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BAHRAIN

Women and Children Subject to Increasing Abuse

INTRODUCTION

The Government of Bahrain has engaged in a consistent pattern of human rights violations since the early 1980s. A disproportionate number of targets of such violations have been Shi'a Muslims, particularly in the aftermath of the establishment of the Islamic Republic of Iran in 1979. Following an alleged coup attempt in Bahrain in 1981, many people suspected of having links with Iran were arrested, convicted and sentenced to long-term imprisonment after unfair trials. Others were held in incommunicado detention in accordance with the State Security Measures of 1974 which permit administrative detention by order of the Minister of the Interior for up to three years, renewable. The government also resorted to forcible exile as a punitive measure against its suspected opponents and/or their families.

Bahrain does not have an elected legislative assembly, political parties are prohibited and the Constitution has been suspended since 1975, when the National Assembly was dissolved by order of the Amir, Sheikh 'Issa bin Salman Al Khalifa only two years after it was elected. Bahrain's 30-member Consultative Council, set up in 1992, is appointed by the Amir and has no legislative powers, all laws being either Amiri decrees, or introduced by the Amir and approved by the cabinet. The Amir stated early in June 1996 that he would expand the powers of the Council, but no details have yet been made public.

In 1991 and early 1992 the human rights situation in Bahrain improved significantly. A number of political prisoners were released and Amnesty International received few reports of individuals detained on political grounds. Since mid-1992, however, the situation has steadily deteriorated once more, and by December 1994, there was an alarming, unprecedented increase in human rights violations in Bahrain following widespread "pro-democracy" demonstrations. For the first time, women and children as young as nine or ten years old were targeted for arrest and many were reportedly ill-treated in custody. For many women, this was the first time they had engaged in an active and vocal participation in public protests, a shift from their traditional role away from the public arena. Groups of women also wrote petitions to the Amir urging the restoration of democracy, and led demonstrations calling for the release of their menfolk and of all political prisoners. Children also joined the protest movement, staging sit-in strikes in schools and participating in street demonstrations which sometimes developed into clashes with security forces. The government dealt with both these groups by arresting them arbitrarily, holding them for extended periods in incommunicado detention and often ill-treating or torturing them during investigation. International standards addressing the particular vulnerabilities of women and children and rules regarding their detention and trial were consistently violated.

Amnesty International recorded the Bahraini Government's violations of human rights in a report entitled *Bahrain: A Human Rights Crisis* (AI Index MDE 11/16/95), issued in September 1995. The report detailed a number of cases in which women were held in incommunicado detention for months at a time before their release without charge or trial. As with most other detainees, the women were deprived of their right to contact their relatives or a lawyer during their detention period. A number of them were subjected to beatings and threats for allegedly having participated in demonstrations or for attempting to prevent the arrest of their male relatives. Some women were arrested and held as "hostages" in order to coerce male relatives to hand themselves over to the authorities, while others were detained apparently as a punishment for the opposition activities of their male relatives, who were either detained or had evaded arrest. It would appear that some women were also detained in order to deter other women from joining public protests.

After a few months of relative calm in spring and summer 1995, disturbances broke out again in early November 1995 with protests by high school and university students over the continued detention of opposition activists. Dozens of students were arrested, many younger than 18 and some as young as seven years old. Most were freed after a few days in incommunicado detention. The large numbers arrested and short periods of detention have made it impossible to obtain exact figures. Some 60-80 of those arrested in the 1994-95 unrest have been tried by the Juveniles Court and convicted for arson attacks, rioting, and participation in illegal gatherings, among other charges. They were sentenced in trials that generally failed to meet international standards for fair trial.

On 29 February 1996, 10 women were arrested, apparently in connection with the activities of detained or sentenced male relatives, or to prevent them from campaigning for their relatives' release. Some of these women had been detained previously for a few months in the 1994-95 unrest. While all were released by 9 May 1996, these arrests point to a growing trend in violations of human rights since 1994. Female high school students aged between 16 and 18 were also arrested on school premises in late March 1996 during protest demonstrations, as were dozens of children.

ARBITRARY ARREST AND INCOMMUNICADO DETENTION OF WOMEN

Since late 1994, women have been increasingly active and organized in their campaign for democratic reforms, signing petitions urging the restoration of parliament and joining in demonstrations calling for the release of political detainees. Amnesty International knows of no cases in which women have been charged with involvement in violent acts. Many women were arrested apparently as a means of deterring other women from joining them in public protests. Most were held incommunicado, some in solitary confinement, for up to two months before being released, usually without charge or trial. Several reportedly stated that they had been beaten or pressured in other ways to "confess" to participation in demonstrations. Others testified that they had been beaten for participating in demonstrations, or for trying to prevent the arrest of their male relatives.

Women demonstrators protesting the detention of political prisoners in early 1996.

Among the women detained apparently as punishment for the activities of their male relatives, was 'Afaf 'Abd al-Amir al-Jamri, a daughter of Sheikh 'Abd al-Amir al-Jamri, a leading Muslim Shi'a cleric who was detained for about five months in 1995. She was arrested when she had gone to visit her father in detention on 9 May 1995. She was reportedly beaten by women police officers and then held incommunicado for almost one month before being released without charge or trial.

Other women, apparently held as "hostages" in an attempt to coerce male relatives to hand themselves over to the authorities, included 27-year-old Malika 'Abdullah Singais, a teacher of Arabic at a secondary school for girls. She was arrested on 6 April 1995 in a dawn raid on her home in al-Sanabes and kept in incommunicado detention at al-Khamis police station, reportedly in lieu of her brother, 'Adel Singais, who was being sought by the authorities. She remained held without charge or trial for more than two months. It is not known whether 'Adel Singais was arrested or not.

In April 1995, 20 professional women sponsored a six-point petition addressed to the Amir and signed by other women. The petition sought an end to the cycle of violence, and requested a national dialogue, the restoration of democratic rights and assurances that the rights of those held in custody were being respected. Subsequently, the women were threatened with dismissal from their jobs if they did not withdraw their names from the petition. At least three of them, 'Aziza al-Bassam, Hassa al-Khumairi and Munira Ahmad Fakhro, refused to comply and were subsequently dismissed from their jobs at the Radio and Television Corporation, the Ministry of Education and the University of Bahrain, respectively.

On 29 February 1996, 10 women were detained after presenting themselves to the police as requested. Security forces had allegedly raided their homes the night before to arrest the women but instead left a summons for them to appear at the Criminal Investigation Department in Manama when their families refused to let them be taken away. All have since been released, following detention periods ranging from a few days to about two months. During their detention, their families did not hear from them and were not informed by the authorities of the women's whereabouts, despite their repeated requests. Like other detainees, the women were denied their right to legal assistance, some were held in solitary confinement and all were reportedly made to sign a statement pledging to desist from political activities as a condition for their release. Apparently arrested solely for their non-violent political activities, Amnesty International considered them to have been prisoners of conscience. The following among the arrested group are believed to have been detained mainly because of their relationship to imprisoned or detained political activists:

Mona Habib al-Sharrakhi, aged 31, a daughter-in-law of Sheikh 'Abd al-Amir al-Jamri, the leading Muslim Shi'a cleric. Her husband, Mohammed Jamil al-Jamri, is currently serving a ten-year jail sentence after an unfair trial in 1990, in which he was convicted of espionage and membership of an unauthorized organization.

Mona was released in early May, apparently without charge or trial, after payment of 200 dinars (500 US dollars).

Zahra Salman Hilal, aged 32. Her husband, Ahmad Mahdi Salman, has been detained without charge since January 1995. She was earlier arrested in April 1995 and remained held then for

almost two months without charge or trial. After her second arrest, she was released on 8 May 1996, again without charge or trial.

- # Iman Salman Hilal, aged 24, Zahra's sister and the mother of two children aged three and five years. She was released in early May 1996 after payment of 200 dinars (500 US dollars). She had been held in solitary confinement and was reportedly made to sign a statement pledging not to participate in demonstrations or communicate with the opposition in exile as a condition for her release.

Since February 1996, women have taken to the streets in larger numbers to protest the detention of their male relatives, and organized or joined in demonstrations to protest other human rights abuses, such as the execution of 'Issa Qambar after an unfair trial.¹ At the end of March 1996 at least two villages, al-Sanabes and Sitra, reportedly witnessed all-women demonstrations, protesting the execution of 'Issa Qambar.

Bahrain has signed the Beijing Declaration and Platform for Action in which governments reaffirm their commitment to international human rights instruments safeguarding the rights of women, in particular the Declaration on the Elimination of Violence against Women, and the Convention on Elimination of Discrimination Against Women. Bahrain has yet to ratify the latter, an act which the Beijing Platform for Action clearly calls for. The Bahraini Government's practices of arrest and incommunicado detention of prisoners of conscience, of targeting women because of their relationship to male political detainees or prisoners and of ill-treating women detainees clearly violate these standards.²

CRUEL, INHUMAN AND DEGRADING TREATMENT OF FEMALE STUDENTS

The Bahraini authorities began arresting female high school students during their roundup of activists and demonstrators in the 1994-95 unrest, establishing what has been shown to be a continuing pattern. At the time, students detained during non-violent school demonstrations in support of "pro-democracy" detainees, were mostly held incommunicado for several days at the women's or juvenile section of a police station before being released without charge.

During this year's disturbances, around 20 female high school students were arrested in March 1996 in connection with school and street demonstrations protesting the execution of 'Issa Qambar. They

¹ 'Issa Qambar's execution, by firing squad on 26 March 1996, was the first in nearly 20 years in Bahrain. He was convicted of murdering a policeman in March 1995. See *Bahrain: A Human Rights Crisis* pages 31-33, Urgent Action 162/95 (MDE 11/13/95, 6 July 1995) and updates (MDE 11/20/95, 8 December 1995, MDE 11/06/96, 18 March 1996, MDE 11/07/96, 26 March 1996) and News Service 63/96, 26 March 1996 (AI Index MDE 11/08/96).

² Paragraph 113 in the Platform for Action includes in its definition of violence against women "physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs." In addition it calls for the protection by governments of women political activists.

were detained for more than one month with no access to family or lawyers and many were reportedly subjected to cruel, inhuman and degrading treatment during interrogation. All were released on payment of up to 850 US dollars, apparently without charge or trial. The following cases of arrests at the school illustrate the violation of international standards safeguarding the human rights of vulnerable groups such as women and children:

- # Safeya Yunis 'Ali Darwish, Nawal 'Ali 'Ebadi and Ahlam 'Abd al-'Aziz Salman 'Ali, all aged 18. They were reportedly stripped to their underclothes by the women officers interrogating them, and kept standing for up to four hours at a time during questioning.

As a condition for their release, the three were then made to sign a statement admitting participation in a protest demonstration against the execution of 'Issa Qambar at Medinat Hamad High School before being freed on payment of 300 dinars (750 US dollars) each, pending possible trial. The three were also suspended from school until further notice.

- # In addition, Ahlam Salman 'Ali was reportedly denied food for more than 24 hours on the first day of her detention, and Nawal 'Ali 'Ebadi denied the use of sanitary facilities for more than 24 hours.

There have been several reports of threats of rape made to high school female students in detention. In one case, the detainee stated that she had been taken with other female detainees to an Interior Ministry office prior to their release where a male officer threatened them with rape and subjected them to insults and verbal abuse of a sexual nature.

Cruel, inhuman and degrading treatment is prohibited by Bahrain's Constitution, Article 19 (d) of which clearly states that "no person shall be subjected to physical or mental torture, enticement or degrading treatment, and the law shall provide the penalty for these acts." The Penal Code also prohibits abuse of office or authority by public officials, as in Article 75 (1) which states: "No policeman or any other person with authority shall use violence or threats or promise of benefits towards any person during an investigation into the commission of an offence in order to influence the statement he may give." The cruel, inhuman and degrading treatment of the students in detention also clearly violates UN Standard Minimum Rules for the Treatment of Prisoners and disregards international recommendations addressing the particular vulnerabilities of women in detention.

DEATH IN CUSTODY, ARBITRARY ARRESTS AND UNFAIR TRIALS OF CHILDREN

Those detained following mass arrests in both last year's unrest and the recent disturbances have included children as young as seven years old.

In July 1995, a 16-year-old student, Sa'id 'Abd al-Rasul al-Iskafi, died in custody ten days after his arrest in circumstances strongly suggesting that torture was a contributory factor in his death. He had reportedly been detained on suspicion of having sprayed anti-government graffiti on walls near his home. Amnesty International obtained photographs of his dead body and submitted them to an expert forensic pathologist at Guy's Hospital in the United Kingdom who noted that some marks on the body were "consistent with injuries caused by striking or pressing the end of a tubular object against the skin." The pathologist concluded: "The appearances indicate that the deceased has been subjected to ill-treatment of a sustained and very painful nature." Amnesty International also received reports that Sa'id al-Iskafi, and at least one other child had been sexually assaulted while in custody.

Although most of the children detained last year and recently have been freed, many more are still being arrested at the time of writing this report, taken away in house raids, peaceful demonstrations or after clashes with security forces. In some cases, security forces targeted children to hold them "hostage" until relatives sought by police turned themselves in. The numbers of detainees changes daily but it is believed that at any one time, about 60 children may be held without access to legal assistance or family.

The ongoing arrests seem to further entrench a pattern begun in the 1994-95 unrest when Amnesty International documented the cases of at least 43 children³ who were detained following arbitrary arrests by security forces in particular villages or districts, or following protest demonstrations. At the time, many of the detained children were kept for long periods in incommunicado detention before being brought before the Juveniles Court. Others were released without charge. In both cases, the children were detained without access to legal assistance or to their family.

At least 60 defendants were tried and convicted by the Juveniles Court in 1995 on charges which included arson attacks on public property, rioting, participation in illegal gatherings and incitement of hatred towards the government. A number of children were handed the maximum sentence of 10 years, to be served in a corrective institution (*islahiyya*). On appeal, several of these sentences were reduced to two or three years. For example, Muhammad 'Ali Muhammad al-'Ikri, aged 14, was charged in July 1995 with throwing a petrol bomb at a policeman and sentenced to 10 years' imprisonment. His sentence was overturned on appeal and he was released in September 1995, but he remains under police supervision and is forbidden from travelling abroad. A number of defendants were also acquitted.

³See *Bahrain: A Human Rights Crisis*, pages 19 and 33.

Young boy joining a protest demonstration led by women in early 1996

Since the resumption of unrest in November 1995, the pattern of arbitrarily arresting children and keeping them in incommunicado detention has increased. Although many of those detained were released after several days without charge, the number of children arrested appears to be higher than in the unrest of 1994-95. Many have been arrested arbitrarily following demonstrations, school sit-in strikes and other non-violent political activities. Some were reportedly dragged off school buses and school attendance dwindled as parents kept their children at home out of fear of arrest. In March and April 1996, dozens were arrested following demonstrations against the execution of 'Issa Qambar and some were taken from their homes in dawn house raids.

In other cases, children were arrested after clashes between security forces and demonstrators, for example when youngsters and children reportedly threw stones at shops and traffic lights.

The names below are among at least 150 juvenile detainees arrested since November 1995, some of whom may still be detained. Amnesty International is concerned that many of them were arrested solely on account of their non-violent participation in demonstrations or were held as "hostages", and that the apparent absence of basic legal safeguards leaves them vulnerable to ill-treatment and to unfair proceedings against them.

- # Taha Aman, aged 9, arrested after security forces dispersed a demonstration in the village of Karraneh using tear gas and rubber bullets on 4 May 1996. At least 12 others were arrested with him, their ages ranging from 10 to 14.
- # Hussein 'Ali Madan, aged 14, from the village of Deir, was detained with his father on 8 March 1996 until his brother, 'Abbas, surrendered to the police the following day.
- # In January 1996, Al-Sayyed Majed al-Sayyed Hassan, aged 8, was arrested from the village of Barbar and held for several days for alleged insolence to police during demonstrations. Also arrested with him were 'Ali Mahdi Mahmoud, aged 8, and Yasser 'Ammar, aged 7. They were released on bail pending trial before a Juveniles Court.
- # Salman 'Abdullah Salman, aged 12, from the village of Sitra, arrested during a school demonstration expressing solidarity with the detainees in November 1995.

Although Bahrain is a state party to the Convention on the Rights of the Child, it has consistently disregarded provisions such as Article 37(b), which emphasises that "no child shall be deprived of his or her liberty unlawfully or arbitrarily", and that "the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort for the shortest appropriate period of time". Article 37 (d) states that "every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty." Article 9(4) of the Convention on the Rights of the Child obliges the authorities, upon request, to inform the family of the whereabouts of a child detainee.

FORCIBLE EXILE OF FAMILIES

Amnesty International has received reports since the early 1980s of the Bahraini Government's forcible exile of suspected political activists and/or their families. For example, following the outbreak of demonstrations in December 1994, seven Bahraini nationals were forcibly exiled, including prominent religious scholars. In some cases, women and children members of the family suffered as a consequence of the forcible exile. A typical example is the case of Sayyid Haidar al-Sitri, aged 41, who was forcibly exiled to the United Arab Emirates on 15 January 1995. The Bahraini authorities then refused to allow his wife and children to join him for seven months.

In other cases, where the breadwinner has been in prison, his female relatives and children who had spent several years abroad to avoid harassment were banned from entering Bahrain and immediately forcibly exiled.

The government has continued this practice until the writing of this report, mainly by banning the return of suspected opponents, including their wives and children, after several years spent abroad in voluntary exile. Those targeted include people who fled to avoid imprisonment, as well as relatives of political prisoners who escaped in order to avoid harassment. Others were abroad for varying periods of time for educational or business purposes. Security officials often detain such people for several days at Bahrain's international airport where they question them about their alleged political activities before sending them back to their former country of residence. In most cases, the suspected opponents and their families are given one-year Bahraini passports which they then have to renew while abroad. No reasons for the expulsion or details of the legal basis for such measures are given. Those affected are denied any opportunity to appeal against the decision to expel them or to challenge its legality through the courts.

Amnesty International has received the names of more than 30 Bahraini nationals who have been denied entry to Bahrain since 1995. Among them are:

- # Sheikh Hamid Hassan al-Madeh, aged 38, forcibly exiled to the United Arab Emirates with his wife and seven children after trying to return in early January 1995, and Sheikh Munir al-Ma'tuq who was expelled at around the same time with his wife and three children to Lebanon.

More recent cases include:

- # 'Abd al-Sadeq Habib Hassan 'Abdullah, aged 29, who arrived at Bahrain airport with his wife and two children on 4 November 1995 and were kept for one day before being sent back to the United Arab Emirates.
- # Yasser Mirza Ahmed 'Abdullah and his wife were kept for four days at Bahrain airport on their attempt to return from Shiraz, Iran, in early February 1996 before being sent to the United Arab Emirates. Yasser 'Abdullah reportedly testified that he was interrogated during the four days, and said "we spent the entire time on chairs with no place to sleep. We were also forbidden from talking to other people or from contacting our relatives in Bahrain."

When Yasser 'Abdullah's wife later attempted to enter Bahrain from Saudi Arabia across the King Fahd causeway, immigration officers at the border sent her back.

The practice of forcible exile contravenes international human rights standards, including the Universal Declaration of Human Rights, Article 13 (2) of which states: “Everyone has the right to leave any country, including his own, and to return to his country.” Forcible exile is also expressly prohibited under Article 17 (c) of Bahrain’s Constitution, which states that “No citizen shall be deported from Bahrain, nor shall he be denied re-entry.”

AMNESTY INTERNATIONAL’S RECOMMENDATIONS TO THE BAHRAINI GOVERNMENT

Amnesty International has raised its concerns repeatedly with the Bahraini Government over the years but has been met with few substantive responses. Amnesty International has sought to send delegations to the country for fact-finding and for talks with the government, but has received no positive response. The organization has also made a series of recommendations to the Government of Bahrain, some of which are repeated here. If implemented, these measures could contribute to substantive improvements in the human rights situation in the country.

1. Ratify international treaties protecting human rights in general and the rights of women and children, in particular, without making limiting reservations. These should include the International Covenant on Civil and Political Rights together with its first Optional Protocol, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women. The safeguards enshrined in these important treaties should be implemented in law and practice without delay.
2. Introduce immediate and effective measures to ensure that children and female detainees are protected from any form of torture and ill-treatment, including sexual abuse and harassment.
3. Ensure that female personnel are present at all times during interrogation of female detainees and prisoners and should be solely responsible for any body searches which should not be carried out in any manner that constitutes cruel, inhuman or degrading treatment.
4. Ensure that all women are granted access to appropriate medical attention as necessary. They should also have the right to be examined by a doctor of their choice. Denial of medical treatment or care, necessary personal health and hygiene may constitute cruel, inhuman or degrading punishment.
5. Take steps to ensure that no woman or child is detained or held “hostage” because of their relationship to a male suspect nor as a means of intimidating relatives or others. The practice of ill-treating or intimidating women in order to bring pressure on their relatives should not be tolerated. Anyone found to be responsible for such acts should be brought to justice.

6. Ensure that nobody is detained or imprisoned solely on the grounds of their gender or for their non-violent political beliefs or activities.
7. Ensure that law-enforcement officials are trained to respect and comply with international safeguards, with regard to women and children in detention.
8. Conduct thorough, prompt and impartial investigations into all reported incidents of torture and ill-treatment. The investigations should be carried out by a body independent of those forces allegedly responsible and the methods and findings of these investigations should be made public promptly. Those found responsible for human rights violations should be brought to justice.
9. Ensure that all detainees are held only in officially recognized places of detention and that accurate information about the arrest, detention and whereabouts of any person is made available promptly to relatives, lawyers, doctors and the courts.
10. Establish and maintain local and central public registers of all detainees in accordance with international instruments such as Rule 7 of the UN Standard Minimum Rules for the Treatment of Prisoners and Principle 12 of the UN Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, to be updated on a frequent and regular basis and made available on request to relatives, judges, lawyers and representatives of human rights organizations.
11. Amend the 1974 Decree Law on State Security Measures, to ensure that Bahraini law conforms with international human rights standards, in particular by ensuring that detainees in all cases are brought promptly before a judge. In addition, it should ensure that all people under any form of detention have the right to take proceedings before a court in order that the court may decide without delay on the lawfulness of the detention, and order release if the detention is unlawful, and that lawyers have the right to represent their clients effectively at every stage of the proceedings.
12. End the practice of forcible exile, which contravenes Article 13(2) of the Universal Declaration of Human Rights and which is expressly proscribed under Article 17(c) of Bahrain's Constitution. The Government of Bahrain should issue a public declaration that all Bahraini nationals are entitled to return to Bahrain.