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# BAHRAIN

## Human rights developments and Amnesty International's continuing concerns

### 1. Introduction

Compared with the mid-1990s civil unrest period, the human rights situation in Bahrain in the last two years has witnessed significant improvements. There are fewer cases of arbitrary arrest or reports of torture and ill-treatment, for example. However, the mechanisms that facilitated the deterioration of the human rights situation during the unrest are still in place. These include the use of incommunicado detention which often facilitates torture or ill-treatment of prisoners, administrative detention and trials before the State Security Court whose procedures fall far short of international standards for fair trial.

The unrest started in December 1994 when thousands of people demonstrated and called for the restoration of the National Assembly which was dissolved in 1975 by order of the late Amir, Shaikh 'Issa bin Salman Al Khalifa and respect for the Constitution, sections of which have also been suspended since 1975. During the unrest gross human rights violations took place which included the arbitrary detention of thousands of people, including children and women, without charge or trial, systematic use of torture against detainees which led to at least 10 deaths in custody, the killing of civilians during demonstrations in circumstances suggesting that they may have been extrajudicially executed, grossly unfair trials before the State Security Court and the forcible exile of a number of alleged dissidents. There were many acts of violence during the unrest and Amnesty International recognized Bahrain's rights and responsibilities to maintain law and order, and urged that such measures should be consistent with human rights safeguards and not at their expense. Amnesty International documented its human rights concerns during this period in the reports entitled *Bahrain: A human rights crisis* (AI Index: MDE 11/16/96) and *Bahrain: Women and children subject to increasing abuse* (MDE 11/18/96), published in September 1995 and July 1996, respectively. However, the organization has long-standing human rights concerns in Bahrain which include administrative detention, unfair trials, forcible exile and torture and ill-treatment which continue to date, albeit on a lesser scale. Most of the victims of human rights violations are Shi'a Muslims who form the majority in Bahrain.

The Amir of Bahrain, Shaikh Hamad bin 'Issa Al Khalifa, acceded to power in March 1999 following the death of his father. Since then the Government of Bahrain has introduced a number of positive changes in the promotion and protection of human rights, including the release of hundreds of political prisoners. The Amir has publicly stated his

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commitment to the respect of human rights. These and other positive human rights development are highlighted in Section 1 of this report, and Amnesty International has publicly welcomed them. However, the organization remains concerned that human rights violations continue to take place and that some of the legislation, in force in the country since 1974, which in the past was a major contributing factor to the perpetration of gross human rights violations, has not been amended and continues to be used. In addition, the Bahraini Government continues to use the policy of forcible exile as a punitive measure against Bahraini dissidents and their families. These concerns are discussed in subsequent sections of this report.

At the end of June 1999 Amnesty International delegates visited Bahrain to hold introductory talks with Bahraini Government officials. This was the first visit to the country by Amnesty International in 12 years. Detailed discussions took place with the Ministers of the Interior, Justice and Islamic Affairs, Foreign Affairs, and Labour and Social Affairs, as well as with senior judges and other officials. The talks focussed on Amnesty International's human rights concerns and human rights promotion in the country. Amnesty International publicly welcomed the opening of a constructive dialogue with the authorities, but it also expressed its regret at the time that its delegates were not permitted to meet privately with other sectors of society concerned with the promotion and protection of human rights, including lawyers, journalists, medical doctors, women's groups and others. Another meeting with Bahraini officials took place at the Bahraini Embassy in the United Kingdom in July 2000 and discussions focussed on human rights developments in the country as well as Amnesty International's concerns. The organization sent a memorandum of its concerns to the Bahraini Government in November 1999 and sought the government's comments on the memorandum. Amnesty International also requested another visit to take place before the end of 2000. The organization received assurances that its delegates would be free to meet whoever they wish to meet on their next visit. At the time of writing this report no comments on the memorandum had been received. However, Amnesty International has included in this report the government's responses to a number of concerns raised in meetings in Bahrain and the United Kingdom.

Amnesty International is publishing this report, which is based on the memorandum, in the hope that it may contribute to the human rights debate now underway in the country. The organization believes that if the recommendations of this report are implemented they could help to bring Bahrain's law and practice into closer harmony with recognized international human rights standards.

## 2. Positive human rights developments

The Bahraini Government has taken a number of positive legislative and practical steps in the human rights field, including the release of hundreds of political prisoners, the setting up of a human rights unit within the *Majlis al-Shura* (Consultative Council),

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allowing a greater margin of freedom of expression as well as giving women the right to vote and stand as candidates in the up-coming local elections for the first time.

Since his accession to power in March 1999 the Amir, Shaikh Hamad bin 'Issa Al Khalifa, has ordered the release of more than 800 political prisoners and detainees, including prisoners of conscience.<sup>1</sup> The first amnesty was issued on 6 June 1999 when the Amir ordered the release of 320 people held without charge or trial in connection with anti-government protests and 41 political prisoners serving prison terms. On 17 November 1999 he ordered the release of another 200 political prisoners and detainees. On the occasion of Bahrain's national day, 16 December, 195 political detainees and prisoners were released following a pardon from the Amir. Another 37 prisoners and detainees were released during the second half of March 2000 following an amnesty by the Amir to mark the religious Islamic holiday of *'Id al-Adhha* (feast of the sacrifice). To mark the Islamic new year on 5 April 2000 the Amir also ordered the release of 43 detainees held for involvement in anti-government protests. Most of those released were held without charge or trial, some for up to five years. Others had already served their sentences and were held beyond the expiry of their sentences. These releases, however, were conditional: prisoners and detainees had first to sign statements undertaking not to be involved in any anti-government activities. Following their release they were reportedly pressurized to give interviews to Bahraini newspapers in which they deplored their past actions and promised good behaviour in the future.

In October 1999 the Amir issued a decree authorizing the setting up of a Human Rights Committee within the *Majlis al-Shura*. Article 2 of the decree states that the Committee will be made up of six members, five of them to be elected by the *Majlis* at the beginning of each session of the *Majlis* (October) and the President of the Council appoints one of his two deputies as the sixth member and also as the Head of the Committee. According to the decree, the Human Rights Committee's tasks include studying all human rights legislation and regulations in force in Bahrain, proposing amendments in order to protect human rights, the promotion of human rights awareness and establishing and strengthening cooperation with international human rights organizations. Many Bahrainis reportedly filed complaints with the Human Rights Committee regarding such diverse issues such as dismissal from work, detention without charge or trial of a relative and ill-treatment by the police. These complaints were referred to the relevant ministries. However, the complaints have reportedly not been acted upon. To Amnesty International's knowledge the Committee has not made any proposals regarding legislative amendments. This Committee has been criticized in the Bahraini press for its apparent lack of activities.

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<sup>1</sup>The term "prisoners of conscience" refers to the imprisonment, detention or other physical restrictions imposed on any person by reason of his or her political, religious, or other conscientiously held beliefs, or by reason of his or her ethnic origin, sex, colour, language, national or social origin, economic status, birth, or other status, provided that he or she has not used or advocated violence.

The Amir has publicly pledged his commitment to the respect of human rights. He stated that human rights “will continue to be one of the main concerns of the state in Bahrain”.<sup>2</sup> In an interview with Cable News Network (CNN) at the beginning of August 2000 he said that he was ready to allow free access to human rights groups, including Amnesty International.

At the end of 1999 in his speech to mark Bahrain’s national day on 16 December the Amir announced that local elections would be held and that women would be able to vote and stand as candidates. As of October 2000 the date for the elections had not been set. In the same speech the Amir stated that all Bahraini citizens “are equal before the law and have equal rights and duties within the framework of our national unity and our united Bahraini family, that does not accept differentiating between one citizen and another except on the basis of good citizenship”.

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<sup>2</sup>Gulf Daily News, 16/12/1999.

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In May 2000 the Bahraini Government announced plans for an elected *Majlis al-Shura* in 2004 in which women will be allowed to vote and stand as candidates, but without specifying whether the *Majlis* will have legislative powers. The all-male Council, set up in 1992 following a decree from the late Amir, reviews laws drafted by the cabinet before they are sent to the Amir for final approval. In 1996, the size of the Council was increased to 40 from 30 members reportedly to widen popular representation. The Council has no legislative powers and has a four-year term which starts in October.<sup>3</sup> At the end of September 2000 the Amir issued Decree No. 29 appointing members of the new Council. Nineteen new members, including four women for the first time, were named and the remaining 21 were re-appointed from the outgoing Council. At the opening of the *Majlis al-Shura*'s ninth term on 3 October 2000 the Amir announced that there will be a new constitutional and administrative set up in Bahrain before the end of this year and that this set up will be put forward to the Bahraini people, but without giving further details. There are no political parties in Bahrain and Bahraini opposition groups in exile<sup>4</sup>, as well as a few journalists within the country expressed concern that this may mean amending the constitution without recourse to the "legitimate due process prescribed by the constitution".<sup>5</sup>

Since December 1999 when the Amir urged Bahraini journalists and writers to "express freely citizens' aspirations" and called on government officials to "accept constructive criticism for it serves the interests of the country" some Bahraini newspapers have carried columns dealing with issues that were taboo in the past, such as democracy, free elections, upholding the rule of law and respect for human rights. Seminars on these subjects have been organized and have been publicised in the media. In August 2000 a Journalists' Association was created to, among other things, defend journalists' rights, ensure "the necessary freedom to carry their professional duties", and to contribute to the spreading of the media awareness in the country.<sup>6</sup> This association is under the control of the Ministry of Cabinet Affairs and Information and, like other associations in Bahrain, therefore is not an independent trade union body.

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<sup>3</sup>The Amir is the legislator in Bahrain. Article 35(a) of the Constitution states that "The Amir shall have the right to initiate laws, and he alone shall ratify and promulgate the laws".

<sup>4</sup> The biggest opposition group, Bahrain Freedom Movement, is based in London. Other opposition groups in exile include the Islamic Front for the Liberation of Bahrain, the National Front for the Liberation of Bahrain and Bahrain Popular Front.

<sup>5</sup>Article 104(a) of Bahrain's Constitution stipulates that "Notwithstanding the provision of Article (35) of this Constitution, for an amendment to be made to any provision of this Constitution, it is stipulated that it shall be passed by a majority vote of two-thirds of the members constituting the [National] Assembly and ratified by the Amir".

<sup>6</sup>*Akhbar al-Khalij*, 30 August 2000.

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At the beginning of 2000 a Supreme Judicial Council was set up<sup>7</sup> for the first time and started its function in September 2000. This body is headed by the President of the Court of Cassation. Article 102(d) of the Constitution relating to the establishment of the Supreme Judicial Council is one of the articles suspended since 1975.<sup>8</sup> In an interview published in the Bahraini newspaper *Akhbar al-Khalij* (Gulf News) the Minister of Justice stated that the Supreme Judicial Council's mandate includes the supervision of the good functioning of the courts, the promotion and transfer of judges and other issues relating to the welfare of judges. While Amnesty International welcomes this new development in the judicial system it is concerned that the Supreme Judicial Council is not empowered to appoint judges, but only to "look into nominations made by the Minister of Justice relating to the appointments in the judicial positions". The Council does not have its own independent budget. Its work falls under the Ministry of Justice's budget, which raise serious questions about the extent of its independence. The Council also has no authority on the Public Prosecution which remains under the control of the Ministry of the Interior.

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<sup>7</sup>Decree Law No. 19/2000.

<sup>8</sup>This Article states that "A Supreme Council of the Judiciary shall be formed by a law which shall supervise the functions of the Courts and the offices relating thereto. The law shall specify the jurisdiction of the said Council over the functional affairs of both the judiciary and the public prosecution."

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Bahrain ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) in March 1998, initially with a reservation to Article 20.<sup>9</sup> However, this reservation was withdrawn as was announced by Bahraini's delegation at the Sub-Commission on Prevention of Discrimination and Protection of Minorities [now called Sub-Commission on the Promotion and Protection of Human Rights] in Geneva in August 1999. The delegation also stated that "possible accession to the Convention on the Elimination of all Forms of Discrimination against Women [CEDAW] is under consideration". Bahrain acceded to the International Convention on the Elimination of all Forms of Racial Discrimination (CERD) in March 1990, and ratified the Convention on the Rights of the Child (CRC) in 1992. Amnesty International urges the Bahraini Government to ratify other vitally important international human rights treaties, particularly the International Covenant on Civil and Political Rights (ICCPR). In June 1999 Amnesty International delegates visiting Bahrain saw very little evidence that the Government of Bahrain had conducted any public-awareness raising campaigns regarding its ratification of international human rights treaties. The organization is urging the authorities to devise sensitization programmes in relation to the rights protected by these instruments, the safeguards which are present in domestic law and ways in which individuals could access courts and other government institutions to obtain redress for violation of these rights. In addition, specific human rights training for law enforcement personnel is essential.

The Bahraini authorities have also announced that they have invited the UN Working Group on Arbitrary Detention to visit the country between 25 February and 3 March 2001. The visit was scheduled to have taken place in 1999 but was twice postponed by the government. The government has also continued to cooperate with the International Committee of the Red Cross (ICRC) allowing the latter to visit persons arrested and detained on a regular basis, in accordance with the Memorandum of Understanding signed by the two parties in October 1996.

Amnesty International has welcomed these positive steps undertaken by the Bahraini Government in the human rights field in recent years. However, the organization remains very concerned by the on-going serious violations, including the use of administrative detention, unfair trials before the State Security Court, allegations of torture and ill-treatment, forcible exile and constraints on human rights defenders. Amnesty International has been raising these concerns with the Bahraini authorities for many years and the time for action is now long overdue.

### 3. Administrative detention

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<sup>9</sup>According to this Article if the Committee against Torture receives reliable information suggesting that torture is practised systematically in the territory of a State Party, it invites that state to cooperate with it in the examination of the information. The Committee may also designate one or more of its members to make a confidential inquiry and to report to the Committee.

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The Decree Law on State Security Measures, in force since October 1974, empowers the Minister of the Interior to detain individuals without charge or trial for up to three years.<sup>10</sup> Detainees held under this provision are only permitted to submit a *tadhallum* (petition) to the High Court of Appeal three months after the issuing of their arrest warrant, and thereafter, six months after every decision rejecting the petition, thus denying the defendants the right to a prompt review of their detention before a court of law. Bahraini officials told Amnesty International that it has been necessary, since 1994, to use these provisions since there were insufficient court resources for the trials which would have followed upon the detainees having been indicted. The organization was also told that the reason why detainees are kept for up to three years without charge or trial was that the authorities “did not want to give them criminal records”. These explanations fail to justify the grave violations of human rights which administrative detentions, especially for such long periods, entail. The absence of due process constitutes a serious violation of human rights which inflicts imprisonment without giving the detainee any opportunity to prove his or her innocence.

The wording of Article 1 of the decree allows arrest and detention of an individual in extremely wide and nebulous circumstances (see footnote 9). The law provides neither additional clarification of what may constitute “serious evidence” nor further definition of the acts described in Article 1. Officials at the Ministry of the Interior stated that these provisions were used only in cases when an individual was suspected of having used violence and that arrests did not in reality take place in circumstances as broad as were provided for. However, the cases highlighted below

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<sup>10</sup>This Article states that “If there is serious evidence that a person has perpetrated acts, made statements, carried out activities, or has been involved in contacts inside or outside the country, the nature of which is deemed to be prejudicial to the internal or external security of the state or to its basic statutes or its social or economic system, or which are deemed to be a seditious nature affecting or likely to affect existing relations between the people and the government, or between the various state institutions, or between groups of people, or between employees of institutions and companies, or the aim of which was to assist in the perpetration of acts of sabotage or the dissemination of subversive propaganda or atheistic principles. The Minister of Interior may order the arrest of that person, committing him to one of Bahrain’s prisons, searching him, his residence and the place of his work, and may take any measure which he deems necessary for gathering evidence and completing investigations. The period of detention may not exceed three years. Searches may only be made and the measures provided for in the first paragraph may only be taken upon judicial writ. Anyone arrested under the provisions of the first paragraph may submit a complaint against the arrest order, after the expiry of three months from the date of its execution, to the Supreme Court of Appeal. The complaint is renewable at the end of every six months from the date of the decree rejecting the complaint”. (Amnesty International’s translation)

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clearly indicate that the provisions contained in Article 1 of the Decree have been used to detain prisoners of conscience.

Administrative detainees are not made fully aware of their right to lodge a complaint or informed about how the complaint would be processed. At times lawyers have lodged complaints on behalf of detainees but these complaints were simply ignored, which discouraged some lawyers from submitting any complaints. Only on two occasions were lawyers reportedly successful in having their complaints examined by the High Court of Appeal. This was when they challenged the detention of two prominent figures, **al-Shaikh ‘Abd al-Amir Mansur al-Jamri** and **‘Abd al-Wahab Hussain** (see below).

The current practice clearly violates international human rights standards. For example, Article 9 of the International Covenant on Civil and Political Rights stipulates that

“No one shall be subjected to arbitrary arrest or detention.... Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.”

Article 14 of this Covenant includes the following provisions:

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him...

(c) To be tried without undue delay;

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

While Bahrain is not yet a state party to this Covenant, the guarantees in these Articles embody general principles of law which are universally recognised. This was

acknowledged by the Bahraini Government itself when, writing to the UN Working Group on Arbitrary Detention, it claimed that “all detentions are compatible with the provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, although Bahrain is not a party to the latter.”<sup>11</sup>

Principle 11(1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles) states that “A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.”

The UN Working Group on Arbitrary Detention has, on several occasions, pointed out this incompatibility of the 1974 law with international standards. Thus in 1998 the Working Group expressed the following opinion:

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<sup>11</sup>E/CN.4/1999/63/Add.1, Opinion No. 6/1998 (Bahrain), at para. 6.

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In respect of the application of the State Security Law of 1974, the Working Group refers to its previous Opinion No. 1995/35, especially paragraphs 5, 9 and 12 to 17 thereof, in which the Group concluded that the application of the Law may result in serious violations of the right to a fair trial guaranteed by articles 9 and 10 of the Universal Declaration. Its application is also contrary to principles 10 to 13, 15 to 19 and 33 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>12</sup>

The Working Group urged the Bahraini Government “to take the necessary steps to remedy the situation and to bring it into conformity with the principles and standards set forth in the Universal Declaration of Human Rights.”<sup>13</sup>

Amnesty International shares the view of the Working Group and would urge the Bahraini Government to revoke the decree and in future to arrest and detain suspects in accordance with international human rights standards.

In June 1999 Amnesty International was informed by government officials that between 400 and 500 people were still held without charge or trial. Since then scores have been released or tried and sentenced, but new arrests have taken place frequently. In November 1999 Amnesty International requested details regarding administrative detainees, including their names, places of detention, date of arrest, and the exact date of their release if there were plans to release them. The organization also requested details regarding the exact charges against detainees who were awaiting trial and sought assurances that their trials would meet internationally agreed standards for fair trials. As of October 2000 no response had been received.

However, among the people currently detained are five prisoners of conscience held since January 1996 without charge or trial. They are: **al-Shaikh Hassan Sultan, al-Shaikh Hussain al-Deihi, Hassan Msheima’, Sayyed Ibrahim ‘Adnan al-‘Alawi, ‘Abd al-Wahab Hussain.** The five, all prominent Shi’a Muslim leaders, were arrested on 21 and 22 January 1996. Their arrest followed mass protests against the closure by security forces of a number of mosques where prominent Shi’a Muslim leaders, including them, had been peacefully calling on the government to restore the parliament. Other prominent leaders arrested at that time included **al-Shaikh ‘Abd al-Amir Mansur al-Jamri, al-Shaikh ‘Ali Ashur and al-Shaikh**

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<sup>12</sup>E/CN.4/1999/63/Add.1, Opinion No. 6/1998 (Bahrain), para. 8.

<sup>13</sup>Ibid., para. 12(a).

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**‘Ali bin Ahmad al-Jeddhafsi.** Al-Shaikh al-Jamri was pardoned and released in July 1999 almost immediately after he had been sentenced to 10 years’ imprisonment (see Section 4). Al-Shaikh ‘Ali bin Ahmad al-Jeddhafsi was released on 26 July 1999, after three and a half years of detention without charge or trial, whereas al-Shaikh ‘Ali ‘Ashur was released at the beginning of September 2000 after more than four and a half years of detention without trial. All three were required to sign statements apologizing for their past political activities and committing themselves not to be involved in any political or social activities in the future.

**‘Abd al-Wahab Hussain** and the other four prisoners of conscience mentioned above have reportedly been put under pressure to sign similar statements but have so far refused to do so. In the last few months they have been placed in solitary confinement. **Hassan Msheima‘** and **‘Abd al-Wahab Hussain** are said to be held in al-Qal‘a Prison whereas the other three are held in Jaw Prison. ‘Abd al-Wahab Hussain appeared before the State Security Court on 14 March 2000 after he had challenged his detention. He was released in the evening of 17 March 2000, only to be rearrested one hour later at his home in al-Nuwaidrat. The health of **Sayyid Ibrahim ‘Adnan al-‘Alawi** is said to be poor since he suffers from diabetes. He is aged 40 and married with children. He had been living in forced exile in Syria, Pakistan and Iran from 1982 until 1994, when he was allowed to enter Bahrain. In 1995, during the unrest, he was arrested for three months without charge or trial and then released.

Amnesty International has repeatedly called for the unconditional release of all prisoners of conscience held in Bahrain, including the five people mentioned above.

#### 4. Violations of the right to fair trial

Political trials in Bahrain continue to be held before the Supreme Civil Court of Appeal, in its capacity as a State Security Court, whose procedures fall far short of internationally recognized standards for fair trial. This court is designated by Article 185 of the Penal Code to handle trials in relation to charges defined in Articles 112 to 184 of the Penal Code and relating to the internal and external security of the state. Decree No. 7 of 1976 was therefore issued setting up this special court and laying out exceptional provisions regulating its proceedings.

Hearings before this court are invariably held *in camera* or with attendance restricted to only the closest relatives of the defendant, in breach of Article 10 of the

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UDHR which provides that everyone is entitled to a public trial. According to Article 5(5) of the 1976 Decree, defendants before this court may be convicted on the basis of “confessions” given to police or a police testimony that such “confessions” were given. Such “confessions” were in the past routinely obtained through the use of torture or other ill-treatment and the court failed to investigate claims of torture. This violates Bahrain’s Constitution, Article 19(d) of which stipulates:

“No person shall be subjected to physical or mental torture, enticement or degrading treatment, and the law shall provide the penalty for these acts. Any statement or confession shall be null and void if it is proved to have been made under duress or enticement or degrading treatment or threat thereof.”

The failure of this court to carry out prompt and impartial investigations of allegations of torture and other forms of ill-treatment is inconsistent with Bahrain’s obligations under international human rights treaties, particularly the Convention against Torture.

This court is also not required to summon witnesses to give evidence or for cross-examination. Such evidence may be submitted in writing. There is no right of appeal against conviction and sentence. In June 1999 the Bahraini authorities told Amnesty International that the proceedings of the court provided a speedy disposal of criminal charges and that if an appeal mechanism were to be created, there may well be a reduction of the current estimated 40% acquittal rate. However, if 40% of defendants are indeed acquitted by this court, this raises serious questions regarding the legal evidential basis on which so many cases are proceeding to trial.

Detainees awaiting trial are usually held incommunicado and have no access to lawyers. Although defendants may have appointed lawyers of their own choosing, the first contact can only take place on the first day of their trial, just moments before the opening of the session.

These procedures violate internationally recognized standards for fair trial. Article 14 of the International Covenant on Civil and Political Rights includes the provision that “everyone shall be entitled to a fair... hearing by a competent, independent and impartial tribunal established by law...” as well as the rights,

“...3(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing...”

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him...

(g) Not to be compelled to testify against himself or to confess guilt.”

Article 14(5) of the Covenant provides that “Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.”

Similarly, these procedures violate other international standards, including Articles 10 and 11 of the Universal Declaration of Human Rights and Principles 15 and 18 of the UN Body of Principles.<sup>14</sup> They also violate Article 20 (c) of Bahrain’s Constitution, which states that:

“An accused person shall be presumed innocent until proved guilty in a legal trial in which the necessary guarantees for the exercise of his right of defence in all the stages of investigation and trial are ensured in accordance with the law.”

In a letter sent to Amnesty International in September 1998 the Bahraini Government stated that

“...Concerns that those appearing before the so-called “State Security Court” (in reality the High Court of Appeal sitting to hear state security offences as prescribed by law) may not receive a fair trial are absolutely unfounded, and based on a fundamental misconception of the law. The Court’s enabling legislation (Legislative Decree No.7 of 1976) specifically states that the Court is bound as an overriding priority by the provisions of Bahrain’s Code of Criminal Procedure, 1966. In summary, the Code of Criminal Procedures applies to all Criminal trials in Bahrain and fully provides for all internationally established legal, evidential and procedural principles regarding fair trials. The High Court of Appeal therefore must, and in practice does,

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<sup>14</sup>Amnesty International has issued a number of reports detailing the unfairness of trial procedures followed in political and security cases in the country, including *Bahrain: Violations of Human Rights* (AI Index: MDE 11/01/91), published in May 1991, and *Bahrain: A Human Rights Crisis* (AI Index: MDE 11/16/95), issued in September 1995.

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apply all the normal rules of criminal evidence and procedure in priority to any others. In short, the Court conducts itself in accordance with internationally recognized principles and procedural safeguards for a full and fair trial. Allegations of denial of proper legal advice and representation are also purely propagandist and, of course, untrue.”

This statement however fails to address the absence of vital safeguards for fair trial in proceedings before the State Security Court, such as the right to have a fair and public hearing before a competent court, the defendants’ right to have adequate time and facilities to communicate with lawyers of their own choosing and prepare their defence, their right not be compelled to testify against themselves or to confess guilt, and importantly, their right to have their conviction and sentence being reviewed by a higher tribunal. Amnesty International regards the provision of an appeal mechanism in relation to all determinations of criminal responsibility as an absolute safeguard that cannot be relinquished.

Scores of people have in the last 12 months been given prison sentences after unfair trials before this court. For example, on 3 May 2000 the State Security Court pronounced judgement in the case of 10 people charged with illegal activities and plotting to destabilize the country. Three people, **‘Ali Mahdi Ahmad Youssef, Sa’eed al-Shaikh, and Hesham ‘Ali Hassan Ahmad** were sentenced to seven, five and two years’ imprisonment, respectively and fines. A fourth, **‘Aqil al-Jaziri**, was sentenced *in absentia* to seven years’ imprisonment and a fine. Six people, including a Lebanese national, were acquitted. The nine people present were arrested at the beginning of November 1998 and were reportedly tortured while held incommunicado to extract confessions from them. No investigation into their torture allegations is known to have been carried out. They were detained without trial and without access to lawyers until 17 January 2000 when they appeared briefly before the State Security Court for the first time. One more court session took place on 29 January before the verdict was announced on 3 May.

Three women, **Hanan Salman Ahmad Haidar**, aged 21, **Salwa Hassan Ahmad Haidar**, aged 35, and **Leeda Ahmad ‘Issa al-‘Oreibi**, aged 27, appeared before the State Security Court in Jaw on 14 May 2000 and were sentenced to a one-year prison term each for “distributing leaflets and undertaking activities harmful to security”. The three women were among a number of people arrested in November 1998. Hanan Haidar and Salwa Haidar were arrested on 4 November 1998 in al-Daih village near Manama and were reportedly tortured in ‘Issa Town police station. No investigation into their torture allegation is reported to have been conducted. Leeda

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Ahmad 'Issa al-'Oreibi was arrested in Sanabis on 15 November 1998. She was held in al-Khamis police station. The three were all released on bail a few weeks later. After the sentencing the women were held in a detention centre in 'Issa town. They were released on 25 September 2000 reportedly following an amnesty.

**Al-Shaikh 'Abd al-Amir Mansur al-Jamri** was tried in 1999 and sentenced to 10 years' imprisonment before he was released following a pardon from the Amir. He had been held without charge or trial for over three years. On 21 February 1999 he appeared before the State Security Court in Jaw on charges including incitement to acts of violence, sabotage and spying for a foreign country, which he denied in the court. He was given access to a government-appointed lawyer only one hour before the trial session began, and his family were able to appoint, during that session, four other lawyers to take charge of his defence. His wife and children were allowed to attend the trial session, which was otherwise held *in camera*. In detention, al-Shaikh 'Abd al-Amir al-Jamri was said to have been pressurized by members of the security service in March and April 1998 to sign a statement that he admitted responsibility for the civil unrest in the country. However, on several occasions when he was brought before an investigating judge he refused to sign any statement and stated that he had signed the previous one under duress. Al-Shaikh al-Jamri appeared again before the court on 4 July and on 7 July 1999 he was sentenced to 10 years' imprisonment and a fine equivalent to \$US 15 million.

After the court had given its verdict al-Shaikh al-Jamri was reportedly taken to the Security and Intelligence Service (SIS) building and met with a senior security official who reportedly showed him a written statement and then told him that he had two choices: either to accept the conditions laid out in the statement and he would be released immediately or refuse these conditions with the outcome that he would spend 10 years in prison. The conditions included refraining from making any political demands, refraining from undertaking any social, political or religious activities, and officially asking for a pardon from the Amir. Al-Shaikh al-Jamri was apparently told that if he signed the statement he would be released immediately. He accepted the conditions, signed the statement and was released the following day after the Amir issued the pardon. Since his release al-Shaikh al-Jamri has been living under house arrest.

Commenting on this case, the UN Special Rapporteur on the independence of judges and lawyers observed:

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“While expressing his appreciation for Mr. Al-Jamri’s release, the Special Rapporteur is nevertheless concerned at the lack of independence of the tribunal which tried and convicted him.”<sup>15</sup>

#### 5. Forcible exile as a form of punishment

The Bahraini Government’s use of forcible exile as a punitive measure against suspected non-violent opposition activists or critics of the government remains a long-standing concern for Amnesty International. While in the late 1970s the victims were mostly trade unionists and others active in left-wing organizations, since the early 1980s, the victims had mostly been Shi’a Muslims suspected of having links with Iran. Until the beginning of the 1990s former political detainees and sometimes even entire families had been rounded up, stripped of their Bahraini passports or identity documents and forced to board boats bound for Iran, although they had no knowledge of that country or any family or relatives there.

In recent years, forcible exile has been imposed exclusively upon Bahraini nationals attempting to return to their country after many years spent abroad in voluntary exile or for educational purposes. Those who have attempted to return include the wives and families of a number of former political prisoners who had originally fled the country to escape harassment. Returning Bahraini nationals are usually detained at Bahrain International Airport, sometimes for up to 10 days, and interrogated about alleged political opposition activities. They are issued with new Bahraini passports valid for one year, which indicates that there is no dispute regarding their citizenship, yet which are not valid for Bahrain, and then they are returned to their former country of residence, or elsewhere, on the first available flight. No reasons for the expulsions or details of the legal basis for such measures are given. They are denied any opportunity to appeal against the decision to expel them or to challenge its legality through the courts.

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<sup>15</sup> E/CN.4/2000/61, 21 February 2000, para. 49.

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Amnesty International has expressed its concern in relation to the policy of forcible exile on many occasions in the past and has documented many such cases.<sup>16</sup> This policy contravenes international human rights standards, including the Universal Declaration of Human Rights, Article 13(2) of which states that “Everyone has the right to leave any country, including his own, and to return to his country.”, and Article 12(4) of the International Covenant on Civil and Political Rights. It also violates Article 17(c) of the Bahraini Constitution which states that “No citizen shall be deported from Bahrain, nor shall he be denied re-entry”.

Officials in the Ministry of the Interior told Amnesty International in June 1999 that some of those deported were not Bahrain nationals and others had either obtained a passport of another state (which led to their automatically forfeiting their Bahraini passport) or had irregularities (not specified) in their documentation or did not have valid passports. They also stated that the reason why those arriving at the airport were given new Bahraini passports valid for a limited period of time and not valid for entry into Bahrain was that the Government of Bahrain wanted to help them to travel, as no other country would otherwise allow them entry. Almost all those forcibly exiled still have relatives and family members living in Bahrain. A number of Bahrainis had been allowed to go back to the country since the early 1990s following amnesties. For example, two amnesties were declared in April and June 1992 by the late Amir, Shaikh ‘Issa bin Salman Al Khalifa, allowing the return of a total of 121 nationals living abroad, although the identities of those concerned were not made public.

The organization welcomed the two amnesties issued by the Amir, Shaikh Hamad bin ‘Issa Al Khalifa on 6 June and 3 November 1999 allowing 32 people in exile to return to the country. Those who benefited, however, were required to write to the Amir requesting a pardon and promising good behaviour in the future. Once in Bahrain many were required to give interviews to newspapers thanking the government for allowing them into the country and promising good behaviour in future. There are an estimated 700 Bahrainis, including women and children, who are still currently prevented from returning to their country. Amnesty International also knows of a number of Bahraini nationals who wrote to the authorities after Shaikh Hamad bin ‘Issa Al Khalifa acceded to power, seeking permission to return to their country but are still awaiting a response.

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<sup>16</sup>See for example the report issued in December 1993 and entitled “*Bahrain - Banned from Bahrain: forcible exile of Bahraini Nationals*”, AI Index: MDE 11/04/93.

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The following cases are a sample of dozens of Bahraini nationals who have been prevented from returning to their country in the course of the last two years:

**‘Abd al Jalil al-Nu‘aimi**, aged 53, left Bahrain in 1975, two months after the dissolution of the parliament. He first attempted to return to Bahrain in 1993. He was held at the airport, issued with a new passport valid for one year and was forcibly returned to Syria. He has been living in the United Arab Emirates (U.A.E.) for the last five years. On 16 June 2000 he flew to Bahrain. He was held at the airport and was interrogated. He was told by the airport security authorities that he would not be allowed to enter the country since he had not sent a letter to the Amir asking for a pardon. He stated that he did not commit any crime and requested a meeting with the head of the Human Rights Committee of the *Majlis al-Shura*. This request was denied and his passport was renewed for one year and he was sent back to Dubai the following day.

**Khadija Ahmad Gharib al-Qassab**, aged 41, married with four children, has been prevented from entering Bahrain because of her husband’s alleged activities for an unauthorized Bahraini Islamist group. She left Bahrain in 1985 to marry in Syria. She has been living with her husband in Denmark since 1989. On 9 April 2000 she and her children attempted to return to Bahrain for the first time since 1985. At the airport they were held for four days during which she was interrogated and then sent back to Denmark. She was asked questions about her husband who had been living in exile since the early 1980s. The airport security authorities wanted to know her husband’s activities, the reason he was not travelling with her and whether or not he had refugee status in Denmark. When she arrived at the airport her mother, brothers and sisters, all living in Bahrain, waited for hours but were not allowed to see her and her children.

**Hashim Kadhim Sa‘eed** left Bahrain in 1981 and went to live in India. In 1992 following the two amnesties announced by the late Amir he, his wife and their four children attempted to go back to Bahrain. They were held at the airport for three days during which they were interrogated and his expired passport, containing the names of his wife and children, was confiscated. Hashim Kadhim Sa‘eed protested to the airport authorities about his detention and the refusal to let him and his family into the country. He stated that if he was suspected of any wrongdoing then he should be brought before a court of law. His protests were disregarded and they were given one new Bahraini passport for the whole family, valid for one year, and sent to Dubai. Hashim Sa‘eed attempted to go back to Bahrain in 1998 with his family but were again turned away. In August 1999 he tried again on his own. On arrival at

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Bahrain International Airport he was held at the airport from 14 until 17 August, issued with a new one-year passport for the whole family and sent back to Dubai.

In some countries, especially in the Gulf, Bahraini exiles have difficulties in obtaining jobs with passports that have already expired or are valid for one year only. They have difficulties in enrolling their children into state schools since parents have to show passports valid for five years. Their grown up children also have difficulties in joining universities because they cannot produce valid passports.

Those who have not attempted to return to Bahrain in recent years and whose passports have expired are able to send their passports through Bahraini embassies for renewal in Bahrain. However they have to wait for months before they receive back their passports. **Mahmoud Mohammad Ja'far Shaikh Mohsen al-'Arab**, aged 41 married with children, was forced to leave Bahrain in August 1980. He had been arrested five times, the last of which was in July 1980, and was reportedly subjected to torture. He left Bahrain for India with a newly issued Bahraini passport valid for five years. He stayed in India for 14 years, during which he married a Bahraini national and had four children born there. His passport had already expired and he did not try to renew it at the Bahraini Embassy in India because he feared it could be confiscated. He attempted to enter Bahrain in October 1993 with his family. When they arrived at Bahrain International Airport on 12 October they were held for 30 hours and were interrogated. His wife's and his passports were confiscated and they were given two new passports and then deported to the U.A.E.. Both new passports were valid for one year and the wife's new passport contained the names and photographs of the children. They have been living in the U.A.E. since October 1993. In 1996 Mahmoud al-'Arab attempted with his family to enter Bahrain but were prevented and were sent back to Dubai. Every year they renew their passports at the Bahraini Embassy in Abu Dhabi. They wait for four months before they obtain their one-year passports. Mahmoud al-'Arab's and his wife's families and relatives are all in Bahrain. His wife's father died in Bahrain three years ago but she was not permitted to enter the country to attend his funeral.

Amnesty International is urging the Government of Bahrain to issue a public declaration that all Bahraini nationals are entitled to return to Bahrain as the policy of forcible exile violates international human rights standards as well as provisions contained in the Bahraini Constitution.

## 6. Torture, ill-treatment and impunity

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Bahraini legislation clearly prohibits the use of torture. Article 19(d) of the Constitution states that “No person shall be subjected to physical or mental torture, enticement or degrading treatment, and the law shall provide the penalty for these acts. Any statement or confession shall be null and void if it is proved to have been made under duress or enticement or degrading treatment or threat thereof.” Article 208 of the Penal Code states that “Imprisonment [no terms given] shall be the penalty imposed on every public official who uses torture, force or threat, either personally or through a third party, against an accused person, witness or expert to force him to confess to having committed a crime or to give statements or information in respect thereof. The penalty shall be life imprisonment should the use of torture or force lead to death.” These provisions notwithstanding, the use of torture against detainees to extract confessions has been widespread, particularly during the civil unrest from 1994 until 1997. A number of detainees died in custody in circumstances suggesting that their death was caused by torture or that torture was a contributory factor. Methods of torture include severe beating with electric cables on the back and on the soles of the feet, suspension by the limbs, victims being blindfolded and forced to stand for hours with their hands tied behind their back and solitary confinement. Amnesty International has over the years raised with the Government of Bahrain its concerns about allegations of torture and ill-treatment of individuals in detention, and has published numerous reports and released urgent appeals detailing cases of torture, especially during the civil unrest.

Incidents of torture have decreased since Bahrain ratified the Convention against Torture in March 1998. Nevertheless allegations of torture and ill-treatment have occasionally been reported since then. On 19 July 1998 **Nuh Khalil ‘Abdallah Al Nuh**, aged 22, was arrested apparently in good health at his shop in al-Nu‘aim, a district of Manama. Two days later his body was handed over to his family for burial bearing physical marks, suggesting that he had been tortured. The Bahraini Government was reported to have promised an investigation into the death. On 24 August 1998 Amnesty International wrote to the Government expressing grave concern at the death of Nuh Khalil ‘Abdallah Al Nuh and urging that a prompt, independent and impartial investigation be set up and that details of the methodology or process, as well as the findings of such an investigation be made public. No investigation is known to have been carried out.

**‘Abd al-Amir Ja‘far al-‘Aradi**, a 38-year-old engineer married with four children, was arrested on 31 August 1998 because of his alleged Islamist activities. He was initially held in the headquarters of the security services, then transferred to the building of the security services in al-Muharraq, an island northeast of Manama,

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and then to a prison in the Dry Dock. Following arrest ‘Abd al-Amir Ja‘far al-‘Aradi was reportedly tortured for several days during interrogation. He was beaten and suspended from his tied hands while blindfolded, and left hanging from a wall for hours.

**Mohammad Sa‘eed al-Maqabi**, a 32-year-old bus driver, arrived in Bahrain from a trip to Syria on 20 August 2000. He was stopped at a checkpoint on the causeway between Saudi Arabia and Bahrain and was searched. He was released but the security forces confiscated some of the books he was carrying. The following day he was re-arrested at his home in the village of Barbar, east of Manama, on suspicion that he had maintained links with a Bahraini opposition activist living abroad and who had been in the past been tried and acquitted. Mohammad Sa‘eed al-Maqabi was reportedly tortured: he was suspended for hours during which he was beaten with a cable on the soles of the feet (*falaqa*). As a result he lost consciousness and was taken to hospital. He was released on 28 August.

Amnesty International is particularly concerned at the large number of juveniles who have been arrested on suspicion they had written anti-government graffiti, detained for hours or days and reportedly subjected to various forms of torture or ill-treatment, including beating, being forced to stand continuously for long periods of time, sleep deprivation and sexual harassment, and then released. For example, on 27 July 2000 a number of juveniles, including **al-Sayyid Mahmoud al-Sayyid ‘Alawi al-Sayyid Ibrahim** and **al-Sayyid Jawwad al-Sayyid Hassan**, both aged 16, were arrested in Abu Saiba‘. They were held without charge for several days during which they were reportedly ill-treated before they were released. During the second week of August 2000, seven boys aged between 12 and 17, including **Mahmoud Hassan, Taleb ‘Ali al-Asfar** and **Hamza ‘Ali al-Asfar**, aged 15, 13 and 12, respectively, were arrested in the village of al-Daih and reportedly transferred to al-Khamis police station for interrogation, where they were at risk of torture or ill-treatment since they were held incommunicado. Families of detained juveniles are reportedly not notified until a few days after arrests have taken place.

Torture and ill-treatment of juveniles violate Article 37 (a) of the Convention of the Rights of the Child which states that “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment...”, and Article 37 (b) which stresses that “No child shall be deprived of his or her liberty unlawfully or arbitrarily” and that “the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time”.

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The UN Special Rapporteur on torture has sent numerous communications to the Bahraini Government raising cases of allegations of torture, including of juveniles. His report to the 55<sup>th</sup> Commission on Human Rights in 1999 stated that “the Special Rapporteur is sufficiently concerned about persistent allegations of torture to have requested from the Government an invitation to visit the country”.<sup>17</sup> In his reply to this request the Permanent Representative of Bahrain in Geneva stated that “an invitation should await the planned visit of the Working Group on Arbitrary Detention and that a joint visit, as tentatively suggested by the Special Rapporteur, risked complicating decision-making regarding cooperation with the Commission’s mechanisms”.<sup>18</sup>

Allegations of torture and deaths in custody in suspicious circumstances have rarely been investigated by the Bahraini authorities. This contravenes the requirements of the Convention against Torture, Article 12 of which calls for a “prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction”.

Amnesty International was told by officials from the Ministry of the Interior in June 1999 that the Public Prosecutor’s Office will have the responsibility for the conduct of investigations into allegations of torture and deaths in custody. (The Public Prosecutor’s Office remains under the umbrella of the Ministry of Interior). Amnesty International was also told that a general procedure for the processing of complaints against the police is set out in the *Public Security Ordinance* of 1982. Amnesty International received a copy of extracts from the *Ordinance*, including a full chapter (*Chapter IV - Disciplinary Actions and Trials*), from the Government of Bahrain in August 1999. The chapter deals with the various disciplinary measures that members of the Public Security Forces would face if they infringe the rules contained in the *Ordinance*, or decisions issued by the Minister of the Interior, or directives issued by the Director-General of the Public Security, or crimes prescribed in the *Code of Criminal Procedure*. This chapter also discusses how investigations into these infringements are conducted and by whom, but there is no reference to any procedure enabling victims of torture or other human rights violations to lodge complaints against members of the Public Security alleged to have committed those violations or how to seek redress. Nor is there a reference to the provisions of Article

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<sup>17</sup>E/CN.4/1999/61 Report of the SR on torture, 12.01.99, para. 78

<sup>18</sup>Ibid, para. 7

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208 of the Penal Code. In addition, the impartiality and independence of the investigations are not guaranteed given that the Director-General of the Public Security orders the formation of the "Investigating Committee" which consists of two or more officers. An investigation under the *Ordinance* therefore fails to meet the requirements of Convention against Torture, including that which obliges the Government of Bahrain to prosecute those alleged to have committed torture.

Amnesty International has welcomed the initiative of the Ministry of the Interior in publishing a manual for prisoners (*A Prisoner's Guide to Rights and Obligations* 1997) but is concerned that shackles could be used as a form of punishment.<sup>19</sup> The use of shackles for punishment is considered to constitute cruel, inhuman or degrading treatment and is prohibited under international law. Article 31 of the Standard Minimum Rules for the Treatment of Prisoners states that "Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences", and Article 33 stipulates that "Instruments of restraints, such as handcuffs, chains, irons and straitjackets, shall never be applied as a punishment...". The *Guide* however does not provide advice to prisoners on how to lodge a complaint regarding their treatment or other issues nor does it have any entry relating to access to legal counsel whilst in detention.

Officials from the Ministry of the Interior also admitted that law enforcement officials against whom findings of torture had been made had not been prosecuted, despite the provisions of Article 208 of the Penal Code, Article 75 of the Code of Criminal Procedure and the obligations under the Convention against Torture. Amnesty International was told that one officer had been "disciplined" following a finding that he had perpetrated torture. Amnesty International stresses that provisions criminalizing torture will remain a "dead letter" until sufficient commitment is demonstrated to there being proper prosecutions. Prosecuting those responsible for acts of torture would send a clear signal to the people of Bahrain and to the international community of the government's serious commitment to eradicate torture.

Amnesty International urges the Bahraini Government to take steps to assist and compensate all victims of torture as stipulated by the Convention against Torture, Article 14 of which clearly states that:

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<sup>19</sup> "Cuffing the hands and legs in fetters for a period of up to one month", page 36. In this section of the *Guide* prisoners could also be "handcuffed and leg-cuffed in iron fetters" in certain situations, including if they are on death row or if they have attempted or are planning to escape.

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“1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.”

## 7. The Death Penalty

Three Bahraini nationals are currently under sentence of death. **‘Ali Ahmad ‘Abdallah al-‘Usfur, Youssef Hussain ‘Abd al-Baqi** and **Ahmad Khalil Ibrahim al-Kattab** were sentenced to death after unfair trials before the State Security Court in July 1996. They had been convicted of carrying out a fire-bomb attack on a restaurant in Sitra which resulted in the death of seven Bangladeshi nationals. Amnesty International has on several occasions written to the Bahraini authorities urging that the three death sentences be commuted to prison terms. No response had been received from the authorities. Death sentences have to be referred to the Amir for ratification before being carried out.

The death penalty has rarely been applied in Bahrain. Only one execution has been carried out since 1977.<sup>20</sup> However, Bahrain’s penal code provides this punishment for a number of offences. Amnesty International urges the Government of Bahrain to declare a moratorium on executions as called for by the United Nations Commission on Human Rights in April 1999.<sup>21</sup>

## 8. Restrictions on non-governmental organizations (NGOs)

During their visit to Bahrain in June 1999 Amnesty International delegates met with the Minister and officials at the Ministry of Labour and Social Affairs, which also organized a formal meeting with representatives of many charitable and professional societies. It was with great regret that the delegates learned that their

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<sup>20</sup>**Issa Ahmad Qambar**, a Bahraini national, was executed by firing squad in March 1996. He was sentenced to death in July 1995 after having been found guilty of premeditated murder of a police official.

<sup>21</sup>In its Resolution 1999/61, adopted on 28 April the Commission called on all states which maintain the death penalty to “establish a moratorium on executions, with a view to completely abolishing the death penalty”.

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request to meet representatives of some of these associations, including the Lawyers' Society and organizations concerned with the rights of women and children, was turned down by the authorities.

In the meeting with the Minister of Labour and Social Affairs and other senior officials at the Ministry the delegates were provided with the Legislative Decree No. 21 of 1989 with Respect to Promulgating the Law of Social and Cultural Societies and Clubs, Associations Carrying on Youth and Sports Activities and Private Organizations and were able to ask questions about the procedure for consideration of a request for registration of a society. Notably absent is any association working for human rights. Indeed, the delegates were informed by an official from the Ministry of Labour and Social Affairs that any application for registration on the part of a human rights association at that time would be "discouraged". The 1989 Decree implicitly excludes human rights associations from its rubric and imposes many restrictions on other associations' activities. For example, Article 33 of the Decree requires organizers of general meetings to provide the agenda and 15 days prior notification, and permits the Government to "designate the person it deems fit for attending the said meeting," and Article 38 requires that minutes and resolutions be provided to the government within 15 days of the meeting". Article 13 effectively bans independent trade unions by stipulating that all labour-related activities be undertaken by the official General Committee of Bahraini Workers and Joint Labour-Management Committees. Amnesty International delegates were told that this Legislative Decree was being reviewed. The organization has urged that such amendments be introduced to make it consistent with relevant international human rights standards.

Amnesty International considers the free functioning of a broad human rights NGO community as a pre-requisite for any civil society in which human rights protection and promotion are respected. In pursuing their activities, human rights defenders should enjoy basic human rights, such as the right to freedom of expression, opinion and assembly, as well as the right to a fair trial, freedom from arbitrary arrest, ill-treatment and torture and the right to life. All these rights are enshrined in several UN treaties and declarations, including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture. In addition, Amnesty International would draw the Government of Bahrain's attention to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms adopted by the UN General Assembly on 10 December 1998. Article 5 of the Declaration states that "For the purpose of promoting and protecting human rights and fundamental

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freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- a) To meet or assemble peacefully;
- b) To form, join and participate in non-governmental organizations, associations or groups;
- c) To communicate with non-governmental or intergovernmental organizations.

The rights to freedom of expression and association are vital for the advancement of other rights. Amnesty International urges the Government of Bahrain to consider ways in which human rights NGOs could be allowed not only to function without hindrance or restrictions, but be actively encouraged to engage in human rights promotion and protection.

Amnesty International learned that on 8 August 2000 a group of people, including lawyers, submitted to the Minister of Labour and Social Affairs a registration request for a new independent human rights association, and at the time of writing this report they had not yet received a response.

## 9. Conclusion and recommendations

A steady improvement in the overall human rights situation has evolved in Bahrain as a result of the end of the civil unrest and decisions taken by the government in the promotion and protection of human rights. While acknowledging these positive developments, Amnesty International is, however, concerned that human rights violations, in the form of arbitrary detention, reports of torture and ill-treatment, unfair trials and forcible exile continue to take place. The organization urges the Bahraini Government to:

1. Ratify the International Covenant on Civil and Political Rights (and its Optional Protocols), the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination against Women and its Optional Protocol, and to implement them in law and practice.
2. Release all prisoners of conscience immediately and unconditionally.

3. End the use of administrative detention which results in arbitrary detention in contradiction with Bahrain's international obligations and ensure that detainees in all cases are brought promptly before a judge. In addition, it should ensure that all people under any form of detention have the right to take proceedings before a court in order that the court may decide without delay on the lawfulness of the detention and order release if the detention is unlawful.
4. *Give urgent consideration to the insertion into the Code of Criminal Procedure of a provision requiring a detainee to have access without delay to legal counsel of his/her own choice and to require arresting officers to notify detainees of that right and to register that notification.*
5. *Set up an independent body to undertake prompt, thorough and impartial investigations into all allegations of torture and ill-treatment, including cases of death in custody, and ensure that the methods and findings of such investigations are made public.*
6. Bring to justice anyone responsible for committing acts of torture and other serious human rights violations. All investigations and trials should be held before ordinary criminal courts in accordance with international standards for fair trial.
7. Issue a public declaration that torture will not be tolerated under any circumstances.
8. Assist and compensate all victims of torture.
9. End the practice of forcible exile and *issue a public declaration that all Bahraini nationals living abroad are entitled to return to Bahrain.*
10. Establish an appeal procedure from decisions of the High Court of Appeal.

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11. Establish national bodies which will review without delay the consistency of domestic laws and procedures with international law obligations.
  12. Give serious consideration to transferring the function of the Public Prosecutor's Office from the Ministry of Interior to the Ministry of Justice.
  13. Amend the Legislative Decree No. 21 of 1989 with Respect to Promulgating the Law of Social and Cultural Societies and Clubs, Associations Carrying on Youth and Sports Activities and Private Organizations, to ensure that non-governmental organizations, including human rights groups, can function without restrictions.
  9. Ensure that judges are provided with relevant training in international human rights standards.
  10. Ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.
  11. Introduce human rights education programs at all levels of education and initiate a comprehensive human rights awareness program making use of all media, to ensure that all people living in Bahrain are aware of their rights as guaranteed by the UDHR and international treaties ratified by Bahrain.