

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 the situation of human rights defenders; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
AL BHR 5/2017

22 May 2017

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 the situation of human rights defenders; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30, 26/12, 34/18, 32/32, 25/18, 31/16 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of severe infringements on the right to life, the right not to be subjected to torture and ill-treatment, the rights to freedom of religion or belief, freedom of expression, freedom of peaceful assembly and freedom of association in Bahrain.**

According to the information received:

Since the 2011 uprising in Bahrain, there has reportedly been a systematic crackdown on dissent, civil society institutions and activists in the country, leading to severe restrictions on and criminalization of the rights to freedom of expression and to freedom of assembly and of association, in particular. These restrictions take place on the basis of domestic legislation which raises concern as to its compatibility with international human rights standards on freedom of expression and freedom of association and assembly.

In addition to the deterioration of the general human rights situation, reports indicate that activists and members of Shia communities, including political activists, journalists, human rights defenders and religious leaders, face a systematic practice of harassment, arbitrary arrests and detention, torture and ill-treatment while in detention, death threats, summary executions, stripping of nationality and travel bans.

1. Legislation

a) The right to freedom of expression

In April 2014, Law 1/2014 came into force amending article 214 of the Penal Code to provide for a maximum jail term of seven years and a fine of up to 10,000 Bahraini dinars (US\$ 26,500) for offending the King, Bahrain's flag, or the national emblem.

Similarly, according to article 16 of the Penal Code, "a person shall be liable for imprisonment or payment of a fine if he/she offends by any method of expression the National Assembly or other constitutional institutions, the army, courts, authorities or government agencies".

Furthermore, article 165 of the Penal Code criminalizes "inciting others to develop hatred or hostility towards the system of government". This provision is reportedly often used against human rights activists and media workers who are involved in promoting the right to freedom of expression, raising awareness on human rights issues and documenting alleged human rights violations.

b) The right to freedom of association

The Law of Associations (No. 21/1989) prohibits, inter alia, civil society organizations from "engaging in politics" and permits a wide discretionary power to authorities to dissolve such organizations in case they are deemed to be politically active.

The law is reportedly used by authorities to interfere with and control the activities of civil society and faith-based organizations. Several political activists and human rights defenders have been convicted to prison for being part of political parties or associations and expressing their opinions.

c) The right to freedom of assembly

Law No. 58 of 2006 on Protecting Society from Terrorist Acts (Anti-terrorism law), defines the crime of terrorism on very broad terms:

"In the application of the provision of this Law, the following words shall have the meanings assigned against each:

'Terrorism' means the use of force or threatening to use it or any other unlawful means constituting a crime legally punishable by law resorted to by a perpetrator for the execution of an individual or collective criminal plan with the aim of disrupting public order or threatening the Kingdom's safety and security or damaging national unity or security of the international community if this would result in harming persons terrorizing and intimidating them and endangering their lives, freedoms or security or causing damage to the environment, public health, national economy or public utilities, facilities or properties or seizing them and obstructing the performance of their business activities, preventing or obstructing

the government authorities, places of workshop or academic institutions from carrying out their activities.

‘Terrorist Crimes’ mean the crimes provided for in the Penal Code or any other law if the purpose of committing them is a terrorist one.”

It has been reported that, even with prior notification, assemblies and marches are forbidden. When organized, the Ministry of Interior declares assemblies illegal and systematically represses them. In addition, reports indicate that disproportionate use of force is implemented to disperse protestors.

Anti-terrorist legislation is repeatedly used by judicial authorities to convict participants of marches and protests, and to raise political, diplomatic and media campaigns to label protestors as terrorists and quell any public demonstration.

We are concerned these broad definitions can encompass a wide range of situations and therefore be used as a way to crack down on protests. We are further concerned about the use of this legislation to prosecute individuals participating in peaceful assemblies, having a chilling effect on protestors.

2. Individual cases

Al-Wefaq National Islamic Society

The dissolution of Al-Wefaq National Islamic Society, the main opposition party in Bahrain, was the subject of several previous communications sent on 29 June 2012, reference A/HRC/22/67, case no. BHR 5/2012; 16 January 2015, reference A/HRC/29/50, case no. BHR 1/2015; 21 November 2015, reference A/HRC/31/79, case no. BHR 9/2015; 7 July 2016, reference A/HRC/34/75, case no. BHR 5/2016; and 10 August 2016, reference A/HRC/34/75, case no. BHR 2/2016. We thank your Excellency’s Government for the replies received on 2 August 2012, 12 February 2015, 14 November 2015, and 10 August, 15 August, 20 October, 9 September and 22 September 2016. Nevertheless, we remain concerned about the situation of Al-Wefaq in light of the recent developments.

On 17 July 2016, Al-Wefaq was dissolved by a court decision. The court held Al-Wefaq had "in its political action, gone so far as to incite violence and to encourage demonstrations and sit-ins, which are likely to provoke a confessional discord in the country". The party was also dissolved for its "criticism of the institutions of the State". On 22 September 2016, the decision to dissolve Al-Wefaq was upheld by a court in appeal.

Mr. **Ahmed Ali al-Salman**, a political leader and the Secretary General of Al-Wefaq National Islamic Society, is serving a prison sentence of nine years for “attempting to overthrow the monarchy”, “changing” the political system and “inciting disobedience and hatred”. Mr. al-Salman was a central figure in the 2011

uprisings against the Government. He was the subject of Opinion No. 23/2015 of the Working Group on Arbitrary Detention (A/HRC/WGAD/2015/23). He was also the subject of previous communications, sent on 29 June 2012, reference case no. BHR 5/2012; 16 January 2015, reference A/HRC/29/50, case no. BHR 1/2015; 27 November 2015, reference A/HRC/31/79, case no. BHR 9/2015; 7 July 2016, reference A/HRC/34/75, case no. BHR 2/2016; and 10 August 2016, reference A/HRC/34/75, case no. BHR 5/2016. We thank your Excellency's Government for the replies received on 2 August 2012, 12 February 2015, 12 December 2015, 10 August 2016 and 15 August 2016. Nevertheless, we remain gravely concerned at reports indicating that Mr. al-Salman was stripped of his citizenship on 20 June 2016 and that, on 12 December 2016, the appeals court upheld the lower courts' decision and sentence of nine years imprisonment.

Mr. **Isa Qassim**, is the highest Shia religious authority in Bahrain, and often referred to as the spiritual leader of Al Wefaq. Mr. Qassim was the subject of a previous communication sent 10 August 2016, reference A/HRC/34/75, case no. BHR 5/2016. We thank your Excellency's Government for the replies received on 13 September and 22 September 2016, respectively. Nevertheless, we remain concerned about his situation. On 17 July 2016, Mr. Qassim was formally charged by the Public Prosecutor with money laundering and collecting funds illegally. On 20 June 2016, a week after the suspension of Al-Wefaq, Mr. Qassim was stripped of his Bahraini citizenship. He remains confined to his home and is under ongoing threat of arrest.

Mr. **Jameel Kadhim**, is a former Member of Parliament and one of the leaders of Al-Wefaq National Society. On 13 January 2015, a court in Manama sentenced him to six months in prison and a fine of 500 dinars (1 326.26 USD) on charges of "making false allegations that undermined national elections" for a tweet posted in October 2014 on his twitter page about election bribery.

Mr. **Majeed Milad**, one of Al-Wefaq's leaders, Member of Parliament in Manama since 2002, and head of the Municipal Council between 2006 and 2014, was arrested on 1 July 2015, two days after giving a speech in Ma'ameer in which he criticized the ruling family for "seizing the national wealth," and making decisions "without involving the Bahraini people." The Court charged and convicted him of "inciting non-compliance with the law", and sentenced him to two years in prison.

National Democratic Action Society (Wa'ad)

In April 2011, after the imposition of the state of emergency in Bahrain, the military Prosecutor issued a Defense decree suspending the activity of Wa'ad in addition to the closure of its headquarters, following a statement made by Wa'ad that criticized the Bahraini army.

In July 2014, the Justice Department filed a lawsuit against Wa'ad to stop them from re-electing Mr. Ibrahim Sharif as its Secretary-General. Mr. **Ibrahim Sharif** was in prison at the time and had already been subjected to several prison sentences. In November 2014, the Ministry dropped the lawsuit against Wa'ad after the association elected Mr. Radhi al-Musawi as its Secretary-General. On 13 November 2016, Mr. Ibrahim Sharif was charged with "inciting hatred against the regime" under article 165 of the Penal Code. On 6 March 2017, the Ministry of Justice filed a lawsuit to dissolve Wa'ad.

Other individuals targeted for their membership in organizations and exercising their right to freedom of expression

Mr. **Nabeel Rajab**, President of the Bahrain Center for Human Rights, is currently being prosecuted for the third time since 2012. Mr. Rajab was the subject of Opinion No. 12/2013 of the Working Group on Arbitrary Detention (A/HRC/WGAD/2013/12). He was also the subject of twelve previous communications (sent on 6 October 2004, case no. BHR 6/2004; 25 July 2005, case no. BHR 3/2005; 5 March 2010, case no. BHR 1/2010; 22 March 2011, reference A/HRC/19/44, case no. BHR 4/2011; 16 June 2011, reference A/HRC/19/44, case no. BHR 12/2011, 9 September 2011, reference A/HRC/19/44, case no. BHR 18/2011; 24 July 2012, reference A/HRC/22/67, case no. BHR 6/2012; 23 May 2013, reference A/HRC/25/74, case no. BHR 3/2013; 14 October 2014, case no. BHR 13/2014; 15 April 2015, reference A/HRC/30/27, case no. BHR 2/2015; 14 December 2015, reference A/HRC/31/79, case no. BHR 10/2015). The last communication was sent on 4 July 2016, reference A/HRC/34/75, case no. BHR 3/2016. We thank your Excellency's Government for the replies received, including the last substantive replies received on 22 July 2016 and 15 August 2016 regarding BHR 3/2016, but we remain concerned about Mr. Rajab's situation, especially given the recent developments on his case.

On 15 December 2016, after a 15-minute hearing during which Mr. Rajab was not allowed to speak, the Fourth High Criminal Court postponed the verdict until 28 December 2016. This was the fifth time his trial was postponed. The Court also refused to release him on bail, despite Mr. Rajab having spent more than six months in pre-trial detention. Mr. Rajab is facing up to 15 years in prison on charges related to comments posted on Twitter in 2015 about the conditions of detention in Jaw prison and the war in Yemen. After his most recent arrest, on 13 June 2016, Mr. Rajab was taken to West and then East Riffa prison and held in solitary confinement for most of the time. His poor health condition continues to deteriorate, mainly due to the reportedly poor conditions of detention and the lack of medical care. Mr. Rajab is facing a series of charges, including "criticizing/offending a governmental body", "spreading false news against the state" ("in a time of war"), and "insulting the Saudi State" and "undermining the prestige" of Bahrain. The judicial harassment against him is reportedly partially

linked to his cooperation with the United Nations in the field of human rights, in particular with the Human Rights Council.

Mr. **Khalid Abdulaal**, an independent Bahraini Member of Parliament, was sentenced to one year in prison on 26 May 2015 on charges of “insulting the Ministry of interior” for his tweets posted in April 2014, in which he criticized the Ministry for allegations of torture to extract confessions in detention centers. On 8 June 2016, he was sentenced to a second year in prison for another tweet published in 2014.

Mr. **Fadhel Abbas**, former Secretary General of the Unitary National Democratic Assemblage (al-Wahdawi), was arrested on 26 March 2016. He has been serving a prison sentence for “spreading false information” based on a statement made by the Al-Wahdawi Political Society, in which he criticized the war in Yemen. On 27 October 2016, the Court of Appeal reduced his sentence from five to three years.

Ms. **Maryam al-Khawaja**, currently residing in exile in Denmark, is the former co-director and current Special Advisor on Advocacy of the Gulf Centre for Human Rights (GCHR), a Board Member of the International Service for Human Rights (ISHR) and works with Bahrain Watch. Ms. Al-Khawaja has been the subject of four previous communications sent on 9 September 2011, reference A/HRC/19/44, case no. BHR 18/2011; 18 October 2012, reference A/HRC/22/67, case no. BHR 10/2012; 3 September 2014, reference A/HRC/28/85, case no. BHR 12/2014; and 19 December 2014, reference A/HRC/29/50, case no. BHR 15/2014. We thank your Excellency’s Government for its reply received on 19 November 2012. Nevertheless, we regret not having received replies to the other letters and remain concerned about Ms. Al-Khawaja’s situation. Ms. Maryam Al-Khawaja is currently facing charges in four cases in Bahrain, including one brought against her under Law No. 58 of 2006 on Protecting Society from Terrorist Acts (Anti-terrorism law), carrying the death penalty.

Ms. **Ghada Jamsheer** is a human rights defender, blogger and journalist, and President of the Women's Petition Committee (WPC). She was also the subject of two previous communications, sent on 25 October 2007, case no. BHR 7/2007 and 12 December 2016, case no. BHR 8/2016. We thank your Excellency’s Government for the reply received on 30 January 2017, but we remain concerned about Ms. Jamsheer’s situation, especially given the recent developments on her case. On 22 June 2016, she was sentenced to ten months in prison and to a fine of 26,500 USD for “defamation” in cases related to tweets about corruption at King Hamad Hospital. She had previously been sentenced to one year and seven months in prison for her activities. While in custody, she was charged, without the presentation of evidence, of “assaulting a police officer” and sentenced to an additional year in prison. Ms. Jamsheer was released on 20 December 2016. However, she continues to face charges in several other cases pending before the courts, many of which are charges carrying prisons sentence.

Mr. **Hussain Jawad** is Chairman of the European-Bahraini Organization for Human Rights (EBOHR). Mr. Jawad currently lives in exile because of threats he reportedly received from government officials. In November 2013, he was first arrested after lodging a complaint against a newspaper after it had published a picture of him with the word "wanted". He was charged with "insulting the King" and "inciting hatred against the regime" for a speech he delivered a few days before his arrest on November 2013. After 47 days of detention, Mr. Jawad was released on bail and threatened to be assassinated if he stayed in Bahrain. On 16 February 2015, he was arrested, along with other activists, by approximately 15 armed and masked police officers who beat them and subjected them to electric shocks. His house was searched and his passport and cell phone were confiscated. He was taken to the Criminal Investigations Directorate (CID) building where he was again subjected to similar acts of torture in a room called "the fridge" for several days in rounds of 12 hours of torture and 12 hours of interrogation. Mr. Hussain Jawad was also deprived of sleep, forced to stand for prolonged periods of time, [REDACTED] and threatened to be raped if he did not confess that he unlawfully collected money from abroad. Despite the fact that he denounced the acts of torture he was subjected to in front of the Public Prosecution, investigations were closed. On 15 December 2015, he was sentenced to two years in prison.

On 28 December 2015, security forces raided the home of Mr. **Mahmoud Abdul-Ridha al-Jazeeri** and arrested him without a warrant. His arrest came a day after he published an article in Al-Wasat newspaper reporting on a Member of Parliament for having asked the authorities to punish Bahrainis who had their citizenship revoked on political grounds by depriving them of government housing. He was charged with "supporting terrorism", "inciting hatred of the regime", "having contacts with a foreign country", and "seeking to overthrow the regime" by joining Al-Wafa and the February 14 Youth Movement. Mr. Al-Jazeeri was the subject of Opinion No. 55/2016 of the Working Group on Arbitrary Detention (A/HRC/WGAD/2016/55)

Grave concerns are expressed at the arrest, detention, and conviction faced by these individuals, which indicate a clear pattern of harassment of activists on the basis of repressive defamation and national security legislation that lead to undue restrictions on their legitimate rights to freedom of expression and freedom of association.

3. Sentencing of individuals for taking part in peaceful assemblies

Numerous individuals taking part in peaceful protests have been convicted and peaceful protests have been banned since March 2015. Security forces regularly use excessive force to disperse protestors during protests, firing live bullets and tear gas, leading to numerous deaths and injuries.

Injured protestors have been denied healthcare from hospitals and other health centers, reportedly as part of a Government policy. Several protestors have died as a consequence of their injuries or remain severely wounded, without being able to access a doctor.

a. Arrests in the context of the peaceful protests held in Duraz

Several protestors have reportedly been arrested over protests in the village of Duraz held since June 2016 - in front of Mr. Isa Qassim's house –against the targeting and prosecution of Mr. Qassim, including revocation of his Bahraini citizenship.

As a result, the village has been subjected to police surveillance and a blockade. Checkpoints have been established at every entrance and exit of the town, leaving only two possible entrances: one on Budaiya Highway at the western junction and one on Road 2047 connecting Duraz with Budaiya. Only individuals who live in Duraz and have a national ID card indicating a Duraz address are granted entry. Upon entry into town, Duraz residents may be subjected to searches of their vehicle and person and seizure of personal items, and in some cases, have been arrested. This limitation to freedom of movement has had significant impact on the living conditions of Duraz residents and previous regular visitors. Individuals not holding an ID from the city have been denied entrance into the town to pray at the mosque. In addition, since 20 June 2016, major Internet service providers have been blocked between 7 p.m. and 1 a.m.

In August 2016, the Public Prosecutor's office released seven public statements regarding the interrogation of individuals for participating in "illegal gatherings". Since then, authorities have reportedly arrested or summoned at least 73 individuals, including 44 Shia clerics and religious leaders. Charges brought against these individuals appear to include "incitement to hatred against the regime" and "illegal gathering" in the Duraz area. Most of the individuals summoned were kept overnight in detention before being presented to the public prosecutor; 23 were held for 15 days. Several detainees were asked to sign a pledge vowing they would not participate in the demonstration. 11 Shia clerics were sentenced by courts to one or two years' prison terms on the same charge.

These individuals include:

Mr. **Maytham al-Salman**, Head of the Religious Freedom Unit of the Bahrain Human Rights Observatory, is the subject of two previous communications: 21 Aug 2015, reference A/HRC/31/79, case no. BHR 5/2015 and 10 August 2016, reference A/HRC/34/75, case no. BHR 5/2016. We thank you for your response received on 9 September 2016 and 22 September 2016. Mr. Maytham Al-Salman was charged with "illegal gathering" on 15 August 2016. He was released a few days after being held in custody.

Mr. **Habib Abbas Muftah**, was accused, on 7 August 2016 of “illegal gathering” for participating in the protest in Duraz and of being a “Religious preacher”. On 21 September 2016, he was sentenced to two years in prison. On 1 December 2016, this judgment was reduced by the Court of Appeal to six months imprisonment.

Mr. **Sayyed Majid al-Mashaal**, Chairman of the Shiite Scholars Council, was arrested on 30 July 2016 by security forces and was charged for “his insistence on inciting hatred against the regime” and for taking part in an “illegal gathering” in Duraz. On 31 August 2016, he was sentenced to two years in prison by the Third Lower Criminal Court after a trial that is reported to have lacked the minimum standards for fair trial.

Mr. **Aziz al-khadran** was charged on 31 August 2016 of “insulting and inciting hatred against the “constitutional system”. He was sentenced to one year imprisonment.

Mr. **Sayyed Yassin al-Musawi** was charged with “illegal gathering” and sentenced to one year in prison in Duraz on 31 August 2016.

Mr. **Taha al-Derazi** and Mr. **Hani Ali Ahmad al-Beladi**, a cleric, were arrested on 14 August 2016. On 23 August 2016, the Ninth Lower Criminal Court charged them with “illegal gathering”. They were released a few days after being held in custody. Mr. Taha al-Derazi was sentenced to 6 months in prison on 9 February 2017.

Mr. **Ali Naji**, Mr. **Imad al-Shola** and Mr. **Munir al-Matouq** were sentenced on 21 September 2016 by the Third Lower Criminal Court to one year in prison for “illegal gathering” in Duraz.

Mr. **Fadel al-Zaki** and Mr. **Mohammad Jawad al-Shihabi** were sentenced to two years in prison on 6 October 2016 for “illegal gathering” in Duraz.

Mr. **Yasser Nasser**, a television and art director, was sentenced to one year in prison on 21 October 2016, for “illegal gathering” in Duraz.

Excessive use of force in the context of peaceful protests in Duraz

On 21 December 2016, security forces mobilized in around a dozen police vehicles surrounded peaceful protestors on the streets around Mr. **Isa Qassim**’s house. Security forces allegedly entered homes, fired tear gas canisters which injured one individual, and arrested two persons, including one minor.

On 26 January 2017, about 20 Bahraini security officers opened fire with live ammunition around Mr. **Isa Qassim**’s house. Security forces shot Mr. **Mustafa Ahmed Hamdan**, at the time 18 years old, in the back of the head from a distance

of approximately fifty meters, fracturing his skull. The ambulance refused to transport him. At the Bahrain International Hospital, the staff refused to admit him without a Ministry of Interior official permit. When arriving to Salmaniya Medical Complex, around three dozen security officials were waiting for him. On the same day, Mr. Hamdan went into coma and died in the morning of 24 March 2017. To date, no investigation has been launched into the killing of Mr. Hamdan.

On the same day, three to five individuals were detained, including a doctor, and brought to the General Department of Criminal Investigations, Bahrain's interrogation service, which has reportedly frequently been responsible for acts of torture and ill-treatment. To date, two individuals, including the doctor, remain in custody.

Following Mr. Hamdan's death, thousands of protestors took to the streets. Bahraini police responded by opening fire on the crowds with teargas and birdshot. At least three persons were injured; one woman fainted and fell after inhaling teargas; a journalist was hit in his hand; and, a protestor was injured in his eye.

b. Other individuals arrested for participating in peaceful assemblies

Mr. **Abdulhadi Abdulla Hubail al-Khawaja** is the Co-Founder and former President of the Bahrain Centre for Human Rights and the Gulf Center for Human Rights (GCHR), as well as an internationally recognized human rights defender. The case of Mr. Abdulhadi al-Khawaja was the subject of 13 previous communications by Special Procedures sent on 14 December 2005, case no. BHR 6/2005; 2 February 2007, case no. BHR 2/2007; 21 January 2008, BHR 3/2008; 19 February 2009, case no. BHR 2/2009; 20 August 2010, case no. BHR 5/2010; 22 March 2011, reference A/HRC/18/51, case no. BHR 4/2011; 12 April 2011, reference A/HRC/18/51, case no. BHR 5/2011; 20 May 2011, reference A/HRC/18/51, case no. BHR 9/2011; 5 August 2011, reference A/HRC/19/44, case no. BHR 17/2011; 9 September 2011, reference A/HRC/19/44, case no. BHR 18/2011; 12 March 2012, reference A/HRC/20/30, case no. 3/2012; 5 October 2012, reference A/HRC/22/67, case no. BHR 8/2012, and 3 September 2014, reference A/HRC/28/85, case no. BHR 12/2014. We thank your Excellency's Government for the replies received on 27 December 2005; 15 February 2007; 1 April 2009; 26 April 2011; 8 June 2011; 7 June 2011; 23 September 2011; 21 December 2011; 3 September 2012; 27 April 2012; 13 April 2012; and 11 June 2012. However, we remain concerned about the physical and psychological integrity of Mr. Abdulhadi Abdulla Hubail al-Khawaja.

Mr. Al-Khawaja was arrested on 9 April 2011 by Government agents at his home. On 22 June 2011, he was convicted by a military court to life imprisonment, along with other individuals part of a group called "Bahrain 13" convicted for participating in protests in 2011. The sentence was reportedly upheld by a civilian

court of appeal. While in detention, Mr. Abdulhadi Al-Khawaja has reportedly been subjected to act of [REDACTED], by Government officials. As a result, Mr. Abdulhadi Al-Khawaja suffers severe injuries with 18 metal plates and 36 screws in his face to reattach his jaw. After his arrest, he was subjected to enforced disappearance, during which he was reportedly tortured at the Bahrain Defense Force Hospital after undergoing surgery for the facial fractures.

In the beginning of 2015, Mr. al-Khawaja was informed that he would need to have all metal plates and nails removed from his face. Another doctor said he would only need partial removal of the metal plates and nails. Mr. al-Khawaja asked that his medical records be handed over to his family to seek a medical opinion in Denmark. Following a court order holding that the records needed to be handed over to the family, the Ministry of Interior refused to release the files. Since the beginning of March 2017, Mr. al-Khawaja has been suffering partial loss of vision in his right eye accompanied by headaches. To date, authorities at Jau prison have prevented Mr. al-Khawaja from receiving timely medical care unless he submits to a full invasive body strip-search and to be shackled from his wrists and ankles before being taken to any specialist. Mr. al-Khawaja has so far refused to submit to this demand.

In January 2017, new punitive measures were introduced, including: shackling from the wrists and ankles, whenever leaving the cell for any reason, including medical visits; invasive full body strip search before visits and to go to medical appointments; cancellation of all spousal visits; cutting down of the bi-weekly family visits from one hour to half an hour; no access to newspapers; removal of all items from the prison store, including papers and pens, except cleaning supplies; removal of all religious Shi'a channels from the television.

On 12 April 2017, Mr. al-Khawaja started a hunger strike in protest of continued arbitrary detention and the new punitive measures and deteriorating treatment. On 5 May 2017, Mr. al-Khawaja suspended his hunger strike, following the pending implementation of the recommendations adopted during the UPR that began on 7 May 2017. Despite a grave deterioration to his health within the first days of his hunger strike, including dangerous levels of blood sugar, muscle spasms and kidney problems, Mr. al-Khawaja reported that the treatment became worse the more his health deteriorated. On 18 April 2017, he stopped allowing the prison authorities to check his vitals. Mr. al-Khawaja was informed by the prison doctor that he will be subjected to force feeding as soon as he loses consciousness.

In addition to the deterioration of his medical condition, authorities have reportedly continued to resort to disproportional measures under the guise of monitoring his health; including walking in on him in the bathroom with a camera, following him around with food while videotaping, and barging into his cell in the middle of the night shouting and banging.

Ms. **Zainab al-Khawaja** – the sister of Ms. Maryam al-Khawaja and daughter of Mr. Abdulhadi al-Khawaja, a prominent human rights defender and social media activist in Bahrain -, was the subject of Opinion No. 35/2016 of the Working Group on Arbitrary Detention (A/HRC/WGAD/2016/35). She has also been the subject of ten previous communications sent on 21 January 2008, reference A/HRC/10/12/Add.1, case no. BHR 3/2008; 12 April 2011, reference A/HRC/19/44 case no. BHR 5/2011; 9 September 2011, reference A/HRC/19/44, case no. BHR 18/2011; 20 January 2012, reference A/HRC/20/30, case no. BHR 1/2012; 5 October 2012, reference A/HRC/22/67, case no. BHR 8/2012; 30 July 2013 reference A/HRC/25/74, case no. BHR 4/2013; 19 December 2014, reference A/HRC/29/50, case no. BHR 15/2014; and 17 March 2016, reference A/HRC/33/32, case no. BHR 1/2016. We acknowledge your Excellency's Government's response dated 7 June 2011, 15 December 2011, 21 March 2012, 25 October 2012 and 29 August 2013. Nevertheless, we reiterate our concerns regarding her situation. She has been arrested eleven times, mostly for participating in peaceful assemblies and for visiting her father, Mr. Abdulhadi Al-Khawaja in prison. On 31 May 2016, she was released from prison for "humanitarian reasons". However, after receiving death threats, Ms. al-Khawaja left the country.

Mr. **Abduljalil al-Singace** is a blogger and the Director of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy. He is part of the group referred to as "Bahrain 13". Mr. Al-Singace has been the subject of thirteen previous communications by the Special Procedures sent on 20 August 2010, case no. BHR 5/2010; 15 September 2010, case no. BHR 7/2010; 22 March 2011, reference A/HRC/18/51, case no. BHR 4/2011; 4 May 2011, reference A/HRC/18/51, case no. BHR 7/2011; 5 August 2011, reference A/HRC/19/44, case no. 17/2011, 9 September 2011, reference A/HRC/19/44, case no. BHR 18/2011; 29 June 2012, reference A/HRC/22/67, case no. BHR 5/2012 and 10 August 2016, reference A/HRC/34/75, case no. BHR 5/2016. We thank your Excellency's Government for the replies received on 20 August 2010, 15 September 2010, 22 March 2011, 23 September 2011, 15 December 2011, 9 September 2016 and 22 September 2016. However, we remain concerned about the physical and psychological integrity of Mr. Al-Singace.

Mr. **Abduljalil al-Singace** has been sentenced, detained and generally targeted by the Bahraini authorities for his human rights and political activities, since 2009. He was, among others, accused of "terror plot" and "inciting hatred against the regime". He was arrested for participating in the 2011 protests and sentenced to a life sentence by a military court. On 21 March 2015, Mr. Al-Singace started a 200 days hunger strike to protest against acts of torture inflicted upon detainees, including him, in Jaw prison. He suffers from post-polio syndrome and is disabled. Bahraini prison officials have prevented him from accessing medical care in the past few months. His health has considerably deteriorated.

Mr. **Naji Fateel** is a human rights defender and board member of the Bahrain Youth Society for Human Rights (BYSHR). He has been arrested on multiple occasions for his participation in peaceful assemblies. Mr. Fateel has been the subject of three previous communications by the Special Procedures sent on 10 May 2013, reference A/HRC/24/21, case no. BHR 2/2013; 4 October 2013, reference A/HRC/25/74, case no. BHR 7/2013; and 11 August 2014, reference A/HRC/28/85, case no. BHR 10/2014. We thank your Excellency's Government for its replies received on 5 June 2013, 5 October 2013, 15 and 29 September 2014. However, we remain concerned about the physical and psychological integrity of Mr. Naji Fateel.

Mr. **Naji Fateel** was arrested and detained from December 2007 to April 2009, during which time he was reportedly subjected to torture. He was again arrested on 14 February 2012, while participating in a peaceful march near the Pearl Roundabout area. Mr. Fateel was for the third time arrested on 2 May 2013 allegedly in relation to his participation in the 22nd session of the Human Rights Council that took place from 25 February to 22 March 2013 and has remained incarcerated since then. On 30 September 2013, Mr. Fateel, was sentenced to 15 years' imprisonment for "the establishment of a group for the purpose of disabling the Constitution" under Article 6 of the Terrorism Act. On 29 May 2014, the Appeals Court of Bahrain upheld the 15-year sentence against him.

On 25 January 2016, Mr. Fateel was sentenced to an additional 15-year term for "inciting disturbances by prisoners" in Jaw prison for "inciting disturbances by prisoners" in the jaw prison in March 2015. His sentence was later reduced to 10 years, by the Court of Appeals, leaving him with combined sentences of 25 years. Mr. Naji Fateel suffers from multiple injuries, including damage to his spine, as a consequence of acts of torture he was subjected to while in detention. Acts of torture reportedly included [REDACTED], sleep deprivation, hanging by his hands from the ceiling.

Ms. **Nazeeha Saeed** is a writer and journalist for Radio Monte Carlo Doualiya and France24. She was the subject of a previous communication sent on 5 August 2011, reference A/HRC/19/44, case no. BHR 15/. We thank your Excellency's Government for the reply received on 24 August 2011, but we remain concerned given recent developments regarding her situation.

Ms. Saeed took part in many of the 2011 protests. On 22 May 2011, she was arrested and summoned to the police station in West Riffa and detained for 14 hours. She was accused of terrorism, in particular for having links with Hezbollah, and of participating in protests. While detained, she was subjected to beatings, electric shocks, and humiliating treatments for nine hours. She was finally forced to sign documents before being released. On 17 July 2016, Ms. Saeed was notified by Bahrain's Public Prosecution that she was facing charges of "unlawfully" working for foreign or international media, under Article 88 of Law 47/2002.

c. Reprisals for cooperation with the United Nations

Ms. **Ebtisam Al-Saegh**, a human rights defender who works for SALAM for Democracy and Human Rights, was questioned by Bahrain's Public Prosecution on 23 November 2016 about posts shared on social media, and was accused of inciting hatred against the Bahraini regime and threatening public safety and security. The human rights defender was subsequently banned from international travel. On 22 January 2017, Ms. Al-Saegh was summoned for questioning to the Bahrain Department of Criminal Investigations where she was thoroughly searched, had her phone confiscated and was detained for 3 hours in a dark room. She was subsequently questioned by an investigator from the National Security Agency regarding a statement she had made on a national news station. She was allegedly warned by the investigator not to "cross red lines" in her statements regarding the recent executions in the country or she and her family members could be prosecuted. Following the interrogation, Ms. Al-Saegh was permitted to travel internationally. In February 2017 Ms. Al-Saegh travelled to Beirut, Lebanon to participate in a conference involving civil society actors and subsequently to Geneva, Switzerland to participate in the 34th session of the Human Rights Council. On 20 March 2017, upon her return from Geneva, Ms. Al-Saegh was detained for seven hours at Bahrain International Airport. She was not permitted to contact her legal counsel. She was questioned for five hours by the same interrogator from the National Security Agency, who had questioned her on 22 January 2017. During the interrogation, she was accused of delivering false statements about human rights violations in Bahrain at the 34th session of the Human Rights Council. She was questioned about her work with the United Nations, and specifically about her meeting with the High Commissioner for Human Rights. She was asked whether he would be visiting Bahrain and, if so, who would accompany him on this visit. Ms. Al-Saegh was also questioned about other Bahraini human rights defenders attending the Human Rights Council. Ms. Al-Saegh's passport was confiscated. She was threatened that she could face prosecution and would be taken away from her children who could also face prosecution. Ms. Al-Saegh's luggage was examined and materials concerning the human rights situation in Bahrain were confiscated. The human rights defender was then subjected to a thorough body search. Her passport was not returned to her before she was released. On 5 April 2017 authorities issued Ms. Al-Saegh a new passport. Ms. Al-Saegh's confiscated passport was valid and contained multiple visas which enabled her to travel to and participate in internationally hosted human rights events.

On 24 April, Ms. Al-Saegh was briefly interrogated at the office of the Public Prosecutor. She has also been informed by the Bahraini Immigration and Visas Office that she is subject to a travel ban by an order of the Public Prosecutor.

4. Worrying trends

Travel bans

On 25 November 2016, the Special Procedures sent a communication, BHR 7/2016, concerning allegations of a travel ban imposed on several human rights defenders 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. We regret that, to date, we haven't received any answer from your Excellency's Government.

According to new information received, on 21 April 2017, twenty-two human rights defenders received a police order to appear before the office of the General Prosecutor. From 24 to 25 April 2017, the human rights defenders were interrogated by the Bahraini authorities, on average 3 to 7 minutes, about allegations that they attended an illegal gathering in Duraz between 2016 and 2017. Almost all defenders received confirmation that the Public Prosecutor had issued travel bans against them.

Deprivation of citizenship

On 24 July 2014, the Government published amendments to the 1963 Citizenship Law in the Official Gazette. Article 10 now permits the Interior Ministry, with cabinet approval, to revoke the citizenship of any Bahraini who "aids or is involved in the service of a hostile state" or who "causes harm to the interests of the Kingdom or acts in a way that contravenes his duty of loyalty to it.

Ever since, at least 330 individuals (31 in 2012; 21 in 2014; 208 in 2015; 72 in January 2016) have been stripped of their citizenship while dozens are at risk of being forcibly removed or expelled from Bahrain (at least 4 individuals have been deported since February 2016). About 270 human rights defenders lost their citizenship as a consequence of their human rights activities.

According to available information, all those who have lost their citizenship were compelled to return their passport or national ID cards, apply for residency permits or leave the country. Those who decided to stay in the Kingdom (without obtaining a residency permit) were reportedly charged with "illegal residency" and given deportation orders.

We are concerned that deprivation of nationality has been used as a tool, along with other measures such as travel bans (see communication sent on 27 March 2017, UA BHR 4/2017) to deter individuals from exercising their right to freedom of opinion and expression, freedom of association and freedom to peaceful assembly in Bahrain.

The end of the moratorium on the death penalty

Around 12 people were sentenced to death between 2010 and 2014, and at least 6 new death sentences have been reported in 2015, although not all death sentences were confirmed on appeal.

On 1 August 2013, the King issued a royal decree, imposing stiffer penalties for “terror acts” and stressing that anyone convicted of bomb attacks shall be sentenced to life imprisonment or to death, in case of casualties.

On 29 December 2014, Mr. **Mohammed Ramadan** and Mr. **Husain Ali Moosa** were sentenced to death for their alleged involvement in a February 2014 bomb explosion. It is reported that State agents tortured them into confessing to the crime. Mr. Moosa was allegedly hung from a ceiling for three days, beaten and on several occasions threatened with harm to his relatives. Mr. Ramadan was allegedly arrested without a warrant and violently beaten on sensitive parts of his body until he agreed to confess. Both individuals have subsequently had their sentences upheld by the Court of Cassation on 16 November 2015 despite having recanted their confessions and reiterating that they confessed under torture. Their allegations have not provoked any investigation. They remain detained to date and are at risk of imminent execution.

On 15 December 2016, Mr. **Abbas Al-Samea**, Mr. **Ali Al-Singace** and Mr. **Sami Mushaima** were executed by firing squad after having being convicted of a bombing in Manama in 2014 that killed three police officers. They were found guilty after being allegedly tortured into making false confessions and their lawyers were not given access to all the evidence against them nor allowed to cross-examine prosecution witnesses during court hearings. They are the first individuals executed in Bahrain since 2010.

The implementation of military trials for civilians

On 3 April 2017, the King approved a constitutional amendment to article 105(b) of Bahrain's constitution, granting military courts the right to try civilians. These military courts were previously limited to trying members of the armed forces or other branches of the security services and could only try civilians under a state of emergency. Under this amendment, military courts can try any civilian “accusing of threatening the security of the State”.

We express grave concern at the growing restrictions placed on the exercise of the rights to freedom of religion or belief, expression, association and peaceful assembly, which is indicative of a clear pattern of criminalizing dissent in Bahrain.

We are particularly concerned at the targeting of human rights defenders and political activists for peacefully carrying out their human rights activities as well as for legitimately exercising their rights to freedom of expression, freedom of association and freedom of peaceful assembly. Similar concern extends to the members of Shia communities who have been targeted and discriminated based on their religion or belief.

We are highly concerned about allegations of torture and ill-treatments by officials, in particular by CID agents, exerted against several human rights defenders, often used to obtain confessions during interrogations.

We are concerned the acts of torture, the arbitrary detentions, unfounded convictions, in some cases leading to capital punishment, intimidation - including death threats - stripping of citizenship, the use of travel bans, reprisals for cooperating with international organizations, including the United Nations, against individuals having divergent opinions to the Government, not only represent a violation of individual rights but have a chilling effect on civil society as a whole.

We are concerned about the use of repressive legislation to crack down on dissent. In particular, we are concerned at the overly broad wording of article 165 of the Penal Code, which provides wide discretion to those in charge of applying the provision to define the term "hostile". We are concerned that such overly broad criteria may be used to silence opinions deemed unfavorable, and produce a chilling effect on the exercise of the right to freedom of expression in the country, in particular by silencing critical voices and political opposition. Moreover, we are concerned about Law of Associations (No. 21/1989) severely infringing on the right to freedom of association. The law is reportedly used by authorities to interfere and attempt to control the activities of civil society organizations. Additionally, we are concerned about Law No. 58 of 2006 on Protecting Society from Terrorist Acts (Anti-terrorism law), repeatedly used by judicial authorities to convict participants of marches and protests, and to raise political, diplomatic and media campaigns to label protestors as terrorists and quell any public demonstration.

We are concerned over the recent executions carried out in Bahrain after a de facto moratorium that had been in place since 2010. We are particularly concerned that reports received indicate a growing trend of criminalization of human rights defenders and for charging them for offences for which the death penalty may be imposed in relation to their activities in the defense of human rights, including for exercising their legitimate rights to freedom of expression and to freedom of peaceful assembly and of association.

Additional concern is expressed at the trying of civilians before military courts. We are concerned the very broad wording of amendment to article 105(b) of Bahrain's constitution, granting military courts the right to try civilians, is likely to allow the State to discretionary try civilians for any charge they deem is threatening the security of the State. As mentioned above, many civilians have been convicted under similar charges for solely exercising their rights to freedom of expression, freedom of association and peaceful assembly. This measure could reinforce the arbitrary nature of trials involving dissenting voices to the Government.

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 questions:

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

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

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.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Annalisa Ciampi
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Annex
Reference to international human rights law

Right to Life

In connection with above alleged facts and concerns, we would like to refer to article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded on 20 September 2006, which guarantees the inherent right to life of every individual and provide that this right shall be protected by law and that no one shall be arbitrarily deprived of his life.

In General Comment No. 6, the Human Rights Committee reiterates that the right to life is the supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation. Moreover, in General Comment No. 31 the Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its own security forces as well as by private parties or entities. States Parties permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13).

With regards to the reported excessive use of force by security forces, we would like to stress that under international law any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides that intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life (principle 9). Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles (principle 8). According to the Basic Principles and the UN Code of Conduct for Law Enforcement Officials, law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. Force used must be proportionate to the legitimate objective to be achieved. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated. Medical assistance should be provided as soon as possible when necessary.

We would further like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. The allegations presented appear to be in contravention with the human rights standards related to prevention and investigation of extra-judicial, arbitrary and summary executions (Principles 4, 9 and 18 of the UN Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions).

In relation to the death threats received by several individuals as mentioned above, we would further like to recall that Principle 4 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

establish the obligation of States to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions.

As regards the imposition of the death penalty, we wish to draw your Excellency's Government's attention to the fact that although there is not an absolute prohibition of the death penalty to be found in international law, it nonetheless provides that it must be regarded as an exception to the fundamental right to life, and must as such be applied in the most restrictive manner in the countries which have not yet abolished it.

In this context, we wish to recall the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty (adopted by ECOSOC resolution 1984/50) which in Safeguard 5 provides that capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after a legal process which gives all possible safeguards to ensure a fair trial, including the right to adequate legal assistance at all stages of the proceedings. Safeguard 4 in addition requires that "capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts". Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution.

Torture

We would like to refer to article 7 of the ICCPR and articles 2 and 16 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Bahrain acceded on 6 March 1998, which establish the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment. Article 12 of the CAT specifically stipulates State Parties' obligation to a prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Arbitrary detention and fair proceedings

We would also like to refer to the right not to be arbitrarily deprived of liberty and to fair proceedings before an independent and impartial tribunal, as set forth in articles 9 and 14 of the ICCPR. Article 9 establishes in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, and that anyone who is arrested shall be informed, at the time of arrest, of the reasons behind such arrest and be brought promptly before a judge for the purpose of legal assessment of detention. Article 14 stipulates that, in the determination of any criminal charge, everyone should have adequate time to communicate with a counsel of choice, and that no one should be compelled to confess to guilt. The right to have access to a lawyer without delay and in full confidentiality is also enshrined in the Basic Principles on the Role of Lawyers (Principles 7 and 8).

We would also like to refer to article 12 of the ICCPR, which establishes that States have an obligation to respect the right to health by, inter alia, refraining from

denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (para.34).

to the right to freedom of opinion and expression, as well as the right to freedom of peaceful assembly and of association, as set forth in articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR).

The right to freedom of religion or belief

Article 18(1) of ICCPR provides that “everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

Article 2 of 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) provides that same Declaration provides that “no one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.” Article 3 states that “discrimination between human being on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, [...]

Statelessness

Paragraphs 1 and 4 of article 8 of the Convention on the Reduction of Statelessness of 30 August 1961 provides respectively that “a Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless;” as well as that “a Contracting State shall not exercise a power of deprivation permitted by paragraphs 2 or 3 of this article except in accordance with law, which shall provide for the person concerned the right to a fair hearing by a court or other independent body.” Article 9 of the same Convention states explicitly that “a Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds.”

Furthermore, article 3 and 4 of the convention relating to the Status of Stateless persons adopted on 28 September 1954 provide respectively that “the Contracting States shall apply the provisions of this Convention to stateless persons without discrimination as to race, religion or country of origin;” as well as that “the Contracting States shall accord to stateless persons within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.”

Paragraph 1 of article 31 of the same convention explicitly states that “the Contracting States shall not expel a stateless person lawfully in their territory save on

grounds of national security or public order. Its paragraph 2 further states that “the expulsion of such a stateless person shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the stateless person shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority. Paragraph 3 of the same article provides that “the Contracting States shall allow such a stateless person a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.”

The rights to freedom of opinion and expression; peaceful assembly and association

Article 19 of the ICCPR guarantees the right to freedom of expression, which includes “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”. Article 19(3) sets out the requirement that any restrictions to the right to freedom of expression must be necessary, proportionate and prescribed by law for the protection of a legitimate objective as set out in the provision. While national security is a legitimate basis for restricting the right to freedom of expression under article 19(3), it is not enough to simply claim it as a justification to pursue illegitimate purposes such as silencing critical voices. The state has to demonstrate that it is necessary to do so to achieve a legitimate objective (CCPR/C/G/34).

We would bring to your Excellency’s Government’s attention General Comment 31 of the Human Rights Committee that stresses that “The legal obligation under article 2, paragraph 1, is both negative and positive in nature. States Parties must refrain from violation of the rights recognized by the Covenant, and any restrictions on any of those rights must be permissible under the relevant provisions of the Covenant. Where such restrictions are made, States must demonstrate their necessity and only take such measures as are proportionate to the pursuance of legitimate aims in order to ensure continuous and effective protection of Covenant rights. In no case may the restrictions be applied or invoked in a manner that would impair the essence of a Covenant right”.

In reference to the criminalization of offences against authorities and symbols established in articles 214 of Bahrain’s Penal Code, it shall be noted that the Human Rights Committee’s general comment No. 34, concludes that the mere fact that forms of expression are considered to be insulting to a public figure, including those exercising the highest authority, is not sufficient to justify the imposition of penalties.

We would like to refer to Human Rights Council Resolution 24/5 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”.

We would also like to refer 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. In particular, we would like to refer to articles 1 and 2 of the Declaration 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....

Right to health

We would also like to refer you to article 12 of the ICCPR, which establishes that States have an obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (para.34).

Terrorism

We also wish to refer to Human Rights Council resolution 22/6, which calls States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights. (A/HRC/RES/22/6, para 10).

In this regard, we would like to bring to your Excellency's Government's attention that in his report to the General Assembly on impact of counter-terrorism measures on civil society, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism urged States to ensure that their counter-terrorism legislation is sufficiently precise to comply with the principle of legality, so as to prevent the possibility that it may be used to target civil society on political or other unjustified grounds. (A/70/371, para 46(c)).

Reprisals

We wish to underline that Human Rights Council resolutions 12/2 and 24/24 call on Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights. Moreover, in his 2016 report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/33/19), the Secretary-General reiterates his firm position that all such acts, no matter how seemingly subtle or explicit, are without exception unacceptable and must be halted immediately and unconditionally, effective remedies provided and preventive measures adopted and implemented to prevent reoccurrence (para. 49).

