



# General Assembly

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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by the Khiam Rehabilitation Center for Victims of Torture, 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.

[22 August 2016]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-15652(E)



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## **Bahrain: Sheikh Maytham Al-Salman and Nabeel Rajab are examples of the persecution of human rights defenders**

In 2015, 74 cases of prosecutions of activists of conscience were recorded in Bahrain. Many of these cases were human rights defenders since they are the "most vulnerable targets among the targets of repression<sup>1</sup>," according to the 2015 International Federation for Human Rights report. The Bahraini authorities deliberately exploit the laws to prosecute activists and restrict their activity, and take advantage of the Penal Code, the Terrorism Law, the Citizenship Act, and what has been introduced in these legislations in order to double the punishment.

The most used materials of the Bahraini Penal Code to restrict freedom of expression are the following: (160) promoting to change the state system by force, (165) incitement to hatred of the government, (173) incitement to non-compliance with the law, (214) insulting the King, flag, or national emblem, (215) insulting a foreign country or international organization, (216) insulting the statutory bodies. These materials are adapted for the arbitrary interpretation of the charges in order to be used judicially.

According to the 2015 report of the Special Rapporteur on the situation of human rights defenders, "Preliminary investigations may be used to intimidate, silence or otherwise deter defenders from carrying out their legitimate activities to promote human rights<sup>2</sup>". This is true for Bahrain; Bahrain's Ministry of Interior uses its legal authority for the same purpose, which is evident through the ministry's bias during taking measures, pressing charges, and making press statements prior to the trials, in which it describes citizens as "criminals" or "terrorists" in political cases, which violates the presumption of innocence.

In addition, the Bahraini authorities violated the freedom of movement of a group of human rights defenders and citizens and prevented them from leaving Bahrain during the 32<sup>nd</sup> session of the UN Human Rights Council in June 2016.

We will review two cases related to the persecution of human rights defenders in Bahrain. The first case is the president of the Bahrain Center for Human Rights, Nabeel Rajab, and the second case is the head of the Religious Freedom Unit at the Bahrain Human Rights Observatory.

### **The first case: Nabeel Rajab**

The human rights activist Nabeel Rajab is known as one of the most prominent human rights defenders in Bahrain. He is the president of the Bahrain Center for Human Rights, Founding Director of the Gulf Center for Human Rights, and the Deputy Secretary General of the International Federation for Human Rights.

At the dawn of Monday, June 13, 2016, the authorities surrounded the house of Nabeel Rajab and security forces raided his house and arbitrarily arrested him without presenting a warrant for the raid and without informing him of the nature of the charges pressed against him.

Nabeel Rajab was targeted several times by investigations and arbitrary arrest. He served 2 years in prison between 2012 and 2014 over organizing unlicensed protests.

After his release in 2014, Nabeel Rajab visited Europe. In September of the same year, he visited the Human Rights Council in Geneva, the European Parliament in Brussels, and some European capitals. Following his return back to Bahrain in October 2014 after his participation in the 27<sup>th</sup> session of the Human Rights Council, the authorities arrested him and accused him of insulting the army in his tweets.

After that, he was sentenced to 6 months in prison and banned from travel. Then he was released on bail during the appeal hearing.

In April 2015, the authorities arrested him again and accused him of insulting the administration of the Central Prison of Jaw and criticizing the War on Yemen, after he spoke against the common torture in prisons and criticized the humanitarian cost of the war. Nabeel Rajab was then arrested until June 2015, when he was released by a pardon issued from the King of Bahrain during the holy month of Ramadan.

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<sup>1</sup> [https://www.fidh.org/IMG/pdf/obs\\_bahrain\\_web.pdf](https://www.fidh.org/IMG/pdf/obs_bahrain_web.pdf)

<sup>2</sup> [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=a/67/292](http://ap.ohchr.org/documents/dpage_e.aspx?si=a/67/292)

The malicious charges he is facing:

The first charge is “insulting a statutory body” according to Article 216 of the Bahraini Penal Code based on his posts on social media outlets regarding allegations about ill-treatment and torture against the detainees in Jaw Prison in March 2015.

The second charge is “disseminating false rumors in time of war” according to Article 133 of the Penal Code over his posts on social media outlets criticizing the air strikes of the Coalition forces led by Saudi Arabia on Yemen.

Article 133 includes up to 10-year prison sentence, and Article 216 includes 3-year prison sentence; i.e. Nabeel Rajab is facing sentences of up to 13 years in prison. Nevertheless, these legal articles that were used explicitly contradict the International Human Rights Law, since they limit the right to freedom of expression.

#### Second Case: Sheikh Maytham Al Salman:

Sheikh Maytham Al Salman is the coordinator of the Middle East and North Africa Civil Society Coalition to Counter Incitement to Hatred, the President of Bahrain Interfaith, the head of the Religious Freedom Unit at the Bahrain Human Rights Observatory, member of the UN committee for partnering with Interfaith leaders, member of the UN advisory committee for the role of religious leaders in preventing genocide, and Arabian Gulf representative of International association for religious freedom.

Sheikh Maytham Al Salman was subjected to arbitrary arrest and torture in 2011, in addition to a series of repeated official summons and threats, until the time of writing this report. In August 2015, he was arrested in the Bahrain International Airport and accused of inciting hatred against the government. He was interrogated for long hours in the absence of all the legal guarantees and the rights of defense, even the minimum ones such as the presence of a lawyer, and he was deprived of calling the lawyer or his family. He was then released, but was not able to travel due to the intentional delay in issuing his passport.

On February 11, 2016, Columbia University<sup>3</sup>, in New York City, published a statement of 25 pages on its website calling for the unconditional dropping of all the charges against the head of the religious freedom unit at the Bahrain Human Rights Observatory, Sheikh Maytham Al Salman, and putting an end to the harassment of human rights defenders and religious clerics.

“On January 6, 2016, the Bahraini authorities accused Sheikh Maytham Al Salman of inciting hatred against the government following a speech he delivered on December 27, 2015 in a solidarity conference with the detained Secretary-General of al-Wefaq, Sheikh Ali Salman”, said the statement, which was prepared by 21 human rights and legal international experts and activists.

On June 28, 2016, Stanford University’s Center on Democracy, Development, and the Rule of Law<sup>4</sup> issued a statement, saying: “We join the international community in condemning this decision [the travel ban imposed on Sheikh Al-Salman] and call upon the Bahraini authorities to reverse this decision and allow Sheikh Al Salman to participate in our leadership development program this July”, explaining that, “Sheikh Al Salman was selected to participate in the 2016 Draper Hills Summer Fellowship Program at Stanford University from over 500 applicants based on the significant contributions that he has made to build more tolerant societies to counter violence and extremism in the Middle East.”

On Sunday, August 14, 2016, Al-Salman was also summoned to the public prosecution and interrogated over charges related to the freedom of expression and peaceful assembly, which was criticized by several international bodies, including United Nations experts and international human rights organizations. After his arrest, the security authorities released him after subjecting him to an interrogation that lasted for more than 12 hours. Meanwhile, the security authorities also arrested three citizens, including doctor Taha Al-Derazi, member of the Bahrain Human Rights Observatory, who was arrested on Sunday after he was subjected to a long interrogation too.

#### Recommendations:

1. To press on the Bahraini authorities, by the state members in the Human rights Council and the human rights organizations, to allow the Special Rapporteur on the situation of human rights defenders, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the

<sup>3</sup> <https://globalfreedomofexpression.columbia.edu/updates/2015/08/arrest-of-inter-faith-activist-and-columbia-global-freedom-of-expression-expert-maytham-al-salman/>

<sup>4</sup> <http://fsi.stanford.edu/news/stanford-cddrl-calls-bahrain-authorities-release-travel-ban-sheikh-al-salman>

rights to freedom of peaceful assembly and of association, and the Working Group on Arbitrary Detention to visit Bahrain.

2. To immediately release the president of the Bahrain Centre for Human Rights (BCHR), Nabeel Rajab, and lift the travel ban placed on the head of the religious freedom unit at Bahrain Human Rights Observatory, Sheikh Maytham Al Salman.
  3. To amend the local legislations that limits the freedom of the non-governmental organizations' work.
  4. To seriously and immediately implement the following recommendations: 62, 63, 61, 98, 101, 159, 25, 30, 148, 149, 157, 27, 146, 161, 147, 150, 120, and 158 listed in the recommendations submitted during the Universal Periodic Review to the Bahraini human rights file in 2012 by the state members in the Human Rights Council.
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