

Human Rights Watch

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

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Concerns About Ill-Treatment in Military Court Hearings for 14

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(Washington, DC) - A prominent rights activist who was active in Bahrain's pro-democracy street protests appeared before a special military court on May 8, 2011, bearing visible signs of ill-treatment and perhaps torture, Human Rights Watch said today.

The activist, Abdulhadi al-Khawaja, was one of 14 defendants, most active with opposition political movements, charged with attempting to "topple the regime forcibly in collaboration with a terrorist organization working for a foreign country." His wife and daughter spoke with him briefly after the court session, the first time they had been allowed to see him since he was [arrested and badly beaten](#) on April 9. They observed multiple facial injuries, and he told them he had four fractures on the left side of his face, including one in his jaw that had required four hours of corrective surgery.

"It appears that Abdulhadi al-Khawaja's jailers tortured him during the month they held him in incommunicado detention," said Joe Stork, deputy Middle East director at Human Rights Watch. "Torture or ill-treatment is a serious crime, and Bahraini officials who did or authorized this treatment need to be held accountable."

Human Rights Watch has documented the routine use of torture by Bahraini security officials during similar interrogations in political and security-related cases.

The National Safety Lower Court postponed resuming the trial until May 12 to allow defense lawyers to meet with their clients, and in some cases to appoint their own lawyers. The case was brought by the military prosecutor, and a military judge presides over the sessions. Bahrain's police and military have operated under martial law, termed a "state of national safety," since March 15.

The 13 defendants who appeared before the special court with al-Khawaja are Abd al-Wahab Hussain, Ebrahim Sharif, Hassan Mushaima, Abd al-Jalil al-Singace, Mohammed Habib al-Saffaf (al-Moqdad), Saeed Mirza Ahmed, Abd al-Jalil al-Moqdad, Abd a-Hadi Abdullah Mahdi Hassan, Al-Hurr Yusif Mohammed, Abdullah Isa al-Mahroos, Salah al-Khawaja, Mohammed Hassan Jawad, and Mohammed Ali Ismael.

Seven others being tried in absentia in the same case are Akeel Ahmad al-Mafudh, Ali Hassan Abdullah, Abd al-Ghani al-Khanjar, Saeed Abd al-Nabi Shihab, Abd al-Rauf al-Shayeb, Abbas al-Umran, and Ali Hassan Mushaima. Several are in hiding, presumably in Bahrain, while others have been living abroad.

Prior to the May 8 court session, Bahrain's military public prosecutor, Col. Yusif Rashid Feleyfel, had formed an investigative committee composed of several public prosecutors who questioned the 14 suspects, the state-run Bahrain News Agency (BNA) announced.

Prosecutors have accused the defendants of a variety of national security crimes under Bahrain's 1976 Penal Code and the 2006 Counterterrorism Law. These alleged crimes include "organizing and managing a terrorist group for the overthrow and the change of the country's constitution and the royal rule," "seeking and correspond[ing] with a terrorist organization abroad working for a foreign country to conduct heinous acts" against Bahrain, funding a foreign terrorist organization, insulting the army, "broadcasting false news and rumors" that threatened public security, inciting sectarianism, and organizing and participating in rallies without having obtained the necessary permits.

"Some of these charges, like insulting the army, should not be crimes at all, and it looks like at least in Abdulhadi-al-Khawaja's case the authorities have tried to beat a confession out of him rather than come up with evidence to support these charges," Stork said.

According to information provided to Human Rights Watch, the 14 detainees appeared in court dressed in loose grey prison garb that covered their arms and legs. Most were unshaven and several had lost considerable weight - in the case of National Democratic Action

Society leader Ebrahim Sharif, approximately 15 kilograms, according to a tweet posted by his family. Human Rights Watch earlier received unconfirmed reports that authorities had hospitalized Sharif, who has a history of heart problems, prior to the court session.

Other detainees, including Hassan Mushaima of the Al-Haq movement and Abd al-Wahab Hussein of the Wa'fa Society, had noticeable limps. Sources told Human Rights Watch that when the defendants asked to speak about the abuse they allegedly experienced in detention, security forces forcibly removed them from court.

According to several accounts provided to Human Rights Watch, several detainees did not have families present at the May 8 court hearing because the families had not been informed of the session. Government officials claimed that appropriate notice regarding the trial had been given in local newspapers. Human Rights Watch learned from another source that Sharif was unaware of the charges that had been brought against him until he appeared in court.

Maryam al-Khawaja, Abdulhadi al-Khawaja's daughter, told Human Rights Watch on May 9 that her mother, Khadija al-Mousawi, and sister, Zainab al-Khawaja, met with him for about 10 minutes after the initial hearing. Al-Khawaja told his wife and daughter about the facial fractures. They also said they observed stitches above his left eye, and that he had difficulty eating and smiling because of his serious facial injuries, Maryam al-Khawaja told Human Rights Watch.

She said her father had gone on a hunger strike to protest his ill-treatment and his lack of access to a lawyer. She also said that he told his wife and daughter that he had been tortured, but could not describe details because the family meetings took place in the presence of security guards.

Human Rights Watch had previously received credible reports that al-Khawaja had been admitted to Bahrain Defense Force hospital for six days for treatment of injuries, including to his jaw and head. One person who claimed to have seen him said he was at that point unrecognizable as a result of apparent beatings in detention.

On May 8 authorities rejected claims that any detainees had been tortured. BNA reported that government sources maintained that information "received from the Military Hospital and the Salmaniya Medical Complex, the largest hospitals in the country, [show] that neither hospital has admitted or treated any of the detainees." The news agency said that "rumors about the admissions and hospitalization were untrue and were fabricated, politically-motivated news."

Human Rights Watch expressed serious concern about al-Khawaja's condition and those of others at risk of torture or ill-treatment [in light of recent documented cases](#) of individuals who died in custody under suspicious circumstances. One of four such cases documented by Human Rights Watch in April was that of Ali Isa Ibrahim Saqer, 34, whose body showed signs of severe physical abuse when Human Rights Watch viewed his remains.

Bahrain is a party to the International Covenant on Civil and Political Rights, which prohibits "torture or... cruel, inhuman or degrading treatment or punishment." The prohibition on torture is absolute and non-derogable, which means that authorities may not torture even in circumstances of national emergency. Bahrain has also ratified the Convention against Torture, which prohibits torture and other ill-treatment under all circumstances, prohibits the use of statements made as a result of torture as evidence in legal proceedings, and requires the prosecution of those responsible for torture.

Human Rights Watch called on Bahrain to suspend further prosecution of civilians in special military courts, allow them full access to lawyers, family members, and necessary medical care, and set up an impartial commission to look into serious allegations of torture. Human Rights Watch opposes the creation and use of special courts or the use of military courts to try national security crimes.

Human Rights Watch also repeated [its call](#) for the United Nations Human Rights Council to address the violent suppression of protests and subsequent arbitrary detentions and torture or ill-treatment in custody of detainees in Bahrain by convening a "thematic" special session on civil protests in the region.

"Ordinary courts are perfectly capable of effectively prosecuting serious crimes, including terrorist offenses," Stork said. "Apparently Bahrain is not interested in justice but in punishing those involved in anti-government street protests."

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