

Bahrain – Human rights situation, *June 2018*

1. Closure of the democratic space not conducive to free and fair elections

Suppression of legitimate opposition groups and judicial harassment of their leaders. With the authorities violating fundamental freedoms, the elections scheduled for fall 2018 are unlikely to be free and fair. In September 2017, both the [UN High Commissioner for Human Rights](#) and the [UN Assistant Secretary General for Human Rights](#) condemned Bahrain for shutting down democratic space.

The government [dissolved](#) Bahrain's last two major opposition political societies: the conservative Shia opposition group, **Al-Wefaq** in [June 2016](#) and the secular leftist society **Wa'ad** in [May 2017](#). In July 2012, in the aftermath of the 2011-protests, the government [had closed](#) the Islamic Action Society, known as **Amal**, after [arresting](#) approximately 200 of its members.

Opposition leaders [continue](#) to face judicial harassment and lengthy prison terms. For instance, political leaders **Hassan Mushaima** and **Abdulwahab Hussain** are serving life in prison, being [denied medical care](#) as a punishment for their political stands and leading the 2011 February 14th uprising. **Sheikh Ali Salman**, Al-Wefaq's Secretary-General, remains [arbitrarily detained](#) following a four-year sentence for giving political speeches. In 2015, the [UN Working Group on Arbitrary Detention](#) declared his detention arbitrary and called for his release. On 21 June, the Court [will be issue](#) it verdict in a separate case where Sheikh Ali Salman face a potential death penalty on [unfounded new charges](#) stemming from Qatar's mediation attempt during the 2011 unrest and the ongoing diplomatic crisis within the Gulf Cooperation Council (GCC).

- Ensure the security and safety of all citizens irrespective of their political views, affiliation or confession; by building a truly pluralistic society that is respectful of diversity, and, in that regard, release of Sheikh Ali Salman and other activists currently being held arbitrarily in Bahraini prisons.

Members of dissolved political groups banned from running for the 2018 elections. On [24 April](#) and [13 May 2018](#), both Chambers of Bahrain's National Assembly respectively approved a bill amending the second paragraph of Article 3 of [Law No. 14 of 2002 on the Exercise of Political Rights](#). The new provision [would permanently prevent](#) from running for office in the Council of Representatives (the elected Chamber): any "*persons previously convicted to a prison sentence of six months or more*"; "*leaders and members of dissolved political organizations that were dissolved by a final sentence for committing a serious violation of the provisions of the Kingdom's Constitution or laws*"; "*whoever destroys or disrupts the conduct of constitutional or parliamentary life by terminating or leaving the parliamentary work in the Council [of Representatives] or had their membership revoked for the same reason*", i.e. those who boycotted the elections. In effect, the new provision [would apply](#) to nearly all of Bahrain's political opposition groups, as well as thousands of Bahrainis sentenced to lengthy prison terms for exercising their rights to free expression, association, and assembly. The bill now needs to be ratified by the King.

- Immediately halt the suppression of different political opinions in the country and the repression of their leading representatives, regardless of their political or religious affiliation
- Ensure political pluralism by re-opening dissolved opposition groups as a preliminary step to guarantee free and fair elections and the relaunch a meaningful and inclusive national dialogue to reach a national consensus on a serious reform program;
- Ensure the participation of representative opposition groups to the 2018 elections; guarantee essential civil and political rights without which the electoral process would be meaningless.

Closure of independent media. The government also [indefinitely suspended](#) the only independent newspaper, *al-Wasat*, in June 2017. In 2016, the Ministry of Information [did](#) not renew the accreditation of several journalists, based on vague arguments.

- Rescind the arbitrary decision to close the only independent newspaper in the country, *al-Wasat*, and end its campaign against freedom of press and journalists.

Crackdown on fundamental rights and human rights defenders. Since June 2016, the Bahraini authorities have dramatically stepped up their crackdown on dissent – severely undermining the prospects for a political solution to Bahrain’s 2011 domestic unrest. Between June 2016 and June 2017, [at least 169 dissidents](#) or their relatives were arrested, summoned, interrogated, prosecuted, imprisoned, banned from travel, threatened, or arbitrarily revoked of their nationality. Human rights defenders, lawyers, journalists, political activists and leaders, Shia clerics, and peaceful protesters have been particularly impacted. Thousands of political prisoners [remain](#) in detention.

On 5 June 2018, Bahrain’s High Criminal Court of Appeal [upheld](#) the five year sentence against Bahrain’s leading human rights defender **Nabeel Rajab** in relation to tweets about the Saudi-led coalition airstrikes in Yemen and allegations of torture in Bahrain’s Jaw prison. This shameful verdict follows an [unfair trial](#) marred by allegations of mistreatments and procedural flaws. In July 2017, Rajab [was sentenced](#) to two-year imprisonment for comments he made in television interviews. [EEAS](#), [DROI Chair](#), [MEPs](#) and various EP Resolutions (notably [EP Res July 2016](#), [EP Res 2015](#) , [EP Res 2014](#)) have called for Rajab’s release and an end to the repression of human rights defenders. Despite critical health condition, Nabeel Rajab, 53, [continues](#) to be denied [independent, adequate and trusted care](#). [*See factsheet attached*]

The authorities have also targeted Bahraini activists residing outside Bahrain. On 30 October 2017, [in reprisal for the human rights work](#) of UK-based activist, **Sayed Ahmed Alwadaei**, his mother-in-law, Hajer Mansoor Hassan, his brother-in-law, Sayed Nizar Alwadaei, and a cousin, Mahmood Marzooq Mansoor, have been [sentenced](#) to 3 years in prison on fabricated terrorism charges, based on [coerced confessions](#). After facing two additional separate trial on similar politically-motivated charges, Sayed’s brother-in-law was ultimately [sentenced](#) on 5 June to 11 years imprisonment in total. On 21 March 2018, his wife was [sentenced in absentia](#) to two months in prison for “insulting” a public official.

Thousands of other Bahraini [political prisoners](#) remain incarcerated. Among those are high-profile figures, such as Bahraini-Danish human rights defender **Abdulhadi al-Khawaja** and **Dr. Abduljalil Al-Singace** who are serving a [life sentence](#) for engaging in peaceful political protests in 2011. Abdulhadi Al-Khawaja was convicted in 2011, after a grossly unfair trial, on charges including “*setting up terror groups to topple the royal regime and change the constitution*” for his involvement in peaceful anti-government protests. Together with Rajab, Al-Khawaja launched the Bahrain Centre for Human Rights (BCHR) and the founder of Gulf Center for Human Rights (GCHR). [EP called for his released in 2017](#). [*See factsheet attached*]

- Cease the crackdown on the rights to freedom of expression, association, and peaceful assembly;
- Revise or repeal laws that unduly restrict freedom of expression and freedom of peaceful assembly and association;
- Immediate and unconditional release of Nabeel Rajab, Abdulhadi al-Khawaja and all political prisoners and all those solely detained for their peaceful exercise of human rights, and drop all the charges against them;
- Guarantee the physical and psychological integrity of Nabeel Rajab and to provide him with *adequate and independent* healthcare;
- End to all acts of violence, harassment and intimidation, including at judicial level, and to the censorship of human rights defenders, political opponents, peaceful protesters and civil society actors by state authorities and the security forces and services;

- Allow representatives of civil society and the media to participate in the work of international bodies, and respect the fundamental human and political rights of Bahraini civil society representatives

Scores of arbitrary citizenship revocations, including eight new deportations of national. On 15 May 2018, Bahrain Court [stripped](#) 115 Bahraini of their citizenship in yet another unfair mass trials. This is the largest mass denaturalisation of Bahrainis in the last six years. In 2018 alone, 208 Bahrainis have been [stripped of their citizenship](#) during unfair trials, and eight others have been [deported](#). Since 2012, [more than 700 Bahrainis of citizenship](#) had their citizenship revoked, as yet another attempt from the Government to silence activists, human rights defenders, journalists, politicians and religious leaders. Among these cases, **Sheikh Isa Qassim**, the highest Shia religious authority in Bahrain, had his citizenship arbitrarily [revoked](#) in June 2016 by the Ministry of Interior for [allegedly causing](#) “*damages to the interest of the State or took action contrary to the duty and loyalty to it*”, though it failed to present any credible evidence. Stripping citizens of their nationality based vague allegations without due process protections violates Bahrain’s obligations under Article 15 of the Universal Declaration of Human Rights.

- Put an end to the practice of revocation of nationality that would render an individual stateless;
- Revoke the decision to denaturalise Sheikh Isa Qassim, amend the country’s citizenship law and restore Bahraini citizenship to those individuals who have been unfairly stripped of it, so as to comply with international standards and international law on the matter.

Country not accessible to international mechanisms and organisations. End of April, Bahraini authorities [declared](#) unable to host the DROI delegation “*due to time constraints and a difficulty in ensuring a successful visit with high-level contacts*”. Paradoxically, it had [accepted](#) a potential visit of EP Bahrain Group of Friendship Group at the same period and [had welcomed](#) a delegation of MEPs from European Conservatives and Reformists Group early March 2018. Bahrain had already [cancelled](#) a first DROI request in October 2017. Since 2006, the Bahraini government [has denied entry](#) to Bahrain to all UN Special Procedures mandate holders who requested to visit the country. In recent years, Bahrain has routinely [denied](#) entry to international NGOs such as [Amnesty International](#), [human rights advocates](#) and [critical journalists](#) – preventing them from documenting the government’s ongoing human rights abuses. On 4 April 2018, Bahraini authorities denied entry to [Lars Aslan Ramussen](#), a Danish Parliamentarian, and [Brian Dooley](#), advisor for the Gulf Center for Human Rights, who were travelling to Manama to visit Bahraini-Danish human rights defender, [Abdulhadi Al-Khawaja](#), on the seventh anniversary of his arrest.

- Cooperate with UN Special Procedures, including providing access to UN Special Rapporteurs (notably on torture, freedom of assembly, the independence of judges and lawyers, and human rights defenders);
- Grant access to international NGOs wishing to visit Bahrain.

2. Backtrack on reforms: re-empowering the NSA, military trials and death penalty

NSA granted detention power amid new torture reports. Last year, Bahrain reversed the two primary reforms implemented after the 2011 protests, and subsequent [Bahrain Independent Commission of Inquiry \(BICI\) report](#).

In January 2017, Bahrain [re-empowered](#) its National Security Agency (NSA) with the authority to arrest, detain and interrogate individuals suspected of terrorism or security-related crimes. The NSA’s role had been [restricted to intelligence gathering](#) in 2011, in response to the BICI report which concluded that NSA officers systematically tortured detainees in 2011. Since then, NSA officers faced renewed allegations of torturing with [8 new cases of torture](#) against government critics reported between 23 and 28 May 2017 alone. Among them, woman human rights defender **Ebtisam al-Sayegh** was [tortured](#),

sexually abused and pressured to cease all her human rights work. She was re-arrested a month later and charged with terrorism-related offences on 18 July. She was temporarily released on 22 October pending her trial on "terrorism" charges.

- Reversed recent reforms backtracking on BICI recommendations, and in particular limit NSA's power to intelligence gathering, stop military trials against civilians and the use of death sentencing;
- Implement swiftly and effectively all the recommendations issued by the BICI and during the 3rd Cycle of the Universal Periodical Review in order to effectively improve the human rights situation.

A worrying resumption of military trials against civilians, a first since 2011. Following a constitutional amendment ratified by the King on 3 April 2017, military courts have been empowered to try civilians deemed to be a threat to Bahrain's national "*independence, sovereignty and security*." In practice, the vaguely worded amendment could be used to try any civilian charged under anti-terrorism law, including peaceful activists. Military courts last operated in Bahrain under the 2011 state of national emergency, and the BICI report concluded that it systematically violated the "*fundamental principles of a fair trial*". Since the new amendment, 12 civilians and one soldier have been sentenced by Bahrain High Military Court. On 25 April 2018, the military Court of Cassation upheld four death sentences against civilians and a soldier, after grossly unfair trials. While the sentences were commuted to life imprisonment by the King the following day, "*the fact remains that they should have never been convicted on the basis of flawed trials, let alone sentenced to death, and they still face life sentences*", stressed UN experts on 30 April 2018, calling for the retrial of the four men.

- Quash the conviction adopted by the military courts and allow the re-trial before an independent and competent ordinary court that meets international fair trial standards, to investigate allegations of torture, and if confirmed, exclude all evidence obtained under torture and other ill-treatment;
- Repeal the constitutional amendment that allows the trial of civilians by military courts in line with international standards on fair trial.

Unprecedented wave of death sentences, including 5 facing imminent executions. On 15 January 2017, Bahrain ended a nearly seven-year *de facto* moratorium on the death penalty by illegally executing three torture victims, Ali Al-Singace, Abbas Al-Samea and Sami Mushaima – the first executions to be carried out since 2010, and the first against Bahrainis since March 1996. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions declared the executions "*extrajudicial killings*" while both the European Parliament and the EEAS condemned them.

Since 2017, the number of death sentencing has dramatically spiked, revealing political use of capital punishment. Fifteen individuals were sentenced to death in 2017, and three so far in 2018. While on 26 April 2018, the King of Bahrain commuted four death sentences to life imprisonment, the Court of Cassation has continued to uphold death sentences. There are currently twenty-one men on death row – a record in Bahrain's history – including 5 facing imminent executions (**Maher Abbas Ahmad, Salman Isa Ali Salman, Sayed Ahmed Fuad Abbas Isa Ahmed AlAbbar, Husain Ali Mahdi Jasim Mohamed, Husain Ebrahim Ali Husain Marzooq**).

Among those on the death row, **Mohammed Ramadan** and **Husain Ali Moosa** were sentenced to death in December 2014 after an unfair trial and despite credible allegations of coerced confessions. The EP resolutions of 4 February 2016 on the case of Mohammed Ramadan and of 16 February 2017 on executions in Kuwait and Bahrain both called for that King Hamad bin Isa Al Khalifa to halt their executions. On 25 January 2017, two UN human rights experts called the Bahraini government to "*ensure a retrial of the defendants in compliance with international standards*". On 7 May 2018, the Ministry of Justice agreed on a retrial request issued by the Special Investigation Unit, citing new elements.

- Call on Bahrain's King to halt the execution of the five individual facing imminent executions and on the Bahraini authorities to ensure re-trial in compliance with international standards, recalling that all allegations of human rights violations committed during the proceedings must be duly investigated;
- Commute all death sentences, introduce an official moratorium on all executions with a view to the abolition of the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights

Ban on peaceful protests and excessive use of force. Since August 2013, protests [are](#) banned in Manama. While Bahrain's security forces have faced sporadic violence during some clashes with protesters, security forces continue to use excessive force. Last year [six Bahrainis, including a child died](#) in protest-related violence; no security officials have been held accountable. Five UN experts have [described](#) these killings as "*unlawful*".

- Lift a ban on peaceful protests in the capital Manama;
- Stop excessive use of force and arbitrary arrests against peaceful protesters;
- Strongly condemns the agreements on trade in arms and in technologies used to violate human rights;
- Call on the EU to prohibit of exports of tear gas and anti-riot equipment until such time as investigations have been carried out into the inappropriate use thereof and the perpetrators have been identified and brought before the courts.

Widespread torture, lack of accountability and biased institutions. As of September 2016, the Special Investigation Unit (SIU) of Bahrain's Public Prosecution Office (PPO), established in 2012 to investigate officials involved in torture, and other human rights violations, [had only referred 44 cases to the prosecution](#) out of hundreds of reports received. In May 2017, the [Committee against Torture](#) deplored the "*continued numerous and consistent allegations of widespread torture and ill-treatment of persons deprived of liberty*" – in particular detainees arrested on suspicion of terrorism. It condemned "*the climate of impunity*" and the "*widespread acceptance by judges of coerced confessions*" in criminal cases. It also [noted](#) with concern that the bodies with which detainees may file complaints about torture, naming the National Institution for Human Rights (NIHR), the Office of the Ombudsman and the Special Investigation Unit, "*are not independent, their mandates are unclear and overlapping and they are not effective*". The [NIHR 2017 Annual Report](#) completely [omits](#) Government's reversal of the BICI's recommendations and among others, stressed that Nabeel Rajab' trial conforms "*with the basic principles of human rights*".

- Uphold international standards on the right to a fair trial and due process and to comply with international minimum standards as set out in Articles 9 and 14 of the ICCPR;
- Undertake a prompt and impartial investigation into all allegations of torture, to prosecute suspected perpetrators of torture and to dismiss all convictions made on the basis of confessions obtained under conditions of torture;
- Stop the use of any statement made as a result of torture as evidence in any proceedings in line with article 15 of UN CAT and ratify the Optional Protocol to the Convention Against Torture;
- Reform government practices in administration of prisons and detention centres to fully comply with the Nelson Mandela rules for the minimum standard treatment of prisoners;
- Implement reforms that guarantee the effectiveness, impartiality, and independence of human rights institutions, including the National Human Rights Institution, the Ombudsman, the Special Investigations Unit and the Prisoners and Detainees Rights Commission;

3. Continued discrimination and judicial harassment against the Shia community.

Government perspective: a model of religious tolerance. During UN Human Rights Council 37th session in March 2018, Bahrain [presented](#) itself as "*a model in the establishment of tolerance, religious freedom*", priding the adoption of [Bahrain declaration on religious tolerance](#) in July 2017 and the inauguration of [King Hamad's Global Centre for Interfaith Dialogue and Peaceful Co-existence](#) in March 2018.

Systematic discrimination of the Shia majority and targeting of Shia leaders. Behind this facade, Shia Muslims have been subjected to a harsh persecution for decades. Since 2011 the authorities have [intensified](#) restrictions on Shia religious and cultural rights. Among others, the authorities have consistently [denied](#) Shia clerics and worshippers access the city of Duraz under [security siege](#) since June 2016. The government has also long engaged in [discriminatory political districting](#) to undermine predominantly Shia political societies and to disenfranchise Shia voters.

As part of its wider crackdown, Bahraini authorities have increasingly [targeted](#) Shia leaders, in particular political figures. Between June 2016 and February 2017, Bahraini authorities have summoned, charged and/or sentenced [at least 80 Shia religious leaders](#) for "*insulting religious symbols and/or religion, illegal gathering, unlawful protesting, engaging in political speech in sermons and supporting terrorism*". On 29 January 2018, Bahrain's Supreme Court [upheld](#) a one-year prison sentence and the revocation of citizenship of **Sheikh Isa Qassim**, Bahrain's most prominent Shia cleric and the spiritual leader of al-Wefaq, the now dissolved main Shia opposition group. The charges relate solely to the Shia religious practice of *khums*, a payment made by Shia Muslims to Shia clerics for charitable distribution to the community. Last year, hundreds people have been [detained](#) for taking part in an '*illegal gathering*' following security forces deadly raid on peaceful protest in support of Sheikh Isa Qassim. On 22 January 2018, 140 were [released](#) but are still facing trial, despite allegations of torture while in custody, and 24 remain in detention.

- Stop the political nationalisation of foreign citizens in an attempt to change the demographic composition of the country;
- End any discrimination against the Shia population as provided in Bahrain's Constitution.