

Chase Carey, Chairman and Chief Executive
Ross Brawn, Managing Director, Motor Sports
Sean Bratches, Managing Director, Commercial Operations

Formula One
6 Princes Gate
London
SW7 1QJ

CC: Jean-Francois Van Boxmeer, CEO, Heineken

5 April 2017

Dear Mr Carey, Mr Brawn and Mr Bratches,

We write to you ahead of the upcoming Formula 1 Grand Prix race in Bahrain, scheduled for 14-16 April 2017, to flag our concerns about the deteriorating human rights situation in Bahrain and the human rights risks associated with the Formula 1 event, to ask what due diligence measures Formula 1 has taken to safeguard human rights during the race, and to raise the issue of reprisals against participants in the OECD negotiations since Formula 1's adoption of its commitment to human rights.

In view of the matters we set out below, concerted and visible action is now required from Formula 1, consistent with its commitment to human rights. We call on you to suspend this year's race in view of the alarming situation in the country.

The 2015 Commitment to Respect for Human Rights

In 2015, Formula 1 adopted a human rights policy following OECD consultation procedures in which Sayed Ahmed Alwadaei and Nabeel Rajab were involved. However, two years on, we, the undersigned NGOs, remain concerned that Formula 1 is not adequately addressing the human rights concerns surrounding its events in Bahrain.

- Point 2(a) of Formula 1's "Statement of Commitment to Respect for Human Rights" states that your organization will exercise due diligence in considering the potential human rights impacts of its activities;
- Point 2(b) commits Formula 1 to "identify and assess ... actual and potential adverse human rights impacts with which we may be involved ... as a result of our business relationships...";
- Point 2(c) commits you to "consider practical responses to issues raised,"; and
- Point 2(d) to "engage in meaningful consultations with relevant stakeholders."¹

¹ Formula One Group, "Statement of Commitment to Respect for Human Rights," appearing under the "Legal Notices" [section](#) of the Formula 1 [website](#) (undated; accessed March 2017).

Deteriorating Human Rights Situation in Bahrain

The human rights and political situation in Bahrain 2017 represents a return to past abuses and a rejection of meaningful reform. The few institutional changes made since the violent suppression of pro-democracy protests in 2011 are having no appreciable impact on the increased suppression of legitimate protest and the free press through state violence and the criminalisation of innocent citizens and human rights activists.

In January of this year the Government of Bahrain unlawfully executed three individuals whose convictions were based on confessions extracted under torture.² In the same month, the National Security Agency, notorious for torturing a detainee to death in 2011,³ among other crimes, saw its powers of arrest restored.⁴ (This authority had been suspended since November 2011 on the recommendation of the independent inquiry into the suppression of the 2011 pro-democracy protests). In April, the Bahraini King gave royal ascent to a constitutional amendment clearing the way for military trial of civilians.⁵ The Ministry of Justice has started the process of dissolving the secular opposition party *Wa'ad*, having already dissolved the largest independent political party, *Wefaq*, last year.⁶ Pro-democracy activists such as the Bahrain 13 remain in prison, alongside many more prisoners of conscience. Two of the human rights defenders with whom you conducted the OECD good faith negotiations have been singled-out for reprisals. Nabeel Rajab, President of Bahrain Center for Human Rights (BCHR) remains in pre-trial detention on charges relating solely to freedom of expression for which he faces up to 18 years in prison. The relatives of Sayed Ahmed Alwadaei, Director of Advocacy of the Bahrain Institute for Rights and Democracy (BIRD), have been imprisoned on fabricated charges, ill-treated and interrogated regarding his work. In January 2017, three victims of torture were unlawfully executed following unfair trials, and in March 2017 six new death sentences were handed down.

Abuses by Bahrain During Past Grand Prix Races

The Formula 1 Grand Prix in Bahrain last took place on 3 April 2016. It was marked by the death of Ali Abdulghani Ashoor Mohammad Alkoofi, aged 17, in Shahrakan, a village less than five kilometres from Bahrain International Circuit. Witnesses stated that he was struck twice by a police vehicle, though the Bahraini government claims that he died falling from a building while attempting to escape arrest. The inquiry into the death by Bahrain's Special Investigations Unit (SIU) made no reference to the witness testimonies. Its final result was not publicised, but no investigation into police misconduct ever emerged. Although the SIU is bound to investigate abuses in accordance with U.N. standards,⁷ multiple international human

² See e.g. the [online](#) statement by the Office of the High Commissioner for Human Rights, 17 January 2017, *op. cit.* Several of the undersigned organizations have investigated and documented the torture of the three victims.

³ Report of the Bahrain Independent Commission of Inquiry (comprised of Mahmoud Cherif Bassiouni, Nigel Rodley, Bardia al-Awadhi, Philippe Kirsch, and Mahnoush H. Arsanjani), 10 December 2011 (first presented in Manama on 23 November 2011) (available [online](#) in P.D.F.; accessed March 2017), ¶ 1005 at p. 245.

⁴ Jon Gambrell, "Bahrain, reversing reform, restores arrest powers to spies," Associated Press [online](#), 5 January 2017 (accessed March 2017).

⁵ Alwasat News, [online](#), 3 April 2017 (accessed 5 April 2017).

⁶ Jon Gambrell, "Bahrain files lawsuit to dissolve secular political party," Associated Press [online](#), 6 March 2017.

⁷ Office of the Public Prosecutor Decision No. 8 Establishing the Special Investigations Unit, 27 February 2012, Art. 3. For the relevant standards see Office of the United Nations High Commissioner for Human Rights, *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading*

rights groups have documented how its investigations cannot be considered either authoritative or independent.⁸

Bahrain's other watchdog organizations, the National Institute for Human Rights and the Office of the Ombudsman, have proved equally illusory as safeguards against abuse. The members of the National Institute for Human Rights (NIHR) are, without exception, appointees of the monarchy,⁹ and their record has reflected this. The NIHR recently all but celebrated the lawless execution of three torture victims (described below), taking this tragic occasion to proclaim that it "appreciates ... the desire of the responsible authorities, represented in the Ministry of Interior and the Office of the Public Prosecutor, to execute the law and implement the punishment"¹⁰ (translated from Arabic). The U.N.'s human rights office, in contrast, was "appalled" at this action.¹¹ It would be jarring under any circumstances to see a supposed human rights institution welcome an execution; under the circumstances of this case, it is a scandal. As for the Office of the Ombudsman, it is "embedded in the Ministry of Interior," which Bahrain's own official inquiry "concluded was responsible for [the] systematic practice of physical and psychological mistreatment of detainees" during the crushing of the mass pro-democracy movement in 2011.¹²

Last year's Grand Prix races in Bahrain (1-3 April 2016) also saw excessive use of force against protesters across the country. BIRD, ADHRB and the Bahrain Center for Human Rights (BCHR) monitored 57 arbitrary arrests in the two weeks preceding the race, while police used tear gas indiscriminately to suppress potential protests.¹³ In one incident exhibiting excessive use of force, police were filmed throwing tear gas through a house's front door and barring the entrance.¹⁴ In another incident police-fired canisters started a fire on the roof of a house in Nuwaidrat.¹⁵

BIRD also documented excessive use of force around the 2015 Grand Prix (held on 17-19 April). Ahead of that race, Bahrain's Chief of Public Security, Major-General Tariq al- Hasan, stated that security efforts regarding the 2015 race would be carried out in all areas of Bahrain.

Treatment or Punishment, Professional Training Series No. 8/Rev. 1 (New York/Geneva: United Nations, 2004) (available [online](#) in P.D.F.; accessed March 2017).

⁸ See e.g. the assessment in Human Rights Watch, *The Blood of People Who Don't Cooperate: Continuing Torture and Mistreatment of Detainees in Bahrain* ([New York]: Human Rights Watch, November 2015), p. 3: "[T]he SIU has failed ... to hold security forces and high officials accountable for torture and serious mistreatment of persons in custody. Bahrain's government-appointed National Institute for Human Rights has openly questioned the SIU's independence and its ability to conduct effective and impartial investigations, concluding that the SIU 'does not have the aspired independence and impartiality to ensure effective investigations.'" This evaluation tallies with that of Reprieve and the Bahrain Institute for Rights and Democracy, which recently submitted a detailed case study of the SIU's complicity in rights violations to the U.N. Committee Against Torture.

⁹ Royal Decree No. 26 Establishing the National Institute for Human Rights, 24 July 2014, Art. 5(a).

¹⁰ "*Bayān al-mu'assasah al-waṭaniyah li-ḥuqūq al-insān bi-sha'n 'uqūbat al-'idām bi-ḥaqq thalāthah mudānīn*" ["Statement of the National Institute for Human Rights on the Death Penalty for Three Convicts"], [online](#) statement (PDF) on the Institute's [website](#), 16 January 2017 (accessed March 2017).

¹¹ Spokesman for the U.N. Office of the High Commissioner for Human Rights Rupert Colville, "Press briefing notes on Iran and Bahrain," [online](#) at the OHCHR [website](#), 17 January 2017 (accessed March 2017).

¹² Human Rights Watch, *Blood of People Who Don't Cooperate*, *op. cit.*, p. 3.

¹³ For the indiscriminate use of tear gas, see e.g. the [footage](#) uploaded to YouTube on 1 April 2016 (accessed March 2017).

¹⁴ See the [footage](#) [posted](#) on BIRD's Twitter feed (@BIRDBahrain_) on 20 December 2016.

¹⁵ See [footage](#) uploaded to YouTube on 3 April 2016 (accessed March 2017).

Following this statement, security forces arrested 22 individuals without warrants. Those arrested included 9 children under the age of 18. This also followed prior arrests of 53 individuals including women and children. Many of the arrests carried out contravened the right to freedoms of assembly and expression. On one occasion, police arrested 17 demonstrators calling for a boycott of the race. Other individuals were arrested at police checkpoints for possessing pamphlets and other materials calling for a boycott. Police employed excessive force with the use of tear gas and shot guns against a total of 48 peaceful anti-F1 protests in 2015.

Reprisals Against Independent Journalists and Press

Journalists are under significant threat, with photojournalists covering protests facing the harshest reprisals. Police suppressing protests deliberately target photojournalists at the scene. Photojournalist Sayed Ahmed Al-Mousawi was arrested in 2014, subjected to torture, and in 2015 convicted on terrorism offences and deprived of his nationality.¹⁶ On 22 March, police arrested former Agence France-Presse photojournalist and winner of the Bayeux-Calvados Award for war correspondents Mohammad Al-Sheikh at Bahrain International Airport on his return from abroad, holding him in detention for over twenty-four hours.¹⁷ Under Bahraini law, all journalists working for international media require a special one-year license to operate. In the past year, the Bahraini authorities have arbitrarily denied the license renewal of at least four Bahraini journalists working for international press, Mohammad amongst them.¹⁸ Nazeeha Saeed, a France24 and Radio Monte Carlo Doualiya correspondent and one of the four journalists denied their license renewal, currently faces civil court charges of “practising journalism without a license.”¹⁹ In January, the government arbitrarily suspended the web content of the only independent newspaper *Alwasat* for several days.²⁰

Current Reprisals Against Human Rights Defenders Who Have Worked with F1

Human rights defenders who participated in the negotiations with Formula 1 have also faced reprisals for their peaceful human rights activities. Nabeel Rajab, president of BCHR, currently faces up to 18 years in prison on charges relating solely to freedom of expression: criticising the humanitarian cost of the Saudi war in Yemen; exposing torture in Bahrain’s Jau Prison; giving interviews to international journalists; and writing a letter to the *New York Times*. He has been held largely in solitary confinement since June 2016 during pre-trial detention,²¹ a violation of his right not to be ill-treated or tortured.²² These reprisals are intended to prevent Rajab from engaging in

¹⁶ BIRD, “NGOs Condemn Imprisonment and Nationality Revocation of Photographer Sayed Ahmed Al-Mousawi,” BIRD’s [website](#), 25 November 2015 (accessed March 2017).

¹⁷ BIRD, “Bahrain: Award Winning Photojournalist Mohammad Al-Sheikh Arrested in Bahrain,” BIRD’s [website](#), 22 March 2017 (accessed March 2017).

¹⁸ Figure based on direct interviews by BIRD with the journalists.

¹⁹ BIRD, “Trial of Radio Monte Carlo Doualiya’s Reporter Nazeeha Saeed Begins Monday,” BIRD’s [website](#), 12 January 2017 (accessed March 2017). The case is ongoing.

²⁰ BIRD, “Bahrain Partially Suspends *Alwasat*, Only Independent Newspaper,” BIRD’s [website](#), 17 January 2017 (accessed March 2017).

²¹ See e.g. the statement by the signatory organizations, “Bahrain courts postpone trial of HRD Nabeel Rajab, deny bail,” [posted](#) on BIRD’s [website](#), 21 February 2017.

²² Joint communication to Bahrain by the U.N. Working Group on Arbitrary Detention *et al.*, 4 July 2016 (available [online](#) in P.D.F.; accessed March 2017), p. 4.

human rights work which includes his documentation of rights abuses which occurred during the 2012 Grand Prix and the negotiations with Formula 1.

Sayed Ahmed Alwadaei, Director of Advocacy at BIRD, who also participated in the negotiations with Formula 1, has likewise faced reprisals for his human rights work. Alwadaei's brother-in-law, Nazar Sayed Namaa Alwadaei, and his mother-in-law, Hajar Mansoor Hassan, were both arrested, on 2 and 5 March respectively, and have now been held for nearly a month pending trial on fabricated terror charges. In addition to this arbitrary detention and intimidation, authorities subjected Nazar to abuse and coerced him into implicating family members of criminal offences.²³ Detention authorities also ill-treated Hajar into confessing to a criminal offense. The majority of Hajar and Nazar's interrogation was about Sayed Alwadaei's activities,²⁴ demonstrating that these detentions are in reprisal against him. The spurious criminal charges raised against them are being wielded as blackmail against Sayed Alwadaei in an effort to deter him from pursuing his human rights work.

Call to Cancel Grand Prix 2017 Events in Bahrain

Human rights abuses connected to the race are, once more, increasing in the run-up to this year's race. In particular, the continued use of excessive force to dispel protests. Just two months ago, plain-clothed, masked state agents opened fire on protesters in Duraz village using live ammunition, striking 18-year-old Mustafa Hamdan in the back of the head and leaving him comatose.²⁵ Mustafa died of his wounds on 24 March. We believe that the National Security Agency is the likely perpetrator, given the similarity to its past *modus operandi* in attacking demonstrators.

Formula 1 cannot stand by in view of the deteriorating situation in Bahrain, the likelihood of further incidents in the run-up to the race and while those who negotiated in good faith with you are imprisoned and their relatives victimized for their work.

With all the above risks, both to those engaged directly with Formula 1 and to peaceful protesters like Mustafa Hamdan, we call on Formula One to cancel the scheduled Grand Prix races in Bahrain. In light of the deteriorating human rights situation and F1's inability to guarantee against the abuses which accompanied its past two Grand Prix circuits in Bahrain, F1 should cancel all its events there in 2017.

As we have described above, human rights violations have been a common occurrence during Formula 1 Grand Prix races in Bahrain. The death of Ali Abdulghani last year never elicited a credible independent investigation, and the Government of Bahrain's record has only regressed further in the year since the last race. Formula 1 will become complicit in these human rights violations if it does not cancel its upcoming races in Bahrain. In short, we are calling on Formula 1 to uphold the commitment to human rights that it signed in 2015.

²³ Human Rights Watch, "Bahrain: Activist's Family Targeted," [online](#) news release, 6 March 2017.

²⁴ Interviews with family members conducted by BIRD and ADHRB in March 2017.

²⁵ Faten Bushehri, "Critical Injury as Armed Men Fire 9mm Rounds and Shotguns at Civilians in Duraz," Bahrain Watch [online](#), 26 January 2017.

Yours Sincerely,

Americans for Democracy & Human Rights in Bahrain

ARTICLE 19

Bahrain Institute for Rights and Democracy

Gulf Centre for Human Rights