



# General Assembly

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## 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]

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

GE.20-02123(E)



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## **Bahrain's refusal to cooperate with the UN and its mechanisms**

Americans for Democracy & Human Rights in Bahrain (ADHRB) wishes to take the opportunity at the 43rd session of the United Nations (UN) Human Rights Council (HRC) to draw attention to Bahrain's refusal to allow the UN Special Procedures into the kingdom. The Special Procedures of the United Nations are independent human rights experts with mandates to report and advise on human rights from different thematic or country-specific perspectives. In order to adequately and accurately fulfill their mandates, they must have full access to states while doing country visits. However, the most recent Special Procedures visit to Bahrain took place in 25 April 2007. Coming years before the 2011 mass protests, the report discusses human trafficking of migrant workers and forced labor, but does not address concerns about the death penalty, torture and the coercion of evidence from prisoners, or the unfair trials that have become common place.

### **Special Procedures visitation**

Special Procedure visits are only initiated on the onset of an invitation from a Government. As of 24 January 2020, 126 UN Member States that have extended standing invitations to thematic issue-focused Special Procedure mandates. Bahrain is not one of these states. Prior to the 2007 visit and report on the kingdom, the last report written on Bahrain by the UN Special Rapporteur on torture was in 1999.<sup>1</sup> In the 1999 report, the Rapporteur stated that he was concerned about the continual allegations of torture and that he requested an invitation to visit the country. His concerns arose from the Bahraini government's failure and refusal to adequately address and investigate allegations of torture committed in custody against prisoners by security force officers. Indeed, allegations of torture made by prisoners against government agents are rejected and dismissed.

As a result, in April 2013, then-UN Special Rapporteur on torture, Juan Mendez, was scheduled to visit Bahrain. However, Bahraini authorities cancelled his visit. This came after they had postponed it in 2012. When Mendez sought a visit after this, the government continually postponed it numerous times, effectively cancelling his visit.

Bahrain's refusal to cooperate with the UN's Special Procedures extends beyond denying Special Rapporteurs visits to contradicting their work and statements and not responding to SR communications. For example, in 2017, Sayed Nazar Alwadaei, a Bahraini citizen, was arrested at 3:40 am by masked security officers without an arrest warrant. He was reportedly interrogated without a lawyer present and was threatened by officials from the criminal investigation directorate to sign a confession. The courts refused his bail, sentencing him to three years in prison. Sayed Nazar Alwadaei, along with three other prisoners, was the subject of a joint urgent appeal written by 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 rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on torture and other cruel, inhuman or degrading punishment.<sup>2</sup> The Government of Bahrain responded stating that all the procedures followed with respect to Sayed Nazar Alwadaei were in accordance to the law.

Neither 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 rights to freedom of peaceful assembly and of

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<sup>1</sup> United Nations. "Bahrain: Human Rights Developments and Amnesty International's Continuing Concerns." *Refworld*, [www.refworld.org/docid/3b83b6dc0.html](http://www.refworld.org/docid/3b83b6dc0.html).

<sup>2</sup> "Opinions adopted by the Working Group on Arbitrary Detention at its eighty-second session, 20-24 August 2018" *Office of the United Nations High Commissioner for Human Rights*, 7 Jan. 2019, [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A\\_HRC\\_WGAD\\_2018\\_51.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_51.pdf).

association, the Special Rapporteur on the situation of human rights defenders, nor the Special Rapporteur on torture and other cruel, inhuman or degrading punishment have been given access to visit Bahrain despite sending in Urgent Appeals to the Minister of Foreign Affairs of Bahrain to ensure the physical and mental integrity of the subject of the appeal.

In November 2018, five UN experts sent an allegation letter to Bahrain addressing human rights violations specifically on the Zulfiqar Brigades case. A joint letter written by the Vice-Chair of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had expressed their concerns regarding the human rights violations that were being upheld by the Criminal Investigations Directorate (CID) of the Ministry of Interior (MOI). This is only of dozens of communications Special Procedures offices have sent to Bahrain on a myriad of concerning rights abuses. Indeed, since 2011, Special Procedures offices have sent 89 communications to Bahrain.<sup>3</sup>

### **Bahrain's refusal to cooperate with OHCHR**

Bahrain also refuses to engage with the Office of the United Nations High Commissioner for Human Rights (OHCHR). Ahead of the elections for the lower house of parliament in November 2018, Bahrain sought international legitimacy, however it routinely declines to cooperate and engage with the Office or other UN human rights mechanisms and bodies that would actually help to create a conducive environment for the elections. Bahraini authorities also dismiss help from the OHCHR as well as the HRC to address the deteriorating human rights situation. As a result of their dismissal of the OHCHR, HRC, and Special Procedures, the citizens of Bahrain will continue to suffer adverse human rights conditions.

Bahrain also refuses to engage with the High Commissioner who has requested a visit to Bahrain which was denied. The Foreign Minister of Bahrain instead publicly attacked the credibility of the High Commissioner and stated that the High Commissioner lacked competence.

### **Effects of Bahrain's refusal to cooperate with the United Nations**

ADHRB has raised concerns about Bahrain's refusal to cooperate with Special Procedures, OHCHR, and the UN at large. Since the last visit by a Special Procedure mandate in 2006, the human rights environment in Bahrain has deteriorated significantly and cases of torture and mistreatment, unfair trials, arbitrary detention, enforced disappearances, and allegations of purposeful mistreatment of prisoners have increased substantially. In order for the international community to adequately support Bahrainis' struggle for human rights they must understand the situation within the country. However, the government's refusal to allow UN Special Rapporteurs into the country, to allow the High Commissioner access to the country, and to work with the UN more broadly, hampers the ability of the international community to grasp the depth of the human rights crisis.

### **Conclusions and recommendations**

Since 2011, Special Procedures has sent 89 communications to the Bahraini government in hopes to make contact. Bahrain fails to cooperate with the UN, only worsening the deteriorating human rights situation in the country. The absence of human rights and technical experts in the country creates an environment that leaves many vulnerable and susceptible to being wrongfully arrested, tortured, and tried for a crime that they did not commit.

ADHRB calls on the Government of Bahrain to:

<sup>3</sup> "ADHRB at HRC40 Raises Concerns about Bahrain's Refusal to Cooperate with the Special Procedures." *Americans for Democracy & Human Rights in Bahrain*, 5 Apr. 2019, [www.adhrb.org/2019/03/17164/](http://www.adhrb.org/2019/03/17164/).

- Issue standing invitations to any mandate to visit the kingdom;
  - Accept the requests of the Special Procedures mandate holders;
  - Seek cooperation with the OHCHR.
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