



General Assembly

Distr.: General
20 February 2019

English only

Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 4

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.

[11 February 2019]

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



Bahrain's Environment of Pervasive Impunity

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 40th Session of the United Nations Human Rights Council to raise serious concerns regarding systematic impunity in Bahrain. While the Bahraini government has nominally empowered two oversight mechanisms to ensure accountability for rights violations these bodies, the Ministry of Interior (MoI) Ombudsman and the National Institution for Human Rights (NIHR) lack independence, impartiality, and the means to hold perpetrators accountable. This failure helps to foster an environment of impunity that permeates the highest levels of government.

1. Recent Widespread Abuses

Bahrain's failure to take human rights abuses seriously has empowered a culture of impunity that stems from the highest levels of government. This derives from the refusal by senior officials and members of the ruling family to take serious action to hold abusers accountable, something that has filtered down the ranks.

The culture of impunity extends to Bahrain's prisons, where officials torture and abuse prisoners, including human rights defenders and political prisoners, without fear of prosecution. The government also uses reprisals and threats of violence to intimidate human rights defenders, political and religious figures, journalists, and dissidents. Arbitrary detention and enforced disappearances remain widespread and are tools to instill fear. Despite these abuses, security force personnel who perpetrate these acts do not face trial and they are not held accountable.

2. Targeting of Journalists

Since 2011, Bahrain has systematically moved to suppress free expression and criminalize speech that it deems threatening to the ruling family or government. As a result, journalists have been targeted, harassed, and in some instances killed due to their work.

In April 2011, Karim Fakhravi, the editor-in-chief of Al-Wasat, Bahrain's only independent newspaper, died in detention while in the custody of the National Security Agency (NSA), Bahrain's secret police. The perpetrating officers were never charged with torture. They received only three years in prison on lesser charges. In 2011, security forces tortured journalist Nazeeha Saeed. Despite evidence, the responsible officer was acquitted of any wrongdoing. In 2011, Zakariya Rashid Hassan al-Ashari died under suspicious circumstances after his arrest, which officers blamed on complications from sickle-cell anemia. However, his family has stated he did not suffer from the condition, and no independent investigation was opened by law enforcement officials. In 2012, security forces fatally shot Ahmed Ismael, a photojournalist, while he was filming a protest of the Formula One Grand Prix. Witnesses say he was targeted because he was carrying a video camera. Following his death, despite calls by the UN, including Director-General of UNESCO to investigate his death, his case remains unresolved.

In 2017, security forces shot journalist Mazen Mehdi in the hand with a tear gas cannister as he covered the funeral of Mustafa Hamdan, an 18-year-old protester who was killed by security forces earlier in 2017. At the time of the incident, Mehdi was wearing a vest clearly marked "Press."

In January 2017, masked security forces used excessive force against protesters in the village of Diraz, firing live ammunition on the peaceful demonstrators. The security forces are believed to be members of the NSA. In May 2017, security forces again attacked demonstrators in Diraz, arresting hundreds, injuring others, and killing five. However, officials have not opened an investigation into the attacks.

In May 2017, security officials summoned prominent human rights defender Ebtisam al-Saegh to Muharraq police station for interrogation. There, the NSA abused and tortured her physically, psychologically, and sexually for seven hours. They threatened her and her family

if she continued her human rights work. Despite clear evidence of torture, including al-Saegh's testimony, government officials refused to open an investigation into her treatment.

One month earlier, officials summoned human rights defender Najah Yusuf for interrogation at the Muharraq police station. When she refused to become an informer for the government, officers beat, sexually assaulted, and tortured her for seven to eight hours over three days. No senior officials have been held accountable for abusing or torturing her.

3. Lack of Accountability

The refusal by Bahraini officials to prosecute and hold security force personnel accountable for abuses fosters a climate of impunity. Since 2011, only a small minority of government and security officials have faced charges for committing human rights violations, and an even smaller minority have faced prison time. However, even those who have been sentenced to jail have had their sentences reduced upon appeal.

Bahrain has mandated that the Ombudsman and NIHR assess and respond to human rights abuses perpetrated by government officials. However, neither body is independent nor impartial. As a result, they are not only ineffective, but complicit in whitewashing human rights abuses.

The Ombudsman's complaint processing and investigation process are slow and inefficient, resulting in minimal action and accountability for abuses committed by MoI personnel. Most recently, officials at Isa Town Women's Prison abused Hajer Mansoor, Najah Yusuf, and Medina Ali. Prison personnel, including the head of the prison, reportedly beat Mansoor, Yusuf, and Ali, resulting in Mansoor's hospitalization. Mansoor has also reported harassment, including the denial of family visitation rights, deprivation of religious rites, lack of hygiene products.

The Ombudsman has refused to address the requests of Hani and Hussain Marhoon – a father and son detained in Jau Prison. Hani Marhoon has submitted multiple complaints concerning torture and requests to see his son, but the Ombudsman and the NIHR have failed to respond substantively to these requests in a manner that brings about a material change in their detention conditions. Furthermore, political leader Hassan Mushaima has been consistently denied medical care in prison, and little has been done to improve his condition despite numerous complaints filed on his behalf. The Ombudsman's annual reports have reinforced the institution's failure and refusal to substantively support prisoners, eliding abuse committed by MoI personnel.

The NIHR has also supported some of the government's most repressive actions. Its annual reports have overlooked many of the kingdom's abuses, including the 2017 police raids on Diraz, where the report omits any mention of injuries and deaths from the raids. The NIHR additionally failed to criticize officials' abuse of Mansoor, Yusuf and Ali, instead releasing a statement deeming the beatings "within reasonable use of force." In January 2017, the NIHR endorsed the execution of three men subjected to torture, describing it as "in accordance with recognized international standards," in direct contradiction to assessments from UN experts and international human rights organizations.

These institutions' negligence in upholding their missions has drawn the attention of the UN Special Procedures. The UN Working Group on Arbitrary Detention (WGAD) and the UN Human Rights Committee have raised grave concerns over Bahrain's oversight mechanisms. In Bahrain's first review under the International Covenant on Civil and Political Rights in mid-2018, the Committee noted that Bahrain's oversight mechanisms, in particular the NIHR, lacked independence from the state. In August 2018, the WGAD released an opinion that determined that human rights defender Nabeel Rajab is being arbitrarily detained in Bahrain. In a 2019 opinion, the WGAD deemed Hajer Mansoor's detention to be arbitrary. Despite this, the Ombudsman and NIHR have been largely unresponsive to the Special Procedures.

4. Involvement of the Ruling Family

Despite criticism of Bahrain's rights record and national human rights institutions, the government has not taken any steps to reduce concerns surrounding impunity. Rather, Bahrain's culture of impunity reaches into the highest levels of Bahrain's government, including into the AlKhalifa family. Sheikh Nasser bin Hamad AlKhalifa, the son of King Hamad, has been directly implicated in torture allegations and has advocated for abuse of dissidents. After the 2011 pro-democracy protests, Sheikh Nasser used his position as the head of Bahrain's National Olympic Committee to form a special commission to identify and punish over 150 members of the sporting community for participation in the protests. Furthermore, opposition leader Mohammed Habib al-Miqdad alleges that Sheikh Nasser personally participated in the flogging and beating of him and other opposition figures. As a result of similar allegations by an anonymous Bahraini dubbed "FF", the High Court in London overturned Sheikh Nasser's diplomatic immunity in the United Kingdom. But despite numerous allegations and evidence of abuse of his role as head of the Olympic Committee, Sheikh Nasser has not been prosecuted. Instead, he has been appointed to the Supreme Defense Council – Bahrain's highest national security body – where he serves as the face of Bahrain's international sporting endeavors and travels around the world.

5. Recommendations

ADHRB calls on Bahrain to:

- Reform its accountability and oversight mechanisms to ensure their impartiality and independence from the government;
 - Open transparent investigations into allegations of torture and abuse by security force personnel and prosecute all those found guilty;
 - Relieve individuals promoted with allegations of abuse against them from their position pending investigation;
 - Ensure that government officials at all levels — including the ruling family — are held accountable for abuse;
 - Open an independent and impartial investigation into Sheikh Nasser's role in abuses committed after 2011 and hold him accountable for any violations;
 - Immediately release prisoners convicted in cases with evidence of impunity by officials involved.
-