

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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SUPPRESSION OF OPPOSITION AHEAD OF BAHRAINI ELECTIONS

With Bahrain on the cusp of elections for the lower house of its National Assembly this week, Amnesty International notes with serious concern that political opposition has been effectively suppressed over the course of the past two years, with a disproportionate impact on Shi'a political, civic, and religious leaders. Freedom of expression, association, and assembly are all absent in a context in which civic participation is restricted to those who already fully support the existing political order. Amnesty International calls on Bahrain to reverse course and allow free expression of political dissent, including fundamental critiques of existing institutions, and to fully respect the right of its citizens to association and peaceful assembly. Given the largely uninterrupted regression in these areas over the past two years, Amnesty also urges Bahrain's international partners and allies to hold Bahrain to the standards of the international human rights treaties it is party to.

With opposition leaders jailed and their political societies dissolved, dissenting political expression and association are largely foreclosed avenues in Bahrain. In protest against this situation, a number of activists online and in small street demonstrations – especially among those supporting Shi'a opposition groups – have called for a boycott of the elections for the Council of Deputies, the elected house of the Bahraini parliament. The government reacted with threats, detentions, and prosecutions. The two months preceding the polls have been marked by violations of the right to freedom of expression, and throughout the year to date Bahrain has continued to enact repressive legislation that further excludes voices of non-violent opposition from the narrow sphere of the country's civic life.

PRE-ELECTION CLAMPDOWN ON POLITICAL OPPOSITION AND ACTIVISM

Since September 2018, Bahrain has carried out a series of arbitrary detentions of activists and religious figures suspected of supporting political opposition to the monarchy.

During the lead-up to Ashura, the most significant day on the Shi'a religious calendar (falling on 20-21 September this year), over 15 Shi'a clerics and laymen assistants were summoned and interrogated about the content of sermons in their mosques. Many of those detained were reportedly under investigation for "incite[ment], by any public means, to antipathy or contempt against the ruling system" under Article 165 of Bahrain's Penal Code.

On 12 October, security forces detained about a dozen people participating in a small protest calling to boycott the elections in the village of Karrana, including Abdulhadi Saleh al-Meshaima, the father of the first protester killed during the 2011 uprising, and Sayed Saeed Isa, whose son was killed in clashes between protesters and security forces in May 2011. They were held for 30 days on orders of the Office of Public Prosecution and face charges of "unlawful assembly," defined by Article 178 of Bahrain's Penal Code as a gathering "of at least five people in a public place, the goal of which is to commit a crime or acts preparatory to or facilitating a crime or to infringe public security, even if done to achieve a legitimate end."

In the early morning of 4 November, security forces entered around 10 private homes in the Shi'a-majority town of Karbabad and detained 16 individuals, seven of them minors (ages 15-17), on accusations including participation in an "unlawful assembly." Two days later, security forces detained five or more men from their homes in the majority-Shi'a town of al-Daih; they are accused of "unlawful assembly" and "riotous behavior." Amnesty International has also received reports of the re-establishment over the past several months of police checkpoints in the majority-Shi'a villages of Arad, the neighborhoods of al-Dair and Samahij which have notable concentrations of Shi'a amidst the mixed Sunni-Shi'a population of Muharraq island, and the mixed locality of Hamad Town. Several internal checkpoints and roadblocks remain in place in the mostly Shi'a town village of Sanabis, although one checkpoint connecting it to the Budaiya highway has been removed. The checkpoints impede internal movement within these mostly Shi'a localities, blocking access to potential protest march routes, and also deterring travel by wanted activists who fear detention.

In a move symbolic of Bahrain's continuing political repression, on 4 November the First Higher Appeals Court issued a life sentence to Sheikh Ali Salman, leader of the most significant opposition political society, al-Wafaq, which had previously been [dissolved](#) in 2016. Sheikh Salman was convicted on charges of espionage for Qatar, on the basis of abortive mediation attempts offered by Qatar during the 2011 crisis. US diplomat Jeffrey Feltman, dispatched to Manama for discussions with both government and opposition, had suggested Qatar as a regional intermediary between the two sides. Qatari and Bahraini government relations were friendly at the time, and Qatar contributed troops to the Gulf

Cooperation Council force summoned by the Bahraini government to put down the 2011 uprising. Sheikh Ali Salman was the government's main interlocutor in the opposition during the protests, and worked throughout to keep demonstrations non-violent. He had met with Crown Prince Salman bin Hamad on 16 February 2011, two weeks before the latter traveled for his own consultations with Qatar and other Gulf neighbors. Al-Wefaq has throughout its history been committed to non-violence – “[t]he adoption of peaceful methods, dialogue and consensus for managing differences,” in the words of its 2018 [Declaration of Principles](#) – and Sheikh Salman has personally played a conciliatory role for years, urging engagement with the government at times when other Shi'a opposition groups called for total boycott. The appeals court's condemnation of Sheikh Salman to life in prison reverses an earlier acquittal at trial, on 21 June this year, that had briefly raised hopes that Bahrain might start to pursue a different course. Sheikh Ali Salman was due to be released at the end of December, having served a four-year prison sentence in relation to another case relating to his peaceful speeches. His indefinite imprisonment on fabricated charges is a grim sign of Bahrain's determination to repress all forms of meaningful political opposition.

In a separate case, on 13 November Bahrain's Office of Public Prosecution [announced](#) that it had “monitor[ed] Tweets ... including incitement to non-participation” in the elections and had “summoned the account-holder, interrogated him, and ordered his preventive detention” based on the “charge of transgressing against the vote and confusing the electoral process.” Subsequent reporting has confirmed that the person detained was Ali Rashed al-Asheeri, a former member of the Council of Deputies from the al-Wefaq society. Al-Asheeri had [noted](#) on his Twitter account that he was banned from participating in the elections (as a voter and as a candidate) under Bahrain's law regulating political rights (see below). In his [last post](#) before his account went silent, he stated that he was going to the Office of Public Prosecution as he had been issued a summons without being told why. The Office of Public Prosecution subsequently [confirmed](#) that it was proceeding to indictment for al-Asheeri's “incitement to non-participation in the elections,” as it was in another case concerning publication on social media of content “aim[ing] to influence the course of the electoral process.”

Three days before the election, the pro-government press [reported](#) that the current President of the Council of Deputies, Ahmed al-Mulla, had urged the next parliament to “adopt strict legislation ... holding to account those citizens who did not fulfill their national duties” by participating in the vote. Al-Mulla suggested that deprioritization of government housing assistance and postponement of retirement would be appropriate measures to take against non-voters. His rhetoric also invoked the “conspiratorial goals” of those calling for an election boycott, who were said to be “followers of *al-wali al-faqih*,” referring to the system of Shi'a clerical rule in effect in Iran.

Official rhetoric has also suggested that what the government is calling “independent monitoring” of the elections will focus on enforcing repressive policies rather than ensuring voters' rights. A [statement](#) by the official Bahrain News Agency announced that “independent monitors” such as the National Institution for Human Rights would “examine the conduct of ... political societies and other civil institutions” and “monitor the conduct of ... citizens” to “ensure they abide by electoral laws.” (As described below, Bahrain's electoral laws have been crafted to exclude participation by opposition groups). Monitors will also “observe the use of places of worship and use of religious discourse to promote candidates or disparage others,” which is “considered punishable according to the relevant laws.” Though the statement did include positive language calling on the observers to be “fully impartial” with respect to those political societies allowed to participate, it made no mention of monitoring for intimidation or violations of law or voters' rights by government authorities. One of the allegedly independent NGOs doing the monitoring, Bahrain Human Rights Watch Society, has [characterized](#) boycotting of the election as “political terrorism,” and described “[T]weets [that] instigate people ... against the government” or “try[] to influence voters and candidates” as a “serious violation” of law.

VIOLATIONS OF THE RIGHT TO FAIR TRIAL

Bahraini courts have continued to issue death sentences and denaturalizations (orders stripping individuals of their nationality) while failing to consistently uphold the right to fair trial. In the latest instance, on 12 November Bahrain's Fourth High Criminal Court revoked the nationality of four Shi'a men, three of them tried in their absence, and sentenced them all to death, on charges of carrying out a bombing against an oil pipeline. This brings the total number of those stripped of their nationality in 2018 to over 240, the highest annual total recorded since 2011 when revocation of citizenship was introduced. Among those denaturalized in recent years is Sheikh Isa Qassem, Bahrain's foremost Shi'a religious authority. Sheikh Qassem was stripped of his nationality in 2016 and has since been under *de facto* house arrest in his hometown of Duraz due to fears that he would be deported if he appeared in public. In July, the King allowed Sheikh Qassem to be issued a temporary passport to travel to London to receive urgent care for cancer. The Bahraini government annuls the passports of those denaturalized, but in individual cases it may issue short-term, non-national passports. Stripping individuals of citizenship is prohibited under international law when doing so would render the person

stateless, as is the case for nearly all of those deprived of their nationality in Bahrain, where very few hold second nationalities.

The continuing issuance of death sentences and denaturalization orders is of particular concern given recurrent failures of the Bahraini justice system to ensure the right to fair trial. These failures fall into two categories: conviction on illegitimate charges and violations of due process. In the first category, Bahraini courts continue to convict defendants of “crimes” that are nothing more than the exercise of the right to freedom of expression. On 25 June, Bahrain’s Fourth High Criminal Court convicted Najah Ahmed Yusuf (sometimes known as “Najah al-Shaikh”) of “possessing and acquiring a means of recording used or prepared to be used for broadcasting ... support and praise for the overthrow or change of the political system through illegitimate means.” Specifically, she was charged with “managing accounts on social media involving the publication of articles and videos which included ... incitement of contempt for the ruling system,” and “gathering funds to organize activities and marches in opposition to the ruling system.” A co-defendant was found guilty of assisting Yusuf in managing her social media accounts and of himself “organizing activities and creating political slogans in opposition to the government.” Together they were said to have “transmitted false and biased news about conditions in the Kingdom of Bahrain for broadcast on satellite [television] channels with the aim of inciting contempt for the regime ... detracting from the reputation of the state, damaging its interests, and distorting the image of the Kingdom abroad.” Although Amnesty International could not verify the point with respect to satellite channels, Yusuf did express views critical of the government over the Internet and through private communication channels.

The Office of Public Prosecution for Terrorist Crimes, a special unit operating separately from the regular state prosecution, charged Yusuf for such speech acts under the 2006 counter-terrorism law, reflecting the overbroad characterization of “terrorism” in Bahraini law. The prosecutor’s office noted that the evidence included “the defendant’s confessions”; Yusuf has maintained that she was coerced to sign a prepared “confession” through physical and sexual assault. Both the allegations of ill-treatment and the prosecution for speech under the rubric of terrorism in Yusuf’s case raise serious concerns about the integrity of the Bahraini judicial process. Amnesty International has previously documented how Maher Abbas Ahmed was [sentenced to death](#) on charges of killing a police officer after a trial in which “confessions” extracted under torture were relied on as evidence. Similarly, Ali Mohamed al-Arab and Ahmed al-Malali were convicted of various terrorism-related charges and sentenced to death after [interrogation](#) under torture, according to al-Arab’s account. At the beginning of this year, a Bahraini [military court](#) sentenced five civilians to death after a trial process that was marred by enforced disappearance and credible allegations of torture. (In a marginal positive development, the death sentences were later [commuted](#), while the convictions were upheld.)

Amnesty International continues to receive consistent reports that due process of law is not adhered to in Bahrain, and in particular that detainees are not given timely access to legal counsel. Timely and consistent access to a lawyer is a necessity for preparation of a legal defense, and denying or impeding this access can amount to a violation of the right to fair trial. Seventeen-year-old Sadeq Jaafar Ahmed “al-Sammak,” who has been detained pending multiple charges since October 2017, was held in Bahrain’s interrogation facility (the Criminal Investigations Directorate) for two months without access to a lawyer. Even when brought to trial, in sessions running from April through June 2018 covering multiple cases, he had no private meetings or phone calls with his lawyers. At trial, he was kept isolated in a defendant’s booth where he was only allowed to answer questions, so that even within the courtroom he had no opportunity to consult with a lawyer. Bahraini courts also continue to accept cases which by their nature fail to meet the requirement to prove individual guilt under criminal law. In one case currently before the Bahraini court system, known as the “Bahraini Hizbullah” trial, [169 defendants](#) are being tried in a single proceeding, 58 of them in their absence. In a case previously covered by Amnesty International in May, a trial court [stripped 115 defendants](#) of their nationality at once. An 86-defendant appeal from this decision is due to be concluded in January.

NEW LAWS RESTRICTING CIVIL AND POLITICAL RIGHTS

On 3 July this year, King Hamad approved an amendment ([Act No. 36 of 2018](#)) to the Law on Associations, Social and Cultural Clubs, Private Bodies Working in the Field of Youth and Sports, and Private Institutions to prevent political opposition members from serving on the boards of non-governmental and civil society organizations. Article 43 of the Law now reads, “It shall be a requirement for a member of the board of directors [of an NGO] that he continues to enjoy the entirety of his civil and political rights.” (Previously the text had referred only to “civil rights”.) The significance of this change was made apparent by another statutory amendment, passed shortly before, to the Law on the Exercise of Political Rights. On 10 June, the King approved a revised text ([Act No. 25 of 2018](#)) banning “active leaders and members of dissolved political associations” from running for office. This law prevents al-Wefaq and Wa’ad, which are respectively the major religious and secular political opposition groups in Bahrain, from participating in parliamentary elections. Given that the majority of Bahrain’s population is Shi’a, and that al-Wefaq comprises the largest Shi’a opposition group in the

country, the law will have a *de facto* discriminatory effect on Shi'as' political participation. The electoral statute had already criminalized "participating in [unlawful] gatherings and protests," "insult[ing]" election authorities, and "publishing or disseminating false statements ... with the intent of affecting" election results (Art. 30, ¶¶ 4, 6, and 7). The net effect of the two laws is to deprive most of the political opposition – both leaders and rank-and-file members – of the legal right to form associations and otherwise participate in civic life.

SITUATION IN ISA TOWN PRISON

On 16 September, guards including the commanding officer at Isa Town women's prison physically assaulted Najah Ahmed Yusuf, Hajer Mansoor Hassan, and Medina Ali Ahmed when they attempted to join other prisoners who were gathered for Ashura religious rites. Najah Yusuf's conviction on speech charges has already been noted. Hajer Mansoor Hassan is the mother-in-law of exiled Bahraini-British human rights activist Sayed Ahmed al-Wadaei. Following explicit official threats to al-Wadaei's family in response to his activism abroad, she was convicted on implausible charges of "planting bodies ... similar in shape to explosives" on a public road, in collusion with an unrelated adolescent boy from the same town.

Following the incident, a set of more restrictive policies was imposed on all prisoners at Isa Town, including 23-hour lock-up in cells, reduction of days allotted for telephone calls, deduction of time used to call attorneys from time allotted for family phone calls, and placement of a glass barrier between prisoners and family during visits. No apparent administrative or security need has arisen which would mandate imposition of these policies, which were not in place before. The plausible inference is that they have been imposed punitively, which is inconsistent with the UN's Standard Minimum Rules for the Treatment of Prisoners (also known as the Mandela Rules). An overarching principle is that a prison "shall not, except as incidental to ... the maintenance of discipline, aggravate the suffering inherent in" incarceration (Rule 3), and, even in the case of disciplinary measures, "no circumstances whatsoever may be invoked as a justification" for "degrading treatment or punishment" (Rule 1). Thus, while concrete and specific standards for many aspects of prison life are not defined, the Standard Minimum Rules do establish that restrictions that are purely punitive in nature are impermissible.

The National Institution for Human Rights subsequently issued a statement (via Bahrain's Embassy in London on 1 October) that the assault was a "reasonable use of force ... to guarantee the safety of the inmate and others" and, on the same date, [posted](#) a second statement on its website reporting that it had visited Isa Town prison and found no fault with any policies or procedures there, including lock-up hours. As of 5 November, the UK's Foreign & Commonwealth Office was still "continu[ing] to encourage those with concerns about treatment in detention to report these to the relevant human rights oversight bodies" in Bahrain.

CALLS UNDER INTERNATIONAL LAW

The detentions and laws described in this statement are illegitimate restrictions on the rights to freedom of expression, association, and assembly. They are also contrary to Bahrain's legal undertaking in signing onto the International Covenant on Civil and Political Rights (ICCPR), Article 25(b) of which guarantees the right "[t]o vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage ... guaranteeing the free expression of the will of the electors." The ICCPR also guarantees the right to fair trial and to be free from mistreatment while detained or imprisoned. Given that in many cases the government's summonses, detentions, and prosecutions had an evident sectarian bias, Amnesty International also raises concerns that Bahrain is in violation of the guarantee of non-discrimination under international law, which is enshrined in both of the core international human rights Covenants to which Bahrain is party. Amnesty International calls on Bahrain urgently to reverse course from a policy of repression that has become almost fully entrenched, and for allied states such as the United States and the United Kingdom to raise their voices when Bahrain contravenes its legal undertakings.