

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 situation of human rights defenders; the Special Rapporteur on freedom of religion or belief; and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
AL BHR 7/2018

17 January 2019

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 situation of human rights defenders; Special Rapporteur on freedom of religion or belief; and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 33/30, 35/15, 34/18, 34/5, 31/16 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government allegations we have received concerning threats, including death and rape threats, travel restrictions and other human rights violations against two human rights defenders: Ms. Ebtessam Abdulhusain Ali-AlSaegh and Ms. Zainab Abdullah Salman Al Khamis. We have also received allegations regarding further acts of reprisals, including physical abuse in detention, against Ms. Hajar Mansoor Hasan, the mother-in-law of a well-known defender who is currently outside the country.

Ms. **Ebtessam Abdulhusain Ali-AlSaegh** is a human rights defender and head of the organisation, Salam for Democracy and Human Rights. She has been the subject of three communications sent by Special Procedures (BHR 9/2017 sent on 13 July 2017, BHR 8/2017 sent on 4 July 2017, and BHR 4/2016 sent on 8 July 2016). We thank your Excellency's Government for its responses to each of these letters and welcome Ms. Ali-AlSaegh's release. Her case is reported as an act of reprisals for her cooperation with the United Nations, its representatives and mechanisms in the field of human rights (see the 2017 report of the UN Secretary-General's on cooperation with the UN, its representatives and mechanisms in the field of human rights A/HRC/36/31, Annex I, para. 7).

Ms. **Zainab Abdullah Salman Al Khamis** is a human rights defender and President of the Al-Rehab Committee for Support and Rehabilitation, which joined the Bahrain Human Rights Society in 2013.

Ms. **Hajar Mansoor Hasan** is the mother-in-law of Mr. Sayed Ahmed Al-Wadaei, a well-known human rights defender who is currently outside the country. She has been the subject of one communication sent by Special Procedures (BHR 4/2017 sent on 27 March 2017). We thank your Excellency's Government for its response received

on 25 April 2017, but regret that it does not address the legal basis for the ongoing detention of Ms. Mansoor Hasan. The case of Ms. Mansoor Hasan was included in the 2018 report of the UN Secretary-General's on cooperation with the UN, its representatives and mechanisms in the field of human rights (A/HRC/39/41, Annex I, para.5). The Assistant Secretary-General for Human Rights addressed the Government on her situation and that of other relatives of Mr. Al-Wadaei in July 2017 and May 2018. The Government responded in June 2018 that they were not subjected to reprisals for cooperating with the United Nations but rather responsible for criminal offences.

According to new information received:

Ms. Ebtessam Abdulhusain Ali-ALSaegh

Since Ms. Ali-ALSaegh was released on 22 October 2017, after nearly four months in prison, the charges against her have not been dropped and she remains at risk of being arrested again at any time. It appears that the charges stem from her activities as a human rights defender, including her cooperation with the UN, its representatives and mechanisms in the field of human rights.

Ms. Ali-ALSaegh attended and participated in the 34th Regular Session of the Human Rights Council in February 2017. Since her release she continues to be subjected to travel restrictions to take part in the Human Rights Council sessions. The travel ban is reportedly justified on the grounds that Ms. Ali-ALSaegh spoke out against Bahrain at the Human Rights Council in the past.

During the 38th Session of the Human Rights Council between June and July 2018, Ms. Ali-ALSaegh posted several tweets highlighting a range of human rights concerns in Bahrain. Shortly after, she began receiving threatening messages through Twitter and Instagram from two accounts.

One of the accounts is understood to belong to a well-known Bahraini security officer, who is widely cited in a number of serious torture allegations in Bahrain. Through these messages, she was ordered to close her accounts and to stop her human rights work, under threat of public defamation and rape.

Ms. Zainab Abdullah Salman Al Khamis

In spring 2015, Ms. Al Khamis participated in a peaceful sit-in in front of the United Nations building in Manama to protest against the situation of her brothers. The eldest one is a journalist who is currently in detention

At approximately 7.00 a.m. on 8 April 2015, three military jeeps and a civilian car drove to Ms. Al Khamis's house, where her family were given a summons, requesting her presence at the Criminal Investigations Directorate (CID) on the same day.

When she arrived at the CID, a female police officer took her to a very small interrogation room, where an officer interrogated her about her activities at the UN and her role in the field of human rights. She was released later that day.

At 10.00 a.m. on 13 November 2016, a civilian car came to Ms. Al Khamis's house and her family were handed a CID summons, requesting Ms. Al Khamis's appearance in the Office of Public Prosecution on 15 November 2016.

On 15 November 2016, Ms. Al Khamis went to the Office of Public Prosecution with her lawyer. She was taken to the terrorist crimes unit, where she was interrogated about her family and her work. The officer told her that, on 19 July 2016, the authorities were informed that she had participated in a demonstration calling for the release of prisoners and the reinstatement of revoked citizenship. The officer wanted to know if that was true. She told him that she was at work at that time. She was released without any charge at approximately 1.00 p.m.

On 23 March 2017, Ms. Al Khamis was on her way to Qatar for a family trip when she was stopped at passport control at Bahrain International Airport. An airport employee took her boarding pass and another member of staff came to interrogate her. She was asked to confirm her identity and to provide details about her trip, including how long she would be away and whether she would be going anywhere besides Qatar.

On 25 March 2017, while returning from Qatar, Ms. Al Khamis was stopped at the immigration desk for approximately 10 minutes. When she asked why she was being stopped again, she was told that it was to "complete the investigation".

At approximately 10.00 a.m. on 21 April 2017, six military jeeps surrounded Ms. Al Khamis's house. Her family was handed a summons from the CID addressed to her to appear in the Office of Public Prosecution on 23 April 2017.

On 23 April 2017, Ms. Al Khamis went with her lawyer to the Office of Public Prosecution and was interrogated at the terrorist crimes unit by the prosecutor. The prosecutor stated that an officer had received information that Ms. Al Khamis entered Diraz in solidarity with Sheikh Isa Qassim while the village was under strict security. She asked about the source of this information, and the prosecutor replied that this was confidential.

She was informed that a travel ban had been issued against her on 19 April 2017. When Ms. Al Khamis asked about the reason for the travel ban, the prosecutor responded that they were informed by an officer that she entered Diraz at the time of the siege. Therefore, she was not allowed to travel. She was told that she could verify the details of the charges after a month.

Ms. Al Khamis and her lawyer continued to follow up with the Office of Public Prosecution and Passport Administration for about three months. The ban was removed in August 2017.

On 6 September 2017, military jeeps and a civilian car surrounded Ms. Al Khamis's house. Her sister was handed a summons addressed to Ms. Al Khamis to present herself to the Office of Public Prosecution. At the Office, she was informed that another source had told the police that she participated in a non-peaceful demonstration in A'ali and that a travel ban had been issued against her pending the investigation. Ms. Al Khamis denied her participation in the protests.

On 4 June 2018, Ms. Al Khamis received death threats via direct messages to her Instagram account from an anonymous user. Ms. Al Khamis was told that if she wanted to live, she had to delete [her] account and record a video apologising to the King or a summons would be sent to the police. The user told her that the only other option would be for her to "work as an informant and be paid 1000 Bahraini Dinars weekly per head". The user claimed to know where Ms. Al Khamis lived and threatened her that her future was going to "end between [his] hands."

At about midnight on 20 October 2018, Ms. Al Khamis returned to Bahrain from Kuwait. When she arrived at passport control at Bahrain International Airport, the passport control officer questioned her about her travel. The officer called one of his colleagues who arrived 10 minutes later.

Ms. Al Khamis underwent further questioning, including about her electronic devices. She told the officer that she only had one working phone and that she would not consent to it being searched without her lawyer being present. The officer reportedly said, "This is our own work", before forcibly removing the phone from Ms. Al Khamis's hands.

Some minutes later, another officer came and both officers (neither of whom wore officer uniforms) began inspecting her bags. They temporarily seized a number of items, including a certificate from an English course at the American University in Lebanon, a membership card for the Bahrain Human Rights Society, a letter to the vice-president of the Embassy of the Netherlands in Kuwait, and her driving licence. The officers questioned Ms. Al Khamis about her Qatari residency and whether her laptop was with her.

At around 1.10 a.m., a female officer in official uniform with gloves searched Ms. Al Khamis. She was required to remove all her clothes. The search lasted five minutes.

Ms. Al Khamis asked to call her family to reassure them that she was safe. She was permitted to do so on the condition that she only told them that she was fine and that she would leave the airport when they finished searching her bags. The

officer told her he would hang up the phone in case she would say anything else. He stood by the phone while she made the call.

At approximately 2.15 a.m., Ms. Al Khamis went to use the restroom. The male officer called a female janitorial worker and requested that she enter the toilets with Ms. Al Khamis.

At 2.50 a.m., the officers returned Ms. Al Khamis's personal belongings and released her. When she asked why she had been detained, they told her, "this is not your business, you do not need to know the reason for that".

On 7 November 2018, the travel ban against Ms. Al Khamis was removed. The Immigration Administration told her that the Public Prosecution did not bring charges against her.

Ms. Hajar Mansoor Hasan

On 30 October 2017, Ms. Mansoor Hasan was convicted under the Counter-Terrorism Law for allegedly planting a fake bomb and sentenced to three years imprisonment. The evidence for the trial was reportedly based on coerced confessions. On 20 December 2017, an appeal court upheld the sentence against her.

On 20 March 2018, Ms. Mansoor Hasan began a hunger strike to protest against her situation at Isa Town Prison. Political prisoners in Isa Town Prison, including Ms. Mansoor Hasan, are reportedly denied hygiene products and their conversations are listened to by prison officers. On 22 March, she was urgently hospitalised at the Ministry of Interior AlQalaa Clinic. She suffered from kidney inflammation and critically low blood sugar levels. She ended her hunger strike on 24 March 2018.

Officers have told Ms. Mansoor Hasan that they were instructed by senior prison officials to make her life difficult. They threatened to punish her if she attempted to further denounce the treatment of political prisoners in Isa Town Prison.

On 2 July 2018, in the context of the debates of the 38th Human Rights Council session, Ms. Mansoor Hasan's case was referred to and Major Abardoli was identified as the prison official responsible for the abuses in Isa Town Prison.

On the evening of 4 July 2018, Ms. Mansoor Hasan called her son to inform him that Major Abardoli would inspect her cell the following day. On 5 July, Major Abardoli visited Ms. Mansoor Hasan and told her that she would be punished if she continued to draw attention to the treatment of detainees in the prison. On the same day, Ms. Mansoor Hasan's family was denied visitation access to her and prison officers refused her husband's repeated requests to speak to her by phone.

She was granted one phone call on 6 July, but she did not feel that she was able to speak freely.

By mid-July, Ms. Mansoor Hasan reported being increasingly monitored, with authorities visiting her cell more frequently and watching her movements in the prison yard. Her notebooks were confiscated by officers who later gave them back to her, questioning their content. Major Albardoli also threatened Ms. Mansoor Hasan with solitary confinement.

In mid-September, Ms. Mansoor Hasan was denied the right to participate in the commemorative Ashura rites with the other inmates. Her requests for Ashura books were rejected. On 16 September 2018, Ms. Mansoor Hasan was reportedly assaulted and harshly beaten. At one point during the assault, she was on the floor with an officer sitting on her chest, a second officer holding her handcuffed hands, and a third holding her legs. The assault left Ms. Mansoor Hasan unable to stand. After the assault, she was taken into isolation for two hours.

On the night of the 16 September 2018, Ms. Mansoor Hasan was taken to hospital after her blood sugar dropped to critical levels. Prison officers refused to remove the handcuffs from her, while she was being examined by the doctor. X-ray scans confirmed she had no broken bones and she was given creams, vitamins, and other tablets. From 16 to 23 September, she was held incommunicado in Isa Town Prison.

Around those dates, the 2018 report of the UN Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights was made public and discussed at the 39th session of the Human Rights Council. The case and situation of Ms. Mansoor Hasan was included in the report (A/HRC/39/41, Annex I, p.17, para.5).

On 30 September 2018, the National Institute for Human Rights (NIHR) met with Ms. Mansoor Hasan in the interrogation room of Isa Town Prison. The following day, NIHR issued a statement denying that Ms. Mansoor Hasan had been beaten.

While we do not wish to prejudge the accuracy of these allegations, we wish to express serious concern at the fact that travel restrictions, politically motivated charges, threats, including death threats and threats of sexual violence, and physical violence appear to be among the measures used to prevent human rights defenders from carrying out their peaceful and legitimate work in defense of human rights in Bahrain. Our concerns in this case are heightened by the fact that the violations against Ms. Ali-AlSaegh and Ms. Mansoor Hasan are reported as acts of intimidation and reprisal for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

We reiterate our concern over the criminalization of freedom of expression as well as freedom of association through the use of repressive, broad and unspecific State

security legislation, including counter-terrorism legislation, to target human rights defenders in Bahrain and note that the use of such legislation is a violation of the international human rights law, to which Bahrain is a party.

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 details about any investigation that may have taken place into the threatening messages, which included death threats and threats of sexual violence, received by Ms. Ebtessam Abdulhusain Ali-AlSaegh via Twitter and Instagram, and whether they may be linked to a Bahraini security officer. If no investigation has taken place, please outline the reasons.
3. Please provide detailed information on the decision to enforce travel restrictions on Ms. Ebtessam Abdulhusain Ali-AlSaegh and Ms. Zainab Abdullah Salman Al Khamis.
4. Kindly indicate what measures have been taken to ensure adequate treatment of Ms. Hajar Mansoor Hasan while in detention and that she receives a fair hearing without further undue delay in conformity to international human rights law. Please also indicate the measures taken to investigate abuses perpetrated against Ms. Hasan in the prison.
5. Please provide details about the measures taken by your Government to end travel restrictions, politically motivated charges, threats, and physical violence as acts of reprisals for cooperation with the UN in the field of human rights.
6. Please indicate what measures have been taken to ensure that human rights defenders in Bahrain are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of travel restrictions, threats or acts of violence of any kind.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

In light of the allegations of reprisals for cooperation with the United Nations on human rights in relation to Ms. Ebtessam Abdulhusain Ali-AlSaegh and Ms. Hajar Mansoor Hasan, we reserve the right to share this communication – and any response received from Your Excellency's Government - with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the senior United Nations official appointed by the Secretary- General as senior official to lead the efforts within the United Nations system to address intimidation and reprisals against those cooperating with the UN on human rights.

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 would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Ivana Radačić
Chair-Rapporteur of the Working Group on the issue of discrimination against women in
law and in practice

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to articles 7, 9, 12, 14, 18, 19, and 21, of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Bahrain on 20 September 2006, which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment; that everyone has the right to liberty and security of person and will be entitled to trial within a reasonable time or to release; that everyone will be free to leave any country, including their own; that everyone is entitled to an independent and impartial tribunal and will be tried without undue delay with legal assistance of their choosing; everyone shall have the right to freedom of expression, including the freedom to seek, receive, and impart ideas regardless of frontiers; everyone shall have the right to freedom of thought, conscience and religion, and that everyone will have the right to peaceful assembly shall be recognized and everyone shall have the right to freedom of association with others.

We would further 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2, which states that everyone has the right, individually and in association with others to promote and to strive for the protection and realization of human rights and that the State has a prime responsibility and duty to protect, promote and implement all human rights. We would also like to draw attention to article 5, 6 and 12. Article 5 and 6 state that everyone has the right to meet or assemble peacefully and to know, seek, receive, and impart information about all human rights. While according to article 12, the state shall take all necessary measures to ensure the protection by the competent authorities of everyone, against any arbitrary action as a consequence of the legitimate exercise of their human rights.

We further refer your Excellency's Government to the principles enunciated by Human Rights Council resolution 24/5, and in particular operative paragraph 2, which reminds States of their obligation to respect and protect the right of all individuals, including human rights defenders, to associate freely, online as well as offline, seeking to promote these rights. States should take all necessary measures to ensure that any restrictions on the free exercise of the right to freedom of association are in accordance with their obligations under human rights law.

We would also like to refer to General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women's rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning discrimination against them. It expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women

human rights defenders and to integrate a gender perspective in their efforts to create a favorable environment for the defense of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies, as well as programs that support and protect women defenders. Such policies and programs should be developed with the participation of women defenders themselves.

We would like to refer also to the Commentary to the Declaration on human rights defenders which states that "travel restrictions imposed on defenders in order to prevent them from participating in assemblies of different kinds outside their country of residence is contrary to the spirit of the Declaration and the recognition in its preamble that individuals, groups and associations have the right to "promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels".

We would also like to refer to Human Rights Council Resolutions 12/2, 24/24 and 36/21, which reaffirm the right of everyone, individually or in association with other, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council calls on States to prevent and refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies [as well as the issuance of appropriate guidance to national authorities] in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations. The Council also urges States to ensure accountability for any act of intimidation or reprisal by ensuring impartial, prompt and thorough investigations of any alleged act of intimidation or reprisal in order to bring the perpetrators to justice; to provide access to effective remedies for victims in accordance with their international human rights obligations and commitments; and to prevent any recurrence."

We would also like to remind your Government of Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Bahrain on 18 June 2002 which provides that states parties will take all appropriate measures to eliminate discrimination against women in political and public life.

Also, as highlighted by the Working Group on discrimination against women in law and in practice in one of its reports (A/HRC/23/50), stigmatization, harassment and outright attacks have been used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex; they may experience intimidation, attacks and death. Violence against women defenders is sometimes condoned or perpetrated by State actors.