

**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 BHR 7/2016

25 November 2016

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 resolutions 25/2, 24/5 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of a travel ban imposed on human rights defenders, Mr. **Mohammed Jawad**, Ms. **Nedal Al-Salman**, Mr. **Hussain Salam Ahmed Radhi**, Mr. **Mohammed Al-Tajer** and Ms. **Enas Oun** in an act of reprisal for their cooperation with the United Nations, and their human rights work through the exercise of their rights to freedom of expression and of association.

Mr. **Mohammed Jawad** is an environmental human rights defender and musician who campaigns for environmental rights in Bahrain by organizing awareness raising festivals, participating in peaceful protests and performing music. Mohammed Jawad is the Head of the Ma'ameer Environmentalist Committee (MEC), an organization that works on promoting environmental human rights in Al-Ma'ameer, Bahrain.

Mr. **Hussain Salam Ahmed Radhi** is a human rights defender who works with the Bahrain Centre for Human Rights. He participated in workshops in Bahrain organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR). Mr. Radhi was the subject of a previous communication dated 8 July 2016, case no. BHR 4/2016. We acknowledge receipt of your Excellency's Government's replies on 16 August and 9 September 2016. Nevertheless, we regret that the replies did not provide sufficient clarifications to the questions raised in our communication.

Ms. **Nedal Al-Salman** is a woman human rights defender and the head of International Relations and Women & Children's Rights Advocacy at Bahrain Centre for Human Rights. She has been actively engaged in the promotion of women's rights in Bahrain.

Ms. **Enas Oun** is a woman human rights defender and the head of Monitoring and Documentation Unit at the Bahrain Centre for Human Rights.

Mr. **Mohammed Al-Tajer** is a prominent human rights lawyer and president of Lawyers for Human Rights, Bahrain. Mr. Al-Tajer was the subject of a previous communication dated 21 April 2011, case no. BHR 6/2011. We acknowledge receipt of

your Excellency's Government's reply on 8 June 2011, but remain concerned due to the new information received.

According to the information received:

*Mr. Mohammed Jawad*

On 2 November 2016, Mr. Jawad was prevented by Bahraini border control officials from travelling to Morocco to participate in the twenty-second session of the Conference of the Parties (COP 22) of the United Nations Climate Change Conference. Mr. Jawad intended to speak on the polluting effects of gas emissions by the Bahrain Petroleum Company (BAPCO) – the national oil company of Bahrain - in his village of Al-Ma'ameer and its surrounding areas. He was not given any official documentation, indicating a travel ban issued against him.

*Ms. Nedal Al-Salman*

On 29 August 2016, Ms. Al-Salman was prevented by officials at Bahrain International Airport from travelling to Doha on her way to Geneva to participate in several meetings during the thirty-third session of the United Nations Human Rights Council. She was informed that the Public Prosecution had ordered a travel ban against her. However, Ms. Al-Salman was not formally notified of that order or of the legal basis for it.

*Mr. Hussain Salam Ahmed Radhi*

On 23 August 2016, Mr. Radhi was prevented from exiting Bahrain to travel to Geneva to participate in the thirty-third session the United Nations Human Rights Council. Previously, Mr. Radhi had similarly been prevented from travelling to the thirty-second session of the Human Rights Council, in June 2016.

*Mr. Mohammed Al-Tajer*

On 23 August 2016, Mr. Al-Tajer and his family members were stopped at the passport inspection at the Bahrain International Airport and prevented from travelling to Istanbul on their way to Geneva. He was scheduled to take part in the events linked to the Human Rights Council. Mr. Al-Tajer was informed that a travel ban against him had been issued by the Public Prosecution on the same day. The previous travel ban against Mr. Al-Tajer had been lifted three weeks prior to that incident. On 10 November 2016, the human rights lawyer was interrogated at the General Public Prosecutor's office in connection to the travel ban, and he was informed of an investigation carried out by the Department of Cybercrime into a post he had made on the Twitter on 14 February 2016, which stated "History tells stories of falling dictators, but the lesson is never learnt."

*Ms. Enas Oun*

On 22 August 2016, Ms. Oun was prevented from travelling from Bahrain International Airport to Tunisia to participate in a human rights workshop. The officials informed her that the General Directorate of Criminal Investigation had ordered a travel ban against her on 21 August 2016. Ms. Oun was not formally notified of the order or of its reasons.

According to the reports received, travel bans have repeatedly been used in what appears to be a politically motivated strategy to prevent human rights defenders from travelling abroad and participating in international events related to human rights, in particular those organized by the United Nations. In June 2016, several human rights defenders were similarly prevented from travelling to the thirty-second session of the United Nations Human Rights Council in Geneva.

Grave concern is expressed at the travel bans issued against Mr. Mohammed Jawad, Ms. Nedal Al-Salman, Mr. Hussain Salam Ahmed Radhi, Mr. Mohammed Al-Tajer and Ms. Enas Oun, in connection to their human rights work and exercise of their rights to freedom of expression and association.

We also express serious concern that the travel bans may constitute an act of reprisal against the above-mentioned human rights defenders for their efforts seeking to cooperate and share information with the United Nations and its mechanisms of human rights, including with the Human Rights Council and with the COP 22 of the United Nations Climate Change Conference.

Additional concern is expressed about the broader effect of the increased and repeated imposition of travel bans as a means of preventing the legitimate human rights work and exercise of rights, which may have a chilling effect on human rights defenders and civil society as a whole in Bahrain.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide information concerning the legal basis for the travel bans issued against Mr. Mohammed Jawad, Ms. Nedal Al-Salman, Mr. Hussain Salam Ahmed Radhi, Mr. Mohammed Al-Tajer and Ms. Enas Oun, and explain how those measures are compatible with Bahrain's international human rights obligations, in particular, articles 12, 19 and 22 of the ICCPR. Please also explain why there has been no prior notification to the above-mentioned individuals about the travel bans issued against them.
3. Please provide information about the investigation by the Department of Cybercrime against Mr. Al-Tajer in connection to his posting on Twitter, and explain how such an investigation is compatible with the right to freedom of expression as protected under article 19 of the ICCPR.
4. Please provide clarifications on the alleged increased use of travel bans to prevent Bahraini human rights defenders from participating in activities held in connection to the conferences or events of the United Nations and its human rights mechanisms.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please note that a copy of this letter has been shared with the Assistant Secretary-General for Human Rights, Andrew Gilmour, for further possible action in his capacity as United Nations' focal point to end intimidation and reprisals against human rights defenders in connection with their engagement with the United Nations and its human rights mechanisms.

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

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

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

Michel Forst  
Special Rapporteur on the situation of human rights defenders

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

The above mentioned allegations appear to be in contravention with Articles 12, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Bahrain on 20 September 2006, which provides, respectively, that everyone has the rights to liberty of movement, to freedom of opinion and expression; and to freedom of association with others.

We would like to emphasize that any restriction to the right to to liberty of movement and the freedom to leave any country, including his/her own must be compatible with paragraph 3 of Article 12 of ICCPR, which establishes that restrictions are only acceptable if they are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the ICCPR. The imposition of travel ban as a means to limit the exercise of freedom of expression and of association is not compatible with article 19(3) of the ICCPR.

Furthermore, we wish to stress that the arbitrary use of travel bans against human rights defenders to prevent them from participating in activities outside their country of residence is contrary to the spirit of Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognize Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders.

In particular, the allegations appear to be in contradiction to articles 1 and 2 of the UN Declaration on Human Rights Defenders, which state that everyone has the right 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. Furthermore, we also refer to article 5, which provides for the right to form, join and participate in non-governmental organizations, associations or groups; and article 6, which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, as well as the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance on these rights.

Furthermore, we wish to refer to Human Rights Council resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights; and Human Rights Council resolution 22/6, which provides for the right to “unhindered access to and communication with international bodies, in particular the

United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms”.

We would also like to refer to Human Rights Council resolution 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).

Moreover, the 2015 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/30/29) reiterates the Secretary-General’s firm position that any act of intimidation or reprisal against individuals or groups for their engagement with the United Nations, its mechanisms and representatives in the field of human rights is completely unacceptable and must be halted, immediately and unconditionally (para. 47).