



# General Assembly

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## Human Rights Council

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Human rights situations that require the Council's attention

### **Written statement\* submitted by the Kham 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.

[13 February 2017]

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

GE.17-02463(E)



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## **Bahrain: Human Rights Situation Since Beginning of 2017; Arbitrary Arrests, Torture, Crackdown of Peaceful Protests, and Extra-Judicial Executions\***

This report monitors the human rights situation in Bahrain, in the period between 28/12/2016 and 29/1/2017, as in that period, 216 arbitrary arrests, 288 illegal raids, 118 torture and ill-treatment cases, and 456 peaceful protests, 208 of which were cracked down, were registered.

The continuing cases of enforced disappearance were also on the rise, with 37 registered cases. Also, arbitrary verdicts were ruled against 92 cases, in total arbitrary verdicts of 3 implemented death row sentences, 570 years and two months of prison, and 8 cases of citizenship revocation, among them the 3 dissidents who faced extra-judicial executions: Abbas Al-Samie, Sami Mushaimaa, and Ali Singace. Also, trial fines for the rest of the defendants, amount to 3182.500 Bahraini Dinars, around \$8,440. Enforced disappearances that were restored by the Public Prosecution or court, added up to 244 citizens in cases linked to cases of freedom of expression and opinion and peaceful assembly.

### **Peaceful Assembly**

As observed through the Bahrainis' exercise of the right to peaceful assembly, their condemnation against the trial of the Shiite sect spiritual leader in Bahrain, Ayatollah Sheikh Isa Qassim on Sunday 29/1/2017. Also, 51 areas were monitored to have witnessed peaceful protests, 18 of which were cracked down by the internationally banned lead shotguns, which resulted in 9 injuries in 6 areas. A case of one arrest was recorded for citizen Mohammad Ali Sabbah, from his work in Bilad Al Qadeem.

Moreover, we monitored the continuation of right security siege on Diraz, and the open sit-in (marking 224 days) outside the house of Shiite leader, Ayatollah Sheikh Isa Qassim. The largest [Friday] Shiite prayers has also been banned for the 33<sup>rd</sup> time in a row, which clearly proves the loose state of sectarian persecution in the country.

The overall toll of casualties reached 14 injuries among citizens due to the use of excessive force to disperse peaceful protesters. It is worth noting that in many cases, security forces are still using force and collective punishment in residential areas that witness protests, even after dispersing crowds taking part in the protest. It is found that security forces use, in many cases, unnecessary force and firearms and in inappropriate manners. Also, there was an extensive use of tear gas canisters without any need for it. All this occurs in a way that contradicts with rules of necessity and proportionality.

### **Continuation of Torture**

118 cases of torture and ill-treatment were monitored as a result of impunity in Bahrain, at a time when the Bahraini government is still disclaiming the visit petitions by the UN Special Rapporteur on Torture. Experts of the Bahrain Independent Commission of Inquiry (BICI) had identified that most important forms of this treatment, such as blindfolding, hand cuffing, and forcing long hours of standing, hitting and kicking, and beating with rubber hoses (on feet as well), cables, whips, metal and wooden rods. Other ill-treatment methods included electrocution, deprivation of sleep, and placing individuals in places with extreme temperatures, verbal abuse, threats of rape to the detainees and their families, and insults against the religious sect they follow (Shiites).

### **National Security Agency (NSA)**

On Friday January 6, 2017, Decree No. 1 was issued by the King of Bahrain, amending some provisions pertaining to establishing the National Security Agency, granted the agency officers and members the status of law enforcement officers, although it has already been conducting daily raids and arrests in Bahraini areas. The Decree contradicts with paragraph 1718 of the BICI recommendations, which explicitly stated the need to limit the work of the NSA in Bahrain to collecting information without enforcing law and arresting suspects: "To amend the decree establishing the NSA to ensure that the organization is an intelligence gathering agency without law enforcement and arrest authorities. The NSA should also have an independent office of inspector general to carry out the same internal "ombudsman" functions

mentioned above with respect to the MoI. Legislation should be adopted to provide that even during the application of a State National Safety, the arrest of persons should be in accordance with the Code of Criminal Procedure.”

We also registered how the peaceful protest in Diraz witnessed a sudden raid by masked NSA security forces, in a first participation (on ground) since the issuance of the said decree amendment. The raid occurred on January 26, 2017, when security forces shot live ammunition and shotguns at protesters, leading to (4) injuries; 1 of them very critical head injury (Mostafa Ahmad Hassan Hamdan), from Karkabad. Forces arrested 7, among them a child. It is worth mentioning that the method of using firearms in the Diraz incident indicates an intension to kill by the security members.

### **Prosecutions and Trials over Freedom of Expression**

Bahraini Authorities summoned member of Salam Organization for Democracy and Human Rights, Ibtisam Al-Saegh on Sunday January 22, 2017, to the Muharraq police station, for investigations over her activism and media appearances. The Minor Court also adjourned on Monday January 23, 2017, the trial of prominent activist, and president of the Bahrain Center for Human Rights, Nabeel Rajab, until February 21, 2017, in a case of spreading rumors on social media platforms, with his continued detention.

### **Enforced Disappearances**

It is worth mentioning that the security authorities have taken advantage of the law for “Protecting Society from Terrorists Acts” to justify the crime of enforced disappearance of prisoner of conscience, Bahraini citizen Sayed Alawi Sayed Hussein Alawi, whose fate is still unknown for around 96 days (until the date of this report). Security agencies avoid to disclose where he’s detained. The amendment introduced on Law No. (58) of 2006 pertinent to “Protecting Society from Terrorists Acts”, by virtue of Decree Law No. (68) of 2014, allows the security authorities to commit the crime of enforced disappearance, in violation of Paragraph (3) of Article (9) in the International Covenant on Civil and Political Rights, as his arrest violates the rule of “promptly” [bringing him to a judicial authority] stipulated in the covenant, which therefore makes it an enforced detention. The status of this detention is not removed even if [the detention] is conducted in accordance with the domestic law, as stated by paragraph (63) of the Working Group on arbitrary detention’s report, presented at the UN Human Rights Council (HRC) in its 2<sup>nd</sup> cycle.

Also, among the considerable cases, is the case of Bahraini citizen, Sayed Fadel Abbas Rhadi, who has been in enforced disappearance for 117 days (until the date of this report). With reference to the cases of enforces disappearances imposed on individuals who were summoned, arrested, or detailed by security authorities in Bahrain, this is a clear indication that violations in Bahrain are repetitive, and there are no serious measures to stop them.

### **Results and recommendations:**

- 1- Bahraini authorities committed many arbitrary detentions against citizens and opposition activists, which to the least fall under the second or third categories, or both, accordance with the procedural definition adopted by the UN Working Group on Arbitrary Detentions.
2. The Bahraini authorities used a group of articles in its Penal Code, that criminalize freedom of expression in peaceful manners and aims; in order to silence the political opponents, human rights defenders and journalist activists, and others.
3. The Bahraini authorities provided for themselves a legal pretext for arbitrariness in the revocation of citizenships, by virtue of the Bahraini Citizenship Act, and Terrorism Law, in accordance with vaguely worded texts. The first one expanded the powers of authorities in revoking (the citizenship), while the second allowed the revocation of citizenship by judicial verdicts. The Bahraini authorities failed to provide effective administrative or judicial review for the individuals whose citizenships were revoked, and therefore it proceeded to raise cases of “illegal residency” against them.
4. The Ministry of Interior proceeded to open unnecessary preliminary investigations, and charged activists, without any evidence, to intimidate them and restrict their activities.
5. Those assigned to interrogate the detainees used very painful, yet non-fatal, torture methods, which do not leave marks on the victim’s body, in order to hide any evidence that might lead to accountability.
6. The General Secretariat of the Grievances of the Ministry of Interior, and the Special Investigations Unit of the Public Prosecution, failed to eradicate torture and ill-treatment in prisons, or prevent impunity. The General Secretariat of the Grievances failed to issue transparent report on matters of complaints it received, and failed in its measures to

tackle those complaints. The Special Investigations Unit failed to implement accountability on security men involved in cases of torture and ill-treatment.

8. We urge member states to further call on Bahrain to allow UN Special Rapporteurs to visit Bahrain, to monitor the human rights situation, and present their recommendations.

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\*Bahrain Forum for Human Rights (BFHR), NGO without consultative status, also shares the views expressed in this statement.