

Human Rights Council

Thirty-sixth session

11-29 September 2017

Agenda items 2 and 5

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights bodies and mechanisms

Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

Extracts: Cases in Bahrain and Saudi Arabia

Bahrain

4. In an ongoing trend of major harassment and intimidation against human rights defenders, the imposition of travel bans on selected individuals, the arrest, detention, and ill-treatment of targeted individuals and one particular case involving sexual assault and torture as a form of reprisal, allegations were addressed by special procedures mandate holders and the President of the Human Rights Council who were in contact with the Government on these cases. The Assistant Secretary-General for Human Rights has addressed allegations on cases in writing to the Government. Special procedures have expressed concerns about an orchestrated crackdown on civil society, stressing that the authorities have resorted to drastic measures to curb dissenting opinions, including reprisals for cooperating with the United Nations, and in particular OHCHR (see A/HRC/34/75, BHR 4/2016 and A/HRC/34/75 and BHR 7/2016).

5. Several allegations have been received by special procedures about travel bans allegedly imposed on human rights defenders for their cooperation with the Human Rights Council, in particular the defenders' in participation in the thirty-second and thirty-third sessions of the Council, the twenty-second session of the Conference of the Parties (COP 22) of the United Nations Climate Change Conference, or human rights workshops. On 25 November 2016, three mandate holders raised concerns about allegations of a travel ban imposed on civil society representatives Mr. Mohammed Jawad, Ms. Nedal Al-Salman, Mr. Hussain Salam Ahmed Radhi, Mr. Mohammed Al-Tajer and Ms. Enas Oun in this regard (see A/HRC/34/75 and BHR 7/2016). At the time of the finalization of the present report, no response had been received from the Government.

6. On 21 June 2016, the Spokesperson of the High Commissioner for Human Rights expressed deep concern that Mr. Nabeel Rajab, a co-founder of the Bahrain Center for Human Rights, was arrested on 13 June 2016 for "spreading false news and rumours about the internal situation in a bid to discredit Bahrain". He had been subject to a travel ban since at least January 2015. There is concern on the part of the High Commissioner for Human Rights that these and subsequent actions against Mr. Rajab are connected to his engagement with the Human Rights Council.

7. On 8 July 2016 some mandate holders raised concerns regarding allegations of a travel ban imposed on members of civil society, Mr. Hussain Salam Ahmed Radhi, Ms. Ebtessam Abdulhusain Ali-Alsaegh, Mr. Ebrahim Al-Demistani and Mr. Abdulnabi Al-Ekry in an act of reprisal for their cooperation with the United Nations Human Rights Council, in particular their participation in the 32nd session of the Human Rights Council, and their human rights work (see A/HRC/34/75, BHR 4/2016).

8. In its replies dated 15 August 2016 and 9 September 2016, the Government informed that the travel ban was imposed pursuant to a decision by the Public Prosecutor's Office, based on the provisions of article 159 of the Code of Criminal Procedure which

authorizes the imposition of a travel ban on an accused person if it is considered that such action is in the interest of the investigation. The Government's response did not address the allegations of possible reprisals.

9. It is alleged that travel bans have been repeatedly imposed in what appears to be a politically motivated strategy to prevent human rights defenders from travelling abroad and participating in international events related to human rights, in particular those organized by the United Nations. On 23 August 2016, the President of the Council, in a meeting of the Bureau "recalled the alleged case of reprisals relating to travel bans faced by eight individuals who were allegedly prevented from traveling from Bahrain to Geneva to participate in the 32nd session of the Council, as discussed at the Bureau meetings of 23 and 29 June 2016, and informed of the lack of appropriate action or adequate explanatory information from the concerned State". The President expressed concern over this case and noted that he will consider very carefully all cases of reprisals brought to his attention.

10. On 16 June 2017, special procedures mandates publicly urged the Government to halt its orchestrated crackdown on civil society, stressing that the authorities have resorted to drastic measures to curb dissenting opinions such as torture, arbitrary detention, unfounded convictions, the stripping of citizenship, the use of travel bans, intimidation, including death threats, and reprisals for cooperating with international organizations, including the Office of the High Commissioner for Human Rights.¹

Saudi Arabia

66. Special procedures mandate holders took action on the case of Mr. Issa Al-Hamid, a human rights defender and member of the Saudi Civil and Political Rights Association (ACPRA) who was sentenced to 11 years in prison followed by an 11-year travel ban and fine of 100,000 Riyals. He was originally sentenced to nine years by the Specialized Criminal Court for having, *inter alia* "communicated with international organizations in order to harm the image of the State", a charge that according to special procedures appear to also constitute acts of reprisal for cooperating with the United Nations, its representatives and mechanisms in the field of human rights. His sentence was increased by two years on 1 December 2016 by the Court of Appeal.

67. On 13 December 2016, several mandate holders raised concerns over allegations of reprisals against Mr. Al-Hamid for cooperating with the United Nations on human rights (see A/HRC/35/44, SAU 8/2016). In its reply dated 13 February 2017, the Government did not address the case of Mr. Al-Hamid, as a response concerning his case had been provided already in relation to a previous communication (SAU 4/2016) in which the Government informed that he was sentenced by a lower court to nine years of imprisonment and a ban to travel outside the Kingdom for a similar period. He was being charged for: his involvement in the establishment of an unlicensed association; non-compliance with the court order to dissolve it; stirring up public opinion; explicitly defaming the faith and loyalty of the members of the Council of Senior Scholars; disparaging the judiciary; and committing offences that undermine national security. The Government did not address the allegations relating to reprisals in either of its responses.

¹ OHCHR, "Bahrain must end worsening human rights clampdown, UN experts say," 16 June 2017.