demonstrations. While the re-empowering of the courts does not reverse a BICI recommendation, the bill's passage rolls back one measure of progress made in 2011. In February 2018, a Bahraini military court rejected the appeals of three civilians and one soldier convicted in a mass trial, marking the first trial of civilians before a military tribunal in Bahrain since 2011.⁶

Political restrictions

During the kingdom's 3rd cycle UPR, the government supported several recommendations pertaining to the right to freely assemble and form political associations, the right to participate in politics freely and in an unhindered manner, and calling on the government to halt the persecution of political opposition members. Despite supporting these recommendations, the Bahraini government has continued to restrict citizens' ability to engage politically, taking comprehensive steps to disenfranchise Shia Muslims, who constitute a majority of the country's citizen population.

In June 2016, ahead of the kingdom's UPR, a court approved the suspension of Al-Wefaq National Islamic Society, Bahrain's largest political opposition society. Authorities subsequently froze the society's assets, blocked its website, and closed its headquarters. The government also targeted Al-Wefaq's leaders, in particular Sheikh Ali Salman, the society's Secretary General. On 4 November 2018, only two weeks before the kingdom held elections for the lower house of parliament, Bahrain sentenced Sheikh Salman to life in prison.

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. Two weeks later, officials targeted Wa'ad leader Ebrahim Sharif due to messages he wrote on social media.

In addition to targeting and closing political opposition societies and their leaders, the government has taken several other steps to limit opposition engagement. On 11 June 2018, the king signed an amendment 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 effectively disqualified large numbers of political opposition members from running for office and also ensured that many formerly incarcerated political prisoners could not hold office. 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.

Furthermore, there have been long-standing concerns about gerrymandering efforts diluting 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.

⁶ "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/>.

Free expression

The government also accepted recommendations pertaining to respecting free expression and the freedom of the press and media. However, officials have taken steps to restrict these areas. In June 2017, Bahrain's Ministry of Information Affairs ordered the indefinite suspension of AlWasat, Bahrain's only independent newspaper, following the publication of an article concerning the legitimacy of a rural unrest in Morocco.

Following AlWasat's suspension, 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\$26,5333).

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. 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, Bahrain Mirror, and Al-Quds Al-Araby. 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. In addition, June 2017 to May 2018, the government sentenced seven individuals to a combined 207 months in jail because of their online activities, while many others are on trial or detention.⁷

It is critical that the Bahraini government takes its obligations under the UPR mechanism seriously, as they not only have bearing on the ongoing success of the mechanism itself, but also because of the importance that implementing these recommendations have for the situation on the ground in terms of respect for human rights. Ultimately, Bahrain must take serious steps to implement all recommendations from the UPR process and to proactively work with the Office of the High Commissioner for Human Rights to ensure that the kingdom's laws and practices are in line with international standards and norms.

⁷ "Internet Freedom Score," Freedom House, May 2019, <https://www.freedomthenet.org/country/bahrain/freedom-on-the-net/2019>.