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Human rights situations that require the Council's attention

Written statement* submitted by the Kham Rehabilitation Center for Victims of Torture, 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 August 2016]

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

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Bahrain Systematically Targeting Human Rights Defenders

Human Rights Defenders in Bahrain are targeted for their words and actions on a serious, ongoing basis. The security forces and police, the courts and judges and the legislative branches are all working against these people and their democratic and peaceful aims, using excessive force and disrespect for the rule of law and human rights in order to retain power.

Article 1 of the Declaration on Human Rights Defenders states, “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”.

The Government of Bahrain does not respect this article as activists are continuously being harassed and engaging in arbitrary arrests, false charges and human rights violations.

Case Study: Nabeel Rajab

Nabeel Rajab, a renowned human rights defender, is currently facing up to 12 years in prison for criticizing the Saudi military operations in Yemen and commenting on the government’s response to prison unrest, a clear violation of his right to freedom of expression. Rajab was sent to solitary confinement and was not allowed to attend his mother’s funeral, which constitutes arbitrarily punishment considering his important role in the Bahraini civil society.

Rajab initially became active in the 1990’s struggles for democratic reforms in Bahrain and founded the Bahrain Centre for Human Rights. He was first arrested in June 2011, following the popular uprising where he was one of the leading figures. He was detained and arrested again the following year, and spent two years in prison for “illegal gathering”. Between 2014 and 2015, the police and the courts created an ongoing circle of arresting Rajab, setting a date for his court hearing, adjourning the hearings and freeing him only to arrest him again shortly. He has also received arbitrary travel bans.

On 13 June 2016, he was taken from his home early in the morning and his electronic devices were seized. The next day, he was charged with “spreading false news” and has been in detention since, awaiting trial. After 15 days in solitary confinement, Rajab was hospitalized in late June 2016.

On 7 July, the European Parliament adopted a resolution condemning recent human rights abuses in Bahrain and called for an end to the ongoing repression against the country’s human rights defenders, political opposition and civil society.

His trial was due to take place on 2nd of August, but was postponed until 5th September 2016.

UPR Stake Holder Report, 2012

Several human rights organizations noted in the 2012 UPR Stakeholder Report for Bahrain, the strong evidence that human rights defenders had been tortured in detention. Moreover, the stakeholders highlighted that dozens of people had been sentenced after having inadequate access to lawyers and having been forced to sign confessions extracted under torture. The state of Bahrain undertook to examine the following recommendations, related to human rights defenders made in the 2012 UPR:

115.3. “Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the First and Second Optional Protocols to the International Covenant on Civil and Political Rights; the International Convention for the Protection of all Persons against Enforced Disappearance”

115.23. To reflect in domestic law-in particular the Penal Code and Code of Criminal Procedure-Bahrain’s obligations under international human rights laws and conventions

115.24. Align the national legislation on freedom of expression, association and assembly with country’s international HR obligations

115.27. Amend any article of its Penal Code that can be used to prosecute individuals for the exercise of the rights to freedom of expression, peaceful assembly or association, and bring its laws into line with international standards established by the International Covenant for Civil and Political Rights

115.91. Release, immediately and unconditionally, all detainees, who have participated in peaceful protests lacking credible criminal charges

115.150. Abandon any restriction or obstacle to the work of persons and institutions engaged in the protection and promotion of human rights

115.157. Abolish legal provisions unduly restricting peaceful demonstrations, remove restrictions on freedom of expression contained in Law 32 of 2006, and allow the opposition greater access to television broadcasts, radio broadcasts and print media

115.158. Cease all intimidation or repression against human rights defenders, journalists and Non-Governmental Organizations

Post-BICI

Since the release of the BICI report in 2011, the government has failed to adequately address many of the above mentioned recommendations related to the rights of human rights defenders. Activists face detention and prison sentences for their peaceful exercise of free expression and thought. The government continues target human rights defenders and to censor critique of government policies.

For the 32nd session of the Human Rights Council, in June and July of 2016, 17 human rights defenders from Bahrain were unable to attend due to travels bans placed on these individuals by the Bahraini authorities.

Recommendations:

1. Immediately and unconditionally release all human rights activists and other prisoner of conscience in Bahrain.
2. End all kinds of harassment and trials against human rights defenders in Bahrain.
3. Enable human rights defenders in Bahrain to carry out their legitimate human rights activities without being subjected to intimidation or retaliation.
4. Allow human rights defenders to collaborate with the United Nations and its representative in the field of human rights, and the international human rights organizations without being exposed to any violations
5. Fight against impunity against HR defenders to ensure the conduct of investigations promptly and impartially.
6. Respect the Declaration of the Rights and Responsibility of Individuals, Groups and Civil Society to Promote and Protect Human Rights and Fundamental Freedoms Recognized in International Conventions.
7. Direct the government for reviewing their national legislation and conform to the International Bill, and enhance organizations and human rights defenders activities.

Sources:

1. SALAM for Human Rights and Democracy Report: Human Rights Defenders in Bahrain are Targeted
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3. <https://www.hrw.org/news/2016/07/27/bahrain-activist-trial-over-twitter-comments>
4. United Nations General Assembly, Working Group on the Universal Periodic Review : Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/117/49/PDF/G1211749.pdf?OpenElement>
5. Shattering the Façade: http://www.bahrainrights.org/sites/default/files/ADHRB_BICI_Web-rev2.pdf

6. Report of the Working Group on the Universal Periodic Review* Bahrain, 6th of July 2012: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/49/PDF/G1215049.pdf?OpenElement>

SALAM for Democracy and Human Rights (SALAMDHR NGO(s) without consultative status, also share the views expressed in this statement.
