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**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)  
BHR 10/2012

18 October 2012

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 16/4, 15/21, and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the **alleged surveillance, threats, harassment and acts of reprisal** against the following activists: Mr. **Mohammed Al-Maskati**, President of Bahrain Youth Society for Human Rights (BYSHR), Ms. **Maryam Al-Khawaja**, Acting President of the Bahrain Center for Human Rights (BCHR) and Deputy Director of the Gulf Center for Human Rights (GCHR), Dr. **Nada Dhaif**, Chairperson of Bahrain Rehabilitation and Anti-Violence Organization (BRAVO), Dr. **Mondher Alkhoodr**, Coordinator of Bahrain Human Rights Observatory (BHRO), Ms. **Jalila Al-Salman**, Vicepresident of Bahrain Teachers Society (BTO) and Mr. **Said Yousif Almuhaftah**, Head of Monitoring in BCHR.

Mr. Mohammed Al-Maskati was the subject of previous communications, the most recent dated 12 April 2011 (see A/HRC/18/51, page 88) and sent on behalf of the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Chair of the Working Group on Enforced or Involuntary Disappearances, regarding the incommunicado detention and possible enforced disappearance of Mr. Al-Maskati and other human rights defenders. We acknowledge the reply sent by your Excellency's Government on 7 June 2011 in relation to this communication.

Ms. Maryam Al-Khawaja was the subject of a communication dated 9 September 2011 (see A/HRC/19/44, page 75), sent on behalf of the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the right to

freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Chair of the Working Group on Arbitrary Detention. We acknowledge the reply sent by your Excellency's Government on 15 December 2011 in relation to this communication.

*Mr. Mohammed Al-Maskati*

According to the information received, Mr. Mohammed Al-Maskati participated in the 21<sup>st</sup> session of the United Nations Human Rights Council, held from 10 to 28 September 2012 in Geneva. In order to communicate with other human rights defenders in Geneva, Mr. Al-Maskati posted his mobile phone number on a social media site.

On 10, 11 and 12 September, he reportedly received dozens of phone calls from unknown individuals who verbally assaulted him and threatened him because of his participation in the UN Human Rights Council's session. According to the reports, the callers referred to Mr. Al-Maskati as a traitor and an Iranian agent. They cited personal information such as his home address and car registration number. They threatened to attack and kill Mr. Al-Maskati on his return to Bahrain "if he smeared Bahrain's reputation in Geneva". Mr. Al-Maskati's family's safety was also threatened. One of the calls, received at 1:00 a.m., included disturbing sounds for long periods of time.

It is further reported that during the Human Rights Council's session, Mr. Al-Maskati and other Bahraini human rights defenders were monitored and photographed within the Palais de Nations, where the Session was taking place, by members of the Bahraini Government Delegation. Several such incidents allegedly took place on 17 September 2012, when a reported member of the Delegation photographed Mr. Al-Maskati as he took part in meetings with a number of Human Rights Council officials, and when he left Palais de Nations to attend a meeting elsewhere.

Sources indicate that a number of messages were also posted on social networking sites in Bahrain calling for Al-Maskati's Bahraini citizenship to be revoked, because of his participation in the Human Rights Council's session. It is further reported that on 13 September 2012, the website of the United Nations Web TV was temporarily blocked for users attempting to access the site from Bahrain. The website was reportedly blocked following the oral intervention given by Mr. Al-Maskati at the United Nations Human Rights Council during a session on intimidation or reprisals against human rights defenders. Sources indicate that although the site is not currently blocked, the link to Mr. Al-Maskati's oral intervention remains inaccessible.

On the morning of 16 October 2012, Mr. Al-Maskati was reportedly summoned to Al-Hooraa Police Station for interrogation. Sources report that Mr. Al-Maskati's lawyer was denied access to the police station at this time. According to the information transmitted, the activist was detained overnight and released the following day, following an appearance before the Public Prosecution Office

during which formal charges of “rioting and participating in an illegal assembly” were presented to Mr. Al-Maskati.

*Ms. Maryam Al-Khawaja*

On 17 September 2012, a side event entitled “Human Rights in the Gulf: human rights defenders”, organized by the Cairo Institute for Human Rights Studies, World Alliance for Citizen Participation (CIVICUS), Khiam Rehabilitation Center and Fédération Internationale des Ligue des Droits de l’Homme (FIDH), took place at the 21<sup>st</sup> session of the UN Human Rights Council. The event was mainly attended by human rights defenders, medical professionals and some government delegations.

Minutes prior to the opening, sources report that Ms. Maryam Al-Khawaja was verbally assaulted outside the room where the event was taking place by a group of journalists and photographers whose accreditation cards indicated the Permanent Mission of Bahrain to the United Nations as their sponsor. The individuals attempted to gain access to the room in order to film the event, but were refused by the organizers.

It is further reported that during the side event, an individual who identified himself as an independent journalist walked towards a member of the human rights organization Bahrain Freedom Spring who was participating in the side event. The journalist proceeded to shout at the individual, stating that he had a photo of him with the President of Iran. The journalist continued to shout and was subsequently escorted out of the room by security.

In addition, during the Human Rights Council’s session, Ms. Al-Khawaja and fellow activist Dr Nada Dhaif were reportedly targeted with sexually abusive and offensive remarks on social media sites. Sources state that Dr. Dhaif’s young children were also threatened in the online comments and their photos published alongside.

*Article in Al Watan newspaper*

On 25 September, Al-Watan newspaper reportedly published the names and photos of participants in the Human Rights Council’s recent Universal Periodic Review (UPR) of Bahrain, with a red circle placed around the photos. The list included the names and photos of Mr. Al-Maskati and Ms. Al-Khawaja, and carried the title “Al-Watan reveals the names of the participants discrediting Bahrain in Geneva”. Other human rights defenders mentioned in the article included Dr. Nada Dhaif, Dr. Mondher Alkhour and Ms. Jalila Al-Salman.

*Mr. Said Yousif Almuhafeeh*

Information received also indicates that activist Mr. Seiyd Youssef was verbally harassed by individuals linked to the Government of Bahrain during the Human

Rights Council's session, in particular while delivering speeches during side events.

Serious concern is expressed at the alleged surveillance, threats, harassment and acts of reprisal committed against Mr. Al-Maskati, Ms. Al-Khawaja, and the other above-mentioned activists, during the 21<sup>st</sup> session of the United Nations Human Rights Council in Geneva. Concern is expressed that these acts may have been related to the persons' legitimate and peaceful human rights work, by way of their interaction and cooperation with the mentioned UN Human Rights body.

We are dismayed at the allegation that these acts were carried out by members of the Bahraini Government Delegation. In this context, grave concern is expressed for the physical and psychological integrity of Mr. Al-Maskati, Ms. Maryam Al-Khawaja, the other above-mentioned activists, and all other Bahraini human rights defenders and activists who participated in the 21<sup>st</sup> Human Rights Council session, including those who subsequently returned to Bahrain.

Furthermore, concern is expressed at the summons of Mr. Al-Maskati for interrogation on 16 October 2012 and subsequent charges placed against him, and that these actions may relate to a reported campaign of repeated intimidation and judicial harassment of human rights defenders in Bahrain, in particular those individuals who have cooperated with United Nations human rights mechanisms.

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or 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" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

-article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

-article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views,

information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

-article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We also wish to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which, inter alia, “condemns all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (OP 2) and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...)” (OP 3).

We would also like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would further like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

In this context, we refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “Calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summaries of the cases accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, please explain why.
4. Please provide the full details of any measures which have been put in place to guarantee the physical and psychological integrity of Mr. Mohammed Al-Maskati, Ms. Maryam Al-Khawaja and all other Bahraini human rights defenders who participated in the 21<sup>st</sup> session of the UN Human Rights Council, and to guarantee that they will not be subjected to reprisals. If no such measures have been put in place, please explain why.
5. Please provide the full details of the legal basis for the arrest, detention and charges against Mr. Al-Maskati and how these measures are in compliance with international rights law.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of  
association

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression