

Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

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1. The following submission has been prepared based on information received from independent human rights defenders in Bahrain. Front Line Defenders is an International NGO based in Ireland with Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration of the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

Introduction

2. Front Line Defenders is gravely concerned by the ongoing persecution of human rights defenders (HRDs) in Bahrain. Despite provisions for human rights in Bahraini law and the state's ratification of a number of human rights treaties, in practice civil and political rights, in particular for human rights defenders, are substantially limited. HRDs in Bahrain continue to face high levels of insecurity and are victim of various forms of state repression, such as arbitrary arrest and detention, intimidation, loss of employment, torture and ill-treatment, malicious prosecution, prolonged incommunicado detention, smear campaigns, sexual assault, torture and death threats.

Unfair trials, torture and the abuse of anti terrorism legislation

3. At the first session of the UPR in 2008, the Bahraini delegation stated that anti terrorism policies do not affect human rights defenders as their actions do not come under the definition of terrorism. However HRDs in Bahrain have been labelled by the authorities as 'terrorists' and have been tried accordingly.

4. In August 2010, officials from the National Security Agency (NSA) arrested a number of well known human rights defenders, bloggers and political activists on accusations of belonging to a terrorist network. The arrests and the charges of terrorism were widely publicised by pro government media. Among the group of those charged were eleven human rights defenders. They were eventually released following a decision by the King in February 2011, after six months in prison.

5. Human rights defender and leading Bahraini blogger, Mr **Ali Abdulemam** was arrested on 4 September 2010 at 9 pm by NSA officers. Ali Abdulemam created and managed since 1999 a leading news website on Bahrain (www.bahrainonline.org) as well as a blog. He has been active internationally raising attention to the situation of freedom of expression and the media environment in Bahrain. The day after his arrest, the website of BahrainOnline became

unavailable. Members of his team found that the website's password was changed, thus generating fears that Ali Adbulemam may have been forced to reveal the password of the database of his discussion forum.

6. Since the intensification of mass protests to demand political reforms in early 2011, the use of the judicial system to silence protest leaders and human rights defenders increased and the authorities commenced an unprecedented crackdown which led to the arrest of scores of human rights defenders, political activists as well as simple supporters of the protests. Many of the trials that followed were held before a special court, the National Safety Court, established by the decree proclaiming the State of National Safety.

7. Despite government's claims to the contrary, the National Safety Court appears to be a military court: it is presided over by a military judge; the role of prosecutor is assigned to the military prosecutor; the court follows the military court's rules of procedure. The bringing of civilians to trial before a military court is in open contradiction to established international jurisprudence. It is also of dubious legality under Bahraini law and the Bahraini Constitution. However, an appeal to the Constitutional Court in this regard was refused by the National Safety Court.

8. In the course of these trials and the detention of those accused, numerous allegations of torture have been made. The authorities have consistently failed to investigate them. The authorities also refused medical assistance to a group of 13 imprisoned human rights defenders and political activists who went on hunger strike during their detention in October 2011.

An emblematic case: Abdulhadi Al Khawaja

9. An emblematic case is that of Abdulhadi Al Khawaja, founder of the Bahrain Centre for Human Rights and former Front Line Middle East & North Africa Protection Coordinator. Following his arrest on 9 April 2011, he was charged along with 20 other defendants including human rights defenders and political activists of 'organising and managing a terrorist organisation' and 'attempt to overthrow the government by force and in liaison with a terrorist organisation working for a foreign country'. He was sentenced to life imprisonment on 22 June 2011. His trial proceedings before the National Safety Court of First Instance fell grossly short of Bahraini and international fair trial standards:

- Al Khawaja was assaulted at the time of the arrest, was held incommunicado and reported that he was tortured during the initial weeks of detention;
- He was denied access to his lawyer during his initial 20 days in detention, in violation of the International Covenant on Civil and Political Rights (ICCPR) to which Bahrain is party, namely its Article 14;
- The sitting of the Bahraini Lower National Safety Court in Abdulhadi Al Khawaja's trial appears to be unconstitutional on the basis that, inter alia, some of the charges brought against the defendant had been made before this court was established in accordance with a State of National Safety declared by the King of Bahrain on 15 March 2011.
- Abdulhadi Al Khawaja repeatedly attempted to speak at his hearings, including on 9, 12 and 16 May, and make complaints about the torture he claims to have endured. On each occasion he was silenced by the judges who refused to investigate the claims of torture, in contravention to Bahrain's obligations under the Convention Against Torture (CAT). Visible signs on Abdulhadi Al Khawaja's face provided a strong indication that an act of torture was committed.
- In May, he also reported that the security forces attempted to force him to record on videotape an apology to the King of Bahrain. Upon his refusal, he was assaulted.
- Abdulhadi Al Khawaja and his family were intimidated by court officials who seemed to consider them responsible for the presence of international trial observers. During the hearing of 12 May, the Al Khawaja family was eventually not allowed to see him in apparent retaliation for the presence of trial observers in the court building.

10. Front Line sent two trial observers to Bahrain to attend the trial in May, have access to him and his family and lawyer. They were however denied entry to observe the proceedings contrary to a previous unequivocal pledge made by the Bahraini authorities.

11. During the appeal, in September, the National Safety Court of Appeal failed to address the serious irregularities which occurred during the proceedings before the National Safety Court of First Instance. The court rejected the request of the defence lawyers to call defence witnesses, ruling that it was unnecessary. The sentencing was eventually confirmed.

12. A review of the proceedings of the National Safety Courts is pending before the (civilian) Court of Cassation. This followed a decree by the King of Bahrain allowing for such reviews, which were originally not permitted. The proceedings remain pending at the time of writing.

An unusual culprit: the medical profession

13. Members of the medical profession came under fire when security forces raided hospitals and operation theatres to pull out those they suspected of taking part in anti-government protests, in March 2011. Doctors and nurses who treated the injured were subsequently arrested and charged with harbouring anti-government opponents and using hospitals as a haven of opposition.

14. Front Line views them as human rights defenders as they suffered the consequences of upholding their Hippocratic oath by treating those injured in the protests, thus contributing to the protection of their right to health and life.

15. Violations committed against the medical profession included governmental and judicial harassment, arbitrary arrest and detention, intimidation, loss of employment, torture and ill-treatment, malicious prosecution, unfair trials, prolonged incommunicado detention, smear campaigns, sexual assaults and death threats.

16. On 3 May 2011, the military prosecutor charged 24 doctors and 23 nurses and paramedics with various offences including allowing "media, that supported demonstrators and were in their service, to enter the hospital and take pictures and films inside", making "erroneous statements that include bogus and inflated numbers about the number of the injured", "embezzlement of money", "assault resulting in death" and "unauthorised possession of weapons and ammunition". Alleged confessions were videotaped and used by pro government media in a smear campaign against the doctors. Scores of medical personnel have been held in incommunicado detention during which time they were reportedly tortured and ill-treated. In addition, the heads of 21 out of 23 health centres were removed from their jobs.

17. While all those charged were initially tried before the National Safety Court, many of them were eventually moved to ordinary courts. Most of the considerations made above as regards Abdulhadi Al Khawaja apply to the trials against the members of the medical profession: excessive force was used during their arrests; many of them were held incommunicado for weeks, without access to their families and lawyers in unknown places apparently outside the official prison system; allegations of torture and ill treatment were not investigated or acknowledged by the court.

18. The attack on the medical profession started when members of the Bahrain Medical Society made a protest to the Minister of Health demanding the reason why the ambulance service was not activated to care for the casualties of the protests.

19. Members of the medical profession targeted by the Bahraini authorities include the following:

- **Dr Basim Daif:** orthopaedic surgeon at Salmaniya Hospital in Manama, he was taken from his house on 19 March 2011 whilst he was praying. The officers, who wore black masks, emptied the safety box and took other possessions including property documents of the

house and two cars. Dr Daif's wife Maha, also a medical doctor, was at the time of the arrest a regional officer covering four health clinics in the country. Following the arrest of her husband she was demoted and eventually suspended from her job in June 2011;

- **Dr Ali Al-Ekri:** orthopaedic surgeon at Salmaniya Hospital in Manama, he was arrested on 17 March 2011. It was reported that colleagues tried to hide him in a room but he was handcuffed, blindfolded and arrested by more than 20 officers in plain clothes. He was held in incommunicado detention and reported being tortured to make a confession. Since his arrest he was allowed a telephone call to his family every two to three weeks.
- **Dr Fareeda Al Dalal:** wife of Dr Al-Ekri and also a medical doctor, she was held and interrogated three times before being arrested on 26 April. Plain-clothed officials went to her place of work and arrested Dr Al Dalal along with eleven colleagues. During the bus trip to the police station they insulted and told that the Shi'a were the enemies of the government. Dr Al Dalal reported having been beaten with a thick hose, blindfolded, made to face a wall and stand with her leg and arm in different positions, and called names such as 'dirty Shi'a', 'whore' and 'disloyal'. She was made to run and dance in front of the police men and women and made to sign a confession that she had protested against the government.
- **Dr Ghassan Daif:** he was arrested on 19 March 2011 when approximately 20 masked men wearing civilian clothes raided his home. They also took personal belongings including cameras, computers, money, property documents and cars. Dr Daif's family heard from him only a week later. A month later, Dr Ghassan's wife was brought before a military court to face charges and she met her husband there. During the hearing, Dr Ghassan Daif alleged that he and his brother, also among the doctors arrested, had been tortured and left standing in a small room for four days.

Restrictions on freedom of association

20. Bahraini legislation regulating the establishment and functioning of NGOs has been used to restrict the right to create human rights groups. Under the provisions of the 1989 Societies Act No. 21, NGOs are required to obtain approval from the Ministry of Development and Social Affairs before any activity can be organised, thus making illegal any non-registered group. There are reports of the Ministry ignoring applications, in some cases dating back to as far as six years, while in the meantime prosecuting the applicant for starting human rights work without the Ministry's approval. The Law also grants the Ministry powers to replace the leadership of any registered organisation if found in violation of administrative regulations. These vague provisions have been used by the authorities to silence legitimate NGOs by replacing its representatives with government appointed administrators.

21. On 6 May 2010, Mr **Mohamed Al Maskati** was sentenced to the payment of a criminal fine for operating an unregistered association, the Bahrain Youth Human Rights Society (BYHRS). Prosecution initiated in 2007, while BYHRS's application to be registered had been pending since 2005.

22. On 8 September 2010, the Ministry of Development and Social Affairs temporarily suspended the Board of Directors of the **Bahrain Human Rights Society** (BHRS) under the provisions of the Societies Act No. 21, 1989, following accusations of administrative irregularities. A government appointed administrator was then assigned to run the BHRS for an eight-month period. Although the eight-month period expired on 8 May 2011, the BHRS remained under the control of the Ministry of Development and Social Affairs. The BHRS has been coming under sustained pressure from the Bahraini Government since the trial in August 2010 of a number of human rights defenders on terrorism-related charges.

Arbitrary dismissal from work

23. Since the beginning of the pro-reform protests, a number of human rights defenders and other individuals were arbitrarily dismissed from their job in retaliation for their human rights work or their

involvement in the protests.

24. On 11 August 2011, human rights defender **Mr Abdulla Alderazi** was officially dismissed from his position as an English lecturer at the University of Bahrain, Manama. Abdulla Alderazi is the Secretary General of the Bahrain Human Rights Society (BHRS) and a board member of the Arab Organisation for Human Rights. In April 2011, he was called to appear before the University of Bahrain's disciplinary committee and was temporarily suspended from his post. Subsequently, in May 2011, he was interrogated for two hours by the military prosecutor on his alleged involvement in pro-democracy demonstrations as well as the dissemination of information regarding the situation in Bahrain to the international media.

25. Front Line Defenders calls on the UN to urge the authorities in Bahrain to prioritise the protection of human rights, and in particular to:

- (1) Conduct an independent, impartial and thorough inquiry into the source of threats, ill treatment, torture, and all forms of intimidation and harassment as well as unfair trial and initial arbitrary detention directed towards all those human rights defenders mentioned in this report;
- (2) Immediately release those human rights defenders who remain on trial, including Abdulhadi Al Khawaja and the members of the medical profession mentioned in this report;
- (3) Ensure the full respect of international fair trial guarantees during the current and future reviews before civilian courts of the trial proceedings which took place before the National Safety Court;
- (4) Fully investigate the allegations of torture made by many of the human rights defenders mentioned in this report, and take urgent measures to prevent the re-occurrence of instances of torture, including accession to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT);
- (5) Ensure that all those human rights defenders arbitrarily dismissed from their work place because of their support to pro reform protests are fully reinstated in their positions;
- (6) Review all terrorism-related legislation and ensure its full compliance with international human rights standards; in particular, fully recognise the legitimate role of human rights defenders and exclude them explicitly from the scope of such legislation;
- (7) Review the 1989 Societies Act No 21 with a view to strictly define the criteria upon which registration can be denied and the leadership of a registered NGO replaced by government administrators;
- (8) Ensure full cooperation with the mandate of the UN Special Rapporteur for Human Rights Defenders and invite the mandate to officially visit Bahrain;
- (9) Ensure all human rights defenders in Bahrain are free to carry out their human rights activities free from persecution.