



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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Bahrain: ICJ urges King not to promulgate new counter-terrorism law

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The International Commission of Jurists (ICJ) today urged the King of Bahrain in a letter not to promulgate a law on counter-terrorism that risks creating a legal framework prone to abuse. In the letter the ICJ expressed particular concern about the scope of new offences and definitions and the exclusion of judicial scrutiny over arrest and detention, which increase considerably the risk of torture and other human rights violations.

"The new law on combating terrorism introduces overly broad and vague definitions of terrorism and a number of other crimes, including the association with, the promotion and approval of terrorism. These open-ended provisions are the kind of laws that lend for abuse and that would allow the stifling of legitimate political and social dissent," said Gerald Staberock, Director of ICJ's Global Security and Rule of Law Programme of the ICJ.

The ICJ is also concerned that the law would transfer authority usually vested in the Bahraini judiciary to a public prosecutor for arrest warrants for a period of up to 90 days and would equally allow for extended periods of police custody without any independent review for 14 days, contrary to the obligation under international law to be brought promptly before a judge or a judicial authority.

"The exclusion of judicial safeguards in the Bahraini law carries a serious and foreseeable risk of torture and other forms of ill-treatment", said Mr Staberock. "It will reverse some of the recent reforms undertaken by Bahrain and runs counter the conclusions of the UN Committee Against Torture, which had urged Bahrain to bring its counter-terrorism law into compliance with the Convention Against Torture", he continued. The ICJ therefore strongly urges the authorities to reconsider the adoption of the law and to ensure that it fully complies with Bahrain's international obligations, and in particular the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The ICJ has followed with concern the draft Law since March 2005 when the Government introduced it before the legislature. When Bahrain presented its report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in May 2005, the ICJ submitted its detailed concerns to the Committee against Torture, drawing its attention to the provisions that, if adopted, would have fallen short of the provisions of the Convention. At that time, the Committee had called on Bahrain to ensure that any measure taken to combat terrorism, including the draft law, fully respects the applicable rules of international human rights law.

However, Parliament recently adopted the draft without addressing the issues raised by the Committee and by the ICJ. While the organization welcomes the reduction of sentences and the decrease in the number of offences for which the death penalty is applicable, it notes that fundamental issues such as the broad definition of terrorism, as well as the excessive powers of non-judicial entities in the arrest and detention remain unaddressed.

The ICJ has urged the King of Bahrain, Shaikh Hamad bin 'Issa Al Khalifa, not to promulgate the law and instead order a full review of its provisions to ensure that they are fully compatible with international norms, in particular the provisions of the Convention against Torture.

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The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations