

The Organization for Defending Victims of Violence (ODVV)

Bahrain



Submission to the UN Universal Periodic Review

27th Session of the UPR Working Group of the UN Human Rights Council

September 2016

About us

1- The Organization for Defending Victims of Violence (ODVV) is a nongovernmental, non-political and non-profit organization in Special Consultative Status to ECOSOC, and was founded in 1988. Some of the benefits of the 25 year history of the ODVV is the provision of legal and humanitarian services, running education courses, conducting general and thematic researches by experienced and expertise teams on the concerns raised by society, production and publication, transfer of experiences and effective presence in international conferences.

2- ODVV is associated to or member of the following organizations and associations:

- NGO Coalition for an International Criminal Court (CICC)
- The International Rehabilitation Centre for Torture Victims (IRCT) (membership in its Central Council)
- CONGO
- The AMAN Network of Rehabilitation Centre for Torture Victims in the MENA region, (Network's First Deputy)
- Asia Youth Network
- In Association with UNDP

3- To-date (2016) the ODVV has taken part in all Human Rights Council Sessions and submitted written and oral statements, held side-line panels, submitted consultative reports on human rights to the UN mandate holders.

Situation of Human Rights in Bahrain

4. Bahrain has received 176 recommendations in the country's second Universal Periodic Review (UPR) in 2012.¹ ODVV draws attention to the following human right challenges Bahrain is dealing with, including the violation of the right to freedom of expression and the right to peaceful association and assembly and the right to freedom of religion. Bahrain government is preventing the peaceful activities of political parties and opposition groups. In addition, detention of political activists, scrutinising beliefs, and taking away citizenship are other forms of widespread human rights violations in the country. What follows is a more detailed report of Bahrain human rights situation.

Post 2012 Human Rights Violations in Bahrain²

Torture, violent treatment of protesters

5. According to the international law and the recommendations received by the country in the second round of UPR, Bahraini government must avoid use of torture. Bahrain is one of the signatories to the UN Convention against Torture. But existing evidence indicates that detainees are tortured, to an extent that leads to death in some cases.³

6. Physical violence toward political dissidents can be considered as another form of torture, which has been frequently reported to be done by the security forces following the 2011 protests.⁴ Approximately 9 recommendations in the second round of the Bahrain UPR, call for the Bahraini government to ban torture and allow special rapporteurs to inspect prisons.⁵ Unfortunately, the existing evidence indicates continuation of torture and forced confessions in the country's prisons⁶.

Revoking Citizenship

7. Over the recent years and with the rise of civil protests towards the political conditions in Bahrain, the government began stripping citizenships of the political opposition, ignoring international laws and Human Rights Council statements. This is one of the usual methods of Bahraini government for cracking down on protesters – a method that violates the fundamental principles of the Universal Declaration of Human Rights. In dishing out

¹ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRBahrainAddInfoS1.aspx>

² <http://www.amnestyusa.org/get-involved/take-action-now/bahrain-three-death-sentences-upheld-ua-4715>

³ Such as the death of Jasem Al-Haeki in July 2016 in prison as a result of torture. While getting arrested from his home he was beaten up and died 20 days following his arrest, he was denied medical treatment in prison.

⁴ Cases such as Ali Abdolghana who was murdered in the street while running away from the security forces in the April 2016 people protests.

⁵ Recommendations No. 115-22;115-59; 115-92;115-90; 115-85; 115-86; 115-88; 115-108; 115-112.

⁶ <https://www.theguardian.com/world/2016/jul/16/bahrain-torture-foreign-office-criticised>

punishments to many activists, the government has revoked the citizenship of over 200 individuals.⁷

8. According to the laws of the country, revoking citizenship as a punishment is allowed under the king command. The children of the people whose citizenship is revoked by the king will also lose their nationality⁸ in blatant violation of international laws.

9. Bahraini government is committed to citizenship customary international law including the article 15 of the Universal Declaration of Human Rights, the 1930 Hague Conventions regarding the abuse of citizenship laws, the Convention on the Reduction of Statelessness adopted in 1961, Draft Vienna Convention on Succession of States (1999) and also article 29 of the Arab Human Rights Charter, to which Bahrain has been a member since 2006. The above mentioned international laws clearly reiterate on the right to citizenship.⁹

Life Sentence, Forced exile and Execution of Political Activists

10. Conviction of large numbers of individuals without due judicial process, because they have criticised Bahrain political conditions, are considered as violation of people's civil and political rights.¹⁰

11. Travel ban, arrest and exile verdicts for a large number of human rights defenders as well as bans for their legal activities are serious violations of articles 12 and 13 of the International

⁷ Such as Sheikh Isa Ghasem one of the political activists, for member of the Bahrain parliament (1971-1975) and one of the influential religious leaders of the country. He is one of the key figures in Bahrain since its independence.

⁸ <http://www.alwasatnews.com/news/873302.html>

⁹ <http://www.ohchr.org/EN/Pages/Home.aspx>

¹⁰ In only two days (30 and 31 May 2016) a huge number of verdicts have been issued for political activists:

Names of the activists found guilty in two days:

Activists sentenced to death: Sami Mirza Moshima, Abbas Ali Al-Samee, Ali Abdolshahid Al-Senkisen

Activists sentenced to life imprisonment and stripped of citizenship: Ahmad Yusef Jasem Sohan; Jasem Ahmad Abdollah Ahmad; Fazel Mohammad Ali Abdolhadi; Hussein Jaafar Abdollah Fazl; Ahmad Mohammad Abdollah Mohammad; Abdollah Ali Abdollah Kazem Abbas Hassan Ahmad Saleh; Hossein Mohammad Ali Abdolhadi Hassan Ali Mehdi Ahmad; Abdollah Hassan Abdollah Ebrahim; Hussein Rashid; Ali Jamil Alsamee; Taher Yusef Alsamee; Reza Mirza Moshime; Mohammad Ahmad Ali; Mohammad Jaafar Abdollah; Ali Abdolreza; Jaafar Mohammad Soltan; Sadegh Majid Ali Krof.

Activists sentenced to 15 years imprisonment: Mohammad Abdolamir; Jaafar Mohammad; Zia Mohammad Ali.

Activists sentenced to 10 years imprisonment and stripped of citizenship: Al Seyed Alawi Mohammad Jaber Alwedae; Abdollah Mohammad Abdollah Hussein

Covenant on Civil and Political Rights. The issue has also been pointed out in four recommendations made to the government of Bahrain¹¹ in the second UPR cycle.

12. The second round of UPR recommendations ask Bahrain government to facilitate visits of UN rapporteurs and human rights organizations so that they can assess the allegations of torture and violation of the right to freedom of expression in the country. This is while the human rights defenders and their lawyers are persecuted and or banned from traveling; particularly, these pressures have intensified prior to the 33rd Session of the Human Rights Council.¹²

Freedom of Peaceful Assembly and Freedom of Expression

13. Violation of the rights to Freedom of Peaceful Assembly and Association and Freedom of Expression¹³ are among the other cases of human right breaches committed by Bahrain Government. The shutting down of the Islamic Wifaq party which is the main Shia opposition group and would facilitate the political dialogue between the Shia and Sunni, is a blatant violation of the right to Freedom of Peaceful Assembly and Association which would undermine the ability of political parties to operate¹⁴. Bahrain has received 5 recommendations on the Freedom of Expression in the Second round of UPR¹⁵.

Fundamental Human Rights Including Children's Rights in Bahrain Prisons¹⁶

14. Bahrain protests of 2011 lead to an increase in the number of political prisoners in the country. According to reports received from Alhoz Aljaf prison, beating and of prisoners has

¹¹ . Recommendations No. 115-59; 115-62; 115-63; 115-65

¹² The second round UPR recommendation is also related to the violation of freedom of expression. Through extensive arrests of protestors, the Bahrain government and Judiciary without complete due judicial process increases pressures on social freedoms too.

- Arrest of human rights activist Zei nab Khajeh and many other activists

- Arrest of Nabil Rajab

- Arrest of Khalil Alhalwaji

- Travel ban for Ahmad Safar, member of the Bahrain European Human Rights Commission

- Travel ban on Ebtesam Alsaeq member of Bahrain Human Rights Society

- Travel ban on observer of the Bahrain Human Rights Centre Yanas Awan and Centre member Hassan Rezi and Brahim Aldamestani, Isa Alghayeb and Sheikh Meysam Alsalman.

¹³ . Imprisonment of activists such as Sheikh Ali Salman for the exercise of their right to Freedom of expression is a violation of the rights guaranteed in the Convention of Civil and Political Rights. Also, it contradicts the constitution of Bahrain, article 299.

¹⁴ . Increased pressures on the National Democratic Movement Party, has put many members of the party under criminal investigation.

¹⁵ . Recommendations No. 115-110; 115-101; 115-100; 115-122; 115-146.

¹⁶ <http://ebohr.org/ar/>

turned into a routine in the facility. Also, children are kept in this prison¹⁷ while Bahrain government should observe its international commitments to the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

Freedom of Religion

15. The Shia are targeted while attending religious ceremonies. Destruction of 38 mosques in 2011 is a blatant violation of freedom of religion, and has been raised in the recommendations of the second round of UPR.¹⁸ However, Bahrain government has neither condemned the attacks nor brought the perpetrators to justice.¹⁹

Joining International Conventions

The kingdom of Bahrain didn't ratify 1951 Geneva Convention on refugee rights and the Additional Protocol, a reality overlooked by all stakeholders during the second round of the country's UPR. Considering the serious crisis created by the displacement of people in the Middle East and the country's humanitarian commitments to help the vulnerable people, ODVV is the first organization to recommend the kingdom of Bahrain to ratify the convention and the additional protocol. We believe that Due to the economic and financial capacity of the state, the Kingdom falls short on accepting international responsibility towards asylum seekers.

Recommendations

Our Organization Calls on Bahrain Government to:²⁰

- 1 – Join the Convention Relating to the Status of Refugees. The country is urged to ratify the convention and take practical steps to alleviate the ongoing sufferings of the vulnerable group.
- 2 – Refrain from violations of human rights and international law and prevent torture, mistreatment of prisoners, revoking citizenship and violation of the right to freedom of belief.
- 3 – Release political prisoners and human rights activists being imprisoned for peaceful exercise of their human right to freedom of expression and criticising the discrimination against the Shia in Bahrain.
- 4 – Respect freedom of expression and freedom of peaceful assembly and association.
- 5 – Respect freedom of religion and take practical steps to stop any form of discrimination against Shia Muslims.

¹⁷ . <http://www.adhrb.org/2015/02/child-prisoners-in-bahrain/>

¹⁸ . 115.145. Implement the commitment to rebuild the Shi'a places of worship destroyed (Austria);

¹⁹ <http://www.ebohr.org/en/>; <https://www.amnesty.org/ar/>

²⁰ <http://www.unhcr.org/en-us/1951-refugee-convention.html>