



# BAHRAIN: PROMISES OF REFORM UNFULFILLED

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC  
REVIEW – 27<sup>TH</sup> SESSION OF THE UPR WORKING GROUP, MAY 2017

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# INTRODUCTION

This submission was prepared for the Universal Periodic Review (UPR) of Bahrain in April–May 2017. In it, Amnesty International evaluates the implementation of recommendations made in Bahrain’s previous UPR, assesses the national human rights framework and the human rights situation on the ground, and makes recommendations to the government of Bahrain to address the human rights challenges mentioned in this report.

Amnesty International highlights shortcomings in the human rights framework in Bahrain, including national laws that restrict the rights to freedom of expression and association, imprisonment of political opponents and human rights defenders, and questions surrounding the independence, impartiality and effectiveness of national human rights institutions.

Amnesty International also raises concerns about arbitrary revocation of nationality of hundreds of persons, and the death penalty.

# FOLLOW-UP TO THE PREVIOUS REVIEW

Following its previous UPR in 2012, Bahrain accepted 145 recommendations, partially accepted 13 recommendations and rejected 18 recommendations.<sup>1</sup> Amnesty International welcomes Bahrain’s engagement with the UPR process, including the publication of an Interim Report in September 2014 on the implementation of UPR recommendations.<sup>2</sup>

As was recommended during its previous review, the authorities have brought the definition of torture in national legislation in line with international standards<sup>3</sup> and have criminalized acts of torture by introducing a number of amendments to the Penal Code.<sup>4</sup> However, Amnesty International continues to receive reports of torture and other ill-treatment, particularly of detainees arrested on suspicion of terrorism or other security-related offences during interrogation at the Criminal Investigations Directorate in Manama. The majority of such allegations is either dismissed by the Public Prosecution or not investigated adequately or promptly by the Ombudsman of the Ministry of Interior or the Special Investigations Unit (SIU). These institutions were established in 2012 to investigate allegations of torture and other ill-treatment and ensure accountability for such violations (see also below).

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<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Bahrain*, 6 July 2012, A/HRC/21/6, and the Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Bahrain, Addendum*, 12 October 2012, A/HRC/21/6/Add.1/Rev.1

<sup>2</sup> *Kingdom of Bahrain: Universal Periodic Review, Interim Report*, available at: <http://www.upr.bh/index.php/progress-report-2014/> (accessed on 8 August 2016).

<sup>3</sup> A/HRC/21/6, 6 July 2012, recommendations 115.18 (Uruguay), 115.22 (Spain), 115.88 (Maldives), 115.92 (Slovakia).

<sup>4</sup> Law No. 52 of 2012 amended Articles 208 and 232 of the Penal Code on 9 October 2012.

Bahrain also accepted recommendations to cooperate with UN Special Procedures,<sup>5</sup> including by issuing a standing invitation to the Special Procedures. However, the authorities have not allowed any Special Procedure mandate holders to visit in the four-and-a-half years since the last review.<sup>6</sup> Bahrain twice postponed at very short notice agreed visits by the UN Special Rapporteur on torture, the latest of which was scheduled to take place in May 2013.<sup>7</sup> Similarly, non-governmental organizations have frequently been denied access to the country.<sup>8</sup>

The Bahraini authorities accepted a number of recommendations relating to freedom of expression, association and peaceful assembly<sup>9</sup> and stated in the Interim Report that they had implemented these recommendations.<sup>10</sup> Some positive amendments were made to the Penal Code in 2013, such as the removal of Articles 134bis and 174 which criminalized the participation in events held abroad to discuss the internal situation in Bahrain without the permission of the government, as well as the possession of pictures tarnishing the reputation of the country. However, most domestic legislation that criminalizes the rights to freedom of expression, association and peaceful assembly remains in place and has been used to detain a number of prisoners of conscience.<sup>11</sup> Prisoners of conscience - including those detained during the 2011 uprising – remain in prison, human rights defenders continue to work in a hostile environment, and impermissible restrictions on political associations remain in place.<sup>12 13</sup>

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<sup>5</sup> A/HRC/21/6, recommendations 115.59 (Austria), 115.60 (Latvia), 115.61 (Latvia), 115.62 (Uruguay), 115.63 (France), 115.64 (Republic of Korea), 115.65 (Slovenia); A/HRC/21/6/Add.1/Rev.1, paragraphs 16, 18.

<sup>6</sup> Bahrain has received visit requests from the Special Rapporteur on freedom of peaceful assembly and of association (30 October 2013), the Special Rapporteur on the situation of human rights defenders (in 2012 and again in February 2016), the Special Rapporteur on freedom of expression (14 November 2014), and the Special Rapporteur on extreme poverty and human rights (9 July 2015).

<sup>7</sup> The Special Rapporteur, Mr Mendez, stated “This is the second time that my visit has been postponed, at very short notice. It is effectively a cancellation as no alternative dates were proposed nor is there a future road map to discuss.” Bahrain / Human rights: Government effectively cancels UN Special Rapporteur on torture’s visit, available at: <http://www.ohchr.org/EN/NewsEvents/pages/DisplayNews.aspx?NewsID=13261#sthash.J7vBbW4b.dpuf> (accessed 8 August 2016).

<sup>8</sup> Amnesty International visited in January 2013, May 2014, and January 2015, but each of these visits were restricted to five days and the organization has not been able to visit since.

<sup>9</sup> A/HRC/21/6, recommendations 115.99 (Canada), 115.100 (Czech Republic), 115.101 (Germany), 115.146 (France), 115.157 (Netherlands), 115.160 (Costa Rica), 115.161 (Australia), 115.163 (Japan); A/HRC/21/6/Add.1/Rev.1, paragraph/s 5, 11, 16, 18, 23.

<sup>10</sup> *Kingdom of Bahrain: Universal Periodic Review, Interim Report*, available at: <http://www.upr.bh/index.php/progress-report-2014/> (accessed on 8 August 2016), pp. 49-77.

<sup>11</sup> In particular, Articles 214, 215 and 216 of the Penal Code criminalize “insulting the king”, the national flag or emblem, a foreign country or an international organization. In 2014, the authorities increased the penalty for publicly insulting the king, the Bahraini flag or the national emblem to up to seven years imprisonment and a heavy fine.

<sup>12</sup> Amnesty International, *Behind the rhetoric: Human rights abuses in Bahrain continue unabated* (Index: MDE 11/1369/2015).

<sup>13</sup> In March 2015 the Shura Council approved amendments to Article 364 of the Penal Code increasing the penalty for “insulting parliament, the Shura Council, security forces, judges or public interest” to two year’s imprisonment and the penalties for encouraging others to do the same. In September 2015 the Cabinet approved regulations which penalize media outlets for “spreading false or damaging information that could affect foreign relations”.

Bahrain also accepted recommendations calling for the full implementation of the recommendations by the Bahrain Independent Commission of Inquiry (BICI).<sup>14</sup> Established by King Hamad to investigate the crackdown on anti-government protests in 2011, BICI submitted its final report to King Hamad in November 2011.<sup>15</sup> He publicly welcomed the report and committed his government to full implementation of its recommendations. However, progress to fully implement the BICI recommendations has been limited. Despite the government's claims that it has implemented all the BICI recommendations, the Chair of the BICI stated in August 2016 that of the 26 recommendations, only 10 have been "substantially implemented" and 16 "partially implemented".<sup>16</sup>

# THE NATIONAL HUMAN RIGHTS FRAMEWORK

## SPECIAL INVESTIGATIONS UNIT

Three months after the BICI presented its report to King Hamad, the Public Prosecutor established the Special Investigation Unit (SIU) within the Public Prosecution Office (PPO) to be "exclusively charged with determining the criminal liability of government officials who committed illegal acts resulting in killing, torture, injury or abuse, including officials in leadership positions, under the standards of superior responsibility".<sup>17</sup> The SIU is mandated to refer cases to the court of first instance and send cases to the appeals court and the cassation court. In July 2013, the SIU became operational and the Public Prosecutor issued Special Directives to the SIU<sup>18</sup> which cover its formation, authority and responsibilities and provide a Code of Conduct for SIU officials when carrying out their investigations. According to the authorities, the Special Directives comply with the Istanbul Protocol.<sup>19</sup> However, in several cases of torture reported to Amnesty International, the SIU failed to comply systematically with these standards.<sup>20</sup>

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<sup>14</sup> A/HRC/21/6, recommendations 115.28 (Norway), 115.43 (Sweden), 115.45 (Turkey), 115.124 (Denmark), 115.127 (Thailand), 115.128 (Belgium), 115.132 (Qatar), 115.133 (Egypt), 115.134 (Jordan), 115.135 (Kuwait), 115.136 (Oman), 115.137 (Saudi Arabia).

<sup>15</sup> Bahrain Independent Commission of Inquiry, *Report of the Bahrain Independent Commission of Inquiry*, available at: <http://www.bici.org.bh/BICIreportEN.pdf> (accessed on 8 September 2016).

<sup>16</sup> Professor Cherif Bassiouni was inaccurately quoted by the Bahrain News Agency in May 2016 as saying that all BICI recommendations had been fully implemented; however he has since refuted this. He stated that two recommendations in particular should remain a priority for the government of Bahrain: "the release of persons convicted on the basis of their beliefs and actions, based on freedom of opinion and expression... and, the pursuit of investigations of those responsible for the killing of five persons under torture and the ascertainment of their superiors' responsibility." *Bahrain: The Right Thing To Do*, available at: <http://mcherifbassiouni.com/bahrain-right-thing/> (accessed on 8 August 2016).

<sup>17</sup> Articles 4 and 5 of Resolution No. 28 of 2012.

<sup>18</sup> Resolution No.26 of 2013 on the Issue of Directives to the Special Investigation Unit.

<sup>19</sup> The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>20</sup> Amnesty International, *Window-dressing or pioneers of change? An assessment of Bahrain's human rights oversight bodies* (Index: MDE 11/5080/2016), pp. 28-36.

The SIU failed to uphold confidentiality in some cases despite being bound by the Istanbul Protocol to protect victims and witnesses from “any possible harm”.<sup>21</sup> In at least three cases, alleged torture victims told Amnesty International that they were subjected to reprisals or re-traumatization after their cases were referred to the SIU, including one case where SIU investigators were alleged to have directly threatened a victim to withdraw his complaint.<sup>22</sup>

Despite taking prompt action in some cases and publishing monthly statements on its investigations, the SIU failed to adhere to the principles of promptness,<sup>23</sup> adequacy<sup>24</sup> and transparency<sup>25</sup> during its investigations into at least seven cases of human rights violations. For example, the SIU did not open an investigation or gather evidence promptly; in one case it did not do so until two years after a torture complaint was made, which meant that forensic and other evidence that could have helped substantiate the victim’s allegations was lost. The SIU also failed to keep the families of victims or the victims or complainants themselves fully and adequately informed of the steps it had taken to investigate their allegations or to detail more transparently why there had been such a long delay in concluding its investigation or why it had closed their case.<sup>26</sup>

The SIU’s staff is composed of former Public Prosecution officials and judicial police officers, some of whom were seconded from and paid by the Ministry of Interior, raising questions about the SIU’s independence and impartiality.

The independence of the SIU is also compromised by its location, as it is housed within the same building as the PPO.<sup>27</sup> This makes it difficult for detainees and others to distinguish between the SIU and the PPO, and may deter individuals from discussing their experiences of torture and other violations and abuses with the SIU for fear of reprisals by the authorities.<sup>28</sup>

The SIU has the powers, resources and mandate to conduct effective investigations into allegations of human rights violations and bring those it finds responsible to trial, including those of “superior responsibility”.<sup>29</sup> It has been effective in ensuring some accountability by prosecuting 93 members of the security officers in 44 separate cases and appealing 23 cases of overly lenient sentences or acquittals. However, most prosecutions have been of low-ranking personnel, only two of the appeals have so far been successful and none of the senior officers who oversaw the serious violations committed during the crushing of the 2011 uprising have yet faced prosecution. In addition, a large percentage of cases of alleged torture or other ill-treatment, excessive use of

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<sup>21</sup> The Istanbul Protocol, Article 3 (b) of Annex.

<sup>22</sup> Amnesty International, *Window-dressing or pioneers of change?*, pp. 29-31.

<sup>23</sup> Istanbul Protocol, “Chapter II Legal investigation of torture”, para. 104. The UN Committee against Torture ruled that a 15-month delay in investigating allegations of torture is unreasonably long and not in compliance with Article 12 of the Convention. See Communication 8/1991, para. 185, Report of the Committee against Torture to the General Assembly (A/49/44), 12 June 1994, and UNCAT, Articles 12 and 13.

<sup>24</sup> Council of Europe, “Opinion of the Commissioner for Human Rights concerning independent and effective determination of complaints against the police”, 12 March 2009, available at [wcd.coe.int/ViewDoc.jsp?p=&id=1417857&direct=true#P97\\_5903](http://wcd.coe.int/ViewDoc.jsp?p=&id=1417857&direct=true#P97_5903)

<sup>25</sup> The Istanbul Protocol, Article 4 of Annex 1.

<sup>26</sup> Amnesty International, *Window-dressing or pioneers of change?*, pp. 33-36.

<sup>27</sup> In January 2015 the head of the SIU informed Amnesty International of the government’s intention to relocate the SIU, but did not give further details and it is not known why the move has not yet taken place.

<sup>28</sup> Amnesty International, *Window-dressing or pioneers of change?*, pp. 28-29.

<sup>29</sup> Resolution No. (26) of 2013 on the Issue of Directives to the Special Investigations Unit, Article 4.

force and unlawful killings recorded by Amnesty International during and following the 2011 uprising have yet to be referred to court by the SIU.<sup>30</sup>

Overall, the extent to which the SIU has gained public confidence remains in question and is heavily disputed by NGOs, human rights defenders, lawyers, detainees, victims of human rights violations and their families.<sup>31</sup>

## **OMBUDSMAN OF THE MINISTRY OF INTERIOR AND OMBUDSMAN OF THE NATIONAL SECURITY AGENCY**

The Ombudsman of the Ministry of Interior was established in February 2012 and became operational in July 2013. Its mandate is to receive and examine allegations of human rights violations committed by Ministry of Interior staff, and to refer these to the relevant authorities, including the SIU. The Ombudsman of the National Security Agency (Inspector General) was also established in February 2012 to receive and examine complaints of human rights violations against members of the National Security Agency and to refer cases to the relevant authorities, in coordination with the PPO. It became operational in September 2012.

The decrees establishing both mandates stipulate that they are to be independent;<sup>32</sup> yet they fail to provide the necessary safeguards, particularly with regard to the manner of appointment and dismissal and their financial independence. At present, these powers lie with the Minister of Interior with regard to the Ombudsman of the Ministry of Interior, and with the Head of the National Security Agency (NSA) and approval by the Prime Minister with regard to the Inspector General. In addition, the budget for the Ombudsman of the Ministry of Interior is derived from the Ministry of Interior and the budget for the Inspector General from the NSA.<sup>33</sup>

The Ombudsman of the Ministry of Interior is mandated to maintain confidentiality; yet in at least two cases, complainants or people close to them have faced reprisals with adverse consequences after a complaint was submitted to his office.<sup>34</sup>

The Ombudsman of the Ministry of Interior also has the powers and resources to adequately and promptly investigate and to enter places of detention without prior notice. Yet, in at least 10 cases his office failed to act promptly in response to families' concerns that detainees were held in unknown locations and at risk of torture or denied access to much-needed medical care.<sup>35</sup>

Although the Ombudsman of the Ministry of Interior has published four reports between 2014 and 2016, including three annual reports, his office has not fully adhered to the principle of transparency due to deficiencies in its reporting and failure to keep families of victims or victims or complainants themselves fully informed of the steps taken by the Ombudsman to investigate

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<sup>30</sup> Amnesty International, *Window-dressing or pioneers of change?*, pp. 31-33.

<sup>31</sup> Amnesty International, *Window-dressing or pioneers of change?*, pp. 29-31.

Amnesty International, *Window-dressing or pioneers of change?*, p. 36.

<sup>32</sup> *Decree No (27) of 2012 Concerning the Independent Ombudsman's Office in the Ministry of Interior*, available at: <http://www.ombudsman.bh/en/legal-references/ordinance-27-of-2012/> *Decree No. 28 of 2012 Regarding the Ombudsman Office and Professional Standards Office in NSA*, available at: <http://www.theioi.org/oi-members/asia/bahrain/inspector-general-office-national-security-agency> (both accessed on 8 September 2016).

<sup>33</sup> Amnesty International, *Window-dressing or pioneers of change?*, p. 13 and pp. 18-19.

<sup>34</sup> Amnesty International, *Window-dressing or pioneers of change?*, pp. 19-20.

<sup>35</sup> Amnesty International, *Window-dressing or pioneers of change?*, pp. 22-24.



their allegations.<sup>36</sup> The Ombudsman of the NSA has not published any reports or information about its investigations or findings, which makes it impossible to assess the role and effectiveness of his office.

The Ombudsman of the Ministry of Interior has generally been effective in referring relevant cases to the SIU and taken steps to increase its accessibility and improve its procedures; however, detainees continue to allege torture and other ill-treatment and prisoners continue to complain of ill-treatment and problems with their access to medical care.<sup>37</sup>

The Ombudsman of the Ministry of Interior has pointed to the increase in complaints received by his office as evidence of growing public confidence in his work. However, this is disputed by NGOs, human rights defenders, lawyers, detainees, victims of human rights violations and their families, who continue to question the independence and effectiveness of his office.<sup>38</sup>

## THE NATIONAL INSTITUTION FOR HUMAN RIGHTS

The mandate of the National Institution for Human Rights (NIHR) was amended in 2014 to bring it in line with the Paris Principles.<sup>39</sup> In addition to human rights education and awareness-raising, it reviews draft and existing legislation for compliance with international human rights laws and standards, investigates complaints of human rights violations and abuses, and makes recommendations.

The NIHR has published two annual reports. The 2013/2014 report contained recommendations to the government, including to lift the ban on all protests in Manama; however, the 2014/2015 report did not include any recommendations except for urging the authorities to “urgently” implement its previous recommendations.

The independence and impartiality of the NIHR have been questioned by local and international NGOs, particularly due to its failure to speak out against the detention and imprisonment of prisoners of conscience. It also remained silent when one of its commissioners posted tweets against the right to freedom of expression and advocated for the death penalty.<sup>40</sup> In May 2016, the NIHR received a “B” status rating from the International Coordinating Committee.<sup>41</sup>

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<sup>36</sup> Amnesty International, *Window-dressing or pioneers of change?*, pp. 24-26.

<sup>37</sup> Amnesty International, *Window-dressing or pioneers of change?*, pp. 20-22.

<sup>38</sup> Amnesty International, *Window-dressing or pioneers of change?*, p. 26.

<sup>39</sup> *Principles relating to the Status of National Institutions* (The Paris Principles), adopted by General Assembly resolution 48/134 of 20 December 1993.

<sup>40</sup> Amnesty International, *Window-dressing or pioneers of change?*, p. 13.

<sup>41</sup> Global Alliance of National Institutions for the Promotion and Protection of Human Rights, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, Geneva, 9-13 MAY 2016, available at:

<http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20FINAL%20REPORT%20-%20MAY%202016-English.pdf>

# THE HUMAN RIGHTS SITUATION ON THE GROUND

## RESTRICTIONS ON FREEDOM OF EXPRESSION, ASSOCIATION, AND PEACEFUL ASSEMBLY

### CRACKDOWN ON OPPOSITION GROUPS

Since Bahrain's last UPR, the authorities have continued to target the political opposition in Bahrain, imprisoning the leaders of the major opposition groups and restricting their activities. On 30 May 2016, the Appeal Court in Manama more than doubled the prison sentence imposed on Sheikh Ali Salman, the Secretary General of Al-Wefaq National Islamic Society, Bahrain's main opposition party, extending it from four to nine years on charges including "publicly insulting the Interior Ministry" and "publicly inciting others to disobey the law".<sup>42</sup>

This verdict was followed by the dissolution of Al-Wefaq itself on 17 July 2016 and the liquidation of its assets over claims that Al-Wefaq had supported violence in Twitter posts in 2015, encouraged mass marches and sit-ins to incite sectarian opposition and showed solidarity with a person convicted of incitement to hatred against the regime (this referred to their Secretary General, Sheikh Ali Salman).<sup>43</sup> To Amnesty International's knowledge, the authorities presented no credible evidence to show that Al-Wefaq is anything other than a peaceful opposition movement.

Ebrahim Sharif, former Secretary General of the National Democratic Action Society (*Wa'ad*), a secular political opposition party in Bahrain, was imprisoned for one year following a sentence imposed on 24 February 2016, charged with "incitement to hatred and contempt of the regime" in relation to a speech he made in July 2015. Sharif was released on 11 July 2016 upon completing his prison sentence. However, the prosecution appealed against Sharif's acquittal of a second charge, relating to the same incident, of "incitement to overthrow the regime by force and illegal means" and appealed for a longer sentence for the first conviction. Ebrahim Sharif could now face up to 13 years in prison if convicted on appeal of both charges.<sup>44 45</sup>

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<sup>42</sup> Amnesty International, *Bahrain shatters façade of reform with ruthless persecution of key opposition leader*, 7 June 2016, available at: <https://www.amnesty.org/en/latest/news/2016/06/bahrain-shatters-facade-of-reform-with-ruthless-persecution-of-key-opposition-leader/> He was originally sentenced on 16 June 2015 by the High Criminal Court after an unfair trial for speeches that he made in 2012 and 2014, including at his party's General Assembly when he reaffirmed the party's determination to pursue power in Bahrain through peaceful means to achieve the reform demands of the 2011 uprising and to hold those responsible for human rights violations to account.

<sup>43</sup> Amnesty International, *Bahrain ramps up assault on human rights by dissolving leading political group* (Index: MDE 11/4484/2016).

<sup>44</sup> Ebrahim Sharif's arrest, on 12 July 2015, came one month after his early release from a previous prison sentence for leading widespread peaceful anti-government protests in 2011, alongside 12 other leading opposition activists. His next court appearance is scheduled for 13 October 2016; and Amnesty International, *Urgent Action: Freed Prisoner of Conscience Back in Court* (Index: MDE 11/4547/2016).

<sup>45</sup> Available at: <https://www.amnesty.org/en/documents/mde11/4547/2016/en/> (accessed on 8 September 2016).

## LAW ON POLITICAL ASSOCIATIONS

Bahrain maintains laws that impede the operation of political associations. In September 2013, the Minister of Justice and Islamic Affairs issued Decree 31 of 2013 which requires political associations to inform the Ministry at least three working days in advance of any meetings with foreign political organizations, including diplomatic representatives or other representatives of foreign governments. All such meetings must take place in the presence of a Bahraini government representative. In August 2014, the Minister was empowered through Law 34 of 2014 to file court cases to close political associations for up to three months to allow them to correct breaches of the Law on Political Associations, the Constitution or other laws. In the case of a “serious breach”, which the law does not define, the Minister of Justice may file a case to close an association entirely.<sup>46</sup>

In June 2016, the King issued another amendment to the Law on Political Associations (Law 26 of 2005), prohibiting members of a political society from engaging in religious preaching and prohibiting leaders of a political society from giving religious speeches, sermons or guidance. These amendments follow previous amendments to the law made in 2014,<sup>47</sup> prohibiting political associations from “using a religious platform to spread their principles, objectives and programmes or use religion as a reference” (Article 10 as amended) and from “directing [their] activities and programmes for sectarian goals or to damage national economy or the public interests of the state” (Article 6 as amended). These restrictions violate the right to freedom of association and breach Bahrain’s international obligations under Article 22 of the International Covenant on Civil and Political Rights.<sup>48</sup>

## HARASSMENT OF AND ATTACKS AGAINST HUMAN RIGHTS DEFENDERS

As of August 2016, there were at least 17 prisoners of conscience detained solely for exercising their right to freedom of expression.<sup>49</sup> Nabeel Rajab, the President of the Bahrain Centre for Human Rights, was arrested on 13 June 2016 and is on trial facing charges of “spreading false rumours in times of war”,<sup>50</sup> “insulting public authorities”<sup>51</sup> and “insulting a foreign country”<sup>52</sup> in relation to tweets published in 2015. In his comments, he criticized the war in Yemen and made allegations of torture in Jaw prison after a prison riot in March 2015. He also faces a further

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<sup>46</sup> Amnesty International, *Behind the rhetoric: Human rights abuses in Bahrain continue unabated* (Index: MDE 11/1369/2015).

<sup>47</sup> Law 34 of 2014.

<sup>48</sup> Amnesty International, *Authorities must halt repression after week of intensified clampdown on human rights* (Index: MDE 11/4312/2016).

<sup>49</sup> These include: Dr ‘Ali al-Ekri, see Amnesty International, Urgent Action, *Health professionals imprisoned* (Index: MDE 11/058/2012); ‘Abdelwahab Hussain, Mohammad ‘Ali Ridha Isma’il, Mohammad Hassan Jawad, Abdulhadi al-Khawaja, Abdullah al-Mahroos, Abdel-Jalil al-Miqdad, Mohammad Habib al-Miqdad, see Amnesty International, Urgent Action, *Sentences upheld for 13 opposition activists* (Index: MDE 11/053/2012); Fadhel Abbas Mahdi Mohamed, see Amnesty International, Urgent Action, *Activist’s appeal hearing adjourned again* (Index: MDE 11/3622/2016); Hassan Mshaima’, ‘Abdul-Hadj ‘Abdullah al-Mukhodher, Sa’eed Miraza al-Nuri, see Amnesty International, Urgent Action, *Sentences upheld for 13 opposition activists* (Index: MDE 11/053/2012); Sheikh ‘Ali Salman, see Amnesty International, Urgent Action, *Appeal delayed, arbitrary detention extended: Sheikh ‘Ali Salman* (Index: 11/2882/2015); Dr Saeed al-Samahiji, see Amnesty International, Urgent Action, *Prisoner of conscience on hunger strike* (Index: 11/3527/2016); Dr Abdel-Jalil al-Singace, see Amnesty International, Urgent Action, *Sentences upheld for 13 opposition activists* (Index: MDE 11/053/2012); Nabeel Rajab, see Amnesty International, Urgent Action, *Nabeel Rajab’s trial postponed to 5 September* (Index: MDE 11/4600/2016); Ibrahim Karimi, see Amnesty International, Urgent Action, *Ibrahim Karimi Sentenced to prison* (Index: MDE 11/3860/2016).

<sup>50</sup> Article 133 of the Bahraini Penal Code.

<sup>51</sup> Article 126 of the Bahraini Penal Code.

<sup>52</sup> Article 215 of the Bahraini Penal Code.

charge of “undermining the prestige of the state,” in relation to an open letter published in the New York Times on 4 September 2016.

Since June 2016, the authorities have intensified their clampdown on human rights defenders and civil society. Between June and September 2016, 24 individuals, including human rights defenders, former prisoners of conscience, a lawyer and a journalist, have faced official travel bans or been prevented from travelling abroad to participate in human rights advocacy meetings, including the UN Human Rights Council sessions in June and September 2016.<sup>53</sup>

### **RESTRICTIONS ON FREEDOM OF PEACEFUL ASSEMBLY**

In August 2013, the government amended Article 11 of the Law on Public Gatherings, banning indefinitely all public assemblies in Manama, with the exception of demonstrations to be held in front of international organizations, and subject to prior written permission from the Head of Public Security.<sup>54</sup> This law also subjects all other demonstrations outside Manama to the written permission of the Head of Public Security.<sup>55</sup>

These amendments restrict the space and time available for people to demonstrate peacefully. When protests occur outside of Manama, they are often accompanied by a heavy police presence and clashes between protesters and the police. There are allegations that the police use excessive force to disperse the protesters, which in some cases has resulted in deaths and injuries. Hundreds of those protesting have been arrested and many charged with “rioting” or “illegal gathering” and subsequently imprisoned. Activists who monitor protests and document instances of excessive use of force by the police have also been arrested.

Following the revocation of Sheikh Isa Qassem’s nationality (see below), scores of protesters and at least 60 Shi’a clerics were summoned and arrested in relation to a sit-in in the village of Duraz, which began in June 2016. As of September 2016, four clerics had been sentenced to between one and two years in prison in relation to the sit-in and nine others remain in detention and facing trial.<sup>56</sup>

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<sup>53</sup> Amnesty International, *Bahrain: End heightened crackdown on peaceful critics* (Index: MDE 11/4749/2016).

<sup>54</sup> This amendment was introduced via Decree 22 of 2013.

<sup>55</sup> Demonstrations are also banned near hospitals, airports, commercial compounds and any other areas with security considerations, provided that these are defined by the Minister of Interior in advance

<sup>56</sup> Amnesty International, *Bahrain: End heightened crackdown on peaceful critics* (Index: MDE 11/4749/2016).

## REVOCAION OF NATIONALITY AND FORCED EXILE

Since 2012, the authorities have arbitrarily revoked the Bahraini nationality of at least 316 people,<sup>57</sup> including Sheikh Isa Qassem, the spiritual leader of Al-Wefaq, effectively rendering the majority of them stateless. Stripping citizens of their nationality without due process is arbitrary and violates Bahrain's international human rights obligations. Since 2014, at least six individuals have been forcibly expelled from the country, including two Shi'a clerics and a human rights lawyer.<sup>58</sup>

## UNFAIR TRIALS, TORTURE AND OTHER ILL-TREATMENT

Unfair trials of government critics and opponents, including protesters, have become a prominent feature of the human rights landscape in Bahrain since 2011. In practice, the judiciary lacks independence, it frequently fails to address serious rights violations and abuses and is used as a tool of state repression.<sup>59</sup>

Since protests began in 2011, Bahrain's courts have convicted hundreds of people on charges such as rioting, illegal gathering, and committing terrorism-related offences, in trials that fail to comply with international standards on fair trials. In many of the cases Amnesty International has reviewed, defendants were denied prompt access to legal assistance or their allegations of torture in pre-trial detention were dismissed without thorough investigation. Defence lawyers are often denied full access to the case files, are not permitted to fully cross-examine witnesses, and their requests to call independent experts are rejected or ignored, thereby denying the defendants adequate time and facilities to prepare their defense. The courts often rely on as evidence information provided by preliminary police investigations or information from police informants. They also fail to order independent investigations into defendant's allegations of torture by police to coerce "confessions" or to delay trials until investigations have been carried out.

## THE DEATH PENALTY

The death penalty remains in force for murder, terrorism-related offences and other crimes, including drugs offences. Death sentences continue to be imposed, sometimes following unfair trials.<sup>60</sup>

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<sup>57</sup> Amnesty International, *Stop arbitrarily rendering citizens stateless* (Index: MDE 11/0005/2015).

<sup>58</sup> Amnesty International, *Bahrain: End heightened crackdown on peaceful critics* (Index: MDE 11/4749/2016).

<sup>59</sup> Amnesty International, *Behind the rhetoric: Human rights abuses in Bahrain continue unabated* (Index: MDE 11/1396/2015).

<sup>60</sup> Amnesty International, *Bahrain: Further Information: Three death sentences upheld* (Index: MDE 11/4197/2016).

# RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

## AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF BAHRAIN TO:

### FOLLOW UP TO THE PREVIOUS REVIEW

- Ensure the full implementation of all the recommendations by the Bahrain Independent Commission of Inquiry, in particular ensuring thorough, impartial and independent investigations into all human rights violations and abuses committed during the uprising in 2011, including into superior responsibility, and immediately and unconditionally releasing all prisoners of conscience;
- Allow international NGOs to visit Bahrain and to carry out their human rights work without restrictions, including by abolishing the current five-day limit for such visits.

### HUMAN RIGHTS INSTITUTIONS

- Ensure the independence and impartiality in practice of the national human rights institutions, in particular the Special Investigations Unit, the Ombudsman of the Ministry of Interior and the Ombudsman of the National Security Agency;
- Ensure that any detainees are fully protected against torture and other ill-treatment, ensuring that they are moved to other facilities whenever appropriate and any state officials accused of torture or other abuse of detainees are immediately suspended pending investigation;
- Ensure confidentiality and protection of victims from reprisals during and following the conduct of their investigations, including when meeting victims and witnesses in detention and that those found breaching confidentiality will be held accountable;
- Ensure accountability for all recorded cases of human rights violations, including those mentioned in the BICI report, referring to trial, where appropriate, officers of all ranks including those with superior responsibility;
- Ensure that all SIU investigations are conducted promptly and strictly follow the methods set out in the Istanbul Protocol, in particular recording without delay any statements from witnesses;
- Set up and clarify publicly a reasonable time standard for investigating and deciding outcomes and regularly communicating full and adequate details, including any SIU investigation and outcomes to complainants.

### CRACKDOWN ON OPPOSITION GROUPS

- Immediately and unconditionally release prisoners of conscience Sheikh 'Ali Salman and Fadhel Abbas Mohamed Mahdi held for exercising their right to freedom of expression;

- Allow opposition party members and leaders to exercise their rights to freedom of expression, association and peaceful assembly, in line with international human rights law.

#### **LAWS ON POLITICAL ASSOCIATIONS**

- Repeal or amend all laws that unduly restrict the activities of political associations, including Decree 31 of 2013, Law 34 of 2014, and Law 26 of 2015.

#### **HARASSMENT AND ATTACKS AGAINST HUMAN RIGHTS DEFENDERS**

- Immediately and unconditionally release all prisoners of conscience imprisoned solely for exercising their rights to freedom of expression, association and peaceful assembly;
- Lift travel bans restricting individuals' right to freedom of movement, association and expression.

#### **RESTRICTIONS ON FREEDOM OF PEACEFUL ASSEMBLY**

- Immediately lift the ban on peaceful protests in Manama and guarantee the right to peaceful assembly.

#### **REVOCAION OF CITIZENSHIP AND FORCED EXILE**

- End the practice of arbitrarily revoking citizenship, especially where this renders individuals stateless and forces them into exile;
- Reinststate the citizenship of those arbitrarily stripped of their nationality, including those who had their nationality revoked in November 2012 and January 2015.

#### **UNFAIR TRIALS, TORTURE AND OTHER ILL-TREATMENT**

- Ensure that all trials are conducted in line with international fair trial standards, including by ensuring prompt access to legal assistance, equality of arms between the prosecution and the defence, and thorough investigations into allegations of torture in pre-trial detention.

#### **THE DEATH PENALTY**

- Commute all death sentences and immediately establish an official moratorium on executions;
- Restrict the use of the death penalty to crimes that meet the threshold of "most serious crimes" under international law; with a view to abolishing the death penalty for all crimes.

# ANNEX

## AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE<sup>61</sup>

- *Authorities must halt repression after week of intensified clampdown on human rights* (Index: MDE 11/4312/2016).
- *Bahrain: Further Information: Three death sentences upheld* (Index: MDE 11/4197/2016).
- *Bahrain: End heightened crackdown on peaceful critics* (Index: MDE 11/4749/2016).
- *Bahrain ramps up assault on human rights by dissolving leading political group* (Index: MDE 11/4484/2016).
- *Bahrain shatters façade of reform with ruthless persecution of key opposition leader, 7 June 2016.*
- *Behind the rhetoric: Human rights abuses in Bahrain continue unabated* (Index: MDE 11/1369/2015).
- *Window-dressing or pioneers of change? An assessment of Bahrain's human rights oversight bodies* (Index: MDE 11/5080/2016).

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<sup>61</sup> All these documents are available on Amnesty International's website:  
<https://www.amnesty.org/en/countries/middle-east-and-north-africa/bahrain/>



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