

## HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2018

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# BAHRAIN

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### Kingdom of Bahrain

Head of state: **Hamad bin Isa Al Khalifa**

Head of government: **Khalifa bin Salman al-Khalifa**

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Suppression of freedom of expression on political issues remained widespread, with many high-profile dissidents imprisoned on speech-related charges. Public protests remained officially banned in the capital. The government further curbed the right to freedom of association by making legislative amendments that had a de facto discriminatory impact on Shi'a groups. The authorities continued to impose denaturalization as a criminal penalty against those convicted in national security cases, stripping roughly 300 individuals of their nationality. Bahrain's first military trial of civilians since 2011 was accompanied by reports of torture or other ill-treatment of the defendants that were never adequately investigated. Bahraini prisons continued to be characterized by arbitrary punitive action, degrading treatment of prisoners, and withholding and/or unjustifiable delay of medical care. Women faced discrimination in law and in practice. Migrant workers faced exploitation. Bahrain continued to issue death sentences in 2018, though no executions were reported. The country remained closed to independent outside observers.

### BACKGROUND

Bahrain held elections for the lower, non-appointed house of its National Assembly, the Council of Deputies, in November. With all opposition political societies previously dissolved and their membership banned from fielding candidates, no opposition political figures were able to run.

Bahrain remained a part of the Saudi Arabia-led coalition engaged in the armed conflict in Yemen and the Gulf regional crisis in which Bahrain, Saudi Arabia and the United Arab Emirates (UAE) severed relations with Qatar in 2017.

### FREEDOM OF EXPRESSION

Suppression of freedom of expression on political issues remained widespread, with many high-profile dissidents imprisoned on speech-related charges. Most human rights defenders in Bahrain had been jailed, silenced or forced to move abroad since 2016.

Human rights defender and prisoner of conscience Nabeel Rajab continued serving multiple prison sentences based on his exercise of freedom of expression, while new speech-based charges and convictions continued to be added against him. In January Bahrain's highest judicial authority, the Court of Cassation, upheld his conviction for criticizing the authorities in a television interview for refusing to allow journalists and human rights groups into the country. In February a criminal court sentenced him to five years in prison for commenting on Twitter on the war in Yemen and ill-treatment in a Bahraini prison. This conviction was upheld on appeal in June and by the Court of Cassation on 31 December.

Ali Salman, the leader of Bahrain's largest opposition political society, al-Wefaq, remained imprisoned on speech-related charges throughout 2018, and faced spurious new charges of "spying" related to telephone conversations he had with senior Qatari officials during the country's 2011 uprising. Though he was acquitted of the spying charges in June, an appeals court overturned that verdict in November, sentencing him to life.

### FREEDOM OF ASSOCIATION AND ASSEMBLY

Public protests remained officially banned in the capital, Manama, while the government took several steps to further legally curb the right to freedom of association. In June Bahrain amended its Law on Associations to bar members of political opposition groups from participation on the boards of civil society organizations. In the same month the

government also revised the Law on the Exercise of Political Rights in order to ban “active leaders and members of dissolved political associations” from running for office, thus preventing the major religious and secular political opposition groups in Bahrain from standing for election to public office. Both laws had a de facto discriminatory effect by further excluding the civic leadership of Shi’a groups – which are more heavily represented in the political opposition than Sunnis – from participation in governance and civic life.

## **REVOCAION OF NATIONALITY AND STATELESSNESS**

Bahrain continued to create a stateless population within its borders by imposing denaturalization as a criminal penalty against those convicted in national security cases. Amnesty International tallied around 300 individuals stripped of their nationality in 2018, bringing the total figure since 2012 up to over 800. The Bahraini government expelled four of these ex-citizens in January, and a significant number emigrated, mainly to Iran, Iraq and Europe; those who remained within Bahrain lived as conditional residents, facing socioeconomic marginalization. Non-nationals were not automatically eligible for government benefits provided to most of the native population such as housing subsidies and were unlikely to be hired within the public sector, which makes up a disproportionately large share of the labour market.

## **UNFAIR TRIALS**

There continued to be credible reports in 2018 of coercion, including torture or other ill-treatment, being commonly used, especially in national security cases, in order to extract “confessions”, which were then allowed to be used in court to convict defendants. In January a military court convicted civilians, including individuals who had been subject to enforced disappearance. It was the first military trial of civilians since 2011 and the first under Bahrain’s new system of military jurisdiction over national security cases.

Trials of excessive numbers of defendants in the same cases continued in civilian courts, including a mass trial in June in which 115 defendants were stripped of their Bahraini nationality.

## **TORTURE AND OTHER ILL-TREATMENT**

Bahrain’s first military trial of civilians since 2011 was accompanied by reports of torture or other ill-treatment of the defendants that were never adequately investigated. The National Institution for Human Rights, in a retrospective review based largely on the accounts of Bahraini authorities, discounted the claims of torture, although the evidence it reviewed was consistent with the possibility of torture or other ill-treatment.

Bahraini prisons continued to be characterized by arbitrary punitive action, degrading treatment of prisoners, and withholding and/or unjustifiable delay of medical care.<sup>1</sup> Prisoners with extremely grave conditions such as cancer and multiple sclerosis faced unaccountable delays in receiving their medication, and requests for surgery needed to alleviate chronic pain – in some cases allegedly due to injuries sustained at the hands of security forces or prison guards – were rarely granted. In an egregious case, Ahmed Merza Ismaeel, the brother-in-law of Shi’a political leader Sheikh Ali Salman, continued to be deprived of medication to manage his sickle-cell anaemia – an extremely painful blood disease – and had been in need of a cholecystectomy (surgery to remove the gall bladder) since summer 2016. The Ministry of Interior Ombudsman’s office proved unresponsive or ineffective in addressing complaints of medical neglect in most of the cases Amnesty International documented.

The authorities subjected Nabeel Rajab and a group of 11 other prisoners of conscience held in Jaw prison to various forms of harassment and degradation. In the most serious form of mistreatment, the prison administration continued to refuse members of the group access to proper medical care unless they submitted to shackling. Though distribution of medication would not require prisoners to leave their cells, the prison administration refused to give prisoner of conscience Hassan Mshaima all of his medications unless he submitted to shackled trips to the prison infirmary. As a result, he had to be hospitalized for diabetic hyperglycaemia in January.

In September, guards under the commanding officer at Isa Town Women’s Rehabilitation and Reform Centre physically assaulted prisoner of conscience Hajer Mansoor Hasan, Najah Ahmed Yusuf and Medina Ali Ahmed when they tried to join in Shi’a religious rites on the Muslim holy day of Ashoura with other prisoners. Immediately after, new restrictions were imposed on all prisoners at Isa Town, including 23-hour lockup. The timing and the lack of any apparent administrative or security imperative indicated that the measures were purely punitive in nature. The National Institution

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<sup>1</sup> Amnesty International, “Continuing lack of adequate medical care in Bahrain’s prisons”, 28 September 2018, [www.amnesty.org/en/latest/campaigns/2018/09/continuing-lack-of-adequate-medical-care-in-bahrain-prisons/](http://www.amnesty.org/en/latest/campaigns/2018/09/continuing-lack-of-adequate-medical-care-in-bahrain-prisons/)

for Human Rights justified the incident as “reasonable use of force... to guarantee the safety of the inmate[s]” and found no fault with respect to the prison’s lockup policy or other restrictive measures.

## **WOMEN’S RIGHTS**

Women faced discrimination in law and in practice. Transmission of nationality continued to be restricted to Bahraini fathers, so that Bahraini women who had children by men of other nationalities could not pass on their Bahraini citizenship.

## **MIGRANT WORKERS**

Migrant workers continued to face labour exploitation. Hundreds of workers took part in protests in June requesting their unpaid wages. The government did not respond to Amnesty International’s requests for information regarding the situation of workers at the engineering company Mercury MENA, which operated in several Arab Gulf states and had left many of its workers unpaid for over a year.

## **DEATH PENALTY**

Bahrain continued to issue death sentences in 2018, though no executions were reported. In positive developments on individual cases, the judiciary announced that it would review the death sentences previously issued against Mohamed Ramadan Husain and Husain Ali Mohamed in light of new evidence found by the Office of Public Prosecution’s Special Investigation Unit, and the king commuted several death sentences handed down against civilians under military jurisdiction to life imprisonment.

## **ACCESS**

Bahrain remained closed to independent outside observers in 2018. Amnesty International continued not to be granted access by the government. Multiple UN human rights bodies were also unable to visit the country. The UN Working Group on Arbitrary Detention reiterated its standing request made in January 2017 for a country visit. The Working Group on Enforced Disappearances issued its third reminder about a visit request that had been pending since 2015. The UN Special Rapporteurs on torture and on freedom of assembly and association had had requests to visit pending since 2011; the Special Rapporteur on torture had sent multiple follow-up requests to no avail.