

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

**<https://www.hrw.org/news/2012/04/24/letter-permanent-representatives-hrc-member-states-upcoming-upr-session-bahrain>**

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Bahrain's Universal Periodic Review (UPR) by the Human Rights Council will take place on May 21, 2012. We urge your delegation to use the opportunity of this debate to raise specific concerns about the persistent human rights crisis in the country and to make recommendations that address the core human rights issues there.

This will be Bahrain's second UPR. The issues governments raised at the first UPR, held four years ago, and the government of Bahrain's pledges in response, will provide one important set of measures for gauging areas where the country's human rights situation has improved as well as those areas where it has deteriorated, in some cases shockingly.

Bahrain's second UPR review also takes place following an extensive independent investigation into alleged serious human rights violations by the government in suppressing large anti-government protests that began in mid-February 2011. The Bahrain Independent Commission of Inquiry (BICI), comprising a team of five renowned international jurists, concluded, in its 489-page report released in late November, that a lack of accountability had led to what the Commissioners called a culture of impunity for widespread and systematic violations of international human rights law as well as Bahraini law.

The upcoming UPR should focus on the grave human rights violations committed in 2011, as well as on-going violations, committed in suppressing protests. These have been well-documented by Human Rights Watch as well as by the BICI.

The Commission found that arbitrary arrests in many cases pre-dawn raids conducted by armed and masked uniformed and plainclothes officers showed the existence of an operational plan to terrorize protesters, opposition figures, and their families, and could not have happened without the knowledge of higher echelons of the command structure.

One of the most troubling findings of the Commission related to the deliberate abuse and ill-treatment of detainees, often amounting to torture, in order to extract confessions or mete out punishments. One key recommendation was for the government to investigate torture complaints and establish accountability for those responsible. To date, the government says it is investigating some 50 officers in connection with allegations of torture and unlawful killings, and has brought a few of those to trial, but as far as is known no ranking security officials are among them.

The Commissioners also called for a review of all convictions of people for exercising basic rights of free expression and peaceful assembly, convictions that mostly followed grossly unfair trials before military courts. Sir Nigel Rodley, former UN Special Rapporteur on torture, said that the Commissioners' collective understanding was that in the absence of any prior criminal charges, or any other charges, such persons should be released from all criminal responsibility and their records expunged.

Regrettably, there have been very few reviews of such sentences, and even fewer releases. None of the accused protest leaders, whose trial record confirms the absence of any actual criminal offenses, have been freed, including Abdulhadi al-Khawaja, an opposition leader and human rights activist, currently on hunger strike since February 8 to protest his life sentence. On April 13, four United Nations human rights experts, the Special Rapporteurs on human rights defenders, rights to freedom of assembly and association, the independence of judges and lawyers, and torture called on the government of Bahrain to immediately release al-Khawaja.

The Special Rapporteur on torture, Mr Juan Mendez, was scheduled to travel to Bahrain in March 2012. The government abruptly postponed the visit, ostensibly until July. The government has not yet responded positively on the visit request of the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

We are aware that some other governments urged Bahrain to convene a follow-up formal debate at the Human Rights Council on the implementation of the BICI recommendations and the results of the December 2011 visit to the country by a team from the Office of the

High Commissioner for Human Rights. Bahrain failed to take this opportunity; while some states mentioned the need for Bahrain to fully implement the BICI recommendations, the Council otherwise did not address any aspect of the Bahrain crisis, despite on-going violations there, including beatings sometimes arising to the level of torture, suspicious deaths, and arbitrary detentions. The upcoming UPR of Bahrain is an important step, but should not preclude the Council members from raising these concerns regarding Bahrain during the upcoming 20<sup>th</sup> session of the Human Rights Council. We encourage your delegation to continue calling Bahrain at the Human Rights Council to urgently implement the key BICI recommendations.

Our other areas of concern, drawing on Bahrains 2008 UPR as well as Human Rights Watchs monitoring of conditions in the country, include the following:

### **Freedom of Association**

In 2008 Bahrain pledged to support non-governmental organizations through legal and other instruments. The operative law governing the right to freedom of association is Law 21/1989, which includes numerous provisions incompatible with international standards and allows authorities to arbitrarily restrict NGO activities. Article 11 of the law, for instance, allows authorities to deny registration to any organization if, in their view, society does not need its services or if there are other associations that fulfill societys need. The Ministry of Human Rights and Social Development, which has the authority to administer Law 21/1989, continues to harass and in some cases shut down NGOs that raise human rights concerns or are otherwise critical of government policies, displaying a deplorable disregard for international human rights standards on freedom of association.

By way of example, the government has denied legal status to the Bahrain Center for Human Rights since 2004, and refused since 2005 to register the Bahrain Youth Human Rights Society. In April 2010 authorities denied the request of the Bahrain Human Rights Society (BHRS), which is registered, to conduct a monitoring workshop for human rights defenders in the Persian Gulf region. In September of that year, the ministry dissolved the board of the BHRS and appointing a government official to replace the groups secretary general after the society had publicly criticized recent political arrests and reports of torture. In November 2011 the MOSD cancelled the results of the election for the governing board of the Bahraini Lawyers Society, the countrys official professional body for lawyers, apparently out of concern that the newly elected leadership might be critical of the legality of recent government actions.

The ministry in 2007 had drafted new legislation containing some improvements on Law 21/1989, but the government has yet to submit new legislation to the National Assembly.

### **Freedom of Assembly**

Bahrains Public Gathering Law 32/2006 contains provisions that violate international standards. It gives vague and sweeping powers to officials to turn down requests or to insist on police presence on the basis of its subject or any other circumstance grounds that go beyond those permitted by article 21 of the ICCPR as permissible restrictions on the right of free assembly. According to the law, organizers of an event risk punishment for any speech or discussion infringing on public order or morals, a provision whose broad and imprecise wording invites official abuse.

Officials used the law to prosecute and convict hundreds of persons in 2011 who had assembled at the capitals Pearl Roundabout to demand political reforms, despite statements by the Crown Prince on state television that it is among the rights of citizens of Bahrain to gather and march peacefully. As noted, the government has failed to act on the recommendation of the BICI Commissioners that convictions based on charges of illegal assembly be voided and the individuals freed from custody. Meanwhile, arrests based on illegal assembly charges continue for example, in October a regular criminal court sentenced 14 men and women to six months in jail for joining an illegal protest inside a shopping center.

### **Freedom of Expression and Information**

In May 2008 the government announced a new draft press law that would remove criminal penalties for most journalistic infractions but would retain them for written or spoken comment considered to harm national unity. However, four years later the old Law 47/2002 still remains in effect, and journalists have been prosecuted for alleging official favoritism and corruption.

The countrys sole residential internet service provider, Batelco, is government owned, and according to the BCHR - the Information Affairs Authority - which is itself run by a member of the ruling family, has blocked as many as a thousand websites, including that of BCHR. Prior to National Assembly elections in October 2010, the Information Affairs Authority blocked websites affiliated with legal opposition societies participating in the elections and shut down the newsletters of two main opposition societies, Al Wifaq National Islamic Society and the National Democratic Action Society. Prominent bloggers have been among the detained opposition activists.

The Penal Code authorizes up to three months in prison and fines for anyone who fails to obtain prior official permission to travel abroad to meetings where discussions might take place that would undermine financial confidence in the state. In August 2010 the government suspended the online audio reports of *Al Wasat*, the countrys only independent newspaper, and in April 2011 shut down the newspaper and brought trumped up charges against its editor for allegedly willfully publishing false news and photos. Authorities allowed publication to resume only after the editor and his top aides resigned. (The editor-in-chief was able to resume his position in October 2011.)

Military courts in 2011 convicted scores of people for free speech charges such as instigating hatred against the governing system and spreading false news. Government officials told Human Rights Watch that the country complies with international free expression standards, but claimed that these standards do not cover advocating a change in government.

Beginning in mid-2011 authorities reversed their long-standing policy of openness and sharply restricted access to the country by independent journalists and international rights organizations, including Human Rights Watch. Since April 2011, Human Rights Watch has been granted visas for our staff on only two occasions, despite many requests. The first, in November 2011, was to attend the public presentation of the BICI report to King Hamad bin Isa Al Khalifa. The second visit, in April 2012, was confined to two persons for five days; the government rejected the visa requests of two of our Bahrain researchers.

## **Torture and Ill-treatment**

Beginning with a report published in early 2010, Human Rights Watch has documented the revival of torture and ill-treatment, mostly during interrogations and for the apparent purpose of coercing confessions or incriminating information about others. The testimonies of the persons alleging torture have been consistent (though not identical) regarding techniques of torture, such as beatings to the head and sensitive areas, sleep deprivation, denying toilet access, and electric shocks. These testimonies are also consistent with allegations made by defendants in military court trials in 2011. In response to Human Rights Watch's reporting on torture, government officials have claimed that they would undertake investigations and hold accountable anyone found to be responsible, but to Human Rights Watch's knowledge no investigations, prosecutions, or disciplinary measures were implemented. Following similar recommendations of the BICI Commissioners, the government says it has opened investigations into some 50 officers allegedly implicated in torture and ill-treatment, of whom 11 are facing judicial proceedings, but to Human Rights Watch's knowledge there are no high-ranking officers among either number.

We urge your delegation to raise these issues with the government of Bahrain during the upcoming UPR session scheduled for May 21. In particular we request you to ask Bahraini officials to discuss their efforts to date and to recommend the following actions to the Government of Bahrain.

### **On arbitrary detention:**

### **On freedom of expression and the media, freedom of assembly, and freedom of association:**

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

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

### **Cooperation with international human rights mechanisms and NGO access:**

We thank you for your attention to these important issues. Please feel free to contact us to discuss this or for further information.

Yours sincerely,

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Bahrain Death Sentences Follow Torture, Sham Trials

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