

**Joint Submission to the Stakeholder Report for the
Universal Periodic Review (UPR) of Bahrain (2012)**

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I - Introduction

This report represents a review of the human rights situation in Bahrain by the Bahrain Center for Human Rights (BCHR) and the Cairo Institute for Human Rights Studies (CIHRS). The information presented in this report is based on factual findings compiled by BCHR, gathered from a variety of sources including witness statements and sources compiled from both the field and from circulations over the Internet. There are thousands of cases of violations documented, however this report will limit its review to include the most serious of violations.

The abuses reported herein show the prevalence of violations against the most basic of freedoms and are therefore indicative of the sharp deterioration of human rights in Bahrain since the beginning of the protests on 14 February 2011. This report serves as a reminder of the legal obligations to which the Bahraini government is bound to with its ratification of the relevant international human rights treaties. In addition, the recommendations adopted by Bahrain in its first UPR in 2008 were both too general, did not address the core issues, and ultimately, were not implemented – as demonstrated by the government’s failure to prevent violations since the start of the pro-democracy movement in the country. With the assessment of the most serious violations, BCHR and CIHRS urge stronger recommendations, which the government of Bahrain ought to abide by, that will ensure the protection of human rights in Bahrain.

Bahrain’s 2008 UPR

Most of the 2008 UPR recommendations to Bahrain¹ were completely ignored. These recommendations include that: Bahrain remove its reservations on CEDAW; sign the Convention on the Protection of Persons from Enforced Disappearances; and, instil laws on the provision of citizenship to children where the father is not Bahraini. None of these have been achieved. Another recommendation to Bahrain was that the “draft press law ought not to be unduly restrictive on freedom of expression.” However, the state of freedom of expression in Bahrain has never been worse.

In the last follow-up report, the government claimed to have involved all relevant stakeholders in the implementation of the action plan, including the Bahrain Human Rights Society (BHRS) and Bahrain Human Rights Watch Society (BHRWS). However, BHRS was ordered to close the same year and its board was replaced by government officials from the Ministry of Social Development, while BHRWS is a government affiliated organization. As for BCHR, it was never consulted.

In Bahrain’s 2010 UPR progress report it states: “the UPR project communicates with people through social websites such as Facebook, Twitter and YouTube.”² The Bahrain UPR Twitter feed has posted 112 tweets, the last one was on April 26, 2010.³ They also have a Youtube

¹ http://www.upr-info.org/IMG/pdf/Recommendations_Bahrain_2008.pdf

² http://www.upr-info.org/IMG/pdf/Bahrain_Progress_Report_2010_E.pdf p9

³ <https://twitter.com/#!/UPRBahrain>

account, where the last activity is dated to “8 July 2009.”⁴

Regarding treaty reservations, last year’s report (2010) states: “Bahrain considers the possibility of reviewing some of its existing reservations on Conventions it has acceded. The Kingdom has already withdrawn its reservation on article (20) of the Convention Against Torture and is studying the possibility of withdrawing other reservations.”⁵ Also, “Bahrain is looking into the possibility of lifting a number of reservations to CEDAW.”⁶ The report goes on to say that Bahrain is “seeking to support the International Convention for the Protection of All Persons from Enforced Disappearance”⁷ and that the Supreme Council for Women “recommended to His Majesty, the King, to amend article (4) of the 1963 Citizenship Law so that Bahraini women married to non-Bahrainis can pass their nationality on to the children.”⁸ Neither the support nor recommendation for these reforms has resulted in them actually being passed.

In its responses to questions contained in the Responses to Recommendations document (2008), Bahrain stated that it “would consider inviting special procedures in the future.”⁹ In the National Action Plan, it states that “the Kingdom of Bahrain commits itself to... timely response to requests for country visits.”¹⁰ This commitment should be upheld by accepting visits by Special Rapporteurs, including the Special Rapporteur on Torture and the Special Rapporteur on Freedom of Association and Assembly.

Lastly, the 2010 UPR update report also stated that the King created the National Institute of Human Rights (NIHR), which is “tasked to strengthen, develop and protect human rights as well as promote human rights awareness.”¹¹ So far NIHR’s most visible action was in trying to persuade FIA’s vice president Carlos Gracia to reinstate the Formula 1 race in Bahrain, arguing that “inaccurate information has been very bad for the country and does not help to improve the situation.”¹² Otherwise, it continues to remain silent on grave human rights violations being committed since the beginning of the year 2011. Additionally, NIHR does not appear to have a website, despite the fact that Bahrain received \$1.2m in UNDP money to assist the Bahraini government with the implementation of the UPR programme.¹³

II - A general view on the human rights situation in Bahrain

⁴ <http://www.youtube.com/user/Bahrainupr>

⁵ http://www.upr-info.org/IMG/pdf/Bahrain_Progress_Report_2010_E.pdf p9

⁶ Ibid, p14

⁷ Ibid

⁸ Ibid

⁹ http://www.upr-info.org/IMG/pdf/Recommendations_Bahrain_2008.pdf

¹⁰ http://www.upr.bh/what/National_Action_Plan.pdf p5

¹¹ http://www.upr-info.org/IMG/pdf/Bahrain_Progress_Report_2010_E.pdf p23

¹² <http://www.telegraph.co.uk/sport/motorsport/formulaone/8560481/Bernie-Ecclestone-urges-rethink-on-Bahrain-Grand-Prix-after-human-rights-group-condemns-FIA-report.html>

¹³ <http://www.undp.org.bh/Projectgov=62339.html>

Bahrain's human rights problems stem from a deep-rooted imbalance in its government's political and social administration, instilling control over the state with a single ruling family. Since Bahrain's independence from the UK in 1971, al-Khalifas control over state legislation has been entrenched by successive constitutional amendments excluding democratic oversight over the legislation and resulting in discrimination against the majority of Bahraini people. The fact that the al-Khalifa family are Sunnis who rule over a majority of Shittes has resulted in a sectarian division and distrust between those who benefit from the government's policies and the Shiite majority who are largely marginalized.

The National Action Charter of 2002 failed to produce the government's promised reforms demanded by Bahrainis. This failure led to a prolonged period of political stagnation, which ended with the eruption of protests in February 2011 in solidarity with political reform-related protests in other Arab states. This was a frightening prospect to the Bahraini authorities, who used excessive force to remove a large sit-in protest at Pearl Roundabout, first on 17 February, and then again on 16 March. *Salmaniya* Medical Complex was also brought under military control. Four people died in detention allegedly as a result of torture. Bahrain informed the UN that it declared a State of National Safety on March 15, which is a security measure equivalent to having Martial Law under international law, and that it was derogated from certain provisions of the ICCPR.¹⁴

III - Assessment of Bahrain's obligations towards human rights

The Right to Life

Bahrain is a signatory state to many international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT). Since the start of demonstrations in February 2011, an estimate of 45 people died, mostly amongst protestors, as a result of violence inflicted by the government.¹⁵ The right to life is non-derogable under international law. However, Bahrain's military and security forces, allegedly aided by GCC troops, consistently used excessive force against unarmed protestors, including using live ammunition killing tens of protestors.

The death of Abdul-Redha Mohammed Buhmeid was caught on video.¹⁶ The video shows how Bahraini forces clearly violated the principles of the *Code of Conduct for Law Enforcement Officials*, adopted by General Assembly, Resolution 34/169, 17 December 1979, as well as the *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. Ahmed Abdulla Farhan, who also died in March, was shot in the head at point-blank range by GCC forces based on several witness statements.¹⁷ He was reportedly targeted as he refuelled his car because he had a Bahraini flag on his car, a symbol of the protest movement.

¹⁴ <http://treaties.un.org/doc/Publication/CN/2011/CN.430.2011-Eng.pdf>

¹⁵ <http://bahrainrights.hopto.org/en/node/3864>

¹⁶ <http://www.youtube.com/watch?v=fwnUQcKXmMM&skipcontrinter=1>

¹⁷ http://bahrainrights.hopto.org/BCHR/wp-content/uploads/2011/04/Ahmed_Farhan.png

The right to life has been further denied by the Bahraini government as it blocked medical treatment to wounded protestors. This action exacerbated the effects of the excessive force employed by Bahraini forces. The Bahraini government prevented medical facilities from reaching the *Salmaniya* Medical Complex, and it also scared many injured protestors from seeking treatment because of the sweeping arrests at similar medical facilities. The government specifically arrested those whose injuries were sustained during the break-up of demonstrations.

Additionally, and most recently, on 18 November 2011, 16-year-old Ali AlSatrawi was run over by a Bahrain Security Forces car as he was participating in a protest in Al Manama. He died instantly.¹⁸ It is important to mention that police have made several similar attempts to respond to growing protests.

The Right to Liberty and Security of the Person

Bahrain derogated from the right to liberty and security of persons under the ICCPR during the period of 'National Safety.' However, numerous violations of this right have occurred after lifting the National Safety Acts starting with the arbitrary detention of hundreds of protestors, as well as the punitive checkpoints stationed outside many villages where civilians are targeted because of their religion or the contents of their mobile phones. Many people have had their houses raided at night, their property destroyed or confiscated, and were beaten by police forces before and after being arrested. Many people live in fear of being arrested or robbed by police or affiliated plainclothes thugs.

Freedom from Torture, Cruel, Inhumane and Degrading Treatment

Despite the fact that Bahrain has signed and ratified the CAT, torture has had a long history of being used with impunity by the Bahraini state security apparatuses. Bahraini NGOs have documented over 1800 reports of individuals being tortured since February, 2011.

Despite government promises to look into allegations of torture at one particular facility,¹⁹ the officers who were arrested were later released.

Freedom of Expression, Opinion, Assembly, Association, Religion and Belief

Bahrain derogated from its obligation to respect freedom of expression under the ICCPR during the period of National Safety. However, attacks on journalists, both foreign and native, occurred on numerous occasions also outside this period. Two of those who died in

¹⁸ Pictures related to his killing: <http://www.2bb.me/1119-1321664570.jpg>, <http://www.2bb.me/1119-1321664409.jpg>, <http://www.2bb.me/1119-1321664233.jpg>, <http://www.2bb.me/1119-1321664919.jpg>; <http://www.bahrainrights.org/en/node/4843>

¹⁹ <http://www.abc.net.au/news/2011-05-14/bahrain-denies-torture-claims/2715658>

detention under torture were journalists: Zakariya Rashid Hassan AlAshiri²⁰ and Kareem Fakhrawi.²¹ Many more journalists were harassed, beaten, and arrested.

Over 2,700 workers were unfairly dismissed from Bahraini companies for their political activities.²² This action constitutes one of the gravest violations of the right to freedom of association and expression. These individuals were practicing their right to protest in accordance with both Bahraini and international laws. Additionally, by September 21, it was reported that 40 students were expelled from educational institutions,²³ while others were forced to sign a loyalty pledge stating that “the signer will extend complete loyalty to the leadership of the Kingdom of Bahrain.”²⁴

Bahrain, being a small state geographically, is easily controlled by the military and police forces. Checkpoints are one of the most obvious ways to control the population, and their presence is used to punish Shiite villages by beating, property confiscation, robbing and arresting people, or preventing people from practicing their religious rituals.

In addition, the rights of Bahraini Shiites to freely practice their religious beliefs has come under attack by the Bahraini government, which has included the demolition of Shiite mosques and blocking Shiite Muslims from attending religious services.

Right to Fair Trial

The Bahrain government instituted military trials for large numbers of political prisoners. Cases that received sufficient international condemnation were then sometimes moved to civilian courts, such as the case against medics who were involved in treating injured protesters in Salmaneya hospital. Bahrain committed serious violations to Article 14 of the ICCPR by denying defendants time to prepare legal counsel, not presenting the evidence against them or informing them of the charges, interrogating them without the presence of a lawyer, and often ignoring evidence that they had clearly been tortured into confessing.

IV - Conclusion

Bahrain has developed a culture of impunity within the security services that believe that they will not be held to account for torture and murder. The King has repeatedly promised to investigate and hold responsible those whom he claims are individually responsible for human rights abuses, such as the guards who killed Ali Saqer.²⁵ However, after years of broken promises about political reform and steps to improve human rights, many in Bahrainis remain sceptical.

²⁰ <http://bahrainrights.hopto.org/en/node/3917>

²¹ <http://bahrainrights.hopto.org/en/node/3937>

²² [List of all political sackings reported to BCHR](#)

²³ <http://www.voanews.com/english/news/middle-east/Bahraini-Students-Uncertain-Over-Future-130269398.html>

²⁴ <http://www.hrw.org/news/2011/09/24/bahrain-reinstate-ousted-students-faculty>

²⁵ [Bahrain News Agency, Bahrain to try guards over activist's death, 12 May 2011](#)

Even if there is no clear official policy by the government to torture and kill dissidents, it has become a regular occurrence in a state where the independence of the judiciary is nearly non-existent, and the domestic constitution and Penal Code are so broad and ambiguous as to allow the government to prosecute almost anyone who says or does anything with which it disagrees.