



**UPR Submission  
Bahrain  
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Bahrain has failed to live up to many of the pledges it made during the Human Rights Council's Universal Periodic Review (UPR) four years ago. The authorities have significantly increased restrictions on freedom of expression, assembly, and association, especially in 2011. In March 2011 King Hamad bin Isa Al Khalifa declared the National Safety Law to suppress mostly peaceful pro-democracy protests. The authorities have used excessive force, including live ammunition, to disperse anti-government demonstrations, killing dozens of protesters and injuring many more. Thousands of employees of the public and private sectors were dismissed. They arbitrarily detained and tortured individuals detained for participating in the protests. The National Safety Courts have sentenced hundreds to heavy punishments including the death penalty.

**Freedom of Assembly**

During its 2008 UPR, Bahrain pledged that *"the Ministry of Interior consistently states that it has no objection to peaceful demonstrations provided that they are conducted lawfully and participants don't engage in criminal acts of rioting."*

Laws that regulate freedom of assembly are not in compliance with Bahrain's international human rights obligations under the International Covenant on Civil and Political Rights (ICCPR), and authorities regularly use these laws to restrict the freedom to assemble peacefully. Bahrain's Public Gathering Law 32/2006 defines a public gathering as any meeting in which "more than five people" participate; requires that organizers give notice three days before holding such meetings; and grants sweeping power to local security authorities to turn down requests, depending on their purpose or any other circumstance. Police can attend meetings and organizers can be punished for speech or discussion "infringing on public order or morals." The law authorizes prison sentences of up to six months and/or fines for alleged breaches.

Authorities have used the law to suppress opposition gatherings as well as to prosecute organizers of and participants in gatherings that are arbitrarily deemed "illegal." In mid-February 2011 security forces attacked peaceful demonstrators who had camped in the capital's Pearl Roundabout demanding political reform, killing several protesters and injuring many more. However, on March 6, Crown Prince Salman bin Hamad Al Khalifa said on the state television that "it is among the rights of citizens of Bahrain to gather and march peacefully." For many in Bahrain this was a green light to go out and participate in the pro-democracy protests.

In mid-March, as the demonstrations intensified, authorities again violently cracked down on the protesters. King Hamad declared a "State of National Safety" and established special military courts, called "Courts of National Safety," to convict protesters and others who supported the protests. Human Rights Watch estimates that at least 1,600 people have been arrested since mid-March. Authorities charged, and the special military courts convicted, many of those arrested for "participating in illegal protests". In addition to trials in the military courts, hundreds more have been tried in ordinary criminal courts. In late October for example a minor criminal court sentenced 14 men and women, including one pregnant woman, to six months in jail for participating in "illegal protest" inside a shopping center.

**Freedom of Expression and the Press**

During its 2008 UPR, Bahrain agreed that *"the draft press law ought not to be unduly restrictive on freedom of expression."*

For the last four years Bahrain has failed to pass new and progressive legislation to regulate press freedoms and recently introduced new amendments that would impose further restrictions.

In May 2008 the government drafted a new press law that would remove criminal penalties for many journalism related offenses, but the legislation still awaits approval by the National Assembly. The current Press Law (47/2002) contains unduly restrictive measures, and the government has stepped up efforts to further silence criticism by introducing new measures to clamp down on press freedoms. According to new amendments to the Penal Code approved by the cabinet in late October 2011, publishing or airing "false or fabricated news or forged photos" that could harm "national security, public order, public health, public interest or incite violence or erode confidence in Bahrain's financial position" would be considered a criminal offense.

In November 2008 the Interior Minister Rashid bin Abdullah Al Khalifa threatened to prosecute several opposition figures who had held meetings in Washington, DC. The Bahraini Penal Code sets a minimum of three months imprisonment and/or fines for anyone who fails to obtain government permission to attend meetings abroad to discuss Bahraini affairs that might "undermine financial confidence in the state" or who "exercises...activities that are harmful to the national interests."

In August 2010 the ministry suspended the online audio reports of *Al Wasat*, the country's leading independent newspaper. Then on April 2, 2011 after security forces brutally put an end to public protests, the Information Affairs Authority suspended *Al Wasat* itself following trumped-up charges that the newspaper had willfully published "false news and photos." The authorities allowed *Al Wasat* to resume publishing on April 4 under state control and after pressuring the editor-in-chief, Mansoor al-Jamri, as well as the managing editor and local news editor, to resign. On October 11, 2011, days after al-Jamri reassumed the position of editor-in-chief, a civilian court convicted him and three other staff members and fined them 1,000 Bahraini Dinars for allegedly publishing false information.

Authorities also sharply restricted access to the country by independent journalists and international rights organizations, including Human Rights Watch and Amnesty International, after the mid-March crackdown on public protests. The courts have convicted dozens of people for various freedom of expression related offenses such as "instigating hatred against the ruling system," "incitement to overthrow the regime," and "spreading false news."

### **Freedom of Association**

During the previous UPR, Bahrain pledged that it *"is fully committed to supporting non-governmental organizations through legal and other instruments so as to develop a constructive dialogue with these organizations and other stakeholders."*

However, over the last four years Bahrain has targeted for harassment or shut down non-governmental organizations (NGOs) that are critical of the government or its policies. Freedom of association is restricted by Law 21/1989, which allows significant interference into the affairs of NGOs. The law empowers authorities to replace board members of NGOs and prohibits NGOs from engaging in political activities.

The Ministry of Social Development and Human Rights continues to deny legal status to independent human rights organizations like the BCHR, which it shut down seven years ago. In April 2010, the Lower Criminal Court fined Mohamed al-Maskati, president of the Bahrain Youth Society for Human Rights (BYSR) US\$1,325 for operating an unregistered NGO. Since 2005, BYHRS has applied to register with the ministry but has not yet received a response.

In August 2010 the ministry ordered the Migrant Workers' Protection Society to close down its shelter because it had not been registered, despite the fact that the organization had provided the ministry with a copy of the registration. On September 8, after the Bahrain Human Rights Society (BHRS) criticized the

widespread arrests and alleged torture of detainees, the ministry dismissed Abdullah al-Dirazi, the group's secretary general, dissolved the group's board of directors, and appointed a ministry official as "interim director." The ministry accused the organization of "only serving one segment of society."

Following the demonstrations in February and March 2011, authorities dissolved the Bahrain Teachers' Association (BTA) for "issuing inciting statements and speeches to teachers and students ... to hold strikes." In September the National Safety Court sentenced Mahdi Abu Deeb, president of the BTA, to ten years imprisonment and vice-president Jalila al-Salman to three years in prison. Al-Salman, released on bail in August, was re-arrested in a pre-dawn raid on October 18 and held for two weeks before being released on November 1. In April 2011 security forces arrested the president of the Bahrain Medical Society, Ahmed Jamal, and the Ministry of Social Development suspended the board of directors of the Bahraini Medical Society (BMS) because the organization became "involved in politics." Authorities later released Jamal and pressured the BMS to elect a new board of directors.

Authorities also targeted legally recognized opposition political societies and their leaders. In March security forces arrested Ibrahim Sharif, the leader of the National Democratic Action Society (Wa'ad). In June 2011 the military court sentenced Sharif to five years imprisonment for crimes that included "inciting hatred of the regime, insulting the army, and spreading false information." A month later the Bahrain Defense Force suspended Wa'ad and blocked its website for "defaming the armed forces and spreading false news." The party was allowed to resume operations in June. In April the Ministry of Justice and Islamic Affairs threatened to prosecute Al-Wefaq National Islamic Society and the Islamic Action Society (Amal) in connection with statements they issued during the period of anti-government demonstrations.

### **Torture and deaths in custody**

In the past four years Human Rights Watch has documented dozens of cases of torture in Bahrain. In February 2011 authorities released 23 opposition leaders and activists who had been arrested during mid-August and early September 2010 on terrorism-related charges. Several of those released described lengthy interrogation sessions during which they were blindfolded and subjected to both physical and psychological abuse, some of which amounted to torture. The abuse included threats, humiliation, solitary confinement, beatings to the head, chest, and other sensitive areas, beatings on the soles of feet with sticks or hoses, sleep deprivation, denying access to the bathroom, and electric shocks. Some said they were sexually harassed or assaulted.

Human Rights Watch has also documented four deaths in government custody and numerous cases of torture and ill-treatment in government detention facilities since 2008. The body of Ali Isa Saqer, who was arrested in connection with the deaths of two police officers and died in custody, bore unmistakable signs of torture when it was handed over to his family. On April 28, Bahrain TV broadcast Saqer's purported confession in connection with the trial of his co-defendants, although authorities notified Saqer's family of his death on April 9. On April 9 the blogger Zakaria Rashid al-Asherri, 40, died in government custody. He had been arrested a week before on charges of "inciting hatred against the regime and promoting sectarianism."

On April 12 Karim Fakhrawi, a founder and board member of *Al Wasat* and a member of Al-Wefaq opposition party, also died in government custody. Authorities claimed that he had died of kidney failure, but photos showed numerous bruises all over his body. Earlier, on April 3, 2011, the government announced that Hassan Jassim Maki, 39, had died in police custody due to complications from sickle cell anemia. Police had arrested Maki in a pre-dawn raid at his home in Karzakan on March 28.

### **Unlawful and suspicious killings**

Human Rights Watch has documented 43 deaths in connection with the crackdown on the protest movement. Most of those who died were protesters or bystanders, but several members of security forces also died.

Several people have died in mysterious circumstances since demonstrations started in February 2011. On March 19, 2011 Hani Abdul-Aziz Jumah, 32, left his house to respond to a cry for help outside just as riot police began sweeping through his neighborhood. A witness told Human Rights Watch that Jumah was seen running towards a nearby building chased by eight riot police. About an hour-and-a-half later neighbors went to search for Jumah and found him with injuries to his knees and arm apparently caused by a shotgun. His family and neighbors took him to a nearby hospital. His father said that night an ambulance transferred his son to the Bahraini Defense Force (BDF) Hospital. On March 24 BDF Hospital informed Jumah's family that they could pick up his body at another hospital, the Salmaniya Medical Complex.

Isa al-Radhi, 45, went missing on March 15, when security forces attacked Sitra. On March 19, officials from the BDF hospital informed his family they could collect his body. Bahia al-Aradi, 51, went missing on March 16. Al-Aradi's family contacted several hospitals, including BDF, but was told that she was not there. On March 19 authorities notified al-Aradi's family that she was on life support at the BDF hospital, and allowed her brother to visit her for a few minutes. On March 20, the hospital announced that she had died of her injuries. Abdul-Rasoul al-Hujairi, 38, was last seen on March 19, when he went out to run some errands. Al-Hujairi's family called police stations and hospitals but did not find him. On March 20 the authorities told his family to pick up his body at Salmaniya Medical Complex.

There has been no investigation in to the deaths of those victims and no accountability, prosecution or discipline of those responsible.

### **Unfair trials**

Since March, authorities have brought hundreds of defendants to trial before the Court of National Safety which has convicted and sentenced more than 300 persons. The Bahraini Defense Forces Commander-in-Chief Field Marshal Khalifa bin Ahmed Al Khalifa appointed the military judge who presides over this special military court, along with two civilian judges. The military public prosecutor prosecuted the cases.

On June 22, the court sentenced Ibrahim Sharif, Abdul Hadi al-Khawaja, and 19 other protest leaders to prison terms ranging from 5 years to life, seven of them in absentia. The charges against them ranged from calling for a change of government, leading "illegal" demonstrations, "spreading false news" and "harming the reputation" of the country. The trial record cited no evidence linking any of the accused to acts of violence or other recognizable criminal offenses. An appeals court upheld their convictions and sentences on September 28.

On April 28, the special military court sentenced four defendants to death and three others to life in prison for their alleged involvement in the murder of two police officers. Two of the death sentences were upheld by the Appeals Court of National Safety, while the other two were commuted to life imprisonment. On September 29, the special military court sentenced another defendant to death for the alleged murder of a third police officer.

Lawyers defending suspects before the special military court had limited access to their clients and were unable to adequately prepare their clients' defenses. In many cases convictions were based solely on secret evidence provided by the military prosecution, the testimony of interrogators, and confessions that defendants claimed were coerced. The special military courts ended their operation on October 7, more than four months after a June 29 decree by King Hamad that supposedly transferred all protest-related cases to civilian courts.

### **Migrant workers**

More than 450,000 migrants work in low-paying sectors such as construction and domestic work. Despite recent reforms, Human Rights Watch research found many migrants complain of passport confiscation,

unpaid wages, excessive work hours, and physical abuse. Domestic workers, isolated in private homes and excluded from the labor law, are at especially high risk of abuse.

Bahrain has improved some health and safety requirements and in 2009, adopted a reform to its immigration sponsorship system by eliminating a requirement for employers to provide consent for migrant workers wishing to change employment. However, the reform did not cover domestic workers, many migrants remain unaware of it, and the government greatly weakened it by limiting it to workers already employed for one year. In practice, the requirement for employer consent continues to trap workers in abusive situations.

## **Recommendations**

### **On freedom of expression and the media:**

- Halt efforts to impose restrictions on freedom of expression and the press, and amend the Penal Code to remove all criminal penalties for alleged libel offences;
- Amend the press law to bring its provisions into compliance with article 19 of the International Covenant on Civil and Political Rights.

### **On Freedom of Assembly and Association:**

- Amend Public Gathering Law 32/2006 to bring its provisions into compliance with article 21 of the ICCPR.
- Amend Law 21/1989 and remove all interference into NGO affairs, including the authority to oust and replace boards and chairpersons.

### **On the independence of the judiciary:**

- Drop politically-motivated charges against defendants and order new trials of civilians in ordinary courts for all defendants who have been convicted in military courts.
- Immediately release those that have been arbitrarily detained for exercising their right to freedom of assembly.

### **On preventing torture, deaths in custody, unlawful and suspicious killings:**

- Investigate promptly and impartially all allegations of torture and ill-treatment by security and police forces and prosecute any official found responsible for ordering, carrying out, or acquiescing in torture or ill-treatment.
- Investigate promptly and impartially the deaths in government custody and other unlawful and suspicious killings by security forces and law enforcement personnel and persecute anyone found responsible for the deaths of the victims.

### **On protecting migrants' rights:**

- Eliminate the one-year requirement before migrant workers can change jobs without their employers' consent, publicize the new rules, and extend the reform to domestic workers.
- Adopt a revised labor law that meets Bahrain's obligations under international labor standards, including by extending its protections to domestic workers.