

CRACKDOWN IN BAHRAIN

HUMAN RIGHTS AT
THE CROSSROADS

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INTERNATIONAL



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1. INTRODUCTION

“We think they are trying to destroy him gradually. He is shrinking; he is half of what he was.”

The brother of one of 23 political opposition activists detained, allegedly tortured and now facing unfair trial

Respect for human rights in Bahrain has deteriorated significantly in the past year in the face of growing anti-government sentiment and violent protests. Hundreds of people, many of them youths, were arrested in connection with protests and riots during 2010. Among those detained were 23 political opposition activists, arrested in August and September who were initially held incommunicado and then charged with forming and financing a “terrorist group” to overthrow the state by force. They are currently standing trial in Manama, Bahrain’s capital. They deny the charges and most allege that they were tortured in detention. Many of the others arrested were later released, but scores have been tried and sentenced to prison terms. Some of these too allege that they were tortured or ill-treated in police custody.

Until now, the government has failed to ensure that allegations of torture and other serious abuses by the security forces are investigated independently, promptly and thoroughly, as required by international law and international human rights treaties to which Bahrain is party. Indeed, the authorities have appeared more eager to prevent reporting of alleged abuses than to investigate and address them. They have tightened restrictions on freedom of expression, closing down critical websites and banning newsletters and other publications of opposition groups. They have also tightened restrictions on freedom of association and the activities of independent human rights organizations and activists. The executive board of one independent human rights organization was dismissed and the organization was brought under direct government control through the appointment of a Ministry of Social Development official as its “temporary administrator”.

These worrying developments come after years in which the government has actively promoted Bahrain as a “human rights friendly” country and a leader among the Gulf states in articulating the importance of human rights, and their protection and promotion. In April 2008, for example, when Bahrain was one of the first states to have its human rights record examined under the UN Human Rights Council’s then new system of Universal Periodic Review, the government responded positively, making significant commitments. These included promises to establish a national human rights institution, to withdraw the reservations made by Bahrain when it ratified certain human rights treaties, to reform family and nationality laws, to adopt new legislation to protect women domestic workers, and to lift restrictions on press freedom. Not all these commitments have yet been implemented, but a

national institution for the promotion of human rights was established in April 2010, comprising 23 members including civil society representatives.¹

These advances, and others made soon after the present King replaced his father in 1999 and embarked on a much-needed process of reform, now appear to be in jeopardy. Bahrain has reached a crossroads in its human rights journey.



A village just outside Manama, October 2010 © Amnesty International

This report is based on ongoing monitoring of developments in Bahrain as well as the findings of an Amnesty International fact-finding visit to Bahrain in October 2010 prompted by concerns over the arrests in August and September and about the treatment of detainees. During the visit, Amnesty International delegates met the Ministers of Interior, Justice, Social Development, Foreign Affairs and Information as well as other senior officials, including the Public Prosecutor. All assured Amnesty International of the government's commitment to human rights and undertook to look into any alleged violations that Amnesty International should bring to their attention. The delegates also met lawyers then representing the 23 political opposition activists in detention and the detainees' families, as well as local human rights activists and representatives of civil society and others. In addition, they observed the first session of the trial of the 23 political opposition activists.

Following the visit, Amnesty International urged the Bahrain government to take a number of immediate steps to address alleged human rights violations and prevent further abuses. Regrettably, few such steps have yet been taken.²

Amnesty International makes further recommendations at the end of this report, which the government must implement if it is to uphold its obligations under international law and respect the terms of international human rights treaties Bahrain has ratified, including the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). In ratifying these treaties, the Bahrain government promised both the people of Bahrain and the wider international community that it would uphold and respect their provisions. It must do so.

2. BACKGROUND

After Shaikh Hamad bin 'Issa Al Khalifa assumed power as head of state in 1999 following the death of his father, he inaugurated major political and human rights reforms that, among other things, abolished the repressive State Security Law and the State Security Court, and saw the release of hundreds of political prisoners and the return of political exiles from abroad.

The reforms were based on a National Action Charter that Shaikh Hamad bin 'Issa Al Khalifa put forward to end the political turbulence of the 1990s and to establish a constitutional monarchy.³ The Charter was overwhelmingly approved in a national referendum on 14 February 2001 and led in February 2002 to the adoption of a new and relatively progressive Constitution. The Constitution contains human rights guarantees and widened the suffrage to allow women to stand for public office and vote in elections. The State of Bahrain was renamed the Kingdom of Bahrain, and Shaikh Hamad bin 'Issa Al Khalifa assumed the throne as King.



Front of the al-Wefaq party headquarters, Manama, October 2010 © Amnesty International

The Constitution was criticized in some quarters, especially among the Shi'a majority population, for having been promulgated without adequate consultation and for adopting a two-chamber legislative system – a lower house comprising 40 directly elected members; and an upper house, the Shura Council, whose members are appointed by the King and have the power to veto legislation proposed by the lower house. This bicameral arrangement led the predominantly Shi'a political association al-Wefaq National Islamic Society (al-Wefaq) and three other political associations to boycott the first elections under the new Constitution in October 2002. Al-Wefaq contested the next elections in November 2006, winning 17 seats, although its decision to do so prompted some members, led by Shaikh Hassan Mshaima', to

break away and form a new organization, al-Haq Movement for Liberty and Democracy (al-Haq), which boycotted the elections.

The process of reform saw Bahrain ratify major international human rights treaties – the UN Convention on the Elimination of All Forms of Discrimination against Women in 2002, two Optional Protocols to the Convention on the Rights of the Child in 2004, the ICCPR in 2006, and the International Covenant on Economic, Social and Cultural Rights in 2007. It also became party to the Arab Charter of Human Rights in 2006.⁴ In addition, the government passed new laws relating to the administration of justice, the formation of political associations and other matters, and established the Supreme Judicial Council in 2000 and the Supreme Constitutional Court in 2005.

The 2006 elections were held amid controversy after the High Criminal Court banned the publication of any information relating to a report by Salah al-Bandar, a UK national advising the Bahrain government, which alleged that government officials intended to rig the election in favour of the ruling Sunni Muslim minority. The authorities deported him and later charged him with “illegally seizing government documents” and theft.



Women voting during the last parliamentary elections, Manama, October 2010 © Amnesty International

Before and after the 2006 elections there were growing signs of popular discontent over what was seen as the faltering pace of reform and a failure to end alleged discrimination against the Shi'a, especially in employment and housing. Anti-government protests were staged in predominantly Shi'a areas outside Manama. Some of these were violent, with protesters blocking highways with burning tyres and some throwing Molotov cocktails at the security forces. Protesters accused the security forces of using excessive force against them.

Hundreds of people were arrested in connection with the protests. Some were tried and sentenced to prison terms, but many were subsequently released under special pardons issued by the King. Charges against three leading activists – ‘Abdul Hadi al-Khawaja, then President of the Bahrain

Centre for Human Rights, dissolved by order of the government; Hassan Mshaima’, head of al-Haq; and Shakir Mohammed ‘Abdul Hussain – were said to have been dropped at the request of the King. The arrest of the three men, who were accused of “inciting hatred and seeking to change the political system by illegal means” and other offences, provoked new demonstrations in February 2007.

It was against this background, and amid ongoing protests and riots as well as the arrest of 23 political opposition activists, all members of the Shi'a community, in the two preceding

months, that new parliamentary elections were held on 23 October 2010. These were boycotted by al-Haq and al-Wafa' Islamic Movement (al-Wafa'), a small Shi'a political association established in February 2009 by 'Abdel-Wahab Hussain, a former political prisoner and member of al-Wefaq.⁵ Al-Wefaq won all 18 seats that it contested amid allegations of voting irregularities, while independent and Sunni Islamist candidates won most of the remaining seats in the 40-member lower house. Shi'a political associations continue to accuse the government of gerrymandering to ensure that Sunni Muslims have an automatic advantage.

3. PROSECUTION OF POLITICAL OPPOSITION ACTIVISTS

“I was in solitary confinement for seven days after my arrest. I was tortured and beaten on my head and I lost consciousness.”

Testimony to the court of ‘Abdul-Ghani Khanjar, one of the 23 political opposition activists



Public Prosecution building, Manama, October 2010 © Amnesty International

The 23 political opposition activists, including leading members of al-Haq and al-Wafa', were arrested in August and September 2010. They were initially detained incommunicado for questioning and subsequently charged with an array of offences under Bahrain's 2006 anti-terrorism law.⁶ Two others living outside Bahrain – Sa'eed al-Shihabi, head of the opposition Bahrain Islamic Freedom Movement, who resides in London; and Hassan Mshaima', leader of al-Haq, who had travelled to the UK for medical treatment – were also charged in their absence. The trial of all 25 before the High Criminal Court in Manama began in October 2010.

The first to be arrested was Dr ‘Abdel-Jalil al-Singace, a leading member of al-Haq who was detained on 13 August when he arrived at Bahrain International Airport on his return from a two-month trip abroad. Two days later, the authorities arrested al-Shaikh Mohammad Sa’eed al-Miqdad, a religious leader and director of al-Zahra’a Association for the Care of Orphanages; and al-Shaikh Sa’eed al-Nouri, a religious leader and member of al-Wafa’. Mohammad Sa’eed al-Sahlawi, a dentist, was arrested on 17 August. ‘Ali Hassan ‘Abdullah ‘Abdelimam, a 30-year-old blogger and owner of the bahrainonline.org website, was arrested on 4 September. The others among the 23 were also arrested in August and early September.

After initially being held incommunicado, the 23 were taken before the Public Prosecutor and charged with a range of offences under the 2006 anti-terrorism law. Among them were setting up and financing a group that calls for the overthrow of the government, abrogating the Constitution, attacking people’s personal freedoms, and undermining national unity through “terrorism” and other means, including “carrying out acts of disturbances, sabotage, setting fire and resisting the authorities”.

At the first session of the trial on 28 October, which was observed by Amnesty International, the defendants denied the charges and most told the court that they had been tortured or otherwise ill-treated in detention. Two further trial sessions were held in November. At the next session on 9 December, the defence lawyers announced that they were withdrawing from the case in protest at the way the trial was being conducted and the court’s failure to accept requests they had made on behalf of the defendants. The trial continues.

LEGISLATION USED

The 2006 anti-terrorism law contains a vague and over broad definition of terrorism. It thereby undermines the principle of legality, which requires that laws should be sufficiently clearly and precisely formulated to enable individuals to know what constitutes a crime. The law also poses a threat to the legitimate exercise of the rights to freedom of expression, association and assembly.⁷

Article 6, for example, makes it an offence, punishable by life imprisonment, for anyone to set up an association that is deemed by the authorities to “undermine national unity”, without specifying acts that would be considered harmful to national unity. The same article also makes it a crime for anyone to provide accommodation or subsistence to people who are later convicted under the 2006 law, even if the person providing such accommodation or subsistence did not themselves intend to cause death or serious injury or to further “terrorist” ends.

Under Article 27, if there is enough evidence to charge a suspect under the law, the person may be detained for up to 15 days without judicial review. Initially, a suspect may be held for five days, but this may be extended for a further 10 days if a request is made to and accepted by the Public Prosecution. After 15 days, the arresting authority must take detainees to the Public Prosecution Office, where they must be questioned within three days, following which the Public Prosecution must either formally charge them and authorize their continued detention to await trial or order their release. The law does not provide for many of the safeguards that should be afforded to all detainees. For example, it fails to stipulate that detainees have a right of access to a lawyer of their choice.

The 15 days of incommunicado detention permitted under the anti-terrorism law significantly exceeds what is permitted in relation to people suspected of committing offences under Bahrain's Penal Code. Article 57 of the Criminal Procedure Code requires that such suspects are taken to the Public Prosecution Office within 48 hours of their arrest and must then be questioned within 24 hours. Following this, the Public Prosecution must order their continuing detention to face trial on specific charges, or their release.⁸

"I asked them [security officers] where were they taking my father. They said, 'We'll tell you later'... We did not know where he was for three weeks."

The daughter of one of the 23 arrested opposition activists

PRE-DAWN ARRESTS

Most of the 23 political opposition activists were detained in pre-dawn raids on their homes involving officials of the National Security Agency (NSA), who also searched their homes then or subsequently and removed items such as laptops, CDs and mobile phones. In some cases, the officials carrying out the arrests were said to have failed or refused to show arrest warrants, in breach of Bahraini law.⁹ An official of the Public Prosecution, however, informed Amnesty International that all detainees were arrested on the basis of judicial orders issued by the Public Prosecution.¹⁰

Mohammad Sa'eed al-Sahlawi, a 39-year-old dentist from al-Sahla province in southern Bahrain, was arrested from his home at 3.15am on 17 August, in front of his mother, sister and a brother, by several security men in civilian clothes, apparently NSA officials. According to one of the family members present, the officials did not produce an arrest warrant. A few hours later, one of Mohammad Sa'eed al-Sahlawi's brothers went to the Criminal Investigations Centre in al-'Adliya in Manama, then to al-Qal'a Prison in Manama, and finally to al-Khamis Prison, outside the capital, to inquire about him, but failed to obtain and



Ali Hassan Abdullah 'Abdlemam © Private

information about his legal status or whereabouts. Before dawn on 21 August, armed security officials arrived at the family home and demanded entry. This time they showed a piece of paper which the family understood was a search warrant, before searching the premises and reportedly removing a computer and CDs.

One of the few not arrested in pre-dawn raids was **'Ali Hassan 'Abdullah 'Abdelimam**, the owner of Bahrainonline.com and a former political detainee.¹¹ He was arrested on the evening of 4 September after he received a phone call from the NSA instructing him to go immediately to the NSA's headquarters within the Ministry of the Interior. When he did not return home, his family tried for days without success to obtain information about him from the Public Prosecution Office.

ACCESS TO LAWYERS AND FAMILIES

“During the second visit I truly believed he wasn’t being himself. He got nervous when we asked him any question that was not strictly about the family.”

Jenan, wife of ‘Ali Hassan ‘Abdullah ‘Abdelimam

The 23 were initially held incommunicado for around two weeks. The families searched for them in prisons and at the Public Prosecution Office, but were given no information about their relatives. The families then engaged lawyers, but these too were unable to find out the whereabouts of the detainees or gain access to them. Later, it emerged that the detainees had been held in solitary confinement at the NSA headquarters in al-Qal’a in Manama.

The detainees saw their lawyers for the first time when they were taken, at different times, to the Public Prosecution Office for formal questioning about two weeks after their arrest. During this questioning, some detainees’ lawyers were allowed to sit behind them but they were not permitted to talk to their clients in private before or after the detainees were questioned. Lawyers also complained that the Public Prosecution failed in several cases to provide adequate notice of the questioning. Article 84 of the Criminal Procedure Code requires the Public Prosecution Office to inform lawyers of the date and time at which their client will be questioned at least 24 hours in advance. Lawyers said that in some cases they were notified by phone only two or three hours before the questioning began.

On 12 September, the lawyers submitted an urgent complaint to the court of urgent matters to try and have the Public Prosecution allow them to visit their detained clients but they continued to be denied access until the first trial session on 28 October. On 12 October, the President of the Public Prosecution, Ussama al-‘Awfi, was reported by several Bahraini newspapers to have said that the lawyers had themselves refused to visit the detainees unjustifiably. He said he had decided to allow lawyers to visit the detainees and that he had asked one of the lawyers to inform the others of his decision. Those of the detainees’ lawyers whom Amnesty International spoke to, however, denied that they had refused to visit their clients and Amnesty International has seen copies of written requests to visit that lawyers had submitted to the Public Prosecution Office, but without being approved. One, for example, was a letter dated 22 August 2010 that a lawyer had sent to the Public Prosecution Office to seek approval to visit three detainees he was representing who had been arrested several days earlier. He was not permitted to see them, however, until their formal questioning before the Public Prosecution and after that not until the opening session of the trial.

The first time that the lawyers could talk freely and in private to the detainees was at the start of the trial on 28 October when, following their request, they were able to spend about half an hour with the defendants during the recess. At the end of that session, the court announced that the lawyers would be allowed to visit detainees on a regular basis and in private. However, it took several days, until 6 November, before such visits were permitted and reportedly only after the personal intervention of the President of the court.

During the trial session on 28 October and in subsequent sessions, defence lawyers complained that nine detainees had been questioned by the Public Prosecution without the presence of their lawyers because the Public Prosecution had not contacted the lawyers even

though it had their names and contact details.

Failure to allow detainees to consult lawyers of their own choosing in private and on a regular basis violates a fundamental human right that is guaranteed in Bahraini legislation. Article 135 of the Criminal Procedure Code states that detainees must not be separated from their lawyer during questioning, and that the lawyer has to be shown the evidence against their client at least one day before questioning. Article 146 reiterates the right of detainees to see and consult their lawyer in private.¹²

On 22 September, the Public Prosecutor, 'Ali al-Bu'ainain, announced that the ban on family visits had been lifted. He said the ban had been imposed for investigation purposes.¹³ The first visits took place on 28 September. Families told Amnesty International that when they visited they were not allowed to ask any questions relating to the detainees' treatment or conditions. Visits were short, usually for between seven and 15 minutes, and were not private – NSA officers were present throughout. On several occasions they abruptly terminated visits because of a question asked by a relative of the detainee.

Mahmoud Ramadhan Mohammad Sha'ban, a 43-year-old industrial engineer from Sanabis, married with one daughter, was arrested in the early hours of 19 August 2010. He was visited by relatives for the first time on 28 September. A member of his family told Amnesty International that during that visit there were seven security men in the room behind Mahmoud. He asked Mahmoud if he had been beaten in detention, but one of the security men intervened and threatened the family member that if he did not stop such questions he would be forcibly removed. The visit lasted for about 10 minutes. During the second visit the following week, the same family member told Mahmoud that his picture had been shown on television and published in several newspapers. He was immediately ejected from the room.

TORTURE AND OTHER ILL-TREATMENT

"He had a plaster on his leg and we were told that he broke his leg playing football in prison. He never played football before, he did not like it." Sister of one of the 23 detained opposition activists

When detainees were referred to the Public Prosecution for questioning, many said they had been tortured and that "confessions" they had made had been extracted under torture or other ill-treatment. Similarly, at the first session of the trial on 28 October, most of the detainees told the court that they had been tortured.



Dr 'Abdel-Jalil al-Singace © Private

Dr. Abdul-Jalil al-Singace stated before the court:

"I was subjected to severe beatings since I was arrested on 13 August. I was beaten on my ears, my crutches were taken away and I was forced to stand for long periods of time... They threatened to rape my wife, daughters and sister, and every night I heard the screams of others"

being tortured.... I was denied my prescription glasses for nine weeks and was not allowed to take my medications...

"On the night I was taken to the Public Prosecution where I denied all charges, they did not allow me to sleep after that. They forced me to stand until the next night during which I was not able to use the bathroom and I was not allowed to pray for several days... They made me sign a statement I had not seen or read... At the Public Prosecution I asked them to make a note of what I said several times, but they did not..."

Al-Shaikh Mohammad Habib al-Miqdad told the court:

"Since my arrest when I was taken to an underground prison, I have been severely tortured. They used electric shocks, my eyes were blindfolded and my hands tied behind my back. I was deprived of sleep for the first five or six days. When I was allowed to pray or sleep they refused to remove the blindfold.... I was made stand to for long periods and it exhausted me...."

"Whenever I collapsed to the ground out of exhaustion they would beat me and tell me to stand again. I fell several times and fainted. I was beaten severely and was left hanging; the torture marks are still on my body today. They used cream to hide the marks when I was taken to the public prosecution...."

"Due to the severity of the beatings on my head and ears, both my ear drums have torn. I was taken to the Bahrain Defence Force hospital and a doctor there told me that I had torn both ear drums. Some nights I bled on the pillow due to the severity of the beatings as well as the electric shocks. I was forced to sign a statement but they didn't allow me to read it..."

Al-Shaikh Sa'eed al-Nuri testified:

"They took me to the intelligence agency and immediately hit me on my turban and head. I was forced to stand for two days... I was left suspended the falaqa way [like a bird] and they beat me on the soles of my feet until they turned blue. I was given electric shocks and I was forced to sign anything they asked me to sign... I told the Public Prosecutor that I had been beaten and seen a physician but he ignored the marks on my body..."

Dr Mohammad Sa'eed al-Sahlawi, a dentist, told the court:

"After my arrest I was taken to an interrogation room and I was thrown on the floor. I was completely naked and someone sat on top of me while another held my legs. A third person started beating the soles of my feet using a hose. Then they beat me with fists and kicked



Mohammed Sa'eed al-Sahlawi, October 2010 © Private

me on my ears. As a result, I fell on the floor several times. My body was full of bruises. I asked the Public Prosecutor to refer me to a doctor and when I was referred the doctor sat in his seat and did not do a check up. Being a doctor myself, I told him that there are certain things he needed to do like to ensure I have an X-ray and do tests. The doctor replied, 'why did you not say this to the interrogator?'"

Al-Shaikh 'Abdul-Hadi al-Mukhodher told the court:

"I was subjected to the same torture mentioned by the other detainees for around 90 hours consecutively. I was left suspended in the falaqa position and I was forced to stand for all these hours... I was forced to break my fast during Ramadhan... I request protection from this court because last night an officer from the National Security Agency came to me and threatened to torture me again more severely than before if I deny the charges today or mention that I have been tortured..."

In the first and subsequent sessions of the trial, lawyers asked the court to refer defendants who alleged that they had been tortured to medical doctors for examination. They did not want the court to refer defendants to the forensic doctors within the Public Prosecution because they believe that they lack independence.

PRESUMPTION OF INNOCENCE

Following the arrests, the Bahraini media reported them extensively and published details about the detainees. Newspapers and state television reported several times in early September 2010 the authorities' discovery of an alleged plot by members of a "terrorist network". In articles about those arrested, they published details of social and financial benefits they and their families were said to have previously received from the state. For example, on 4 September Bahraini state television broadcast a special programme on the discovery of a "terrorist network which aims to overthrow the government through violent means". It named the alleged plotters and showed photographs of the 25 defendants who would be brought to trial, including the two living in the UK, describing the alleged role of each in the subversive "network", and gave details of scholarships or assistance they had received from the state. Pro-government newspapers also published the names, photographs and details of the 25 detainees.

The Public Prosecution justified the publication of the names and photographs of the 25 accused and said it had been authorized by the Interior Ministry on grounds of "public interest". A senior Public Prosecution official pointed to Article 246(5) of the Penal Code, which allows the Public Prosecution to broadcast and publish names and photographs of detainees before they are brought to court. In effect, it was nothing less than a form of trial by media in which the accused themselves had no means by which to defend themselves or their reputations.

This publicity was in stark contrast to action taken by the Public Prosecutor on 26 August to ban media outlets from reporting on the arrests and conditions of detention of the of the 23 political opposition activists. In a statement published the following day in all Bahraini newspapers, it was announced that the Public Prosecutor had banned "print, radio, TV, Internet, and other media from publishing or broadcasting any news related to the case". The statement said that, "ongoing investigations require secrecy in order to uncover the truth and

preserve public order". Violations are subject to penalties of one year in prison, the statement said. Newspaper editors reportedly received the order by e-mail and fax.

The publication of the names and photographs of the defendants clearly jeopardizes their right to a fair trial and violates a fundamental principle in criminal law – the presumption of innocence. Article 14(2) of the ICCPR states: "Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law." The publication of this information also violated Bahrain's Constitution, Article 20(c) of which states, "An accused person is innocent until proved guilty in a legal trial in which he is assured of the necessary guarantees to exercise the right of defence at all stages of the investigation and trial in accordance with the law".

THE TRIAL

Amnesty International observed the opening session of the trial before the High Criminal Court in Manama on 28 October, following which it was adjourned until 11 November. The session was also attended by diplomats from the embassies of France, the UK, the USA and other states, as well as members of Bahrain's National Human Rights Institution. Despite tight security in and around the court, defendants' relatives were able to attend and the media was present.

Each of the defendants denied the charges when they were read out and, in most cases, told the court that they had been tortured and only the day before had been threatened with solitary confinement if they complained about their treatment to the court. The trial judge declined to release any of the defendants on bail, but agreed to a defence request that they be moved from Dry-Dock Prison in Manama to safeguard them from possible ill-treatment by the security officials alleged to have threatened them. However, they were not removed from their places of detention in Dry-Dock Prison and out of solitary confinement until 5 November and then they were moved only to another section of the prison.

The judge agreed that four of the defendants should be examined by a medical doctor and ruled that the defendants should be allowed regular access to their lawyers. Following this, the defendants were allowed to meet their lawyers in private on 6 November, but only for a few minutes. Family visits were also extremely short. Defence lawyers said that several defendants alleged on 6 November that they had been assaulted by security officials since 28 October, prompting heightened concern for their safety.

In meetings with Bahraini government ministers in late October, Amnesty International urged that a full, independent investigation be undertaken promptly into the allegations of torture and other ill-treatment made by the detainees with a view to establishing their veracity. Amnesty International also urged the Public Prosecutor to ensure that no statements or other information obtained as a result of torture or other duress are entered as evidence against the defendants at their trial. The Public Prosecutor told Amnesty International that the Bahraini Criminal Procedure Code does not allow any statement made by detainees when being interrogated by arresting authorities to be taken into account. The only statement that the Public Prosecution Office relies on, he said, is the one it prepares when it questions the accused, in front of their lawyers. However, according to the lawyers, nine defendants were questioned at the Public Prosecution Office without the presence of lawyers. These lawyers say that they were not informed of the date and timing of the questioning of their clients.

Amnesty International has continued to monitor the trial closely by talking to lawyers, families and Bahraini human rights defenders. Further sessions took place on 11 and 25 November 2010, on 9 and 23 December 2010, and on 6, 13, 20 and 27 January 2011. All were brief and postponed.

On 9 December, the lawyers withdrew from the case because, they said, the court had ignored their repeated requests for an independent investigation into the torture allegations, for the defendants to be referred to independent medical experts for examination, and for the media ban to be lifted. During that session the defendants declared that they would not co-operate with any lawyers appointed by the court. During the 23 December session, defendants refused to recognize the new defence team, made up of 23 lawyers, that had been appointed. At the 6 January session, 19 of the new defence team told the court that they were withdrawing from the case because the defendants had rejected them and refused to see them in prison or co-operate with them. The court referred the 19 lawyers to the Ministry of Justice for possible disciplinary action.

At the 13 January session, a third defence team was appointed, but again rejected by the defendants and the court postponed the trial until 20 January. At this session, six lawyers withdrew from the case. Other appointed lawyers asked the President of the court to transfer the case to the Constitutional Court because of contradictions in the legislation relating to the right to have a lawyer. Article 216 of the Criminal Procedure Code stipulates that a court can appoint a lawyer to defend an accused, with no reference to the defendant's consent,¹⁴ whereas according to the Constitution, the court cannot impose a lawyer on a defendant without his or her consent. Article 20(e) of the Constitution states: "Every person accused of an offence must have a lawyer to defend him with his consent." The trial was postponed until 27 January 2011. At the 27 January session, the defendants again rejected the appointed lawyers. The court brought seven prosecution witnesses who were all security officers who had carried out the initial arrests. They were cross-examined by the defence team. Some of the lawyers reportedly asked the court for more time to prepare their defence. They also requested that the defendants be released on bail. This last request was rejected by the court and the trial was adjourned to 10 February 2011.

4. CONSTRAINTS ON INDEPENDENT HUMAN RIGHTS GROUPS

Over the past decade more than 500 NGOs were established in Bahrain. They work on a wide range of human rights issues, including children's and women's rights, rights of migrant workers and trafficking. Only a few have focused on monitoring, documenting and publishing reports on human rights violations by the Bahraini authorities. Two of these, the Bahrain Centre for Human Rights and the Bahrain Youth Society for Human Rights, were banned in 2004 for breaching Law 21 of 1989, which regulates the activities of NGOs. Despite the ban, both continue to publish, through the internet, reports on various human rights issues, especially violations by the security forces.

NGOs face severe restrictions under Law 21 of 1989, which prohibits them from engaging in political activity. The law permits the Ministry of Social Development to intervene in the internal affairs and activities of NGOs, and to access their files, suspend their executive boards, and withdraw their licences. NGOs must obtain permission from the Ministry to receive funding from outside the country and must declare what the funding is for. They must also obtain permission to organize national and international meetings, seminars or workshops dealing with human rights issues.

The Bahrain Human Rights Society (BHRS), an independent authorized human rights NGO, was set up in May 2001 to monitor and document human rights violations, and raise human rights awareness. It was allowed to operate without interference until 7 September 2010, when the Ministry of Social Development announced its decision to dismiss the BHRS board for alleged "legal and administrative irregularities" by the BHRS in breach of Law 21 of 1989. The Ministry accused the BHRS of co-operating with "illegal organizations", publishing information about this on its website, and focusing on "one category of Bahrainis" – apparently a reference to the 23 detained political opposition activists – rather than reporting impartially on all sections of Bahrain society. A Ministry official was appointed as "temporary administrator" of the BHRS. Subsequently, the Ministry brought a lawsuit against the BHRS, but withdrew it a few days later. Meanwhile, the BHRS lodged an appeal against the government's decision to dismiss its elected board.

In a letter sent to Amnesty International on 19 September 2010, Dr. Fatima Mohamed Al Balooshi, Minister of Social Development, stated that "... evidence came to light that directors of BHRS were politicizing human rights issues driven by sectarian motives, as well as working with groups previously declared unlawful by Bahrain's courts..." In her meeting with Amnesty International in Manama the following month, the Minister insisted that the BHRS had breached Law 21 of 1989, including by organizing a workshop in Bahrain for Saudi Arabian human rights defenders without informing the Ministry, causing one of the Saudi Arabian invitees to be detained at Bahrain International Airport. She said the government had a duty to uphold Law 21 of 1989, although it recognizes that it is in need of reform. She confirmed that a new law to regulate NGOs was being prepared and said it was expected to be submitted to parliament in the coming months.

The authorities also criticized the BHRS for allegedly being influenced by a Bahraini political association and offering membership only to people who belonged to that association. BHRS board members deny these claims. They told Amnesty International that no one was prevented from joining the BHRS because of their political or religious views and that they had informed the Ministry of the above-mentioned workshop and its content, which was about human rights monitoring and documentation. The real reason for the dismissal is believed to be linked to a seminar hosted by the BHRS which concerned the detention of the 23 political opposition activists and subsequent abuses of their rights. Some relatives of the detainees attended the seminar. A few apparently pro-government journalists were also present and reportedly tried to disrupt the seminar, which led to their being asked to leave by the organizers. Following this, the journalists sent letters of protest to the Ministry of Social Development and the Bahraini Journalists' Association.¹⁵

Human rights activists in Bahrain, in particular those who have exposed human rights violations and had contact with international human rights organizations, foreign journalists or international political figures, have faced harassment by the authorities including, in some cases, temporary travel bans. The government accuses them of being linked to political associations such as al-Haq and alleges that the information they present about Bahrain is exaggerated and negative.



Human rights activist Nabeel Rajab © Private

Nabeel Rajab, director of the banned Bahrain Centre of Human Rights, has suffered repeated harassment and media smear campaigns. In mid-2010 several Bahraini newspapers published his photograph and accused him of links with the 23 detained political opposition activists. On 27 September, he was stopped by Bahraini officials as he tried to cross the border into Saudi Arabia by car. After he showed his passport, he was informed that he was not permitted to leave Bahrain. When he subsequently sought

confirmation and clarification from the Interior Ministry, the Ministry denied that any restriction on his travel had been imposed.

'Abdulhadi al-Khawaja, former director of the Bahrain Centre of Human Rights and currently the Bahrain-based regional co-ordinator of the Ireland-based human rights organization Front-Line, was prevented from leaving Bahrain International Airport on 26 September to fly to Barcelona, Spain, where he was due to attend a human rights workshop. He too was told by officials at the airport that he was not permitted to leave Bahrain because a travel ban had been imposed against him. When he sought confirmation of the ban from the Passports Department and the Public Prosecution Office, they denied that any travel ban had been issued against him.

Leyla Dishti, an activist, was prevented from leaving the country at Bahrain International Airport on 19 September to fly to Geneva, Switzerland, where she was planning to attend a human rights fringe event at the UN Human Rights Council. She too was subsequently told by the Public Prosecution Office that no travel ban had been issued against her.

All three subsequently managed to travel without problems. In a letter sent to Amnesty International on 1 November 2010, the Bahraini Ministry of the Interior denied that the three had been prevented from leaving the country and said that Nabeel Rajab and 'Abdulhadi al-Khawaja had been able to travel to Saudi Arabia by land on 29 September, and that 'Abdulhadi al-Khawaja had left Bahrain again on 4 October 2010.

The government's position towards human rights activists and independent NGOs contravenes international human rights treaties, including those ratified by Bahrain. These treaties guarantee freedom of movement and freedom of assembly. Article 12 of the ICCPR states: "Everyone shall be free to leave any country, including his own". It allows for no restrictions to be imposed on freedom of movement "except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant."

Article 21 of the ICCPR states: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others."

The government must allow NGOs to operate freely and openly, without fear of government interference, in their legitimate exercise of the rights to freedom of expression, association and assembly.

5. SUPPRESSION OF FREEDOM OF EXPRESSION

In recent years the Bahraini authorities have closed down a number of websites and political publications, including newsletters issued by authorized political associations, on vague grounds that they compromise national unity and fuel discord within Bahrain. These restrictive measures increased in the run-up to the October 2010 parliamentary elections, and especially around the detention and trial of the 23 political opposition activists.

Bahraini law also restricts press freedom. For example, Article 68 of the Press and Publications Law (Law 47 of 2002) prescribes a minimum six-month prison sentence on “anyone who criticizes in writing the King or blames him for any government action” and “anyone who calls in writing for overthrowing or changing the regime”.

On 13 September 2010, an official announced that two websites, the Bahrain Forums¹⁶ and the Arabian Kingdom of Bahrain Forum, had been blocked for carrying comments that the government considered “compromise national unity and fuel discord” and “promote sedition and drive wedges in society”. This followed the earlier blocking of the website of al-Wefaq. On 30 September the authorities banned the newsletters of two other political societies, the Islamic Action Society and al-Minbar Democratic Progressive Society, and withdrew their licences.

According to the President of the Information Affairs Agency, a government agency that replaced the Information Ministry, some websites were blocked “because their contents breached the Press and Publications Law, and others had used unlicensed electronic applications on their websites”. He added that the blocked websites “contained incitement and sectarianism, encouraged vandalism of public properties, attacked public interests, destabilized the security of the Kingdom, and spread lies and rumours... some publicised incitement against the regime, and promoted violence...”¹⁷

In a meeting with Amnesty International in October 2010, the President of the Information Affairs Agency said that the bans on political associations’ newsletters had been imposed because they had breached the law by disseminating information to people other than their members. The law permits political associations to produce newsletters, but these must be for their own members only.

In relation to television, on 19 May 2010 the government issued a decree to close down the al-Jazeera bureau in Manama. The government accused the channel of “flouting the laws regulating the press and publishing in the country.”¹⁸ It added that this “decision will remain in force until a memorandum of understanding is reached that shall define the relation between the government of Bahrain and Al-Jazeera Channel.”¹⁹ The government did not give any specific reason for the closure, but it was widely believed to be related to the broadcast two days earlier by al-Jazeera of a programme about poverty in Bahrain.

The government has also on occasions banned seminars, workshops and conferences. For example, on 11 January 2011 al-'Uruba Club was not allowed to organize a seminar on freedom of the press in Bahrain on the pretext that it did not have authorization. An organizer of the seminar told Bahraini newspapers that after they had submitted a request to hold the seminar, the authorities told them they would have to sign a written declaration that there would be no discussion of politics, religion or sectarianism. They refused to make such an undertaking.²⁰

The banning of political publications, the closure of websites and the imposition of bans on media reporting on human rights issues are extreme measures that severely restrict the right to freedom of expression guaranteed in international human rights treaties ratified by Bahrain. Article 19(2) of the ICCPR, for instance, states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Political associations should have the right to disseminate information freely, including to the general public. Bahrain's laws on publishing and political associations should be amended and brought in line with Bahrain's obligations under international human rights law. Amnesty International has urged the government to lift the restrictions imposed on political associations' websites, and restore their publishing licences and allow them to distribute information freely in accordance with international human rights law.

6. EXCESSIVE USE OF FORCE

Bahraini security forces are alleged to have frequently used excessive force, including by firing shotguns and rubber bullets to quell riots and demonstrations organized by disenfranchised youth in the predominantly Shi'a villages and towns. Scores of demonstrators and rioters, but also bystanders, have been hit by shotgun pellets and injured. The government has argued that its security forces use shotguns or rubber bullets as a last resort and that the security forces themselves have faced masked rioters throwing Molotov cocktails at them, sometimes injuring them or burning their vehicles. At least one security official has died following such attacks.

Hussain 'Ali Hassan al-Sahlawi, aged 27, was shot and injured on 14 March 2010 by a member of the security forces reportedly as he was about to get into his car outside his grandfather's house in Karzakan. The shooting occurred only minutes after scores of demonstrators in Karzakan had been burning tyres during an anti-government protest. Security forces were deployed in response to the protest and began a search for demonstrators who ran away and sought refuge in local houses.

Amnesty International was informed that Hussain 'Ali Hassan al-Sahlawi had not participated in the demonstration and was shot when he came out of his grandfather's house in order to get into his car and leave. The authorities dispute this; in a letter sent to Amnesty International dated 21 April 2010 they asserted that Hussain al-Sahlawi was "one of the rioters who attacked the police force".

The officer who shot and injured Hussain al-Sahlawi took no action to assist him even though he lay wounded and unconscious. Local residents came to help but did not take him to hospital because they feared that this would lead to his being presumed to be an anti-government demonstrator and could result in his arrest while in hospital. They took him instead to the home of his friend, Ibrahim al-Dumistani, in al-Deraz village, as it was known that he worked as a nurse at al-Salmaniya hospital in Manama. Ibrahim al-Dumistani gave the wounded man first aid but when Hussain al-Sahlawi's condition deteriorated, members of his family and Ibrahim al-Dumistani took him on 16 March to al-Salmaniya hospital where another friend of the injured man worked as an X-ray specialist. This man, 'Abdel-'Aziz Nasheeb, provided further medical assistance, including taking some X-rays, but then he and Ibrahim al-Dumistani were arrested by police at the hospital. Both were detained at a police station in Hamad until 21 March before being released on bail to face charges of "cover up" and "abusing their medical profession".

Meanwhile, Hussain al-Sahlawi received treatment for his injuries. He was later charged with participating in an illegal public protest. On 6 July 2010, a court sentenced him to three months' imprisonment. He was released the same day as he had already spent that time in pre-trial detention.

In some cases, Bahraini security officials were said to have fired at youths even when there were no riots or demonstrations. On 19 August 2010, for example, four young men – **Hassan 'Ali 'Abdel-Hussain Saleh**, aged 20, **Sayyid 'Ali Sayyid Moussa**, aged 18, **Hussain 'Abdel-**

Baqi, aged 20, and **Hussain Jum'a**, aged 17 – all from the village of Sitra, were sitting outside a house. Several police cars stopped nearby and an officer reportedly told the four young men to run away or they would shoot at them. The four started running but were followed by the police cars. A policeman got out of one car and started shooting at the four. Sayyid 'Ali Sayyid Moussa and Hassan 'Abdel-Hussain Saleh were hit by shotgun pellets, the former in the back of his head, the latter in his arms and left leg. They kept running until they reached a mosque, where they hid.



Marks of pellets shots on the leg of one of the four victims, October 2010 © Private

Later that night relatives of the two injured men took them to al-Salmaniya hospital. A few minutes after they had been admitted, the police arrived and prevented relatives and friends from contacting the two injured men. While the two were being treated they were interrogated by the police. A few minutes later Sayyid 'Ali Sayyid Moussa was taken to Sitra police station.

The following day the police transferred Hassan 'Abdel-Hussain Saleh to al-Qal'a hospital in Manama, and a day later to a police station in al-Wusta province, south of Manama. Both men were said to have been ill-treated and forced to sign statements that they had burned tyres and thrown Molotov cocktails at the police. The two were taken to the Public Prosecution Office and during questioning in the presence of their lawyer, both said they had been beaten in detention and threatened with rape. They also denied the accusations in the statements. As of the end of January 2011, they were still in pre-trial detention.

Amnesty International fully recognizes the responsibility of the Bahraini authorities to ensure public safety and to arrest and bring to justice those who commit crimes. However, in many cases, including those described above, the security forces appear to have used excessive force, in breach of the Code of Conduct for Law Enforcement Officials, adopted by UN General Assembly Resolution 34/169 of 17 December 1979. Article 3 of this Code states: "... the use of force by law enforcement officials should be exceptional; while it implies that

law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used".

7. NEED FOR INDEPENDENT INVESTIGATIONS

In the past two years or so, allegations of torture and ill-treatment by Bahraini security forces have increased alarmingly. During 2010, many people, including juveniles, who were tried in connection with their alleged participation in riots and related violence, alleged that they were tortured or otherwise ill-treated to force them to sign confessions. These allegations seem generally to have been ignored by the government, which continues simply to deny that torture or other ill-treatment are used by the security forces. Allegations of torture and other ill-treatment made by the 23 people currently on trial have not been independently investigated.



Marks of torture on the body of a Bahraini youth detained for a few hours in October 2010 © Private

Ja'far Ahmad Nasser, aged 27, and **Hassan 'Ali Mahdi**, aged 21, were arrested on 29 August 2010 in connection with the attempted murder of Muhannad Abu Zeitun, editor of *al-Watan* newspaper, on 26 August 2010. They were reported to have been tortured in order to force them to confess to their involvement in the crime. They were charged with burning the editor's car and physically assaulting him and went for trial before the High Criminal Court. However, during a trial session on 12 December, the editor of *al-Watan* told the court, after looking at the two defendants, that they were not the culprits and that the attack on him was not an attempted murder. The court released the two men.²¹

In a rare case, on 13 November 2010 the Ministry of the Interior stated that a security officer and five policemen had been referred to a military court after assaulting a detainee in a theft case. The detainee was reportedly referred to a forensic doctor who concluded that marks on the detainee's body had been caused by electric shocks. A senior Ministry official told the media afterwards that this was an isolated case and that it was the first time that a detainee had complained about the use of electric shocks by security officers.²²

As a state party to the Convention against Torture, Bahrain is required to take effective measures to prevent torture. Article 12 states: "Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction." Article 13 stipulates that: "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."

It is imperative that the authorities ensure that all allegations of torture or other ill-treatment are independently investigated, promptly and thoroughly, and perpetrators brought to justice. Without such action, the trend of increased resort to these egregious abuses by Bahrain's security forces will continue.

8. CONCLUSIONS AND RECOMMENDATIONS

The serious human rights violations described in this report reflect a worrying setback to progress previously made in Bahrain. Allegations of torture and ill-treatment have increased and the government has failed to independently investigate them. The right to fair trial of the 23 political opposition activists has already been severely compromised – held incommunicado, they were denied access to lawyers and allegedly tortured or otherwise ill-treated, and the press and television reporting of the case soon after their arrest had many of the attributes of a type of “trial by media”. Independent human rights organizations and activists have increasingly been targeted because of their reporting of the human rights situation, while many websites and political publications have been closed down. Several pieces of legislation urgently need reform to bring them in line with international human rights standards.

Amnesty International urges the Bahraini authorities to:

- Set up prompt, thorough and independent investigations into all allegations of torture and other ill-treatment, including allegations made by people currently being tried, and ensure that the methods and findings of such investigations are made public.
- Publicly condemn the practice of torture and other ill-treatment and declare unequivocally that such abuses will not be tolerated.
- Suspend officials suspected of committing torture and other ill-treatment from active duty during the investigation.
- Ensure that any detainee alleging that they have been tortured or otherwise ill-treated is promptly examined by a medical doctor.
- Bring to justice all individuals – regardless of their position or rank – against whom there is evidence of having authorized, condoned or committed torture or other ill-treatment. Ensure that all trials for alleged perpetrators comply with international standards for fair trial and do not attract the death penalty.
- Ensure that anyone arrested is brought before the Public Prosecutor’s Office within 48 hours, as stipulated by the Bahraini Criminal Procedure Code.
- Ensure that all detainees have access to legal counsel within 24 hours and are not questioned without the presence of a lawyer.
- Ensure that detainees are allowed regular visits by members of their families promptly after arrest.

- Ensure that all detainees are informed at the time of arrest of the reasons for their arrest and detention, and promptly informed of any charges against them.
- Ensure that detainees are held only in officially recognized places of detention and that accurate information about their arrest and whereabouts is made immediately available to relatives, lawyers and others.
- Establish effective judicial mechanisms to guarantee, in practice, the right to fair trial, including:
 - the right to be tried before an independent and impartial tribunal;
 - the right to have access to a competent defence counsel of one's choice at all stages of the proceedings;
 - the right to be presumed innocent until proven guilty according to law;
 - the highest standards for the gathering and assessment of evidence, in particular a prohibition of any statement obtained through torture or other ill-treatment being used in any proceedings against the accused.
- Respect and protect the right to freedom of expression, including media freedom, in conformity with Bahrain's obligations under international law.
- Respect and protect the right to freedom of movement and freedom of assembly.
- Respect and protect the right to freedom of association and ensure that all human rights organizations and human rights defenders are able to carry out their work without political interference or hindrance.
- Undertake a serious review, in line with Bahrain's commitment under the Universal Periodic Review and with the active participation of civil society, of Bahraini legislation, especially the 2006 anti-terrorism Law, the 1989 law on non-governmental organizations, the 2002 Press and Publications Law, and the 2005 Political Associations Law, with a view to bringing them into full conformity with international human rights law and standards.

ENDNOTE

¹ The National Human Rights Institution was decreed on 11 November 2009 through Royal Decree No. 46 (for 2009), and in April 2010 board members were appointed by the King. Its mandate includes promoting human rights awareness and proposing legislative amendments and reforms.

² See Amnesty International, *Bahrain: Fair trial and freedom of expression must be guaranteed*, 9 November 2010 (Index: MDE 11/009/2010).

³ Following independence from Britain in 1971, Bahrain promulgated a Constitution in 1973, under which the first National Assembly was elected the same year. The Assembly was suspended by the then Amir of Bahrain because it refused to pass the 1974 State Security Law proposed by the government. The Assembly was not allowed to meet again and elections were not held for the rest of his reign.

⁴ Bahrain had acceded to the Convention against Torture in 1998, the International Convention on the Elimination of All Forms of Racial Discrimination in 1990, and the UN Convention on the Rights of the Child in 1992.

⁵ The Bahrain Islamic Freedom Movement, a radical Shi'a Islamist group based in London and headed by Sa'eed al-Shihabi, also called for a boycott of the elections.

⁶ Its official title is Law Number (58) of 2006 - Protecting Society from Terrorist Acts. It was published in Bahrain's Official Gazette on 16 August 2006.

⁷ See Amnesty International, *Bahrain: Counter-terrorism bill threatens human rights*, 27 July 2006 (Index: MDE 11/003/2006).

⁸ According to Articles 147 and 148 of the Criminal Procedure Code, the detention order issued by the Public Prosecution Office is valid only for seven days. If the Public Prosecution Office wants to extend it, it has to submit a request to a court, which can extend the pre-trial detention initially for up to 45 days and then, if the investigation is not completed, for up to six months.

⁹ Article 61 of the Criminal Procedure Code states that no one should be arrested or detained without an order issued by the competent authorities. Article 19(b) of Bahrain's Constitution states. "A person cannot be arrested, detained, imprisoned or searched, or his place of residence specified or his freedom of residence or movement restricted, except under the provisions of the law and under judicial supervision."

¹⁰ Meeting between Amnesty International delegates and A. Rahman S. Mohammed Ahmad, Sr. Advocate General, Public Prosecution, Manama, 26 October 2010.

¹¹ He was detained for 17 days in 2005.

¹² This article states, "The Public Prosecution shall be empowered to order that the detained accused shall not have contacts with other detainees and no one shall visit him without prejudice to the accused's right to always contact the attorney defending him with the presence of a third party."

¹³ *Al-Wasat* newspaper, 22 September 2010, accessed at <http://www.alwasatnews.com/2938/news/read/475801/1.html>

¹⁴ Article 216 states. "A lawyer shall appear in court with every accused. An appointed lawyer shall notify

the court of his name before the hearing fixed for examining the case at least four days before the date of such hearing. If the Court finds that an accused in a felony has not appointed an attorney to defend him, it shall appoint an attorney for him.”

¹⁵ In her 19 September 2010 letter to Amnesty International, the Minister of Social development stated on this issue that “the breaches of BHRS to the law have been so clear and evident after [the Ministry] received several complaint letters from local journalists. During an open forum organised by BHRS, these journalists were verbally abused by BHRS members. According to the journalists, they had asked that the BHRS’s work in protecting human rights should not be confined to one segment of society, and that BHRS should carry out all its lawful activities in campaigning for human rights protection for the benefit of all people regardless of race, gender, ethnicity, or religion. This request was answered by insults and abuse by BHRS members. Such incident – which was widely covered in local media – had to be investigated by the ministry.”

¹⁶ <http://www.bahrainforums.com>

¹⁷ Bahrain Human Rights Monitor, Issue 23, December 2010, p.11.

¹⁸ Al-Jazeera.net, 19 May 2010,
<http://english.aljazeera.net/news/middleeast/2010/05/2010519123656935254.html>

¹⁹ The Bahrain Centre for Human Rights, 23 May 2010. <http://www.bahrainrights.org/en/node/3100>

²⁰ *Al-Wasat* newspaper, 13 January 2011, <http://www.alwasatnews.com/3056/news/print/521809/1.html>

²¹ *Al-Wasat* newspaper, 13 December 2010,
<http://www.alwasatnewspaper.com/3020/news/print/515028/1.html>

²² *Al-Wasat* newspaper, 21 November 2010.



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CRACKDOWN IN BAHRAIN

HUMAN RIGHTS AT THE CROSSROADS

Human rights in Bahrain have come under increasing threat amid rising tension between the government and its critics. Hundreds of people, including many youths, have been arrested or imprisoned for participating in protests, some of which involved violence. In August-September 2010, the authorities swooped on 23 political opposition activists, detaining them incommunicado for two weeks during which some allege they were tortured. They were then charged under anti-terrorism legislation and are now on trial. They could face the death penalty if convicted, yet there has been no independent investigation of their torture allegations.

Meanwhile, the authorities have curtailed freedom of expression, closing critical websites and banning opposition publications, and taken direct control of a leading independent human rights organization after it dared to criticize the government's actions.

Bahrain is at a crossroads on human rights. Years of progress and achievement could be erased unless urgent measures are taken to reverse the downward trend.

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