

# AMNESTY INTERNATIONAL

## MEDIA BRIEFING

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### Human rights in Bahrain

#### SUMMARY

The human rights crisis in Bahrain is not over. Despite the authorities' claims to the contrary, state violence against those who oppose the Al Khalifa family rule continues, and in practice, not much has changed in the country since the brutal crackdown on anti-government protesters in February and March 2011.

The Bahraini authorities have been vociferous about their intention to introduce reforms and learn lessons from events in February and March 2011. In November 2011, the Bahrain Independent Commission of Inquiry (BICI), set up by King Hamad bin 'Issa Al Khalifa, submitted a report of its investigation into human rights violations committed in connection with the anti-government protests. The report concluded that the authorities had committed gross human rights violations with impunity, including excessive use of force against protesters, widespread torture and other ill-treatment of protesters, unfair trials and unlawful killings.

So far, however, the government's response has only scratched the surface of these issues. Reforms have been piecemeal, perhaps aiming to appease Bahrain's international partners, and have failed to provide real accountability and justice for the victims. Human rights violations are continuing unabated. The government is refusing to release scores of prisoners who are incarcerated because they called for meaningful political reforms, and is failing to address the Shi'a majority's deeply-seated sense of discrimination and political marginalisation, which has exacerbated sectarian divides in the country.

In recent months, the Bahraini authorities have become more concerned with re-building their image and investing in public relations than with actually introducing real human rights and political reforms in their country. Indeed, for the authorities, much is at stake. They are keen to portray Bahrain as a stable and secure country in order to stave off international criticism. But as the country prepares to host the Formula 1 Grand Prix on 20-22 April, after the event was cancelled last year in response to the instability in the country, daily anti-government protests continue to be violently suppressed by the riot police that uses tear gas recklessly and with fatal results. Acts of violence by some protesters against the police have also considerably increased in the last three months.

Holding the Grand Prix in Bahrain in 2012 risks being interpreted by the government of Bahrain as symbolizing a return to business as usual. The international community must not turn a blind eye to the ongoing human rights crisis in the country. The government must understand that its half-hearted measures are not sufficient -- sustained progress on real human rights reform remains essential.

#### FEBRUARY-MARCH 2011 PROTESTS

On 14 February 2011, inspired by the uprising in Egypt, Tunisia and other countries in the Middle East and North Africa, tens of thousands of Bahrainis went out to the streets to voice their demands. The vast majority of protesters were Shi'a Muslims, who despite being the majority of Bahrain's population, have resented being politically marginalised and discriminated against by the Sunni ruling Al Khalifa family which dominate all aspects of political and economic life in Bahrain.

The government's response to the protests was brutal. The security forces used excessive force, including shotguns/live ammunition as well as the reckless use of tear gas, to disperse protesters who mostly camped in the Pearl Roundabout in the capital Manama. Seven protesters were killed by the security forces in the first week alone in February 2011.

As demonstrations continued to grow, negotiations between the opposition, led by Bahrain's largest Shi'a political organization, the al-Wefaq Society, and the royal family, led by Crown Prince Shaikh Salman bin Hamad Al Khalifa, collapsed in early March 2011. The opposition reportedly had demanded

that the government resigns before negotiations could take place. Al-Wefaq's 18 members of parliament resigned in February 2011 in protest against police brutality.

After the first week of March 2011, anti-government protesters began to organize peaceful marches to key government buildings. Many were openly calling for an end to the monarchy in Bahrain, and for a republican system to be established instead. Thousands went on strike.

With members of the Sunni community going on large pro-government rallies, sectarian relations in the country became extremely tense, and violence ensued. On 12 March, thousands of anti-government protesters marched to the Royal Court in al-Riffa. The march turned violent amid reports that government supporters armed with knives and sticks were planning to prevent the demonstrators from approaching the Royal Court. A day later, the two sides violently clashed at Bahrain University.

13 March brought further escalation in violence when anti-government protesters sealed off the main roads in Manama and occupied the capital's Financial Harbour area, causing considerable disruption. The anti-government protests were by and large peaceful, but there were a few violent incidents. Some anti-government protesters attacked Asian migrant workers, killing two and injuring others.

On 15 March, Saudi Arabia sent at least 1,200 troops to Bahrain across the causeway linking the two states, reportedly at the request of the Bahraini government. The same day, the King of Bahrain declared a three-month state of emergency, known as State of National Safety, and gave the security forces sweeping powers to arrest and detain protesters and ban all protests. On 16 March, security forces, backed by helicopters and army tanks, stormed the Pearl Roundabout area and evicted the protesters by force. At least two protesters and two police officers were reported killed and dozens of people were injured. Protesters were also forced out of the nearby Financial Harbour area. The Pearl Monument, which has become a symbol for the pro-reform protesters, was torn down.

Manama's main hospital, the Salmaniya Medical Complex also became a target. Security forces stormed it and took control of the hospital. Many wounded protesters were subsequently too afraid to go there for treatment. Some of those who did were detained.

In the weeks that followed, hundreds of activists, including opposition leaders, medical workers, teachers, journalists and students were rounded up and detained. Most were arrested at dawn, without arrest warrant, and held incommunicado in police stations or at the Criminal Investigations Directorate in Manama. Many said that they were tortured or otherwise ill-treated during interrogation. At least five people died in custody as a result of torture. Detainees were forced to sign "confessions", which were then used against them in court. Hundreds of people were later tried by the National Safety Court, a military court established under the state of emergency, and sentenced to prison terms, including life imprisonment, after grossly unfair trials.

At least 35 people died during the February-March protests, including five security officers. More than 4,000 people, among them teachers, students and nurses, were dismissed from their jobs or university for taking part in the anti-government protests.

About 38 Shi'a mosques were demolished in the aftermath of the February-March events. The government has argued that these mosques had been built illegally, but the timing of the demolitions led many in the Shi'a community to believe that this mass demolition was collective punishment for the unrest.

## PIECEMEAL REFORMS

Keen to pacify the international community about the government's crackdown, particularly over allegations of torture and deaths in custody, the King lifted the state of emergency on 1 June. On 29 June, the King decreed that the National Safety Court, which also attracted international criticism, would no longer deal with cases linked to the February-March protests. However, the National Safety Court continued to function for felonies considered to be the most serious crimes until early October, when all cases were finally transferred to civilian courts. The National Safety Court closed down after convicting hundreds of people following unfair proceedings.

The King's most noteworthy response to international pressure was setting up the **Bahrain Independent Commission of Inquiry (BICI)**. In an unprecedented step, the authorities appointed five renowned international legal and human rights experts to investigate human rights violations committed in connection with the protests. On 23 November, to much media fanfare, BICI chairman Professor

Mahmoud Cherif Bassiouni, submitted its report to the King. According to the report, the BICI had examined more than 8,000 complaints; interviewed more than 5,000 people, including detainees; and visited various prisons, detention centres and the Salmaniya Medical Complex in Manama.

The report concluded that dozens of detainees had been tortured by security officials, including by members of the National Security Agency (NSA), who believed they could act with impunity; that police and other security forces had repeatedly used unnecessary and excessive force against protesters, resulting in unlawful killings; and that proceedings before the National Safety Court did not meet international standards for fair trial. The BICI made various important recommendations, including the establishment of an independent human rights body to investigate all torture allegations, deaths in custody as a result of torture, killings of protesters and bystanders during the protests and other human rights violations. It also recommended that all those responsible are brought to account, including high-ranking members of the government, security forces and the army who gave orders to commit such violations. Other recommendations include rebuilding demolished Shi'a mosques, establishing a national reconciliation programme that addresses the grievances of groups which felt marginalized or discriminated against, ending discrimination against Shi'a in the security forces and preventing incitement to hatred by government-controlled media. The King accepted the findings of the report, and publicly expressed the government's commitment to the implementation of all its recommendations.

The Bahraini government has so far failed to ensure **accountability** that guarantees truth, justice and adequate reparations for the victims of arbitrary arrests, torture and unfair trials, as well as for those injured during protests or the relatives of those killed. In response to the BICI recommendations, the government set up a new investigative unit within the Public Prosecutor's Office (PPO). Lacking independence and impartiality, the new unit is unlikely to deliver real accountability. Only nine low-ranking police and security officers, including five Pakistanis and a Yemeni national, are currently being tried for their part in specific human rights violations committed during and after the February and March 2011 protests. The PPO said that it was still investigating 107 complaints of torture and other human rights violations.

**Hundreds of protesters are still in prison** after being detained, tried unfairly by military courts, and receiving harsh prison sentences. Dozens have been imprisoned for life. Many of them are prisoners of conscience, punished solely for leading or participating in anti-government demonstrations, and did not use or advocate violence. They include 14 leading opposition figures and a prominent trade unionist. Among them is prominent human rights defender 'Abdulhadi Al-Khawaja, who is said to be nearing death as he continues his hunger strike in protest at his imprisonment.

The government's promise to reinstate all those who have been **dismissed from work or university** for participating in protests is yet to be fulfilled. At the time of writing, more than 200 people still have not been allowed to return to their jobs. Many of those who returned complained of various administrative sanctions such as the change of jobs or loss of increments. Only five out of at least 38 Shi'a mosques that were demolished by the government last year are being reconstructed.

The government has not taken any steps to tackle **discrimination**, incitement to hatred or work towards real reconciliation between the ruling family and the Shi'a population.

There have been some positive institutional and other **reforms within the Bahraini police**. The government has introduced a new code of conduct, established a new office in the Ministry of the Interior dedicated to investigating complaints against the police and embarked on human rights training for police officers.

In practice, however, the security forces remain unaffected by these institutional changes. They continue to face protesters with unnecessary and **excessive force**, particularly the reckless use of tear gas which has resulted in several deaths in recent months. Amnesty International is still receiving reports of **torture** and other ill-treatment. And with calls for reforms and social justice continuing, the numbers of deaths has reached at least 60 by April 2012.

The government has taken some potentially positive steps in reviewing, or proposing to review certain provisions in the Criminal Procedure Code and the Penal Code. Such steps are long overdue; many provisions in Bahrain's domestic legislation, including the Penal Code, do not comply with a number of international human rights treaties to which it is state party, such as the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment (Convention against Torture). The Bahraini government is required to honour its obligations under these and other human rights treaties it is a party to. Under these treaties, Bahrain is also required to investigate all alleged violations of international human rights and humanitarian law and prosecute those responsible. In ratifying these treaties, the Bahrain government promised both the people of Bahrain and the wider international community that it would uphold and respect their provisions. Bahrain's international human rights commitments will be put under the spotlight in Geneva in May and June 2012 when the country's rights record is assessed under the Universal Periodic Review of the UN Human Rights Council.

## LACK OF POLITICAL WILL

The government has recruited a number of foreign experts in international human rights law, policing and media with the ostensible aim of helping it understand and implement the BICI recommendations. Advisors have been hired by several ministries, including the Ministry of Interior and the Ministry of Human Rights and Social Development, as well as the PPO and the Information Affairs Authority. The government has also hired a number of public relations experts to help it re-build its image internationally ahead of this year's Grand Prix.

Such steps will only lead to results if matched by genuine will to reform and real commitment toward human rights. Signs have not been encouraging. Despite welcoming international media and human rights groups who witnessed the King receiving the BICI report in November, in January 2012, the government began to restrict access of foreign journalists and human rights delegations. On 29 February 2012, a day after the Minister of Human Rights and Social Development solemnly announced to the UN Human Rights Council that the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment would be visiting Bahrain on 8-17 March, his visit was postponed until July 2012. Also in February 2012, Amnesty International was left with no choice but to cancel a visit to Bahrain because of new restrictions to the way human rights groups are able to work in the country, only communicated at the last minute before a scheduled visit by the organization.

The establishment of BICI was a real breakthrough and raised expectations that things would be different in Bahrain. Yet, nearly five months later, real change has not materialized. People are still waiting for the significant changes that would demonstrate the political will to reform. The piecemeal nature of the reforms and the persistence of some of the same violations documented in the BICI report are casting a shadow over the whole process, and raises doubts over the authorities' political will to reform.

## AMNESTY INTERNATIONAL'S CALLS

Amnesty International calls on the Bahraini government to show real political will for reforms in the country and to:

- Immediately and unconditionally release all prisoners of conscience who were tried and sentenced by the National Safety Court or ordinary criminal courts solely for peacefully exercising their rights to freedom of expression and assembly, including the 14 prominent leaders of the opposition;
- Set up prompt, thorough and independent investigations (by an independent body outside the PPO) into all allegations of torture, deaths in custody and unlawful killings, including those resulting from unnecessary and excessive use of force, committed since the beginning of the February 2011 protests;
- Ensure that all those suspected of torture and killing, including those with command responsibility, or those who condoned or committed torture, unlawful killings and other human rights violations, regardless of their position or status in the government and ranking in the security and military forces, are held accountable, including in a trial consistent with international fair trial guarantees and without recourse to the death penalty.