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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

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.

[17 August 2017]

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

GE.17-15058(E)



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Bahrain: Targeting Civil Society Institutions*

The political activity in Bahrain remained prohibited for a lot of years, until Bahrain's Independence in 1971, and the issuance of Bahrain's Constitution in 1973 which gave the right to establish Non-Governmental Organizations¹. Yet the authorities restricted the work of the Non-Governmental Organizations and Associations, and have imposed several restrictive measures and legislations amongst which is the Law of Associations.²

After the National Action Charter was adopted in 2001 in a national referendum, in which political reforms in Bahrain were declared, within these reforms was the right for people to establish political associations that can engage in political activity according to the Law or associations mentioned earlier.

In 2005 the Political Associations Law³ was issued, which instead of organizing the activity of the political associations and the civil society organizations and guarantees the right to engage in political activity, was rather seen as a violation to the political activity in Bahrain, due to the restrictions held in that law. The Law of Political Associations granted the Bahraini authorities the ability to ban any political activity that does not fall under the new strict Law. According to this law, the associations opposed to the Constitution of 2002 will not be registered or will be dissolved, knowing that the amended Constitution of 2002 aroused a lot of controversy for being amended and adopted by the King without any legislative measure that guarantees people's consent.

It is noteworthy that the Political Societies Law of 2005 has been used by Bahrain's government to suppress the civil society and restrict the freedom of association through: the arbitrary rejection of the registration applications, the direct intervention in the activity of the non-governmental organizations, the dissolution and seizure of those organizations with no legal justification over its leadership's criticism of the government and its policy, in addition to the tight restrictions on the associations' ability to collect and receive funds from abroad...and other measures that restrict the associations' different activities.

Instead of amending the Political Societies Law to reduce the restrictions imposed through it on the associations' political activity and their ability to choose their leaders, the amendment stated that the leaders of the political associations should not be religious preachers, which means that it is not allowed to combine between religious platforms and political activity. The events that lead to the amendments were mentioned in the part of the report that includes May 2016 events.

The Official Gazette data indicated that the official authorities dissolved during that period between 2000 and 2016 more than 30 non-governmental and political associations. Amongst these were associations that have been dissolved optionally, associations dissolved over political reasons or over its opposition to the government's policies, and religious associations belonging to opposition groups or those supporting it, the dissolved associations in 2016 are as follows:

- Minister of Labour and Social Development's decision No.59 of 2016 to suspend Islamic Enlightenment Society (Al-Tawiya Society).
- Minister of Labour and Social Development's decision No.60 of 2016 to suspend Al-Risala Association.
- President of the Bahrain Authority of Culture and Antiquities' decision No.1 of 2016 to suspend the Bahraini Association of Photography, the decision was published in the Official Gazette on the 21st of April 2016.

1 Article 27 of Bahrain's Constitution

2 Decree law No. 2 of 1989 on issuing the Law of Associations, Social and Cultural Clubs, Special Committees Working in the Field of Youth and Sports and Private Institutions

3 Law No. 26 of 2005 relating to political societies

In addition, Al-Wefaq National Islamic Society was dissolved by a court order that lacked the least standards of fair trials, in which the jurisdiction was negatively employed to punish the political activity in Bahrain. Since 2011 the Bahraini government took many administrative measures and prosecutions against Al-Wefaq especially after 2014 elections, which Al-Wefaq refused to participate in. It demanded political and human rights serious reforms to participate in these elections, but the government did not respond to these demands.

On 20 July 2016 the Ministry of Justice filed a lawsuit to suspend Al-Wefaq activity for 3 months until it adjusts its illegal status under the pretext of the invalidity of four public conferences, as a result of its lack of quorum and non-compliance with the publicity and transparency of the procedures for holding conferences, even though according to the law the members quorum shall be calculated according to the full members who have paid the fees membership, which is ignored by the Ministry of Justice.

On July 14, 2016, the Association received at 10:00 AM a notice from the First Civil Administrative Court that an emergency lawsuit has been filed against it by the Ministry of Justice requesting the lawyer to attend the session at 11:00 AM, only an hour after the notice was received.

Abdulla Al-Shimlawi the lawyer who represented Al-Wefaq attended to the court at 11:00 AM and was not allowed to know the reasons behind the lawsuit and was prevented from attending the meeting or presenting his defence. The court refused to grant the defence attorney a day to present his defence regarding the emergency order to shut down the society, after less than an hour the order to suspend Al-Wefaq and close its headquarters was put in effect, where the Judge read a printed verdict, which implies that the verdict was prepared in advance.

Until the consideration of the lawsuit the trial has went through a lot of measures that assure the lack of the standards and guarantees of a fair trial. On 17 July 2016, the High Administrative Civil Court issued its verdict to dissolve Al Wefaq National Islamic Society and liquidate its funds to the State Treasury and to charge it with all costs and expenses of the case. The verdict came in the absence of any defence counsel to present documents that deny the charges and pleadings against the society.

The Second High Court of Appeal set October 11 to hear the appeal filed by the National Democratic Action Society (Wa'ad) against the sentence issued to dissolve it.

The first-degree court had ordered to dissolve and liquidate Wa'ad, in a decision that is the third of its kind against opposition societies, as the Islamic Action Society "Amal" and Al-Wefaq National Islamic Society had been dissolved.

When reviewing the accusations behind the verdict, and the evidence which the court considered as an evidence of conviction, in addition to the trial proceedings, we find that the trial was unfair, and was based on political reasons due to the association's political activity which opposes the government's policy.

*Bahrain Forum for Human Rights, NGO without consultative status, also shares the views expressed in this statement.