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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Freedom of Assembly: The Forbidden Right in Bahrain

Since 2011 until issuing this report in 2016, Bahrain witnessed numerous marches and rallies. Many of these witnessed excessive use of force – although the majority of them were of peaceful nature – under the pretext that they were illegal due to failure to submit notifications to the Ministry of Interior. These security measures violate Article 20 of the Universal Declaration of Human Rights, based on the recommendations of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, who says: "the exercise of fundamental freedoms should not be subject to previous authorization [...] Prior notification should ideally be required only for large meetings of victims dead and dozens wounded. In 2015, force was used against 2035 pr [...]" This left dozens of deaths, which left 711 people wounded, 501 of which were injured by firearms (shotgun), 137 were injured by tear gas canisters, and 73 were injured due to torture and ill-treatment, in addition to other reasons.

Although laws on gatherings were released in previous years, the Bahraini government continues to pass laws and legislations that impose more restrictions in order to ban the practice of freedom of assembly, as well as unnecessary procedures and measures, which contradict the principles of all national and international laws.

The Bahraini Crowd Regulation Law No. 25 was issued in 1956, while Decree Law No. 18 on public meetings, processions and gatherings was issued in 1973. With this law, the Bahraini government issued Law No. 32 of 2006 on amending some provisions of Decree Law No. 18 of 1973 (the previous law), which imposed more restrictions on the exercise of the right to freedom of assembly. In addition, more stringent government decisions were issued in order to ban the practice of freedom of assembly, including: the decision of the Minister of Interior No. 57 of 2011 and the decision of the Minister of Interior to stop all marches and gatherings¹, issued on Monday, October 29, 2012, as well as several measures that have made gatherings and marches a forbidden right in Bahrain. As a result, human rights and political individuals and parties at national and international levels raised their concerns and expressed denunciation of the Bahraini government for preventing its citizens from exercising this right.

A notification was presented to the Ministry of Interior for certain marches, but in many times the deliverer of the notification or the chanters who chant the slogans of the march or assembly have been targeted. They are summoned for interrogation and subjected to imprisonment due to the slogans chanted during the march or assembly, and in certain cases, they are referred to the public prosecution and prosecuted. Moreover, in many cases, they are held responsible for individual violations, contrary to what is stated in the law, which prohibits holding the organizers responsible for the actions of individuals involved in the assemblies.

On Monday, October 29, 2012, Bahrain's Minister of Interior issued a statement in which he prevented the marches and assemblies, and insisted that "Any marches or assemblies will be considered unlicensed and legal procedures will be taken against those who call for and participate in them; anyone linked to that will be held accountable and legal procedures will be taken against him".

This statement was issued on the pretext of irregularities done by political societies during the marches and the lack of the participants' respect for legal boundaries. However, the marches were peaceful and did not witness any violations; the participants only repeated slogans against the government's policy and demanded political reforms.

Marches and assemblies in the capital Manama were banned by a decision from Bahrain's Ministry of Interior following the public protests that Bahrain witnessed in 2011, and whoever called for demonstrations in the capital Manama was considered to be against the law.

Between the first of March 2015 and the fifth of February 2016, political societies and citizens submitted 149 notifications to Bahrain's Ministry of Interior to organize peaceful marches and assemblies. All of them were banned without any legal justification. In many cases, receiving the notices was refused under the pretext that there were a ministerial decision or superior orders that prohibit receiving any notifications.

The regions that witness daily or weekly protests are often subjected to collective punishment, and some of these regions are punished continuously. Security forces take systematic and unjustified security procedures, measures and methods which lead to the loss of safety and security. Some of the punishments take the following forms:

- Showering the neighborhoods of the targeted areas with tear gas.
- Shooting tear gas directly inside the houses.

¹ The statement of the Minister of Interior, Bahrain News Agency, October 29, 2012
<http://www.bna.bh/portal/news/531285?date=2013-02-28>

- Besieging the regions, surrounding them with security men, and setting up checkpoints that restrict the freedom of movement.
- Targeting the private properties of the citizens such as cars, windows, doors, etc. and vandalizing or crushing them.
- Violating the sanctity of the homes by raiding the houses and terrorizing their residents without a judicial permission, and without taking the legal procedures related to the sanctity of homes into account.

It is evident that all the marches that Bahrain had witnessed ended peacefully and without violence unless the security forces intervened to disperse them by force. This is the same description used in the report of Bahraini Independent Commission of Inquiry as it pointed out in its record of monitoring to “the use of force by the Public Security Forces”. For example, paragraphs 1112 and 1113 in addition to other paragraphs point out to the security forces violation of the law on using force against assemblies, which still to a large extent applies to the situation until today.

Paragraph 1112 indicates that the security forces violated the principles of necessity and proportionality and the use of unjustified force, while paragraph 1113 concludes that security forces used force against assemblies in an illegal manner.

These measures violate Articles 18, 19, 23, 28 of the Constitution of Bahrain which protect the right to freedom and human dignity and ensure the freedoms of expression and gathering. They also violate Article 180 of the Bahraini Penal Code which organizes the use of force in anti-riot operations. This Article obliges the law enforcement officials “to take the necessary measures for dispersing those who have not complied with the order by arresting them and may use force within reasonable limits against any person resisting the said order.” The Article also states that they “may not use firearms except in extreme necessity or when someone's life is threatened”.

Samples of banning the right to peaceful assembly

Among the protests that Bahrain witnessed at the beginning of 2015 are the protests, which lasted for weeks, following the arrest of Sheikh Ali Salman, the Secretary-General of Al-Wefaq National Society, on December 28, 2014. Excessive force was used against these protests despite their peaceful nature. In addition, the area where the protests occurred was subjected to collective punishment for sporadic weeks and days, leading to several injuries and many suffocation cases.

Until the time of writing this report, the village of Al-Duraz has been witnessing a sit-in staged by a large number of Shiite Muslims around the house of the Shiite community leader in Bahrain, Ayatollah Sheikh Isa Qassem. They are protesting against revoking his citizenship in a way that contradicts the national and international law. The protesters also refuse the prosecution of Sheikh Isa Qassem by the Bahraini authorities and consider it to be a trial that reveals the sectarian persecution against the indigenous Shiite Muslims and targets over 60% of the religious demography of the country.

The security authorities undertook a series of measures to prevent the citizens from reaching the sit-in area in the village of Al-Duraz. They besieged all the entries of Al-Duraz and summoned and arrested dozens of Shiite clerics, citizens, and activists after accusing them of charges related to the right to peaceful assembly or expressing their opinions on social media outlets. Until the moment of writing this report, we fear that the security forces forcibly end this sit-in, which will lead to a huge number of victims.

Recommendations:

1. Call on the state members of the Human Rights Council and the human rights organizations to involve the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Maina Kiai, to press on the Bahraini government to fulfill its commitments related to the right of assembly.
2. Release the detainees who were arrested over exercising the right to freedom of assembly.
3. Stop the excessive use of force against the assemblies and marches and hold the perpetrators of killing and injuring the demonstrators accountable.
4. Provide international protection for the protesters around the house of the leading religious cleric, Ayatollah Sheikh Isa Qassem, in the village of Al-Duraz.