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Bahrain's UPR Interim Report shows more work needs to be done to implement 2012 recommendations

Amnesty International welcomes the Bahraini government's publication of its Interim Report on the implementation of the recommendations made during the UN Human Right Council's Universal Period Review (UPR) in 2012. While a number of positive steps have been taken, the organization remains concerned that key human rights concerns have yet to be addressed. Considerable efforts are still needed if Bahrain is to deliver on promises made two years ago.

Bahrain expressed its acceptance of 156 recommendations – 143 of them fully and 13 of them partially – out of the 176 made during the UPR in May 2012. In their Interim Report, the Bahraini authorities referred to a number of legal and institutional reforms, which they said are part of their implementation of these recommendations. Some of the reforms, especially those related to torture and other ill-treatment, freedom of expression and fair trials, for instance, are inadequate and often not implemented in practice.

The authorities have brought the definition of torture in the national legislation in line with international standards and criminalized acts of torture by introducing a number of amendments to the Penal Code. While eradicating torture in legislation is an important step, this has had little impact in practice. Reports of torture and other ill-treatment continue to reach Amnesty International. Many detainees have said they were tortured or otherwise ill-treated during interrogation when they were held incommunicado, especially in the headquarters of the Criminal Investigations Directorate (CID) in Manama, the capital. The first time the detainees are able to talk about their ordeal is when they are brought before officials of the Public Prosecution for interrogation, when they meet their relatives or when they appear in court to stand trial. These allegations are often not adequately investigated or, in some cases, were dismissed after preliminary investigations.

The Bahraini authorities have also declared that they had implemented recommendations relating to freedom of expression, association and assembly by introducing amendments to the Penal Code, in particular by abolishing Articles 134bis and 174, limiting criminalization of spreading information harmful to the state to cases of incitement to violence (Article 168), and interpreting limitations on freedom of expression in line with what is "necessary in a democratic society" as specified in Article 69bis. However, no amendments were made to a number of articles in the Penal Code which continue to criminalize offending the King, the national flag or emblem, a foreign country or international organization (Articles 214, 215 and 216). Instead, the authorities have increased the penalties for "insulting the king" to up to seven years' imprisonment and a fine of up to 10,000 BDN (US\$ 26,000) and toughened them further if the "offence" happens in the presence of the king.

A number of individuals have been imprisoned for exercising their right to freedom of expression. For instance, prisoner of conscience Dr Sa'eed Mothaher Habib al-Samahiji was sentenced on 11 December 2013 to one year in prison for "publicly insulting the King of Bahrain". He was convicted under articles 92(2) and 214 of the Penal Code. He was arrested on 1 July 2014 to serve his sentence after an appeal court upheld the verdict in April 2014. Thirteen other prisoners of conscience, known as the 13 opposition activists, continue to serve prison sentences behind bars.

The authorities have put further restrictions on political associations. In September 2013 a new decree was introduced requiring political associations to inform the Ministry of Justice and Islamic Affairs three days in advance of their meetings with foreign political organizations, including diplomatic representatives or foreign government officials visiting the country, and to do so in coordination with the Ministry of Foreign Affairs. Such meetings must take place in the presence of a government official. In 2014, further amendments were made which empowered the Minister of Justice to file cases to close or dissolve political associations. Freedom of assembly is also limited with the ban on demonstrations in Manama still in force. As yet, no plans have been made to lift it ahead of the forthcoming parliamentary elections in November.

Human rights defenders face restrictions and are being targeted because of their human rights work. A number of them have already been forced to leave Bahrain to escape prosecution for their work. Others have criminal cases pending against them. For example, Maryam Al-Khawaja was detained at Manama International Airport after coming from abroad. She was held for 20 days before she was released on bail on the orders of the High Criminal Court on 18 September. Her trial is scheduled to start on 1 October on a charge of "assaulting police officers".

In response to recommendations on ensuring fair trials, the authorities referred to the fact that cases tried before the National Safety Court (a military court) in 2011 were transferred to civilian courts after October 2011, but made no reference to whether there are any plans to guarantee, in legislation and practice, the right to fair trials for all defendants and to ensure the independence of the judiciary. Lawyers and defendants, particularly in security and anti-terrorism cases, complain they are not allowed to mount a meaningful defence. Torture allegations made in the court are not adequately investigated and requests by lawyers to stay the trial until a final decision is reached in relation to torture complaints have gone unheeded by trial judges.

In a number of cases, defendants were convicted on the basis of "confessions" which they denied in court and said were extracted from them under torture. This is the case for the "14 February Coalition" trial, where many defendants were sentenced to up to 15 years in prison despite widespread torture allegations. Defence lawyers in the case known as the "Diah Explosion Trial" in connection with a bombing in March 2014 which killed three policemen, repeatedly complained of the restrictions imposed on them by the court, including not allowing them to speak to their clients as well as denying them proper access to the court documents. Some defendants also told the judge they were tortured.

In addition, accountability for human rights violations is taking place at a very slow pace and with little satisfaction to the victims and their relatives. The Bahraini authorities have only been able to prosecute and bring to court a small number of cases and most of them resulted in acquittals or with the defendant receiving sentences that seem to *not* be consistent with the gravity of the offences of killing or torture leading to death.

Amnesty International calls on the authorities to lift their restrictions on freedom of expression, association and assembly and to release all prisoners of conscience held solely for the peaceful exercise of their human rights; to systematically and adequately investigate any allegations of torture, make the full results public and bring those responsible to justice; to order courts to dismiss all “confessions” extracted under torture. Investigations into abuses must show they have been conducted thoroughly and “be capable of leading to the prosecution of the implicated individuals, both direct and at all levels of responsibility, with a view to ensuring that punishment be consistent with the gravity of the offence,” as recommended by the Bahrain Independent Commission of Inquiry (BICI), set up by the King to investigate abuses that took place as part of the 2011 uprising.