

Bahrain

Submission to the UN Universal Periodic Review

First Session of the HRC UPR Working Group, 7-18 April 2008

In this submission Amnesty International provides information under sections B, C and D:

- Under section B, Amnesty International raises concern over shortcomings of legislation on counter-terrorism, death penalty and torture and ill-treatment.
- In section C, we describe concerns related to the rights of freedom of expression and association and human rights defenders.
- In section D, Amnesty International makes a number of recommendations in the areas of concerns listed.

B. Normative and institutional framework of State

Counter-terrorism legislation, death penalty, torture and ill-treatment

Amnesty International is concerned about the new counter-terrorism law, which undermines human rights protection in the country. The law, entitled "Protecting Society from Terrorist Acts", was ratified by the King, Shaikh Hamad bin'Issa Al Khalifa, in August 2006 after the approval of the House of Representatives and the Shura Council. The law allows the death penalty for anyone convicted of committing or planning terrorist acts.

Bahrain continues to maintain the death penalty, but has not carried out any executions between 1996 and December 2006. In November 2006 the King ratified the death sentences of three foreign nationals, a Pakistani national found guilty of murder and two Bangladeshi nationals. All three were executed by firing squad in December 2006. At least two death sentences were passed during 2007. Amnesty International is opposed to the imposition of the death penalty in all circumstances and especially concerned with the resumption of the use of the death penalty, as well as the enactment of new legislation encouraging its use in Bahrain after more than ten years of de facto abolition.

Amnesty International continues to express its concern in relation to Bahraini legislation which does not explicitly prohibit the use of torture and ill-treatment by the police, and does not give a clear and comprehensive definition of torture. Amnesty International has also expressed grave concern at Decree no. 56 2002 which contains a blanket amnesty for alleged perpetrators of torture. Additionally, Amnesty international is concerned with the lack of specific legislation making redress available to victims of torture. These issues were also raised by the UN Committee against Torture during the review of Bahrain in 2005.¹

¹ Concluding Observations of the UN Committee against Torture, CAT/C/CR/34/BHR

C. Promotion and protection of human rights on the ground

Freedom of expression and association

Amnesty International has a number of concerns in relation to violations of the rights to freedom of expression and association in Bahrain.

In July 2006, the House of Representatives approved amendments to Decree no. 18 of 1973 on Public Meetings, Processions and Gatherings, and referred it to the Shura Council. Certain provisions of the Decree, as well as some of the proposed amendments, impose serious restrictions on the rights to freedom of expression and assembly. For example, the definition of "public gathering" is very broad, and even meetings held in private and involving a small number of people are subject to prior official notification. Article 10(a) prohibits political rallies and meetings for non-citizens, while Article 10(b) ban demonstrations for election purposes. The King ratified the new law in July 2005 after its approval by the Shura Council.

In 2005 Parliament approved a new law to regulate political associations. This requires associations to be approved by the Minister of Justice, who can also request the Supreme Court to issue a ruling to have the association dissolved and to liquidate its finances. Human rights and other groups criticized the new law as overly restrictive and called on the King to cancel it.

In October 2006, the High Criminal Court ordered a ban on the publishing of any information relating to a report issued the previous month by Salah al-Bandar, a UK national and adviser to the Bahraini government. The report alleged that officials had planned to manipulate the outcome of the November 2006 parliamentary elections at the expense of the majority Shi'a Muslim population. Salah al-Bandar was deported to the UK the same month and later charged in Bahrain with "illegally seizing government documents and stealing two cheques". He denied the charges and is expected to be tried in absentia. During 2007 journalists have called for more press freedom and for an end to prison terms for press-related offences. At least 22 internet websites remain banned by the authorities.

Amnesty International has also reported many cases of individuals being prosecuted on defamation charges for peacefully exercising their right to freedom of expression. Human rights defenders have been a specific target of abuse and intimidation. During 2006 and 2007 several human rights activists were reportedly subjected to harassment in the form of anonymous threatening telephone calls telling them to cease their human rights activities, as well as insulting letters, phone calls and text messages. No thorough investigations of complaints made by human rights defenders are known to have been carried out. Other human rights defenders have been charged in the past with crimes such as "insulting the judiciary", "defamation and slander of a family court judge", and other charges which Amnesty International believes to be politically motivated.

D. Identification of achievements, best practice, challenges and constraints

Amnesty International welcomes steps taken by the Bahrain government, including the accession to the International Covenant on Civil and Political Rights in September 2006 and the International Covenant on Economic, Social and Cultural Rights in September 2007.

However, there are a number of key challenges that the government must address to uphold its commitment to human rights protection, including as a member of the Human Rights Council:

- The government should repeal all provisions allowing for the death penalty and immediately declare a moratorium on all executions;
- The government must amend legislation to explicitly prohibit the use of torture and ill-treatment, and must amend Decree no. 56 2002 to ensure it does not provide a blanket amnesty for alleged perpetrators of torture;
- The government must also enact legislation to ensure that redress is available to victims of torture;
- Any restrictive legislation on freedom of expression and association must be repealed and brought into line with international standards;
- Effective measures must be taken to ensure that human rights defenders are able to exercise their rights to freedom of expression and assembly, including carrying out their peaceful activities, and be protected from harassment by law enforcement authorities.

Appendix: Amnesty International documents for further reference:

- Amnesty international annual report 2007
- Amnesty international annual report 2006
- Amnesty international annual report 2005