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Human rights situations that require the Council's attention

Written statement* submitted by Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Arbitrary Arrests in Bahrain (2011 – 2021)

Since 2011 until 2021, the Bahraini authorities made 20068 arrests relevant to the popular protests that erupted in February 2011. Based on the testimonies of the victims or their families or what we learned from documents, it appears that most of the reported arrests fall into at least one of two categories, according to the classification of the United Nations Working Group on Arbitrary Detention. Deprivation of liberty is arbitrary if it resulted from the exercise of freedom of expression and assembly (Category II), and if the international norms relating to the right to a fair trial were not respected (category III). The authorities later released many of them for various reasons, including finishing their sentences.

Based on our observation, arbitrary arrests (2011-2021) were concentrated according to the following governorates: 7275 cases in the Capital Governorate, including 6396 men, 121 women, and 758 children, 6228 cases in the Northern Governorate, including 5550 men, 72 women and 606 children, and 1170 cases in Muharraq Governorate, including 1008 men, 25 women and 137 children, in addition to 4912 cases where we were unable to determine the place of residence of the prisoner of conscience, including 4725 men and women, and 187 children. Monitoring records show the concentration of cases of arbitrary arrest of children consecutively between 2013 and 2018 as follows: in 2013 (204) cases, in 2014 (318) cases, in 2015 (414) cases, in 2016 (218) cases, in 2017 (144) cases, and in 2018 (141) cases. In 2011 the number of arbitrary arrests of children was (189).

The Bahraini authorities have arrested opposition leaders, human rights defenders, activists, and journalists. They did not spare anyone who criticizes them in public speeches and even on social media. They accuse them of charges such as "promoting forceful regime change," "inciting hatred against the regime," "inciting disobedience of the law," "insulting the King, the flag, or the national emblem," "insulting a foreign country or an international organization", and "insulting a governmental authority," until the law became a baton used to silence dissidents.

According to the information received, the Bahraini authorities dangerously violated the minimum guarantees of the people's right to a fair trial. The Judiciary convicted many victims of criminal charges based on confessions that the victims confirmed that were extracted under torture and duress. The victims' claims were not seriously inspected, and lawyers were not allowed to plead, not given an adequate opportunity to defend, or the court ignored their requests, which could have changed the course of the trial, etc.

Arbitrary arrests over political and security-related cases linked to the political and human rights movement in Bahrain continued. The reasons behind these arrests varied between participating in rallies and protests, giving political or religious speeches, publishing statements containing criticism of the government and its institutions on social networking sites, participating in media programs and other similar reasons that interfere with the freedom of opinion and expression provided for by political and civil rights.

Applicable Law

These arrests violate both local and international laws. Many international covenants, agreements and conventions affirm the right to freedom and the related rights. Article 3 of the Universal Declaration of Human Rights provides that "Everyone has the right to life, liberty and security of person," and Article 9 thereof provides that "No one shall be subjected to arbitrary arrest, detention or exile."

Paragraph 1 of Article 9 of the International Covenant on Civil and Political Rights (ICCPR) stipulates, "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

Article 14 of the Arab Charter on Human Rights stipulates,

"1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest, search or detention without a legal warrant.

2. No one shall be deprived of his liberty except on such grounds and in such circumstances as are determined by law and in accordance with such procedure as is established thereby.”

The Working Group on Arbitrary Detention at the UN Human Rights Council regards deprivation of liberty as arbitrary in the following cases:

When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights;

When it is clearly impossible to invoke any legal basis to justify the deprivation of liberty (such as when a person is kept in detention after the completion of his or her sentence, or despite an amnesty law applicable to the detainee, or when a person detained as a prisoner of war, is kept in detention after the cessation of effective hostilities);

When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character

When the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status, and which aims towards or can result in ignoring the equality of human rights.

Many cases in Bahrain are arrested and prosecuted on the basis of charges that largely overlap with the exercise of the rights and freedoms guaranteed by the above-mentioned articles.

Many people are being arrested and prosecuted on loose charges that clearly interfere with freedoms and rights such as the right to freedom of thought and conscience, freedom of opinion and expression, the right to peaceful assembly and other rights and freedoms specified by the international human rights law, which constitute arbitrary detention and deprivation freedom.

Bahrain forum for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.