

BAHRAIN

IMPRISONMENT, TORTURE AND STATELESSNESS: THE DARKENING REALITY OF HUMAN RIGHTS DEFENDERS IN BAHRAIN

International Mission Report



June 2015

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INTRODUCTION

In Bahrain, the Government is known for undermining the action of non governmental organisations (NGOs) both through law and practice. NGO leaders critical of the regime's policies, in particular human rights defenders, have been subjected to harassment and their organisations have been facing numerous restrictions to their operation. This has intensified following the widespread pro-democracy demonstrations which started in February 2011 and the situation of human rights defenders went from bad to worse.

Dozens of defenders are detained in Bahrain, among them Mr. **Nabeel Rajab**¹, a well-known defender at national and international levels. While his human rights work has been recognized internationally, within Bahraini society he remains a figure of controversy. A "hero to protesters" of the Bahraini Spring for his tireless monitoring and denunciation of human rights violations and his peaceful participation in the demonstrations, he has been described as a "villain" by the authorities and pro-government sectors of society.

Nabeel Rajab has been targeted for his efforts to highlight gross human rights violations against ordinary citizens, human rights defenders and actual or perceived political opponents in Bahrain, in particular since the beginning of the popular uprising in the country in February 2011. His strategy includes the use of *Twitter*, *Facebook*, and other social network tools, in addition to traditional media outlets and speeches given at public gatherings.

But Mr. Rajab is only the most visible face of a repression that has targeted many Bahrainis who have decided to stand up for human rights. While his trial was the impetus for the mission that resulted in this report, here we document several cases of human rights defenders currently in prison or who have suffered judicial harassment at the hands of Bahraini authorities. From teacher **Mahdi Abu Deeb** to blogger **Zainab Al Khawaja**², they are often prosecuted for various charges, whether or not they have yet been sentenced. Such constant judicial harassment has psychological, social and physical impacts and it impedes those subjected to such abuse from doing their work, creating a constant fear of arrest, which can amount to ill-treatment. Some of them have even reported acts of torture while in detention.

In order to illustrate judicial harassment in Bahrain, this report carefully details the legal structure and judicial instruments available to the authorities to subject dissenting voices to such treatment, as well as the way the apparatus functions. In taking a close look at the Bahraini system, the Observatory seeks to unveil the ongoing human rights violations against human rights defenders.

Finally, the Observatory recalls its call for the immediate release of all human right defenders currently in arbitrary detention and for the Bahraini authorities to undertake genuine and effective reforms, as well as to guarantee in all circumstances the physical and psychological integrity of all human rights defenders in Bahrain.

1. Nabeel Rajab is part of the campaign #ForFreedom, launched by FIDH in 2014, <http://en.freedom-defenders.org/>.

2. See Section II – "Cases of human rights defenders subjected to judicial harassment in Bahrain" for comprehensive profiles of Mr. Mahdi Abu Deeb, Ms. Zainab Al Khawaja and other human rights defenders.

METHODOLOGY

Following the arrest and the pressing of criminal charges against Mr. Nabeel Rajab, FIDH Deputy Secretary General, President of the Bahrain Centre for Human Rights (BCHR) and a member of Human Rights Watch's Middle East Advisory Board, the Observatory decided to request visas to observe the trial of Mr. Rajab. Thus, since October 2014, the Observatory, unsuccessfully applied for a visa on 8 occasions to observe the various hearings of the trial in first instance³, and in appeal⁴. At the end of March 2015, the Observatory finally got a seven-day visa. The date for the trial hearing against Mr. Nabeel Rajab was changed, but the Observatory decided to maintain a visit to Bahrain from April 10 to April 15, 2015, with the aim of addressing the situation of judicial harassment faced by Mr. Rajab. The objective of the mission was to: meet with relevant Bahraini judicial authorities to discuss the proceedings faced by Mr. Rajab; investigate the allegations of arbitrary detention and violation of the rights to a fair trial and to freedom of expression concerning Mr. Rajab, and more generally on the situation of human rights defenders in the country; meet with civil society representatives; meet the diplomatic community to discuss about the situation of Mr. Rajab and other human rights defenders facing criminal charges. Lawyer Ms. Safya Akorri (French national) was mandated by the Observatory to conduct the visit.

The mission's delegation sought meetings with Government officials, representatives of the judiciary and the legal profession, academics, lawyers, and other members of civil society in order to undertake a full evaluation of the fairness of the trial. However, the requests for meetings sent to the Ministry of Justice, the Ombudsman and the Office of the Prosecution were not answered by the authorities. In addition, Ms. Akorri placed a formal request to meet Mr. Rajab, who had been placed under arrest on April 2, 2015, but was not authorised.

Following the mission, the Observatory requested visas to observe subsequent hearings in the trial against Mr. Rajab (May 4 and 14, 2015) but no visa was issued. Mr. Rajab was convicted and sentenced on May 14, 2015, to a six-month prison term. The Observatory deeply regrets the lack of cooperation and transparency displayed by the Bahraini authorities which prevented the monitoring of any of the trials.

Human rights defenders is a term used to refer to ***anyone, individuals, groups and organs of society, who, in conformity with the international instruments of protection of human rights, acts on behalf of individuals or groups for the promotion and protection of universally recognised human rights and fundamental freedoms, whether individually or in association with others.***

With the adoption by the UN General Assembly of 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", commonly known as the "Declaration on Human Rights Defenders", in 1998, the General Assembly codified the right and the responsibility to defend human rights. For the first time, UN Member States explicitly committed themselves to promoting the work and protecting the rights of those acting towards the implementation of the ideals enshrined in the Universal Declaration of Human Rights (UDHR) and other human rights instruments.

While the Declaration is not itself a binding instrument, it contains a series of rights and principles which are based on and reflect existing, legally binding, human rights standards. It recalls rights attached to the activities of human rights defenders, including, *inter alia*, the rights to freedoms of expression, association and peaceful assembly, to protest, and to conduct advocacy at national, regional and international levels, as well as the right to seek, obtain, receive and hold information relating to human rights, the right to make complaints about official policies and acts relating to human rights and to have such complaints reviewed, the right to benefit from an effective remedy, etc.

3. The hearings took place on the following dates: October 19, 2014; October 29, 2014; November 2, 2014 and January 20, 2015.

4. The hearings took place on the following dates: February 11, 2015; March 4, 2015; March 15, 2015 and April 5, 2015.

I. THE CONTEXT: A SHRUNKEN SPACE FOR HUMAN RIGHTS DEFENDERS

A. Political context

Since the eruption of popular protests in Bahrain in February 2011, the human rights situation in the country has severely deteriorated. The protests called for political and economic reforms, the release of all political prisoners, fair distribution of wealth and an end to the use of torture⁵. The protests took place in a context of a more general movement denouncing discrimination against the Shia majority⁶, the lack of transparency and corruption in government institutions, as well as the denunciation of anti-democratic practices by the Government. Protests have continued since then and have been met with excessive use of force as well as the arrest and imprisonment of peaceful protesters. According to FIDH member organisation, the Bahrain Center for Human Rights (BCHR), at least 97 individuals have died as a result of political violence since 2011⁷.

Since the eruption of the protests in 2011, the authorities unleashed a systematic crackdown on dissenting voices which was coupled with a rhetoric of human rights reforms at the international level. For instance, in 2011 the Government established the Bahrain Independent Commission of Inquiry (BICI), tasked with investigating the events of February 2011. The BICI released its report in November 2011 with a list of recommendations to the authorities, which they subsequently accepted⁸. Moreover, at the occasion of the Universal Periodic Review (UPR) of Bahrain in September 2012, the authorities pledged to implement 158 recommendations⁹. However, four years later, recommendations of the BICI and UPR remain largely unimplemented¹⁰ and human rights violations and their impunity remain the norm.

Indeed, the authorities continue to implement repressive measures to silence dissent and curtail fundamental freedoms in particular freedom of expression, assembly and association. The country is currently gripped with political deadlock as the last parliament elections in November 2014 were boycotted by the main opposition party, Al Wefaq National Islamic Society, and the national dialogue has been suspended since January 2014. The authorities also directed a series of repressive measures against political societies including Al Wefaq, from arrest of its leaders¹¹, to suspension of its activities¹². Judicial harassment against dissenting voices, in particular political opponents but also human rights defenders, is widespread since 2011, and the practice of torture during arrests, and in detention, continues to be massively denounced.

Repressive measures against dissenting voices also include the revoking of the Bahraini nationality. On November 6, 2012, the Ministry of Interior published a list of 31 persons who would be **deprived of their nationality**. This decision was based on Article 10 (c) of the 1963 Bahraini Citizenship Act, pursuant to which "the Ruler" has the authority to revoke the citizenship of

5. FIDH conducted a fact-finding mission to Manama in April 2012. Full report (Sept. 2012) is available at: <https://www.fidh.org/IMG/pdf/rapbahrain595a.pdf>.

6. For more information on discrimination against Shia, see ADHRB report (March. 2015) available at: <http://adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>.

7. For full list of deaths and causes of death see BCHR's list, available at: <http://bahrainrights.org/en/node/3864> (last update Feb. 2015).

8. See report of the Bahrain Independent Commission of Inquiry, available at: <http://www.bici.org.bh/>.

9. List of recommendations available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/bhsession1.aspx>.

10. See ADHRB UPR implementation of recommendations assessment report, available at: <http://adhrb.org/2014/04/a-follow-up-report-on-bahrains-upr-second-cycle-the-deteriorating-human-rights-situation-in-bahrain/>.

11. Sheikh Ali Salman has been in detention since 28 December 2014 facing trumped-up charges. For more details, see FIDH press release available at: <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/bahrain/16907-bahrain-immediately-end-repression-against-political-opponents>. On June 16, 2015, he was sentenced to four years imprisonment.

12. See FIDH joint paper "Human rights in Bahrain: EU must pursue efforts and deepen its search for results" (Sep. 2014), available at: <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/bahrain/16078-human-rights-in-bahrain-eu-must-pursue-efforts-and-deepen-its-search-for>.

any person "damaging the security of the State". In that specific decision, the citizens targeted included former members of Parliament, lawyers, political activists, human rights defenders and clerics, among which only six held another nationality. This decision turned most of the concerned individuals stateless, in violation of Article 15 of the Universal Declaration of Human Rights (UDHR) which states that "Everyone has the right to a nationality" and "No one shall be arbitrarily deprived of his nationality". This provision is considered to reflect customary international law to which Bahrain is legally bound by.

In addition, amendments to the Bahraini Citizenship law were passed in July 2014 granting the Minister of Interior extra competence to revoke the nationality of any Bahraini national. The amended law provides that the Bahraini citizenship may be withdrawn upon request of the Interior Minister and approval by the cabinet of Ministers from any Bahraini citizen who has "caused harm to the interests of the Kingdom".

In accordance to this amendment, a second list was issued on January 31, 2015, by the Ministry of the Interior providing for the revocation of the citizenship of 72 individuals¹³, including human rights defenders and political activists, rendering most of them stateless¹⁴.

Furthermore, the increasing violence across the Middle East including cases such as that of Syria and Yemen has prompted the Gulf countries to impose a series of **counter-terrorism measures**. However, the measures adopted by the Bahraini authorities¹⁵ have failed to affect or curtail extremist violent groups. On the contrary, the counter-terrorism measures are used as a label to hide the systematic repression of peaceful dissent. Amendments to the anti-terrorism law in 2013 included the revocation of nationality as a punishment for the offence of terrorism, and granted the authorities excessive powers allowing them to arbitrarily restrain fundamental rights such as freedom of expression and freedom of association.

In November 2013, the Parliament amended the law on **public gatherings** requiring all organizers to seek official permission to hold assemblies in Manama, which constitutes in practice a ban of any sit-in, gathering or demonstration in the capital. According to the Liberties and Human Rights Department of the Al Wafaq National Islamic Society, between January and April 10, 2015, the authorities rejected at least 83 requests to authorise protests and sit-ins¹⁶.

In September 2013, the Parliament also amended the Law regulating political societies requiring political groups to obtain permission from the government prior to meeting with any foreign diplomats in Bahrain or abroad. The new provisions also increased the penalty faced by those convicted for using websites to publish alleged "false" information and passing them on to foreign agencies.

The practice of **torture** during arrests, and in detention, continues to be massively denounced. However, allegations of torture have been largely ignored by judges: very few investigations have been ordered into such cases, and alleged authors of such crimes have not been brought to justice, even when identified by the victims.

Overall, the Bahraini authorities have demonstrated a lack of political will to end the systematic human rights violations targeting peaceful protesters, human rights defenders and political oppo-

13. See BCHR's list, available at: http://www.bahrainrights.org/sites/default/files/file_attach/Citizenships%20Revoked%2031%20Jan%202015.pdf.

14. The list includes for example human rights defender **Sayed Ahmed Al-Wedaei**, Director of Advocacy at the Bahrain Institute for Rights and Democracy (BIRD); blogger **Ali Abdulemam**, who was sentenced to 15 years in prison *in absentia* for running an online news forum; Dr. **Ali Al-Dairi**, founder of the online news site *Bahrain Mirror*; journalist **Abbas Busafwan**; university professor **Masoud Jahromi**; former opposition MP **Shaikh Hasan Sultan** and lawyer **Taïmoor Karimi**, who was formerly arrested and tortured, and was detained during six months before being sentenced to four months of detention for participating in an illegal gathering.

15. See joint press release of Americans for Democracy for Human Rights in Bahrain (ADHRB), the Bahrain Center for Human Rights (BCHR) and the Bahrain Institute for Rights and Democracy (BIRD), "NGOs Express Concern that Bahrain Anti-Terrorism Amendment Permits Human Rights Violations", on December 19, 2014, available at: <http://www.bahrainrights.org/en/node/7209>.

16. See El Wafaq Press Release on April 15, 2015, available at: <http://alwafaq.net/cmsen/2015/04/15/44573/>.

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nents. Despite some measures taken by the authorities such as the establishment of the Special Investigation Unit within the Public Prosecutor Office, and the Office of the Ombudsman at the Ministry of Interior¹⁷, **impunity for human rights violations largely prevails** and the majority of prosecutions against state personnel have been for low-ranking police officers¹⁸.

In its 2013 report, the National Institute for Human Rights (NIHR)¹⁹ included a series of recommendations to the authorities on the right to physical and moral integrity, right to liberty and security, right to fair trial, right to citizenship, right to freedom of expression, right to peaceful assembly, and right to freedom of association. The NIHR report acknowledged that "the right to physical and moral integrity is still subject to numerous violations at almost frequent rate". The report also highlighted the lack of independence of the Special Investigation Unit at the Public Prosecution and the Office of the Ombudsman at the Ministry of Interior, and noted that there is "discrepancy between the judgements awarded against the accused persons in security cases (...) and the judgements awarded against the accused persons in cases of torture"²⁰. The NIHR presented its views to the government about the "the importance of reducing the period of custody, and granting the accused the right to an effective remedy". It also recommended "the need to reinstate citizenship to those who were deprived of it". It also highlighted to the government the need to recognise the right to freedom of expression which includes "the right to political discourse, public comments, polls, discussing human rights issues" by any method of expression. It also invited the legislative authority to "pass a new law on peaceful assembly that guarantees the freedom to enjoy this right in the context of the relevant international human rights instruments". In addition, it expressed the need of the legislative authority to approve the draft law on civil organizations with "the guarantees for the exercise of the right to organize in line with international human rights instruments".

The Observatory welcomes NIHR's recommendations and urges them to follow up their effective implementation with the authorities as well as, more generally, the compliance of Bahrain with its international human rights obligations.

On the other hand, the Observatory deeply regrets that the annual report did not mention specific cases of violations against human rights defenders who have been systematically targeted by the authorities.

B. Legal framework

As mentioned above, the regime in Bahrain is known not only for restricting the space of independent civil society, but also for criminalising protesters and leaders of dissenting groups, through laws directly contravening the exercise of the rights to freedom of association, freedom of expression and freedom of peaceful protest.

B.1. Restrictions to freedom of association

The right to freedom of association remains today under serious threat both under the current legislation, and as new more repressive draft laws are being discussed.

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17. For an assessment on the Ombudsman, see Americans for Democracy and Human Rights in Bahrain (ADHRB) Report, October 2014 available at <http://adhrb.org/2014/12/a-shadow-report-on-the-office-of-the-ombudsman-and-the-b-nihr/> and ADHRB Press Release, June 9, 2015, available at <http://birdbh.org/2015/06/press-release-ombudsmans-second-annual-report/>.

18. See Human Rights Watch report "Criminalizing Dissent, Entrenching Impunity", May 2014, available at: <http://www.hrw.org/reports/2014/05/28/criminalizing-dissent-entrenching-impunity>.

19. To date the NHRI fails to comply with the Principles relating to the Status of National Institutions (Paris Principles).

20. National Institute for Human Rights 2013 Annual report: http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_%28ENG%29.pdf.

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Freedom of association remains not guaranteed insofar as Act No. 21 of 1989 regulating civil societies²¹ which was amended in 2002 includes several major restrictions. First, it establishes the prerequisite of approval for any association to be constituted, with the silence of the authorities signifying the rejection of that request. Secondly, it grants the authorities the unchecked power to dissolve organisations whose leaders or members are critical of the government and to interfere into the governance of independent civil society organisations²². For example, the authorities dissolved the Bahrain Centre for Human Rights (BCHR) in 2004 and the Bahrain Teacher's Society in 2011. They also replaced the boards of the Bahrain Human Rights Society (BHRS) in 2010, and the Bahrain Medical Society in 2011, as well as cancelled the results of the election of the board of the Bahrain Lawyers Society in 2011. Thirdly, it severely limits the ability of civil society organisations to collect funding internally and from abroad²³.

A new draft law on associations was adopted by the Government in 2012 without consultation with independent civil society organisations over the draft law but has yet to be approved by the two national assembly houses. Furthermore, if passed in its 2012 version, the draft law will even further restrict the work of civil society organisations²⁴. For example, the draft law prohibits "any effort to revive an NGO that has been dissolved or merged into another organisation", "requires an organisation seeking to register to have a two year operational budget and to provide evidence that it has a physical office", and "increases the required number of founding members from 10 to 15"²⁵.

The current legislation and the 2012 draft law both contradict with Bahrain's international human rights obligations arising from the International Covenant on Civil and Political Rights (ICCPR) which guarantees the right to freedom of association as they severely restrict the capacity of civil society to function.

B.2. Criminal provisions used to repress human rights defenders

Following the 2011 "Bahraini Spring", hundreds have been prosecuted for "illegal gathering" or accused of trumped up charges related to their participation or support of peaceful protest movements.

The criminal provisions used to sanction freedom of assembly, such as "participating in an illegal assembly", "calling others to join" and "rioting and participating in an illegal gathering" arise from Law 32/2006 on public meetings, processions and gatherings, amending Decree Law 18/1973; and Articles 178 to 182 of the Bahrain, Penal Code, Special Section, Part I, Chapter 3 Demonstrations and Riots²⁶.

Human rights defenders are also routinely prosecuted and sentenced for exercising the right to freedom of expression. Criminal provisions used to sanction freedom of expression include the following:

- Article 133 of the Penal Code, which provides that: "A punishment of imprisonment for a period not exceeding 10 years shall be inflicted upon any person who deliberately announces in wartime false or malicious news, statements or rumours or mounts adverse publicity campaigns, so as to

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21. Full text of the 1989 law is available at: <http://www.icnl.org/research/library/files/Bahrain/21-89-En.pdf>; 2014 (in Arabic) amendments: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=71301#.V5JtixjXe>.

22. See Human Rights Watch report "Interfere, Restrict, Control: Restraints on Freedom of Association in Bahrain", available at: <http://www.hrw.org/sites/default/files/reports/bahrain0613webwcover.pdf>.

23. *Idem*. See also the Observatory's Annual Report 2013 "Violations of the right of NGOs to funding: from harassment to criminalisation" which carries out an analysis of this issue globally and illustrates it by concrete cases in 35 countries including Bahrain.

24. See the Observatory, Open Letter to the Parliament regarding the bill presented by the Government to reform the law on associations, April 3, 2013.

25. *Idem*.

26. See Bahrain Penal Code, 1976, available at: http://www.unodc.org/res/cld/document/bhr/1976/bahrain_penal_code_html/Bahrain_Penal_Code_1976.pdf.

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cause damage to military preparations for defending the State of Bahrain or military operations of the Armed Forces, to cause people to panic or to weaken the nation's perseverance".

- Article 165 of the Penal Code, which provides that: "A prison sentence shall be passed against any person who expressly incites others to develop hatred or hostility towards the system of government".

- Article 168 of the Penal Code, which provides that: "Imprisonment for a period of no more than two years and a fine not exceeding BD 200 or either penalty shall be the punishment for any person who deliberately disseminates false reports, statements or malicious rumours, or produces any publicity seeking to damage public security, terrorise the population or cause damage to the public interest (...)".

- Article 216 of the Penal Code, which provides that: "A person shall be liable for imprisonment or payment of a fine if he offends, by any method of expression, the National Assembly, or other constitutional institutions, the army, law courts, authorities or government agencies".

- Finally, terrorism charges also include overly broad provisions that are applied against dissenting voices such as the following: "the establishment of a group for the purpose of disabling the constitution", "organising and managing a terrorist organisation", and the "collection of money for a terrorist group"²⁷.

The above-mentioned articles of the Penal Code include a very broad definition of the offence. Given the lack of independence of the judiciary in Bahrain, and the increasing crackdown post-February 2011, the vague definition has allowed the criminal sanction of any criticism of the government by human rights defenders. This comes in violation of Bahrain's international legal obligations: specifically from Article 19 of the ICCPR which requires State parties to guarantee the right of freedom of expression including "political discourse, commentary on one's own and on public affairs (...) discussion of human rights (...)"²⁸.

The use of the above criminal provisions also contravene the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular: Article 6 (c) which states that "everyone has the right, individually and in association with others to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters".

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27. See Article 6 of Law No. 58 of 2006 on the Protection of Society from Acts of Terrorism (amended by Decree no. 20 of 2013).

28. See Human Rights Committee General Comment No. 34 (2011), available at: <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

II. CASES OF HUMAN RIGHTS DEFENDERS SUBJECTED TO JUDICIAL HARASSMENT IN BAHRAIN²⁹

Mahdi Abu Deeb

Head of Bahrain Teachers Association

"I believe in equality, that every person should have the same rights."

Status: Detained since April 6, 2011 and serving a five-year sentence



Criminal charges

- "Inciting hatred of the regime"
- "Attempting to overthrow the ruling system by force"

Profile

Mr. Mahdi Abu Deeb is an educator and education administrator formerly employed by the Ministry of Education to guide development of art studies in government schools. He is also the founder and president of the Bahrain Teachers Association (BTA), and was elected Assistant-Secretary General of the Arab Teachers' Union in 2010. In February and March 2011, the BTA joined the protesters and called for strikes over human rights abuses committed by the authorities. His role was instrumental in coordinating the peaceful demonstrations. He has been targeted due to his activism in the February 2011 uprising. The BTA was later dissolved by the Ministry of Social Development. He is detained at the Juw prison.

History of harassment

Mr. Mahdi Abu Deeb was arrested on April 6, 2011, and kept in solitary confinement for 64 days. He was brought several times, alongside his colleague Ms. **Jalila Al-Salman**, before the military court, the National Security Court of First Instance on charges of "using their positions" as vice-president and president of the BTA to call for a strike by teachers, halting the educational process, "inciting hatred of the regime" and "attempting to overthrow the ruling system by force". At his appeal hearing before the High Criminal Court, he told the court that he had been tortured in detention, beaten by eight to 10 people on his head, neck and shoulders – resulting in broken ribs, being threatened with rape, subjected to two mock executions, and denied necessary medication. During those appeal hearings, the judge repeatedly denied requests from his lawyer that he would be released on bail because of his deteriorating health. He is suffering from diabetes and high blood pressure as well as other medical conditions resulting from his ill-treatment and torture in detention. He was sentenced on September 25, 2011, to ten years imprisonment. In October 2012, a civilian court of appeal reduced his sentence to five years of imprisonment.

29. Since 2011, the Observatory has published 101 Urgent Interventions on human rights defenders in Bahrain, in particular the below-mentioned defenders. For more information, see: <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/bahrain/> and <http://www.omct.org/human-rights-defenders/bahrain/>.

As of April 2015, when the mission was conducted, concerns remained regarding his access to medication, which is regularly denied to him by the penitentiary administration. It was only after an incommunicado period of more than one month, due to the previous violent repression of the Juv prison riot on March 10, 2015, that his family was allowed to meet with him on April 9, 2015, reporting a very worrying health condition.

Access to remedies

A torture complaint was filed on April 2, 2012, during Mr. Mahdi Abu Deeb's hearing before the High Criminal Court of appeal. During that hearing, he informed the Court that he had been tortured and forced to confess under duress. On April 5, 2012, the Public Prosecution began to investigate the complaint (No. 12/2012/18) and called him to collect his testimony. On July 1, 2013, the Court rejected his request to investigate the allegations of torture.

Reactions by the international community

In 2012, the European Parliament passed a resolution calling for the "immediate and unconditional release" of Mr. Mahdi Abu Deeb³⁰. In its 2013 report, the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment called on the Government of Bahrain to "investigate, prosecute and punish all cases of ill-treatment and to provide the result of any investigation, medical examination, and judicial or other inquiries which may have been carried out" in relation to cases including that of Mr. Mahdi Abu Deeb³¹.

30. See European Parliament Resolution on human rights violations in Bahrain, March 15, 2012, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0094&language=EN&ring=B7-2012-0171>.

31. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, Observations on communications transmitted to governments and replies received, March 12, 2013.

Ibrahim Al-Dimistani

Secretary of Bahrain Nursing Society

"I believe and respect nursing code of ethics, and I will go by it."

Status: Released in April 2015



Criminal charges

- "Forcibly taking over the Salmaniya Medical Complex (SMC)"
- "Refusing treatment to patients based on their sectarian affiliation"

Profile

Mr. Ibrahim Al-Dimistani is a prominent trade unionist and the Secretary of the Bahrain Nursing Society (BNS). He is a "certified instructor" by the Organisation of American First Aid and the Red Cross. He was involved in treatment of injured protesters in the wake of the February 2011 uprising. He was detained in Juw prison.

History of harassment

In August 2008, the Office of the Public Prosecutor accused Mr. Ibrahim Al-Dimistani and another high-ranking member of the group, Ms. **Rula Al Saffar** (President of the Nursing Society) of defaming and insulting Health Ministry officials. However, they were both later acquitted, in April 2009.

On March 14, 2010, Mr. Ibrahim Al-Dimistani provided first aid to a protester wounded with live ammunition and fission bullets during a protest in the village of Kazakan, who came bleeding to Mr. Al Dimistani's door for treatment. On March 18, 2010, he was arrested for "hiding and harbouring a fugitive", under Article 256 of the Penal Code. He was released on March 21, 2010, on a 100 BD bail (approximately 243 Euros), and was later acquitted.

Mr. Ibrahim Al-Dimistani was among a group of 20 medics who were targeted because of their involvement in the treatment of wounded demonstrators in February 2011. He was arrested on April 3, 2011, and released on bail on September 7, 2011, while Ms. Al Saffar was arrested in April 4, 2011, and released on bail on August 21, 2011. They were sentenced with seven other doctors and medics by a military court, the National Safety Lower Court, on September 23, 2011. Both were found guilty of forcibly taking over the Salmaniya Medical Complex (SMC), and refusing treatment to patients based on their sectarian affiliation, and sentenced to 15 years of prison.

The appeal trial was then referred to a civilian court on June 14, 2012. Bahrain's court of appeal upheld the conviction against Mr. Al-Dimistani, and reduced his sentence to three years; while it overturned Ms. Al Saffar's conviction. On October 1, 2011, the Court of cassation upheld the Court of appeal's sentence, and the day after, security forces took him into custody during an early morning raid to his home.

He was detained in the Juv prison, where he was held incommunicado for more than a month, after the violent repression of the riot that occurred on March 10, 2015. According to reliable information obtained during this mission, on April 13, 2015, he was shaved and humiliated, and he suffered from very poor hygiene conditions.

Mr. Al-Dimistani was released on April 29, 2015, after having served his sentence.

Access to remedies

Mr. Al-Dimistani filed a complaint about torture and ill-treatment however at the time of writing, no remedy was provided to him.

Reactions by the international community

After the sentencing of 20 medical staff, including Mr. Al-Dimistani, to sentences ranging from 5 to 15 years imprisonment in September 2011, Secretary-General Ban Ki-moon and the United Nations human rights office "voiced concerns over the harsh sentences [...] and due process in the military trial [...] and called for their release".

In July 2011, the European Parliament condemned the decision to imprison those doctors and called for their release. In October 2012, the United States expressed concern over the court's decision to uphold imprisonment sentences against nine doctors, including Mr. Al-Dimistani.

Naji Fateel

Co-founder of the Bahrain Youth Society for Human Rights (BYSHR) and blogger

"I know, we know we are paying the price for freedom."

Status: Detained since May 2, 2013, and serving a 15-year sentence



Criminal charges

- "Establishment of a group for the purpose of disabling the constitution"

Profile

Mr. Naji Fateel is the co-founder of the Bahrain Youth Society for Human Rights (BYSHR), and a blogger who monitored human rights violations committed during Bahrain's uprising in 2011. He is currently detained in the Juw Prison.

History of harassment

In March 2011, Mr. Fateel received numerous death threats. On February 14, 2012, he was arrested while he was participating in a peaceful march toward the Pearl Roundabout area, the now restricted square of the 2011 protests for rights and democracy. He was also detained between December 2007 and April 2009, a period during which he was reportedly tortured.

On May 2, 2013, he was arrested without warrant by security men in civilian clothes at his home in the village of Bani-Jamra at dawn and held incommunicado for three days, during which it is reported that he was severely tortured at the Criminal Investigation Directorate. Reports allege that he was subjected to electrical shocks to his genitals, left foot and back in addition to simulated drowning, severe beatings, threats to publish his wife's photographs (taken from a camera confiscated by the security forces when his house was raided), insults, hanging by his hands from the ceiling, sexual harassment and threats of rape, standing for hours, and sleep deprivation. He was taken to the Ministry of Interior hospital twice for treatment due to the torture.

On May 22, 2013, he was sentenced to six months imprisonment on charges of "attending illegal gatherings" in relation to a gathering organised on January 24, 2012, in Bani-Jamra to which he did not participate.

On September 29, 2013, he was sentenced by the Fourth Criminal Court to 15 years in prison for "the establishment of a group for the purpose of disabling the constitution" under Article 6 of Law No. 58 of 2006 on Terrorism. Mr. Naji Fateel was then moved to the Central Prison of Juw. The charges relate to the alleged terrorist group known as the "February 14 Youth Coalition", which organised demonstrations and protests during Bahrain's uprising.

On November 18, 2013, when the appeal trial against Mr. Naji Fateel started, the authorities of Bahrain denied entry to a lawyer who was mandated by a coalition of NGOs, including the Observatory, to observe the appeal trial. During the appeal trial in February 2014, one of the lawyers in the case said that 90% of their questions to the prosecution witnesses were rejected by the judge, and a policeman forcefully silenced a lawyer during his pleadings.

Another lawyer was thrown out of the courtroom although he represented five of the defendants in the case.

On May 29, 2014, the Court of Appeal upheld the 15-year imprisonment sentence against Mr. Najj Fateel. No evidence against Mr. Fateel was provided during the trial. The sentence was solely based on coerced confessions made under torture and without thoroughly and impartially investigating the allegations of torture, which the defender was subjected to during his detention. During a hearing, Mr. Najj Fateel removed his shirt and showed the torture marks on his back; however, it was totally ignored by the court. Mr. Najj Fateel indicated that he intended to appeal the decision to the Court of Cassation. His lawyer also filed a complaint before the Supreme Judicial Council arguing that the trial proceedings fell short of the minimum standards of fair trial. As to May 2015, the case was still pending.

On March 10, 2015, Bahraini security forces allegedly beat and attacked more than 100 prisoners at Juw Prison, where Mr. Najj Fateel is currently detained, using rubber bullets, tear gas, and shotgun pellets. Several detainees, including Mr. Najj Fateel, were severely injured. Following the crackdown, Najj Fateel's family and lawyer were not able to visit or communicate with him. On April 13, 2015, Mr. Fateel finally called his family to tell them that he's OK.

Access to remedies

Mr. Najj Fateel, reported the acts of torture he suffered to the judge during his trial, but the court did not take any action. He also filed a complaint before the Ombudsman as well as his wife, who filed another complaint before the same institution on September 14, 2014, following which the Ombudsman announced that it was investigating the complaint.

Reactions by the international community

In 2013, the European Parliament passed a resolution calling on the authorities to put an immediate end to all acts of repression, including judicial harassment against human rights defenders in Bahrain including Mr. Najj Fateel³².

32. See European Parliament Resolution on the human rights situation in Bahrain, on September 9, 2013, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P7-RC-2013-0410&format=XML&language=EN>.

Ghada Jamsheer

Head of the Women's Petition Committee
Author, blogger, and an advocate for
women's rights and freedom of religion

*"This Government is targeting me because I
defend people's rights, and women's rights."*

**Status: Provisionally released pending
appeal trial**



Criminal charges

- "Defamation"
- "Assaulting a police officer"

Profile

Ms. Ghada Jamsheer is the Head of the Women's Petition Committee, an organisation which campaigns for the rights and dignity of women in the shari'ah family courts.

History of harassment

Ms. Jamsheer was arbitrarily detained for more than three months after she was arrested on September 14, 2014, on allegations of defamation in connection with messages posted via her *Twitter* account criticising alleged corruption in the management of King Hamad Hospital in Bahrain, which is run by members of the ruling family. Various charges were brought together against Ms. Jamsheer, resulting in 12 criminal cases.

On October 29, 2014, the Third Criminal Court acquitted Ms. Jamsheer in one case, sentenced her to a 100 BHD (approximately 242 Euro) fine in another case, and finally ordered her release on bail pending the decision on the other *Twitter* cases. However she was only released on November 27, 2014, to be rearrested 12 hours later on charges of "assaulting a police officer". Ms. Jamsheer was again released on December 15, 2014, and further put under house arrest until January 15, 2015. The charges for "assaulting a police officer" remained pending: Ms. Jamsheer appeared before the High Criminal Court on April 12, 2015, where she requested, through her lawyer, medical reports on the alleged wounds she would have caused to the agent. The court refused to order such reports and adjourned the hearing to May 5, 2015. On that day, the court sentenced Ms. Jamsheer to one year imprisonment, suspended for three years.

Regarding charges of defamation brought against her in September 2014 in the remaining *Twitter* cases, the verdict, which was supposed to be given on April 15, 2015 was postponed to June 9, 2015, without providing any kind of reason whatsoever. Hearings in the pending cases against Ms. Jamsheer are regularly adjourned without providing any reason, violating Ms. Jamsheer's right to be tried within a reasonable time.

On March 14, 2015, Ms. Ghada Jamsheer was denied the right to board on a plane at Bahrain International Airport by the airport's security office as she attempted to travel to France to receive medical treatment. Ms. Jamsheer who did not receive any prior notification, was not given any reason for the travel ban. On March 23, 2015, Ms. Jamsheer complained to the Public Prosecutor's office regarding the travel ban and was informed that she should

submit a travel request to the High Criminal Court. The Court reviewed her request on April 12, 2015, and decided to waive the travel ban, stating that there was no solid reason for such a restriction. Nonetheless, on April 15, 2015, the office of the Public Prosecutor was still unable to provide Ms. Jamsheer with a formal authorisation to travel, stating that the file was now in the hands of immigration. These bureaucratic obstacles hinder Ms. Ghada Jamsheer from getting the required medical treatment she needs from abroad.

On June 9, 2015, Ms. Ghada Jamsheer was sentenced to 20 months of detention by the Third Lower Criminal Court in relation to the defamation charges.

Reactions by the international community

On December 29, 2014, UN experts urged the government of Bahrain to drop charges against Ms. Ghada Jamsheer, as she was sentenced "purely for [her] criticism of government authorities. [...] Such criticism is not only fully legitimate according to Bahrain's obligations under human rights law; it is also essential to the free and public debate necessary for a healthy civil society" they added³³.

33. See Office of the High Commissioner for Human Rights, Press Release, December 29, 2014, available at: <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=15460&LangID=E>.

Hussain Jawad

Chairman of the European-Bahraini Organisation for Human Rights

"I consider my trial as a conscience and political trial: I was put in prison because I respect human rights."

Status: Released in May 2015 pending trial



Criminal charges

- "Collecting funds from Bahrain and abroad without authorisation"

Profile

Mr. Hussain Jawad works very closely with international human rights organisations and is the Chairman of the European-Bahraini Organisation for Human Rights (EBOHR). He was detained in Dry Dock precautionary detention center until his release in May 2015 pending trial in September 2015.

History of harassment

Mr. Hussain Jawad was previously arrested on November 23, 2013, and was interrogated about a speech he gave at a protest rally in 2013. He was arrested, with several other human rights defenders, while lodging a complaint regarding a defamation campaign against a number of human rights activists in Bahrain in pro-government newspapers. He was released on a 100 BHD (approximately 243 Euro) bail on January 9, 2014, and remains charged with "criticising and inciting hatred towards the government institutions", "insulting the flag and emblem of the country", "attempting to disrupt public security" and "illegal gathering". The next hearing in this case was scheduled for November 4, 2015. Consequently, he left the country in order to get political asylum in the United Kingdom. He came back to Bahrain, where his wife and child live, on August 28, 2014.

On February 16, 2015, at 1 a.m., more than 10 vehicles surrounded Mr. Hussain Jawad's home. The latter was arrested at his house by masked police officers in plain clothes, who also searched his house, confiscated his passport and mobile phone. Mr. Jawad was not informed about the reason of his arrest. After 10 hours of incommunicado custody, Mr. Jawad managed to call his wife and inform her that he was detained at the Criminal Investigations Directorate (CID). He also informed her that he was ill-treated in detention.

On February 18, 2015, Mr. Jawad was taken to the Public Prosecution without his lawyer, though the latter had declared herself to the Public Prosecution on February 16. His family was not informed either of this presentation. Given the lack of any material evidence, or confession, the Public Prosecution ordered the release of Mr. Jawad pending trial on charges of "illegal gathering" and "rioting".

However, Mr. Hussain Jawad remained in detention at the CID. He called his wife from the CID building, saying that he did not know why he was still under their custody. The day after, on February 19, she filed a complaint for torture before the Ombudsman.

It was only on February 21, 2015, that Mr. Jawad appeared before the Public Prosecution. His lawyer attended the presentation with him where he appeared in a very bad psychological situation: delirium, incapable of focusing on the questions, incoherent in his statements. During this presentation, Mr. Hussain Jawad implicitly confessed the charges of "collecting funds from Bahrain and abroad to support vandalising and/or terrorist groups" brought against him. However, he clearly appeared to have suffered from physical and psychological torture and ill-treatment. He was allegedly beaten, sexually assaulted, threatened with death, and threatened that his wife would be harmed. Pictures of his son were shown to him as a threat. He was also reportedly blind-folded, deprived of sleep and drinking water, and forced to constantly stand. He was also forced to listen to the screams of other inmates who appeared to have been electrically shocked, in order to scare him into signing confessions. His hands appeared to be swollen and bruised as a result of the handcuffs that were not removed since his arrest.

He was also denied the right to go to the bathroom, and was beaten when he requested to do so. He was denied contact with his family and lawyer, and only managed to call his wife twice. When he informed her in the first call (February 16, around 11am) that he was hurt, he suffered severe retaliation. He was also sexually harassed: he was stripped naked and groped.

During the interrogation at the Public Prosecution on February 21, 2015, Mr. Jawad appeared to be not fully conscious, hallucinating and falling asleep. His clothes were covered with urine. That day, he signed confessions under serious fear of torture. The Prosecution then ordered him seven days detention pending investigation.

On February 26, 2015, Mr. Hussain Jawad was presented to the Public Prosecutor, who renewed his detention for 15 more days.

On March 17, 2015, the Fourth Lower Criminal Court held a first hearing in the case against Mr. Jawad and two other defendants on charges of "collecting funds from Bahrain and abroad without authorisation". The previous charge of "collecting funds from Bahrain and abroad to support vandalising and/or terrorism groups" was dismissed as the Prosecution found no evidence to suggest "terrorist" activity.

At this first hearing, Mr. Jawad told the Court, in the person of judge Mr. Hicham Aliou, that he is a human rights defender and that he was tortured in order to sign the confessions. Mr. Jawad's lawyer requested his release and the inclusion of the torture complaint he filed into the list of evidence.

During the second hearing, held on April 7, 2015, Mr. Hussain Jawad did not get the possibility to meet with his lawyer, whether before or after the hearing. His wife, Asma Darwish was furthermore denied the right to enter into the Court. Another judge was presiding the hearing, Mr. Rachid Al-Khalifa, and no relative could attend the hearing during which Hussain Jawad renewed his statements regarding the torture he endured inside the CID building. The sole witness brought at the bar, was an investigator from the CID, whom Mr. Hussain Jawad reported to be one of those who urged him to confess on the charges brought against him if he wanted relief. The request for release made by his lawyer was, one more time, rejected and his detention was extended until the next hearing scheduled for April 22, 2015. However, following three consecutive failures of the witnesses to attend the hearings, it was only on May 19, 2015, that the 4th Lower Criminal Court ordered Mr. Jawad's release from prison with the guarantee of his place of residence. His trial was postponed to September 2, 2015.

Access to remedies

After Mr. Jawad's lawyer filed a complaint of torture, on February 22, 2015, an officer from the Ombudsman office, visited Mr. Hussain Jawad. However, no medical report was ordered or suggested at that time. On February 23, 2015, Mr. Jawad was brought to the Special Investigation Unit (SIU) for interrogation about the complaint filed by his lawyers for allegations of torture: in the presence of his lawyer, Mr. Hussain Jawad described in details the various ill-treatment and threats he suffered within the CID.

On March 11, 2015, Mr. Jawad's wife, Asma Darwish, was summoned to testify before the SIU as a witness in the investigations filed for the torture of Mr. Jawad. More than two months later, the case was still pending before the SIU, and no charges have been brought against any CID agent.

Reactions by the international community

On February 2015, the United States Department of States said to be "closely following the case of Hussain Jawad"³⁴.

The British Government also declared to be following Mr. Jawad's case closely. The British Embassy in Bahrain raised the allegations of mistreatment made by Mr. Jawad with the Ministry of Interior's Ombudsman and Embassy officials attended Mr. Jawad's court appearances³⁵.

34. See U.S. Department of State, Daily Press briefing, February 23, 2015, available at: <http://m.state.gov/md237795.htm#BAHRAIN>.

35. See Parliament of the United Kingdom, written questions and answers, March 20, 2015, available at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?page=1&max=20&questiontype=AllQuestions&house=commons%2clords&member=1487>.

Taimoor Karimi

Lawyer

"I was born and raised in Bahrain, my parents and grand-parents are from Bahrain. But I now have no right to remain in my country, nor to go anywhere else without any travel document. I am a lawyer who is not allowed to work anymore, to have a bank account, to get treatment from hospital, nor to own any property in my own country."



Status: Deprived from his nationality and subjected to a deportation order

Criminal charges

- "Spreading false news"
- "Participating in illegal gathering"

Profile

Mr. Taimoor Karimi is a Bahraini lawyer, involved in defending a number of protesters and activists since 2011 and before. He was known for defending many political trials.

History of harassment

On March 31, 2011, during the period of emergency, Mr. Karimi was arrested with several other persons including clerics and academics³⁶. He spent nearly six months in jail on charges of "spreading false news" and "participating in illegal gathering." Along with the other people from this group, he underwent very severe torture during his detention in Dry Dock and within the CID, where he endured broken teeth, bone fractures, and electricity shocks. In September 2011, he was released, and it is only in January 2012 that a minor criminal court entertained charges against him. He was sentenced to four months in prison for participating in an "illegal gathering." He appealed the sentence, which was upheld by the Court of Appeal. Today, his case is being reviewed by the Court of Cassation, with no hearing scheduled at the time of writing.

On November 6, 2012, the Ministry of Interior issued a list of 31 persons subject to an order of nationality revocation. Mr. Karimi was not informed of any legal proceeding against him in this regard, and was only informed of the decision through the media. A week after, his bank accounts were frozen, and no banking services were allowed to him anymore. In 2013, he was further informed by an official publication from the Bahraini Bar, that he was not allowed to practice law any more, even though he had never received any notification of such ban.

On August 10, 2014, the Public Prosecutor issued a court summons to Mr. Taimoor Karimi, for "violations of asylum and immigration law" that include remaining in Bahrain without the residency license that all non-nationals over 16 are required to have.

36. See the Observatory's Urgent Appeal, March 2, 2011.

He appealed the Ministry of Interior decision, and this appeal is still ongoing, with a hearing scheduled for June 10, 2015.

In early April 2015, a local court heard Mr. Karimi's case relating to immigration issues and sentenced him to a 100 BHD (approximately 241 Euros) fine and to deportation. He spent two days in detention and was released without any information on the implementation of the deportation he is now facing. He is currently in Bahrain under sponsorship pending his appeal.

Abdulahdi Al-Khawaja

Co-founder and former President of the Bahrain Centre for Human Rights

Status: Detained since April 9, 2011, and serving a life sentence



Criminal charges

- "Organising and managing a terrorist organisation"
- "Attempt to overthrow the Government by force and in liaison with a terrorist organisation working for a foreign country"
- "Collection of money for a terrorist group"

Profile

Mr. Abdulhadi Al-Khawaja is the co-founder of the Gulf Center for Human Rights (GCHR), co-founder and former President of the BCHR and former Middle East and North Africa Protection Coordinator at Front Line Defenders. He holds both Bahraini and Danish nationality. He is detained in the Juw prison.

History of harassment

On June 22, 2011, Mr. Al-Khawaja was sentenced to life in prison for "organising and managing a terrorist organisation", "attempt to overthrow the Government by force and in liaison with a terrorist organisation working for a foreign country" and the "collection of money for a terrorist group", together with 20 other political and human rights activists by the military court, the National Security Court of Bahrain. On September 4, 2012, the civilian court, the High Court of Appeals upheld the sentence against him.

The Bahrain Independent Commission of Inquiry (BICI) concluded that Mr. Al-Khawaja was subjected to torture and inhumane treatment during his arrest and detention. He was severely beaten, resulting in a broken jaw, and later spent two months in solitary confinement where he was subjected to physical, psychological and sexual torture. He continues to be denied adequate medical attention and suffers from severe medical complications as a result of his mistreatment in detention.

In its September 2012 decision, the United Nations Working Group on Arbitrary Detention concluded that Mr. Al-Khawaja's arrest was due to his exercise of the fundamental rights to freedom of expression, peaceful assembly, and association. According to the Working Group, the charges against Mr. Al-Khawaja — including membership in a terrorist organization — were "vague" and "raise doubts as to the actual purpose of detention." The Working Group also concluded that throughout Mr. Al-Khawaja's arrest, detention, and trial, "the Government violated numerous international norms to the right to fair trial"³⁷.

Despite his incarceration, Mr. Al-Khawaja and his colleagues continue to be the target of defamation campaigns. On February 27, 2014, a 12 minute video published on *YouTube*

37. UN Working Group on Arbitrary Detention, Opinion A/HRC/WGAD/2012/6 No. 6/2012, on July 13, 2012, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/152/53/PDF/G1215253.pdf?OpenElement>.

accused Mr. **Abdulahdi Al-Khawaja**, activist Ms. **Zainab Al-Khawaja**, BCHR President Mr. **Nabeel Rajab** and then BCHR Acting President Ms. **Maryam Al-Khawaja** of "inciting terrorism", "taking the country hostage" and branding them as racists. The video included footage that could have only been obtained from official authorities, including the use of an interview with a police officer which requires the approval of the Ministry of Interior. Mr. Al-Khawaja later filed a complaint of defamation to the Public Prosecution however no investigation was opened.

He has repeatedly went on hunger strikes to protest his imprisonment and conditions of detention.

Access to remedies

Despite several attempts by Mr. Abdulhadi Al-Khawaja to tell the Court during his trial about his torture in detention, no investigations have been carried out though, the authorities of Bahrain, which ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment in 1998, are under an obligation to investigate allegations of torture or ill-treatment and prosecute perpetrators. Furthermore, the Opinion of UN WGAD has not been complied with by the relevant Bahraini authorities. Therefore, the Government of Bahrain has been systematically refusing Mr. Al-Khawaja's right to a remedy for the violations suffered, including arbitrary detention and torture.

Reactions by the international community

In April 2012, the United States issued a "call on the Government of Bahrain to consider urgently all available options to resolve his case"³⁸.

In February 2014, the European Parliament called for his immediate release. Members of the European Parliament also called for his release in September 2014. Denmark has repeatedly called on the Bahraini authorities to transfer him to Denmark, including at the occasion of the Universal Periodic Review in September 2012. In April 2012, the UN Secretary General Ban Ki Moon and several UN experts urged the Bahraini authorities to resolve Mr. Al-Khawaja's case based on due process and humanitarian considerations without any further delay³⁹ and to reconsider the offer by Denmark to transfer Mr. Al-Khawaja for medical treatment⁴⁰.

The UN High Commissioner for Human Rights also expressed concern over the trial and called for his release.

38. Statement by the Press Secretary on the Situation in Bahrain, April 11, 2012, available at: <https://www.whitehouse.gov/the-press-office/2012/04/11/statement-press-secretary-situation-bahrain>.

39. Statement by the UN Secretary General Ban Ki Moon, April 24, 2012, available at: <http://www.un.org/sg/STATEMENTS/index.asp?nid=6020>.

40. Office of the High Commissioner for Human Rights, Press Release, April 13, 2012, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=12056>.

Zainab Al-Khawaja

Human rights blogger

Status: Released provisionally pending trial



Criminal charges

- "Obstructing traffic"
- "Damaging public property"
- "Prejudice to authority"
- "Inciting hatred of the regime"
- "Participating in an illegal gathering"
- "Entering a restricted zone"
- "Insulting a police officer"
- "Insulting the King"

Profile

Ms. Zainab Al-Khawaja is the daughter of prominent detained human rights defender Mr. Abdulhadi Al-Khawaja and is an active human rights defender and blogger herself. She is a dual Danish-Bahraini national. She is known for her participation in peaceful gatherings calling for reforms and the respect of human rights in Bahrain.

History of harassment

On December 16, 2011, Ms. Al Khawaja staged a sit-in to call for reforms and more rights at Abu Saiba roundabout and was joined by several women. The riot police fired tear gas canisters to disperse them. Ms. Al-Khawaja continued her sit-in peacefully and refused to move and she was shot at directly with a tear gas canister. She was then handcuffed, dragged across the pavement by her handcuffs, had her hijab removed and was slapped by a female police officer. She was further cursed and beaten in the police station. She was then released pending investigations.

On February 27, 2013, she was arrested during a peaceful sit-in to protest authorities' refusal to hand over the body of a man who was killed during a demonstration on February 14, 2013. She was taken to Al Hoora police station where she was charged with "obstructing traffic", "damaging public property", "prejudice to authority" and "inciting hatred of the regime".

On February 27, 2013, the Third High Criminal Court upheld the one-month imprisonment sentence against her on charges of "participating in an illegal gathering" and "entering a restricted zone", i.e. the Pearl Roundabout. The same court also upheld another two-month imprisonment sentence rendered by the Lower Criminal Court on charges of "damaging Ministry of Interior property", after Ms. Al-Khawaja teared a photograph of the King of Bahrain, although she had already served that sentence after a previous arrest. As a result, the Public Prosecution announced in a statement that Ms. Al-Khawaja was to start serving her sentence on February 28, 2013; a total of three months and 20 days. In addition, on February 28, 2013, the Court of Appeal overturned the acquittal by the Court of First Instance in another case related to charges of "insulting a police officer" in a military hospital, charges that she was acquitted for on May 2, 2012. Ms. Al-Khawaja was protesting inside the Bahrain Defence Forces hospital when her father, Mr. Abdulhadi Al-Khawaja, was on hunger strike in that hospital. The Public Prosecution then appealed the acquittal verdict of the Court of First Instance, and the Court of Appeal sentenced Ms. Al-Khawaja to three months imprisonment.

On May 22, 2013, she was sentenced to three months in jail on charges of taking part in an illegal gathering and insulting a police officer in reference to the December 2011 protest. At the time, she had been serving two sentences on charges of alleged participation in an unauthorised demonstration and unlawful entry to Pearl Roundabout and was due to be released in May 2013.

On January 27, 2014, the Criminal Court issued a new sentence in absentia against Ms. Zainab Al-Khawaja where she was sentenced to four extra months of imprisonment in two new cases in which she was accused of destroying property of the Ministry of Interior during her detention at Isa Town police station last May after she ripped up a picture of the King of Bahrain.

On February 16, 2014, Ms. Zainab Al-Khawaja was released from prison.

At the end of August 2014, Zainab Al-Khawaja, was briefly detained when she went to the hospital to visit her father after he was transferred there from the prison.

On December 4, 2014, she was sentenced to a three year prison term for 'insulting the King', as well as being subject to a fine of 3,000 BHD (approx. 7,285 Euros) for tearing up a photo of the King of Bahrain before the Court in October 2014. The court set bail for 100 BHD (approx. 240 Euros) and she was released pending the outcome of the appeal.

On December 9, 2014, the Court of Appeals sentenced her to 16 months in prison on charges of 'destroying government property' and 'insulting a police officer' whilst in detention in 2012. Although Ms. Zainab Al-Khawaja is not currently detained, the sentence may be executed at any time.

On June 2nd 2015, Ms. Zainab Al-Khawaja was sentenced in first instance to 9 months imprisonment on charges of entering a restricted area and insulting a public servant. A bail of 300 BHD (approx. 707 EUR) was paid to suspend the implementation.

Reactions by the international community

In September 2013, the European Parliament passed a resolution calling for the immediate release of Zainab Al Khawaja and the dropping of all charges against her⁴¹. In January 2015, members of the European Parliament called for the release of Zainab Al Khawaja.

Members of the European Parliament campaigned for the nomination of Mr. Abdulhadi Al-Khawaja and his daughters, Zainab and Maryam for the 2013 Nobel Peace Prize, in recognition of their devotion "at great personal risk and hardship to peacefully advocating for human rights and political reforms in Bahrain"⁴².

41. See European Parliament Resolution on Bahrain, on February 6, 2014, available at: [http://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/p7_ta-prov\(2014\)0109_/p7_ta-prov\(2014\)0109_en.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/p7_ta-prov(2014)0109_/p7_ta-prov(2014)0109_en.pdf).

42. See: http://www.freedom-now.org/wp-content/uploads/2013/02/20130131_alkhawaja_nobel-1.pdf.

Mohammed Al-Maskati

Former President of the Bahrain Youth Society for Human Rights (BYSHR)
Digital Security Consultant at Front Line Defenders

"Human rights defenders in Bahrain are living the worst moments of their lives."

Status: Released provisionally pending trial



Criminal charges

- "Operating an unregistered association before the issue of a registration license"
- "Rioting and participation in illegal protests"
- "Inciting hatred against the regime"

Profile

Mr. Mohammed Al-Maskati is the former President of the Bahrain Youth Society for Human Rights (BYSHR) and digital security consultant at Front Line Defenders. The BYSHR has been monitoring human rights violations committed in Bahrain. The organisation was denied legal recognition by the Bahraini authorities and so its founders remain liable to criminal charges.

History of harassment

In 2007, Mr. Al-Maskati was prosecuted for "operating an unregistered association before the issue of a registration license" in relation to the operations of the BYSHR. He was sentenced to a fine of 500 Bahraini dinars (approximately 1,210 Euros).

On February 16, 2010, Mr. Faisal Fulath, member of the Shura Council, Mr. Adel Al Mghwdah, member of the Parliament, and Mr. Mohammed Al-Shooruqi, broadcaster, accused three human rights defenders including Mr. Al-Maskati and Mr. Nabeel Rajab in a live program on the Bahrain Radio Station of having links with foreign governments, of having committed acts of violence using Molotov cocktails as well as of betraying the country. They also accused them of inciting young people to violence against the State, and defaming the State before international organisations. The false statements were also published in local online newspapers.

On September 23, 2012, Mr. Al-Maskati and other Bahraini human rights defenders who had cooperated with the United Nations (UN) had received threats of reprisals while they were in Geneva to participate in the 21st session of the UN Human Rights Council. Mr. Al-Maskati was notably threatened with death through more than a dozen anonymous phone calls.

On October 17, 2012, Mr. Al-Maskati appeared before Bahrain's public prosecution on charges of "rioting and participation in illegal protests" in relation to a peaceful gathering held in Manama on October 12, 2012. He had been summoned the day before to Al Hoora police station, where he had been kept overnight before being referred to the prosecutor's office.

He was released on bail on the same day pending charges. On December 31, 2014, the Lower Criminal Court sentenced Mr. Al-Maskati to six months imprisonment. Mr. Al-Maskati is

not currently detained as a BHD 100 (approximately EUR 222) bail was paid so that he can remain out of prison pending the appeal hearing scheduled for September 7, 2015.

On October 22, 2013, Mr. Al-Maskati was summoned to Al-Khamis Police Station where he was interrogated on charges of "inciting hatred against the regime", based on a speech he made on September 8, 2013 in Jidhafs Town, where he spoke on the concept of non-violence and the importance of peacefully demanding the respect of rights as well as on the rights enshrined in the Universal Declaration of Human Rights (UDHR). He was released only after signing a pledge to appear before the Public Prosecution upon request.

Reactions by the international community

In 2013, the European Parliament passed a resolution calling on the authorities to put an immediate end to all acts of repression, including judicial harassment against human rights defenders in Bahrain including Mr. Mohammed Al-Maskati⁴³.

43. See European Parliament Resolution on the human rights situation in Bahrain on September 9, 2013, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P7-RC-2013-0410&format=XML&language=EN>.

Nabeel Rajab

President of the Bahrain Center for Human Rights
FIDH Deputy Secretary General

"I am being accused of "inciting hatred" for stating that the Ministry of Interior is torturing detainees and is responsible for the deaths of detainees in its custody."



Status: Detained since April 2, 2015, serving a 6-month prison term and facing two other sets of criminal charges

Criminal charges

Criminal case No. 1: sentenced in appeal to 6 months of prison on May 14, 2015
- "Defamation of a statutory body" (Article 216)

Criminal case No. 2: the case is still under investigation
- "Inciting hatred towards the system of government" (Article 165) The Penal Code prescribes an unspecified length of imprisonment.

Criminal case No. 3: this case is currently under investigation by the Public Prosecution. Mr. Rajab was arrested on April 2, 2015 under this case
- "Disseminating false news" (Article 168). The sentence prescribed is a maximum of 2 years of imprisonment and a fine of 200 BHD.
- "Insulting public institutions and the army" (Article 216)
- "Disseminating false rumours in time of war" (Article 133). The maximum sentence prescribed under this provision is 10 years of imprisonment.

Profile

Mr. Nabeel Rajab is the President of the Bahrain Center for Human Rights (BCHR), FIDH Deputy Secretary General and a member of the Advisory Committee of Human Rights Watch's Middle East Division.

He participated to the founding of several NGOs, including the Bahrain Human Rights Society (BHRS), BCHR and the Gulf Centre for Human Rights (GCHR). BCHR was founded in 2002 and works extensively on documenting human rights abuses in Bahrain. The BCHR was dissolved by the authorities in 2004 and their website blocked by Bahraini internet service providers since 2006. Mr. Nabeel Rajab was very active and vocal in the February 2011 protests and has led wide advocacy campaigns at the international level denouncing human rights violations committed by the authorities.

Since 2012, he has faced 8 legal cases, and has spent 28 of the last 36 months in jail. He was also threatened and ill-treated several times.

After serving a two-year prison term, he was arrested on April 2, 2015 and is detained under solitary confinement at the Issa Town police station.

History of harassment

Mr. Nabeel Rajab has faced continuous judicial harassment and arbitrary detention since 2012. On July 9, 2012, he was arrested by masked police officers at his house following his tweet on June 2, 2012⁴⁴. On July 9, 2012, the Fifth Lower Criminal Court sentenced him to three months imprisonment for allegedly libelling the residents of Al Muharraq via *Twitter*. On August 23, 2012, he was acquitted by the High Court of appeal. However, he remained in detention in relation to three other cases against him.

On August 16, 2012, the Lower Criminal Court sentenced him to three years imprisonment on the basis of his participation in three peaceful gatherings in favour of fundamental freedoms and democracy. The Court sentenced him to one year imprisonment for each of these three cases of peaceful protest. In December 2012, the Court of appeal reduced the sentence to two years imprisonment.

In 2013, the United Nations Working Group on Arbitrary Detention (UN WGAD), seized by the Observatory, found that Mr. Rajab's detention was arbitrary, following a previous conviction related to his freedom of opinion, expression and assembly. The UN WGAD had concluded that the "domestic laws of Bahrain (...) seem to deny persons the basic right to freedom of opinion, expression"⁴⁵.

He completed his sentence and was released in June 2014.

After his release, he conducted an international advocacy tour to the United Nations and European Union, during which he highlighted the human rights violations committed by the Bahraini authorities.

After his return to Bahrain, he was re-arrested again on October 1, 2014 after getting summoned by the General Directorate of Anti-corruption and Economic and Electronic Security of the Criminal Investigation Department for "insulting a public institution" via *Twitter*. The case is related to a tweet he published in September 2014, in which he criticised the military institutions for generating extremist ideologies (the "terrorism tweet" case)⁴⁶. On October 9, 2014, he was informed that the Ministry of Defence had filed a complaint regarding the same tweet. On November 2, 2014, the Third Lower Criminal Court ordered his release but barred him from leaving the country. On January 20, 2015, the Third Lower Criminal Court sentenced him to six months of imprisonment on charges of "insulting public institutions and the army" via *Twitter*. His lawyers paid bail for his provisional release pending the appeal trial; but the judge barred him from leaving the country. The sentence was confirmed in appeal on May 14, 2015.

In 2015, other criminal charges have been brought against Mr. Rajab. On February 26, 2015, he was summoned for interrogation concerning charges of "inciting hatred towards the regime". On March 1, 2015, he went to the police station where he was interrogated about a speech he made in February 2011. The speech was made in a memorial service of Abdulredha BuHamaid, who was killed in February 2011 as he was heading to the Pearl roundabout (the "funeral speech" case). The video of the shooting was widely seen at that time. To date, the police investigation is ongoing.

44. The tweet read "Khalifa, leave the residents of Al Muharraq, its Sheikhs and its elderly. Everyone knows that you are not popular here, and if it wasn't for the subsidies, they wouldn't have gone out to welcome you. When will you step down?"

45. Working Group on Arbitrary Detention, Opinion A/HRC/WGAD/2013/12 No. 12/2013, July 25, 2013, available at: <http://daccess-dds-nny.un.org/doc/UNDOC/GEN/G13/159/40/PDF/G1315940.pdf?OpenElement>.

46. The tweet read "many #Bahrain men who joined #terrorism & #ISIS came from security institutions and those institutions were the first ideological incubator".

On April 2, 2015, over twenty police cars surrounded his house and policemen arrested him on charges of "spreading false news". He was then sent to the General Directorate of Anti Corruption Economic and Electronic Security to be interrogated. On April 3, 2015, Mr. Rajab was interrogated in the presence of his lawyers by the Criminal Investigations Department (CID) regarding two new charges brought against him. The first charge is "insulting a statutory body" (Article 216 of the Bahraini Criminal Code) referring to the Ministry of Interior in relation to tweets he posted denouncing the torture of detainees at Juw Prison (the "Juw torture tweets" case). The second charge is "disseminating false rumours in time of war" (Article 133 of the Bahraini Criminal Code) in relation to tweets he published criticising the Saudi-Arabia led coalition air strikes in Yemen (the "Yemen tweets" case). If sentenced on the second charge, Mr. Rajab could be facing up to 10 years imprisonment. Mr. Rajab refused to sign the police report of the investigations. On April 4, 2015, Mr. Rajab was brought before the Public Prosecution in the presence of his lawyers. The Prosecution ordered seven days in detention pending investigation. On April 5, 2015, security police confiscated all electronics devices belonging to Mr. Rajab and members of his family. On April 11, 2015, the prosecution ordered an additional fifteen days in detention for Mr. Rajab. On April 26, 2015, the Public Prosecution officially charged Mr. Rajab with "disseminating false rumours in time of war, which may undermine preparations and war operations" (Article 133), as well as with "insulting public institutions" (Article 216) and "disseminating false news" (Article 168). The Public Prosecution subsequently extended his detention for an additional fifteen days, pending the reception of a report currently prepared by the Ministry of Interior regarding the items seized from Mr. Rajab's house after his arrest, when the security forces raided his house and seized mobile phones, laptops and other electronic devices. On May 11, the Bahraini High Court extended Nabeel Rajab's preventive detention for 15 days. On May 14, 2015, the Bahrain Criminal Court of Appeal upheld the six-month prison sentence issued by a lower court on January 20, 2015 against Mr. Rajab on charges of "insulting public institutions and the army" via *Twitter* (the "terrorism tweet" case).

Access to remedies

The human rights violations suffered by Mr. Rajab have been documented and denounced by numerous UN intergovernmental bodies and though Mr. Rajab's lawyers have filed numerous petitions to challenge police and court orders, the Bahraini authorities have systematically failed to comply with their human rights obligations. For example, the 2013 Opinion of UN WGAD has not been complied with by the relevant Bahraini authorities. Therefore, the Government of Bahrain has been systematically refusing Mr. Rajab's right to a remedy for the violations suffered, including arbitrary detention and judicial harassment.

Reactions by the international community

On July 29, 2011, Mr. Nabeel Rajab won the 2011 Ion Ratiu Democracy Award⁴⁷.

In 2012, the BCHR was a final nominee for the Martin Ennals Award⁴⁸ and received Index on censorship's Advocacy award⁴⁹.

On April 26, 2012, the BCHR received Human Rights First Baldwin Award⁵⁰.

In 2013, the European Parliament called for his immediate release and the dropping of all charges against him⁵¹.

47. See: <http://www.wilsoncenter.org/article/bahraini-human-rights-activist-nabeel-rajab-to-receive-2011-ion-ratiu-democracy-award>.

48. See: http://www.martinennalsaward.org/index.php?option=com_content&view=article&id=186&Itemid=73&lang=en.

49. See: <https://www.indexoncensorship.org/2012/03/bahrain-centre-for-human-rights-wins-advocacy-award-sponsored-by-bindmans/>.

50. Maryam Al-Khawaja received the Human Rights First Baldwin Award on behalf of BCHR, see: <https://www.youtube.com/watch?v=giat3dfSNoU>.

51. See European Parliament Resolution of 17 January 2013 on the human rights situation in Bahrain, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0032&language=EN>; European Parliament resolution of 12 September 2013

On September 26, 2013, the BCHR was awarded the Rafto Prize for rights defenders⁵².

In October 2014, the United States, and Norway called on Bahrain to release and drop all charges against him. The French Ministry of Foreign Affairs and the European Union's Special Representative for Human Rights expressed its concern over his arrest. The UN High Commissioner for Human Rights also expressed concern over his arrest and called for his immediate release.

In February 2015, 103 Members of the European Parliament, around 15% of the total number of MPs supported the call for the charges against Mr. Nabeel Rajab to be dropped and called for him immediate and unconditional release.

On April 9, 2015, the United States government urged the Government of Bahrain to drop charges against Mr. Rajab and to release him immediately⁵³.

on the human rights situation in Bahrain, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0390+0+DOC+XML+V0//EN>.

52. See: http://www.rafto.no/article/931/Bahrain_Center_for_Human_Rights_BCHR/tags:Laureates.

53. See: <http://www.state.gov/t/pa/prs/dpb/2015/04/240540.htm#BAHRAIN>.

Sayed Ahmed Al-Wedaei

Director of Advocacy at the Bahrain Institute for Rights and Democracy (BIRD)

"Destroying civil society in the country and new measures against advocates of human rights and democracy has not helped Bahrain's government restore its ugly image, and those measures have not ended the positive impact of those advocates."



Status: Deprived from his nationality

Criminal charges

- "Illegal gathering"

Profile

Mr. Sayed Al Wadaei is a human rights defender who is known for his activism in the February 2011 protests. In 2012, he obtained asylum in the United Kingdom and he is currently working as the director of advocacy at the Bahrain Institute for Rights and Democracy (BIRD), based in London.

History of harassment

On February 17, 2011, he was violently beaten at a demonstration by the police over his body and kicked in the head and sustained several injuries where he had to get 12 stitches on his forehead and six on his scalp. He continued to participate in the Pearl Roundabout protests, and after he spoke to several media, he was arrested on March 16, 2011, at the roadblock near Manama airport and he was detained at Muhraq police station. He was not allowed to call his family or anyone else. In protest, he went on hunger strike, and collapsed after two days. He was then taken blindfolded to Al Qalaa prison hospital where he suffered verbal abuse by the authorities including sectarian insults. He was then released on April 11, 2011. During his 28 days of detention, he was tortured and insulted, including being painfully handcuffed, blindfolded and assaulted repeatedly.

On May 19, 2011, he was summoned to appear before the military court where he faced trial on charges of illegal gathering. On May 24, 2011, he was sentenced in absentia to one year imprisonment. He posted bail while the appeal was heard and on June 15, 2011, the sentence was reduced in absentia to six months imprisonment. On July 15, 2011, he was arrested from his home and was later tortured in prison. He was released on December 16, 2011, after completing a six-month sentence. In January 2012, he received documents stating that the High Criminal Court cleared him of the charges on November 14, 2011. No reason was provided on why he was not released on that day.

On May 10, 2012, he was injured by bird shot pellets by riot police while he was attending a demonstration.

On January 31, 2015, the Ministry of the Interior ordered the revocation of the citizenship of 72 individuals, including Mr. Alwadaei.

Access to remedies

On February 17, 2011, following severe beating by the police Mr. Alwadaei filed a complaint to the police. In February 2012, he was examined by a government doctor on February 8, 2012 which confirmed his injury but did not identify its cause. There has been no further developments to the case since he left Bahrain in May 2012.

Reactions by the international community

On February 4, 2015, UN human rights experts stated that “the recent revocation of Bahrain citizenship of an additional 72 people seems to be yet another attempt by the Government of Bahrain to clamp down on opponents”⁵⁴.

On February 23, 2015, the United Kingdom raised “the revocation of citizenship of 72 Bahraini nationals at Ministerial level with the Government of Bahrain (...) all of the individuals affected have the right to appeal [and stated that its] Embassy in Bahrain will continue to follow these cases closely”⁵⁵.

54. See Office of the High Commissioner for Human Rights, Press release, February 4, 2015, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15541&LangID=E>.

55. See Parliament of the United Kingdom, written questions and answers, February 5, 2015, available at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-02-05/223680/>.

III. VIOLATIONS TO THE RIGHT TO A FAIR TRIAL WERE REPORTED BY HUMAN RIGHTS DEFENDERS

Numerous violations to the right to a fair trial were reported by human rights defenders, NGOs and lawyers during the trials held against human rights defenders, in violation of international fair trial standards.

A. Evidence gathered under torture

In most of the cases where the defendants denounce the use of torture in order to extort confessions or intimidate them, judges showed no will whatsoever to hear the defendants' arguments or evidence; nor to assess the value of the defendant's statements during the investigation.

Such practice blatantly contravenes Article 15 of the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Bahrain is a State Party since 1998, and which expressly states that: "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made".

B. Judicial harassment and fallacious charges raised against human rights defenders

Furthermore, most of the cases brought against human rights defenders show the same pattern of judicial harassment emanating from the Criminal Investigation Directorate (CID) (which is under the supervision of the Ministry of Interior) and the Public Prosecution which rarely questions the CID's investigations. Too often, various fallacious charges are raised against human rights defenders in order to maintain them in detention during the 48 hours of police investigation and several weeks of prosecution investigation (at least five to six weeks), before the case is handed over to a judge who decides on whether or not the detention should be continued.

In the case of Ms. Ghada Jamsheer for example, more than 12 cases have been brought against her in the past two years, for various charges going from "insulting a public authority", to "assaulting a police officer".

In the case of Mr. Hussain Jawad, the charges initially raised in order to arrest him on February 16, 2015, were related to an alleged rioting and possession of Molotov cocktails. After 48 hours of police custody within the CID (including 10 hours incommunicado), the Public Prosecutor ordered his release on February 18, 2015 for lack of any evidence regarding those charges. However, Mr. Hussain Jawad remained under police custody for three more days, without any justification. It is only, on February 21, 2015 that Mr. Hussain Jawad was brought again before the Public Prosecutor who ordered a public investigation and his precautionary detention for charges related to collecting funds from Bahrain and abroad to finance vandalising and terrorist actions. However, strictly no material evidence was provided by the CID investigation, in order to support these charges, and only the partial confessions made by Mr. Hussain Jawad, under alleged torture, and after five days of custody, were mentioned to justify the precautionary detention.

C. Lengthy proceedings used as a way to pressure human rights defenders

In many cases, the hearings suffer permanent and ongoing adjournments, making the proceedings last for several months without any clear justifications.

In the case of Ms. Ghada Jamsheer, as well as in many other cases such as that of Mr. Taimoor Karimi's (see above), the trials remain pending during months and months, in contradiction with the right to be tried within a reasonable time, which results in an atmosphere of major pressure upon the accused human rights defenders.

CONCLUSION

The increasing deterioration of the general human rights situation in Bahrain has significantly affected the situation of human rights defenders. Indeed, human rights defenders are the most vulnerable target of the repression. The waves of arbitrary arrests, torture, judicial harassment have sent the majority of the human rights community behind bars. The trials against them are marred by various procedural irregularities and violations of due process and the right to fair trial. The lack of independence of the judiciary and the Public Prosecution has turned it as a tool of judicial repression aiming at silencing all forms of peaceful dissent. Furthermore, the national legal framework has contributed to this repression due to its restrictive provisions that ultimately criminalise the exercise of fundamental rights protected by international human rights law including freedom of expression, assembly and association. Moreover, human rights defenders face other repressive measures such as travel bans, and revocation of Bahraini nationality.

Human rights defenders in Bahrain have struggled to continue their legitimate human rights activities in a legal framework that does not guarantee the right to freedom of association in accordance with international standards. This is evident by the inability of independent human rights organizations to register under the current law on associations, as well as the arbitrary repressive measures directed against them including the dissolution of several organisations as well as the suspension of board members.

In their tireless efforts to document human rights violations in their country, they have become themselves victims of violations. Despite the filing of several complaints over torture allegations against several defenders, the judicial authorities have failed to conduct effective and prompt investigations, hold the perpetrators accountable, and provide remedies to victims. Furthermore, the authorities have also systematically failed to provide remedies for incidents of arbitrary detention.

The above-demonstrated measures targeting human rights defenders clearly demonstrate the lack of political will of the authorities to respect its human rights obligations and take effective measures to put an end to the continuously deteriorating human rights situation. Thus, the pledges made by the authorities to the international community of reforms can only be considered as mere rhetoric in particular as they have not yet effectively implemented the accepted recommendations made by the BICI and at the occasion of the UPR.

On several occasions, the international community publicly voiced their concerns over the violations against human rights defenders in Bahrain including calling for their immediate release and the dropping of all charges, and in some cases, representatives of foreign embassies attended the trials against human rights defenders. At the same time, these efforts have not had a significant impact on ending the violations. The international community's lack of prioritization of human rights over political and economic interests has indeed empowered the Bahraini authorities to continue their targeting of human rights defenders. The international community must capitalize on international and regional human rights instruments available and demonstrate the political will to show the Bahraini authorities that such repressive measures cannot be tolerated and that prioritization of human rights issues is a key issue in foreign diplomacy.

RECOMMENDATIONS

To the Authorities of Bahrain:

- Guarantee in all circumstances the physical and psychological integrity of all human rights defenders in Bahrain;
- Put an end to all acts of harassment - including at the judicial level - against all human rights defenders in Bahrain;
- Release immediately and unconditionally all human rights defenders arbitrarily detained in Bahrain;
- Enable human rights defenders to carry out their legitimate human rights activities freely and without hindrance and conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, in particular its:
 - Article 1, which provides that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels",
 - Article 11, which states that "everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession",
 - Article 12(1) that provides "everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms",
 - as well as Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";
- Provide for independent judicial oversight over the grounds for detention and ensure protection of detainees from abusive treatment during criminal investigations as well as their basic rights that are: right to access to medical personnel and medical treatment, as well as access to their lawyers and family members;
- Ensure effective, prompt and independent investigation into all allegations of human rights violations, including allegations of torture and ill-treatment, in order to identify all those responsible, apply them the sanctions provided by law and ensure the victims' right to effective remedy according to international standards;
- Strengthen the rights of defendants including by ensuring that they are presumed innocent, that they are guaranteed a fair trial, including by allowing them to effectively challenge the evidence against them;
- Commit to full financial support for rehabilitation, restitution and/or just compensation to all human rights defenders who suffered human rights violations in accordance with international standards and obligations;
- More generally, take all necessary steps to guarantee the competence, independence and impartiality of the judiciary in Bahrain and ensure that the Bahraini judiciary acts with full conformity to international human rights standards, ensure particularly that the courts may not be used for political reasons nor to sanction the legitimate exercise of rights and freedoms universally guaranteed;
- Amend the decree establishing a national human rights institution in Bahrain, to ensure its compliance with the principles relating to the status of national institutions, commonly known as the Paris Principles;
- Ensure in all circumstances respect for human rights and fundamental freedoms in law in accordance with international human rights standards and international instruments ratified by Bahrain, in particular amend the Law on Associations and the Law on Demonstrations and repeal all provisions of the Criminal Code that result in the criminalization of the rights to the freedoms of expression, peaceful demonstration and association;

-
- Cooperate with international and foreign NGOs and ensure their unhindered access to the country to promote human rights including via the monitoring of trials;
 - Cooperate with UN Special Procedures - in particular the Special Rapporteur on torture but also on the rights to freedom of peaceful assembly and of association, on the independence of judges and lawyers and on the situation of human rights defenders - and issue a standing invitation in their favour;
 - Ratify the Optional Protocol of the Convention Against Torture, the Second Optional Protocol to the ICCPR aiming at the abolition of the Death Penalty, the Convention for the Protection of All Persons from Enforced Disappearances, International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families;
 - Effectively implement BICI and UPR recommendations, as well as other unimplemented UN mechanisms' recommendations such as the 2006 CAT and CERD recommendations and those issued by international NGOs;
 - Amend the anti-terrorism law in order to bring it in line with international human rights standards;
 - Repeal the decision revoking nationality for Bahraini citizens, and put the legislative framework in accordance with international law.

To third countries, including the European Union and other foreign diplomacies:

- Firmly condemn human rights violations in Bahrain and request the immediate release of all human rights defenders and individuals detained and charged with alleged violations related to the rights of expression, peaceful assembly and association;
- Ensure those efforts are served not only by silent diplomacy, but also by prompt and strong public reactions to human rights violations;
- Support the establishment of an international monitoring mechanism, to be set up through a resolution of the UN Human Rights Council, with the mandate of monitoring the implementation of the recommendations of the Bahrain Independent Commission of Inquiry (BICI) and of the UN Universal Periodic Review of Bahrain, including those related to human rights defenders; Undertake a public evaluation of EU and/or Member States' support given to Bahrain (e.g. judicial and police system) and reshape this support when needed on the basis of the lessons learnt through the evaluation exercise. Publish human rights indicators used to assess and measure the results and the efficiency of the cooperation; and Suspend all technical cooperation programmes to the Prosecutor's Office and to the Ministry of Justice, until sentences and trials that are contrary to international human rights standards have been reviewed and human rights defenders have been released;
- Support independent human rights organisations in Bahrain as well as meet and express support to Bahraini human rights defenders;
- Monitor court cases involving human rights defenders and report publicly, if possible jointly, on potential violations and issues of concern observed during these court hearings, and ensure follow up of these situations within the framework of their respective activities;
- Call on the Bahraini authorities to cooperate with international and foreign NGOs and to ensure their unhindered access to the country to promote human rights including via the monitoring of trials;

Specific recommendations for the EU

- Ensure a proper implementation by the EU Delegation in Riyadh and the Member States in Bahrain of the EU human rights Guidelines (notably on Human Rights Defenders and torture) and report publicly on their implementation;
- Develop common messages and adopt comprehensive Council Conclusions in order to contribute to a time-bound benchmarked strategy leading to concrete commitments by Bahrain and progress on the ground;

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- Ban exports of tear gas and crowd control equipment until investigations are conducted regarding their improper use and until the perpetrators of such improper use are held accountable; Ban the export of technologies used for tracking, tracing, censorship and surveillance of information and communication flows, resulting in human rights violations. Consider the call made by the European Parliament in that regard⁵⁶.

To the United Nations, in particular the Human Rights Council and the Special Procedures:

- Follow-up on the four joint statements on the human rights situation in Bahrain delivered since the 20th regular session of the Human Rights Council by moving towards the adoption of a resolution that would:
- Express serious concern at the continued harassment and imprisonment of persons exercising their right to freedom of expression, including human rights defenders and journalists, and call on the government of Bahrain to release of all persons imprisoned solely for exercising their human rights;
- Express deep concern at reports of ill-treatment and torture in detention facilities, and call on the government of Bahrain to appropriately address them;
- Call on the government of Bahrain to expedite the full implementation of the recommendations formulated by the Bahrain Independent Commission of Inquiry (BICI) and the recommendations it accepted during the second cycle of the Universal Periodic Review (UPR) in 2012;
- Urge the government of Bahrain to enhance its cooperation with the Special Procedures of the Human Rights Council by rescheduling without delay the previously planned visit by the Special Rapporteur on Torture, and by responding favorably to the repeated requests for visit by the Special Rapporteurs on the situation of Human Rights Defenders, Freedom of Peaceful Assembly and of Association, and Freedom of Expression;
- Urge the government of Bahrain to allow the Office of the High Commissioner for Human Rights to establish a country office with a full monitoring mandate.
- Systematically condemn publicly the deterioration of the situation of human rights defenders in the country;
- Call on the Bahraini authorities to guarantee the physical and psychological integrity as well as the rights of all human rights defenders;
- Continue to grant particular attention to the protection of human rights defenders in Bahrain, in accordance with the UN Declaration on Human Rights Defenders, and follow-up on the implementation of recommendations issued on Bahrain;
- Call on the Bahraini authorities to accept visits by the UN Special Rapporteurs on the Situation of Human Rights Defenders and on the Rights to Freedom of Peaceful Assembly and of Association;
- More specifically, to the UN Secretary General, to follow up on cases of reprisals against Bahraini human rights defenders who cooperated with the UN, in its next report on reprisals against persons cooperating with UN human rights mechanisms.

56. See European Parliament resolution on the human rights situation in Bahrain, on January 17, 2013, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2013-32>.



SIGRID RAUSING TRUST



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Establishing the facts

Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility.

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Mobilising the international community

Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

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Created in 1985, the World Organisation Against Torture (OMCT) is the main international coalition of non-governmental organisations (NGOs) fighting against torture, summary executions, enforced disappearances, arbitrary detentions and all other cruel, inhuman and degrading treatment or punishment. The strength of OMCT lies in its SOS-Torture Network composed of 311 NGOs from around the world.

Assisting and supporting victims

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions.

OMCT pays particular attention to certain categories of victims, such as women and children.

Preventing torture and fighting against impunity

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture.

OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

Protecting human rights defenders

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture.

OMCT presence in Tunisia and Libya is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

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Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- a mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- international missions of investigation and solidarity;
- a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- the preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:

E-mail: Appeals@fidh-omct.org

FIDH Tel: + 33 1 43 55 25 18 Fax: + 33 1 43 55 18 80

OMCT Tel: + 41 22 809 49 39 Fax: + 41 22 809 49 29