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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

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; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23) G/SO 214 (107-9)
BHR 12/2012

29 November 2012

Excellency,

We have the honour to address you in our capacities 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; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolution 16/4, 15/21, 14/11, 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 interrogation and deportation of Dr. Nada Dhaif, and the alleged withdrawal of citizenship of 31 political activists, including human rights defenders Mr. Abbas Omran and Mr. Taymour Karimi.**

Dr. Nada Dhaif is a prominent human rights defender in Bahrain and Chairperson of Bahrain Rehabilitation and Anti-Violence Organization (BRAVO). Dr. Dhaif was the subject of a letter of urgent appeal sent to your Excellency's Government on 18 October 2012 by the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the right to freedom of opinion and expression; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, regarding alleged surveillance, threats, harassment and acts of reprisal against human rights defenders in the context of their participation in the 21st session of the United Nations Human Rights Council. We acknowledge the reply sent by your Excellency's Government on 19 November 2012 in relation to this letter.

Mr. Abbas Omran is an active member of the Bahrain Center for Human Rights, while Mr. Taymour Karimi is a prominent lawyer who has defended several activists and human rights defenders in Bahrain.

Alleged interrogation and deportation of Dr. Nada Dhaif

According to the information received:

On 15 November 2012, Dr. Nada Dhaif reportedly travelled with her husband and two young children to Kuwait. Upon their arrival at a passport check point at Alniussib Port, Dr. Dhaif was allegedly informed that her name was on a list of Bahraini citizens who were denied entry to Kuwait, and was subsequently escorted to the offices of the Passport Department, where she was questioned on the last time she attempted to enter Kuwait. Sources state that the family of Dr. Dhaif was not informed of her whereabouts or when she would be released. The passports of Dr. Dhaif and her family were reportedly confiscated by officials at the passport check point.

According to the information transmitted, Dr. Dhaif was subsequently transferred to State Security agents, where she was allegedly interrogated by two civilian clothed individuals for two and a half hours. Despite repeated requests from Dr. Dhaif, the individuals did not identify themselves or inform Dr. Dhaif of the reasons for the interrogation. Dr. Dhaif was allegedly questioned on whether she had a role in the events which took place in Salmaniya Hospital during February 2011, whether she had participated in protests at Pearl Roundabout and whether she had ever visited Iran. The interrogators reportedly accused Dr. Dhaif of demonstrating against the Government of Bahrain and also questioned her religion, reportedly asking Dr. Dhaif if her and husband were Shiaa or Sunni. It is further reported that when Dr. Dhaif sought legal representation and requested to contact the Embassy of Bahrain, both requests were denied.

Following the interrogation, Dr. Dhaif was reportedly escorted to a hall, where her husband and children had been waiting. Reportedly, her husband was subsequently questioned and his mobile phone was confiscated for approximately thirty minutes. Dr. Dhaif was then taken back for further interrogation, where she was allegedly informed that she was not welcome in Kuwait and that she had to leave the country immediately, as her name appeared on a list received from the Bahraini authorities in July.

After approximately two and a half hours, Dr. Dhaif and her family were reportedly escorted back to the Passport Department of Alniussib Port, where their passports were returned to them. It is alleged that at this time, Dr. Dhaif requested a copy of the deportation documents and the names of the two

individuals who interrogated her and that these requests were denied. Sources state that Dr. Dhaif was detained and interrogated for a total of four hours, during which time her family was reportedly in a distressed state.

Dr. Dhaif and her family were subsequently escorted by police officers to Alnuaissib police station and from there to the Saudi Arabian border, where the family's deportation documents were reportedly handed to passport officials without Dr. Daif and her husband being allowed to consult the documents.

According to the information received, Dr. Dhaif has not lodged a complaint with the appropriate authorities due to fear of retaliation against her and her family, and due to an alleged lack of action by the authorities in relation to previous complaints lodged by Dr. Dhaif.

In its response to the urgent appeal sent on 18 October 2012, your Excellency's Government confirmed that none of the subjects of the urgent appeal, who included Dr. Nada Dhaif, had lodged a complaint with the appropriate authorities. We have received information which alleges that domestic mechanisms are seen by human rights defenders as ineffective, and that individuals do not use such mechanisms because they fear retaliation.

Alleged withdrawal of citizenship of 31 political activists

According to the information received:

On 7 November 2012, the Ministry of the Interior published a list of names of 31 individuals whose Bahraini citizenship was reportedly revoked by the Ministry, on the grounds that the listed persons were allegedly "damaging the security of the State". The majority of the published names are reportedly Shiite political activists. Sources report that 19 of the 31 persons do not hold another nationality and are now stateless. Two of the 31 persons are known human rights defenders, Mr. Taymour Karimi and Mr. Abbas Omran respectively.

Mr. Taymour Karimi was reportedly arrested on 31 March 2011 in relation to his alleged involvement in illegal protests during February and March 2011. He was reportedly released on 12 September 2011 and is due to appear before the Court of Appeal at an unconfirmed future date.

On 22 June 2011, along with the sentencing of 20 other political activists and human rights defenders, Mr. Abbas Omran was reportedly sentenced in absentia to 15 years imprisonment for his alleged role in illegal protests. An appeal hearing held on 4 September 2012 reportedly upheld Mr. Omran's sentencing.

Grave concern is expressed at the alleged interrogation and deportation of Dr. Nada Dhaif, at alleged procedural irregularities, including denial of legal representation, and at the allegation that her name appears on a list of citizens denied entry to Kuwait, provided by the Government of Bahrain in July 2012. Concern is further expressed that these alleged actions may relate to Dr. Dhaif's work as a human rights defender in Bahrain, in particular her cooperation with the United Nations Human Rights Council and other United Nations human rights bodies. Concern is also expressed at the allegation that Dr. Dhaif did not present a complaint in relation to this incident due to a fear of retaliation and due to alleged inaction by the authorities in relation to previous complaints. Concern is expressed these allegations go counter to the international human rights obligations of Bahrain, including ensuring the protection of human rights defenders through, inter alia, the functioning of a viable, effective and responsive domestic complaints mechanism.

In addition, serious concern is expressed at the alleged withdrawal of citizenship of 31 Bahrain citizens, including human rights defenders Mr. Abbas Omran and Mr. Taymour Karimi, and that this action may be directly related to these persons' work for the defence and promotion of human rights in Bahrain. Concern is expressed that these two cases may relate to a reported campaign of repeated intimidation, harassment and silencing of those who work for human rights in Bahrain.

While we do not wish to prejudge the accuracy of these allegations, 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 also like to draw your attention to article 18 of the Universal Declaration on Human Rights (UDHR) and of the ICCPR. Moreover article 2 (1) of the ICCPR states that "[E]ach State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as [...] religion [...]."

The 1981 Declaration of the General Assembly article 2 (1) also provides that "[N]o one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief." The Commission on Human Rights in resolution 2005/40 4 (g): urged the States, "[T]o ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not

discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;".

In this connection, we wish 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 9 para. 3 point c) which provides that everyone has the right, individually and in association with others to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

In light of allegations that domestic protection mechanisms in Bahrain are perceived as ineffective by human rights defenders, and that they fear retaliation in case they report violations perpetrated against them, we wish to draw to the attention of your Excellency's Government 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 emphasize that it should not be necessary for a complaint to be lodged in order to provide protection to individuals and associations facing threats and intimidation as a result of their activities in defence of human rights.

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 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 International Covenant on Civil and Political Rights, 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”.

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:

1. Are the facts alleged in the above summary of the cases accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details of the legal basis for the alleged interrogation and deportation of Dr. Nada Dhaif, including the existence of a list provided by the Government of Bahrain of citizens denied access to Kuwait. Please also provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide the details of the legal basis for the withdrawal of citizenship of 31 Bahraini political activists, including two human rights defenders, and how this is justifiable in light of Bahrain's international human rights obligations.

5. Please provide information on measures undertaken to improve the responsiveness and effectiveness of domestic protection mechanisms available to human rights defenders, as well as measures undertaken to ensure human rights defenders do not face retaliation after having presented complaints to the relevant authorities.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report 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 Dr. Nada Dhaif, Mr. Taymour Karimi and Mr. Abbas Omran, as well as of the additional 29 individuals whose citizenship had been withdrawn, 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.

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