**Questionnaire for International Organizations and Civil Society by the**

**UN Special Rapporteur on the situation of human rights defenders**

**Mary Lawlor, 9 February 2021**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary
Lawlor invites you or your organization to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of long term detention of human rights defenders, which will be presented to the UN General Assembly in October 2021.

The questionnaire on the report is available at OHCHR website in English (original
language) as well as in French, Spanish, Russian and Arabic (unofficial translations): (<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>).

All submissions received will be published in the aforementioned website, unless you/your organization clearly indicated that you did not wish to have your input be made publicly available when submitting your response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to defenders@ohchr.org

Deadline for submissions: **19 March 2021**

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

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| --- | --- |
| Type of Stakeholder (please select one) | [ ]  International or Inter-governmental Organisations [x]  Civil Society Groups or Organisations [ ]  Individual human rights defender[ ]  Academic/training or research institution[ ]  Other (please specify) |
| Name of Stakeholder/Organization (if applicable)Name of Survey Respondent | Bahrain Center for Human Rights (BCHR) |
| Email | nedal@bahrainrights.org |
| Can we attribute responses to this questionnaire to you or your organization publicly\*? \*On OHCHR website, under the section of SR on human rights defenders. |  Yes Comments (if any): |

**Questions**

Human rights defenders are persons, who individually, or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental
freedoms, in accordance with the UN Declaration on Human Rights Defenders.

Defenders around the world peacefully promoting and defending human rights operate under national legal frameworks not always fully consistent with the United Nations Charter and international human rights law. In some instances, as echoed in multiple Human Rights Council and General Assembly resolutions,[[1]](#footnote-1)[1] national legislation, in particular national
security and counter-terrorism laws, or regulations on civil society and public freedoms have been misused to target defenders in a manner contrary to international law, that might result in long-term arbitrary deprivation of liberty.

**1) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on charges that carry a prison sentences of at least 10 years or more? Please provide a list of cases.**

1. Abdulhadi al-Khawaja

Abdulhadi al-Khawaja has been involved in human rights since a young age in Bahrain, which forced him into exile. In 1991, he was granted political asylum in Denmark, where he established the Bahrain Human Rights Organization. Al-Khawaja returned to Bahrain in 2001 under a general amnesty and resumed his peaceful struggle to promote human rights in Bahrain. He is former President and co-founder of Bahrain Center for Human Rights (BCHR), a former MENA Protection Coordinator for Front Line Defenders, a co-founder of Gulf Center for Human Rights (GCHR), and a member of the International Advisory Network of the Business and Human Rights Resource Centre. Al-Khawaja was also part of Amnesty International’s fact-finding mission in Iraq.

Al-Khawaja has received many international awards in honor of his struggle for democracy and human rights. He was named ‘Activist of the Year’ in 2005 by the Arab Program for Human Rights Activists. He received the Dignity Prize from the Danish Institute Against Torture in 2011 for his fight for human rights. In 2012, he received Freedom House’s Annual Award, which honors the courage and achievements of those who have dedicated themselves to human freedom.

Al-Khawaja has been arrested many times since his return to Bahrain in 2001. In September 2004, BCHR was closed down, and al-Khawaja was arrested after calling out the Prime Minister at the time. He remained in detention during his two-month trial and was sentenced to one year in prison, which he did not serve, as he was granted a royal pardon and released. In February 2007, he was arrested again and charged with “promoting change to the political system through illegitimate means” and “an intention to change the governing system of the country, circulating false information, insulting the king and inciting hatred against the regime.” His arrest, along with others, sparked a series of demonstrations and strong condemnation from the opposition, which later led to their release on bail. Following a speech al-Khawaja made on 7 January 2009, in which he referred to the government as an “oppressive regime,” the Attorney General charged him with “propaganda to overthrow or change the political system by force, publicly instigating hatred and disrespect against the ruling regime,” and “willfully broadcasting false and malicious news, statements or rumors and spread provocative propaganda related to the internal affairs of the country that could disturb public security and cause damage to the public interest.” A travel ban was also issued against him. Throughout his work in human rights, al-Khawaja has been subjected to numerous defamation campaigns, death threats, travel bans, and judicial harassment.

The last arrest was on 9 April 2011 for his involvement in the Bahraini Uprising, where he was sentenced to life in prison by a military tribunal. According to al-Khawaja testimony to the Bahrain Independent Commission of Inquiry (BICI), he was arrested at dawn while staying with his daughters by police and masked men in plain clothes. He was “thrown on the ground, rolled downstairs, kicked and beaten with sticks. His hands were cuffed behind his back, and he was blindfolded.” Immediately after the arrest, he “received a hard blow to the side of his face, which broke his jaw and knocked him to the ground. He was taken to the MoI [Ministry of Interior] clinic and then the BDF [Bahrain Defense Force] Hospital where he had major jaw surgery for four broken bones in his face.” Al-Khawaja spent seven days in the hospital blindfolded and handcuffed to the hospital bed. Afterward, he was moved to al-Qurain Prison, spending two months in solitary confinement, where he was subjected to severe physical, psychological and sexual torture. Al-Khawaja sustained severe physical injuries and lost 12 kg during his time in detention.

In May 2011, he went on trial before a military tribunal, “the National Safety Court.” He was sentenced to life in prison on 22 June 2011 for “organizing and managing a terrorist organization,” “attempt to overthrow the Government by force and in liaison with a terrorist organization working for a foreign country,” and the “collection of money for a terrorist group.” Al-Khawaja was charged under articles 122 (spying for a foreign country), 148 (attempt to overthrow the government), 160 (promotion of changing the government), 161 (obtaining publications that incite overthrowing the government), 168 (libel affecting public security), 172 (inciting sectarian hatred), 173 (inciting criminal acts) and 216 (insulting the army) of the 1976 Bahraini Penal Code. He was also charged under articles 1 and 6 of Law No. 58 of 2006 With Respect to The Protection of Community Against Terrorist Acts, and under articles 1, 2, 3, 9, and 13 of Law No. 32 of 2006 With Respect to Public Meetings, Processions, and Gatherings. He was convicted based on confessions he made under torture. No evidence was presented in court to support the charges raised against him. Al-Khawaja complained in court that he had been tortured and ill-treated, but the judges refused to listen to him and open an investigation. On 7 January 2013, Bahrain’s Highest Court (civilian court) upheld his life sentence. During his detention and trial, he went on numerous hunger strikes protesting his ill-treatment and unjust detention.

Al-Khawaja is serving his life sentence in Jau prison, completing ten years in prison this year after a trial described as “grossly unfair” by many international human rights organizations and governments for lack of due process and coerced confessions. In September 2012, 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.

1. Mohammed Hassan Jawad (Parweez Jawad)

Mohammad Hassan Jawad, who is also known as Parweez Jawad, is an independent human rights defender. Jawad has specifically advocated for the rights of detainees and prisoners.

Jawad was arrested 27 times in total for his human rights work and speaking out against human rights violations in Bahrain, many of which were in the 1990s. In 1996, he was forcibly disappeared for nine months, where his family was unaware of his whereabouts nor if he was alive. During that period, the Public Security Forces carried out several raids on his home under the pretext of searching for him, even though he was in their custody, as it turned out later. In the 2000s, Jawad was arrested many times, notably in 2007, where he was tortured to stop his criticism of the government and his human rights activities. In December 2010, the family was threatened that if Jawad did not stop his human rights activities, he would be arrested. Later, he was arrested and forcibly disappeared for five days, during which he was kept in an inhuman place in a small room in which was difficult to move. He was forced to stand for prolonged periods. The family learned later that he was being held at al-Naim Police Station. Jawad was brought before the Public Prosecution Office and accused of “inciting hatred against the regime.” He was kept in custody for thirty-three days, after which he was suddenly released without being brought before a court. These arrests were arbitrary, none of which were carried out with an arrest warrant. He has not even tried before a court of law before his last arrest in 2011.

Jawad’s last arrest was on 22 March 2011 at a checkpoint. According to Jawad's testimony to BICI, after his arrest, he was taken to al-Naim police station then to al-Qalaa, where he was detained for 15 days. During his detention, Jawad was subjected to severe physical and psychological torture and attempted rape despite his old age. His torture is detailed in the BICI report. He was subsequently transferred to al-Qurain prison, where he was kept in solitary confinement for two months. For 21 days his family did not know his whereabouts, during which his son received many text messages from unknown numbers informing him that his father had been killed. Jawad was tried before a military tribunal, “the National Safety Court,” in May 2011. During the first court hearing on 11 May 2011, Jawad did not know where he was. He believed that he was in Saudi Arabia, where his family informed him at the time that he was in Bahrain, being tried before a military court in al-Riffa. Jawad was sentenced to 15 years in prison on charges of “conspiring to topple the regime forcibly and collaborating with a terrorist organization working for a foreign country.”

Jawad is serving his sentence in Jau prison, from which he has been transferred many times to hospital after his health deteriorated. He sustained physical injuries through torture in 2011, from which he still suffers till this day. He also developed chronic diseases during his time in prison. He is the eldest prisoner of conscience in Bahrain.

**2) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on continuous sentences amounting to 10 years or more?  For example, a defender who completes a sentence of four years in detention but instead of being released is given another six-year sentence? Please provide a list of cases or examples if possible.**

Naji Fateel

Naji Fateel is a blogger and co-founder of the Bahrain Youth Society for Human Rights (BYSHR). He was actively involved in the 2011 Bahrain Uprising in organizing peaceful protests and reporting on human rights violations.

Fateel has been arrested on numerous occasions for his human rights work. In December 2007, he was arrested and tortured in order to confess setting a police vehicle on fire and stealing a weapon following riots in Sanabis and Jidhafs towns in Bahrain. He was detained until April 2009. During Bahrain 2011 Uprising, Fateel received death threats for his involvement in the uprising believed to have been organized by the authorities. On 14 February 2012, he was arrested during a peaceful demonstration to protest human rights violations and charged with “planning and executing an illegal assembly” and “rioting.” Fateel was released on bail on 17 April 2012.

On 2 May 2013, Fateel was arrested again at dawn without warrant by security men in plain clothes at his home and held incommunicado for three days, during which he was subjected to torture. On 22 May 2013, he was sentenced to six months’ imprisonment for “attending illegal gatherings.” However, he was tried on a new charge on 11 July 2013 before the Fourth Criminal Court for “establishing a group for the purpose of disabling the constitution.” He was charged under article 6 (establishing and organizing a terrorist organization) of Law No. 58 of 2006 With Respect to The Protection of Community Against Terrorist Acts and sentenced to 15 years in prison on 29 September 2013. Fateel’s trial has steered international condemnation “for its failure to meet international standards and due process guarantees.” On 29 May 2014, the Appeals Court of Bahrain upheld his sentence.

Fateel was tortured and held incommunicado after March 2015 riots in Jau prison, where he is serving his sentence, although he was not reportedly involved in the riots. On 25 January 2016, he was sentenced to an additional 15 years in prison for “inciting disturbances by prisoners.” His sentence was later reduced to 10 years by the Appeals Court of Bahrain. In total, Fateel was sentenced to 25 years’ imprisonment.

Fateel has gone on numerous hunger strikes protesting Bahraini prisons’ poor condition, including denial of medical care. On 2 September 2019, he was transferred to solitary confinement and prohibited from receiving calls and family visits almost two weeks after he began a hunger strike on 16 August 2019, protesting ill-treatment in prison. On 9 August 2020, Fateel went on an open-ended hunger strike.

**3) Do you know of any human rights defender(s) whose time in pre-trial detention and/or
administrative detention by States combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.**

N/A

**4) Do you know of any human rights defender(s) falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.**

N/A

**5) What actions do you suggest the Special Rapporteur can take to:**

1. **Prevent defenders from being detained for long terms in connection to their human rights work? and**
2. **Have those human rights defenders arbitrarily detained under long sentences released?**

Human rights defenders in Bahrain and prisoners of conscience in general who were handed lengthy prison terms have been charged under the terrorism law, as the Bahraini government is exploiting the loose and vague articles of this law to prosecute dissidents. Moreover, Bahrain does not have a clear legal framework for protecting human rights defenders, although it has ratified many core human rights treaties.

BCHR believes that the Bahraini government should be encouraged to

1. Amend the terrorism law and clarify its provisions so that it cannot be invoked to criminalize dissent and human rights work.
2. Introduce legislation to protect human rights defenders.
3. Activate the role of national human rights institutions, such as the National Institute for Human Rights, to carry out their mandate and protect and promote the work of human rights defenders.

BCHR also believes that maintaining a clear, consistent, and uncompromising international position on rejecting human rights violations is essential in supporting the work of human rights defenders in Bahrain and protecting them from arbitrary measures taken by the authority against them, such as imprisonment, travel bans, threats, judicial harassment, defamation campaigns, and others.

As for the release of human rights defenders and prisoners of conscience who are serving lengthy prison terms, genuine international pressure can help secure their release from prison or commute their sentences. Overall, engaging more international powers to improve the human rights situation in Bahrain would be helpful in this regard.

**NOTE**: When providing the list of cases/examples under each question, please include: the name of the human rights defender(s), a summary of their human rights work, history of
detention (date of arrest(s), charges and conviction including articles of the relevant law(s)), a brief explanation of facts relevant to their case).

1. [1] See [A/HRC/RES 22/6](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/6) (2013) and [A/RES/68/181(2014)](https://undocs.org/A/RES/68/181). See also: [A/HRC/RES/25/18 (2014),](https://undocs.org/A/HRC/RES/25/18) [A/HRC/RES/27/31 (2014),](https://undocs.org/A/HRC/RES/27/31) [A/HRC/RES/32/31](https://undocs.org/en/A/HRC/RES/32/31) (2016) and [A/HRC/RES/34/5 (2017)](https://undocs.org/en/A/HRC/RES/32/31)  [↑](#footnote-ref-1)