Permanent Representative at the
UN Human Rights Council

Geneva, 16 May 2014

Re: Situation of human rights in Bahrain

Your Excellency,

The undersigned NGOs remain deeply concerned by ongoing serious human rights violations in Bahrain, including the politically motivated imprisonment of high-profile opposition activists and human rights defenders after grossly unfair trials, continued reports of torture, excessive use of force, regular denial of freedom of association and assembly, and a persistent failure to hold government actors to account for rights violations.

We welcome that the Office of the High-Commissioner for Human Rights was able to undertake a two-month assessment mission to Bahrain, and we look forward to its findings. So that this mission can lead to genuine and concrete progress on the ground, we write to urge your delegation to support the adoption of a Human Rights Council resolution that would:

- condemn continued serious violations of human rights in Bahrain,
- call for the immediate release of individuals solely detained for exercising their rights to freedom of expression and to freedom of association and peaceful assembly,
- call upon Bahrain to implement the constructive recommendations of the Bahrain International Commission of Inquiry (BICI) and the recommendations agreed in the context of the 2nd cycle of the Universal Periodic Review, in particular:
  o address the continued imprisonment of protesters, activists and human rights defenders who have been detained or convicted solely for having exercised their rights to peaceful assembly, association or expression;
  o ensure that independent, thorough, and impartial investigations are carried out into all allegations of torture and ill-treatment;
- urge Bahrain to cooperate with Special Procedures of the Human Rights Council, including by swiftly providing access to Special Rapporteurs who have outstanding requests for visit,

- call upon Bahrain to respect the right to free and unhindered communication with UN human rights mechanisms, to protect people from reprisals and intimidation for their cooperation or attempted cooperation with such bodies, and to ensure prompt, independent, impartial investigation of cases of alleged reprisals and intimidation, accountability for perpetrators and access to remedy for victims, and

- encourage the office of the High Commissioner for Human Rights to monitor the human rights situation in Bahrain and to work for the implementation of the afore-mentioned steps, and request OHCHR to report back on Bahrain’s implementation of these recommendations.

On December 22, 2011, after the first OHCHR assessment mission to Bahrain, the High Commissioner had urged the government of Bahrain to “unconditionally releas[e] those who were convicted in military tribunals or are still awaiting trial for merely exercising their fundamental rights to freedom of expression and assembly,” and to address “the prevailing impunity at all levels, including for security forces responsible for excessive use of force on peaceful protestors and officers who perpetrated torture,” and to take steps to ensure “an impartial judiciary.”

Two and a half years later, there is no evidence of material progress on any of these issues. Thirteen high-profile activists remain in prison on charges that relate solely to exercising their rights to peaceful assembly and freedom of expression and association. According to local activists and legal experts, many others have been arbitrarily detained simply for expressing their opinions and authorities have detained scores of individuals, including children, for participating in peaceful anti-government protests. Many detainees complained of ill-treatment in detention, sometimes rising to the level of torture. The Government of Bahrain has failed to carry out thorough, independent, and impartial investigations into these allegations of torture. There is little evidence that post-BICI initiatives such as the appointment of an Interior Ministry ombudsman, and creation of a Special Investigations Unit and a Commission on the Rights of Prisoners and Detainees have been effective in stopping torture and holding torturers criminally accountable for their actions.

No senior officials have been held accountable for the serious rights violations that occurred during the unrest of 2011 or since. The judiciary continues to preside over manifestly unfair trials and has convicted hundreds of individuals and sentenced them to lengthy prison terms. To take one of many examples of this, on September 29, 2013, the Fourth High Criminal Court convicted 50 defendants, primarily on charges of establishing and joining a group known as the “February 14 Coalition.” According to the court verdict, the objective of the coalition was to change the constitution by “sowing chaos in the country, committing crimes of violence and sedition, attacking public and private property, intimidating citizens and harming national unity.” Ultimately, the court found that only one of the 50 defendants had committed an
identifiable act of violence. Specifically, that defendant was found to have assaulted a policeman during the course of his arrest at his home, causing “cut and scratch injuries” to the officer. The court also convicted this defendant of having “[p]ublicly defamed” public servants for yelling curses at the arresting officers. Despite a striking lack of evidence of any criminal activity, the court sentenced 16 defendants to 15-year prison terms, four defendants to 10-year prison terms, and the remaining 30 defendants to five years in prison. The prosecution of a senior member of the main opposition, al-Wefaq society, on *prima facie* spurious grounds of inciting terrorism, continues to obstruct progress on a process of national dialogue.

Since January 2014, local groups have documented the occurrence of arbitrary arrests, use of excessive force against peaceful protestors, undue restrictions on peaceful assembly and freedom of expression, repressive laws that impair the work of non-governmental organizations, credible reports of torture at Criminal Investigation Directorate facilities, and unfair trials. The authorities continue to harass and imprison human rights defenders and opposition activists.

In a joint declaration on Bahrain before the UN Human Rights Council (HRC) in September 2013, the third since June 2012, 47 UN member states, including your Government, called on the government of Bahrain to address “the ongoing violation of the rights to freedom of peaceful assembly and association and the repression of demonstrations... the continued harassment and imprisonment of persons exercising their rights to freedom of opinion and expression, including of human rights defenders,” and to “expedite the implementation of the recommendations received from the Bahrain Independent Commission of Inquiry and the recommendations Bahrain agreed to accept through the Universal Periodic Review.”

There has been little progress toward ending the rights violations states highlighted in the joint statement, and the government of Bahrain has failed to implement the key recommendations of the Bahrain Independent Commission of Inquiry (BICI) and the Universal Periodic Review of Bahrain.

The “time for concrete steps to be taken” by the government of Bahrain, as previously called for by the High Commissioner, is long overdue. We urge you to ensure that the HRC builds on previous steps to address human rights violations in Bahrain, and to ensure that the OHCHR mission to Bahrain leads to concrete progress on the ground. We urge your delegation to respond to Bahrain’s lack of progress in implementing fundamental and long-overdue reforms by supporting the adoption of a resolution in this respect at the upcoming 26th session of the Human Rights Council.

Yours sincerely,

- Americans for Democracy & Human Rights in Bahrain (ADHRB)
- Asian Legal Resource Centre
- Bahrain Center for Human Rights (BCHR)
- Bahrain Forum for Human Rights
- Bahrain Human Rights Observatory (BHRO)
- Bahrain Human Rights Society (BHRS)
- Bahrain Institute for Rights and Democracy (BIRD)
- Cairo Institute for Human Rights Studies (CIHRS)
- CIVICUS - World Alliance for Citizen Participation
- Commonwealth Human Rights Initiative (CHRI)
- Conectas Direitos Humanos
- East and Horn of Africa Human Rights Defenders projects (EHAHRDP)
- Egyptian initiative for Personal Rights (EIPR)
- Front Line Defenders
- Gulf Center for Human Rights
- Gulf Civil Associations Forum
- Human rights Watch
- International Federation for Human Rights (FIDH)
- International Service for Human Rights
- Lualua Center for Human Rights
- West African Human Rights Defenders Network (WAHRDN / ROADDH)