

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

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

**UNITED NATIONS**  
**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; 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 (107-9)  
KWT 2/2012

30 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, and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolution 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 interrogation and deportation of Dr. Nada Dhaif**, prominent human rights defender in Bahrain and Chairperson of Bahrain Rehabilitation and Anti-Violence Organization (BRAVO).

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 during two and a half hours. Despite reported 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 the Kingdom 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 Alniussib police station and from there to the Saudi Arabian border, where the family's deportation documents were reportedly handed to passport officials by the police officers, without Dr. Dhaif and her husband being allowed to consult the documents.

Grave concern is expressed at the alleged interrogation and deportation of Dr. Nada Dhaif and at alleged procedural irregularities, including denial of legal representation. Serious concern is expressed at the allegation that these actions relate to the legitimate human rights work of Dr. Dhaif, whose name reportedly appears on a list of citizens denied entry to Kuwait, provided to the authorities by the Government of the Kingdom of Bahrain in July 2012. Grave concern is expressed at the existence of such a list and that it relates to the alleged ongoing intimidation and harassment of human rights defenders in Bahrain, including a denial of the right to freedom of movement.

While we do not wish to prejudge the accuracy of these allegations, we wish 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.”, and in article 12 (2), which provides that “Everyone shall be free to leave any country, including his own.”

We would also 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 connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and 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.”

Furthermore, 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”.

We would further like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join

and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations;

- 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.

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 case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide the details of the legal basis of the alleged interrogation and deportation of Dr. Nada Dhaif, including allegations of procedural irregularities.
4. Please provide the details of the legal basis of a reported list of citizens denied access to Kuwait, provided by the Government of the Kingdom of Bahrain, and how this is line with Kuwait's above mentioned international human rights obligations.

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 and her relatives 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.

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

Maina Kiai  
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of association

Margaret Sekaggya  
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