



BAHRAIN: ALARMING CLAMPDOWN ON THE RIGHTS TO FREEDOM OF EXPRESSION, ASSOCIATION, PEACEFUL ASSEMBLY AND MOVEMENT

Amnesty International's written statement to the 33rd session of the UN Human Rights Council

(13 – 30 September 2016)

Since May 2016 Bahrain has seen an alarming intensification in the crackdown on the enjoyment of the rights to freedom of expression, peaceful assembly, association and movement, particularly against the political opposition and those critical of the authorities.

Sheikh 'Ali Salman, the Secretary General of the largest opposition group in Bahrain, Al Wefaq National Islamic Society, and a prisoner of conscience, had his four year prison sentence for giving speeches critical of the government increased to nine years by a court of appeal on 31 May. In a related case, on 20 June, the spiritual leader of Al-Wefaq **Sheikh Isa Qassem**, was arbitrarily stripped of his Bahraini nationality, which rendered him stateless as he has no other nationality. This sparked protests and a sit-in outside of Sheikh Isa Qassem's home in the village of Duraz, which was continuing at the end of August, despite the authorities' prohibition on non-residents of Duraz entering the village, restrictions imposed on internet access, and the arrest of scores of protesters and Shi'a clerics. On 17 July, Sheikh Isa Qassem was charged with "money laundering" and "receiving funds without authorization" for receiving *khums*, a religious obligation for Shi'a Muslims to donate a fifth of their yearly profits to their spiritual leader or representative who receives the money and distributes it to the poor. He is currently on trial.

The authorities' repression of Al-Wefaq escalated in July when a court of appeal ordered its dissolution and seizure of all its assets. The Bahraini authorities presented no credible evidence to show that Al-Wefaq is anything but a peaceful opposition movement, and Amnesty International considers Al-Wefaq's dissolution to be an assault on freedom of expression and association of its members.¹

Other political opposition leaders have faced repression similar to that experienced by the leaders of Al-Wefaq. **Ebrahim Sharif**, the former Secretary General of Wa'ad has been imprisoned twice since 2011 for expressing his right to freedom of expression.² Another opposition party leader, **Fadhel Abbas Mahdi Mohamed** of al-Wahdawi remains behind bars.³ Eleven opposition activists including **Hassan Mshaima'**, leader of the al-Haq

¹ For further details, see Bahrain ramps up assault on human rights by dissolving leading political group, <https://www.amnesty.org/en/documents/mde11/4484/2016/en/>

² For further details, see Bahrain: Political activist jailed as insidious clampdown continues <https://www.amnesty.org/en/latest/news/2016/02/bahrain-political-activist-jailed-as-insidious-clampdown-continues/>

³ For further details, see Bahrain: Activist's appeal hearing adjourned again

movement, and human rights defender '**Abdulhadi al-Khawaja**, remain imprisoned for participating in or leading the uprising in 2011. **Dr Ali al-Ekri** also remains behind bars for treating injured protesters and denouncing violence used by security forces during the 2011 uprising. Amnesty International considers all of the above individuals as prisoners of conscience.

The authorities have also intensified clampdowns on human rights defenders and civil society since June. On 12 June, five activists including human rights defenders were prevented from leaving Bahrain to attend the UN Human Rights Council. The following day, **Nabeel Rajab**, a prominent human rights defender and president of the Bahrain Centre for Human Rights, who has been under a travel ban since November 2014, was arrested for making and sharing peaceful comments on Twitter. Nabeel Rajab is a prisoner of conscience and his trial is ongoing. Eighteen others, including a lawyer and a journalist, have since been subjected to official travel bans or prevented from travelling abroad.

Between 20 June and end of August, at least 60 Shi'a clerics were summoned for interrogation over the protests held in Duraz; the majority was charged with "illegal gathering". At 26 August, around 13 remain detained. One of the 13, **Sheikh Ali Humaidan**, was sentenced on 18 August to one year's imprisonment for "illegal gathering". Another cleric, **Sheikh Maytham al-Salman**, also a human rights defender, was arrested on 14 August and interrogated about his human rights work and the protests in Duraz; he was charged with "illegal gathering" and released the following day. He has been awaiting a new passport since January 2016, and has been effectively prevented from travelling.

The crackdown on all forms of dissent has been a consistent feature of the human rights landscape since 2011. The authorities continue to maintain restrictions on the right to peaceful assembly, including a ban on all public demonstrations in Manama, in force since August 2013. Protests continue to take place outside of Manama and are often met by excessive use of force by the police using tear gas and shotguns firing birdshot pellets. While the authorities have a duty to ensure the safety of the public and public order, they have an obligation to ensure Bahrainis can exercise their right to peaceful assembly. Any restrictions must be in compliance with international law and standards.

With a restricted space to peacefully protest, many critics have taken to social media to express their dissent. As a result, the authorities have prosecuted many people for posting comments on Twitter deemed by the government to be "insulting". In February 2014, "insulting the King" became punishable by up to seven years' imprisonment.

Some people have had their nationality arbitrarily revoked on vague national security-related grounds. Since 2012, at least 316 people, including former members of parliament and human rights defenders, have had their nationality arbitrarily revoked, usually rendering them stateless as they have no other nationality. Since 2014, at least six of those who had their nationality revoked have been forcibly expelled from the country.

Amnesty international continues to document cases of arbitrary arrest and detention and torture and other ill-treatment, including of detainees held on suspicion of involvement in security-related offences. The main purpose of torture and other ill-treatment appears to be to extract "confessions" which are used as evidence in trials. Some of those convicted on the basis of such evidence have been sentenced to death. Unfair trials have remained commonplace in Bahrain.⁴

The authorities have not effectively addressed the practice of torture and other ill-treatment of detainees and other human rights violations by their security forces. Despite the establishment of human rights institutions, in particular the Ombudsman of the Ministry of Interior and the Special Investigations Unit, which have yet to prove their independence and effectiveness in practice, a culture of impunity remains. Very few members of the security forces have been prosecuted for torture or other abuses against protesters and detainees, including in respect to those who died as a result of torture or excessive use of force during the uprising in 2011. Those prosecuted have generally been low ranking and have in the vast majority of cases been acquitted

<https://www.amnesty.org/en/documents/mde11/3622/2016/en/>

⁴ For further details, see Behind the rhetoric: Human rights abuses in Bahrain continue unabated, <https://www.amnesty.org/en/documents/mde11/1396/2015/en/>

and in the few cases where officers were sentenced, the sentences did not reflect the gravity of the violation.

Amnesty International calls on the government of Bahrain to:

- Release immediately and unconditionally all prisoners of conscience, imprisoned solely for exercising their rights to freedom of expression, association and peaceful assembly;
- Ensure accountability for past human rights violations, including by means of thorough, prompt, independent and impartial investigations, with a view to ensuring that those with criminal responsibility are brought to justice, including those with superior responsibility;
- Repeal or amend all laws which criminalize exercise of the rights to freedom of expression, assembly and association and bring them into conformity with international law and lift the ban on peaceful protests in Manama;
- Ensure the independence and impartiality of Bahrain's human rights institutions and their investigations into human rights violations, in particular the Ombudsman of the Ministry of Interior and the Special Investigations Unit;
- Halt any forced expulsion of Bahraini nationals or revocation of nationality that would render an individual stateless, allow those who have been expelled to return to Bahrain and reinstate the nationality of all those who have had it arbitrarily revoked;
- Lift the travel ban against Nabeel Rajab, and others banned from travelling since June 2016 because of their human rights activities and give Sheikh Maytham al-Salman his renewed passport without delay;
- Ensure that in policing demonstrations, maintaining law and order, carrying out arrests, and the treatment and interrogation of all detainees and prisoners, security officials act in strict compliance with international law and standards relevant to human rights and law enforcement;
- Ensure that trials comply with international law and standards on fair trial, including by excluding any statements or other forms of evidence that are elicited by torture, ill-treatment or other forms of coercion;
- Confirm the visit of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment which should take place at the earliest opportunity; and invite the Special Rapporteurs on the rights to freedom of peaceful assembly and of association and on freedom of expression to visit Bahrain.