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NEW MASS TRIAL OF PROTESTERS IN BAHRAIN

On 27 February 2019, Bahrain issued a verdict sentencing 167 people in a single proceeding to prison terms for their participation in a non-violent sit-in. The ruling is yet another example of the suppression of the right to freedom of peaceful assembly that has been ongoing since 2011, and a new instance in the growing pattern of mass trials in Bahrain.

Of the 171 defendants brought to trial, 167 were convicted by the court, a conviction rate of 97%. Within the context of this case this is highly likely to be indicative of the court failing to properly consider individual conduct. Sentences ranged in length from half a year to 10 years, with the most common sentence (issued against 96 defendants) being one year in prison; 56 defendants were handed down 10 years in prison. Ten of those convicted were minors. Roughly half of those convicted are now imprisoned. The others, who were released on bail following an initial period in detention, became wanted with the announcement of the verdict, which was issued in their absence.

The trial arose from a long-term sit-in that took place in the town of Duraz from June 2016 until it was violently dispersed by Bahraini security forces in May 2017. The protesters gathered in response to the June 2016 ruling denaturalizing (stripping of his nationality) Sheikh Isa Qasim, the most widely venerated Shi'a cleric in the country. Without citizenship – Sheikh Isa has no second nationality – he was vulnerable to expulsion from the country. Fearing that the government would detain and deport him, a large number of the Sheikh's supporters gathered around his home in Duraz to prevent security forces from taking him, and remained for the better part of a year.¹

On 23 May 2017, security forces moved in to disperse the protesters with [excessive use of force](#). Photos circulated from Duraz showed masked paramilitary cadres armed with submachine-guns among the forces deployed to break up the protest.² Five protesters³ were killed, as the Ministry of Interior [acknowledged](#) on the same day, also [reporting](#) that it had detained 286 individuals. One other individual at the Duraz sit-in had been fatally shot by security forces earlier, on 26 January 2017.⁴ His skull was fractured by small-arms fire, putting him into a coma, and he died on 24 March 2017, after security forces had delayed his emergency-room treatment.

The prosecution collectively charged the defendants in the Duraz case with resorting to acts of violence, following on Ministry of Interior claims that many had forcibly resisted arrest, including with weapons. According to the information available to Amnesty International, the situation in Duraz was peaceful prior the entry of the heavily armed security forces in the early morning of 23 May. Even if there were acts of violence by some protesters, guilt must be individually proven to meet the standards of fair trial. Subsequent to the verdict, a government spokesman [told Reuters](#) that the defendants were found guilty of kidnapping and torture. However, no such charges appear in the indictment or sentencing documents. No evidence of violence of any sort is presented in the court's verdict.

Mass trials invariably violate the right to a fair hearing (recognized under Article 14.1 of the International Covenant on Civil and Political Rights, to which Bahrain is a party), since they fail to respect the core principle of criminal law that responsibility is individual and attached to specific acts. (As this principle is stated under the Bahraini Constitution, “[Criminal] punishment is individual.”) The text of the verdict in the Duraz case demonstrates how profoundly unsound the proceedings were. Virtually the entirety of the 19 pages of text consists of listing and repeating the names and numbers of the 171 defendants. The only other information contained is the record of which defendants received which punishment. The verdict contains no discussion of evidence, no consideration of defence arguments, and no legal analysis. A reasoned judgment has not been issued to date.

Most of the defendants were charged with “unlawful assembly,” “riotous behaviour,” or a combination of the two. Bahrain's definition of the more serious charge of “riotous behaviour” is vague enough that it may be applied to include non-violent participants in a protest where violence breaks out. This is a clear violation of the right to freedom of public

¹ In July 2017, Sheikh Isa traveled to London – on a special passport Bahrain issues to those denaturalized – for cancer treatment. His return to Bahrain is uncertain and he is currently staying in Iran.

² See Amnesty International, [‘No one can protect you’: Bahrain's year of crushing dissent](#) (Index: MDE 11/6790/2017), pp. 31–3.

³ Mohamed Ali Ahmed “al-Sari,” Mohamed AbdulKarim al-Akri, Mohamed Ahmed Hamdan, Mohamed Kadhem Naser “Zain al-Din,” and Ahmed Jamil al-Usoor.

⁴ Mostafa Ahmed Hamdan – the brother of Mohamed Ahmed Hamdan, who was killed on 23 May.

assembly (recognized under Article 21 of the International Covenant on Civil and Political Rights.) Article 179 of the Penal Code reads, “If one or more [unlawful] protesters move to use violence in order to achieve the goal for which they have gathered, this is riotous behavior, and anyone who knowingly participates in this riotous behavior shall be punished by imprisonment.” “[U]nlawful assembly” is defined as a gathering “in a public place composed of at least five people, the goal of which is to commit crimes or acts preparatory to or facilitative of crimes, or to infringe public security, even if done to achieve a legitimate end” (Art. 178 of the Penal Code).

The judge who presided over the case and handed down the verdict is a member of the Al Khalifa royal family. The King appoints all judges in Bahrain under Article 33(h) of the 2002 Constitution, a system which undermines judicial independence and has resulted in disproportionate representation of the royal family among the judiciary.

The convictions and sentences are a substantial further blow against the right to freedom of assembly and the right to fair trial in Bahrain, and came during the same week in which Bahrain took its seat as a new member of the UN Human Rights Council. Amnesty International calls on the Bahraini government to respect its commitments under international law and either release the defendants or try them in individualized proceedings that meet fair trial standards. Given that the result of this trial is a concrete and discouraging sign that Bahrain has made no movement towards loosening its clampdown on civil and political rights, Amnesty International also calls on the Human Rights Council to prioritize critical scrutiny of Bahrain’s record and on Council members to speak out against the ongoing repression there.