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مركز القاهرة لدراسات حقوق الإنسان



**Human Rights Council  
Twenty-fourth session  
Agenda item 4**

## Human Rights in Bahrain

The human rights situation in Bahrain has rapidly deteriorated over the past few years, particularly following the pro-democracy revolution that began in February 2011. In a context of domestic and international impunity, the Bahraini government continues to escalate its crackdown against peaceful protestors. Civil liberties, including the freedoms of speech, press, assembly, association, and religion and belief, also remain subject to serious violations. Security forces continue to use excessive force against peaceful protesters during pro-democracy demonstrations. The Bahrain Center for Human Rights (BCHR) has also documented numerous recent cases in which citizens were arbitrarily arrested on charges related to freedom of expression; they were detained, tortured, and subjected to unfair trials which led to harsh sentences in numerous cases. Restrictions remain on civil liberties, including freedom of speech, press, assembly, association, and some religious practices. Human trafficking and restrictions on the rights of foreign workers continue to be seen in Bahrain as well. Those responsible for committing human rights violations, especially those in high positions in the government, not only enjoy guaranteed impunity but have in some cases been promoted and rewarded.

The government of Bahrain has committed to implementing reforms on numerous occasions. For instance, King Hamad bin Isa Al Khalifa pledged to implement the recommendations of the Bahrain Independent Commission of Inquiry (BICI)'s November 2011 report to address violations. The report had concluded that security forces committed serious, widespread, and systematic violations against protesters while suppressing pro-democracy protests in February and March 2011, including thousands of arbitrary arrests, systematic torture and ill-treatment of detainees, and routinely denying defendants guarantees of fair trials. Similarly, in response to the Universal Periodic Review (UPR) recommendations made on September 12, Salah Ali, Bahrain's Minister of State for Human Rights, stated that the government fully accepted 143 of the 176 recommendations, while rejecting 20 others. The recommendations accepted by Bahrain included more than a dozen calling on the government to hold security forces accountable for rights abuses, including

unjustified killings and mistreatment of detainees in government custody. Other recommendations called for the immediate release of prisoners convicted solely for exercising their rights to peaceful assembly and free speech during pro-democracy demonstrations in February and March 2011.

The government's supposed reforms are largely superficial, and its promises to carry out such changes have been widely criticized by national groups and the international community as ringing hollow. For the past two and a half years, the Bahraini government has failed to uphold its pledges to improve the human rights situation in the country by implementing the recommendations of both the UPR and BICI. Worse still, the government recently took actions to legalize the suppression of and human rights violations against activists and protesters. The recommendations made by the National Assembly's extraordinary session, which was recently held to discuss imposing harsher punishments under the 2006 Law on the Protection of Society from Acts of Terrorism, included increasing the detention period or revoking citizenship for anyone found guilty of "committing or inciting an act of terrorism" – a clause which can easily be used against protestors or activists. These recommendations also included banning peaceful sit-ins, rallies and gatherings in the capital city of Manama. On 31 July 2013, a royal decree was issued to amend the above-mentioned law in accordance with these recommendations.

What is currently happening on the ground in Bahrain can be considered an informal return to the state of martial law. The BCHR has monitored and documented massive violations to human rights that are still being conducted by the security forces, and the nature of these practices is similar to that of the actions taken by these forces during the three months of the so-called "State of National Safety" in 2011; in some instances they could be considered worse. Examples of these practices include the following:

- The Prime Minister visited police officer Mubarak ben Huwail, who had been accused of torture and acquitted, to thank him for his work and guarantee him impunity.
- Increased arrests and torture of human rights activists, photographers, and bloggers.
- Random raids of homes, attacks on and beatings of residents, and vandalizing property and stealing cash and valuables.
- Arbitrarily arresting people, mostly during the early morning around dawn, while beating them and their relatives, vandalizing homes' contents and withholding the fate of those arrested for a period of time, or denying that they are in detention.
- Deploying checkpoints and attacking people passing through them who are suspected of supporting the opposition, or based on their religion.
- Placing a siege around areas using barbed wires to prevent residents from leaving their neighborhoods to join central protests while large numbers of security forces and foot patrols terrorize and spread fear in the population.

- Wide, extensive and unjustified use of shotguns loaded with pellets against civilians and peaceful protestors.
- Breaking into the cars and the private property of citizens to steal mobile phones and other valuables. Excessive use of tear gas, including shooting canisters deliberately at houses – tear gas has been the leading cause of death as a result of government abuses in the last two and a half years.
- Preventing peaceful gatherings and marches by using excessive force and brutal violence against demonstrators.
- Attacking and vandalizing Shiite mosques and places of worship.

## **Recommendations to the HRC**

### **1. Adopt a resolution that:**

- Condemns ongoing human rights violations in Bahrain and calls on Bahraini authorities to launch independent and impartial investigations into such violations, including allegations of torture in detention<sup>4</sup>
- Urges Bahrain to free all individuals imprisoned solely for exercising the rights to freedom of expression and peaceful assembly<sup>4</sup>
- Expresses regret that the visit of the Special Rapporteur on torture was once more postponed and call upon Bahrain to cooperate with Special Procedures as previously pledged, in particular by promptly facilitating the visits of the Special Rapporteurs on torture, on freedom of association and assembly, and on the situation of human rights defenders<sup>4</sup>
- Welcomes the work of the Bahrain Independent Commission of Inquiry and call for its recommendations, in particular those on accountability, to be implemented quickly<sup>4</sup>
- Calls upon Bahrain to agree on a programme of cooperation with the Office of the High Commissioner for Human Rights; and
- Asks the OHCHR to report back on the implementation of the resolution at subsequent session of the Council.

### **2. Pressure the Bahraini government to implement the following:**

#### **Immediately End Ongoing Human Rights Violations**

- Immediately end the violent repression of protests, completely cease use of birdshot and excessive tear gas, and to recognize the fundamental right to freedom of assembly<sup>4</sup>

- Unconditionally release political prisoners and end the practices of torture, arbitrary detention, and incommunicado detention<sup>4</sup>
- Take measures to ensure the reinstatement of all remaining workers and employees who were dismissed from their workplace for peacefully exercising their right to freedom of expression, political opinion, and assembly<sup>4</sup>
- Ensure that workers illegitimately fired for their political opinions are reinstated in the same positions, with the same contracts, that they are fully compensated, and that they are no longer forced to sign pledges in which they vow to not engage in any political or civil organizations<sup>4</sup>
- End the harassment and intimidation of human rights defenders, political activists and journalists<sup>4</sup>
- Allow access by local and international journalists to activists, protest sites, and hospitals and other public institutions<sup>4</sup>
- Immediately withdraw all factions of the army from Salmaniya Medical Complex, and allow people access to medical care without fear of reprisals<sup>4</sup>
- Grant reparations to the families of those killed or left disabled by serious injuries<sup>4</sup>
- Initiate a rehabilitation center for victims of torture.

### **Rebuild an Independent Justice System**

- Create a judicial system that operates independently, both financially and administratively, and is impartial and transparent in its proceedings; and ensure that it is never again used as a political tool of the state<sup>4</sup>

### **Address the Root Causes of the Conflict**

- Facilitate political reconciliation in the form of democratic transition<sup>4</sup>
- Recognize that human rights are best protected in a democratic political system where there is accountability and transparency<sup>4</sup>
- Include in any plans for reconciliation the opposition leaders who have been imprisoned and abused due to their struggle for democracy.