

BAHRAIN

@Violations of human rights

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INTRODUCTION

The State of Bahrain consists of a group of small islands situated in the Gulf off the coast of Saudi Arabia. It has been ruled since the late 18th century by the Al Khalifa family. Bahrain was under British administration until 1971, and retains close links with the United Kingdom as well as the United States. Its present Head of State, (the Amir) is al-Sheikh 'Isa Bin Sulman Al Khalifa, and other members of the Al Khalifa family occupy all key government positions, including Ministers of the Interior, Foreign Affairs, Justice and Defence. Senior officers in the security forces include expatriates from the United Kingdom, Pakistan and Jordan, and Egyptians occupy senior positions in the judiciary. Bahrain does not have any elected legislative assembly, political parties are not legal and the Constitution has been suspended since 1975, when the National Assembly was dissolved by order of the Amir only two years after it was set up. Bahrain is a member of the the United Nations. It is also a member of the League of Arab States, and of the Gulf Cooperation Council, along with Saudi Arabia, Kuwait, the United Arab Emirates, Qatar and Oman. During the 1991 Gulf War, Bahrain was part of the coalition fighting against Iraq.

In recent years, hundreds of people in Bahrain have been arbitrarily arrested and detained without charge or trial for days, weeks or even years, under a 1974 law which permits administrative detention for up to three years, renewable. The broad terms of these measures, as well as provisions of the penal code, allow the imprisonment of prisoners of conscience, and encourage the use of torture by allowing virtually indefinite incommunicado detention. Political detainees, including possible prisoners of conscience, are sentenced after unfair trials to serve prison terms in conditions which amount to cruel, inhuman and degrading treatment.

Dozens of political detainees were released in August 1990, in the aftermath of the Iraqi invasion of Kuwait, but some of them had already been held for one or two years without charge or trial. In March 1991, at the beginning of the month of Ramadan, more than 20 political prisoners were released, apparently after completing their prison terms. At the same time, however, arbitrary arrests on political grounds were continuing and there were renewed fears that detainees might be tortured.

In recent years Amnesty International has gathered information on human rights violations from a wide range of sources. These have included detailed interviews with former prisoners and their relatives, as well as other concerned individuals, even though communicating such information in itself could constitute a criminally punishable offence in Bahrain. The organization has sent delegates to attend trial hearings of political prisoners, held discussions and exchanged other communications with relevant government officials and diplomatic representatives. However, to date, the Bahraini Government has taken no substantive steps to put an end to the violations described in this document.

Amnesty International fears that the serious abuse of human rights will continue unless fundamental safeguards for human rights are introduced into both law and practice. Amnesty International has repeatedly called on the Bahraini Government to demonstrate its commitment to human rights by acceding to international human rights treaties, such as the International Covenant on Civil and Political Rights and the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, and to implement their provisions without delay.

1. Political Arrests and Detentions

Article 1 of the Decree Law on State Security Measures of 22 October 1974 permits administrative detention by order of the Minister of the Interior:

if there is serious evidence that a person has made statements, committed acts, undertaken activities or made contacts which are damaging to the internal or external security of the country, or to the country's religious or national interests, or to its fundamental structure, or social or economic systems, or amount to discord, which affects, or could affect, relations between the people and the government, or between the various institutions of the state, between sectors of the people, those working in establishments and companies, or which aim to assist in the commission of acts of sabotage or harmful propaganda, or the dissemination of heretical principles.

The law provides neither additional clarification of what may constitute "serious evidence" nor further definition of

the acts described in Article 1. The broad phrasing of the law has permitted the long-term detention of individuals for the non-violent exercise of their human rights.

The same article goes on to say that anyone arrested in accordance with this law may submit a petition to the Supreme Court of Appeal to challenge the detention order three months after the date of its issue, and thereafter, six months after every decision rejecting the petition, up to a maximum period of three years. There appears to be no requirement that detainees be informed of their right to challenge their detention.

In practice, this law allows indefinite incommunicado detention. Amnesty International knows of cases of political detainees who were apparently held under these provisions, without charge or trial, for as long as three to seven years, such as al-Sheikh Mohammad 'Ali al-'Ikri, 'Abd al-Karim Hassan al-'Aradi and 'Abd al-Nabi al-Khayami.

Former detainees have told Amnesty International that they did not appear before a court, although detained in some cases for over a year. Other detainees who were formally charged told Amnesty International that, having given false confessions under duress while in police custody, they were taken before an investigating judge to record their confessions. They were threatened with further torture if they failed to make the same statement. None of the former detainees was apparently informed of their right to appeal against their detention. Political detainees held under these regulations are consistently denied the most basic safeguards under international human rights law, safeguards which would require them to be informed of their rights, have access to defence counsel and their relatives and challenge the legality of their detention without delay before an independent judicial authority.

The 1974 State Security Measures also introduced an amendment, under Article 8, to Article 79 (paragraph 3) of the 1966 Criminal Procedure Code, which now states that:

For crimes harmful to the internal or external security of the state, defined in the penal code, detention for an indefinite period shall be authorized.

Petitions may be made to challenge the legality of the detention one month after the authorization was given, and,

if rejected, on a monthly basis thereafter. Amnesty International is not aware of any political cases in which this monthly appeal has taken place.

Over the last ten years there has been a consistent pattern of arbitrary arrests of suspected political opponents of the government and relatives and friends of suspected opposition activists. The victims have included children¹. Often, despite a lack of evidence of any criminally punishable offence, individuals, particularly members of the majority Shi'a community, have become targets of police harassment, arrest, detention and torture. Amnesty International believes that many of those held have been prisoners of conscience. The pattern of arbitrary arrest and detention has continued for so long as to suggest that it is a deliberate policy on the part of the government to harass and intimidate entire communities, particularly Shi'a communities in areas such as Bani Jamra, al-Bilad al-Qadim, Sanabis and al-Diraz, as well as the districts of al-Nu'aim, al-Makharga and Ra's Roman, in the capital, Manama.

Bahraini students studying abroad, and relatives of political opposition activists or suspects are often subject to arrest and detention on their return to Bahrain. In 1990 several families, including young children, of political prisoners serving long prison terms in connection with an alleged coup attempt in 1981 were detained for periods of up to several weeks, some of whom had been living in Syria. Other families had been resident in Kuwait and Iraq until the Iraqi occupation of Kuwait. On their return to Bahrain, they were held incommunicado, and denied access to their relatives and to legal counsel. They were eventually forcibly expelled from Bahrain to Iran or Syria. Amnesty International believes they were prisoners of conscience.

Some of those arrested on political grounds have been suspected or accused of setting up or having links with unauthorized political organizations, most frequently of an Islamic tendency. Group arrests have taken place immediately before or after religious feast days or processions. Religious scholars have also been among those arrested and detained, sometimes for up to two years, as in the case of al-Sayyid 'Abdullah al-Muharraqi, held from 1988 to 1990.

¹ Under Bahraini law those aged 15 or more are tried as adults.

In September 1988 the son of al-Sheikh 'Abd al-Amir al-Jamri, a judge in the religious courts (personal affairs), was arrested, interrogated and reportedly tortured to make him implicate his father as having instigated demonstrations at the time of 'Ashoura earlier in the year. A number of others from the same locality were arrested at the same time and reportedly subjected to torture and other forms of pressure to make them testify against al-Sheikh al-Jamri and his son. In August 1990 a Sunni religious scholar, Nidham Ya'qoubi, was detained for allegedly criticizing the government in the mosque. As with other detained religious scholars, since his release he has been banned from preaching in mosques.

While the number of arrests on political grounds appears to have declined after the Iraqi invasion of Kuwait in August 1990, sporadic arrests have continued. Amnesty International learned in early 1991 that around a dozen people from Sitra were arrested, apparently for their criticism of the US presence in Bahrain. At least one of them remained in detention at the end of March 1991. At least two Bahrainis were arrested and detained earlier in the month on returning from Saudi Arabia and other political arrests took place in Bani Jamra. After Grand Ayatollah Abu al-Qassem al-Kho'i, the most senior Shi'a cleric in Iraq, made statements on Iraqi television, apparently under duress, a peaceful protest march took place in Manama on 25 March. It was followed by the arrest of two Shi'a clerics, al-Sayyid 'Alawi al-Biladi and al-Sheikh 'Ali 'Ashour, who were detained for interrogation but were subsequently released.

At the end of March 1991, the majority of well over 100 political detainees and prisoners in Bahrain, some serving sentences of life imprisonment, were being held. Most were allegedly connected with Islamic groups, such as the Islamic Front for the Liberation of Bahrain, the Jam'iyat al-Taw'iya al-Islamiya (Islamic Enlightenment Society), and Hizbollah. Others serving prison terms for their alleged activities in the left-wing Bahrain National Liberation Front were believed to have been released in March 1991, after several years in prison. In all these cases Amnesty International believes the trial procedures failed to comply with the minimum safeguards set down for fair trials in Article 14 of the International Covenant on Civil and Political Rights.

Arrests on political grounds are ordered and carried out by members of the Security and Intelligence Service (SIS) and the Criminal Investigation Directorate (CID). Following

their arrest, political detainees may be kept in solitary confinement, completely isolated from one another as well as from the outside world. Former detainees have reported that no communication of any kind was permitted between political detainees. Detainees held in al-Qala'a, for example, were able to identify others only if they glimpsed them through the small opening in their cell door on their way to or from the bathrooms.

2. Torture and Cruel, Inhuman or Degrading Treatment

Torture and ill-treatment are commonly inflicted on detainees during the initial period of their detention. The methods of physical torture most frequently reported are beating with lengths of hosepipe or electric cable, enforced standing upright for many hours or days, sleep deprivation and prevention from going to the toilet, extinguishing cigarettes on the body and suspension in contorted positions. Reports have also been received of prisoners being forced to eat faeces or a lizard, having their skin pierced by a drill and being threatened with sexual abuse or execution. Physical abuse is often accompanied by insults and threats. For years torture victims have identified by name the same officers in the SIS and CID as having ordered or been involved in acts of torture.

A former detainee held in the early 1980s told Amnesty International:

They took me to a separate room and bound my hands and feet with rope. They stuffed a cloth into my mouth and told me I must confess to being a member of the Islamic Front for the Liberation of Bahrain. I denied it. They bound me and suspended me upside down from a bar underneath my knees, then beat me on the upturned soles of my feet with lengths of hosepipe. I went on denying that I had any links with the Front, as I didn't. Then they made me walk back to the cell. My feet were badly swollen and acutely painful. I could hardly bear the pain of any pressure on them, but they forced me to walk.

Usually detainees are tortured and ill-treated to obtain information, or confessions which may then be used as a basis for their conviction and sentence, but this is not the only context in which torture may occur. In other cases detainees have been threatened and warned against taking part in any form of political opposition activity in the future. Many have been subjected to torture or threats in order to force

them to cooperate with the authorities, reporting back on the activities and friends of particular individuals. Detainees are apparently left in no doubt that if they fail to comply, they may be held indefinitely.

A political prisoner arrested in September 1988 stated:

I was made to stand for four days at a stretch, with my eyes blindfolded and hands bound behind my back. I was forbidden to go to the lavatory and was forced to soil myself as I stood there. I was not allowed to sit down, even to eat, and was given only two cups of water a day...I was beaten all over my body until I lost consciousness, and my body felt as though it was on fire. Because the blood supply to my brain was reduced through the prolonged standing, I was constantly hallucinating.

This kind of torture has been corroborated by other former prisoners interviewed by Amnesty International.

Another former detainee said that while he was interrogated at al-Qala'a in 1989, he was subjected to torture two or three times a week for a period of one month:

The interrogators sometimes came for me together, sometimes separately. They would beat me with cables and sticks, and kick my head and back with their heavy military boots. Once I was tied to a chair and my ankle was pierced with a battery-operated drill. Friday nights were the worst - the guards would go out and get drunk and then come back and beat the prisoners.

After his release, he underwent surgery on his spinal cord as a result of his treatment and his body still bears other scars of torture, including cigarette burns and a four-inch knife wound on his hand.

Many of the methods of torture applied to political detainees in Bahrain aim to degrade the victim. One Shi'a religious leader was reportedly stripped of his clothes, and a guard urinated in the turban of another. Another detainee was told that he must urinate on a photograph of the late Ayatollah Khomeini and was not allowed to relieve himself otherwise. He continued to refuse to do so; he eventually collapsed.

Political detainees have been reportedly threatened with execution, or, particularly in the case of young prisoners, with sexual abuse. A former prisoner told Amnesty International that, even after trial and sentencing, he and other prisoners were subjected to beating on almost any pretext. At al-Qala'a prisoners would be sent as a form of punishment to dark, narrow cells inside the fortress's towers, where they remained in isolation. He recalled one occasion when a prisoner had called to the guards to be allowed to go to the lavatory. The guards ignored him, so other prisoners also called out, resulting in their transfer to the towers. Another prisoner recalled being put in a cell so small that he did not have sufficient space in which to perform his prayers.

Legislative provisions and prison conditions facilitate the torture of prisoners in Bahrain. Detainees can be held incommunicado for months, or even years, isolated from the outside world, with no access to legal counsel until the time of their trial and infrequent visits from their family. Provisions governing trial before the Supreme Civil Court of Appeal allow the court to base its judgment solely on confessions given to the police, in the absence of witnesses, or even merely on police testimony that they recorded such confessions. The provisions governing this court do not include the obligation to establish and ensure that confessions were given freely, to investigate allegations of torture, or to seek corroborating evidence.

Amnesty International knows of no cases where independent, impartial investigations have been carried out into allegations of torture or ill-treatment, or of disciplinary measures taken against those allegedly responsible for torture. In most cases detainees are unable to lodge complaints of torture until such time as they appear for trial, many months after their arrest, interrogation and alleged torture. While rudimentary medical care may be available to treat injuries sustained under torture, the victims are not automatically referred for examination by forensic doctors, who could assess whether the state and nature of physical scars were consistent with the date and method of the alleged torture. In order to be most effective such examinations should be performed promptly after the alleged torture, before any scars may fade or disappear, and be carried out by doctors enjoying total independence from those with responsibility for detention or interrogation. In Bahrain all three authorities, including the Department

of Forensic Medicine, fall within the competence of the Ministry of Interior.

Amnesty International has recorded and raised with the appropriate authorities the cases of six political detainees who died in custody between 1980 and 1986, including Radhi Mahdi Ibrahim, then serving a 15-year prison sentence, and Dr Hashim Isma'il al-'Alawi, who died one month after his arrest. Both of them died in 1986. While official inquiries have been carried out in certain cases, recording death as a result of suicide, Amnesty International believes that all cases of deaths in detention should be the subject of a comprehensive and impartial investigation conducted by a judicial authority. This is all the more important when there are allegations, as in these cases, that the individuals died as a result of torture and/or medical neglect.

3. Prison Conditions

Political prisoners in Bahrain are frequently held in cruel and inhuman prison conditions, and many suffer from rheumatism, because of the high humidity, skin infections, and dietary problems, as well as illnesses caused or exacerbated by torture or ill-treatment. Most long-term political prisoners are held in a modern prison in Jaw, in the south of the country, next to the sea, consisting of segregated cells. Others are held in Manama Prison (part of al-Qala'a) which was built in the 17th century, and some in al-'Adliya Prison, near Manama. Political prisoners may also be held in police stations and detention centres, such as al-Hidd, Zallag, Hoorah and Rifa'a.

In the past, political detainees have been held in cells together with people arrested on drug trafficking charges. One told Amnesty International that conditions in his cell were intolerable as a number of his co-detainees suffered severe physical symptoms due to their withdrawal from drugs, including acute diarrhoea and stomach pains. He said that the authorities neglected them, and they rarely received medical attention.

In the extreme heat and humidity of the summer months, prisoners often do not have adequate access to drinking water or bathing facilities, and frequently complain of the lack of ventilation and natural light. Sanitary and hygiene facilities are insufficient, and in some cases several prisoners sharing a cell have been supplied only with a bucket

as a lavatory. A former prisoner told Amnesty International that visiting relatives would always bring fresh fruit, and this was distributed swiftly among all the prisoners, before it decayed in the heat. After eating the fruit, however, the prisoners suffered from diarrhoea, as it was not part of their usual diet. Severe weight loss among prisoners is not uncommon, since the prison diet is inadequate and families are not permitted to supply food except on the days they visit. A former political prisoner reported that food was prepared by criminal prisoners, some of whom had threatened to urinate in the food they were preparing.

Political prisoners in Bahrain have sometimes been completely isolated from the outside world. They have been denied access to radios and newspapers, as well as to writing materials, although in some cases books of a purely religious nature may be allowed. Hunger strikes in protest against poor prison conditions are frequently reported, most recently in March 1991.

Prisoners' sense of isolation is increased by the infrequency of family visits, which may be permitted once a month, although many political prisoners are permitted visits only once every two or three months. Former prisoners told Amnesty International that they were not informed of the visits in advance, but were simply told that their relatives were waiting for them and taken immediately to see them. Some said that they experienced such a degree of shock at the announcement of a visit after months of total isolation that they were quite unable to communicate with their families during such visits.

Seventy-three prisoners who were tried and sentenced for their involvement in an alleged coup attempt in 1981 were reported to have been denied any visits from their families for several years after their trial.

One former prisoner described how he had spent many months in total isolation, during which time, without his knowledge, his wife, then in an advanced stage of pregnancy, had been interrogated, stripped of her papers and forcibly expelled from Bahrain with her family. He had no news of her whereabouts and letters written by relatives to inform him were not passed on to him. He said his isolation was intensely difficult to bear, as he had nothing to occupy his time or thoughts and was denied any form of communication with other prisoners as well as with the outside world. He suffered

recurrent hallucinations and nightmares. He told Amnesty International:

Many things unsettled me. I felt constantly under pressure. The routine was very hard. I had eye problems, I was unable to focus. I was completely alone. I had nothing to do, so I began to play with the ants crawling in my cell. I used to feed them, too. Then one day the guards came and sprayed my cell with insecticide - the ants died. They were all I had.

4. Unfair Trials

Political trials in Bahrain fall far short of international fair trial standards. Detainees have no access to legal counsel until just before their trial begins, when the court normally appoints lawyers for the defence. The procedures set down for the Supreme Civil Court of Appeal, which tries cases relating to the internal and external security of the state, under Articles 112 - 84 of the penal code, provide that courts may convict and sentence prisoners on the basis of confessions given to the police, or even on the testimony of the police that such confessions were given. The court is not required to summon witnesses to give evidence or for cross-examination, and there is no right of appeal against conviction and sentence. Hearings are held *in camera* or with attendance restricted to only the closest relatives of the defendants. The press and the public are not allowed to attend, and the government-controlled media do not publicize the fact that such trials are taking place.

There are no directives in the provisions governing the court's procedures to ensure that confessions are freely given, or to investigate allegations of torture. Defendants have consistently alleged that their confessions were given as a result of torture and yet no independent investigation appears to have been carried out, despite the frequency and consistency of the allegations.

The Supreme Civil Court of Appeal has frequently failed to grant defence requests to summon witnesses to appear in court. However, witnesses for the prosecution were summoned to give evidence in the trial of Muhammad Jamil 'Abd al-Amir al-Jamri and eight others in 1990. The witnesses were called

to testify, among other things, that defendants had attempted to recruit them as members in an unauthorized organization, the Hizbollah, the existence of which all defendants denied. When they were asked to testify, the witnesses reportedly withdrew the statements they had previously made to the authorities on the grounds that they had been given under duress, and that the defendants had made no such attempts to recruit them. A number of those called had been arrested and subjected to physical torture and/or threats that if they failed to provide the required evidence, they might themselves be charged with criminal offences. This took place in 1988, shortly after the arrests. More than a year later, they were summoned by the police just before their scheduled court appearance, in order to be reminded of their testimony.

Most political prisoners are charged with offences under provisions of the penal code such as Article 159, which punishes membership of an unauthorized organization by up to ten years' imprisonment. Conviction under this provision would appear to require that the aim of the organization was the violent overthrow of the regime. In view of the almost entirely closed nature of political trials in Bahrain (although Amnesty International was able to observe two sessions of a trial in 1987) and the absolute secrecy surrounding the court's findings and judgments, it is difficult to establish whether or not those on trial have used or advocated violence, as conviction under Article 159 of the penal code would appear to indicate. In Bahrain copies of judgments by the Supreme Civil Court of Appeal are not available to the public or even to defence lawyers. Amnesty International has asked the government and the judiciary for copies of judgments by this court, but has never received a positive response.

Amnesty International is concerned at repeated and consistent reports that individuals have been convicted and sentenced to long prison terms, without any evidence being produced in court which would demonstrate their use or advocacy of violence and that in a number of cases defendants have been informed of their sentence during the trial, before the trial ended or even before the trial began. Amnesty International believes that many political prisoners in Bahrain may have been imprisoned solely for the non-violent exercise of their human rights.

5. The Death Penalty

The amended 1976 Penal Code of Bahrain provides for the death penalty for a number of offences. These include crimes against state security, attempting to overthrow the regime by armed rebellion and various categories of murder, such as premeditated murder. In 1984 a new law came into force under which drug-trafficking may also be punishable by death. The prescribed method of execution is by firing squad.

Although legislation in Bahrain continues to provide for the death penalty, no executions appear to have been carried out there since three men were executed for murder in March 1977. In July 1990 a Pakistani national, Mohammad Azim Ghalibeddin, was sentenced to death by the High Criminal Court for drug trafficking, but it is not known whether the sentence was in fact carried out.

Amnesty International is particularly concerned that a number of offences punishable by death fall within the jurisdiction of the Supreme Civil Court of Appeal, whose procedures fail to comply with minimum international standards for fair trial, as described in Chapter 4 above.

6. International Human Rights Instruments

In March 1990 the State of Bahrain acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. Bahrain has not signed, ratified or acceded to the International Covenant on Civil and Political Rights and its First and Second Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, or the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International believes that acceding to and implementing these important human rights treaties is a vital step, now long overdue in Bahrain, towards guaranteeing the fundamental human rights of all individuals, and has repeatedly urged the State of Bahrain to take that step without delay.