

BAHRAIN

@A Human Rights Crisis

INTRODUCTION

In early December 1994, widespread protests erupted in Bahrain as thousands of people took to the streets calling for the restoration of democratic rights - namely, the reconvening of parliament and respect for the country's Constitution. The Bahraini Government responded by ignoring these demands and attempting to stifle these calls by violating basic human rights.

Over a ten-month period, several thousand people - including women and children - were arrested and many continue to be held without charge or trial. Among them were prisoners of conscience. At least 100 of them were subsequently charged, convicted and sentenced to terms of imprisonment, and in one case to death, following grossly unfair trials. Scores of detainees are believed to have been tortured under interrogation, and two have died in custody. Security forces and riot police were deployed in large numbers in the streets to quell demonstrators. A variety of weaponry, including live ammunition, was used for this purpose. To date, 10 civilians have been killed in circumstances suggesting that they may have been extrajudicially executed. At least 20 Bahraini nationals were forcibly exiled from the country or were denied entry after attempting to return.

Throughout, the Government of Bahrain has denied that forces under its authority have committed these widespread violations of human rights. It has sought to maintain - both at home and abroad - that it has acted within the law with regard to arrest and detention procedures, that the rights of detainees in custody were respected, and that those convicted received the benefit of fair trials. Furthermore, the government has sought to justify its strong-arm tactics in quelling demonstrators by pointing to acts of violence - the killing of three law enforcement officers and acts of sabotage - which it accused "extremist elements" of having perpetrated. It has stated publicly that such acts of violence were carried at the instigation of hostile foreign powers.

The government, however, has failed to provide the evidence to support its public statements, both with regard to the question of foreign involvement in the current political unrest and with regard to the manner in which the authorities have handled the mass protests. It has failed to make known the names of those arrested and their places of detention, and has denied the vast majority of them access to relatives and defence lawyers. Most of those convicted were tried *in camera* before the State Security Court, the proceedings of which fall far short of international standards for fair trial. To Amnesty International's knowledge, the government has failed to set up investigations into any allegations of torture or into incidents involving the killing of demonstrators.

No one has been brought to justice for any of these crimes. Moreover, the government continues to deny Amnesty International access to the country to investigate these allegations or to observe ongoing trials. Thousands of appeals sent by Amnesty International members on behalf of individual detainees remain unanswered.

This report addresses the range of Amnesty International's concerns about human rights violations committed since December 1994. In gathering its information, the organization has interviewed a wide range of victims, including former detainees now abroad as well as others who remain in Bahrain. Amnesty International has obtained testimonies from victims of torture and ill-treatment; some of the allegations of torture made are supported by medical evidence.

Testimonies and information were also obtained from numerous eye-witnesses to the killing of demonstrators, from the relatives of those convicted following unfair trials, and from defence lawyers. The fear of further reprisals by the authorities means that some of these sources - particularly those who remain in Bahrain - are not identified at their own request.

AMNESTY INTERNATIONAL'S CONCERNS IN BAHRAIN

The Government of Bahrain has engaged in a consistent pattern of systematic human rights violations since the early 1980s. These violations included the arbitrary arrest and prolonged administrative and incommunicado detention without charge or trial of suspected political opponents; the torture and ill-treatment of detainees, particularly during pre-trial detention, in order to extract "confessions"; grossly unfair trials before the State Security Court; and the forcible exile from the country of Bahraini nationals. While executions have not been carried out in Bahrain for many years, Amnesty International remains concerned about the introduction by law of new capital offences and the continued passing of death sentences.

A disproportionate number of victims of such violations have been Shi'a Muslims, particularly in the aftermath of the 1979 Islamic Revolution in Iran and an alleged coup attempt in Bahrain in 1981. Many suspected of having links with Iran were arrested, held in indefinite detention without trial or convicted to long terms of imprisonment following unfair trials. Some of them were charged with membership of prohibited political organizations said by the Bahraini government to be supported and financed by Iran, such as *Hizbullah* and the Islamic Front for the Liberation of Bahrain. Among those still held are some 22 prisoners who were among a group of 73 Bahrainis and other nationals convicted in May 1982 for involvement in the 1981 alleged coup attempt. Others include five prisoners convicted in 1990 for alleged membership of *Hizbullah*, one of whom, Muhammad Jamil al-Jamri, remains in prison.

Numerous cases of the torture and ill-treatment of detainees have been documented by Amnesty International over the years and raised with the government, as well as the cases of six political detainees who died in custody between 1980 and 1986. The organization has also raised with the authorities its concerns about the dire conditions prevailing in Bahrain's prisons, conditions which are tantamount to cruel, inhuman and degrading treatment. Since 1991, Amnesty International has also raised numerous cases of the forcible exile of Bahraini nationals, a practice used by the government to silence its political opponents (see below).

In the aftermath of the 1991 Gulf War, a changed political climate brought about some improvements in the human rights situation in Bahrain. Dozens of political detainees were released, as were an estimated 20 convicted political prisoners who had served their sentences. Scores of Bahraini nationals, including entire families, who were forcibly exiled in previous years were allowed to return. These positive developments did not endure, however, as detention without charge or trial on political grounds continued and there were renewed fears that detainees might be tortured. Hundreds of victims of forcible exile continued to be denied entry to their country. Widespread discontent and anger among the population about the denial of fundamental civil and political rights, and the unwillingness of the government to tackle the causes of that discontent, created a potentially explosive situation. The mass protests and clashes witnessed in Bahrain over

the past ten months occurred against this background, sparked off by an incident on 25 November 1994 and the arrest ten days later of a leading religious figure (see below).

The scale of human rights violations perpetrated by government forces since December 1994 has been unprecedented in Bahrain, and once again, the overwhelming majority of victims have been Shi'a Muslims. For the first time, women and children as young as nine or ten years' old have been systematically targeted for arrest and ill-treated while in custody. This period has also been marked by the brutality with which the authorities sought to quell the protests and demonstrations: the repeated use of live ammunition to disperse crowds and the consequent killing of unarmed civilians, and unprovoked attacks on peaceful gatherings such as funeral processions.

Efforts by Amnesty International to raise its concerns with the government have been met with an almost total silence. Thousands of urgent appeals sent to ministers by the organization on behalf of individual victims of human rights violations remain without response, as is the case with communications addressed to the Minister of Interior, Shaikh Muhammad bin Khalifa Al Khalifa. Similarly, Amnesty International's three public appeals to the government failed to elicit any serious response.

On 4 January 1995, following the killing of two unarmed demonstrators and the reported arrest of hundreds of people, the organization issued a public statement calling on the government to set up independent investigations into the circumstances of the killings. It also urged the government to make known the names of all detainees arrested since the beginning of December 1994 and their whereabouts and to grant them prompt and regular access to defence lawyers, their families and medical attention where necessary.

On 30 March 1995, Amnesty International issued another public statement following the killing of several other demonstrators, further mass arrests and increasing reports of torture and the death of one detainee in custody. The organization reiterated its call for thorough, prompt and impartial investigations into all incidents involving the killing of demonstrators and for immediate steps to be taken to prevent further killings.

On 5 May 1995, Amnesty International issued a third public statement in the wake of the first sentences passed by the State Security Court on 16 defendants charged in connection with their alleged involvement in ongoing protests. The defendants were held incommunicado, denied access to defence lawyers until the start of the trials, and had no right of appeal against conviction and sentencing to a higher tribunal. Several of them were reportedly tortured in pre-trial detention. Amnesty International's long-standing concerns about proceedings before Bahrain's State Security Court include the reliance on uncorroborated "confessions" extracted under torture as the basis for conviction. In its statement, the organization called for these trials to be halted until the defendants' right to a fair and public trial is respected in accordance with internationally recognized standards. Amnesty International also urged the government once again to take urgent steps to prevent the killing of demonstrators following the death of three more unarmed civilians in April, and expressed its concern about continuing mass arrests, including of women and children.

During this period, Amnesty International made efforts to send a delegation to Bahrain to hold talks with the competent authorities about urgent human rights safeguards and to investigate

the many reports of human rights violations brought to its attention. On 29 December 1994, the organization wrote to the Minister of Interior, proposing to send a delegation to the country during the second half of January 1995 and requesting a prompt response. None was received, and a further letter was sent to the minister on 5 January 1995. The letter reiterated the dates proposed for the visit, identifying the delegates concerned and requesting assistance in facilitating the issuing of entry visas. The minister did not respond and Bahrain's embassies abroad contacted in this regard informed Amnesty International that no visas could be issued in the absence of government authorization.

In its public statements of 4 January and 30 March 1995, Amnesty International reiterated its request for access to Bahrain, and in the latter it also requested authorization to observe trials then taking place before the State Security Court. During April, the organization made repeated attempts to meet with officials at Bahrain's embassy in London to discuss its concerns and the question of access to the country, but no response was forthcoming. A meeting with Bahrain's ambassador to the United States scheduled for the last week of May was cancelled by the embassy, and efforts by Amnesty International to fix an alternative date were unsuccessful. In its statement of 5 May 1995, the organization again reiterated its request to send a delegation to Bahrain.

On 5 June 1995, after six months of silence on the part of the government, Amnesty International met with the Under-Secretary at the Ministry of Foreign Affairs, Ghazi al-Qusaibi, and with Bahrain's ambassador to Britain, Karim al-Shakar. The meeting, held in London, was requested by the government, and during which Amnesty International sought to present its concerns regarding continuing human rights violations. The Under-Secretary dismissed the information issued by Amnesty International on the current situation in Bahrain as false and inaccurate, and charged the organization with "reproducing material issued by terrorist groups based in Tehran, Beirut and London" rather than relying on the assurances given by the government. He suggested that Amnesty International should check information it receives with the competent authorities before issuing statements. The organization replied that it had sought to do so, but faced with silence and non-cooperation on the part of the authorities it was left with no alternative but to place its concerns on the public record. Amnesty International also explained the manner in which its data is gathered.

The issue of the use of violence by protesters and demonstrators was raised by the Under-Secretary, who showed Amnesty International photographs of various public and private installations in Bahrain allegedly burned or otherwise destroyed by what he termed "saboteurs". There were also photographs of the bodies of two law enforcement personnel who had been killed during recent protests. The Under-Secretary stressed the government's right to take measures against individuals "seeking to destabilize the country". In response, Amnesty International reiterated its position - which it had earlier made public - that it recognizes every government's right to bring to justice people responsible for acts of violence, but that any such measures must be taken in accordance with the law and in conformity with internationally recognized standards. The organization pointed to widespread arrests in Bahrain conducted without warrants issued by a judicial authority, prolonged detention without trial, the torture of detainees under interrogation, the denial of defendants' basic rights both in pre-trial detention and before the court, and the failure of the government to take steps to prevent the killing of unarmed demonstrators by law enforcement personnel.

During the meeting Amnesty International once again raised the question of its access to Bahrain, reiterating its request to send a delegation to the country for talks with the competent authorities. The Under-Secretary replied that the government had "no objection in principle" to such a visit, but that the present time was "not appropriate". He added that it would not be possible to discuss dates for a future visit until "a relationship of trust" had been established between Amnesty International and the government. He insisted, however, that the measures taken by the government in the context of ongoing protests were in accordance with the law and that all defendants brought to trial and convicted to date had received a fair and public trial. To illustrate the latter point, the Under-Secretary showed Amnesty International copies of charge sheets relating to a number of defendants, and on which the names of the defendants' lawyers were written. Amnesty International pointed out that the defendants' ability to appoint lawyers to defend them was not in itself a sufficient indicator of a fair trial. The organization then requested authorization to attend sessions of the trials before the State Security Court if, as the Under-Secretary had stated, they were open and public trials. He replied that the government had "no objection" to this; however, the present time was "not appropriate". He was unwilling to state when such a time might come. Amnesty International then requested copies of the charge sheets it had been shown, but was told that this was equally "inappropriate" at this time.

In concluding the meeting with Ghazi al-Qusaibi, Amnesty International made it clear that it continued to regard itself as being denied access to Bahrain until such time as the government was prepared to discuss dates for a visit. The organization has in fact been denied access to the country since 1987. In April of that year, Amnesty International delegates attending a conference of the Arab Lawyers' Union succeeded in holding introductory talks with relevant officials, among them the Ministers of Interior and Justice. Two months later, in June, the organization was permitted to observe sessions of the trial of a group of political prisoners. Since that time, efforts to visit the country again failed. In June 1991, following a report published by Amnesty International the previous month on the human rights situation in Bahrain,¹ the Minister of Interior wrote to the organization. In his letter, he denied the allegations contained in the report and invited Amnesty International to visit the country. Subsequent attempts by the organization to set dates for such a visit failed. In January 1992, the Minister of Interior wrote again, stating that the dates proposed by the organization were not convenient, but that he would in due course inform Amnesty International of a more suitable timing. He never did so, and at no time subsequently has the Government of Bahrain extended another invitation.

In its public statement of 30 March 1995, issued four months after outbreak of protests, Amnesty International said:

"The Government of Bahrain has stated that it has dealt with what it has termed 'saboteurs' in accordance with the law. If it has nothing to conceal, then it will have no objection to allowing independent human rights investigators into the country".

¹ See Amnesty International's report, *Bahrain: Violations of human rights*, published in May 1991 (AI Index: MDE 11/01/91).

To date, the government has barred such investigators from the country, and the evidence presented in this report speaks for itself.

BACKGROUND TO THE HUMAN RIGHTS CRISIS

On 25 November 1994 a marathon organized by the Rotary Club was held in Bahrain. Those taking part in this annual charity event usually included expatriate workers as well as some Bahrainis. For the past few years the issue of the route taken by the marathon (from the capital al-Manama and along the al-Budayyi' Highway) has been a sensitive issue for some sectors of Bahrain's majority Shi'a Muslim population. Objections had been voiced to participants, many of them women wearing sports clothing, passing through several villages inhabited largely by Shi'a Muslims, and requests had been made through religious figures in the community to the authorities to have the route altered. This had not taken place, however, and the event in 1994 was marked by an incident which ended in clashes with the security forces. According to one account, protests were made by a group of youths because the point of assembly for the participants in the marathon was the site of the remains of a mosque in the village of al-Qadam. According to another account, a group of youths were said to have carried banners against the holding of the marathon, and that one of the participants attempted to pull down one of the banners. While the participants continued on their way, the group of youths staged a protest march which was described as peaceful. At the Jidd Hafis roundabout, according to accounts received, several intelligence personnel attempted to photograph them. The youths responded by throwing stones at them. Shortly thereafter, security forces arrived and reportedly used tear gas and rubber bullets to disperse them.

The following day arrests were carried out in al-Qadam, al-Karrana and other areas close to the al-Budayyi' Highway, and some 15-20 youths were taken into custody. During the ensuing days tensions were running high and a number of Shi'a Muslim religious scholars spoke out in their sermons against the tactics used by the authorities in response to this incident as well as generally against the marathon. This coincided with attempts by a group of prominent Sunni and Shi'a Muslim personalities in Bahrain to present a petition to the Amir, calling for the restoration of democratic rights (see below). On 5 December 1994 Shaikh 'Ali Salman, a prominent and popular religious scholar who was among those voicing public criticism of the government, was arrested. His arrest sparked off widespread protests in a number of areas calling for his release. These incidents led to a chain of events involving clashes with the security forces, the killing of unarmed civilians using live ammunition and hundreds of arrests. On 15 January 1995 the government forcibly exiled Shaikh 'Ali Salman and two other religious scholars, Shaikh Hamza al-Dairi and Sayyid Haidar al-Sitri. The government's response to these events effectively ensured the continuation of widespread protests demanding the release of detainees, the return of those exiled and the restoration democratic rights. At the time of writing, the fate and whereabouts of the 15-20 youths arrested the day after the marathon was still unknown.

Although these events constituted the immediate reasons for the disturbances witnessed in Bahrain over a period of eight months, they occurred in the context of widespread discontent in the country about the continued suspension of democratic institutions and the absence of fundamental civil, political and economic rights. While Bahrain's Shi'a Muslim population has been disproportionately affected in this regard, many

Graffiti sprayed on a wall by protestors, saying: "Neither Sunni nor Shi'a but a people demanding freedom".

within the community reject what they perceive as the government's attempts to create hostility between Shi'a and Sunni Muslims by portraying the recent events as an essentially Shi'a movement, reducing it to the work of a group of "religious extremists" seeking to destabilise the country with the assistance of hostile foreign powers. This view of events is equally rejected by leading Sunni Muslims, some of whom have been at the forefront of the call for meaningful participation in the political process.

Bahrain gained full independence from Britain in August 1971 and later that year was admitted as a member of the United Nations. In mid-1972 the Amir of Bahrain, Shaikh 'Issa bin Salman Al Khalifa, issued a decree authorizing the establishment of a Constitutional Assembly to discuss and promulgate a constitution for the country. The 22-member Constitutional Assembly came into being in December 1972 and by June 1973 the Constitution had been promulgated. It provided for the establishment of a 30-member National Assembly, elections for which were held in December 1973. The date on which the National Assembly convened also marked the coming into force of the Constitution.

The National Assembly proved shortlived, convening only two sessions before it was dissolved by the Amir on 26 August 1975.² Two days earlier the government had resigned, principally over the National Assembly's refusal to ratify a security bill issued by the Amir in October 1974, the Decree Law on State Security Measures. This law provided for the arrest and detention without trial for up to three years of any person suspected of being a threat to state security (see below). Another decree was issued simultaneously,³ postponing parliamentary elections pending the promulgation of a new electoral law, suspending Article 65 of the

² Amiri Decree No. 14 of 1975.

³ Amiri Decree No. 4 of 1975.

Constitution and other articles pertaining to the National Assembly,⁴ and granting legislative power to the Amir and the Council of Ministers.

A new electoral law was not subsequently promulgated, no parliamentary elections were held and to date the National Assembly has not been allowed to reconvene. This was contrary to Article 65 of the Constitution, which stipulates that in the event of dissolution, elections must be held within two months thereafter. In the absence of elections within that period, "the dissolved National Assembly shall be restored to its full constitutional authority". The suspension of Article 65 and related articles was itself contrary to Article 1(f) of the Constitution, which states that no amendment to any of the Constitution's provisions may be made before five years had elapsed since its coming into force. In April 1976, Bahrain was expelled from the Inter-Parliamentary Union on the grounds that it no longer upheld recognized standards of parliamentary democracy.

Since then the Amir has ruled by decree. Members of the ruling Al Khalifa family continue to occupy key government positions, including those of Prime Minister and the Ministers of Interior, Foreign Affairs, Defence and Justice. Political parties are not legal. While the Constitution itself guarantees basic human rights - including freedom of speech, conscience and religion, freedom of the press, the right to private and public assembly, and the rights of persons deprived of their liberty - many of these rights have been undermined both in practice and through the promulgation of legislation which violate the provisions of the Constitution.

The 1974 Decree Law on State Security Measures, which remains in force, as well as Amiri Decree No. 7 of 1976 which established a State Security Court, deny the most fundamental rights of persons deprived of their liberty, as recognized not only in international human rights standards, such as the Universal Declaration of Human Rights (UDHR),⁵ but also in Bahrain's own legislation, including the 1966 Code of Criminal Procedure. These violations were amply demonstrated during the early 1980's and in later years following the arrest and detention without charge or trial or after unfair trials of hundreds of people perceived to be a threat to state security.

The strong-arm tactics used by security and intelligence personnel of the Ministry of Interior to deal with such perceived threats has only served to increase tensions. The two principal apparatuses concerned are the Security and Intelligence Service (SIS) (*Idarat Amn al-Dawla*), headed by Major General Ian Henderson, a British national, and the Criminal Investigation Department (CID) (*Idarat al-Tahqiqat al-Jina'iyya*), headed by Colonel Muhammad al-Dawwadi, a Bahraini national. There is, in addition, the Public Security Department (PS) (*Idarat al-Amn al-'Amm*) to which the police forces are answerable and which until recently was also headed by a British national. Senior officials within the SIS are principally British nationals, but at lower levels both the SIS and the CID employ a variety of other nationals, including Jordanians, Pakistanis, Syrians and Yemenis as well as some Bahrainis. Suspects held in the custody of the SIS, in

⁴ The Constitution contains 40 articles relating to legislative powers and the functioning of the National Assembly.

⁵ The UDHR is an authoritative statement by the UN General Assembly of fundamental human rights which all UN member States are obliged to promote and respect.

particular, have had their fundamental rights systematically violated. These include the right to be arrested only in accordance with the law, the right to be informed of the charges against them, the right to have prompt and regular access to family members and to defence counsel, the right not to be tortured, and the right not to be detained indefinitely and to be brought to trial within a reasonable period. Over many years, the names of a number of SIS and CID employees have featured regularly in the testimonies of former detainees and convicted prisoners, particularly as regards the use of torture under interrogation. The forces of these two apparatuses continue to act with total impunity and with no fear of accountability. To Amnesty International's knowledge, no one in the employ of either the SIS or the CID has ever been brought to justice for inflicting torture or for having ordered others to commit such crimes.

As noted above, improvements in the human rights situation in Bahrain witnessed in the aftermath of the 1991 Gulf War did not last long, and by mid-1992 the situation had deteriorated again. Equally, expectations that the changed political climate at the time might allow for discussion with the government on the restoration of democratic rights were not met. In January 1993, a petition calling for such a dialogue was signed by leading Sunni and Shi'a personalities and was submitted to the Amir. It did not meet with a positive response. Two months earlier, a 30-member Consultative Council (*Majlis al-Shura*) had been appointed but, unlike the National Assembly, it has no legislative powers and its members are appointed by the government. In addition to the question of participation in the political process, there was also the issue of widespread unemployment. During 1994 there were regular gatherings of groups of people outside the Ministry of Labour and Social Affairs, the majority of them Shi'a Muslims, demanding employment. On two occasions when large protests by the unemployed took place, security forces were said to have broken up the protests with force, beating a number of the participants and arresting scores of others. Those arrested were held for a time without trial and later released. The security forces' use of violence to break up peaceful gatherings had been demonstrated earlier in 1994 when, on 19 January, they surrounded the al-Mu'min Mosque in al-Manama where Shi'a Muslims had gathered for the 40th day commemoration ceremony of the death of Ayatollah Golpayegani. According to accounts received at the time, tear gas was used against those assembled before they had had the opportunity leave the premises. Scores were arrested and held incommunicado, and some were allegedly tortured.

Shaikh 'Abd al-Amir
al-Jamri

Against this background, a new petition sponsored by 14 prominent Sunni and Shi'a Muslim personalities was prepared in the second half of 1994 for submission to the Amir. The petition reiterated popular demands for the restoration of the National Assembly in accordance with the provisions of the 1973 Constitution. It was circulated among the public at large and was eventually signed by about 25,000 people. Repeated attempts in late 1994 and early 1995 by some of its sponsors to secure a meeting with the Amir to submit it met with no success. On 18 March 1995 'Abd al-Wahab Hussain 'Ali, a prominent Shi'a Muslim personality employed by the Ministry of Education as an educational supervisor, and who was one of the 14 sponsors of the petition, was arrested at his home in al-Nuwaidrat. He remained in detention without charge or trial until his release on 8 September. On 1 April 1995 another of the

14 sponsors, Shaikh 'Abd al-Amir al-Jamri, was placed under house arrest with his family for two weeks. On 15 April Shaikh al-Jamri, a prominent Shi'a Muslim religious scholar and member of the former National Assembly, was transferred to a place of detention and at the time of writing he was still being held without charge or trial (see below). Earlier, in November 1994, another of the petition's sponsors was dismissed from his job at the Ministry of Works and Electricity. Sa'id 'Abdullah 'Asboul, an engineer by profession and a Shi'a Muslim, had apparently resisted pressure by the authorities to withdraw his name from the petition. He took his case before the High Court, which subsequently ruled in his favour and ordered his reinstatement. To date, however, the ministry has not complied with the court order. Two other sponsors, both Sunni Muslims, had their passports withdrawn: Ahmad 'Issa al-Shamlan, a lawyer, and 'Abd al-Latif Mahmud Al Mahmud, a university lecturer. The latter was also prevented from lecturing at the university and his salary was suspended, although he has not been officially dismissed.

Others among the group of 14 sponsors came under similar pressure to dissociate themselves from the petition. At the end of March 1995, another petition sponsored by 20 professional women and signed by some 200 others was sent to the Amir, calling on him to initiate a national dialogue, to restore democratic rights and to ensure that the rights of those held in custody are respected. In response, a number of them were threatened with dismissal from their jobs if they failed to withdraw their names from the petition and to "apologise" for their action. Among them were 'Aziza Hamad al-Bassam, employed by the Radio and Television Corporation; Munira Ahmad Fakhro, a university lecturer; Fadhila al-Mahrous, a gynaecologist and paediatrician; Hassa al-Khumairi, head of the Department of Continuing Education at the Ministry of Education; and Wadad al-Masqati, an accountant at the Ministry of Finance. At the time of writing, some of them remained under threat while at least two, 'Aziza al-Bassam and Hassa al-Khumairi, had been dismissed.

The measures taken by the Bahraini government in response to the widespread protests, and the serious human rights violations committed by the security forces in that context, received significant media coverage abroad. On 4 April 1995 one of Bahraini's daily newspapers, *al-Ayam*, published a statement issued by the then Minister of Information, Tareq al-Mu'ayyed, containing the following: "The ministry wishes to draw attention to the fact that no citizen is permitted to transmit news abroad without obtaining authorization from the ministry...", and that those who do so may be liable to legal action. The threat of legal action had no basis in law since no decree to that effect had been issued by the Amir. Nevertheless, shortly thereafter a number of people were summoned by government officials and reportedly told to refrain from giving interviews to the media and transmitting information abroad on the situation in Bahrain. Among those summoned were Ahmad 'Issa al-Shamlan and 'Abd al-Shahid Khalaf, both well-known lawyers who together with others were undertaking the defence of many of those brought to trial in connection with the protests.

Similar punitive measures were also taken by the authorities against many other people who had been arrested and later released, as well against some who had simply been summoned for questioning. Teachers as well as school and university students were among those targeted: a number of teachers had their employment terminated, and students were either prevented from returning to their studies or from sitting for their end-of-year examinations. Some of these cases are mentioned later in this report.

On 16 August the authorities released Hassan Mshaima' and Shaikh Khalil Sultan, both well-known Shi'a Muslim personalities who had been arrested on 19 March and 1 April respectively and held without charge or trial. Their release was said to be part of an understanding reached with the government, which would also entail the phased release of two other prominent personalities ('Abd al-Wahab Hussain and Shaikh 'Abd al-Amir al-Jamri) and between 650 to 750 detainees by the end of September 1995. The releases were reportedly conditional on the cessation of all forms of protest in Bahrain as well as opposition activity abroad. The government has publicly denied that any such understanding had been reached. Nevertheless, on 8 September 1995 'Abd al-Wahab Hussain was released, as were some 130 detainees in the ensuing days. At the time of writing, Shaikh 'Abd al-Amir al-Jamri was still in detention and no further releases had been reported.

DETENTION WITHOUT CHARGE OR TRIAL

As many as 4,000 people may have been arrested in Bahrain since the outbreak of protests in December 1994. Over 1,000 of these detainees are believed to have been held for a matter of days only for questioning. Hundreds of others were held in detention without charge or trial for several months and then released. There are no accurate figures for those currently held but their number may be as high as 2,000. By May 1995 Amnesty International had received the names of over 1,500 detainees but in most cases it has been difficult to obtain further information on their cases. The government has refused to release information regarding the names of those arrested or even the names of those released. It has denied that such large numbers are involved but has not released figures of its own. The only cases which have been publicised are those where specific charges were brought under the Penal Code and which were then referred to the courts. To date, between 150 and 160 detainees (both adults and children) have been convicted and the cases of others are pending trial (see below).

The vast majority of detainees are believed to be held under the 1974 Decree Law on State Security Measures, Article 1 of which provides for the administrative detention without charge or trial for up to three years of persons suspected of endangering state security in the manner defined below:

"If there is serious evidence that a person has perpetrated acts, made statements, carried out activities, or has been involved in contacts inside or outside the country, the nature of which is deemed to be prejudicial to the internal or external security of the state or to its basic statutes or its social or economic system, or which are deemed to be of a seditious nature affecting or likely to affect existing relations between the people and the government, or between the various state institutions, or between groups of people, or between employees of institutions and companies, or the aim of which was to assist in the perpetration of acts of sabotage or the dissemination of subversive propaganda or atheistic principles ...".

Detainees held under Article 1 have the right to challenge the decision to detain them, a process known as *tathallum* (literally, 'complaint'). The same article states that detainees "may submit a complaint against the arrest order three months after its issuance to the Supreme Court of Appeal. The complaint may be re-submitted at the end of every six-month period from the date of

the decision to reject the complaint". It is unclear the extent to which the submission of such a complaint constitutes a challenge of the legal basis of detention. Moreover, the three-month-period denies detainees arrested or detained on a criminal charge their right to be brought promptly before a judge. Amnesty International is not aware of any cases whereby detainees have been permitted to submit a complaint against their arrest order or to challenge the legal basis for their detention in any other way. Article 9 (4) of the International Covenant on Civil and Political Rights (ICCPR) provides that any detainee "shall be entitled to take proceedings before a court in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful".⁶ Principles 32(1) and 37 of the UN Body of Principles on the Effective Protection of All Persons under Any Form of Detention or Imprisonment (UN Body of Principles) contain similar guarantees.

Article 2 of the Decree Law on State Security Measures provides that hearings before the Supreme Court of Appeal "shall always be held *in camera*, and shall be attended solely by the representative of the prosecution, the complainant and his representative". Article 3 provides that in the course of these hearings, the Supreme Court of Appeal need not observe the provisions of the Code of Criminal Procedure.

With rare exceptions, the vast majority of detainees arrested since December 1994 have been held incommunicado and denied access to the outside world. International human rights standards require that all persons deprived of their liberty shall have prompt access to their families, lawyers and doctors. Rule 92 of the UN Standard Minimum Rules for the Treatment of Prisoners (UN Standard Minimum Rules) states that a detainee "shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends and for receiving visits from them". Principles 15 and 16(4) of the UN Body of Principles make clear that even in exceptional circumstances communication with one's family may "not be denied for more than a matter of days". Prompt access to relatives is an important safeguard against torture and "disappearance"; in the long-term it also contributes to the defendant's ability to have a fair trial by enabling the detainee's family and friends to help prepare the defence by locating counsel and witnesses.

The Bahraini authorities have failed to make known the whereabouts of those detained. Families of the detainees have had to resort to making inquiries at numerous police stations and even at the Ministry of Justice in order to obtain information about them, usually to no avail. Most detainees were held in the official prisons in Bahrain: al-Manama Prison (also known as al-Qal'a Prison), Jaw Prison in the south of the country, and the Juveniles Prison in Madinat 'Issa. Many others were held at various police stations, while most women were held in the women's section at al-Khamis police station in Madinat 'Issa, as well as at the Juveniles Prison. By March 1995, the numbers of those arrested had caused severe overcrowding in both the prisons and the police stations, and makeshift detention centres were used to hold detainees on a temporary basis. Such

⁶ Although Bahrain is not a party to the ICCPR, Articles 9 and 14 of that treaty reflect generally accepted standards concerning the prohibition of arbitrary detention and the right to a fair trial. The UN Working Group on Arbitrary Detention uses these standards to determine whether detention is arbitrary (UN Doc.E/CN.4/1992/20, Annex I).

places were said to include a disused sports stadium in Madinat 'Issa as well as al-'Areen Wildlife Sanctuary. In a handful of cases, military barracks were also used as places of detention.

In the vast majority of cases, arrests were reportedly carried out without judicial warrants. Many people were simply picked up during raids on their village or district by security forces, usually in the aftermath of a protest or other incident. House-to-house searches were conducted, also without judicial warrants in most cases, during these operations. Numerous people have testified to the violence with which security forces carried out arrests and searches.

A house in al-Nuwaidrat marked with an "X" symbol denoting that a member of the household has been arrested.

The front door of people's homes were deliberately broken down and furniture and other house contents destroyed or damaged. Those inside were insulted and humiliated, and in many instances beaten or otherwise ill-treated. Following these raids, the security forces marked some of the houses with an "X" symbol to denote that a member of that household had been arrested. Places of religious worship, including mosques and *Hussainiyyas*, were also broken into and their contents deliberately damaged. Numerous checkpoints were set up at the entrance to villages where protests were taking place. Men, women and children were systematically searched, as were vehicles entering or leaving these areas. Scores of people were arrested at these checkpoints, often on the grounds that they were carrying objects which could be used as weapons against the police and security forces.

Most of these operations were conducted in towns and villages in the predominantly Shi'a Muslim districts of Jidd Hafs, Sitra and the Northern Region. In carrying them out, Bahrain's security forces were assisted by Saudi Arabian riot police brought in as reinforcement after the outbreak of mass protests. Numerous people testified to having seen the Saudi Arabian riot police or to have been stopped and questioned by them at checkpoints.

During such raids, all males over the age of 14 would generally be picked up, leaving some families without any of their menfolk. On 14 March, for example, security forces raided a house in the village of Abu Saiba' and arrested three males from one family: Mahdi Zuhair, Sa'id Zuhair and Yasin Sa'id Zuhair. On 17 March, seven of Mirza 'Abd al-Nabi's sons were arrested during a night raid in al-Bilad al-Qadim: 'Abd al-Hussain, aged 28; 'Abd 'Ali, aged 26; 'Abd al-Jabbar, aged 23; Jamil, aged 22; 'Aqil, aged 20; Shaker, aged 17; and Kamel, aged 16.

Amnesty International believes that many of those arrested are prisoners of conscience, imprisoned for the non-violent expression of their political, religious or other conscientiously held beliefs or because of their relation to others sought by the authorities. As noted earlier, among those targeted were prominent personalities associated with the petition calling on the Amir to

restore democratic rights, either because they had sponsored the petition or because they had encouraged others to sign it. Also targeted were a number of religious scholars who were accused of inciting the people to engage in anti-government protests. Five key people in this group were Shaikh 'Abd al-Amir al-Jamri, 'Abd al-Wahab Hussain, Shaikh Khalil Sultan, Shaikh Hassan Sultan and Hassan Mshaima'. All were held without charge or trial at two unacknowledged locations, the Dry Docks (*al-Hawd al-Jaf*) area on al-Muharraq Island, and a military barracks in the town of al-Safira south of the capital al-Manama. All were held incommunicado for periods of time but, exceptionally, they were given access (albeit very limited) to some members of their families.

Graffiti sprayed on a wall by protestors, saying: "No security or stability without parliament".

Others targeted include both school and university students. In many schools strikes were staged in support of the protesters, to which the security forces responded by raiding the schools and arresting the students. In late April, security forces and riot police attacked students on the campus of the University of Bahrain in order to break up protests there. Both live ammunition and tear gas were used during the attack and scores of students were arrested. According to an eye-witness account, the

students were taken to al-Na'im police station, blindfolded and then severely tortured.

Some people were apparently arrested after attempting to raise the cases of detainees arrested in connection with the protests. For example, five young men said to be involved in such activities were arrested between 29 June and 2 July at their homes by security forces and taken to an unknown place of detention. They were: Muhammad Ja'far al-Mi'raj, aged 34 from al-Qurya; 'Abd 'Ali Jassem, aged 32 from Jiff Haf; 'Ali Yusuf Hassan, aged 25 from al-Qurya; 'Abd al-Hussain Mi'raj Malallah, aged 28 from al-Nuwaidrat; and 'Ali Falah 'Abdullah, aged 21 from al-Qurya. At the time of writing, their fate and whereabouts were not known to Amnesty International.

Among those arrested in the first half of 1995 were a number of women and young girls. Shortly after the outbreak of protests, women were subjected to beatings and threats for participating in demonstrations or for attempting to prevent the arrest of their male relatives. On 11 February 1995, for example, a group of women staged a protest outside the High Court building in al-Manama after learning that their detained male relatives were to be put on trial. One woman who joined the protest later told Amnesty International:

"We were about 20 women calling for our relatives to be released. The whole area was surrounded by police. They ordered us to leave the area but we refused. I was beaten and carried by six policemen and forced onto a jeep, but I managed to jump

out again. One woman had her clothes torn and her chest was exposed. Another woman was pregnant. They humiliated and insulted us".

Other women were arrested and held as 'hostages' in order to coerce male relatives to hand themselves over to the authorities. For example, on 6 April 1995 27-year-old Malika 'Abdullah Yusuf Singais, a teacher of Arabic at Sar Secondary School for Girls, was arrested together with her mother Fatima, aged 60, in a dawn raid on their home in al-Sanabes. Her mother was released several days later but Malika Singais remained held incommunicado at al-Khamis police station, reportedly in lieu of her brother 'Adel Singais who was being sought by the authorities. She remained held without charge or trial until her release on 14 June.

Other women were apparently arrested either as further punishment for the activities of their male relatives or for their own activities, and generally in order to intimidate others. Zahra Salman Hilal, for example, was arrested from her home in al-Maqaba on 1 April 1995 and held without charge or trial at the Juveniles Prison in Madinat 'Issa. She went on hunger-strike shortly after her arrest, demanding to see her 18-month-old daughter Maryam, whom she was permitted to see briefly. She later went on hunger-strike again in order to be allowed to see her husband, Ahmad Mahdi Salman, himself detained since mid-January 1995 in connection with the protests. A brief visit was permitted in mid-April. She remained held without charge or trial until her release on 29 May. In another case, 'Afaf 'Abd al-Amir al-Jamri, was arrested on 9 May 1995 at the al-Qal'a compound where she had gone to visit her father, himself detained since 15 April (see above). During her meeting with her father, she was reportedly beaten by women police officers and then transferred to Madinat 'Issa where she was held incommunicado. She was released without charge or trial on 5 June.

On 9 April 1995 Nazi Karimi, a 27-year-old university student from al-Muharraq, was arrested when she and her husband were summoned by the SIS for interrogation. Her husband was reportedly beaten and then released uncharged the same day, but she was taken into custody and held in solitary confinement in the women's section at al-Khamis police station. She was reportedly put under pressure to "confess" to her alleged participation in demonstrations. Both she and her husband, as well as their respective families, all of whom are Bahraini nationals, were also threatened with forcible exile. On 26 April she was granted a brief visit from one family member, allegedly to convince her to sign a "confession". At the beginning of May, Nazi Karimi was reported to be in poor health after having gone on hunger-strike, and was eventually released on 10 May.

Schoolgirls as young as 12 years old were also arrested, such as Ayat 'Abd al-Jabbar Salman, who was taken from her home on 1 April 1995 and held for several days at the Juveniles Prison. In other instances, young girls were arrested at their schools together with their teachers. For example, on 12 April 1995 seven teachers and several of their pupils were arrested at Madinat 'Issa Secondary School for Girls, reportedly when the authorities learned that a demonstration was to be held there. They were held for several days in the women's section at al-Khamis police station and then released without charge. The teachers, who were subsequently dismissed from their jobs, were: Fatima 'Abdullah Abu Idris, Khatun Ahmad Khalaf, Samira 'Abd 'Ali Saif, Sawsan Ahmad Mansur al-Halwachi, Fathiyya al-Saffar, Wadad Shubbar and Muna Hussain. Among the students who had been arrested were: Fadhila Ahmad 'Abdullah 'Ali, Wadad Sa'id Ahmad

al-Mutawwa', Laila 'Abdullah Muhammad, Maryam 'Ali Ahmad and Amina Yusuf Hassan Yusuf. Students at other schools suffered similar treatment, including five who were arrested at Hidd Secondary School for Girls on 11 April 1995. They were released uncharged shortly thereafter. One schoolgirl believed to be still in detention is Hayat Sayyid Nasser al-Qamar, a 17-year-old orphan who was arrested in al-Duraz in the third week of May 1995. The reasons for her continued detention are unclear, and to Amnesty International's knowledge she has not been charged or tried.

Scores of young boys as young as 10 years old were also targeted. In a number of cases they were reportedly arrested as hostages in lieu of relatives being sought by the authorities, while in others they were picked up after taking part in protests. Often they were arrested as part of a wave of arrests by the security forces on a particular village or district. By March 1995, Amnesty International had received the names of 43 children and young boys who were in detention, and many others were subsequently arrested. Among those whose names the organization has received are: Mirza Muhammad Sa'id al-'Arab, a 15-year-old student from Bani Jamra arrested on 16 December; 'Ali Radhi Khamis from Sitra, and 'Abbas 'Abdullah Nodan, both aged 15, arrested in January; Muhammad Jawad Jassem al-Muwalli and Fadhel 'Abbas Salih 'Abd al-Latif, both aged 12, arrested in January; Yusuf Ahmad Malallah and 'Abbas Majid, both aged 14, arrested on 2 March during house-to-house raids in al-Nuwaidrat; 'Ali 'Abdullah 'Ali al-Jahal, aged 15, arrested in al-Qadam on 12 March; Jamil Hamad 'Abd al-Nabi, aged 15, arrested during night raids in al-Bilad al-Qadim on 17 March; and four children arrested on 17 March during house-to-house raids in the district of al-'Ukr: Muhammad Hassan Jassem, aged 12; Fadhel Hassan Jassem, aged 13; Hussain Ibrahim Muhammad 'Ali, aged 14 and 'Abbas Yusuf al-Mughani, aged 14.

Starting in April 1995, the government began announcing the release of groups of detainees held in connection with the protests: 120 detainees on 17 April; between 100 to 150 detainees on 9 July; and a further 150 detainees on 16 August. On none of these occasions did the government see fit to release information on their identities or on what charges they had been held. Amnesty International received reports that some of those released had not in fact been arrested in connection with the protests but were being held on charges of having committed ordinary criminal offences. On several occasions the organization urged the government to make public the names of all those released as well as all those arrested since December 1994. On 17 August Amnesty International wrote to the government requesting the names and details of those said to have been released on the dates mentioned above. At the time of writing, no response had been received.

UNFAIR TRIALS AND THE DEATH PENALTY

In March 1995, trials began of detainees arrested in connection with their alleged participation in widespread protests and in related acts of violence. Three separate courts have been involved in hearing these cases: the Supreme Civil Court of Appeal (*Mahkamat al-Isti'na'af al-'Ulya al-Madaniyya*) in its capacity as a State Security Court (*Mahkamat Amn al-Dawla*); the criminal chamber of the High Court (*al-Mahkama al-Kubra*); and the Juveniles Court (*Mahkamat al-Ahdath*). The trials, which were continuing at the time of writing, have to date resulted in the conviction of up to 100 defendants, the vast majority by the State Security Court and the rest by the High Court. At least 25-30 other cases have been referred to these two courts and the defendants concerned are awaiting trial. In addition, of the estimated 50 cases involving juvenile defendants

heard before the Juveniles Court to date, between 25 and 30 cases (involving an estimated 50-60 defendants) have resulted in convictions, while at least 40-50 others are awaiting trial. A number of defendants were also acquitted (see below). Sentences passed by these courts to date range between six months' imprisonment and life, with one defendant sentenced to death. In the case of convicted juveniles, several have received custodial sentences of ten years.

The Supreme Civil Court of Appeal, in its capacity as a State Security Court, is competent to try defendants charged with offences relating to the internal and external security of the state (Articles 112-184 of the Penal Code). This is in accordance with Article 185 of the Penal Code, which provides for the setting up of a court to hear cases involving these offences. Amiri Decree No. 7 of 1976 was accordingly issued, establishing the State Security Court and laying out exceptional provisions governing its proceedings. Article 4 of this decree stipulates that the court shall apply the provisions of the Code of Criminal Procedure except where otherwise provided in the decree. The establishment of such a special court using special procedures denies defendants the right to a fair trial before a competent court.⁷

The procedures followed by this special court have resulted in grossly unfair trials. They violate numerous internationally recognized standards for fair trial, including Article 14 of the ICCPR, as well as Article 20(c) of Bahrain's Constitution, which states:

"An accused person shall be presumed innocent until proved guilty in a legal trial in which the necessary guarantees for the exercise of his right of defence at all stages of investigation and trial are guaranteed in accordance with the law".

Even some of the exceptional measures provided for in Amiri Decree No. 7 of 1976 are routinely violated (see below).

Amnesty International has had long-standing and serious concerns about State Security Court trials, which it has documented over the years. From the moment of arrest until they are brought to court, defendants are denied access to legal counsel. Consequently, although many defendants may appoint lawyers of their own choosing, this can only take place on the first day of their trial, just before the opening session. This denial of access to lawyers is inconsistent with international standards. Principle 15 of the UN Body of Principles provides that even in exceptional circumstances a detainee's right "to be visited and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel", as set forth in Principle 18, "shall not be denied for more than a matter of days". Moreover, Principle 7 of the UN Basic Principles on the Role of Lawyers states that governments must "ensure that all persons arrested or

⁷ The right to a fair trial is required by Article 10 of the Universal Declaration of Human Rights and Article 14(1) of the ICCPR. Principle 5 of the UN Basic Principles on the Independence of the Judiciary states:

"Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to ordinary courts or judicial tribunals".

detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention".

The State Security Court appoints lawyers for those defendants who fail to secure legal representation of their own. In both instances, inadequate time is given for the preparation of the defence.⁸ Moreover, even if defence lawyers are appointed beforehand by the families of the defendants, they are not granted, before the trial commences, access to court documents prepared by the Public Prosecution on their clients' cases. Consequently they cannot even familiarise themselves with the facts of the case before meeting their clients for the first time in court. Principle 21 of the UN Basic Principles on the Role of Lawyers requires "the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to their clients. Such access should be provided at the earliest possible time". In Bahrain, access to court documents is almost always given after the first session of the trial is adjourned, when lawyers are granted on average two weeks to prepare their defence before the second session of the trial. This violates even the provisions of Amiri Decree No. 7 of 1976 regulating the proceedings of the State Security Court, Article 5(3) of which stipulates:

"The Public Prosecution shall prepare the case file and deposit it with the President of the court for distribution to the court's members and to the accused or their lawyers in sufficient time before the first session".

After the first session defence lawyers continue to have limited access to their clients for the duration of the trial. They are usually permitted to meet with them in the court room on those days when a session is held, and on rare occasions they may gain access to them at other times, depending on the place of detention where they are being held. Such restrictions appear to be inconsistent with the right to communicate with one's counsel guaranteed by Article 14(3)(b) of the ICCPR, Principle 18 of the UN Body of Principles and Principle 8 of the UN Basic Principles on the Role of Lawyers.

Article 5(4) of Amiri Decree No. 7 of 1976 stipulates that sessions of the State Security Court shall be public unless it is deemed necessary to hold them *in camera* "out of consideration for public order, public security or the higher interests of the state ...". The same article stipulates that sentencing shall be pronounced in public session. In practice, sessions are always held *in camera*, attended only by members of the courts' bench, the defendants, defence lawyers and representatives of the Public Prosecution. Relatives of the defendants as well as independent observers and the media are barred from attendance. Sentencing also takes place in closed session. Such *in camera* proceedings are inconsistent with the right to a public trial guaranteed by Article 10 of the UDHR and Article 14(1) of the ICCPR.

The court is not required to summon witnesses to give evidence or for cross-examination; such evidence can be submitted in writing only (Article 5(6) of Amiri Decree No.7 of 1976).

⁸ Article 14(3)(b) of the ICCPR provides that every person charged with a criminal offence is entitled to "have adequate time and facilities for the preparation of his defence". Principle 18(2) of the UN Body of Principles contains a virtually identical guarantee.

Defendants may be convicted solely on the basis of uncorroborated confessions given to police or security officials, or even on the testimony of these officials that such confessions were given, according to Article 5(5) of this decree. Even in cases involving the death penalty, the same article states that uncorroborated confessions may be used as sole evidence if they were made "before the court or an investigating judge". In Bahrain, such "confessions" are routinely extracted under torture. Article 19(d) of the country's Constitution, which prohibits torture, also stipulates that "Any statement or confession shall be null and void if it is proved to have been made under duress or enticement or degrading treatment or threat thereof". Furthermore, there are no directives in the provisions governing the court's procedures to ensure that confessions are freely given, or to investigate claims of torture. Confessions are evaluated by the court and decisions taken accordingly. Defendants have consistently alleged that their confessions were extracted under torture, and yet no independent investigations appear to have been carried out, despite the frequency and consistency of the allegations. The failure of courts to conduct prompt and impartial investigations of claims of torture is inconsistent with the obligations of the authorities under Articles 8 and 9 of the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Declaration Against Torture).

Once the State Security Court's verdicts are pronounced, copies of its judgments are not made available to defence lawyers. However, lawyers may read these in the court building. Amnesty International has in the past requested copies of such judgments from the government and members of the judiciary, but none were made available. Defence lawyers have told Amnesty International that as a rule, judgments contain no information or detailed reasoning indicating how the court arrived at its decision. They simply state that conviction was based on the court being satisfied that the defendants were guilty as charged and that they had confessed accordingly before the investigating judge. Under Bahraini law, there is no right of appeal to a higher tribunal against conviction and sentencing by the State Security Court, including in death penalty cases. Death sentences must be ratified by the Amir before being carried out. The denial of the right to appeal recognized in Article 14(5) of the ICCPR, which provides that "[e]veryone convicted of a crime shall have the right to his conviction or sentence being reviewed by a higher tribunal according to law", is particularly damaging in death penalty cases. The UN Economic and Social Council (ECOSOC) Safeguards guaranteeing protection of the rights of those facing the death penalty provide that "[a]nyone sentenced to death shall have the right to appeal to a court of higher jurisdiction" (Safeguard 6).

In the past, many political prisoners have been charged with offences under the Penal Code which entail the use of force or violence, such as Article 159 which punishes membership of an unauthorized organization by up to life imprisonment. This article defines the aim of such organizations as "the overthrow or changing of the political, social or economic system of the state" and where "the use of force, threat or any other illegitimate method is evident". In view of the closed nature of political trials in Bahrain and the secrecy surrounding the court's findings and judgments, it is difficult to establish not only whether those on trial have used or advocated violence, as Article 159 of the Penal Code requires, but also whether the unauthorized organization in question in fact exists. The fact that the State Security Court can rely on uncorroborated confessions as sole evidence for conviction means that the Public Prosecution is not under any undue pressure to produce hard evidence linking the defendants to acts of violence or proving the

existence of an unauthorized organization. Moreover, the wording of Article 159 of the Penal Code is sufficiently vague to allow for wide interpretation of what constitutes an unauthorized organization.

Amnesty International has therefore remained concerned about frequent and consistent reports that defendants have been convicted and sentenced to long terms of imprisonment without any evidence being produced in court demonstrating their use or advocacy of violence. Indeed, in a number of cases defendants were reportedly informed of their sentence during the trial, before the trial ended or even before it began. Many political prisoners in Bahrain may therefore have been imprisoned solely for the non-violent exercise of their right to freedom of expression.

The conduct of the trials which began in March 1995 before the State Security Court have only served to reaffirm Amnesty International's concerns as outlined above. These trials were manifestly unfair at all stages of the proceedings, and on 5 May 1995 the organization publicly called on the government to halt the proceedings until they were brought in line with international standards for fair trial (see below). Moreover, Amnesty International is concerned about a series of public statements by the government as to the validity of the charges against some defendants, made prior to the commencement of their trials. The organization believes that such statements may have seriously undermined the defendants' right to be presumed innocent until proven guilty before a court of law, guaranteed by Article 20(c) of Bahrain's Constitution and Article 14(2) of the ICCPR, thereby prejudicing any chance they may have had of receiving a fair trial.

Towards the end of January 1995, the government began releasing information to the local media, usually through a Ministry of Interior spokesperson, about groups of suspects arrested in connection with specified crimes. Photographs of the suspects, together with their names and some of their personal details, were made available and published in Bahrain's daily newspapers. The government's statements in this regard frequently said that the suspects in question had "confessed fully" before the investigating judge, and that the security authorities had obtained information establishing their complicity in various acts of violence and sabotage. For example, on 4 February 1995 the daily newspaper *al-Ayam* published photographs of six people arrested for their alleged participation in arson attacks and the destruction of public property. The six were: Ibrahim Muhammad Ahmad al-Ghays, Majid 'Abd al-Nabi Ridha 'Abd 'Ali, 'Ammar Muhammad Hussain al-Shara', Akbar Muhsin Hassan al-'Aali, Ja'far Muhammad al-Haddad and 'Ali 'Abd al-'Aziz Hussain 'Ali. The newspaper article read as follows:

"Members of groups of rioters and saboteurs whom the Public Security forces were able to apprehend made new and extraordinary confessions before the investigating judge, which confirmed that the acts of violence and sabotage they committed were part of a planned operation carried out with the encouragement of those who incited them".

In a separate case, *al-Ayam* published on 9 March 1995 the photographs of six other detainees also accused of acts of sabotage and the distribution of leaflets: 'Abd al-Hadi 'Abdullah Mahdi Hassan, Mahmud Muhsin 'Ali al-Saba', Hussain Yusuf Ahmad al-Saffar, Hamza 'Abd al-Rasul 'Ali Ahmad, Ja'far Muhammad Kadhem Nasser and Hassan 'Ali Habib Muhammad Hassan. The newspaper stated:

"Members of this gang made important and full confessions before the investigating judge - who ordered their detention pending their trial - and which revealed instigated and premeditated crimes aimed at achieving illegitimate goals, undermining the security and stability of the country and intimidating the population".

Articles along similar lines were published regularly in Bahrain's newspapers for several months. The Minister of Interior himself made a statement on the situation during a meeting of the Consultative Council on 11 April 1995. Details of his statement were published the following day in *al-Ayam*. The following is an extract:

"The Minister of Interior clarified that the incidents of sectarian strife, sabotage and terrorism were not spontaneous, but were premeditated and deliberate, planned and plotted in advance. It was confirmed, through investigations, information and the confessions made before the judiciary, that behind [these acts] lies an extremist religious organization with illegitimate goals and aims linked with a political organization abroad and supported by a foreign country. Its leaders have contacts and links with conspiratorial groups resident in that country, which does not want security in [our] stable and secure state, neither does it want stability in the Gulf states and the Arab world".

Similar statements were made on a number of other occasions by government officials, linking the mass protests and acts involving violence in Bahrain to the activities of an unauthorized organization supported by hostile foreign powers. One of the most recent was a statement to the media by the Prime Minister, Shaikh Khalifa bin Salman Al Khalifa, on 11 September 1995. He was quoted as saying: "What happened in Bahrain surprised us all, and it is certain that foreign elements had planned for this".⁹ It is worth noting, therefore, that of the scores of defendants brought to trial since March 1995, only in one case (involving 11 defendants) were charges brought under Article 159 of the Penal Code - that of membership of an unauthorized organization. Even in this one case, the charges made no reference to a foreign power, nor were the defendants accused of working on behalf, or at the instigation, of a foreign power. According to the charge sheet, a copy of which was obtained by Amnesty International, Hussain 'Ali al-Tattan, Salman 'Abdullah al-Nashaba and their nine co-defendants were charged, *inter alia*, with membership of "an organization aiming to change the political system of the state through violence and illegitimate means" and calling on others to join it. The two main defendants in the case (named above) were also charged with running this organization. The charge sheet states that these two defendants:

⁹ Quoted in the London-based daily newspaper, *al-Hayat*, 12 September 1995.

"Ran an organization aiming to change the political and social system of the state, and approved and promoted this through the use of force and threats, in that they led and ran, with others, what is termed *Hizbullah* in Bahrain which adopts directions and principles opposed to the political and social system in the country, employing revolutionary violence, force and threats, using weapons and explosives, committing crimes, sabotaging public and private institutions, creating unrest and rioting, resisting security personnel and other illegitimate methods as a means to execute the plan of the party, which aims to destroy the political and social system in the country and to bring other illegitimate systems in its place, and seeking assistance to enable it to seize power ...".

Hussain 'Ali
al-Tattan

On 1 May 1995, the State Security Court sentenced Hussain 'Ali al-Tattan to 10 years' imprisonment, Salman 'Abdullah al-Nashaba to five years' imprisonment, and eight other defendants to three years' imprisonment each. The last defendant, 'Abd al-Jabbar Ibrahim al-'Asfour, was acquitted but remained held for several weeks (see below). The prosecution reportedly produced inconclusive evidence to support the charge of intent to use violence, and produced no material evidence establishing membership, or existence, of an unauthorized organization. The convictions were said to have been principally based on uncorroborated "confessions" extracted under torture from the defendants. Amnesty International had received reports that Hussain al-Tattan and Salman al-Nashaba, in particular, had been badly tortured. In common with scores of defendants tried before this court, the 11 defendants had been held incommunicado and denied access to legal counsel until the day of their trial.

Information obtained by Amnesty International over the past six months from the relatives of defendants, defence lawyers and others about how alleged offenders have been brought to justice, stands in sharp contrast to statements made by government officials. For example, the Minister of Interior, in his statement before the Consultative Council on 11 April 1995, was reported to have described the manner in which the authorities had dealt with the unrest as follows:

"The Minister pointed to the eagerness of the Ministry of Interior and the security apparatuses to confront the events in the context of the state's wise policy of self-restraint ..., and gave assurances that security measures taken regarding the events were in conformity with Bahrain's civilized approach ... This is in addition to the care taken to fully respect the laws and systems of the country, and that in this regard a committee was established at a high level, composed of men of law and specialists, to interrogate those implicated in these cases. [The committee] took care in releasing those on whom there was no evidence to convict them of [having played] a leading role, and in taking all necessary legal measures to bring the offenders to justice ...".

To Amnesty International's knowledge, the interrogation committee referred to by the Minister of Interior was set up in mid-December 1994, shortly after the outbreak of protests. It is

believed to be headed by a member of the ruling Al Khalifa family and composed of eight members, six of whose names the organization has received. At least three members, one of them a CID employee and the other two SIS employees, have been frequently and consistently accused by former detainees of acts of torture or of having ordered others to commit such crimes in previous years as well as during the last ten months.

The following pattern appears to have been followed in numerous cases by detaining and interrogating officials since December 1994. Detainees are generally brought before the interrogation committee after being held, on average, for up to two weeks at a prison or police station. They are said to be blindfolded during interrogation and tortured to extract information from them about their own alleged activities and those of others, and to force them to confess. They are then transferred to a police station where their "confessions" are taken down in writing, and shortly thereafter they are brought before an investigating judge (*qadi al-tahqiq*). Detainees are said to be routinely threatened by their interrogators with further torture if they attempt to alter or withdraw their "confessions" before the investigating judge. In theory the investigating judge, who is an official of the Ministry of Justice, records in writing any statements suspects may wish to make, including whether they had been subjected to torture or ill-treatment. In practice, there is a widespread perception that the role of the investigating judge (who is also known as the "confession judge" - *qadi al-i'tiraf*) is simply to rubber-stamp "confessions" already prepared by the detaining or interrogating authorities. This violates Article 76(3) of the Code of Criminal Procedure, which states that "The judge shall not record any such confession unless, having questioned the accused, he is satisfied that the confession was made voluntarily and freely".¹⁰ Since December 1994, all suspects brought before an investigating judge in connection with the protests have been seen by one person, who became permanently based in the al-Qal'a compound. He allegedly carries out instructions issued by senior security officials, including the renewal of the detention periods of suspects on request. According to Article 79 of the Code of Criminal Procedure as amended, detainees suspected of security offences may be held indefinitely pending the completion of investigations.¹¹

Detainees are reportedly brought before the investigating judge only after they have "confessed" in writing. Former detainees who had been held in recent months testified to Amnesty International that they remained before him for a matter of minutes, during which time they were usually asked to confirm that they had made the written "confession". If they reply in the affirmative, their cases are referred to the competent court. Those detainees who at this point still bear physical evidence of the torture they suffered may then be transferred to a place of detention where conditions are marginally better, to allow their health to improve before they are brought to court. Where detainees deny before the investigating judge that they had made the "confession", or

¹⁰ It is also inconsistent with the obligation of the authorities under Articles 8 and 9 of the Declaration against Torture to investigate complaints and reports of torture or ill-treatment. Article 12 of the Declaration against Torture prohibits the use of any statement as evidence against anyone which has been established to have been made as the result of torture or ill-treatment.

¹¹ This amendment is provided for in Article 8 of the 1974 Decree Law on State Security Measures.

if they state that it was extracted under torture, they are returned to their place of detention to undergo further interrogation and torture.

Sessions of the trials before the State Security Court since March 1995 have been held at the Coast Guards (*Khafar al-Sawahel*) base in al-Muharraq. Two chambers of the court (rather than one, which is the usual case) are functioning in order to deal with the large number of cases awaiting trial. Officially, the trials are being held in public, as indicated in the written records of the sessions. In reality, they are being held *in camera*, attended solely by the court's bench, the defendants, the defence lawyers and the representatives of the Public Prosecution Directorate (*Idarat al-Iddi'a' al-'Amm*). The site chosen for the makeshift courtroom - in effect a military barracks - has facilitated the task of the security forces in blocking off the road leading to it. Relatives of the defendants, as well as journalists, have been denied access to the trials, and no independent observers are known to have attended any of the sessions held to date. There was one notable incident, however, which took place during the last week of May 1995 during a session of the trial of 29 defendants charged with destruction of public property, violence against the police and illegal gathering. According to reliable accounts received by Amnesty International, the defendants were brought into the courtroom wearing neat clothes and clean shaven. Some of their relatives and other persons were also brought in to attend the session. Journalists were permitted to take photographs, some of which were then published in the local press. Approximately one week later, during its meeting with Under-Secretary Ghazi al-Qusaibi (referred to earlier in this report), Amnesty International was told that the trials before the State Security Court were being held in public.

On average, cases have been heard during three to six sessions, including conviction and sentencing. As in the past, defendants were denied access to defence counsel until the first day of their trial. Thereafter, for the duration of the trial, they were only permitted to meet with their lawyers for an hour or so before or after each session but at no other time. In many of the cases, the lawyers were given barely one week, after meeting their clients for the first time and obtaining access to their files, to prepare their defence in time for the second session. In addition, they were not permitted to take copies of the court documents pertaining to their clients: rather, they were obliged to examine these in the court building and to take their own notes.

According to information received by Amnesty International, evidence against almost all defendants was based on uncorroborated "confessions" extracted in pre-trial detention. Regarding those charged with offences such as arson attacks or the destruction of public or private property, the prosecution also presented to the court in some cases photographs of these locations but with reportedly tenuous material evidence linking these incidents to the defendants concerned. Amnesty International was told that in a number of cases, the security authorities took groups of defendants to such locations and forced them to re-enact their alleged crimes, during which they were photographed. These photographs were then presented to the court to support the prosecution's case. For their part, defence lawyers have called for their clients' acquittal on the grounds of pre-trial irregularities, such as the searching of homes or the arrest of the defendants without proper judicial warrants, and the extraction of confessions under torture.

Where defence lawyers stated that their clients had been tortured to extract "confessions", the President of the State Security Court did not automatically order that the defendants be

medically examined. Amnesty International has been told that in practice, the president of the court satisfies himself with glancing at the defendants, who normally sit in a cage in the courtroom at some distance from the court's bench, for any visible signs of torture. If there appear to be none, he usually decides against ordering a medical examination. Since torture victims are not generally brought to trial until the outward signs of such treatment have receded, this has meant that most allegations of torture are never investigated. It has also meant that any psychological torture or threats to which defendants may have been subjected are totally disregarded.

Where the president of the court orders a medical examination, the defendant in question is not referred to an independent medical committee but to a single medical examiner (*tabib shar'i*). In Bahrain, the medical examiner is an official of the Ministry of Interior whose office is located at CID headquarters in al-'Adliyya, from which numerous allegations of torture have emanated since December 1994. To Amnesty International's knowledge, only three of the scores of defendants brought before the State Security Court since March 1995 were acquitted on the basis of reports from the medical examiner confirming that they had been tortured. Two of them were: Nader Muhammad Hussain 'Ali, a student aged 18-19 charged with destruction of public property, and Ahmad 'Ali Hassan Khamis, a student aged 20 charged with illegal gathering. Both were among the group of 29 defendants (mentioned earlier) tried before the State Security Court, 27 of whom were convicted on 15 July 1995 to terms of imprisonment ranging between six months and five years. Following the acquittal of the two defendants, no steps are known to have been taken to bring to justice those responsible for torturing them or to compensate them. Article 10 of the Declaration against Torture requires those responsible for torture or ill-treatment to be brought to justice, and Article 11 of the Declaration requires the victim of torture or ill-treatment to be compensated in accordance with national law.

Defendants convicted by the State Security Court since March 1995 have no right of appeal to a higher tribunal, in accordance with the provisions of Article 7 of Amiri Decree No.7 of 1976. Most of the estimated 80 convicted prisoners are currently serving sentences ranging between one year and life in Jaw Prison in the south of the country.

Some defendants acquitted by the State Security Court continued to be held without further charges being brought against them and in the absence of any legal basis justifying their continued detention. Among them was 'Abd al-Jabbar Ibrahim al-'Asfour (mentioned earlier in this report) who was acquitted on 1 May 1995 of the charge of membership of an unauthorized organization. He was held for several weeks thereafter, and it was not known at the time of writing whether he was eventually released. Amnesty International was told that since March 1995, the authorities had failed to release some 15 such defendants, including some who had been acquitted by the High Court (see below). Defence lawyers told Amnesty International that, on average, the authorities released acquitted defendants some three or four months after the court ruling, and that illegal detention of this kind has in the past applied to convicted prisoners who had served their terms.

It has also been alleged by defence lawyers that in some cases (involving both security crimes and ordinary crimes), intelligence officials arranged for certain defendants to be referred to court where it was obvious that their links with the offences in question were tenuous in the extreme. This was allegedly done in the expectation that these defendants would be acquitted, thereby creating an impression that trials are fair and that those against whom there was insufficient

evidence would be released. Consequently, members of the courts' benches were said to understand that they were under some pressure, however indirect, occasionally to acquit defendants.

Since March 1995, two cases (one involving four defendants and the other 11 defendants) have been heard before the High Court, and at least two other cases were pending at the time of writing. Proceedings before this court are regulated by the provisions of the Code of Criminal Procedure, and defendants have some rights denied them by the State Security Court. For example, uncorroborated confessions cannot be used as the sole basis for conviction. The court is also required to summon defence and prosecution witnesses to testify in person, unlike the State Security Court which considers written statements as admissible. Defence lawyers are permitted to photocopy all documents pertaining to their clients' cases rather than having to examine them in the court's premises. In addition, defendants convicted by the High Court have a full right of appeal against conviction and sentencing, initially before the Supreme Civil Court of Appeal (*Mahkamat al-Isti'naf al-'Ulya al-Madaniyya*) and then further review by cassation before the High Appeal Court (*al-Mahkama al-Kubra al-Isti'naftiyya*).

At the same time, defendants tried before the High Court in recent months have been denied their fundamental rights in pre-trial detention denied them along similar lines described earlier with regard to those charged with state security offences. For example, they were arrested without judicial warrants, held incommunicado and denied access to their families and defence counsel until the day of their trial. Some were believed to have been tortured in order to extract "confessions" from them which were then submitted as evidence in court.

Of the two cases heard before the High Court to date, one involved 11 defendants charged with the murder of a Bahraini police official (there were also additional charges of rioting and illegal gathering). The body of Sergeant Major Ibrahim Rashed 'Abd al-Karim al-Sa'idi was found in the village of al-Nuwaidrat on 23 March 1995; he had reportedly been knifed to death. The 11 defendants had been arrested five days later and their case was initially heard before the State Security Court on 26 April 1995 amid widespread publicity. The defence lawyers in the case intervened by stating that the State Security Court was not competent to hear the case since a charge of premeditated murder had been brought under Article 333 of the Penal Code. The State Security Court subsequently agreed and transferred the case to the High Court. A new trial began before the High Court on 21 May. The court pronounced its verdict on 4 July. The main defendant in the case, 'Issa Ahmad Hassan Qambar, was sentenced to death. Two defendants received life sentences, two were sentenced to 10 years' imprisonment, four others to five years' imprisonment, and the remaining two were acquitted.

According to information received by Amnesty International, the case for the prosecution was based on the written confessions of the defendants extracted during pre-trial detention, the testimonies of witnesses and a forensic report regarding the alleged murder weapon. Defence lawyers pointed to the absence of forensic evidence linking the alleged murder weapon to any of the defendants, and to a number of contradictions in the testimonies of police officials. With regard to two of the defendants they also pointed out that the court violated Article 137 of the Code of Criminal Procedure, which states clearly that the testimony of a defendant against another shall be inadmissible unless they are both being tried jointly in the same case. The two defendants concerned were convicted in part on the testimony of one of their relatives who was being held in

connection with another case, and who was brought to testify for the prosecution allegedly in exchange for his release. Moreover, it was alleged that the authorities sought a speedy trial to be concluded before the start of the judicial recess on 15 July. The case was heard during some 15 sessions over a six-week period, which meant on average two or three sessions a week. Defence lawyers stated that this placed undue pressure on them, preventing them from adequately representing their clients, and that this was all the more serious in that the case involved a capital offence. Amnesty International also received reports that the two defendants acquitted in the case, 'Abbas Jassem 'Abd al-Hussain al-Sula and 'Abbas Muhammad Ibrahim al-Mu'allim, remained in detention for a period thereafter and it could not be confirmed whether they were eventually released.

At the time of writing the case was pending appeal. If the court's ruling is upheld by the Supreme Civil Court of Appeal and the High Appeal Court, the death sentence will be referred to the Amir for ratification before being carried out. In Bahrain the death penalty has rarely been applied although the Penal Code provides this punishment for a number of offences (including crimes against state security and various categories of murder). No executions have been carried out since March 1977 when three men convicted of murder were executed. In July 1990 a Pakistani national was sentenced to death for drug-trafficking under a law promulgated in 1984, but the sentence was never carried out. Amnesty International is therefore concerned that the death sentence passed on 'Issa Ahmad Hassan Qambar may signify a new willingness on the part of the Government of Bahrain to resume executions, and on 6 July 1995 urgent appeals were sent to the authorities urging that the sentence be commuted. The organization reiterated its unconditional opposition to the death penalty in all cases, considering it to be a violation of the fundamental right to life and the right not to be subjected to cruel, inhuman and degrading punishment. In Amnesty International's view, it is inherently unjust and arbitrary, however heinous the crime for which it was provided and however scrupulous the procedures by which it is enforced. The risk of error is inescapable, yet the penalty is irrevocable. In its appeals, the organization urged that internationally recognized standards for defendants charged with capital offences be strictly observed during trials. The government made no response to these appeals.

With respect to minors brought to trial since March 1995 in connection with the protests, some 50 to 60 of them have been convicted to date by the Juveniles Court. The proceedings of this court are regulated by the provisions of the Code of Criminal Procedure unless otherwise provided in the Juveniles Law (No. 17 of 1976). Article 1 of this law defines a juvenile as a person not exceeding the age of 15 at the time of the commission of the crime. The Government of Bahrain acceded to the UN Convention on the Rights of the Child in February 1992, Article 1 of which defines a child as a person under the age of 18 "unless under the law applicable to the child, majority is attained earlier". No amendment to the Juveniles Law has been introduced in this regard since Bahrain's accession to the Convention.

Article 12 of the Juveniles Law provides a maximum sentence of 10 years' imprisonment for felonies and three years' imprisonment for misdemeanours, to be served in a corrective institution (*islahiyya*). Alternatively, the court may order their release on the basis of a guarantee submitted by their parents or legal guardian, together with a specified period of supervision. Sessions of the Juveniles Court are presided over by one judge, whose rulings may be appealed before a special chamber of the High Court.

Muhammad 'Ali
Muhammad al-'Ikri, aged
14

Juvenile defendants brought to trial in connection with the protests were denied their fundamental rights during pre-trial detention, having been held incommunicado and denied access to their families and defence counsel. Charges brought against them under the Penal Code have included arson attacks on public property and inhabited private property, rioting, participation in illegal gathering, and incitement of hatred towards the government. In the opinion of some defence lawyers, sentences passed by the Juveniles Court have been unnecessarily harsh, a number of children having been handed the maximum penalty of 10 years' imprisonment to date. Amnesty International understands that on appeal, several of these sentences were reduced to two or three years' imprisonment. Among those who received the maximum penalty were Muhammad 'Ali

Muhammad al-'Ikri and Sayyid Hussain al-'Alawi, both aged 14. The former, a school student from the village of al-Daih, was reportedly charged with throwing a petrol bomb at police personnel, and was convicted on 9 July 1995. His sentence was overturned on appeal and he was released in early September.

TORTURE AND ILL-TREATMENT OF DETAINEES

The torture and ill-treatment of detainees remains one of Amnesty International's long-standing and serious concerns in Bahrain. Over the years the organization has documented numerous cases of torture, which have been raised with the government and placed on the public record. The government denies the use of torture in its prisons, and yet continues to deny independent international human rights bodies access to the country to investigate such claims. To Amnesty International's knowledge, the government has failed to carry out a single independent investigation of its own into allegations of torture. No one has been brought to justice or convicted for such crimes to date.

Torture is prohibited by Bahrain's Constitution, Article 19(d) of which clearly states that "no person shall be subjected to physical or mental torture, enticement or degrading treatment, and the law shall provide the penalty for these acts". Article 20(d) of the Constitution further states that "no physical or moral injuries shall be inflicted on an accused person". National legislation prohibits, and provides penalties for, a range of offences deemed to constitute an abuse of office or authority by public officials. Article 75(1) of the Code of Criminal Procedure states:

"No policeman or any other person with authority shall use violence or threats or promise of benefits towards any person during an investigation into the commission of an offence in order to influence the statement he may give".

Article 208 of the Penal Code states:

"Imprisonment shall be the penalty imposed on every public official who uses torture, force or threat, either personally or through a third party, against an accused person, witness or expert to force him to confess to having committed a crime or to give statements or information in respect thereof. The penalty shall be life imprisonment should the use of torture or force lead to death".

Torture remains rife in Bahrain's prisons, and is most frequently inflicted during the initial period of detention when suspects are undergoing interrogation. While in many cases the aim is to extract "confessions" which may subsequently be used as the basis for conviction in court, torture is also used to force detainees to sign statements undertaking to renounce their political affiliation, to desist from anti-government activity in the future, or to force them to cooperate with the authorities by reporting on the activities of others. In other cases, torture or ill-treatment is inflicted simply as punishment, or to instil fear in both the detainees and government opponents generally. The impunity with which such practices are carried out, and the absence of any official accountability, has resulted in torture being regarded as an apparently legitimate method of interrogation.

According to testimonies obtained from former political detainees over the years, the physical methods of torture most commonly used include: severe and sustained beatings all over the body using hosepipes, electric cables and other implements; *falaqa* (beatings on the soles of the feet); forcing detainees to beat each other; suspension from the limbs in contorted positions, with blows administered to the body at the same time; enforced standing for several hours or days; sleep deprivation; preventing detainees from relieving themselves; immersion in water to the point of near drowning; burning the skin with cigarettes; and piercing of the skin with a drill. Reports of the sexual molestation of male detainees, particularly of youths, have also been received over the years. These include physical assault as well as other methods such as the insertion of objects into the penis or anus. Another method used is placing detainees suffering from sickle cell anaemia (which is prevalent in Bahrain) in air-conditioned rooms in winter for prolonged periods. This exposes them to the risk of damage to the organs, including the eyes and kidneys. They also risk leg ulcers, gall stones and bacterial infection, and suffer generalised body pain. The physical abuse of detainees is frequently accompanied by psychological methods of torture, including threats of execution or indefinite detention, threats of harm to detainees' wives or other female relatives, as well as insults and humiliation. The latter include insults to the Shi'a faith and preventing detainees from saying their prayers or performing ablution.

While torture or ill-treatment is most frequently inflicted on political detainees during pre-trial detention, convicted prisoners have also been subjected to similar treatment. In April 1994, for example, Amnesty International received reports of the torture of five political prisoners held in Jaw Prison No. 1. A radio had been discovered during an inspection of their cells carried out by SIS officers on 9 April. The prisoners, who included Muhammad Jamil al-Jamri and 'Abd al-Jalil Khalil Ibrahim, were transferred to al-Manama Prison, where they were held incommunicado and tortured to extract information regarding the source of the radio. Several of them were subsequently transferred to hospital for urgent medical treatment, then returned to al-Manama Prison. On 19 April 1994 Amnesty International raised these cases with the Minister of Interior and called for a prompt and impartial investigation into the reports of torture. No response was received.

Since December 1994, Amnesty International has received numerous reports of the torture and ill-treatment of detainees arrested in connection with the protests. The victims reported that they were tortured under interrogation at CID headquarters in al-'Adliyya, at the hands of SIS personnel in the al-Qal'a compound or while held in police stations, including al-Khamis police station. Some of the victims also reported continuing torture or ill-treatment after interrogation, following their transfer to cells at al-Manama or Jaw prisons. Many were able to identify by name the officers in the SIS or CID who reportedly ordered, or were involved in, acts of torture. The names of several of these officers had been submitted to Amnesty International in the past by other political detainees, and are said to include Jordanian, Egyptian, Pakistani and other nationals employed by the Ministry of Interior.

Amnesty International has interviewed a number of torture victims, some of whom remain in Bahrain while others have fled abroad. Many other cases have been brought to the organization's attention, including by the victims themselves who submitted their testimonies following their release. The methods of torture described by former detainees are consistent with information received by Amnesty International in previous years, indicating that torture and ill-treatment continues to be widely and routinely inflicted. The following are extracts from some of the testimonies received:

◆ A 26-year-old man from al-Sanabes [name withheld] was arrested on 13 January 1995 after being summoned to al-Qal'a. There, according to his testimony, he was interrogated by a Bahraini officer about his alleged involvement with a group of named individuals accused of inciting people to commit acts of sabotage.

"I said [to the officer] I had no knowledge of what he was saying, and he replied that the others had confessed regarding me and my activities. I rejected this so he beat me several times on my chest and on my face also, and threatened to suspend me while handcuffed. I denied all the accusations made against me, so he took me to another room and said 'Look, this is what I will do to you'. There, I saw 'Abbas Sahwan, tied by the hands and feet while suspended. [The officer] took me back to his room and asked 'Do you want to confess now, since they have all confessed that you are with them?'. I said nothing, then he told one of the assistants to bring the torture equipment. A few minutes later [the assistant] returned, saying that none were available - he meant that the equipment was being used to torture other people ... Later they brought the equipment and it was handcuffs and a piece of wood. They handcuffed me and placed the wood between my elbows and behind my knees ... and placed one end of the wood on the table and the other end on the chair. I remained suspended like a slaughtered animal for one hour and a half while they threatened me with more torture ... and said 'We will not take you down until you confess everything'. They were joking among themselves and laughing as if they could see no one in front of them ... After they took me down they ordered me to stand up and they began beating me with a whip ...".

Three days later the victim was transferred with other detainees to Jaw Prison, where he remained in detention without trial for over four months and then released.

◆ A former detainee from al-Nuwaidrat [name withheld] held for 55 days in Jaw Prison in early 1995 described what he saw there:

"While in prison I used to hear sounds of prisoners moaning and screaming and crying for help. The atmosphere there was horrific in the extreme, for they used to break bottles on the prisoners' heads, and sometimes beat them on sensitive parts of the body. It was possible to see clearly traces of blood on their bodies and clothes ... and there was severe torture of the relatives of important personalities ... like 'Abd al-Wahab Hussain, for I saw one of his relatives beaten very badly until he lost consciousness. The treatment of an animal is better than [the treatment of a human being] by the prison officers ... There was also a teacher called Hassan Marhoun who was subjected to severe beatings which paralysed him for more than three months. And another person called Makki Khadr who was severely beaten in the open air in the months of January and February [1995] when it was very cold and for five days continuously ...".

◆ A 21-year-old university student [name withheld] from Iskan 'Aali, was arrested at his home in the third week of December 1994 by about 15 security personnel in plain clothes. His home and car were searched and he was initially taken to CID headquarters in al-'Adliyya. There, he states that he was interrogated on the second day after his arrest by a Jordanian officer [name withheld] about his participation in a demonstration:

"[I said] I didn't participate, and then I was punched and slapped from all sides. 'Confess, you fool' [he told me, and then he said]: Take him and suspend him'. So they suspended me on the stairs and exposed my legs up to my knees and beat me with a hosepipe. They shouted 'Confess, confess', mocking me and my beliefs. Then after severe beatings on my legs they took me to a place between the offices and threw me down in that state. I couldn't stand up so I fell down, then I was kicked and slapped which forced me to stand up once more until night time ... At about midnight [the Jordanian officer] came and took us outside, where there were eight people tied up like us. They had been standing there in the cold from noon until now ... the eldest was aged 22, two others were aged 19 and 16 and two were aged 15. They took us to a bus ... and made us board it with force. They insulted us and made us lower our heads by using sticks. Then they covered the windows of the bus with newspapers in order to conceal their crimes from the people ...".

The student was transferred to al-Rifa' al-Gharbi police station, and from there he was taken to the al-Qal'a compound on several occasions for further interrogation. Upon his release he was asked to sign a statement undertaking not to participate in any demonstrations or any other prohibited activities.

◆ A 19-year old student [name withheld] from al-Duraz was arrested on 16 January 1995, three days after taking part in the funeral procession of 'Abd al-Qader al-Fatlawi (who had been killed by security forces during a demonstration; see below). The student was taken to CID headquarters in al-'Adliyya, where he states he was tortured. Following his release he told Amnesty International:

"[The Jordanian officer] told me that I had participated in demonstrations and that there were photographs to prove it. He said: 'Tell us who was with you and we will release you'. There were two other men in the room, one of whom stood behind me. When I replied that I had not been involved, I was boxed in the ears and fell to the ground. Then I stood up and repeated what I had said, and I was boxed again. This happened several times. Then they hit me with a truncheon and kicked me. The officer [name withheld] then ordered the *falaqa* to make me confess. I was suspended and beaten. After that they hit me again on my body with the truncheon. The pain was intense. [The officer] said: 'Give me the names of those who took part'. I was hit again on the legs, shoulders and hands with the truncheon. After about a quarter of an hour I could not feel the pain anymore. Then they untied me and took me out in the corridor while kicking and hitting me ... At night they took me out into the courtyard. I was wearing only my shorts and it was very cold. My hands were tied behind my back and I was blindfolded. I was not allowed to sit down. They made me stand out in the cold for about six hours ...".

Over the past ten months, Amnesty International has received the names of many detainees who were said to have been tortured or ill-treated while in custody. In most of these cases, the organization was not able to obtain medical evidence to corroborate claims of torture nor to examine the victims. The Bahraini Government has made any such investigations impossible by denying the victims access to independent bodies. Nevertheless, Amnesty International believes that there are reasonable grounds to believe that torture and ill-treatment are widespread. Under Article 9 of the Declaration against Torture "the competent authorities of the State concerned should promptly proceed to an impartial investigation even if there has been no formal complaint". While in custody, detainees are routinely denied access to their relatives, lawyers or independent doctors, and even information regarding their precise whereabouts is withheld. Medical treatment in most places of detention is reported to be rudimentary and is said to be denied to detainees except in dire emergencies.¹² Amnesty International has received reports of the transfer of several detainees to hospitals for emergency treatment following torture. In such cases, the victims are usually transferred to the casualty department at Bahrain's Military Hospital, where the secrecy of the transfers and of the victims' identity is better assured. Medical personnel at civilian hospitals who have examined victims of torture are reluctant to provide documentary evidence to support claims of torture for fear of being arrested themselves or of facing other reprisals. Under such conditions, and with international human rights organizations being denied access to Bahrain, the authorities are able to deny the existence of such practices and to dismiss claims of torture as "fabrications".

Nevertheless, cases of alleged torture have come to light and many of these have been reported to Amnesty International. Former detainees released in recent months have testified to

¹² This is inconsistent with Rule 24 of the UN Standard Minimum Rules for the Treatment of Prisoners and Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

having been tortured, despite the risks involved in communicating such information to human rights bodies. Others have submitted the names of fellow detainees, who were said to have been tortured or ill-treated, and some of whom are mentioned in this report.

To Amnesty International's knowledge, there have been no investigations by the government into any reports or claims of torture since mass protests erupted in December 1994. No legal proceedings are known to have been taken against any public officials known or suspected of having committed such crimes. No steps have been taken to prevent a repetition of these violations. Even in incidents involving the death in custody of two detainees, no official investigations into the circumstances surrounding their deaths are known to have been carried out.

On 4 January 1995 the body of Hussain Qambar was returned to his family. The victim, a driver of Iranian origin employed at an aluminium factory, was believed to have been arrested in the second week of December 1994 during a wave of arrests of suspected demonstrators. His fate and whereabouts remained unknown to his family until his death. According to reports received by Amnesty International, his family was told to bury him quietly without holding public mourning. His body allegedly bore traces to torture, including the extraction of his fingernails. Amnesty International called on the government to investigate the circumstances of Hussain Qambar's death but no such investigation is known to have been carried out. Officials have apparently denied all knowledge of any person by that name.

The second case is that of Sa'id 'Abd al-Rasul al-Iskafi, a 16-year-old secondary school student from al-Sanabes who died ten days (not two days, as initially reported) after his arrest. According to information received by Amnesty International, he had been summoned for interrogation by *Mabahith Amn al-Dawla* (State Security Intelligence) on 29 June 1995 in connection with his alleged participation in anti-government protests. He was reportedly suspected of having sprayed graffiti on walls near his home. Upon arrival at the headquarters of State Security Intelligence, Sa'id al-Iskafi was taken into custody. On 8 July, his family was told to collect his body from the Military Hospital. According to accounts received, the security forces prevented his family from burying his body in the local cemetery in al-Sanabes, and he was later buried at a cemetery in the nearby district of al-Na'im, where he was born. News of his death sparked off a renewed wave of protests as hundreds of demonstrators took to the streets in a number of districts, including al-Na'im, al-Sanabes, al-Daih and Abu Saiba'. Security forces and riot police, backed by several helicopters, reportedly surrounded the demonstrators and used live ammunition, rubber bullets and tear gas in an attempt to disperse them. An unknown number of demonstrators were said to have been injured as a result, including on 11 July 1995 when security forces used live ammunition to disperse mourners gathered in al-Na'im cemetery to pay their respects to the victim.

Sa'id 'Abd al-Rasul
al-Iskafi, aged 16

Initial reports received by Amnesty International indicated that Sa'id al-Iskafi's body bore traces of torture. On 14 July 1995 the organization called on the authorities to set up a prompt, thorough and impartial investigation into his death and that those officials found responsible be brought to justice. No response was received. Amnesty International subsequently received

photographs of the victim's body, taken shortly after his death, and submitted them for examination by an expert forensic pathologist at Guy's Hospital in the United Kingdom. His report, dated 9 August 1995, refers to "a number of areas of apparent injury and abnormalities resulting from injury seen in the photographs", including on the victim's upper chest, upper and lower thoracic regions, the right loin, the right forearm, hand and wrist, the left arm and both thighs. He concluded the following:

Sa'id al-Iskafi's body at the morgue

"The appearances suggest that the deceased had his arms forcibly secured behind his back. The damage to the right arm could have resulted from severe local pressure constricting that arm alone or as a result of an object being forced across the back, in front of both arms so that the shoulders were kept in forced hyper-extension. A belt connecting the arms or a piece of wood forced in front of the arms could cause the injuries seen in the right upper arm. Constriction at this point has damaged the blood supply to the forearm and has caused gangrene of the forearm tissues. Constriction of the blood supply to the arm leading to these changes would result in extreme discomfort.

"The appearances indicate that the deceased has been subjected to ill-treatment of a sustained and very painful nature".

Amnesty International also received reports that Sa'id al-Iskafi had been sexually assaulted while in custody; it was not possible, however, to obtain medical evidence in this regard. On 17 August 1995, the organization informed the government of the forensic pathologist's opinion on this case, and requested to be informed of the findings of any official investigations into the victim's death. At the time of writing, no response had been received from the government. Amnesty International also learned that Sa'id al-Iskafi's family had addressed a letter to the Ministry of Interior, calling for an investigation into his death. According to information received, the family was told by officials that a Yemeni policeman was responsible for his death and that he had since been expelled from Bahrain. The family was reportedly offered compensation but turned it down. No independent investigation into Sa'id al-Iskafi's death is known to have been carried out to date.

POSSIBLE EXTRAJUDICIAL EXECUTIONS

Between December 1994 and May 1995, ten civilians were shot dead by security forces and riot police. Most were killed during demonstrations described as peaceful, with the participants calling on the government to restore democratic rights. Security forces and riot police repeatedly used live ammunition to quell the protests, as well as rubber bullets, "birdshot" pellets and tear gas. On a number of occasions, demonstrators were shot from helicopters brought in to assist ground forces.

Amnesty International has received testimony from a wide range of sources regarding these killings, including eyewitnesses, participants in the demonstrations, medical personnel and the families of the victims. The accounts given by many of these people are consistent in suggesting that security forces fired into crowds of unarmed civilians, with no warning shots fired in the air and usually with no instructions given for people to disperse.

The government has sought to justify the violence used by its forces to quell the protests by pointing to acts of violence and sabotage said to have been carried out by "extremist elements", and to the killing of three policemen in the first half of 1995. In its public statement of 5 May 1995, Amnesty International said that while it recognizes the government's right to bring to justice people responsible for acts of violence, this cannot justify the killing of at least 10 civilians by security forces in circumstances suggesting that they may have been extrajudicially executed. The organization repeatedly urged the government to take steps to prevent such killings, including by issuing clear instructions to the security forces and riot police to abide by the UN Principles on the Use of Force and Firearms by Law Enforcement Officials, which prohibit the intentional use of lethal force except "when strictly unavoidable in order to protect life". Amnesty International also urged the government to initiate thorough, prompt and impartial investigations into all incidents involving the killing of demonstrators in accordance with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. No response was received from the government. While official investigations into the killing of the three policemen have been widely publicised, as have the trials of the defendants charged with these killings, the government has remained silent on the killing of civilians. No official investigation into any of these killings is known to have been carried out.

The ten civilians killed since the outbreak of protests are:

- ◆Hani Ahmad al-Wasti, a 24-year-old employee of the Ministry of Health, died on 17 December of gunshot wounds when security forces opened fire on demonstrators in Jidd Haf.

Hani Ahmad
al-Wasti

The body of Hani 'Abbas 'Issa Khamis at the morgue

◆Hani 'Abbas 'Issa Khamis, a 26-year-old student at the University of Bahrain, was shot in the stomach by security forces on 17 December during a demonstration in al-Sanabes. He died on the same day at al-Salmaniya Medical Centre.

◆'Abd al-Qader Muhsin al-Fatlawi, aged 18, was killed by a bullet in the head on 12 January when security forces opened fire on demonstrators in the district of al-Duraz.

'Abd al-Qader
Muhsin al-Fatlawi

During his funeral, which took place on 13 January, some of those attending the procession were beaten by the security forces, who also arrested four of the victim's relatives.

◆Muhammad Ridha Mansur al-Haji, aged 33, was shot in the head while participating in a demonstration in Bani Jamra on 12 January. He died on 25 January at al-Salmaniya Medical Centre, having gone into a coma.

Muhammad Ridha
Mansur al-Haji

◆'Abd al-Hamid 'Abdullah Yusuf Qassem, a student aged 17 from al-Duraz, was shot by security forces following a demonstration in al-Duraz on 25 March. He died the following day. His death sparked off widespread demonstrations in al-Duraz and other areas.

◆Hussain 'Ali al-Safi, aged 26, died of multiple gunshot wounds as security forces fired upon a demonstration in Sitra on 26 January.

Hussain 'Ali al-Safi

◆Muhammad Ja'far Yusuf 'Atiyya, in his early 30s, and Muhammad Ali 'Abd al-Razzaq, aged 48, were killed on 1 April during protests in the village of Bani Jamra.

Muhammad 'Ali 'Abd al-Razzaq

Earlier that day, security and military forces surrounded the home of Shaikh 'Abd al-Amir al-Jamri and placed him and 18 members of his family under house arrest. Protests against these measures by residents in Bani Jamra resulted in the security forces shooting at unarmed civilians using live ammunition, including from rooftops. The two men were killed as a result and others seriously wounded. The authorities reportedly prevented their families from holding public mourning.

Muhammad Ja'far Yusuf 'Atiyya

◆Hussain Abdullah 'Ali al-'Ashiri, a student aged 18, was shot in the head during protests in al-Dair on 11 April. He died on 19 April at Bahrain International Hospital after going into a coma.

Hussain 'Abdullah 'Ali al-'Ashiri

Nidal Habib Ahmad al-Nashaba

◆Nidal Habib Ahmad al-Nashaba, aged 18 from al-Na'im, died after receiving a bullet in the head during protests in al-Duraz on 4 May. The protests were staged to commemorate the 40th day after the killing of another youth, 'Abd al-Hamid 'Abdullah Qassem (see above).

An unknown number of protesters, including women and children, were also injured as security forces sought to quell the numerous demonstrations. Measures were taken by the authorities to prevent many of the wounded from receiving medical treatment in hospitals and clinics, including by stationing security forces at the government-funded al-Salmaniya Medical Centre. According to information received by Amnesty International, doctors at the medical centre were warned by security authorities that if they treated any of the wounded they

would suffer repercussions. By contrast, at Bahrain International Hospital which is privately-owned, the wounded were admitted for treatment although security forces were also stationed at the entrance to the hospital and were said to harass and intimidate those seeking treatment. A large number of those wounded were afraid to seek hospital treatment for fear of arrest, and were consequently treated in secret at their homes by sympathetic doctors from both Bahrain International Hospital and al-Salmaniya Medical Centre. Minor operations were thus performed as well as treatment for burns.

According to a number of testimonies submitted to Amnesty International, ambulances were also prevented from taking some of the wounded to hospital. An ambulance worker [name and details withheld] testified thus to the organization:

The body of Hussain al-Safi at the morgue

"Ambulance men are insulted by some of the officers while carrying emergency cases, such as people suffering from heart attacks and severe respiratory problems in Sitra. Orders are given by some officers to bring all cases to the entrance of Sitra where policemen and their officers are stationed. Then an officer would examine the patient externally to make sure that he [was not one of those who had been] wounded during the protests, and then he would allow us to take him ...".

Riot police and security forces were also said to have prevented ambulances from reaching the wounded during incidents in which four of the ten civilians mentioned above were killed. According to accounts received, an ambulance called to Jidd Haf's was reportedly prevented from taking Hani al-Wasti to hospital on 17 December 1994, and he subsequently died of his injuries. On 1 April 1995, an ambulance was reportedly stopped and turned away at the entrance to the village of Bani Jamra where riot police were shooting at unarmed demonstrators. During that incident, both Muhammad 'Atiyya and Muhammad 'Abd al-Razzaq were killed. The ambulance worker mentioned above also testified that on 25 March 1995, when 'Abd al-Hamid Qassem was shot, the following took place:

"The ambulance service was contacted in order to take [Abd al-Hamid] to hospital. When the ambulance arrived he was in a state of unconsciousness because of the injury to his head, and parts of the fingers of his left hand had been severed. But he was still alive and it would have been possible to treat him with saline and by inserting a respiratory tube and stopping the haemorrhage. The officer, who was Bahraini, ordered that no treatment be given to him, and he accompanied the ambulance to the casualty department at the Military Hospital ...".

The body of Hussain al-'Ashiri at the morgue

'Abd al-Hamid Qassem died the following day. A friend of his from school testified to Amnesty International in June 1995 that he had been with him when he was shot outside their school in al-Duraz:

"Hamid went towards the door of the school and the riot police saw him. They were there because there had been a demonstration at the school that morning. They saw him and thought that it was he who had set fire to the school. As he was running they shot him in the neck with a rubber bullet. He fell and they came up to him and beat him and kicked him ... Then they shot him in the head after they had dragged him inside the school ...".

'Abd al-Hamid
'Abdullah Yusuf
Qassem

Amnesty International received photographs of 'Abd al-Hamid Qassem's body taken shortly after his death, and submitted them for examination to an expert forensic pathologist at the Wales Institute of Forensic Medicine in the United Kingdom. His report, dated 3 July 1995, reads:

"There is blackening of the lids of the right eye and to a lesser extent of the left eye. These may be due to punches or impacts, but are more suggestive of a fractured base of skull with blood leakage into the backs of the eye sockets. This is consistent with the large area of injury on the top of the head ... The left hand appears to have severe damage to the terminal part of the ring finger which

appears to be swollen and shortened ... The deformity of the fingers, especially the little and middle finger, possibly suggests that these may have been broken ...".

During the course of raids on houses, mosques and schools, security forces and riot police were said to have routinely beaten unarmed civilians, including women and minors. A 65-year-old man, Haj Mirza 'Ali 'Abd al-Ridha, the caretaker of al-Mashraf mosque in Jidd Hafs, was severely beaten during a raid on the mosque on 12 December 1994, and subsequently died of his injuries.

Moreover, Amnesty International is concerned at reports that the security forces have deliberately used tear gas in enclosed spaces, such as houses and mosques. At least two people are said to have died as following exposure to tear gas. They are: Sakina al-Ghanimi, a 60-year-old woman who was exposed to tear gas on 12 January 1995 and died three days later, and 'Aqil Salman 'Ali al-Saffar, an 18-month-old infant who died on 8 February when tear gas was dispersed into the family home. Tear gas and live ammunition were also used on 13 January 1995 during the funeral of 'Abd al-Qader Muhsin al-Fatlawi who had been shot dead during a demonstration the previous day (see above). According to eyewitness accounts, hundreds of riot police had surrounded the cemetery where the victim was to be buried and, without provocation, began shooting at those assembled there. A 19-year-old student who was there at the time testified to Amnesty International in June 1995 as follows:

"We were taken aback at the sudden shooting by the riot police. First there was shooting from a helicopter and then the others began firing. I was among the people in the *maghsal* [a room where bodies are washed before burial], most of the others were inside the mosque. [The riot police] entered the courtyard of the *maghsal* and threw tear gas [canisters] through the air conditioning vent. They took the others who were outside and placed plastic handcuffs on their wrists. An officer came and ordered that they be taken into the *maghsal*, and then they used tear gas again and shot the people inside with 'birdshot' pellets ...".

Injuries sustained following the use of "birdshot" pellets on protesters

FORCIBLE EXILE

Since the outbreak of protests in December 1994 seven Bahraini nationals were forcibly exiled from the country. Among them were prominent religious scholars accused of planning acts of sabotage and of inciting others to commit acts of violence during the current unrest. At least 11 others returning to the country after a period spent abroad were held at the airport and then forcibly exiled for the first time. An unknown number of others who had been forcibly exiled in previous years also attempted to return during this period but were denied entry and expelled once more.

The Bahraini Government's use of forcible exile as a punitive measure against its suspected opponents or critics remains a long-standing concern for Amnesty International. The organization opposes this practice when it is imposed as a formal measure by governments against nationals of their own country. Since the early 1980s, Amnesty International has documented numerous cases of the forcible exile of Bahraini nationals from their country, some of which have been placed on the public record.¹³

The practice of forcible exile contravenes international human rights standards, including the UDHR. Article 13(2) of the UDHR states: "Everyone has the right to leave any country, including his own, and to return to his country". Forcible exile is also expressly prohibited under Article 17(c) of Bahrain's Constitution, which states that "No citizen shall be deported from Bahrain, nor shall he be denied re-entry". In December 1981 a Law on Emergency Regulations was promulgated,¹⁴ Article 3(12) of which provides for the forcible exile and the withdrawal of passports of persons deemed to be a threat to security and public order. However, no state of emergency has since been declared and the provisions of this law therefore never came into force.

The use of such measures to punish political opponents is not new to Bahrain, and a number of expulsions have been recorded in recent decades. However, the practice became widespread after 1979, when Shi'a Muslims suspected of having links with Iran were forcibly exiled from Bahrain in the early 1980s, very often under dire conditions. Former political detainees and even entire families were rounded up, stripped of their Bahraini passports or identity documents, and forced onto boats bound for Iran. Many had no knowledge of that country or its language, nor did they have any known relatives living there. In some cases, the victims were supplied by the Bahraini authorities with false documents stating that they were born in Iran and were Iranian citizens.

Forcible exile has also been imposed on Bahraini nationals attempting to return to their country after several years spent abroad in voluntary exile. Many such persons had left Bahrain voluntarily following the dissolution of the National Assembly in 1975, or during the early 1980s. They included people who had fled to avoid imprisonment and torture, as well as the relatives of political prisoners escaping in order to avoid other forms of harassment. Others had left the country for educational or business purposes. While abroad, a number of them became involved in political opposition activities through banned organizations such as the Islamic Front for the Liberation of Bahrain, the Bahrain Liberation Front and the Popular Front of Bahrain.

By the early 1990s, hundreds of Bahraini nationals had been expelled from the country, the overwhelming majority of whom are Shi'a Muslims. In the aftermath of the 1991 Gulf War, however, many Bahrainis attempted to return to the country, including whole families. Scores of people were permitted to return although usually after more than one unsuccessful attempt. Many

¹³ See Amnesty International's report, *Banned from Bahrain: forcible exile of Bahraini nationals*, published in December 1993 (AI Index MDE 11/04/93).

¹⁴ Decree No. 27 of 1981.

others, however, were denied entry. Upon arrival at Bahrain's international airport, they were held there for days or even up to a week before being forcibly expelled once again. This remains the Bahraini government's policy today. Returning nationals who are denied entry are usually interrogated by security officials about their past political activities and then returned to their country of exile on the first available flight. The victims are given no opportunity to challenge or appeal the decision to expel them before a court of law, and are even denied the right to be informed of the grounds on which these measures are taken. Amnesty International understands that on rare occasions, it has been possible to bring the cases of persons under threat of forcible exile before a civil court, which ruled that they should be admitted into the country. The Ministry of Interior, however, invariably failed to comply with these directives. Those who return to Bahrain after long periods abroad usually have their five-year passports withdrawn and they are issued with new passports, valid for one year only, prior to their expulsion. In many cases, these are valid only for several specified countries (such as Syria, Lebanon, the United Arab Emirates, Saudi Arabia, Iran or Turkey). Furthermore, a number of victims testified that they were given no prior notice regarding the country to which they were to be expelled, and learned their destination only after they had boarded the flight and had been handed their passports. In a handful of known cases, those expelled were not issued with passports but with a *laissez-passer* issued by the Ministry of Interior and intended for use solely for that journey.

Amnesty International has repeatedly raised its concerns regarding the practice of forcible exile with the competent authorities in Bahrain. The authorities have in the past responded to some of the organization's communications regarding individual cases brought to their attention, stating that such persons were not in possession of valid travel documents and were therefore denied entry "in accordance with normal international practice". This response fails to take into account the obligation of states to re-admit their own nationals. The fact that the Bahraini authorities routinely issue new passports to those returning with expired or invalid passports demonstrates beyond doubt that the nationality of the individuals concerned is not in question. In practice, these passports are issued solely for the purpose of facilitating their expulsion from Bahrain and entry to another country. The authorities' response also fails to take into consideration the fact that many Bahraini nationals feared to renew their passports while abroad either because they were required to return to Bahrain at a time when they felt they would be at risk of arrest, torture, imprisonment or other forms of harassment, or because the embassies to which they had forwarded the passports for renewal refused either to return or renew them.

Following the expulsion of several Bahraini nationals in January 1995, Amnesty International once more called on the government to end the practice of forcible exile of its nationals. It also requested information regarding the legal basis for such punitive measures. At the time of writing, no response had been received. Those expelled from Bahrain in January 1995 are:

- ◆ Shaikh 'Ali Salman: aged 29 from al-Bilad al-Qadim; arrested on 5 December 1994 and held, for the most part in solitary confinement, until 15 January 1995 when he was forcibly exiled to the United Arab Emirates.

- ◆ **Shaikh Hamza al-Dairi:** aged 45, from al-Dair; he was summoned for interrogation on several occasions by SIS officials in December 1994 and January 1995. He was forcibly exiled to the United Arab Emirates on 15 January 1995.
- (From left to right) Sayyid Haidar al-Sitri, Shaikh Hamza al-Dairi and Shaikh 'Ali Salman on arrival at Heathrow Airport after being forcibly exiled from Bahrain
- ◆ **Sayyid Haidar al-Sitri:** aged 40, from Sitra; summoned for interrogation on several occasions by SIS officials in December 1994 and January 1995. He was forcibly exiled to the United Arab Emirates on 15 January 1995. Attempts by his wife and children to join him abroad were obstructed by the authorities for seven months.
- ◆ **Shaikh 'Adel al-Shu'la:** aged 25, from al-Bilad al-Qadim; he was arrested at his home on 7 January 1995, reportedly as a hostage in lieu of his brother Jabbar al-Shu'la. He remained in detention at CID headquarters in al-'Adiliyya until 18 January 1995, when he was forcibly exiled to Syria.
- ◆ **Shaikh Muhammad Hassan Khojestah:** aged 23, from Jidd Ali; he was arrested on 12 January 1995 and held at a place of detention in Hidd on al-Muharraq Island where he was reportedly severely tortured. He was forcibly exiled to Iran on 24 January 1995 together with two other men identified only as 'Ali Muhammad and Muhammad Nasser.

Shaikh 'Ali Salman, Sayyid Haidar al-Sitri and Shaikh Hamza al-Dairi had all been issued with air tickets to Damascus via Dubai. Upon arrival in Dubai, however, the three men took a flight to London where they subsequently applied for political asylum. During a visit to Britain on 27 January 1995, Bahrain's Minister of Foreign Affairs requested the British authorities to refuse their applications for asylum. At the time of writing, the applications were pending.

Also in January 1995, the Bahrain authorities forcibly exiled at least 11 other nationals upon their return to the country. Eight of them were expelled between 6 and 8 January: Shaikh Munir al-Ma'tuq, aged 28 from al-Na'im; Shaikh Hani 'Abdullah Saleh, aged 23 from Jidd Haf; Sayyid Mahmud Sayyid Mustafa al-Ghuraifi, aged 24 from Iskan 'Aali; Shaikh Ibrahim 'Ali Nasser, aged 23 from Sitra Island; Shaikh Ibrahim al-Sitri, aged 23 from Sitra Island; Shaikh Hamid Hassan al-Madeh, aged 37 from Jidd Haf, together with his wife and seven children; Shaikh 'Ali Muhammad al-Jufairi, aged 26 from al-Jufair; and Shaikh Fu'ad Mubarak 'Abd al-'Aziz, aged 24 from Ra's Rumman. All were expelled to the United Arab Emirates, with the exception of Shaikh Munir al-Ma'tuq who was expelled, together with his wife and three children, to Lebanon. On 20 January Shaikh 'Abd al-Ridha 'Abd al-'Aziz Nasser was expelled to Lebanon;

on 29 January Sayyid Murtadha Sayyid 'Abdullah al-Hassan was also expelled to Lebanon; and on 31 January Shaikh Salman al-Shakhuri, aged 27 from al-Shakhura, was expelled to Syria.

RECOMMENDATIONS

Amnesty International submits the following recommendations to the Government of Bahrain. If implemented, these measures could help to improve the human rights situation in the country and would demonstrate a genuine commitment to the promotion of international human rights standards and their effective implementation.

1. Conduct prompt, through and impartial investigation into all incidents involving the killing of demonstrators in strict accordance with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The investigations should be conducted by a body which is independent of those allegedly responsible for the killings and the methods and findings of these investigations should be made public immediately.
2. Issue clear instructions to the security forces and other law enforcement personnel to abide by the UN Basic Principles of the Use of Force and Firearms by Law Enforcement Officials, which prohibit the intentional lethal use of firearms except "when strictly unavoidable in order to protect life". Clear instructions should also be given to the security forces as to the safe use of tear gas.
3. Conduct thorough, prompt and impartial investigations into all reported incidents of torture, including cases of death in custody. The investigations should be independent of those allegedly responsible and the methods and findings of these investigations should also be made public immediately. All investigations of deaths in custody after alleged torture should be consistent with the strict standards in the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.
4. Bring to justice law enforcement personnel responsible for reported extrajudicial executions, torture or other human rights violations. All investigations and trials should be held before ordinary criminal courts in accordance with international standards for fair trial.
5. Expressly prohibit all extrajudicial executions and torture and ensure that any such violations are recognized as criminal offences and are punishable by penalties which take into account the gravity of the crime. Such penalties should be consistent with international standards and exclude the death penalty and other cruel, inhuman, or degrading treatment.
6. Amend the 1974 Decree Law on State Security Measures, to ensure that it conforms with international human rights standards, in particular by ensuring that detainees in all cases

are brought promptly before a judge. In addition, it should ensure that all people under any form of detention have the right to take proceedings before a court in order that the court may decide without delay on the lawfulness of the detention and order release if the detention is unlawful, and that lawyers have the right to represent their clients effectively at every stage of the proceedings. Detainees must also be given prompt and regular access to relatives, lawyers and independent medical doctors as necessary.

7. Ensure that all detainees are held only in officially recognized places of detention and that accurate information about the arrest, detention and whereabouts of any person is made available promptly to relatives, lawyers, doctors and the courts.
8. Ensure that all confessions which were induced by torture, ill-treatment or coercion and all statements obtained in the absence of a lawyer or otherwise illegally obtained, be excluded as evidence, except against a person accused of torture as evidence that the statement was made. All persons who have been tortured should be given fair and adequate compensation and those responsible should be brought to justice.
9. Establish and maintain local and central public registers of all detainees in accordance with international instruments such as Rule 7 of the UN Standard Minimum Rules for the Treatment of Prisoners and Principle 12 of the UN Body of Principles on the Protection of all Persons under any form of Detention or Imprisonment to be updated on a frequent and regular basis and made available on request to relatives, ministry of justice officials, judges, lawyers and representatives of human rights organizations.
10. Retry all persons convicted by the State Security Court. Since the trials before the State Security Court were unfair, all defendants convicted by this special court should be retried by an ordinary criminal court in accordance with international standards for fair trial. All trials in the State Security Court should be halted and cases transferred to ordinary criminal courts. The State Security Court should be abolished.
11. End the practice of forcible exile, which contravenes Article 13(2) of the Universal Declaration of Human Rights and which is expressly proscribed under Article 17 (c) of Bahrain's Constitution. The government of Bahrain should issue a public declaration that all Bahraini nationals are entitled to return to Bahrain.
12. Provide fair and adequate compensation to the victims of human rights violations and their families.
13. Ratify human rights treaties without limiting reservations. Bahrain should ratify human rights treaties including the International Covenant on Civil and Political Rights together with its first Optional Protocol and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.