

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Bahrain: Six men sentenced to death after unfair military trial as human rights violations continue**

Amnesty International has today expressed grave concern about the death sentences passed against six defendants tried by the Military Court in Bahrain; the ongoing trials of the leader of the now-dissolved Al-Wefaq National Islamic Society, Sheikh Ali Salman and of human rights defender Nabeel Rajab; the continued targeting of human rights activist Sayed Ahmed Alwadaei's family and the ongoing imposition of travel bans against activists.

Amnesty International calls for the death sentences passed by the High Military Court against the six defendants, all civilians with the exception of one military person, and the prison sentences against the remaining 12 defendants in the case to be quashed; and for the cases to be transferred for trial to a competent ordinary court. The organization further urges the Bahraini authorities to stop any revocation of nationality that would render an individual stateless. The organization also calls for the immediate and unconditional release of Nabeel Rajab, Sheikh Ali Salman and all prisoners of conscience, for the charges against them to be dropped and for their sentences to be quashed. In addition, it calls on the authorities to lift the travel bans that continue to be imposed on activists and government critics.

#### DEATH SENTENCES

On 25 December 2017, the High Military Court issued its verdict against 18 defendants, including eight who were tried in their absence, and sentenced six of them to death. They were all charged with "forming a terrorist cell, attempting to assassinate the Commander in Chief of the Bahrain Defence Force (BDF) and committing other terrorist crimes". The six men include [Sayed Alawi Hussain al-Alawi](#), [Fadhel Sayed Abbas Hasan Radhi](#), Mohammed Abdulhassan Ahmed al-Mighawi, and Mubarak Adel Mubarak Mhanna, a military person, as well as two other civilians who were tried in their absence. Also, seven men received a seven-year prison sentence each, and all 13 men were stripped of their nationality, which effectively rendered them stateless. Five other men were acquitted. The convicted men, except those sentenced in their absence, appealed their sentences before the Military Court of Appeal. The first appeal hearing took place on 10 January and was postponed to 14 January.

On 23 October, trials of civilians before military courts resumed for the first time since 2011. The previous day, the military Prosecution announced that three defendants, including Sayed Alawi Hussain al-Alawi and Fadhel Sayed Abbas Hasan Radhi, had been charged with forming a terrorist cell targeting the Bahrain Defence Force (BDF). This was the first time that Sayed Alawi Hussain al-Alawi and Fadhel Sayed Abbas Hasan Radhi were seen in public since they were subjected to enforced disappearance over a year ago. Amnesty International is concerned that both men may have been forced to "confess" during their detention, which may be used as evidence during their trial before the military court.

According to our information, the High Military Court twice postponed the hearings and the number of defendants in the case rose to at least 18 men, ten of them detained, facing charges, including of "planning the assassination of a senior military figure in the BDF". During the 2 November hearing

the defence lawyers requested that they be handed copies of the files but the military Prosecution objected to this. The court upheld the objection stating that the files contained confidential information and that the lawyer would be able to consult the files in the security of the court building only. The High Military Court also banned publication of any information in the electronic or printed media concerning the trial citing the general interest, the safety of evidence and ensuring witnesses' right to legal protection, with the exception of authorized sources. A further three hearings took place before the verdict was issued on 25 December.

A constitutional [amendment](#) ratified by the King on 3 April had paved way for military trials of civilians and which could be used to try any critic deemed to be a threat to Bahrain's national security or its "independence, sovereignty or integrity".

Trying civilians before military courts is prohibited under international law, as it contravenes the right to a fair trial.

Deprivation of nationality is permitted only under narrow circumstances under international law, and must be accompanied by sufficient due process protections and a right to appeal, and should not leave people stateless. Stripping citizens of their nationality on the basis of vague allegations without due process protections is arbitrary and in violation of Bahrain's international human rights obligations. The right to a nationality, which must not be deprived arbitrarily, is enshrined in Article 15 of the Universal Declaration of Human Rights.

Amnesty International calls on the Bahraini authorities to quash the convictions of the thirteen men and to immediately transfer the case against them to a competent ordinary court that meets international fair trial standards, to exclude all evidence obtained under torture and other ill-treatment and not to resort to the death penalty. The organization urges the Bahraini authorities to disclose the whereabouts of Sayed Alawi Hussain al-Alawi, Fadhel Sayed Abbas Hasan Radhi and the other eight men and provide them with prompt and regular access to their family, lawyer of their choice and any medical attention they may require as stipulated by Rules 27, 58 and 61 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) and ensure that they are protected from torture and other ill-treatment. The organization further urges the Bahraini authorities to stop any revocation of nationality that would render an individual stateless.

#### NEW TRIAL FOR SHEIKH ALI SALMAN

**Sheikh Ali Salman**, Secretary General of Al-Wefaq National Islamic Society, which was dissolved in 2016, was summoned to the Public Prosecution's Office on 1 November. He was interrogated in presence of his lawyer and charged with "exchanging intelligence information with a foreign country and with those serving its interests to carry out hostile acts against Bahrain, as well as to harm its military, political and economic standing and undermine its national interests" and with "delivering and divulging defence secrets to a foreign country, disseminating tendentious news and statements about the internal situation in Bahrain for the sake of undermining its prestige and status". The Public Prosecution issued a preventive detention order against Sheikh Ali Salman while the investigation is ongoing and stated that if tried and convicted, the time would be added to the four-year prison sentence he is currently serving. On 12 November, the Public Prosecution referred the case for trial by the High Criminal Court. Two other men, Ali al-Aswad, a former Wefaq Member of Parliament, and Sheikh Hassan Sultan, whose nationality was revoked in January 2015, were also charged in their absence. The trial of the three men started on 27 November and Sheikh Ali Salman refused to attend the opening session. The hearing was adjourned to 29 November when Sheikh Ali Salman denied all the charges brought against him. Further trial sessions were held on 28 December and 4 January 2018 and the next hearing has been scheduled for 25 January. Sheikh Ali Salman is currently [serving a four-year prison](#) sentence in Jaw prison.

According to the information obtained by Amnesty International, the charges relate to recorded

telephone conversations that took place in 2011 between Sheikh Ali Salman and the then Prime Minister and Minister of Foreign Affairs of the State of Qatar, Sheikh Hamad Bin Jassim Bin Jabr Al-Thani. According to the 2011 [Bahrain Independent Commission of Inquiry report](#) (para. 525 to 527), the then US Assistant Secretary of State for Near Eastern Affairs, Jeffrey D. Feltman, visited Manama at the time to discuss a potential agreement between the Bahraini government and the opposition, and it was suggested that the Qatari Prime Minister could act as mediator, but the Bahraini government rejected the proposal.

Amnesty International calls on the Bahraini authorities to drop the new charges brought against Sheikh Ali Salman, Ali al-Aswad and Sheikh Hassan Sultan, as they appear to be politically motivated as the Bahraini authorities are continuing to crack down on their critics and the Qatar crisis appears to be the perfect excuse to do so. Amnesty International already considered Sheikh Ali Salman to be a prisoner of conscience who has been imprisoned solely for the peaceful exercise of his rights to freedom of expression, and continues to call on the authorities to immediately and unconditionally release him.

#### HUMAN RIGHTS DEFENDERS

Amnesty International continues to receive concerning information about the situation of human rights defenders in Bahrain, including those who have been detained solely for their human rights work.

Prominent human rights defender, Nabeel Rajab continues to face two trials. On 15 January 2018 the Court of Cassation is expected to issue its verdict for the case relating to the TV interviews he gave in 2015 and 2016. He was convicted and sentenced to two years in prison on 10 July for “disseminating false news, statements and rumours about the internal situation of the kingdom that would undermine its prestige and status” and his sentence was upheld by the Court of Appeal on 22 November.

In parallel, Nabeel Rajab’s final defence pleading in his second trial relating to comments posted and retweeted on his Twitter account, about the war in Yemen and allegations of torture in Jaw prison, will be heard on 15 January. On 19 November, the High Criminal Court postponed the hearing to 31 December. However, on 3 December, his lawyers, who were attending court for a separate case, found out that Nabeel Rajab’s hearing had been moved to the earlier date of 5 December. Nabeel Rajab was unable to attend the 5 December court hearing due to illness and the court adjourned the hearing to 7 December. If found guilty, Nabeel Rajab could face up to 15 years’ imprisonment.

Nabeel Rajab is a prisoner of conscience. Amnesty International calls on the authorities to immediately and unconditionally release him and for his conviction and sentence to be quashed and any remaining charges against him to be dropped.

Whilst welcoming the positive steps taken by the Bahraini authorities to release human rights defender [Ebtisam al-Saegh](#), Mohammed al-Shakhoori, an online rights activist, and Radhi Saleh al-Qatari, a member of the Manama Observatory for Human Rights, Amnesty International continues to seek clarifications as to the status of the case brought against them: Ebtisam al-Saegh was charged by the Terrorism Crimes Prosecution with “using human rights work as a cover to communicate and cooperate with Alkarama Foundation to provide them with information and fake news about the situation in Bahrain to undermine its status abroad”.

Amnesty International calls on the authorities to drop all charges brought against Ebtisam al-Saegh and ensure she is able to continue her human rights work without fear of reprisals. Should the authorities detain her again and try her on these charges, the organization would consider her to be a prisoner of conscience.

## TRAVEL BANS

At least 14 people including human rights defenders, political activists, government critics, journalists and lawyers remain banned from travelling abroad. The travel bans were imposed mainly between 30 August and September 2017, ahead of the 36th session of the Human Rights Council and the adoption of the outcome of the Universal Periodic Review of Bahrain, as reprisals for seeking to cooperate with the UN. Initially imposed to prevent them from travelling to Geneva, many of these travel bans were based on trumped-up charges such as “illegal gathering” and “participating in marches” or “chanting anti-government slogans”. Travel bans used to be imposed for a limited period of time, usually about a month, and then lifted. However, all their efforts to have their travel bans lifted over the past months through contacting the various authorities, lodging complaints with the National Human Rights Committee and the Ombudsman, have failed. Amnesty International understands that the true number may be much higher but people have not been willing to publicly announce their travel bans for fear of reprisal.

Amnesty International calls for the charges brought against them to be dropped and for their travel bans to be lifted.

## TARGETING OF SAYED AHMED ALWADAEI'S FAMILY

Sayed Ahmed Alwadaei is the Director of Advocacy at the Bahrain Institute for Rights and Democracy (BIRD) and he lives in exile in the UK. The Bahraini authorities have [harassed him and his family](#) to force him to stop his human rights activities.

On 4 December, Sayed Ahmed Alwadaei's wife, Duaa Alwadaei received a written summons, delivered at her family home in Bahrain, to appear before the Fifth Criminal Court on 26 December for the beginning of her trial on charge of “assaulting a female police officer”. However there is no information available in relation to the case as Duaa Alwadaei is unable to appoint a lawyer while she is outside the country.

On 26 October 2016, hours after Sayed Ahmed Alwadaei took part in a peaceful protest outside Downing Street, during a visit by Bahrain's King to the UK, his wife Duaa Alwadaei and their young child were arrested. She was questioned and threatened with criminal charges – her interrogators made specific reference to his participation in the protest.

On 20 December the Appeal Court upheld the three years ‘imprisonment sentences against Sayed Alwadaei's brother-in-law, Sayed Nizar Alwadaei, his mother-in-law, Hajer Mansoor Hassan, and her nephew, Mahmood Marzooq Mansoor. On 30 October a Criminal Court had initially convicted them of planting fake bombs in an area southwest of Manama after a grossly unfair trial in which they say they were tortured to “confess”. Their appeal before the Cassation Court has yet to be scheduled. On 29 November Sayed Nizar Alwadaei was additionally sentenced to three years in prison in another trial on similar charges, his appeal began on 27 December and was postponed to 21 January 2017. Yet another case was recently brought against Sayed Nizar Alwadaei and he faces the new charges of “participating in an illegal gathering” and “burning a police vehicle”. The first trial hearing before Branch 4 of the Criminal Court has been scheduled for 16 January.

Amnesty International calls for the charges against Duaa Alwadaei to be dropped and for the convictions of Sayed Nizar Alwadaei, Hajer Mansoor Hassan and Mahmood Marzooq Mansoor to be quashed as they are based solely on “confessions” extracted as a result of torture and other ill-treatment. Amnesty International believes that these trials are part of the ongoing campaign by the Bahraini authorities to silence dissenting and critical voices, including those abroad.