

# **Bahrain: Joint Letter to Member and Observer States of the United Nations Human Rights Council Delegates**

*Re: Upcoming 45<sup>th</sup> Session of the Human Rights Council*

September 15, 2020

Your Excellencies,

In view of the continued deterioration of the human rights situation in [Bahrain](#), we urge your delegation to raise concerns over the human rights situation in Bahrain during the Council's debates at the 45th session of the United Nations Human Rights Council (HRC).

The HRC has offered few interventions on the human rights situation in the country since 35 states [delivered](#) the 5th joint statement on Bahrain at the 30th session of the HRC in September 2015. Since then, and particularly since 2017, the situation in Bahrain has worsened significantly, despite Bahrain occupying a seat on the HRC since 2018. As a Council member, Bahrain [should](#) “uphold the highest standards in the promotion and protection of human rights, and fully cooperate with the Council,” while Bahrain's rights record must be subject to the highest levels of scrutiny. The situation in Bahrain also meets several of the objective criteria or “guiding principles” supported by a large cross-regional group of States at the HRC to help the Council decide, in an objective and non-selective manner, when it should take action on the human rights situation in particular countries. We therefore consider it extremely important for HRC members and observer states to hold Bahrain to account by publicly expressing their concerns about this grave situation, including under item 4 of the Council's agenda.

The crackdown on civil society in Bahrain is ongoing and Bahrain features consistently in the Secretary General's reports on reprisals for cooperation with the UN in the field of human rights. We therefore also urge your delegation to raise individual cases of reprisals by the Bahraini government in your statements during the interactive dialogue with the Assistant Secretary General on the Secretary General's annual reprisals report under item 5. We are available to facilitate consent of the victims cited in the Secretary General's report.

## **Unlawful Executions and Death Row Cases**

There has been a dramatic rise in the use of the death penalty in Bahrain since the government abandoned a moratorium in 2017, with at least 12 of the 26 individuals currently on death row at [risk](#) of imminent execution. On July 13, 2020, Bahrain's highest court rejected the final appeal of death row inmates Mohamed Ramadan and Hussein Moosa, despite credible evidence that their convictions were based on forced confessions resulting from torture. In February 2020, three UN experts [called on](#) Bahrain to prevent their executions, warning that “admission of evidence

obtained under torture into any proceeding violates the rights to due process and fair trial and is prohibited without exception.”

Since 2017, Bahrain has executed six individuals, of whom five alleged being tortured. In July 2019, the Office of the High Commissioner on Human Rights issued a [statement](#) to “strongly condemn the execution [...] of Ali Al Arab and Ahmed Al Malali,” along with an unnamed migrant, noting that Ali and Ahmed had “both clearly indicated that they were tortured to confess to crimes they had not committed.” The UN Special Rapporteur on extrajudicial, summary or arbitrary executions [declared](#) their executions to be “arbitrary killings.”

### **Torture and Accountability**

Despite being party to the Convention Against Torture, widespread torture and a culture of impunity still prevail in the Kingdom of Bahrain. In 2017, the UN Committee Against Torture [expressed](#) concern over the “widespread torture and ill-treatment of persons who are deprived of their liberty,” while the committee characterized local human rights oversight bodies established after the 2011 protest movement as “not independent” and “not effective” at securing justice for victims.

In July 2020, the International Rehabilitation Council for Torture Victims [reported](#) that investigations by Bahrain’s Special Investigations Unit (SIU) into the torture of Mohamed Ramadan and Hussein Moosa “fail[ed] to meet the minimum professional standards and minimum international legal standards to which the Kingdom of Bahrain is subject.” Despite the shortcomings in its investigations, the SIU had concluded that there was a “suspicion of the crime of torture...which was carried out with the intent of forcing [Moosa and Ramadan] to confess.” In September 2019, the Working Group on Arbitrary Detention (WGAD) [deemed](#) the imprisonment of activist Najah Ahmed Habib Yusuf to be unlawful, noting that “no action has been taken against the officers” who allegedly tortured and sexual assaulted her during interrogations in 2017 and calling on Bahrain to “accord her an enforceable right to compensation and other reparations.”

### **Attacks on Civic Freedoms and Reprisals**

Despite being party to numerous international treaties and conventions which enshrine the protection of freedom of expression, association, assembly and religion, including the International Covenant on Civil and Political Rights, Bahrain has intensified its longstanding crackdown on civil society and targeted several individuals for exercising these fundamental rights.

- The UN High Commissioner for Human Rights, in its 2019 [report](#) on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, noted reprisals against human rights defenders (HRDs) Sayed Ahmed Alwadaei, Nabeel Rajab and Ebtisam Al Saegh for engaging with UN mechanisms. One of Alwadaei’s family

members remains imprisoned, in what the WGAD [deemed](#) in 2019 to be “acts of reprisal” for his human rights activism in the UK;

- Civil society figures continue to face judicial harassment, particularly using repressive cybercrime legislation. In 2020, several public figures have been [prosecuted](#) solely for their social media activity, including prominent lawyers [Abdullah Al Shamlawi](#) and [Abdullah Hashim](#). According to [Freedom House](#), in May 2019, the cybercrime directorate of the Ministry of Interior (MOI) threatened to prosecute citizens who follow social media accounts deemed “malicious” by the government - at least 21 individuals were arrested, detained, or prosecuted for online activity between June 2018 and May 2019;
- Since 2017, Bahrain has [outlawed](#) all political opposition parties. Sheikh Ali Salman, the leader of Al Wefaq, Bahrain’s largest opposition group, was unjustly [sentenced](#) to life imprisonment in 2018;
- Since 2011, Bahrain has also cracked down on any independent reporting. At present, there are [at least six journalists](#) who remain in prison mostly serving long sentences including life. Authorities also [shut down](#) the country’s only independent newspaper, Al-Wasat, in 2017;
- At least three journalists were killed in Bahrain between 2011 and 2012: [two died](#) in custody under suspicious circumstances in 2011 and one was [gunned down](#) in 2012 while covering protests. Bahraini authorities have given no indications of any credible investigations into any of these three deaths;
- Bahrain has continued to discriminate against the country’s Shi’a population, particularly around the commemoration of Ashura, the most significant day in the Shi’a religious calendar.

### **Continued Unlawful Imprisonment of Opposition Figures, Human Rights Defenders and Journalists**

Opposition leaders [unjustly](#) imprisoned since the suppression of the 2011 democracy movement, including Hassan Mushaima, Dr Abduljalil Al Singace and Abdulwahab Husain and HRDs such as Abdulhadi Al-Khawaja, Naji Fateel and Ali AlHajee, continue to languish behind bars serving lengthy sentences in prisons where torture and ill-treatment remain prevalent.

- Medical negligence continues to be a serious concern for political prisoners and HRDs, who are routinely and punitively denied adequate medical care for chronic conditions, a practice condemned by [four](#) UN Special Rapporteurs in September 2019 and [eight](#) Special Rapporteurs in November 2019;
- The International Committee of the Red Cross has [highlighted](#) the heightened vulnerability of prison populations amid the outbreak of the COVID-19 pandemic. Under such circumstances, systematic medical neglect is placing the lives of aging political leaders, many of whom suffer from underlying health conditions, at heightened risk. In April 2020, 21 NGOs, including many of the undersigned [called](#) for their immediate release;

- Six months after the outbreak of COVID-19, prisoners at Jau Prison have not been provided personal protective equipment or sanitising products, while severe overcrowding prevents the enactment of social distancing policies;
- Prisoners have faced reprisals for exposing poor conditions at Bahraini prisons. According to the Committee to Protect Journalists, on 08 April 2020 imprisoned journalist Mahmood Al Jazeera was [placed](#) in solitary confinement after audio recordings of him highlighting the lack of COVID-19 protections provided to prisoners were broadcast online.

### **Conclusions and Recommendations**

In light of the above, we urge your delegation to resume efforts to address the human rights situation in Bahrain at the upcoming 45th session of the Council and call on the Government of Bahrain to:

- Release all protesters, activists, HRD lawyers, journalists and other civil society figures detained or convicted solely for having exercised their rights to peaceful assembly, association, expression or religion;
- Commute death sentences against the 12 prisoners convicted of crimes related to political unrest who have exhausted their legal remedies and are at risk of imminent execution, namely: Mohamed Ramadan, Hussein Moosa, Maher al-Khabbaz, Salman Salman, Hussein Ebrahim, Mohammad Hassan, Sayed Al-Abar, Hussein Mohamed, Hussein Marzooq, Moosa Jafaar, Hussain Rashid, and Zuhair Abdullah;
- Ensure independent, thorough, and impartial investigations into all allegations of torture and ill-treatment by ensuring that human rights oversight bodies, including the National Institute for Human Rights, the MoI's Ombudsman office, the SIU and the Prisoners and Detainees Rights Commission, are entirely independent;
- Revise or repeal laws that unduly restrict freedom of expression and freedom of peaceful assembly and association, most notably the Decree No.32/2006 outlawing public gatherings, the 2006 law for Protecting Society from Terrorism Acts and Law 60 of 2014 on Information Technology Crimes;
- Engage in comprehensive reform of the legal system to ensure effective independence of the judiciary, including removing the power of military courts to prosecute civilians;
- Ensure accountability for the serious human rights violations that took place during and after the 2011 protests, including but not limited to those documented in the BICI report, and fully enact the recommendations of the BICI report; and
- Cooperate with Special Procedures of the HRC, including by swiftly providing access to Special Rapporteurs who have outstanding requests for visits to Bahrain, most notably the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

With assurances of our highest consideration.

Sincerely,

Action by Christians for the Abolition of Torture (ACAT) – France  
Americans for Democracy and Human Rights in Bahrain (ADHRB)

ARTICLE 19

Bahrain Centre for Human Rights (BCHR)

Bahrain Institute for Rights and Democracy (BIRD)

CIVICUS

Committee to Protect Journalists (CPJ)

English PEN

European Centre for Democracy and Human Rights (ECDHR)

Global Legal Action Network (GLAN)

Gulf Centre for Human Rights (GCHR)

Human Rights Watch

IFEX

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International Rehabilitation Council for Torture Victims (IRCT)

International Service for Human Rights (ISHR)

PEN International

REDRESS

Reporters Without Borders (RSF)

Reprieve

World Organisation Against Torture (OMCT)