

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Ref.: AL BHR 1/2025  
(Please use this reference in your reply)

17 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the threats received by Mr. **Naji Fateel**, a human rights defender and blogger, following his release on pardon on 8 April 2024, as well as obstacles to the enjoyment of his economic and social rights.

We welcome your Excellency's Government's release from prison of human rights defender Mr. **Naji Fateel**, which we have also publicly commended. His release under Royal Pardon and cancellation of the remainder of his sentence was a very positive development.

At the same time, we would like to bring to the attention of your Excellency's Government information on his current situation.

Mr. **Naji Fateel** is a human rights defender and prominent blogger from Bahrain. Prior to his incarceration, he participated in marches during which he highlighted the importance of documenting human rights violations, and urged protesters to do so. Since his release, Mr. Fateel has continued his peaceful human rights defence, providing support to families of detained activists. He has campaigned briefly on social media for the release of other detained human rights defenders, and for housing rights for pardoned prisoners.

Mr. Fateel has been the subject of at least five previous communications sent by mandate holders to your Excellency's Government, the most recent being [BHR 3/2023](#), for which we are grateful for the response by your Excellency's Government, sent on [10 November 2023](#). Earlier communications to your Excellency's Government include [BHR 2/2021](#); [BHR 10/2014](#); [BHR 7/2013](#); [BHR 2/2013](#). We appreciate your Excellency's Government's response to these communications, namely on [28 June 2021](#); [26 September 2014](#); [5 November 2013](#) and [5 June 2013](#).

According to the information received:

*Regarding his Pardon:*

On 8 April 2024, Mr. Fateel was released under a comprehensive royal pardon, which negated the remainder of his sentence. The pardon was issued by the King of Bahrain, Hamad bin-Issa Al-Khalifa, on the occasion of the Silver Jubilee of his ascension to the throne, as well as Eid al-Fitr, marking the end of Ramadan.

Mr. Fateel's pardon, as well as that of over 1,500 detainees, was followed by an announcement by the Government of Bahrain of a reintegration programme to support pardoned individuals by providing them with unemployment benefit for job seekers, as well as job opportunities.

*Intimidation regarding his activities as a human rights defender:*

In August 2024, Mr. Fateel was summoned to the Budaiya Police station and was told that police had information that he was organising anti-government protests, but that he would not be referred for prosecution this time. Mr. Fateel denied the accusations and was allowed to leave when the questioning concluded.

He has since then practised self-censorship and mainly focused his activities on the Gaza war and Palestinian rights.

On 2 September 2024, Mr. Fateel was summoned by the Criminal Investigation Directorate (CID) for a similar questioning. He was advised to look after his family and was asked about his financial situation. He was not charged and was allowed to leave.

*Enjoyment of social and economic rights:*

On 9 June 2024, Mr. Fateel resumed his old job at a poultry company, having secured a temporary contract, using a "no objection" certificate necessary to apply for jobs and avail of ministry of labour services. The certificate was provided by the CID to pardoned prisoners after their release.

On 8 September 2024, Mr. Fateel's job at the poultry company became permanent.

On 3 October 2024, Mr. Fateel was placed on a three-day suspension from his job, following accusations of disrupting the workflow and disobeying direct orders from his manager. He was able to disprove the accusations.

On 6 October 2024, Mr. Fateel was dismissed from his job, based on the same accusations. Mr. Fateel alleged that the company later admitted the charges were arbitrary but was told that he would not be reinstated. He was given a minimal settlement that was significantly less than that provided by law. Mr. Fateel believes his dismissal was linked to his human rights defence work after his release from prison.

Since his release, Mr. Fateel has applied several times for a resumption of his housing allowance, which had been cut off since his detention in 2013. He has been repeatedly told by the Ministry of Housing that his application is under review. Mr. Fateel believes the inaction on his housing allowance right is linked to his human rights defence work after his release from prison.

Without wishing to prejudge the accuracy of the information received, we express concern at the reported police questioning of the human rights defender, Naji Fateel, who was released by royal pardon in April 2024. We are also concerned that despite plans by your Excellency's Government for the reintegration of pardoned prisoners, Mr. Fateel has not been provided with the necessary support. We are concerned that these measures may have been taken in retaliation for his human rights work.

If confirmed, the facts alleged would appear to contravene, among other norms, with the International Covenant on Civil and Political Rights, to which Bahrain acceded on 20 September 2006, in particular article 19, which guarantees the right to freedom of expression, article 21, which guarantees the right of peaceful assembly, and article 22, which guarantees the right of association.

They would also appear to contravene the International Covenant on Economic, Social and Cultural Rights, which Bahrain acceded to on 27 September 2007, in particular article 11, which calls on States to recognize the right to an adequate standard of living, including housing and the right to work.

They also would appear to fall short of Bahrain's Constitution which guarantees in article 13(a) that work is a right provided of every citizen, and in 13(b) that the State shall provide job opportunities with fair conditions to its citizens. Article 9(f) of the Constitution guarantees that the State shall undertake to provide housing for limited income citizens.

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 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 explain the reasons behind the repeated questioning by law enforcement agents about Mr. Fateel's activities, and how these instances are in line with international human rights laws on freedom of association and expression.
3. Please explain what measures have been taken to ensure that Mr. Fateel is provided with the support committed to by your Excellency's

Government for the reintegration of pardoned prisoners, and how these measures meet international human rights standards on economic and social rights.

4. Please explain how Mr. Fateel and other human rights defenders in Bahrain are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

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

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.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Irene Khan

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

Gina Romero

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

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the obligations under the International Covenant on Civil and Political Rights (ICCPR), acceded to by Bahrain on 20 September 2006, including articles 9, 19, 21 and 22.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving "in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat" (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be "the least intrusive instrument among those which might achieve their protective function". ([CCPR/C/GC/34](#), para. 34).

As stated by the Human Rights Committee, "Freedom of expression is a necessary condition for the realization of the principles of transparency and

accountability that are, in turn, essential for the promotion and protection of human rights”, CCPR/C/GC/34, para. 3.

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of peaceful assembly. It states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law, and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others”. Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2(1) of the International Covenant on Civil and Political Rights).

We would also like to draw attention to the International Covenant on Economic, Social and Cultural Rights, which Bahrain has acceded to on 27 September 2007. Article 11(1) calls on State Parties to the Covenant to recognize the right of everyone to an adequate standard of living, including adequate food, clothing and housing. It calls on State Parties to take appropriate steps to ensure the realization of this right. Article 6 of the Covenant recognizes the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right

We would like to draw the attention of 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 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. We would also like to refer to article 11 which states that everyone has the right to the lawful exercise of his or her occupation or profession.