

## **Bahrain: One year on, accountability remains a distant aspiration**

### ***Amnesty International's written statement to the 19<sup>th</sup> session of the UN Human Rights Council (27 February – 23 March 2012)***

In February and March 2011 tens of thousands of Bahrainis, mostly from the Shi'a community, protested against the government and called for political reforms, social justice and an end to what they perceived as government discrimination against them. The government of Bahrain responded with the use of excessive force. Between 14 and 21 February seven protesters died as a result of such use of force, including the use of rubber bullets and shotguns and other live ammunition. In mid-March a state of emergency was declared, a day after Saudi troops rolled into Manama, the capital, to support government forces. At least 35 people died during the protests in February and March, including five members of the security forces and three migrant workers.

In the days and weeks that ensued hundreds of activists, including opposition leaders, medical workers, teachers, journalists and students were rounded up and detained. Most were arrested at dawn without arrest warrant and held incommunicado in police stations or in the Criminal Investigations Directorate in Manama. Many reported that they had been tortured or ill-treated during that period when they were being interrogated. They were forced into signing confessions that were used against them in court.

Scores of people were tried by the National Safety Court of First Instance, a military court established by the emergency law, and sentenced to prison terms of up to life after grossly unfair trials. More than 4000 people, including teachers, students and nurses, were dismissed from their jobs or university because of their active participation in the anti-government protests.

At least 30 Shi'a prayer centres were demolished in the aftermath of the protests in February and March 2011, on the pretext they had been built illegally. Amnesty International considers this practice to have constituted a form of collective punishment.

AbdelHadi al-Khawaja, a well-known human rights and opposition activist, was one of 14 prominent opposition leaders arrested, tried and sentenced on charges that included calling for an end to the monarchy and its replacement with a republican system. He received a life sentence and he was reportedly tortured so badly that he needed surgery on his jaw. During the trial of the 14, the military prosecution failed to provide any evidence they used or advocated violence. Amnesty International has called for their release as prisoners of conscience, as it appears their prosecution was solely linked to their exercise of their rights to freedom of expression and assembly.

Since the end of June 2011 the Bahraini government has taken some limited positive steps, including: the lifting of the state of emergency; the release of some detainees; the transfer of all trials from military courts to civilian ones; and the reinstatement of hundreds of workers to their positions. In late June 2011, the King of Bahrain established an independent commission to investigate alleged human rights violations during the recent protests in Bahrain.

The five member Bahrain Independent Commission of Inquiry (BICI) comprised Professor Cherif Bassiouni, Sir Nigel Rodley, Justice Philippe Kirsch, Dr Mahnoush Arsanjani and Dr Badria al 'Awadhi, all individuals of internationally-recognized independence, integrity and expertise.

On 23 November 2011 the BICI submitted its report to the King and made detailed practical and legislative recommendations. The report confirmed that gross human rights violations had been carried out. The King accepted the findings of the report and appointed a 19-person national commission, made up mostly of government supporters, to oversee the implementation process. However, many

Bahrainis have complained that the process of implementation is very slow and has not addressed the most important issues.

One year on, the Bahraini government remains far from delivering the human rights changes that were recommended by the BICI, and the government risks falling short of meeting its self-imposed deadline of the end of February to implement the Commission's recommendations.

Despite promises made by the government, victims and families of victims of the serious human rights violations – torture, arbitrary detention and excessive use of force – that have taken place since protests began a year ago are still waiting for justice. The government has made a number of announcements of what it has done to improve the human rights situation, but the fact is that it has still not delivered in the most important areas. Only when we see prisoners of conscience being released and perpetrators of human rights violations, including those who gave orders, being brought to justice will we be able to judge whether the BICI is more than an elaborate public relations exercise.

At the beginning of 2012 the government said that 48 people from the security forces had been investigated for their roles in suppressing protests. So far only eight policemen, five Pakistanis, a Yemeni national and two Bahrainis, are known to have been brought to trial for human rights violations. Very little information has been made public about how these investigations were carried out or their terms of reference. The Minister of Interior said on 2 February 2012 that most of the recommendations related to his Ministry had been implemented and that he has transferred all cases involving allegations of torture and other abuses made against the police to the Public Prosecution Office for investigation and possible prosecution. The government's promises to implement the BICI recommendations will remain hollow if reported investigations into violations by the government remain shrouded in secrecy.

Allegations of torture and other ill-treatment continue to be reported. Hassan 'Oun, an 18-year-old student was arrested on 3 January 2012 from a garage in 'Arad. An official from the Public Prosecution Office ordered his detention for 45 days pending investigation. He told his lawyer that when he was initially held in a police station he was forced to stand for about 11 hours and that he had been beaten on his feet with a hose and threatened with rape.

More than 1000 people dismissed from their positions during the unrest have still not been reinstated into their jobs, according to Bahraini trade unionists. Many of those who have been allowed to go back to their jobs have been asked to sign statements that they would not protest again and were put under pressure to give up trade unionism activities, in addition to sometimes being asked to do jobs and functions different from their original ones.

Since the events of February and March 2011, at least another 20 persons died in the context of ongoing protests and excessive use of force by the security forces, who have continued to routinely use excessive force to deal with demonstrators. In particular, several protesters have died since the end of November as a direct or indirect result of the inappropriate use of tear gas. Teargas is being used even inside houses, when security forces enter suspects' homes. Sayyed Hashem Saeed, aged 15, was killed when a tear gas canister hit him at close range during the security forces' response to a protest in Sitra, south of Manama, on 31 December 2011. Security forces later also used tear gas to disperse mourners at his funeral.

There are fears that violence could again erupt between protesters and security forces. In recent weeks, small-scale protests in Shi'a villages and in the outskirts of Manama have increasingly ended in violence with both security forces and protesters blaming each other. As well as the use of excessive force by security forces, there have been incidents of groups of masked young Bahrainis attacking security forces, including with Molotov cocktails, blocking roads and burning tyres.

Amnesty International called on the Bahraini authorities to allow peaceful protests to take place on 14 February, when it was anticipated that thousands of people, the vast majority from the Shi'a majority population, would try to defy the authorities and take part in protests to mark the first anniversary of the 14 February 2011 start of the mass protests. The organization also warned the Bahraini government against excessive force against demonstrators.

Amnesty International recognizes that the Bahraini authorities have a responsibility to ensure public safety and maintain law and order, including through the use of force when absolutely necessary, justified and proportionate. However, this must be done in accordance with what is permissible under relevant international law and standards.

Amnesty International calls on the government of Bahrain to:

- release immediately all prisoners convicted or held solely for leading or peaceful participating in protests and to bring to account without delay all those responsible for the gross human rights violations;
- ensure that security forces act strictly in accordance with what is permissible under relevant international law and standards in policing demonstrations and maintaining law and order;
- respond to the request to visit by the Special Rapporteur on the rights to freedom of peaceful assembly and of association by extending an invitation to visit Bahrain and invite the Special Rapporteur Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Bahrain in the near future;
- implement all the human rights recommendations that were made by the BICI; and
- keep the Human Rights Council fully informed in a timely manner of the implementation of those recommendations.

Amnesty International urges the Human Rights Council to seize itself of the situation in Bahrain and monitor the implementation of the human rights recommended made by the BICI.