

URGENT ACTION

CHILD ON TRIAL FOR 'ILLEGAL GATHERING' IN BAHRAIN

An 11-year-old boy, Ali Hassan, is due to appear before a Juvenile Court on 20 June charged with “illegal gathering” and “disturbing security”. Amnesty International call for the charges against him to be dropped.

Ali Hassan Ali Mohammad Jasem, aged 11, was arrested on 13 May in a street close to his home and near to where a protest was taking place. According to his lawyer, Ali Hassan was playing with two other young boys in Bilad al Qadeem a neighbourhood on the outskirts of Manama, when police officers stopped the children, threatening to shoot them if they did not do as they were told. The two other boys managed to escape but Ali Hassan was immediately arrested, accused of purposefully blocking the street with large communal dustbins. Ali Hassan was not allowed to see a lawyer until just before his third appearance at a Juvenile Court on 6 June. He was released on bail on 11 June and his next court hearing is scheduled for 20 June.

Following his arrest Ali Hassan was reportedly moved between several police stations for a period of about four hours and interrogated. He later told his lawyer that during that time he was alone, he became hungry and tired and eventually “confessed” to accusations against him. He appeared before the Juvenile Prosecution the next day when his detention order was extended. He denied all accusations and said that he only “confessed” because police promised to release him if he did. Throughout his detention Ali Hassan was held in a juvenile detention centre.

On 29 May he was formally charged by the Juvenile Prosecution with “participating with others in an illegal gathering of more than five people, in order to disturb public security by way of violence”; under articles purporting to the Juvenile Laws and Articles 178 and 179 of Bahrain’s Penal Code which relate to gatherings of more than five people at one time.

Please write immediately in Arabic, English or your own language:

- Calling on the Bahraini authorities to drop all the charges against Ali Hassan
- Reminding the authorities the age of criminal responsibility is 15; and that under international standards children may only be imprisoned as a measure of last resort. The Committee on the Rights of the Child has stated “a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable” (CRC General Comment No. 10, CRC/C/GC/10, 2007, paragraph 32.)
- Urge them to respect and protect the right to freedom of expression and assembly.

PLEASE SEND APPEALS BEFORE 27 JULY 2012 TO:

King
 Shaikh Hamad bin 'Issa Al Khalifa
 Office of His Majesty the King
 P.O. Box 555
 Rifa'a Palace, al-Manama,
 Bahrain
 Fax: +973 1766 4587
Salutation: Your Majesty

Minister of Interior
 Shaikh Rashid bin 'Abdullah Al Khalifa
 Ministry of Interior
 P.O. Box 13, al-Manama, Bahrain
 Fax: +973 1723 2661
 Twitter: @moi_Bahrain
Salutation: Your Excellency

And copies to:

Minister of Justice and Islamic Affairs
 Minister of Justice and Islamic Affairs
 Shaikh Khalid bin Ali bin Abdullah Al
 Khalifa
 Ministry of Justice and Islamic Affairs
 P. O. Box 450, al-Manama, Bahrain
 Fax: +973 1753 6343
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

AMNESTY
INTERNATIONAL



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ADDITIONAL INFORMATION

Article 32 of Bahrain's Penal Code states: "A person, who is not more than 15 years of age at the time of committing an act constituting a crime, shall not be held liable. In this case he shall be subject to provisions of the Juveniles Law."

Article 15 of the Convention for the Rights of the Child (CRC) to which Bahrain is a state party states 1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly. 2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 37 of CRC states that: States Parties shall ensure that: (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Furthermore, Article 40 also states: 2(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed; 2(b)(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence and 2 (b)(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality.

The Bahraini authorities have publicly stated their intention to introduce reforms and learn lessons from events in February and March 2011, when they cracked down on anti-government protesters. In November 2011, the Bahrain Independent Commission of Inquiry (BICI), set up by the king, Shaikh 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. The report also urged the government to establish immediately an independent body made up of representatives of civil society, the opposition and the government; to oversee the implementation of the BICI's recommendations; to usher in legislative reforms to ensure laws are in line with international human rights standards; to bring to account those responsible for abuses; to release all prisoners of conscience and to conduct investigations into allegations of torture.

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. Despite the authorities' claims to the contrary, abuses continue to be committed against those who oppose the Al Khalifa family's rule. 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 marginalization, which has exacerbated sectarian divisions in the country.

Name: Ali Hassan

Gender m/f: m

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