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Bahrain: New anti-terrorism amendments pave the way to further abuses

Amnesty international today called on the Bahraini authorities to ensure that those arrested in connection with the recent bombings are not subjected to torture or other human rights violations. The recent amendments to the Bahraini anti-terrorism law could place them at heightened risk of such abuses.

The authorities have arrested an unknown number of individuals following two bombings last week in the villages of Damistan and Karzakan, which killed a Jordanian national who, according to the Ministry of Interior, worked in Bahrain's police force as part of a security and training exchange agreement between the two countries and a Bahraini national.

Amnesty International recognizes the Bahraini authorities' duty and responsibility to apprehend and bring to justice those responsible for the recent bombings. It nevertheless urges the authorities to ensure those arrested are not subjected to acts of torture and ill-treatment while in custody and are given prompt access to a lawyer and their family. If charged, they must be given a fair trial without recourse to the death penalty.

The families of those arrested have not had any news about them after more than six days since their arrest, and fear they could be at risk of torture and other abuses.

On 4 December, the Bahraini authorities issued a new decree (Decree 68 of 2014) further amending the existing anti-terrorism law (Law 58 of 2006 on the protection of society from terrorist acts). The amendments extend the pre-trial detention period to seven months and widen the detention and search powers granted to the police.

The police are now empowered to hold detainees in connection with anti-terrorism investigations for up to 28 days, compared to a previous maximum detention period of 10 days, for interrogation. After this period, the detainee must be presented before the Terrorism Crimes Prosecution (TCP), a body within the Public Prosecution Office established by the new decree to investigate terrorism-related offences. The TCP is allowed to renew and extend the detention of suspects for up to six months, without the detainee having the opportunity to challenge the legality of his or her continued detention before a court.

Amnesty International is concerned that the powers given to the police and the prosecution are not made subject to any judicial oversight and could therefore lead to

additional abuses against detainees.

Detainees in connection with terrorism or security-related investigations have been subjected to torture or other ill-treatment when held and interrogated at the Criminal Investigations Directorate (CID). When in the custody of officers of the CID, detainees have no access to their family or lawyer. In a number of cases, they were only allowed to make a few seconds-long call to their families, sometimes several days after their arrest, to say they were OK. In all terrorism cases examined by Amnesty International, detainees were never allowed access to their lawyer when interrogated at the CID and later their lawyers faced restrictions defending them.

This was the case, for instance, of those arrested in connection with the al-Daih explosion on 3 March 2014. Many said they were tortured or otherwise ill-treated. Those who were charged by the prosecution and referred to trial told their families, and later their lawyers, that they were also tortured when held at the CID. They were interrogated by officials from the Public Prosecution Office (PPO) without their lawyers, who, despite repeated requests, were not able to meet with the detainees until the first session of the hearing on 30 April 2014. Later, the court ignored a number of their requests, including full access to the case files and a suspension of the trial until the results of the forensic examination into torture allegations were known, forcing lawyers to withdraw from the case in October. The case is still pending in court.

In addition, according to the new amendments, members of the Terrorism Crimes Prosecution are appointed by a royal order upon nomination by the Public Prosecutor. Activists have raised concerns that some members of the new prosecution have allegedly contributed to or condoned torture previously as members of the PPO.

Amnesty International has a number of testimonies of cases where members of the PPO have accepted torture “confessions” or refused to listen to detainees’ complaints about torture they said they had been subjected to when held at the CID. Amnesty International believes that without clear safeguards for detainees and a proper judicial oversight over the powers, the authorities are effectively granting the police and prosecution the permission to act without any restrictions when investigating terrorist acts, putting detainees held in connection with terrorism-related investigations at a high risk of torture and other ill-treatment, to secret or incommunicado detention which may amount to enforced disappearance, and other human rights abuses.

Background

The recent amendments were introduced as a decree law before the first session of the newly elected parliament. They also give the judicial police the power to search suspected individuals and their belongings, halt traffic and search private or public vehicles. The police can also cut communications in certain areas for up to 12 hours, which can be extended for up to 24 hours by the Terrorism Crimes Prosecution. The amendments allow for the prosecution and imprisonment of nationals or foreigners who commit or participate in acts of violence or any forms of armed fighting abroad.