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Written statement* submitted by the Americans for Democracy & Human Rights in Bahrain Inc, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Examining Bahrain's Implementation of its UPR Commitments at the Mid-Term of its Second-Cycle Review

Americans for Democracy and Human Rights in Bahrain, an organization in consultative status with UN-ECOSOC, acting in tandem with the Bahrain Institute for Rights and Democracy, the Bahrain Human Rights Observatory, and the Bahrain Center for Human Rights, would like to take the occasion of the 27th Session of the Human Rights Council to call attention to the status of the Kingdom of Bahrain's implementation of the recommendations it received under the Universal Periodic Review process. We request that the international community note the lack of progress in Bahrain's implementation of its UPR commitments, and ask the Government of Bahrain to recommit to the implementation of these recommendations with the goal of fully complying with a majority of the recommendations by the occasion of its next review cycle in 2016.

Introduction

On July 6, 2012, the member States of the United Nations Human Rights Council submitted 176 recommendations to the Government of Bahrain as part of Bahrain's second 4-year cycle of its Universal Periodic Review of Human Rights (UPR). In October 2012, the Bahraini government accepted 158 of these recommendations, either in part or in full. The recommendations were broad in scope, covering a range of issues addressing the advancement of labor and women's rights to criminal justice, media and press freedom, and abandoning restrictions on human rights defenders.

The Bahrain government's acceptance of the majority of the 176 recommendations was welcomed by the international community as a means of re-energizing a process of reform and reconciliation in the country. In the two years since, however, Bahrain has failed to fully implement any of the 176 recommendations of its Second Cycle UPR. Although technical measures have been taken to meet the requirements of some of the recommendations, the vast majority of the recommendations have seen no perceived progress towards resolving the problems the recommendations were intended to address. The remainder of the recommendations have likewise seen no meaningful progress towards implementation, or were rejected outright by the government.

The present document will review the Bahraini government's attention to two substantial areas addressed by its 2012 UPR Second Cycle in an effort to identify

Penal Code

In the two years since Bahrain accepted the 158 recommendations of its Second Cycle UPR, the Government of Bahrain has passed multiple new legislative measures that severely curtail citizens' rights to free and peaceful assembly and expression. In July 2013, the Bahraini parliament accepted 22 recommendations criminalizing various forms of dissent. Notably, the recommendations included a ban on protests in the capital of Manama and increased the power of Bahraini authorities to strip protesters of their citizenship.

Further restrictions implemented in February 2014 increased sentencing guidelines for those convicted of insulting the king, flag, or national symbols. Penalties for such crimes were previously undefined, but now entail sentences of up to seven years imprisonment and fines of up to BD 10,000 (US\$26,500). Due to these expansive legislative measures, Bahrain's population of political prisoners sentenced for their peaceful assembly or expression has grown to almost 4,000 detainees. Many of this number include children as young as 10 years old, sentenced under dubious terrorism charges relating to political expression and illegal assembly.

Criminal Justice

A full 26 of the 176 accepted recommendations concern reforming the criminal justice system; the Government has failed to implement them in any meaningful manner. In a recent report on Bahrain's UPR implementation, ADHRB found that the government continues to systematically employ the practices of enforced disappearance, arbitrary

detention, and torture. ADHRB further found that the government often used confessions derived from torture to secure criminal convictions.

In 2014, ADHRB began a program in which it documented allegations of human rights abuses concerning acts undertaken against the physical person. Within that program, ADHRB has documented fresh reports of the continued use of arbitrary detention, torture and ill-treatment, deprivation of legal counsel and lack of medical treatment in detention throughout 2014. As of September 2014, we have documented approximately 80 allegations of arbitrary detention, 50 allegations of torture, and 20 allegations of enforced disappearance. We have additionally documented at least 20 cases where the government allegedly used false confessions to secure convictions, and an additional 20 cases where the government allegedly convicted persons under vague anti-terrorism laws using flawed or even deliberately falsified evidence. Of these cases, approximately 40% involved minors, and several cases involved the persecution of children ages 10-15. These numbers represent only that which ADHRB has had the resources to firmly and concretely document; ADHRB has substantial reason to believe that they represent only a small percentage of the actual human rights abuses against the physical persons of the Bahraini people.

The particularly egregious offense of extrajudicial killing has likewise continued in Bahrain. On 8 January 2014, Bahraini authorities extrajudicially killed an unarmed 19-year-old minor Bahraini citizen named Fadhel Abbas by opening fire upon him with live ammunition. After authorities apprehended Abbas, the child would not be seen again until 26 January, when his parents were told to pick up his body from a government morgue. Photos of the body show that Abbas died from a gunshot wound to the back of the head. In another case that began on 18 August 2013, government forces arrested "Mr. A," a Bahraini citizen who was suffering from AIDS. Mr. A alerted authorities to his condition, but they refused to provide him with the medical treatment necessary to treat his disease and prolong his life. On 12 October 2013, Mr. A died of AIDS-related complications while in government custody.

These two cases serve to highlight two overall patterns of abuse implicating the government in extrajudicial killings. In the first case, security forces killed a young man by engaging in the excessive use of force against an unarmed suspect; in the other, the Bahraini government denied a diseased person access to life-saving medication. Both of these issues have a well-documented history in Bahrain. The UPR recommendations relevant to the subject of extrajudicial killing ask the government to investigate and prosecute those responsible for such killings. ADHRB notes with pleasure that the case of Fadhel Abbas has resulted in the criminal prosecution of one Yemeni police officer connected with the killing, although ADHRB still has concerns regarding the case. However, ADHRB has been unable to document the criminal prosecution of any other person connected with an extrajudicial killing in the last year.

Despite the growing body of documentation of human rights abuse, ADHRB has been unable to document any additional prosecutions of individuals responsible for these crimes. Furthermore, many claims of torture and ill-treatment are rejected by Bahraini courts and investigations into these allegations have not been forthcoming. Bahrain's 2012 UPR likewise intended to address the issue of impunity for human rights violations. However, despite accepting recommendations to combat this issue, the government has undertaken no legislative or regulatory measures to address impunity, and Bahraini courts have left high-ranking officials unaccountable for ongoing human rights abuses taking place throughout the country. Victims of torture, ill-treatment, or death have likewise not found redress or, when applicable, rehabilitation in line with both the recommendations of the 2012 UPR and Bahrain's obligations under the Convention against Torture (CAT).

Conclusion

In the same manner that Bahrain has failed to address the UPR recommendations concerning its penal code and criminal justice system, it has additionally failed to make any substantial progress in complying with recommendations in other key areas. In its full report issued in January 2014 and updated in September of the same year, ADHRB documents that the government has significantly failed to implement reforms in the areas of criminal justice, penal code, nationality, family law, combating human trafficking, providing social services, reforming its constitution and national legislation, respecting human rights, and providing for gender equality.

During this session of the Human Rights Council, the Government of Bahrain will issue a report assessing its own implementation of its UPR recommendations. We encourage the government to carry out this report in an open, frank, and transparent manner, and ask that the government use this opportunity to engage with the Bahraini NGO community and civil society in an effort towards addressing the human rights situation currently affecting the country. We also call on the Bahraini government to transparently and aggressively recommit itself to fully implementing both the letter and the spirit of the UPR's recommendations, so as to build confidence, establish trust and create space for a meaningful national dialogue.

In the event that the Government of Bahrain continues to disregard its commitments to implementing the UPR recommendations, we call on the international community to increase its efforts to shine a light on the human rights abuses that persist in Bahrain. We additionally hope that the international community will continue to encourage the Government of Bahrain to implement reforms as a means of building confidence and establishing trust in order to create an environment conducive to holding a national dialogue, as this remains the only viable means of bringing about peace, security and prosperity.
