

Bahrain 3rd UPR review

Joint NGO Submission has been prepared by the

SALAM Democracy and Human Right

And

Sentinel Human Right Defenders

This Joint NGO Submission has been prepared by the SALAM Democracy and Human Right and Sentinel Human Rights Defenders.

SALAM for Democracy and Human Rights (SALAM DHR) is an NGO that endeavours to preserve universal principles of in the pursuit of this vision, SALAM DHR aims to influence British, European and UN representatives to improve the situation in the Middle East, and foster awareness of human rights and democracy.

SENTINEL Human Rights Defenders is a transnational Non Government Organisation that promotes the global empowerment and mutual participation of civil society to foster the compliance of and adherence to human rights values, standards and law in contexts where those fundamental principles are denied or at risk.

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Bahrain Systematically Targeting Human Rights Defenders

Human Rights Defenders in Bahrain are severely targeted both for their words and actions on an ongoing basis. The security forces and police, the courts and judges and the legislative branches are all operating against the activists and their democratic and peaceful aims, by using excessive force and disrespect for the rule of law and human rights in order to retain power.

Introduction

Article 1 of the Declaration on Human Rights Defenders states “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” The government of Bahrain does not respect this article as activists in the country are continuously being harassed and engaging in arbitrary arrests, false charges and human rights violations.

Negligence of the UPR Stake Holder Report Recommendations, 2012

In the 2012 UPR Stakeholder Report for Bahrain, several human rights organisations noted the strong evidence that human rights defenders in detention had been tortured and ill-treated. Moreover, the stakeholders highlighted that dozens of people had been sentenced after being prohibited from adequate access to lawyers and having been forced to sign confessions extracted under torture. The state of Bahrain was requested to examine the following recommendations, related to human rights activities, made in the 2012 UPR:

- 115.3. “Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the First and Second Optional Protocols to the International Covenant on Civil and Political Rights; the International Convention for the Protection of all Persons against Enforced Disappearance”
- 115.23. To reflect in domestic law-in particular the Penal Code and Code of Criminal Procedure-Bahrain’s obligations under international human rights laws and conventions
- 115.24. Align the national legislation on freedom of expression, association and assembly with country’s international HR obligations
- 115.27. Amend any article of its Penal Code that can be used to prosecute individuals for the exercise of the rights to freedom of expression, peaceful assembly or association, and bring its laws into line with international standards established by the International Covenant for Civil and Political Rights
- 115.91. Release, immediately and unconditionally, all detainees, who have participated in peaceful protests lacking credible criminal charges
- 115.150. Abandon any restriction or obstacle to the work of persons and institutions engaged in the protection and promotion of human rights

- 115.157. Abolish legal provisions unduly restricting peaceful demonstrations, remove restrictions on freedom of expression contained in Law 32 of 2006, and allow the opposition greater access to television broadcasts, radio broadcasts and print media
- 115.158. Cease all intimidation or repression against human rights defenders, journalists and Non-Governmental Organizations

Despite these recommendations, however, the Bahraini government has failed to implement its commitment to protect activities of human rights defenders, in addition to its negligence of BICI Recommendations in the previous year.

Failure to implement the BICI Recommendations, 2011

Since the release of the BICI report in 2011, the Bahraini government has failed to adequately address many of its recommendations related to the rightful activities of human rights defenders. While human rights has been steadily deteriorating up in Bahrain, the government has been proclaiming that it has been implementing recommendations it had received both from BICI and UPR process. Yet, oppressive security measures against human rights defenders clearly reflect that the Bahraini government has neither implemented the BICI and the UPR recommendations nor introduced any meaningful reform.

Bahraini human rights activists have constantly faced detention and prison sentences for their peaceful exercise of free expression and thought. The government continues to target human rights defenders and to censor critique of government policies, disrupting their activities in the international arena. For instance, 17 human rights defenders were banded to travel by the Bahraini authorities to attend the previous HRC 32nd session and the current 33rd session of the Human Rights Council.

Case Study:

- Nabeel Rajab

Nabeel Rajab, a renowned human rights defender, is currently facing up to 12 years in prison for criticizing the Saudi military operations in Yemen and commenting on the government's response to prison unrest, a clear violation of his right to freedom of expression. Rajab was sent to solitary confinement and was not allowed to attend his mother's funeral, which constitutes arbitrarily punishment considering his important role in the Bahraini civil society.

Rajab began to actively engage in struggles for democratic reforms in Bahrain in the 1990s and founded the Bahrain Centre for Human Rights. He was first arrested in June 2011, following the popular uprising where he was one of the leading figures. He was detained and arrested again the following year, and spent two years in prison for

“illegal gathering”. Between 2014 and 2015, the police and the courts created an ongoing circle of arresting Rajab, setting a date for his court hearing, adjourning the hearings and freeing him only to arrest him again shortly. He has also received arbitrary travel bans.

On 13 June 2016, he was taken from his home early in the morning while his electronic devices were seized. The next day, he was charged with “spreading false news” and has been in detention since, awaiting trial. After 15 days in solitary confinement, Rajab was hospitalised in late June.

On 7 July, the European Parliament adopted a resolution condemning recent human rights abuses in Bahrain and called for an end to the ongoing repression against the country’s human rights defenders, political opposition and civil society, including Nabeel Rajab.

His trial was due to take place on 2nd of August, but was postponed until 5th of September.

- Sheikh Maytham Al-Salman

Sheikh Al-Salman is head of the Religious Freedom Unit in the Bahrain Human Rights Observatory and works with the Mashreq-Maghreb Coalition to Counter Hatred. He is considered an international spokesperson for peace and human rights, and has helped foster and strengthen positive relations between different cultures and regions. He has taken part in several human rights conferences and meetings within the mechanisms of the UN Human Rights Council, including his attendance at its most recent session in June 2015.

On 14th August, 2016, Sheikh Maytham Al-Salman was summoned to the Hamad police station for questioning, without being allowed to be accompanied by a lawyer. He was then interrogated for 26 hours under sleep deprivation, before being released on bail on charges of “illegal gathering” in relation to his participation in an open-ended sit-in in Duraz, which started on June 20, 2016, to denounce the arbitrary revocation of the citizenship of a Shia leader, Sheikh Isa Qasim, by the Bahraini authorities.

Sheikh Maytham Al-Salman is currently under a travel ban, and no date has yet been scheduled for the first hearing.

Recommendations:

- Include opposition groups and civil society in the implementation of the BICI and the UPR recommendations
- Take appropriate measures to ensure that civil society groups can actively take part in the public debate on human rights
- Ensure that participation and attendance of human rights defenders in international meetings and conferences advocating human rights, including those of the UN Human Rights Council, are not subject to any intimidation or repression
- Abandon any restrictions or obstacles to the activities of individuals and organisations engaged in the protection and promotion of human rights
- Immediately and unconditionally release all activists held in custody for defending human rights in Bahrain
- Promptly halt all kinds of harassment and unjust trials against human rights defenders in Bahrain
- Enable human rights defenders in Bahrain to carry out their legitimate human rights activities without being subjected to intimidation or retaliation
- Allow human rights activists to collaborate with the United Nations and international organisations in the field of human rights without being exposed to any kinds of violations
- Investigate promptly and impartially all allegations of torture and ill-treatment and prosecute any officials in charge
- Respect the Declaration of the Rights and Responsibility of Individuals, Groups and Civil Society to promote and protect human rights and fundamental freedoms recognized in international conventions
- Guarantee human rights activities of individuals and organisations, by reviewing the government's commitment to freedom of expression, and enact appropriate legislation, complying with the International Bill

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