

**NGO Submission by NCMVT Related to Bahrain for the Session scheduled April 2008 - 20 November 2007**

To: UPRsubmissions@ohchr.org

**A Focus on Torture and Impunity in Bahrain**

A Submission by: The National Committee for Martyrs and Victims of Torture<sup>1</sup>

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**Shadow report to UN committee against torture:**

In May 2005 the **National Committee for Martyrs and Victims of Torture (NCMVT)**, in cooperation with the Bahrain Center for Human Rights (BCHR), had participated in the review of Bahrain's report by the UN Committee Against Torture in Geneva and briefed the Committee on its concerns. The NCMVT focused, amongst other issues, on impunity for acts of torture committed prior to 2001; rejection by courts of all cases lodged against alleged torturers and of all requests for compensation; and the absence of redress and rehabilitation mechanisms for victims of torture. (A summary of the shadow report to CAT is attached Annex: III)

**Government reaction to CAT's Recommendations:**

The Government of Bahrain has not publicized neither its report to the **UN Committee Against Torture** nor the outcome of the review by the **Committee**<sup>2</sup>. Most important, no serious measures have been taken to implemented the UN Committee's recommendations.

The main concerns stated by the UN Committee are still unchanged: i.e. the persistent gap between the legislative framework and its practical implementation with regard to the obligations of the Convention; the lack of a comprehensive definition of torture in the domestic law as set out in article 1 of the Convention; the large number of allegations of torture and other cruel, inhuman or degrading

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<sup>1</sup> Refer to **Annex II**: Information about NCMVT

<sup>2</sup> Document CAT/C/CR/34/BHR

treatment or punishment of detainees committed prior to 2001; the apparent failure to investigate promptly, impartially and fully the numerous allegations of torture and ill-treatment and to prosecute alleged offenders; the inadequate availability in practice of civil compensation for victims of torture prior to 2001; and the lack of access by independent monitors to visit and inspect places of detention without prior notice<sup>3</sup>.

In regard to the UN Committee's recommendations: there have been no steps taken to respect the absolute nature of article 3 in all circumstances and fully incorporate it into domestic law; no steps have been taken to amend Decree 56 of 2002 to ensure that there was no impunity to officials who had perpetrated or acquiesced in torture. In regard to measures taken to combat terrorism, the government has adopted the 2006 draft law despite international pledges and non conformity with Security Council resolutions; the judiciary still lack independence; and the country still lacks a Family Code while no serious measures have been taken to prevent and punish violence against women.

Furthermore, there has been no insurance that detained persons have immediate access to a doctor and a lawyer, and no effective measures have been taken to prevent and redress the serious problems commonly faced by foreign workers. Regarding consideration to the establishment of a national human rights institution, the government recently announced that it has decided to form a national human rights institution without revealing any details and without any consultation with the National Assembly or civil society; and there have been even more inappropriate restrictions on the work of non-governmental organizations, including those dealing with issues related to the Convention.

#### **NGO's reactions and related consequences:**

- Around 5,000 people attended a seminar on the outcome of the United Nations (UN) Committee Against Torture meeting, which focused on reports presented by the Bahrain government and four human rights groups. The event was held at the open ground next to Ansar Al Hussain Ma'atam, Bilad Al Qadeem, and was organized by the now-dissolved Bahrain Center for Human Rights (BCHR) and the National Committee for Martyrs and Victims of Torture<sup>4</sup>. The Seminar was one of many activities organized by the NCMVT in relation to the outcome and recommendations of CAT.
- All five representatives of the two groups attended the review session in Geneva were subjected in different occasions to abuse including: harassment, physical assaults, arbitrary detention and unfair trial. It is worth noting that the National Committee was represented by Mr. AbdulRauf Al-Shaeb (president), Mr. Abass Al-Omran and Mr. Abdul-Ghani Khanjar while the Bahrain Center for Human Rights was represented by Mr. Abdulhadi Alkhawaja (President) and Mr. Nabeel Rajab.
- The NCMVT remains unregistered while the BCHR remains officially closed. Members of the two groups have been under threat of persecution for the unauthorized activities as stated by the authorities in national newspapers<sup>5</sup>.

#### **Independence of the Judiciary**

The constitution provides for a nominally independent judiciary; however, the judiciary was not independent, and courts were subject to government pressure regarding verdicts, sentencing, and appeals. There were allegations of corruption in the judicial system. The constitution provides that the

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<sup>3</sup> except for a visit to Jaw prison by the Bahrain Human Rights Society to which there has been no response from the government regarding its findings and recommendations

<sup>4</sup> Gulf Daily News, 27 May 2005

<sup>5</sup> Alwatan daily newspaper. Feb. 22, 2007

king appoint all judges by royal decree. The king also serves as chairman of the Supreme Judicial Council, the body responsible for supervising the work of the courts and the public prosecution. The constitution does not provide a legislative branch confirmation process for judicial appointees nor does it establish an impeachment process. (..) Reports continued alleging lack of access to a fair trial. (..) Citizens may bring civil suits before the court seeking cessation of or damages for human rights violations; however, there was impunity for alleged torturers that the government maintained was granted by the 2001 general amnesty<sup>6</sup>.

## **Arrest and Detention**

In many documented cases during the last four years, citizens arrested in relation to unauthorized gatherings or protests had complained of: being severely assaulted during arrest<sup>7</sup>, being placed in isolation for periods from 3 to 15 days, being subjected to torture or other cruel, inhuman or degrading treatment during interrogation and being kept in detention for a long period during interrogation or trial. In most cases the arrestees were accused by the police of using violence but eventually found guilty of participating in unregistered organization. In all cases, following internal and external pressure campaigns, the detainees were released without a trial or by a royal amnesty<sup>8</sup>. Detainee access to attorneys is often restricted in the early stages of detention; attorneys must seek a court order to confer with clients.

## **Prison and Detention Center Conditions**

In late 2005 while the government permitted limited visits to prisons, it did not allow visits to short term detention facilities by independent human rights observers. In late December 2005 the Bahrain Human Rights Society made two visits to Jaw prison, which housed 450 to 500 inmates. The authorities did not responded to the organization' finding and recommendations. BHRS was also scheduled to visit the country's women's prison in Isa Town on February 25, but interior ministry officials postponed the visit indefinitely for administrative reasons. The visit had not been rescheduled.

On August 10, the quasi-governmental Supreme Council for Women (SCW) conducted a visit of the country's women's prison in Isa Town. Following the visit General Secretary Lulwa Al Awadhi called publicly for the Supreme Judicial Council to look into sentences that were overly severe for the crimes committed. There was no publicly released SCW report on the visit.

Juveniles were housed separately from adults until the age of 15. In 2004 the Ministry of Social Development announced plans to open a separate center for the care of juvenile delinquents, but had not done so by year's end.

Although the International Committee of the Red Cross (ICRC) officials visited the country during the year, they did not request prison visits. Bahrain Red Crescent Society officials confirmed that ICRC officials had not visited prisons for several years, since the release of all political prisoners in 2000.

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<sup>6</sup> **Source:** Country Reports on Human Rights Practices - [2006](#), Released by the Bureau of Democracy, Human Rights, and Labor, USA, March 6, 2007

<sup>7</sup> as in the case of: Ali Saeed Al-Khabbaz, 22 years, [Bahraini citizen beaten severely, used as human shield](#), and Sayed Abbas Sayed Mahdi, [Bahraini citizen S. Abbas who was beaten, his head was kicked and hit against the ground by Foreign Special Security Forces](#).

<sup>8</sup> the Bahrain center for human rights has documented 72 cases in 2006, refer to its report: [BCHR: Arbitrary detention and unfair trials in Bahrain during 2006](#)

## Impunity

During the year, there were no known instances of officials being punished for human rights abuses committed. Controversy continued over impunity for alleged torturers which the government maintained was granted by the 2001 general amnesty.

## The work of NGO's

Despite promises to amend old restrictive laws on association and assembly, these laws have been re-activated and used selectively to threaten and indirectly control political and human rights societies and activists.

The NCMVT was elected by hundreds of victims of torture, attracted 33,000 supporters, and has been active in documenting several thousands of cases and organizing peaceful rallies and demonstrations on a monthly basis. Nevertheless, the authorities have not yet recognized the NCMVT or agreed to have official dialogue with it. On the contrary, the NCMVT and its activities are considered illegal and us under the threat of prosecution. Some of the activities were banned or disbursed by force by the authorities such as the march to celebrate the international day against torture June 26, 2006<sup>9</sup> and the annual march to celebrate the national day of victims of torture December 17, 2006.

The Spokesman of the NCMVT, Mr. Abdul-Rauf Al-Shayeb was detained in April 2004, two days after his return from Geneva where he participated in the UN Human Rights Commission. He was accused publicly of "ethical misconduct" (Sleeping with a domestic worker). He was released five days later as a result of wide protests, and the accusation was changed to (entering a house without the permission of its owner) facing six months imprisonments. Based on the harassment, Mr. Al-Shayeb was granted political asylum in the United Kingdom<sup>10</sup>.

Many activists were detained for criticizing the government, including the director of the Bahrain Center for human Rights (BCHR), Abdulhadi Alkhawaja, who was released during October 2004 after wide protests and international criticism. The BCHR itself was officially closed for issuing reports and organizing seminars on sensitive issues such is torture, discrimination, deterioration of living conditions, corruption and privileges of members of the ruling family.

The authorities resorted to new methods besides harassing, detaining and harming the reputation of Human rights activists. Top officials established secret contacts with persons in the different human rights NGO's, including Hassan Mousa, who was a board member of the Bahrain Center for Human Rights and in charge of International relations. He is now a member of the government delegation to these meetings.

Furthermore, the authorities created its own "NGO's" such as the Bahrain Human Rights Watch Association" and the ""The National Committee for Martyrs and Victims of **Terrorism**" in order to mislead public and international opinion.

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<sup>9</sup> **Source:** Country Reports on Human Rights Practices - [2006](#), Released by the Bureau of Democracy, Human Rights, and Labor, USA, March 6, 2007

<sup>10</sup> HRC 4th 27/03/2007 A/HRC/4/37/Add.1

## **The establishment of Non-Government Coalition for Truth, Equity and Reconciliation**

In 2006, The National Committee for Martyrs and Victims of Torture (NCMVT), in cooperation with the Bahrain Center for Human rights, other NGO's, and members of the national Assembly, organized one week of activities to address transitional justice related to victims of human rights violations.

Since March 2007, eleven human rights and political groups have joined their efforts and decided to form "**The Coalition for Truth, Equity and Reconciliation-CTER**"<sup>11</sup>. The coalition has organized:

1. A "Dialogue Seminar" on June 23, 2007, attended by around 80 representatives of civil societies, officials<sup>12</sup>, MP's and international organizations<sup>13</sup>.
2. "National Conference" on June 26, 2007, attended by victims and representatives of civil society organizations.
3. On September 24-27, 2007, the Coalition, in cooperation with the International Center for Transitional Justice, organized a workshop on Truth-Seeking.

The Coalition is preparing for a conference to be held on December 10, 2007, to form an **unofficial truth commission**. The Coalition has also decided to continue communication and dialog with the authorities, especially HH the king of Bahrain, to seek cooperation related to the issue in general and in an attempt to initiate a national initiative for **Equity and Reconciliation**.

As to date, the government claims that there is no need for such initiative because they have addressed the issue of the victims of the past era in the general amnesty declared by the king in 2000. The authorities consider the coalition as unauthorized, hence legal and other measures could be taken against its members and activities<sup>14</sup>.

## **Recommendations**

The NCMVT, in addition to the recommendations contained in its shadow report to the CAT, stress on:

- The need to follow up on all recommendations adopted by UN Committee Against Torture in 2005.
- In conformity with the CAT's recommendation concerning "*inappropriate restrictions on the work of non-governmental organizations, including those dealing with issues related to the Convention*", there is an urgent need for an appeal to the Bahrain government to halt restrictions and harassment against, and maintain cooperation with, non-governmental organizations including the National Committee for Martyrs and Victims of Torture (NCMVT), the Bahrain Center for Human Rights (BCHR) and The Coalition for Truth, Equity and Reconciliation (CTER).
- The formation of a national human rights institution should be in conformity with the Geneva Principles and should be consulted with the concerned actors including NGO's.

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<sup>11</sup> **The eleven groups: The six human rights groups were:** the Bahrain Human Rights Society (BHRS), Bahrain Center for Human Rights (BCHR), Bahrain Youth Society for Human Rights, National Committee for Martyrs and Victims of Torture, Committee for returnees from Exile and the Committee for the deprived of Citizenship. **The five political groups were:** The National Democratic Action Society(Waad), Almenbar Democratic Progressive Society, Islamic Action Society (Amal), Alwefaq National Islamic Society and Haq Movement.

<sup>12</sup> The seminar was addressed by the Minister of Social Development and the second deputy of the Representative Council

<sup>13</sup> The International Center for transitional Justice, Human Rights Watch and "No Peace Without Justice".

<sup>14</sup> [http://www.alwasatnews.com/newspager\\_pages/ViewDetails.aspx?news\\_id=55776&news\\_type=LOC](http://www.alwasatnews.com/newspager_pages/ViewDetails.aspx?news_id=55776&news_type=LOC)  
[http://www.alwasatnews.com/newspager\\_pages/ViewDetails.aspx?news\\_id=57071&news\\_type=LOC&writer\\_code=&newsaper\\_date=06-27-2007](http://www.alwasatnews.com/newspager_pages/ViewDetails.aspx?news_id=57071&news_type=LOC&writer_code=&newsaper_date=06-27-2007)