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Human rights situations that require the Council's attention

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

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

[31 May 2019]

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



Eight months of abuses: Bahrain on the Human Rights Council

Americans for Democracy & Human Rights in Bahrain (ADHRB) wishes to take the opportunity at the 41st session of the United Nations (UN) Human Rights Council (HRC) to raise awareness and voice concerns around the human rights abuses that Bahrain has perpetrated since its election to the HRC in October 2018.

On 12 October 2018, Bahrain gained a seat on the Council. It ran unopposed and on a secret ballot.¹ Despite being elected and making human rights pledges as part of its candidacy,² the Government of Bahrain has continued to violate human rights on a consistent basis, seemingly increasing the number and level of abuses since its election. In particular, the government has continued to stifle free expression and assembly, and target human rights defenders for reprisal.

Less than a month after becoming a member, Bahrain's High Court of Appeal overturned the acquittal of political prisoner and opposition leader Sheikh Ali Salman. The Court sentenced him to life in prison on political charges of "espionage" for participating in discussions with Qatar during the 2011 Arab Spring events in Bahrain.³ On 28 January 2019, Bahrain's Court of Cassation rejected Sheikh Ali Salman's appeal, upholding his sentence. He has now exhausted all domestic remedies.⁴

On 24 November 2018, Bahrain held elections for its lower house of parliament. The elections went ahead despite the government's severe restrictions on civil and political societies.⁵ All of Bahrain's major opposition societies remained dissolved and new legislation banned anyone who had belonged to one of these political groups from seeking elected office. The legislation also banned anyone who has served six months or more in prison from holding office. This affected a large portion of the population, given that around 4,000 political prisoners remain in jail.⁶

On 27 November 2018, football player and refugee Hakeem AlAraibi was arrested in Thailand on the basis of an INTERPOL Red Notice for a conviction issued *in absentia* and using evidence obtained through torture.⁷ He was held in Thailand for 76 days pending a request for his extradition. Bahraini authorities later rescinded their extradition request after facing global pushback. In response to international calls for his release, the Bahraini government publicly denounced the international community's "external interference" in his case, calling concerns from outside actors "unacceptable."⁸

¹ Press Release, General Assembly Elects 18 Member States to Human Rights Council, Allowing Vote by 3 Member States in Article 19 Exemption over Financial Dues, U.N. Press Release GA/12077 (Oct. 12, 2018), <https://www.un.org/press/en/2018/ga12077.doc.htm>.

² Permanent Mission of Bahrain to the U.N., Note verbale dated 10 August 2018 from the Permanent Mission of Bahrain to the United Nations addressed to the President of the General Assembly, U.N. Doc. A/73/359 (Aug. 31, 2018), <https://undocs.org/en/A/73/359>.

³ Bahrain Public Prosecution (@bppbahrain), Instagram (Nov. 4, 2018), https://www.instagram.com/p/BpwAjS7h1FM/?utm_source=ig_share_sheet&igshid=17oxfl0t22pt3.

⁴ Bahrain News Agency, *Cassation Court rejects appeal in espionage case*, BNA (Jan. 28, 2019), <https://www.bna.bh/en/CassationCourtrejectsappealinespionagecase.aspx?cms=q8FmFJgiscL2fwIzON1%2bDnUkeisr5hXBqDcqJgO0W34%3d>.

⁵ For further information on the elections, see Written statement submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status, U.N. Doc. A/HRC/38/NGO/59 (Jun. 7, 2018).

⁶ Freedom House, *Bahrain Continues Harassment and Imprisonment of Human Rights Defenders* (Aug. 12, 2016), <https://freedomhouse.org/article/bahrain-continues-harassment-and-imprisonment-human-rights-defenders>.

⁷ Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Urgent Appeal to the Government of Thailand (Dec. 7, 2018), U.N. Ref. UA THA 5/2018.

⁸ Bahrain News Agency, *Interior Minister: Interfering in internal affairs, questioning Bahraini judiciary integrity are intolerable*, BNA (Jan. 28, 2019),

On 1 January 2019, Bahrain's three-year term on the Council officially began. One day prior, the Court of Cassation upheld the five-year sentence for human rights defender Nabeel Rajab in relation to tweets deemed critical by the government.⁹ This was despite the Working Group on Arbitrary Detention (WGAD) declaring that his detention is arbitrary, in violation to his rights of free expression, and discriminatory on the basis of his human rights activities.¹⁰ He has now exhausted all domestic remedies and will remain in prison until 2023.

On 22 January 2019, Bahrain's Court of Cassation upheld a ruling which dissolved the opposition group Wa'ad and confiscated its assets.¹¹ The Government of Bahrain had launched legal proceedings to dissolve Wa'ad, the country's leading secular, leftist opposition society, in March 2017, citing unsubstantiated allegations of "incitement of acts of terrorism and promoting violent and forceful overthrow of the political regime."¹²

On 25 February 2019 – the first day of the 40th HRC session, Bahrain's first session on the Council – the Court of Cassation issued its final verdict against Bahraini human rights defender Sayed Ahmed Alwadaei's mother-in-law, Hajer Mansoor, brother-in-law, Sayed Nizar Alwadaei and cousin, Mahmood Marzooq Mansoor, in their case of planting "fake bombs," upholding their three-year prison sentences for this charge.¹³ They had been imprisoned in reprisal for Sayed Ahmed's activism, and their detention has been determined arbitrary by the WGAD.¹⁴

On 27 February 2019, Bahrain issued a verdict in a mass trial of 171 defendants, sentencing 167 people to prison for their participation in a non-violent sit-in in the village of Duraz in May 2017.¹⁵ On 23 May 2017, security forces attacked protesters with tear gas and shotguns, killing five people and arresting over 286, making it the bloodiest security force action since before 2011.¹⁶ Then-High Commissioner for Human Rights Zeid Ra'ad al-Hussein, as well as five UN experts, urged the Bahraini government to investigate these deaths and to re-examine the use of excessive force against peaceful protestors.¹⁷ Instead, the government prosecuted the protestors arrested in the violent raid. On 27 May 2019,

<https://www.bna.bh/en/HRHPremierissuedEdict33/InteriorMinisterInterferingininternalaffairsquestioningBahrainijudiciaryintegrityareintolerable.aspx?cms=q8FmFJgiscL2fwIzON1%2BDtXgI%2B%2B7sdneSmCWW7NWIUg%3D>.

- ⁹ Americans for Democracy & Human Rights in Bahrain, *Nabeel Rajab Faces 5 Years in Prison as Bahrain's Court of Cassation Rejects his Final Appeal*, ADHRB.org (Dec. 31, 2018), <https://www.adhrb.org/2018/12/nabeel-rajab-faces-5-years-in-prison-as-bahrain-s-court-of-cassation-rejects-his-final-appeal/>.
- ¹⁰ Working Group on Arbitrary Detention, Opinion No. 13/2018 concerning Nabeel Ahmed Abdulrasool Rajab (Bahrain) (Aug. 13, 2018), U.N. Doc. A/HRC/WGAD/2018/13.
- ¹¹ Amnesty International, *Bahrain: Court upholds unlawful dissolution of major opposition political group* (Jan. 22, 2019), <https://www.amnesty.org/en/latest/news/2019/01/bahrain-court-upholds-unlawful-dissolution-of-major-opposition-political-group/>.
- ¹² Americans for Democracy & Human Rights in Bahrain (ADHRB), *Bahraini government moves to dissolve leading secular, leftist opposition society Wa'ad*, ADHRB.org (Mar. 6, 2017), <https://www.adhrb.org/2017/03/bahraini-government-moves-dissolve-leading-secular-leftist-opposition-society-waad/>.
- ¹³ Aziz El Yaakoubi, *Bahrain court upholds jail sentence against relatives of prominent activist*, Reuters (Feb. 25, 2019), <https://www.reuters.com/article/us-bahrain-security/bahrain-court-upholds-jail-sentence-against-relatives-of-prominent-activist-idUSKCN1QE0UY>.
- ¹⁴ Working Group on Arbitrary Detention, Opinion No. 51/2018 concerning Sayed Nazar Naama Baqquer Ali Yusuf Alwadaei, Mahmood Marzooq Mansoor and Hajar Mansoor Hassan (Bahrain) (Jan. 7, 2019), U.N. Doc. A/HRC/WGAD/2018/51.
- ¹⁵ Amnesty International Public Statement, *New Mass Trial of Protestors in Bahrain* (Mar. 18, 2019), <https://www.amnesty.org/download/Documents/MDE1100022019ENGLISH.pdf>.
- ¹⁶ Kingdom of Bahrain Ministry of Interior, *Security forces apprehend convicted terrorists in targeted security operation* (May 24, 2017), <http://www.policemc.gov.bh/en/news/ministry/62936>.
- ¹⁷ Press Release, *Zeid calls for investigation of protestor deaths in Bahrain*, OHCHR (Jun. 2, 2017), <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21684&LangID=E>; Press Release, *Bahrain must end worsening human rights clampdown, UN experts say*, OHCHR (Jun. 16, 2017), <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21762&LangID=E>.

almost exactly two years later, the Court of Appeals upheld the conviction of these individuals, although reducing some of their sentences.

On 16 April 2019, the Fourth High Criminal Court convicted 139 individuals in a mass trial known as the “Bahraini Hezbollah” case.¹⁸ The court stripped all but one of the convicted individuals of their Bahraini citizenship. From 2012 to April 2019, the Bahraini government had denationalized 990 individuals, many in mass trials with fair trial violations. Following international backlash from this trial, including a public statement by the High Commissioner,¹⁹ the King of Bahrain issued an order reinstating the citizenship of 551 Bahraini individuals, leaving the status of 439 individuals denationalized unclear.²⁰

On 6 May 2019, the Court of Cassation rejected the final appeal of Ali AlArab and Ahmed AlMalali, who had been sentenced to death in unfair trials.²¹ They had been tortured into confessing to crimes they did not commit. They have now exhausted all legal remedies and their cases require only ratification by the King for their executions to be carried out. They are two of nine Bahraini men currently at imminent risk of execution in Bahrain. Five UN experts have called on the Bahraini authorities to halt these executions and grant them new trials.²² As of late May 2019, Bahraini authorities have not responded.

The actions of the Government of Bahrain since gaining a seat on the Council evince a disregard for human rights, and constitute a rejection of the promises the government made upon its candidacy. In light of these continuing abuses, ADHRB calls on the international community and particularly HRC Member States to raise these cases with Bahrain, and to ensure that Membership in the Council is not used to obscure human rights abuses perpetrated by Members.

¹⁸ Bahrain Public Prosecution (@bppbahrain), Instagram (Apr. 16, 2019),

https://www.instagram.com/p/BwT9XQWFies/?utm_source=ig_share_sheet&igshid=1n58yv33agla8.

¹⁹ Press Release, *UN human rights chief deeply concerned by mass terrorism convictions in Bahrain*, OHCHR (Apr. 18, 2019),

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24502&LangID=E>.

²⁰ Bahrain News Agency, *HM King orders reinstatement of citizenship of 551 convicts*, BNA (Apr. 21, 2019),

<https://www.bna.bh/en/HMKingordersreinstatementofcitizenshipof551convicts.aspx?cms=q8FmFJgiscL2fwIzON1%2bDh%2bjQDtO6xrJDAIxe%2fob2kY%3d>.

²¹ Bahrain News Agency, *Court verdicts upheld in terror case*, BNA (May 6, 2019),

<https://www.bna.bh/en/Courtverdictsupheldinterrorcase.aspx?cms=q8FmFJgiscL2fwIzON1%2bDr9JcI%2bJ%2bEut9yqHe6c5iJk%3d>.

²² Press Release, *UN experts call on Bahrain to halt executions of two individuals amid torture allegations*, OHCHR (May 21, 2019),

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24635&LangID=E>.