

Violations persist in Bahrain as human rights defenders and journalists remain behind bars, under threat, or in exile

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I. Introduction

The current situation in Bahrain is dire, causing great concern to the Gulf Centre for Human Rights (GCHR) and partners, as well as United Nations experts; yet there is little action on the part of allies. The vast majority of human rights defenders are in jail, in exile, under travel ban, or enduring severe threats and intimidation as a result of their peaceful work. Dozens have been abused and tortured, or had their nationalities revoked and family members arrested. International NGOs and journalists are prevented from visiting Bahrain to document ongoing human rights abuses, including the re-instatement of the death penalty in 2018.

As Bahrain heads towards elections in November 2018 (postponed from October), the government seems determined to keep a tight lid on independent civil society, allowing no real dissent or opposition, having closed down opposition societies and jailed some of their leaders.

Nowhere in the region is there a more comprehensive catalogue of closure of civic space than in Bahrain where all human rights defenders have been persecuted in one or more ways, the only independent newspaper *Al-Wasat* has been closed, political societies have been shut down, and protests have been violently suppressed leading to the death of five people in May 2017. The country's leading human rights defenders **Nabeel Rajab** and **Abdulhadi Al-Khawaja** (GCHR's Founding Directors) remain in jail. Rajab was one of the first people to be jailed for expressing concern about human rights violations on twitter, having been jailed in 2012 for tweets - leading to the spread of social media prosecutions across the region.

While other countries may be equally as repressive today, such as Saudi Arabia or the United Arab Emirates, the rapid decline in Bahrain in the past two years is what sets it apart. Bahrain used to have functioning NGOs, a strong contingent of human rights defenders and journalists free to work, and independent media, but this is no longer the case. Since 2011 and the crushing of the popular movement, human rights defenders and freedoms of expression and assembly are suffering tremendously. Following an inquiry into the February 2011 crackdown, the government pledged reforms in a report to the King, and through its obligations under the United Nations' Universal Periodic Review (UPR), yet violations persist and UN experts have been prevented from visiting for the past five years.

There has been no accountability for the torture of human rights defenders in prison, nor the murder of people during the 2011 protests and subsequent protest. Even named perpetrators have escaped justice with impunity. Due to the government's failure to hold perpetrators of torture accountable in Bahrain and the lack of any local remedy to address impunity, using an international jurisdiction is an option that is being explored by GCHR in consultation with other institutions.

In [his parting note](#) before leaving his job as the UN High Commissioner for Human Rights, **Zeid Ra'ad Al Hussein** mentioned human rights defenders from around the world who "provide the best hope for a troubled world," including "the **Khawaja family**, **Nabeel Rajab**, **Maytham Al-Salman** and **Ebtisam Al-Sayegh**, who have all have shown extraordinary courage in the face of considerable adversity."

II. Human rights defenders at risk

On 05 June 2018, the Bahrain's High Court of Appeal [upheld a five-year sentence](#) against Rajab for tweets about the war in Yemen and torture in Bahrain's notorious Jaw Prison. Rajab, who is also the President of the Bahrain Centre for Human Rights (BCHR) and International Federation for Human Rights (FIDH) Deputy Secretary General, was arrested on 13 June 2016 and subsequently put on trial in various cases. On 21 February 2018, Rajab was sentenced to five years in prison on several charges. The first charge was for "offending national institutions" in connection to his documentation of mistreatment and torture in Bahrain's Jaw Prison in March 2015. The second charge of "spreading rumors during wartime" related to his reporting on civilian deaths in Yemen, in contravention of a government prohibition of any public mention that is critical of the conflict. He was also charged under the Bahrain penal code with "offending a foreign country" (Saudi Arabia) for its role in airstrikes on Yemen.

The five-year sentence is on top of a two-year sentence for media interviews upheld by the Court of Cassation on 15 January 2018. He is also facing charges in connection with letters published in "The New York Times" and "Le Monde", as well as 14 other outstanding cases. A [trial observation mission](#) mandated in February 2018 by GCHR, the Observatory for the Protection of Human Rights Defenders (a partnership of FIDH and the World Organisation Against Torture - OMCT), Front Line Defenders, English PEN, and BCHR concluded that the trial proceedings in the twitter case were unfair, noting in particular that neither Rajab nor his lawyer were allowed to speak during a two-minute sentence hearing.

For the second time since 2013, the United Nations Working Group on Arbitrary Detention (WGAD) issued an [Opinion](#) regarding the legality of Rajab's detention. The WGAD held that the detention was not only arbitrary but also discriminatory, and requested the Government of Bahrain to "release Mr. Rajab immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law." 127 human rights groups welcomed this landmark opinion, made public on 13 August 2018, recognising the role played by human rights defenders in society and the need to protect them, and [called on Bahrain](#) to release Rajab.

Other UN bodies and representatives, as well as the European Parliament have also taken note of the suffering of Bahraini human rights defenders with EP members of parliament commenting on their trials. Rajab is a finalist for the [Václav Havel Human Rights Prize](#), and is invited to the awards ceremony at the Parliamentary Assembly of the Council of Europe (PACE) on 08 October. He won't be able to attend if he is not released from prison.

In communications to the Bahraini authorities, the WGAD has previously mentioned other human rights defenders detained for exercising their right to freedom of expression and opinion in Bahrain, including Al-Khawaja, Dr. [Abduljalil Al-Singace](#) and [Naji Fateel](#).

Al-Khawaja is an internationally-known Bahraini-Danish human rights defender who is also the founder and former President of BCHR. He was violently arrested on 09 April 2011 and charged in connection with his peaceful human rights activities. This was followed by brutal torture, resulting in a broken jaw and requiring several operations, yet nobody has been brought to account for this torture, which is well-documented.

Al-Khawaja's health has also suffered because he has undertaken a number of hunger strikes to protest torture and poor prison conditions. He continues to advocate for improved treatment of prisoners.

Al-Khawaja is one of a group of 13 human rights defenders and political activists (the Bahrain 13) sentenced to lengthy prison terms solely for exercising their right to freedom of expression, association and peaceful assembly. Following a grossly unfair trial that violated international standards for fair trials and due process, Al-Khawaja was sentenced by the National Safety court (a military court) on 22 June 2012 to life in prison, along with seven other members of the Bahrain 13, including Dr. Al-Singace.

Al-Khawaja and Dr. Al-Singace have reported that, since October 2017, prison authorities have confiscated all books, including religious books, papers, and writing materials. They also protested restrictions on family visits and humiliating treatment required to seek medical treatment. Dr. Al-Singace has refused medical treatment because he has been required to be strip-searched, chained, shackled, and to wear a prison uniform, thus his health has suffered.

At the UN Human Rights Council (HRC)'s 37th session, Denmark made [a statement on 14 March 2018](#), saying: "We reiterate our call for the release of all arbitrarily detained persons in Bahrain, including the Danish-Bahraini citizen Mr. Abdulhadi Al-Khawaja; A victim of torture who needs treatment and rehabilitation."

Bahrain restricts access to NGOs to visit the country, and has even prevented foreign politicians from visiting. Just two days ahead of the Formula One, on 04 April 2018, **Lars Aslan Rasmussen**, a Danish Member of Parliament, and **Brian Dooley**, GCHR Advisory Board member, arrived in Bahrain in an attempt to visit Al-Khawaja in prison, before his birthday. They were [refused entry](#) on the basis that they posed a "security risk" and were deported. Read Dooley's [testimony](#) and [details of the visit](#).

Human rights defenders have also been summoned and reportedly tortured during interrogation with the express purpose of getting them to stop their human rights activities. On 18 July 2017, the Public Prosecution ordered the six-month detention of **Ebtisam Al-Saegh**, the monitoring and documentation officer of Salam for Democracy and Human Rights. She was arrested on 03 July 2017 during a raid on her home by the National Security Agency (NSA) and incarcerated for six months pending investigation under the anti-terrorism law. On 22 October 2017, Al-Saegh, [was released from prison](#) pending trial in Bahrain and remains banned from travel. Previously, while detained at Muharraq police station on 27 May 2017, Al-Saegh was tortured and sexually abused.

During the interrogation, Al-Saegh was asked about the work of activists inside and outside Bahrain, and about human rights work in Geneva during the sessions of the UN HRC. In 2017, the security authorities arrested and tortured many human rights defenders and then released them after forcing them to stop their human rights activities. Other people who were interrogated at Muharraq police station subsequently renounced their work on Twitter and stopped tweeting. Only Al-Saegh strongly condemned these illegal practices, describing them on Twitter as a "crime against humanity."



Travel bans are also used to prevent Bahraini human rights defenders from attending the UN HRC any more, including **Nedal Al-Salman**, BCHR's Acting President, and other BCHR staff.

The government not only targets human rights defenders but also extends its repression to their families as a reprisal. Since 02 March 2017, authorities have detained **Sayed Ahmed Al-Wadaei**'s brother-in-law and mother-in-law. Al-Wadaei, Director of Advocacy at the Bahrain Institute for Rights and Democracy (BIRD), is exiled in the United Kingdom after fleeing torture in Bahrain, and had his citizenship revoked in February 2015 by the Bahraini authorities as punishment for his ongoing human rights activism. On 30 October 2017, Al-Wadaei's mother-in-law **Hajar Mansoor**, brother-in-law **Sayed Nizar Alwadaei** and maternal cousin **Mahmood Marzooq** [were sentenced](#) to three years in prison on fabricated charges of planting a "fake bomb" in January 2017.

III. Journalists and Online activists at Risk

GCHR is deeply concerned about the systematic targeting of journalists, photographers, online activists and human rights defenders. There are extensive restrictions in place on foreign media in Bahrain and [over 100 journalists](#) have been denied entry to the country since 2011.

Among cases this year, on 27 March 2018, the appeal court [upheld the 10-year sentence](#) of photographer **Sayed Ahmed Al-Mousawi**, who also had his citizenship revoked. After his arrest on 10 February 2014, Al-Mousawi was detained for six days at the Criminal Investigations Directorate (CID), where he was tortured. Security officers hung him on a door, electrocuted him, stripped him naked, beat and sexually assaulted him. He was finally brought to trial on 24 December 2014, and despite his denials, charged with forming a terror cell, providing SIM cards to protesters (labelled "terrorists") and taking photos of demonstrations. Al-Mousawi has won 169 international photography prizes - a number of which he won while in detention.

On 11 March 2018, a Bahraini appeals court upheld prison sentences of 15 and 25 years against journalist **Mahmoud Abdul-Ridha Al-Jazeera** and online activist **Ali Al-Muraj** respectively, and also upheld the sentence revoking their Bahraini nationalities. Previously, the higher criminal court of Bahrain convicted Al-Jazeera and Al-Muraj of being members of terrorist cells. On 30 October 2017, Al-Jazeera was [sentenced to 15 years'](#) imprisonment and his nationality was ordered to be revoked. Al-Jazeera was arrested on 28 December 2015, one day after he wrote an article reporting on the regular consultative (Shura) council's session, during which an MP asked authorities to punish Bahrainis who had their citizenship revoked on political grounds by depriving them of government housing.

Renowned "National Geographic" magazine photographer **Sayed Baqer Al-Kamel** [was arrested](#) on 27 April 2018 in Budaiya and detained incommunicado by the CID for two days. Al-Kamel was informed that a two-month prison sentence had been handed down against him *in absentia* for protesting and rioting on 21 April 2016. Al-Kamel appealed the sentence and paid a bail of 100 Bahrain Dinars (around USD\$266). The verdict has been postponed to 03 October 2018.

Sayed Ali Al-Durazi was arrested on 20 February 2018, subjected to ill treatment and consecutive beating by interrogators and was forced to close all his social media accounts including his tweeter account @SIi71. On 09 May 2018, Al-Durazi was accused of using Twitter to post 200 tweets over five years that the judge claimed were inciting hatred against the Bahrain government, and insulting the king and royal family. Al-Durazi was sentenced by the fifth lower criminal court to two years in prison.

There are no independent media in Bahrain. On 04 June 2017, Bahrain’s Information Affairs Authority (IAA) [suspended “Al-Wasat” newspaper](#) – the country’s only media not controlled by the government - until further notice, for allegedly violating the law and repeating the publication of and broadcasting news that stirs up the community and affects the relations of the Kingdom of Bahrain with other countries. The suspension relates to an article published on 04 June 2017, which was accused of “abuse of one of the Arab countries.”¹⁹ On 24 June, the newspaper notified its employees in an e-mail of the decision to lay off all staff.

In addition, Bahraini citizens working for foreign media have been denied licenses to work in the country. Journalist **Nazeeha Saeed**, former correspondent for France 24 and Radio Monte Carlo Doualiya, is no longer able to work as a journalist in Bahrain and forced to leave the country, after being [convicted](#) of “working without a license” and fined 1,000 Bahraini dinars (USD\$2650). Saeed was charged by the Ministry of Information with unlawfully working for the international media under Article 88 of Law 47/2002. On 04 June 2018, the Bahraini Court of Cassation rejected Saeed’s appeal against the verdict. Saeed had applied for renewal of her license but her application was rejected without any basis. It was the first time in 12 years that her accreditation was not renewed.

Previously, Saeed was arrested and tortured in May 2011 after covering protests. She was repeatedly beaten and subject to electro-shocks 10 times while in police detention. One of the policewomen responsible was brought to trial but acquitted in October 2012. In November 2015, authorities decided against charging other identified officers because of “insufficient” evidence.

IV. Cybercrimes Laws

As GCHR’s report issued in June 2018 outlines, Bahrain passed its national cybercrime legislation under Law 60 of 2014 on Information Technology Crimes. The report, “[Mapping Cybercrime Laws and Violations of Digital Rights in the Gulf and neighbouring Countries](#),” states that “the Law is complemented by other bodies of law including: media regulation, telecommunications and anti-terrorism laws.”

The Information Technology Crimes Law does not in itself criminalise online freedom of thought, opinion and expression but allows the prosecution of free expression as it complements Media Regulation Law of 2002. Article 1 of the Law recognises the right to thought and expression bound by two conditions: respect for Islamic pillars and not inciting sectarianism. Freedom of press is subjected to these restrictions as well. Article 70 of the Media Regulation Law penalises content that is ruled to ridicule national security, as “fake news,” or critical of public figures and states with which Bahrain has strong diplomatic ties. Moreover, the Bahraini Cybercrime Directorate classifies “fake news” as one of the triggers for threatening national security and the economy.

Bahrain is classified as “closed” on the CIVICUS Monitor Rating, which cites harsh and systemic targeting through enforced disappearance, detention and torture. (GCHR is a research partner for the Monitor.) Human rights defenders, activists and journalists are prosecuted by the repressive Media Law and Cybercrime Directorate’s standards which criminalise freedom of speech, expression and opinion.

The government purchased Internet censorship technology from the Canadian company Netsweeper in January 2016 to block access to a wide range of websites that host content related to human rights, or news published by media outlets that are critical of the Bahraini government.

The Bahraini government’s targeting and clampdown on digital freedoms is not only directed at human rights defenders and journalists. In fact, society at large is under extreme scrutiny for their activities, interactions and communications over the Internet.

V. Recommendations:

GCHR reiterates its calls on the authorities in Bahrain to:

1. Uphold its commitments made through the Universal Periodic Review (UPR);
2. Immediately and unconditionally free Abdulhadi Al-Khawaja, Nabeel Rajab, Dr. Abduljalil Al-Singace, Naji Fateel and all other human rights defenders from prison;
3. Drop the charges against Ebtisam Al-Saegh and other human rights defenders prosecuted for their human rights activities;
4. Provide proper access to medical care and sanitary conditions in prison;
5. Investigate reports of torture and ill-treatment of prisoners, and bring those responsible to justice;
6. Allow human rights defenders and all prisoners proper access to families;
7. Stop prosecuting journalists and photographers and allow freedom of expression and freedom of the press to thrive in the country;
8. Allow international NGOs and journalists free access to Bahrain, including for the purposes of visiting detained human rights defenders; and
9. Guarantee in all circumstances that human rights defenders and journalists in Bahrain are able to carry out their legitimate activities without fear of reprisals and free of all restrictions including arrest, judicial harassment and travel bans.