



## BRIEFING PAPER

### Bahrain: A Human Rights Crisis

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Bahrain today is a country caught in the grip of a spiralling political and human rights crisis. Since 16 March, when the government sent in its army and security forces to storm the Pearl Roundabout area for a second time and clear it of protestors, the small Gulf state has witnessed an intensifying cycle of human rights violations. These include large-scale arbitrary arrests of government critics, opponents and protestors, allegations of torture and other ill-treatment of detainees, at least four of whom have died in custody in suspicious circumstances since the beginning of April, and the use of excessive, including lethal, force by the security forces. Hundreds of state and other employees have been dismissed from their jobs, apparently because of their involvement in or support of the protests, and there is a pervasive climate of fear and signs of an increasing sectarian divide between the minority Sunni Muslim community, which holds the reins of power, and a Shi'a Muslim majority many of whose members consider themselves to be discriminated against and disadvantaged. Meanwhile, foreign migrant workers, notably from the Indian sub-continent, complain that they have been targeted for attack by elements within the Shi'a community and Bahrainis who support the government claim that its clampdown on the opposition and the protests was necessary to "pull Bahrain from the abyss".

Since 15 March, Bahrain has been under a State of National Safety (SNS) – a state of emergency – declared by the country's head of state, King Hamad bin 'Issa Al Khalifa. This was imposed for three months but may be renewed with the approval of the National Council or parliament, which has little power and has been further weakened by the withdrawal of most of al-Wefaq's 18 deputies in protest at the government crackdown. The SNS equips the security forces with sweeping powers, sets up a system of special courts to try those accused of offences against the state, and contains no explicit human rights safeguards. It was imposed just as Saudi Arabia sent one thousand troops across the causeway that joins the two countries to buttress the Bahraini security forces, and other Gulf states – notably Kuwait and the United Arab Emirates – also contributed police or troops.

Since the SNS was imposed, more than 500 people have been arrested – frequently, they were taken from their homes, often at night, by groups of police and security forces who wore masks, failed to produce arrest warrants and sometimes assaulted those they wished to detain and members of their families. The detainees were then taken to undisclosed locations and in most case the whereabouts of those held – around 85 are recently reported to have been released - have yet to be disclosed by the government. They are mostly held incommunicado, being denied any contact with or access to their lawyers or families, and prompting fears that they may be subject to torture or other ill-treatment in detention. Such fears have been further fuelled by reports that at least four detainees have died in custody.

These developments mark a dramatic and deeply worrying trend. Until 2010, Bahrain was widely seen as the Gulf state that had made the greatest progress on human rights and this was also an image that the government appeared keen to cultivate. Thus, the authorities openly embraced many of the

recommendations on strengthening human rights protection made by other governments when Bahrain was one of the first states considered under the UN Human Rights Council's Universal Periodic Review process in 2008, setting a more positive model of engagement with this process than many other states. Today, however, this appears a long way in the past as the authorities appear locked into a policy akin to a form of witch-hunt against those who have been leading the calls for far-reaching political change and other activists.

This report is based on the findings of a three-person Amnesty International delegation that visited Bahrain from 1- 8 April 2011, following previous visits in February 2011 and in late 2010, and Amnesty International's ongoing monitoring of developments in the intervening periods. The purpose of the April visit was to gather further first hand information about the renewed crackdown on protests in March and to investigate reports of serious abuses by the security forces, including excessive force and unlawful killings; denial of access to medical treatment to wounded protestors or impeding the provision of such treatment; arbitrary arrests and the use of incommunicado detention, including the denial of legal access to detainees; reports of torture and other ill-treatment, and reports of work dismissals on politically discriminatory grounds. In addition, Amnesty International's delegates sought to investigate human rights abuses by non-state actors, including attacks on foreign migrant workers in Bahrain.

The Amnesty International delegates, who included a Dutch expert on public order policing met with officials from several government ministries and also sought meetings with senior police and military officers responsible for law enforcement during the protests and for supervising police training; these latter meetings were initially promised but did not take place; the authorities told Amnesty International that information on policing – such as the orders issued to police and other security forces in relation to the protests and the training provided to them are considered “state secrets”.

As well as government officials, Amnesty International's delegates met with victims of human rights violations and relatives of other such victims and eye-witnesses, human rights activists, representatives of diverse religious and ethnic communities, lawyers, journalists, medical practitioners, and others, including people who wished to complain about the disruption caused to them by the protestors, some of which they said had been intimidating, and to express support for the actions taken by the government.

Amnesty International has previously reported on the findings of its visit to Bahrain from 20-26 February 2011 and human rights violations committed during the first stage in the government's clampdown on the protests, when seven people were killed and many others injured by the security forces.<sup>1</sup>

### ***The March protests***

Seven protestors died in Bahrain between 14-21 February 2011 as a result of excessive use of force by the country's security forces. As the armed and security forces withdrew from the Pearl Roundabout on 18 February 2011 mass anti-government protests resumed. The vast majority of protesters were Shi'a Muslims calling for political reforms, including a new constitution, a government elected by the people, as well as economic and social reforms to promote greater equity of wealth distribution, employment and housing opportunities. Pro-government rallies, mainly by Sunni groups, were organized too. Until the first week of March, anti-government protestors had congregated at and set up camp in the Pearl Roundabout area of Manama, the capital, but they then started to organize peaceful marches to various government buildings. They also stepped up their demands, with many calling openly for an end to the monarchy and its replacement with a republican system. By contrast, the seven legally-registered political associations, including al-Wefaq, the largest Shi'a political group, were calling for the establishment of a genuine constitutional monarchy and for the resignation of the government as a

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<sup>1</sup> Amnesty International, *Bloodied but unbowed: Unwarranted state violence against Bahraini protesters* (Index: MDE11/009/2011), March 2011.

precondition for their engagement in negotiations with the Crown Prince. The latter was appointed by the King to lead negotiations between the government and the protestors following the violence in February.

On 12 and 13 March protestors demanding an end to the monarchy organized marches to the Royal Court in al-Riffa' and the University of Bahrain in Hamad Town. Both turned violent, amid reports that government supporters armed with knives and sticks were intent on preventing the demonstrators from approaching the Royal Court and skirmishes between the sides. Witnesses told Amnesty International that some anti-government protestors entered the university and attacked students and committed vandalism. Also on 13 March, some anti-government protestors in Manama were reported to have attacked Asian migrant workers, causing three deaths and injuries to others. Anti-government protestors also blocked the main roads in Manama and occupied the Financial Harbour area, causing considerable disruption in these areas.

On 15 March the Saudi Arabian government despatched 1,000 troops to Bahrain across the causeway linking the two states, reportedly at the request of the Bahraini government and to assisting in guarding key government installations in Bahrain. At least two other Gulf Cooperation Council (GCC) member states, Kuwait and the United Arab Emirates, also sent to troops or police to support the Bahraini authorities. As Saudi Arabian troops entered, the King of Bahrain declared a three month state of emergency, termed the State of National Safety (SNS), equipping the security forces with new, draconian powers. Next day, the government sent in the security forces, backed by helicopters and tanks, to storm the Pearl Roundabout area and forcibly evict the protestors. In the ensuing clashes, at least two protestors and two police officers were reported killed and dozens of people were injured by the security forces who violently cleared the protestors away. The security forces also took similar action to forcibly evicted protestors from the nearby Financial Harbour area.

As in mid-February 2011, when conducting these and other actions against the protestors the security forces used shotguns, rubber bullets, tear gas and, in some cases, live ammunition, sometimes at very close range, and in circumstances where the use of weapons such as shotguns and other firearms could not be justified on the grounds that this was necessary to protect their own or others' lives. Such excessive force was used in Manama and also, according to information gathered by Amnesty International, in Sitra, Nuwaiderat and al-Ma'ameer. Witnesses told Amnesty International that soldiers and other security forces had fired tear gas at people close to the entrance to the Sitra Medical Centre and at the Salmaniya Medical Complex, where some protestors, including injured people receiving medical treatment were also said to have been arrested and taken away. Security forces were also alleged to have encircled Salmaniya Medical Complex and prevented injured protestors gaining access to medical care there. Other sources, however, allege that some medical staff refused to treat Asian workers who had been injured while the government maintains that its forces took control of the Salmaniya Medical Complex because it was being used as a base by protestors, many of whom had set up camp in the hospital's car park but who were able to enter and leave the medical wards at will.

It is clear, despite the conflicting reports, that both the security forces and some opposition protestors flouted the medical neutrality of the Salmaniya Medical Complex.

As the military and security forces took control of the Pearl Roundabout, the Financial Harbour and Salmaniya Medical Complex they launched a clearly planned and orchestrated crackdown on the Shi'a political and community leaders and activists who had been prominent in leading the protests and who had spoken out publicly criticizing members of the royal family and calling for a change of government during protests at the Pearl Roundabout or other demonstrations and marches. As well, military or police checkpoints have been set up at the entry and exit points of predominantly Shi'a villages and towns. Hundreds of people have been arrested; others have gone into hiding to avoid arrest. Members of the Shi'a community who spoke to Amnesty International said that they did not understand why the security forces had acted with such brutality and commented that this has had the effect of polarizing attitudes between the Shi'a and Sunni Muslim communities to a dangerous level.

### ***The State of National Safety***

Since 15 March Bahrain has been under a State of National Safety. This was initially imposed for three months but it may be prolonged with the approval of the National Council. Using its powers under the SNS, the government imposed a curfew in certain areas, initially from 4pm until 4am but now reduced to apply during the hours from 11 pm to 4am. The provisions of the SNS are broadly drawn and vague, and it contains no explicit human rights guarantees. It equips the armed and security forces with sweeping powers, which allow them to ban all public gatherings that are deemed harmful to national security; to prohibit individuals from travelling outside Bahrain if this is held to be in the public interest; and to conduct searches of places and people suspected of transgressing the SNS provisions; to summarily deport foreign nationals considered to pose a threat to national security. The SNS also allows the authorities to close down NGOs, trade unions, social clubs and political associations if they are deemed to have carried out activities considered harmful to national security, including "collaborating" with a foreign state. Further, any publication or broadcast containing information harmful to national security or that questions the political, economic and social systems of Bahrain are to be seized or confiscated.

In addition to these powers, the SNS provides that the armed and security forces may arrest anyone deemed to pose a threat to national security and to strip any Bahraini deemed to pose such threat of their Bahraini nationality and detain or expel them from the country. The SNS established a special court and appeal court – the National Safety Court of First Instance and the National Safety Appeal Court - to try people accused of transgressing the law; the courts are to conduct their procedures in accordance with the provisions contained in Bahraini statute law in relation to investigation, evidence, the conduct of court proceedings and the announcement of verdicts but there is nothing said about human rights safeguards for detainees held under the SNS, including how long they can be detained in pre-trial detention. The final verdicts of these special courts cannot be appealed against in Bahrain's ordinary courts.

### ***Large-scale arbitrary arrests:***

More than 500 people have been arrested in the last month. The overwhelming majority are Shi'a Muslims who were active during the protests, including many who called for changes to the political system. In virtually all cases, weeks after their arrest, their whereabouts remain unknown; the government has refused to disclose this information to their families or lawyers or, in most cases, allow any contact or visits, prompting great anxiety as to the safety and welfare of the detainees.

Family members who were present when their relatives were detained reported a common pattern of security force behaviour to Amnesty International: those detained were usually taken from their homes by groups of soldiers and security officials who arrived in several vehicles in the early hours of the morning who smashed into their houses, breaking down doors, and failed to produce any arrest warrants. Often, some of the arresting officers were hooded or masked and in plain clothes while others were wearing police or army uniforms. Typically, they were highly aggressive and use rough treatment against those they detained, abusing and assaulting them in front of their relatives and sometimes also assaulting as well as verbally abusing their relatives who were present. They also conducted searches and took away personal belongings, such as laptop and other computers, mobile phones were confiscated and even money without providing any records of what was taken. They did not say to where they were taking those they detained. Families complained that they had also been able to obtain no information from the Bahraini authorities when they subsequently inquired about them at police stations, the Office of the Public Prosecutor and the headquarters of the police Criminal Investigations Department (CID). A few detainees were allowed to make one phone call to their families from the police stations where they were initially held, but conversations were monitored and the detainees were able only to say that they were all right but not to say anything else except request that clothes be brought for them. When their relatives then took such clothes to the police stations they were required

to hand them to the police but were not permitted to see their detained relatives.

At least six detainees, all prominent opposition leaders, have been referred to the military prosecutor and are reported to have been questioned in the presence of their lawyers concerning their role in the protests. They are: Hassan Mshaima', the leader of al-Haq Movement, an unauthorised Shi'a political opposition group; 'Abdel-Wahab Hussain, the leader of al-Wafa', another unauthorised Shi'a political opposition group; 'Abdel-Jalil al-Singace, a leading al-Haq member who was previously detained with 22 other leading Shi'a from August 2010 until February 2011 then released by order of the King after the clampdown on the first round of protests; 'Abdel-Hadi al-Mukhawder, a prominent member of al-Wafa'; Shaikh Sa'eed Nouri, a religious leader; and Ibrahim Sharif, leader of the secular Waad political opposition group. These opposition figures are apparently accused of attempting to bring about the overthrow of the present political system and collaborating with an unnamed foreign power, generally assumed to be Iran. However, details of any specific charges are not known to Amnesty International and the Military Prosecutor has imposed a media gag order on news coverage of the ongoing investigations.

Other detainees include several medical doctors and nurses, mainly from the Salmaniya Medical Complex. The exact reasons for their arrest are not known but they appear to have been targeted for allegedly supporting the protests and the protestors who had camped in the car park of the medical complex. Dr 'Abdel-Khaleq al-'Oreibi, a 39-year-old medical consultant at Salmaniya Medical Complex, was arrested from home in al-Ma'ameer village at 4 am on 1 April. His whereabouts and the reason for his detention have not been disclosed to his family.

At least 18 women have also been detained in connection with the protests. They include medical doctors, nurses and teachers. Rula al-Saffar, an assistant professor in Bahrain's College of Health Sciences, was summoned to appear for investigation at the Criminal Investigations Department in Manama's al-'Adliya district on 4 April; she complied and since then her family have not had any contact with her or been able to establish her whereabouts. Jalila al-'Aali, a 51-year-old medical consultant in Salmaniya Medical Complex, was also arrested on 4 April. At 8 pm that evening she received a call from someone telling her to go urgently to the headquarters of the CID. She went there immediately, but since then she too has disappeared; her family has not heard from her and her whereabouts are unknown to them. There is concern for her safety and for the safety of other detainees who are being held incommunicado at unknown locations – conditions which have been shown elsewhere to readily facilitate torture and other serious abuse of detainees.

The SNS provisions and the ways in which they are being applied, especially during the arrest, detention and treatment of people, directly contravene Bahrain's obligations as a state party to international human rights treaties, notably the International Covenant on Civil and Political Rights (ICCPR), and appear also to contravene provisions contained in Bahraini law, including the Constitution, the Penal Code and the Criminal Procedure Code. For example Article 20(c) of the Constitution states, "An accused person is innocent until proved guilty in a legal trial in which he is assured of the necessary guarantees to exercise the right of defence at all stages of the investigation and trial in accordance with the law". The Constitution and the Penal Code also prohibit the use of torture.

Amnesty International considers that some of those detained are prisoners of conscience who are now being imprisoned solely on account of their legitimate exercise of freedom of expression or other human rights. It urges the Bahraini government to immediately and unconditionally release all such prisoners of conscience, and to ensure that all other detainees are released unless they are to face recognizable criminal charges and be tried in full accordance with international standards of fair trial and without recourse to the death penalty. The Bahraini authorities must also immediately disclose the whereabouts of all those currently detained, allow the prompt and regular access to their lawyers and families and ensure that they have access to and can receive all necessary medical treatment. Any members of the security forces or other officials responsible for abusing detainees' rights must be held to account and removed immediately from any position where they can continue to commit abuses against detainees.

### **Torture and other ill-treatment and deaths in custody**

The renewed crackdown and arrests of opposition activists has been accompanied by an alarming increase in reports of torture and other ill-treatment of people detained in connection with the protests. Methods of torture have included punching with fists, kicking with boots, beatings with wooden batons and in some cases, the use of electric shocks were applied. Hamid Sayyid (real name withheld), a 31-year-old man from a Shi'a village who was detained at the Salmaniya Medical Complex at the end of March, after his release told Amnesty International:

“... 10 people dressed in police and army clothes entered the nursing room while I was alone in the room and beat and kicked me. Immediately after they took me to the police station in the .... village without explaining why they were taking me. Once there they put me in the middle of a room, blindfolded, and several men, I don't know how many, beat me and applied electric shocks on both legs. It hurt so much that after they applied the first shock I fell on the floor because I could not feel my legs. Once on the floor they beat me and kicked me on my head and body. They beat me so hard that I still cannot see from one of my eyes now. They pulled me and repeated the same procedure [electric shock on the leg] two more times. While they were beating me, they insulted me. They told me to confess that the medical workers were hiding weapons in the ambulances and that I took weapons and hid them in the ceiling of the hospital. I said I did not know anything and they kept on beating me. They continued for 30 minutes. They left me on the floor, after maybe 30 minutes a police officer came back and told me that if anyone asked me about the marks I had to say I fell down. Another police officer, higher rank, came in the room, saw me on the floor and I heard him asking the others what had happened and what was all that blood; I heard the others saying they did not know. He took me to a room, gave me water and asked me how many times I had been in the roundabout, I remained silent. Then he let me go and told me not to say I was beaten....”

At least four detainees are known to have died in custody in suspicious circumstances. Hassan Jassem Mohammad Mekki, aged 39, a married man with children from Karzakan, was arrested from his house in the early hours of 28 March. He was initially held in a police station in Hamad Town then transferred to the CID on 29 March. On 3 April the CID contacted his family and asked them to go the Salmaniya Medical Complex. Two of his brothers and his father did so and when they arrived military officers took them to the morgue. They uncovered the head of deceased person lying there and asked the family if they could confirm that the body was that of Hassan. The father and Hassan's two brothers were in a state of shock but confirmed that it was Hassan. The father was then made to sign a death certificate; it was dated 3 April and gives the cause of death as “heart failure”. No autopsy is known to have been conducted by the authorities in order to arrive at this determination of the cause of death. The body was then taken to the family home in Karzakan for burial; when it was fully uncovered to be washed prior to burial the family reportedly saw marks of beatings and bruises on the neck, legs and the head. However, they are said not to have asked the authorities about these injuries and how they were sustained not to have submitted any complaint for fear of possible repercussions by the security forces.

'Abdel-Karim al-Fakhrawi, a 49-year-old businessman and member of al-Wefaq, the largest Shi'a political association, died in police custody on 12 April. According to reports, his body bore marks of torture but the authorities have attributed his death to kidney failure.

'Ali 'Issa Ibrahim al-Saqr was reported to have died in custody by the Ministry of Interior on 9 April. He had been arrested six days earlier in Hamad Town after he reportedly went to a police station after being summoned to appear in connection with investigations into the killing of a police officer during the March protests. The Ministry said 'Ali 'Issa Ibrahim al-Saqr had died in custody while being restrained by police. His body, when returned to his family for burial, is said to have had visible marks suggesting that he may have been tortured. No autopsy or formal investigation into his death is known to have been held to date.

The Interior Ministry also announced the death in custody of a fourth detainee, Zakaraya Rasheed Hassan al-'Asheri, on 9 April. He was said to have been arrested from his home in al-Dair on 2 April. The Ministry attributed his death to ill-health but in his case too at burial his body is reported to have borne marks indicating that he may have been tortured.

Torture and ill-treatment are prohibited in international human rights treaties such as the UN Convention against Torture, also ratified by Bahrain, and the ICCPR. Bahraini legislation too bans the use of torture. Amnesty International is calling on the Bahraini government to immediately establish an independent and impartial investigation into the deaths in custody that have occurred and into all allegations of torture and other ill-treatment of detainees, and to bring to justice any members of the military and security forces or other officials, however senior, who are responsible for torture or other abuse of detainees.

### ***Dismissal of workers for protesting***

Hundreds of people who joined the protests have been dismissed from their employment in government service, state institutions and private companies, including university lecturers, school teachers and medical doctors and nurses. Many workers were not paid in March. The justification put forward for these dismissals is generally that employees had breached their terms of employment by joining the protests but, in practice, it appears that the government is seeking to send a clear signal that there will be adverse consequences for those who continue to take to the streets to demand change, including for their and their families' livelihoods. On 12 April, *al-Wasat* reported that the Ministry of Education had by then dismissed 115 staff, while Aluminium Bahrain (ALBA) had dismissed 165 workers, Bahrain Petroleum Corporation (BAPCO) had dispensed with the services of 190 workers, Bahrain Telecommunications (Batelco) had dismissed 85 employees, and the jobs of 15 staff had been terminated by Gulf Air.

One medical worker told Amnesty International that his salary for March, like that of other medical staff, had been withheld by the authorities, in what he interpreted as an attempt to starve them into line, and that he had also been suspended from his job: "I'm suspended now from work as I was interrogated on 6 April for participating in protests... they accused me with lots of other staff such as being daily in the hospital and having empathy with the protesters which is wrong according to them. And they asked me if I went to Pearl Roundabouts and I said I went to the medical tent as volunteer and out of humanity but they said those protesters should not be helped medically. All my colleagues and friend doctors are either suspended or arrested specially those who were witnessing the events. I'm hiding now in my flat expecting any time my arrest."

### ***Conclusion***

Human rights conditions in Bahrain have undergone a marked deterioration in recent weeks. This was clear and palpable during Amnesty International's most recent fact-finding visit, following an earlier visit in February. The government's resort to renewed excessive force to suppress the protests, its declaration of the State of National Safety and the extraordinary powers that contains, and the application of those powers to arrest and detain incomunicado hundreds of mainly Shi'a protestors and political activists has exacerbated tension between the Sunni and Shi'a Muslim communities and cast Bahrain on a very worrying downward trajectory.

There is an urgent need now, therefore, for the Bahraini government to reverse this trend and give renewed and greater priority to its obligations under international law. It must not fail that test.

At the same time, much more and more determined action is needed from governments in North America and Europe that have long maintained close diplomatic, trade and other ties with the Kingdom and which have been much more vocal in espousing the cause of human rights during the current

turmoil in Libya and during the recent protests in Tunisia and Egypt than they have in relation to Bahrain. For many in the Arab world, this appears as another example of political selectivity when it comes to the advancement of human rights by such states; they must act, and act quickly, to disperse this perception but principally to remind the Bahraini authorities of their obligations to uphold and respect human rights, including the right to peaceful protest, and to ensure accountability for unlawful killings, torture and other human rights violations committed by their forces or the forces of the other states currently assisting them.