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Bahrain

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 158th session (Geneva, 8 February 2019)



Matar Ebrahim Matar © Courtesy photo | Mr. Matar's family

BHR03 - Matar Ebrahim Matar
BHR04 - Jawad Fairouz Ghuloom

Alleged human rights violations:

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Lack of fair-trial proceedings
- ✓ Other violations: unlawful revocation of citizenship

A. Summary of the case

Both individuals were members of the currently dissolved opposition Al-Wefaq party and of the Council of Representatives until their resignation—in protest of the government crackdown on demonstrations in February 2011—became effective at the end of March that year. They were arbitrarily arrested in May 2011, held incommunicado, allegedly ill-treated and prosecuted in connection with their participation in the demonstrations. Mr. Matar and Mr. Fairouz were released in August 2011. Mr. Matar was acquitted in February 2012.

On 6 November 2011, Mr. Fairouz found out, while on a visit to the United Kingdom, that, along with 30 others, he had had his citizenship revoked that same day for posing a security threat to Bahrain; the complainant considers that decision to be unlawful. Mr. Fairouz has since been granted asylum in the United Kingdom.

On 7 November 2011, Mr. Fairouz was acquitted of charges of spreading lies and promoting hatred, but found guilty of having taken part in a gathering aimed at disrupting public security and of having called for and organized marches without properly notifying the authorities. He was sentenced on those charges to 15 months in prison or,

Case BHR-COLL-01

Bahrain: Parliament affiliated to the IPU

Victims: Two male opposition members of parliament

Complainant: Section I.1(a), (b), and (d) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: May 2011

Recent IPU decision: [February 2017](#)

IPU Mission: - - -

Recent Committee hearing: Hearing of the Bahraini parliamentary delegation, led by the First Deputy Speaker of the Shura Council, Mr. Jamal Fakhro, during the 131st IPU Assembly (October 2014)

Recent follow-up

- Communication from the authorities: Letters from the Speaker of the Council of Representatives dated (December 2018);
- Communication from the complainant: Meeting with the complainant at the IPU Secretariat (June 2018);
- Communication addressed to the authorities: Letter addressed to the Speaker of the Council of Representatives (December 2019);
- Communication addressed to the complainant: January 2019.

alternatively, the payment of a fine of 300 Bahraini dinars to forestall execution of the prison sentence. Mr. Fairouz appealed the verdict. On 15 January 2013, the High Court upheld the sentence. The United Nations Special Rapporteur on the rights to freedom of assembly and of association singled out the situation of Bahrain in his report of 24 April 2013 (A/HRC/23/39), where he stated that: "Peaceful assemblies have been prohibited or repressed because the messages conveyed do not please the authorities" (para. 61). The report also stated that the Special Rapporteur "is particularly troubled by the imposition of blanket bans in many States" (para. 63), citing Bahrain along with another country, "typically in the interests of national security, public safety or public order. He firmly believes that such blanket bans, are intrinsically disproportionate and discriminatory measures as they impact on all citizens willing to exercise their right to freedom of peaceful assembly" (para. 63).

In June 2011, the King of Bahrain set up the Independent Commission of Inquiry. Its report severely criticized the authorities' handling of the protests and recommended that they take a wide-ranging series of steps to address the concerns which had arisen. The parliamentary authorities claim that these steps have since been implemented—which is strongly contested by the complainant—and have repeatedly objected to the Committee's jurisdiction over the cases at hand.

In July 2018, the UN Human Rights Committee reviewed Bahrain's compliance with the International Covenant on Civil and Political Rights (CCPR/C/BHR/CO/1), to which Bahrain is a party. In its concluding observations, the Committee is concerned "about reports that acts of torture and ill-treatment are often committed by law enforcement officials" (para. 37) and "about arbitrary and extrajudicial arrest and detention by security forces, including incommunicado detention, with no access to a lawyer or contact with family members" (para. 39). The Committee "is concerned that the right to freedom of assembly is severely limited and notes that public gatherings and marches are severely restricted by a 1973 decree on public gatherings and Decree No. 32/2006" (para. 55). The Committee is also "concerned about reports that the State party regularly avails itself of legal provisions making assemblies illegal to disperse protests violently and arrest activists, human rights defenders and members of the opposition" (para. 55). The Committee is "concerned about a number of persons who have had their citizenship revoked" (para. 61). In a similar vein, the Committee "notes with great concern the number and breadth of the circumstances in which domestic legislation allows for revocation of citizenship, including for any individual who 'aids or is involved in the services of a hostile State' or 'causes harm to the interests of the Kingdom or acts in a way that contravenes his duty of loyalty to it'" (para. 61). The Committee "is concerned that the opposition parties Al-Wefaq and Wa'ad have recently been dissolved and that their leaders and members have been prosecuted" (para. 63). It should be noted that with regard to each of the aforesaid concerns that the Committee formulated clear recommendations for action to the Bahraini authorities.

General elections were held in Bahrain on 24 November 2018, with a second round taking place in some constituencies on 1 December 2018. The main opposition was banned from running after their political parties had been dissolved earlier and after legislation had been amended to broaden the scope for invoking security grounds as a reason for exclusion from the elections.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the then Speaker of the Council of Representatives for his letter of 20 December 2018;
2. *Regrets nevertheless* that the information provided therein still does not answer its long-standing question about evidence of an effective official investigation into the detailed allegations of ill-treatment of Mr. Fairouz and Mr. Matar, particularly in light of the equivocal conclusions reached by the Bahraini Independent Commission of Inquiry regarding the use of torture and other forms of physical and psychological abuse of detainees during and after the protests and the lack of accountability of law enforcement officials; *considers* that the 2018 concluding observations and recommendations of the UN Human Rights Committee bear out that the underlying concern with regard to the alleged torture remain relevant today and therefore have to be taken extremely seriously;
3. *Reiterates its wish* to receive a copy of the decision to close the investigation into their alleged ill-treatment, the investigation report detailing the concrete steps that the authorities took to shed light on the allegations and a copy of the record of the detainees' visitors, particularly for the first month of the detention;

4. *Reaffirms its view* that, in light of its examination of the translated texts of the first-instance and appeal judgment against Mr. Fairouz, the relevant international human rights norms and the observations made by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, there was no legal justification to depict Mr. Fairouz's actions as criminal; *remains eager*, therefore, to receive the clarifications that the authorities undertook to provide on this point, all the more so as the UN Human Rights Committee's conclusions clearly underscore the challenges that continue to exist to the exercise of the right to freedom of peaceful assembly;
5. *Remains deeply concerned* about the manner in which Mr. Fairouz's nationality was revoked, which is part of a practice in Bahrain that has been widely criticized; *emphasizes* that, under international law, the revocation of nationality is an extremely serious measure, all the more so if it leads to statelessness, and should only be taken with full respect for due process, which should include hearing the individual concerned; *acknowledges* that Mr. Fairouz has not challenged the revocation in court, but that the only person of the group of 31 who did was told that the factual basis for the revocation could not be divulged; *considers* therefore that any attempt by Mr. Fairouz to challenge the revocation would likewise have been devoid of any practical meaning;
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainants and any third party likely to be in a position to provide relevant information;
7. *Decides* to continue examining the case.