



KINGDOM OF BAHRAIN

Bahrain Institute for Rights and Democracy (BIRD)

and

Americans for Democracy and Human Rights in Bahrain (ADHRB)

For the 41st Session of the Working Group on the Universal Periodic Review

Submitted March 30, 2022

Summary:

This joint submission provides details and updates on the topic of political prisoners in Bahrain. Bahrain retains one of the world's highest rates of imprisonment per capita, with approximately 1,400 political prisoners behind bars. The submission concerns prison conditions in Bahrain's Jau Prison, including the issue of medical negligence, and provides updates on the situation of imprisoned journalists, human rights defenders, and prominent political opposition leaders sentenced to life in prison for their peaceful role in the 2011 Arab Spring. The submission further outlines the continued existence of constitutional and legislative frameworks restrictive of freedom of expression and opinion and ends with recommendations.

About the submitting organisations:

Bahrain Institute for Rights and Democracy (BIRD) is a UK-based non-profit and non-governmental organization established in 2013 that investigates human rights abuses in Bahrain, exposes them to the world, and advocates for an end to abuse and accountability in the country. BIRD is independent and apolitical with a mission to promote human rights, effective accountability, and democratic reform in Bahrain. BIRD regularly communicates with special rapporteurs at the United Nations, including the special rapporteur on torture, the secretariat of the Working Group on Arbitrary Detention, High Commissioner for Human Rights.

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Americans for Democracy and Human Rights in Bahrain (ADHRB) is a non-profit organization that fosters awareness of, and support for, democracy and human rights in Bahrain and the wider Gulf region. ADHRB engages regularly with United Nations mechanisms and holds ECOSOC status.

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BIRD and ADHRB Submission Re: Political Prisoners in Bahrain

1 May 2017 - 31 March 2022

Overview of political prisoners in Bahrain

1. As of August 2021, BIRD estimates there to be **1,400 political prisoners in Bahrain's Jau Prison** alone, out of an approximate total inmate population of 3,200 to 3,800;¹ BIRD has mapped the country's prison population and determined that over 500 of these individuals are serving prison sentences of over 20 years and many have been behind bars since 2011.
2. Prisoners' health and the lack of adequate medical care across Bahraini prisons remain of great concern. Prison conditions are notoriously poor, with torture, poor sanitation, religious discrimination and widespread denial of medical treatment.
3. Despite the introduction of alternative sentencing which saw the release of prisoners due to overcrowding and COVID-19 concerns, political prisoners were not largely included in these releases.
4. In 2021, three detainees, two of whom were political prisoners, died - Husain Barakat due to COVID-19, Abbas Mallalah and Hasan Abdulnabi. All three deaths in prison were marred by serious allegations of authorities' deliberate denial of medical care. In addition, Ali Qamber, a former political prisoner in Bahrain tragically died after suffering three years of medical negligence behind bars.²
5. Ten individuals in the 2011 case against leading opposition activists, convicted for their leading roles in the pro-democracy uprising, remain incarcerated. They are: Hasan Mushaima, Abdulwahab Hussain, Sheikh Mohamed Habib al-Miqdad, Sheikh Abduljalil al-Miqdad, Dr Abduljalil al-Singace, Abdulhadi al-Khawaja, Sheikh Sa'eed al-Nuri, Sheikh Abdulhadi al-Mukhodher, Sheikh Abdulla al-Mahroos, and Mohamed Ali Ismail. The first seven are all serving a life sentence. The leader of Bahrain's opposition party Al-Wefaq, Sheikh Ali Salman, also remains imprisoned serving a life sentence.

Section I. High Profile Case Studies

Section I.I Political Prisoner & Academic: Dr Abduljalil AlSingace | 10 years of Imprisonment in Bahrain

6. The most pressing individual case in Bahrain at present concerns 60-year-old political prisoner Dr Abduljalil AlSingace, a respected academic, blogger, and human rights defender serving a life sentence for his peaceful role in Bahrain's 2011 pro-democracy uprising. He suffers from chronic medical conditions including post-polio syndrome and

¹ Bahrain releases some political prisoners under new law. *Reuters* (September 15, 2021). Available at: <https://www.reuters.com/world/middle-east/bahrain-releases-some-political-prisoners-under-new-law-2021-09-15/>

² 'Bahraini torture survivor dies from cancer, following years of medical negligence', *Bahrain Institute for Rights and Democracy (BIRD)*, (October, 2021). Available at: <https://birdbh.org/2021/10/bahraini-torture-survivor-dies-from-cancer-following-years-of-medical-negligence/>

requires crutches or a wheelchair. The abuses Dr Al Singace was subjected to following his arrest are featured in the 2011 Bahrain Independent Commission of Inquiry (please see Case 7 in Annex B, p.437).³

7. Dr AlSingace began a hunger strike on 8 July 2021 in protest at years of medical negligence at Jau Prison,⁴ degrading treatment by prison staff, and the confiscation by prison authorities of an apolitical book on Bahraini dialects that he spent the last 4 years researching and writing.
 - a. As of 30 March 2022, he has been on hunger strike for over nine months, most of which he has spent in hospital due to his deteriorating condition in which he has lost well over 25kg.
 - b. Towards the end of November 2021, authorities arbitrarily suspended Dr AlSingace’s weekly video calls to his family. In response, Dr AlSingace escalated his hunger strike by refusing to take IVs, supplementary vitamins and oral medication. Since this decision, family members report that AlSingace has lost a considerable amount of weight, appearing more fragile and pale than previously. His sugar levels continue to remain low and his immunity is weakened due to a low white blood cell count.⁵

Section I.I.I Denial of adequate medical treatment

8. Despite Dr AlSingace also suffering from medical conditions including severe intermittent headaches, a prostate problem, arthritis in his shoulder joint, tremors, numbness and diminished eyesight, he has not received the expected medical care for them. Dr AlSingace reports that he has still not been informed of the outcome of an MRI scan taken in October 2021 and no progress has been made on giving him a CT scan as requested by his doctor over two months ago.
9. Dr AlSingace’s numerous requests to receive adequate medical treatment whilst in a medical facility over the past few months have been repeatedly ignored in spite of his fragile condition; this rejection amounts to deliberate failure to provide medical treatment in line with Bahrain’s obligations under international law.
10. According to an expert opinion by the US-based Dr Qasim Omran, despite being detained in the Kanoo Medical Centre medical facility, Dr AlSingace is receiving treatment that is “not [...] appropriat[e]”.⁶ Prison authorities are refusing his previous requests for painkillers and for over two months, Dr AlSingace has been excluded from daily medical check-ups by his doctor, the on-duty doctors, and the chief nurse, except in rare emergency situations.

Section I.I.II International consensus on his case

³ Report of the independent Bahrain Commission of inquiry (December 10, 2011). Available at: <https://www.bici.org.bh/BICIreportEN.pdf>

⁴ Timeline: Dr Abduljalil AlSingace’s hunger strike. *BIRD* (December 5, 2021). Available at: <https://birdbh.org/2021/12/timeline-dr-abduljalil-alsingaces-hunger-strike/>

⁵ BIRD receives weekly updates from Dr Abduljalil AlSingace’s family members.

⁶ Copy of the expert opinion on file with BIRD.

11. On 22 June 2021, Ms Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders issued a statement⁷ reflecting alarm at Dr AlSingace's continued detention and calling for his immediate release.
12. Since July 2021, similar calls have been made by members of the UK⁸ and EU⁹ Parliament, 27 leading international NGOs¹⁰ and 100 global academics¹¹, demonstrating international consensus on his case.

Section I.II Political Prisoner & Opposition Leader: Hassan Mushaima | 10 years of Imprisonment in Bahrain

13. The oldest Bahraini political prisoner, 74-year-old Hassan Mushaima, was tortured and sentenced to life imprisonment in 2011 for his peaceful role in leading Bahrain's pro-democracy uprising during the Arab Spring. Former leader of the political opposition in Bahrain, Mushaima has now spent over 10 years behind bars in Jau Prison, where he has been subjected to protracted and systematic discrimination, ill and degrading treatment and medical negligence in violation of his rights, causing his health to deteriorate. He is in remission from cancer and suffers from diabetes and related complications, including swelling in his legs and feet, causing extreme pain and inhibiting movement. He has also lost the ability to hear in his right ear.

Section I.II.I Current 200+ day-long hospitalisation

14. Hassan Mushaima was transferred from prison to an external medical facility on July 18 2021, where he remains at present, meaning he has now been in hospital for over 200 days.
15. As of March 30 2022, his family has confirmed that they have still not been provided with access to his medical records, despite repeated requests.¹²
16. According to Mushaima's family, rather than being intended to treat him, his hospitalisation, he believes, is designed to isolate him from his fellow political leaders. Mushaima [believes](#) that being held in the Kanoo Medical Centre is akin to being held in solitary confinement.¹³

⁷ Bahrain: UN expert alarmed by prolonged detention of human rights defenders. *OHCHR* (June 22, 2011). Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27190&LangID=E>

⁸ Andrew Gwynne MP. *Twitter* (July 19, 2021) Available at: <https://twitter.com/GwynneMP/status/1417052381322399753>

⁹ European Parliament resolution of 11 March 2021 on the human rights situation in the Kingdom of Bahrain. *European Parliament* (March 11, 2021). Available at: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0086_EN.pdf

¹⁰ Rights groups urge Bahrain to release Dr Abduljalil AlSingace, jailed academic on hunger strike. *Amnesty International* (30 July 2021). Available at: <https://www.amnesty.org/en/wp-content/uploads/2021/08/MDE1145292021ENGLISH.pdf>

¹¹ Scots University lecturers join fight for jailed ex-student's book. *The Herald Digital* (August 7, 2021). Available at: http://theherald.newspaperdirect.com/epaper/iphone/homepage.aspx#_article983968cf-5521-4747-a593-032a57c81ec5/waarticle983968cf-5521-4747-a593-032a57c81ec5/983968cf-5521-4747-a593-032a57c81ec5//true/Bahrain

¹² Ali Mushaima about the Bahrain Uprising and his father Hassan Mushaima. *Amnesty International* (17 April 2021). Available at: <https://www.amnesty.org.uk/groups/westminster-bayswater/ali-mushaima-about-bahrain-uprising-and-his-father-hassan-mushaima>

¹³ Ali Mushaima. *Twitter* (March 16, 2022). Available at : <https://twitter.com/AMushaima/status/1504081412336635909>

17. Following Mushaima’s refusal of an offer for his conditional release, since September 2021, Hassan Mushaima’s video and phone calls to his family have been arbitrarily [suspended](#) by authorities in what he believes to be retaliation for his decision.¹⁴

Section I.II.II International consensus on his case

18. *The EU Parliament*, adopted a resolution with an overwhelming majority, on March 11 2021.¹⁵
19. *Amnesty International* has deemed him a political prisoner of conscience and has called for his release as recently as March 4 2022.¹⁶
20. Over 19 leading international NGOs including Human Rights Watch, Amnesty International and the Bahrain Institute for Rights and Democracy have repeatedly called for his immediate and unconditional release in 2020.¹⁷

Section I.III Additional Imprisoned Leading Figures

21. In addition to AlSingace and Mushaima, other prominent opposition leaders imprisoned for more than a decade for their roles in the 2011 pro-democracy protests Abdulwahab Hussain, an opposition leader and Abdulhadi al-Khawaja, a prominent human rights defender. Both are serving life terms following manifestly unfair trials.¹⁸
22. Other prominent opposition figures, notably Sheikh Ali Salman, secretary general of the dissolved Al-Wefaq National Islamic Society (Al-Wefaq), the country’s leading political opposition group, also remain imprisoned. Salman was initially convicted in June 2015 and sentenced to four years on speech charges.¹⁹ In November 2018 a Bahraini court convicted him to life in prison on trumped up charges.²⁰
23. In December 2021, Human Rights Watch urged the Bahrain authorities to “use the customary pardon of prisoners on the country’s National Day, December 16, 2021, to free everyone imprisoned for exercising their right to freedom of association, peaceful assembly, and expression, including rights defenders, opposition activists, and

¹⁴ Lisa Barrington, ‘Bahrain releases some political prisoners under new law’. (September 2021). Twitter. Available at: <https://www.reuters.com/world/middle-east/bahrain-releases-some-political-prisoners-under-new-law-2021-09-15/>; Ali Mushaima. *Twitter* (March 16, 2022). Available at: <https://twitter.com/AMushaima/status/1504081410667200516>

¹⁵ European Parliament resolution of 11 March 2021 on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders. *European Parliament* (March 11, 2021). Available at: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0086_EN.html.

¹⁶ Urgent Action: Jailed Opposition Leader. *Amnesty International* (December 10, 2020). Available at: <https://www.amnesty.org/en/wp-content/uploads/2021/05/MDE1134532020ENGLISH.pdf>

¹⁷ Bahrain: Free Imprisoned Rights Defenders and Opposition Activists. *Human Rights Watch* (April 6, 2020). Available at: <https://www.hrw.org/news/2020/04/06/bahrain-free-imprisoned-rights-defenders-and-opposition-activists>

¹⁸ Criminalizing Dissent, Entrenching Impunity. *Human Rights Watch* (May 28, 2014). Available at: <https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice>

¹⁹ Bahrain Opposition Leaders Sentenced to Life in Qatar Spying Case. *New York Times* (November 4, 2018). Available at: <https://www.nytimes.com/2018/11/04/world/middleeast/bahrain-sheikh-ali-salman-spying-qatar.html>

²⁰ Bahrain, Events of 2019. *Human Rights Watch* (2020). Available at: <https://www.hrw.org/world-report/2020/country-chapters/bahrain>

journalists”, emphasizing the above-mentioned case.²¹

Section I.III.I Political Prisoner & Human Rights Activist: Ali AlHajee

24. Ali Hajee is a Bahraini political prisoner serving a 10-year sentence at the notorious Jau Prison for organising pro-democracy protests. He was subject to severe torture following his arrest in 2013 which left him with partial deafness and permanent damage to his jaw and testicles, as well as a broken nose requiring two operations to fix. Since arriving in prison, he has frequently exposed human rights abuses against prisoners, despite facing reprisals and sustained medical negligence from prison authorities. Since 2018, he has conducted two 75-day long hunger strikes to compel prison authorities to take him to appointments with medical specialists. He remains in prison. In August 2020, Ali wrote an op-ed for the *Independent*.²²

Section I.III.II Political Prisoner & Human Rights Defender: Naji Fateel

25. Human rights defender Naji Fateel is serving a combined prison sentence of twenty-five years and six months in Bahrain’s Jau Prison. Prior to his arrest, Fateel was on the Board of Directors of the Bahrain Youth Society for Human Rights (BYSHR). Naji was an active human rights activist who advocated for the documentation of human rights violations and encouraged people to form monitoring committees.²³
- a. On 22 June 2021, Ms Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders issued a statement²⁴ reflecting alarm at Fateel’s continued detention and calling for his immediate release.

Section I.III.III Political Prisoner and Journalist Mahmoud al-Jaziri

26. Mahmoud al-Jaziri is serving a 15-year sentence in Jau Prison. Prior to his arrest in December 2015, al-Jaziri covered parliamentary news for the now-shuttered independent Bahraini newspaper *Al-Wasat*.²⁵
- a. In April 2020, al-Jaziri was moved to solitary confinement by Jau Prison authorities after he released a recording from behind bars reporting on the prison’s lack of health and sanitation measures to counter COVID-19. Authorities moved al-Jaziri back into the general population after at least four days in solitary confinement.²⁶

²¹ Bahrain: Free Leading Opposition Activists. *Human Rights Watch* (December 13, 2021). Available at: <https://www.hrw.org/news/2021/12/13/bahrain-free-leading-opposition-activists>.

²² I have been tortured and jailed in Bahrain for seven years. Does the UK support that too? *The Independent* (August 15, 2020). Available at: <https://www.independent.co.uk/voices/bahrain-political-prisoners-torture-uk-foreign-policy-a9670791.html>

²³ UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24) BHR 2/2013. *OHCHR* (May 10, 2013). Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=13123>.

²⁴ Bahrain: UN expert alarmed by prolonged detention of human rights defenders. *OHCHR* (June 22, 2021). Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27190&LangID=E>

²⁵ Mahmoud al-Jaziri. *Committee to Protect Journalists*. Available at: <https://cpj.org/data/people/mahmoud-al-jaziri/>

²⁶ Mahmoud al-Jaziri. *Committee to Protect Journalists*. Available at: <https://cpj.org/data/people/mahmoud-al-jaziri/>

- b. On 17 April 2021, Bahraini riot police beat al-Jaziri and other prisoners in retaliation for a sit-in inmates were holding to protest against poor conditions and the death of political prisoner, Abbas Mallallah, amidst allegations of medical negligence.
- i. The attack was condemned by the United Nations Office of the High Commissioner for Human Rights due to “the use of unnecessary and disproportionate force by police special forces to dismantle a peaceful sit-in in Bahrain’s Jau prison on 17 April”.²⁷
 - ii. After beating al-Jaziri and other inmates, security forces moved them to another location in Jau Prison which was not disclosed to rights groups or family members, meaning that al-Jaziri was subjected to enforced disappearance for a period of 19 days.²⁸
 - iii. Subsequent to his enforced disappearance on 17 April 2021, authorities insulted al-Jaziri and forced him and the other prisoners to sing songs derogatory toward Shia Islam. In the new facility, al-Jaziri was handcuffed in a cell without a mattress for a week and denied clean clothing, showers, hygienic products, and permission to pray.²⁹

Section I.V General Situation of Political Prisoners in Jau Prison, Bahrain

Section I.V.I Deliberate Denial of Adequate Medical Care within Prisons

27. NGOs report systemic medical negligence against political prisoners in Bahrain’s prisons. This reportedly contributed to the deaths of two political prisoners in 2021 alone; Husain Barakat³⁰ and Abbas Mallallah³¹.
28. A third prisoner, Hasan Abdulnabi, died on 25 July 2021 following sickle cell complications, amid reports of medical negligence by authorities at Dry Dock Detention Centre.³²
29. In 2019, Human Rights Watch and BIRD stated³³ that “Bahrain’s authorities are failing to provide adequate medical care to high-profile prisoners”, later reporting³⁴ that the “human rights situation in Bahrain did not improve in 2020.”

²⁷ Spokesperson for the UN High Commissioner for Human Rights, *OHCHR* (April 30, 2021). Available at: <https://www.ohchr.org/en/2021/04/press-briefing-notes-bahrain?LangID=E&NewsID=27042>

²⁸ Early Day Motion 96: ‘Torture and Enforced Disappearance of Bahraini Political Prisoners’. *UK Parliament* (24 May 2021). Available at: <https://edm.parliament.uk/early-day-motion/58533/torture-and-enforced-disappearance-of-bahraini-political-prisoners>

²⁹ Mahmoud al-Jaziri. *Committee to Protect Journalists*. Available at: <https://cpj.org/data/people/mahmoud-al-jaziri/>

³⁰ Bahrain: Death of prisoner a warning for Covid-19 failings in Jaw Prison. *Amnesty International* (June 14, 2021). Available at: <https://www.amnesty.org/en/latest/news/2021/06/bahrain-death-of-prisoner-a-warning-for-covid-19-failings-in-jaw-prison/>

³¹ Early Day Motion 96: Torture and enforced disappearance of Bahraini political prisoners. *UK Parliament*. (May 24, 2021). Available at: <https://edm.parliament.uk/early-day-motion/58533>

³² Bahrain urged to investigate third prison death in months. *AlJazeera* (August 11, 2021). Available at: <https://www.aljazeera.com/news/2021/8/11/rights-groups-urge-bahraini-authorities-to-probe-death-of-inmate#:~:text=According%20to%20the%20statement%2C%20prisoner.at%20Dry%20Dock%20Detention%20Centre%E2%80%A9D.>

³³ Bahrain: Prisoners Denied Medical Care. *Human Rights Watch* (October 8, 2019). Available at: <https://www.hrw.org/news/2019/10/08/bahrain-prisoners-denied-medical-care>

³⁴ Bahrain: Reports of 2020. *Human Rights Watch* (2021). Available at: <https://www.hrw.org/world-report/2021/country-chapters/bahrain>

Section I.V.II Abuse of detained children in 2021

30. In February 2021, Bahrain’s government carried out a wave of arrests apparently aimed at deterring protests marking the 10th anniversary of Bahrain’s Arab Spring pro-democracy uprising, including at least 13 children, aged between 11 and 17.
31. A BIRD and Human Rights Watch (HRW) joint investigation revealed that the children were detained in relation to alleged protest activity between late 2020 and 2021 during which they were beaten and threatened with rape and electric shocks.³⁵
 - a. The Bahraini government responded on the issue to Reuters.³⁶
32. In a follow-up investigation, BIRD and HRW criticised the Bahraini oversight bodies for lacking any credibility in the face of compelling evidence, stating the oversight body investigations lacked any credibility in the face of compelling evidence and were blatant efforts to whitewash serious human rights abuses.³⁷

Section I.V.III Mass Enforced Disappearance and 17 April 2021 Attack

33. On 17 April 2021, over 30 political prisoners in Jau Prison were tortured and around 60 political prisoners were enforceably disappeared after riot police violently cracked down on a sit-in staged by inmates to protest deteriorating prison conditions and the death of political prisoner Abbas Mallallah amid allegations of medical negligence.³⁸
34. Police responded with what the UN High Commissioner for Human Rights condemned as “unnecessary and disproportionate force”.³⁹ Inmates were tortured, some were beaten unconscious and 64 political prisoners were then forcibly disappeared to an unknown location for a period of 19 days, between 17 April and 5 May 2021. Despite representations, they were held incommunicado for between 30 and 36 days.
35. On April 30 2021, the UN OHCHR called on Bahrain to “immediately launch a thorough and effective investigation”.⁴⁰

Section I.V. IV Due Process Violations and Mass Trials

36. Bahrain’s judiciary has failed to move towards an evidence-based system in line with international standards, remaining dependent on confessions to secure convictions. As a

³⁵ Bahrain: Police Beat, Threaten Children. *Human Rights Watch* (March 10, 2021). Available at: <https://www.hrw.org/news/2021/03/10/bahrain-police-beat-threaten-children>

³⁶ Rights groups say Bahrain police beat children and threatened them with rape. *Reuters*. (March 10, 2021). Available at: <https://www.reuters.com/article/bahrain-security-int-idUSKBN2B21NT>.

³⁷ Bahrain: Stop Denying Abuse of Detained Children. *Human Rights Watch* (June 7, 2021). Available at: <https://www.hrw.org/news/2021/06/07/bahrain-stop-denying-abuse-detained-children>

³⁸ Bahraini prisoners allege brutal crackdown in response to Covid protest. *The Guardian* (June 22, 2021). Available at: <https://www.theguardian.com/global-development/2021/jun/22/bahraini-prisoners-allege-brutal-crackdown-in-response-to-covid-protest>.

³⁹ Press briefing notes on Bahrain. *OHCHR* (April 30, 2021). Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27042>.

⁴⁰ Press briefing notes on Bahrain. *OHCHR* (April 30, 2021). Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27042&LangID=E>

result, judges consistently fail to discount evidence obtained under torture, including in cases involving the death penalty.

37. Mass trials are also commonplace in Bahrain, with the largest in Bahrain's recent history seeing 167 people sentenced in a single day in February 2019, over their participation in a peaceful sit-in in the village of Duraz.⁴¹
38. In September 2020, 39 defendants were convicted in a mass trial, including the 17-year old son of former political prisoner Najah Yusuf.⁴² Amnesty International has asserted that his "prosecution and imprisonment have been taken in reprisal against his mother."⁴³
39. In November 2020, 51 individuals were convicted of affiliation with a militant group.⁴⁴ Sentences ranged from five years to life imprisonment, with over half of the defendants sentenced in absentia. According to family members of one defendant interviewed by BIRD, the trial was replete with due process violations and evidence obtained under duress was used to secure convictions.
40. In July 2020, five UN experts warned Bahrain that "Human rights violations committed in the name of combatting terrorism are counter-productive and undermine the credibility and effectiveness of [Bahrain's] counter-terrorism strategy".⁴⁵

Section II. Freedom of the press

41. Bahraini authorities have long cracked down on press freedom in the country, but the anti-government protests that began in February 2011 as part of the region-wide Arab Spring protests signaled a hard turn in official attitudes towards independent journalists and media outlets.
42. Between April 2011 and March 2012, at least three journalists were killed in Bahrain in connection with the protests.⁴⁶
43. Zakariya Rashid Hassan al-Ashiri, a journalist covering news for a local news website, died in Bahraini police custody on April 9, 2011. Al-Ashiri was arrested on April 2 and beaten to death by guards at the Dry Dock Detention Center on April 9. A Bahraini court later put five policemen on trial for their role in al-Ashiri's death, but all five were

⁴¹ Bahrain sentences 167 people to prison in crackdown on dissent. *Reuters* (March 14, 2019). Available at: <https://www.reuters.com/article/us-bahrain-security-idUSKCN1QV25V>.

⁴² Bahrain: Further information: Youth remains in prison in family reprisal case: Kameel Juma Hasan. *Amnesty International* (May 11, 2021). Available at: <https://www.amnesty.org/en/documents/mde11/4081/2021/en/>.

⁴³ Bahrain: Further information: Youth remains in prison in family reprisal case: Kameel Juma Hasan. *Amnesty International* (May 11, 2021). Available at: <https://www.amnesty.org/en/documents/mde11/4081/2021/en/>.

⁴⁴ Bahrain convicts 51 people in mass trial amid crackdown. *AP* (November 3, 2020). Available at: <https://apnews.com/article/bahrain-dubai-iran-united-arab-emirates-trials-02723344300e7dbbdc02c40d8cf70bb1>.

⁴⁵ UA BHR 4/2020. (July 29, 2020) Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25475>

⁴⁶ Committee to Protect Journalists. Available at: https://cpj.org/data/killed/mideast/bahrain/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&c_fips%5B%5D=BA&start_year=1992&end_year=2022&group_by=location

acquitted on March 12, 2013.⁴⁷

44. Karim Fakhrawi was tortured to death sometime between April 11-12, 2011, while in the custody of Bahrain's National Security Agency. Fakhrawi, a founder, investor, and board member of the independent Bahraini newspaper *Al-Wasat*, was detained at a police station on April 5 after going there to complain that authorities were about to bulldoze his house. A Bahraini court sentenced two police officers to seven years in prison on December 30, 2012, for their role in Fakhrawi's death, but the sentence was reduced to three years on appeal on October 27, 2013.⁴⁸
45. Unknown assailants shot Ahmed Ismail Hassan on March 31, 2012, shortly after Bahraini police dispersed a protest he had been covering. Hassan died in a hospital later that morning. Bahraini authorities have neither brought anyone to justice for Hassan's murder nor identified any suspects.⁴⁹
46. At least six journalists were behind bars in Bahrain as of December 2021, according to the Committee to Protect Journalists. Two of them, including AlSingace and Ali Mearaj, are serving life sentences while a third, Hassan Qambar, has been cumulatively sentenced to at least 100 years in prison. Bahraini authorities have also revoked the citizenship of three of the imprisoned journalists: Ali Mearaj, Mahmoud al-Jaziri, and Sayed Ahmed al-Mosawi.⁵⁰
47. Bahrain's Ministry of Information Affairs ordered the country's last remaining independent newspaper, *Al-Wasat*, to cease publication in June 2017.⁵¹
48. Bahraini authorities have repeatedly barred local journalists from traveling abroad, interrogated them and revoked their credentials, particularly ahead of international events such as UNHRC sessions where member states and civil society organizations present information critical of Bahrain's human rights record.⁵²⁵³

Section III. Bahraini legislation that is restrictive of freedom of expression and opinion

Section III.I. Previous UPR recommendations to Bahrain

⁴⁷ Zakariya Rashid Hassan al-Ashiri. *Committee to Protect Journalists*. Available at: <https://cpj.org/data/people/zakariya-rashid-hassan-al-ashiri/>

⁴⁸ Karim Fakhrawi. *Committee to Protect Journalists*. Available at: <https://cpj.org/data/people/karim-fakhrawi/>

⁴⁹ Ahmed Ismail Hassan. *Committee to Protect Journalists*. Available at: <https://cpj.org/data/people/ahmed-ismail-hassan/>

⁵⁰ Number of journalists behind bars reaches global high. *Committee to Protect Journalists* (December 9, 2021). Available at: <https://cpj.org/reports/2021/12/number-of-journalists-behind-bars-reaches-global-high/>

⁵¹ Bahrain orders independent outlet Al-Wasat to cease publication. *Committee to Protect Journalists* (June 5, 2017). Available at: <https://cpj.org/2017/06/bahrain-orders-independent-outlet-al-wasat-to-ceas/>

⁵² Bahraini journalists harassed, banned from travel. (May 1, 2017). *Committee to Protect Journalists*. Available at: <https://cpj.org/2017/05/bahraini-journalists-harassed-banned-from-travel/>

⁵³ CPJ concerned about legal harassment of Bahraini journalist. *Committee to Protect Journalists* (July 28, 2016). Available at: <https://cpj.org/2016/07/cpj-concerned-about-legal-harassment-of-bahraini-j/>

49. Bahrain has failed to implement a large number of recommendations from the previous UPR cycle, including those supported by Bahrain. Legislative restrictions on fundamental freedoms of expression, opinion, peaceful assembly and association remain in place and civil society figures including activists and journalists remain imprisoned. Recommendations that the government has failed to implement include:

- a. “Repeal or amend all laws that restrict the freedoms of expression, association or assembly, including decree No. 31 of 2013, Law No. 34 of 2014, and Law No. 26 of 2015” (114.111: Germany);⁵⁴
- b. Bahrain has failed to take “urgent steps to facilitate the work of civil society and human rights defenders, and guarantee protection of all persons from intimidation or reprisals for seeking to cooperate with the United Nations” (114.57: Ireland)⁵⁵ and to “lift restrictions on civil society” (114.124: Estonia);⁵⁶
- c. “Adopt appropriate measures to ensure the protection of human rights defenders, journalists and members of the political opposition from acts of aggression and intimidation” (114.119: Luxembourg).⁵⁷

Section III.II. Bahrain’s national and international obligations

50. Bahrain is bound by several core international human rights treaties which relate to freedom of expression, association and assembly. However, Bahrain has reservations in place which restrict their international human rights obligations. This includes reserving the right to respect freedom of religion and the rightful compensation of victims of unlawful arrests within the ICCPR, and the right to prohibit strikes in essential utilities within the ICESCR.

- a. The right to freedom of expression is protected by the constitution of Bahrain. Article 23 provides that “Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and public it by word of mouth, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.”

Section III.III. Legislative restrictions to fundamental freedoms in Bahrain

Section III.III.I Bahrain’s Penal Code

51. Many articles in the *Bahraini Penal Code 1976, amended March 4 1982*, restrict freedom of expression, including the following:⁵⁸

⁵⁴ A/HRC/36/3/Add.1 - Para. 25 [Noted, not supported]

⁵⁵ A/HRC/36/3/Add.1 - Para. 32 [Supported]

⁵⁶ A/HRC/36/3/Add.1 - Para. 32 [Supported]

⁵⁷ A/HRC/36/3/Add.1 - Para. 32 [Supported]

⁵⁸ Bahraini penal code available at: <https://legalaffairs.gov.bh/PDF/L0982.pdf>

- a. Article 160 states: “Imprisonment for a period not exceeding 10 years shall be the punishment for any person who favors or advocates in any manner whatsoever, the overthrow or change of the country's political, social or economic system with the use of force, intimidation or such other illegal methods.”
- b. Article 165 states: “Anyone who publicly incites to hatred or contempt for the ruling system shall be punished by detention.”
- c. Article 174 provides that imprisonment or a fine “[...] shall be inflicted upon any person who produces or possess, with the intent of trading, distribution, posting or display, any pictures designed to cause offence to the country's reputation whether by a presentation that is contrary to the truth, by giving an improper description, presenting unbecoming aspects or by any other method.”
- d. Article 214 states: “A prison sentence shall be the penalty for any person who offends the Amir of the country, the national flag or emblem.”
- e. Article 215 stipulates that the punishment of imprisonment and a fine be given to “[...] any person who offends in public a foreign country or on international organization based in the State of Bahrain or its president or representative. The same penalty shall apply to a person who offends such organization’s flag or official emblem [...]”.
- f. Article 216 states: “A person shall be liable for imprisonment or payment of a fine if he offends, by any method of expression the National Assembly, or other constitutional institutions, the army, law courts, authorities or government agencies.”
- g. Article 290 stipulates imprisonment and a fine as punishment for “[...] any person who deliberately causes inconvenience to others by misusing telecommunications appliances [...]”.

Section III.III.II The Misuse and Flaws of Bahrain’s Anti-Terrorism Law

52. The *2006 Law on Protecting Society from Terrorist Acts* has been repeatedly utilised to target human rights activists, journalists, political opposition leaders and government critics with expression-related charges, and to circumvent the principle of due process. The laws remain vague and ambiguous, with no definition of terrorism.
53. Amendments in 2013 and 2014 created a separate prosecution office for terrorism-related crimes and legitimised citizenship revocation and direct legal action against those who use social networks to disseminate false information to foreign sides which plot against the country’s security and stability. These amendments allow for detention without charge or investigation for a period of up to 28 days, with detained individuals unable to exercise their right to contact family and a lawyer. During these long periods of pretrial detention, suspects and victims of arbitrary arrests are allegedly subjected to torture and forced to confess fabricated charges.
54. Sayed Ahmed al-Mousawi, an award-winning photographer, was sentenced to 10 years in prison and had his nationality revoked in November 2015 after covering a series of

demonstrations in early 2014. Security forces detained Al-Mousawi for over a year without trial or official charges and accused him of being a part of a terrorist cell and subjected him to torture. Police disappeared and tortured al-Mousawi for five days, subjecting him to severe beatings on his genitals, electrocution and hanging from a door. For the duration of his disappearance, he was stripped naked and forced to stand for long periods of time. Officers did not allow a lawyer to accompany al-Mousawi when they transferred him to the Public Prosecutor. Courts renewed al-Mousawi's pre-trial detention six times, and he spent over a year in prison without formal charges.⁵⁹

Section III.III.III Other restrictive legislation in Bahrain

55. The 1973 Decree and Decree No. 32/2006 outlaw public gatherings, and make unlicensed gatherings of groups of over five people illegal, effectively criminalising protest and acting as a serious violation to the right to peaceful assembly and association for all people in Bahrain.
56. Bahrain's law on alternative sentencing is applied in a discriminatory way which often excludes eligible political prisoners and has always excluded opposition leaders;
57. Elements of the 2002 Press and Publications Law and the 2002 Telecommunications Law and the Law for Combating Cybercrime contain provisions used to limit freedom of expression in the media and online;
58. Resolution No. 20 of 2020 of the Executive Regulations of the Civil Service Law outlaws criticism of government policy by public sector workers.

Section I.V. Recommendations

Freedom of opinion and expression

59. End the intimidation and harassment of human rights defenders, journalists and civil society organizations, lift the restrictions imposed on them and allow them to freely exercise their rights to freedom of expression, association and assembly.
60. Allow journalists to exercise their profession and ensure independent media outlets can operate freely, and refrain from arbitrarily withholding license renewals.
61. Rescind orders barring independent media outlets from publishing.
62. Immediately and unconditionally release all imprisoned journalists, and end punitive measures against them, including by reinstating citizenship when necessary.

Constitutional and legislative framework

63. Repeal or amend all laws that restrict the freedoms of expression, association or assembly, including *decree No. 31 of 2013, Law No. 34 of 2014, and Law No. 26 of 2015* and the following articles with the Bahraini penal code: Art 160, 165, 174, 214, 216 and

⁵⁹ Bahrain Institute for Rights and Democracy, NGOs Condemn Imprisonment and Nationality Revocation of Photographer Sayed Ahmed al-Mousawi. *BIRD* (25 November 2015). Available at: <https://birdbh.org/2015/11/ngos-condemn-imprisonment-and-nationality-revocation-of-photographer-sayed-ahmed-al-mousawi/>

290.

64. Amend anti-terrorism laws, namely the definition of terrorism within.
65. Repeal or amend the 1973 Decree and Decree No. 32/2006; 2002 Press and Publications Law and the 2002 Telecommunications Law and the Law for Combating Cybercrime; Resolution No. 20 of 2020 of the Executive Regulations of the Civil Service Law
66. Amend Bahrain's Law No. 4 of 2021 Promulgating the Restorative Justice Law for Children to clearly provide for a child's right to a lawyer and parents present during interrogation and to clearly provide for a child's right to challenge their deprivation of liberty.⁶⁰

Human rights defenders

67. Immediately and unconditionally release 10 of those in the 2011 case against leading opposition activists, convicted for their leading roles in the pro-democracy uprising. They are: Hasan Mushaima, Abdulwahab Hussain, Sheikh Mohamed Habib al-Miqdad, Sheikh Abduljalil al-Miqdad, Dr Abduljalil al-Singace, Abdulhadi al-Khawaja, Sheikh Sa'eed al-Nuri, Sheikh Abdulhadi al-Mukhodher, Sheikh Abdulla al-Mahroos, and Mohamed Ali Ismail, and the leader of Bahrain's opposition party Al-Wefaq, Sheikh Ali Salman.
68. Immediately and unconditionally release human rights activists Naji Fateel and Ali AlHajee.
69. Put an end to reprisals against human rights defender Sayed Ahmed Alwadaei by reinstating his citizenship and immediately and unconditionally releasing his arbitrarily detained brother-in-law Sayed Nizar Alwadaei.
70. End immediately the reprisals against human rights defenders and lift restrictions on civil society
71. Take urgent steps to facilitate the work of civil society and human rights defenders, and guarantee the protection of all persons from intimidation or reprisals for seeking to cooperate with the United Nations.

Prohibition of torture and cruel, inhuman or degrading treatment

72. Commute the death sentences of all 11 individuals on death row who are at imminent risk of execution and who have alleged torture, including Mohammed Ramadhan and Husain Moosa.
73. Instate a moratorium on the use of the death penalty.
74. Ensure the independence and effectiveness of Bahrain's human rights oversight bodies including the Ministry of Interior Ombudsman, the Special Investigations Unit and the

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Letter re. UK Response to Arbitrary Detention of Children by Bahraini Authorities. *Human Rights Watch and Bahrain Institute for Rights and Democracy*. (March 2022). Available at: <https://www.hrw.org/news/2022/03/04/letter-re-uk-response-arbitrary-detention-children-bahraini-authorities>

National Institute for Human Rights.

75. Ensure that the Special Investigations Unit carries out timely and independent investigations into torture allegations that are in line with the Istanbul Protocol.
76. Implement previous recommendations to:
 - a. Take steps to establish an independent, effective and well-resourced national preventive mechanism in compliance with Optional Protocol to the Convention against Torture requirements;
 - b. Further implement measures on the protection of victims of mistreatment and torture and on the prosecution of perpetrators;
 - c. Investigate all allegations of torture and start prosecuting all individuals found responsible;
 - d. Ensure the independence, impartiality and effectiveness of the Special Investigations Unit and other relevant human rights institutions in investigating all allegations of torture and other ill-treatment, unlawful killings and deaths in custody.

Conditions of detention

77. Ensure detainees do not face discriminatory treatment due to their religion, political belief and that allegations of discriminatory treatment are independently and swiftly investigated, and that perpetrators are prosecuted.
78. Guarantee all detainees' right to timely and adequate medical care and ensure that no detainee is subjected to medical negligence.
79. Refrain from implementing punitive measures against detainees, including the restrictions to their phone calls and family visitation rights.
80. Review convictions, commute sentences, or drop charges for all persons imprisoned solely for non-violent political expression.