

جمعية شباب البحرين لحقوق الإنسان

**BAHRAIN YOUTH
SOCIETY FOR
HUMAN RIGHTS**



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**Restricting Public Liberties Warns of a Political and Human Rights Crisis in the Country
Four Weeks of Continuous Violations of Human Rights**

The Bahrain Youth Society for Human Rights expresses its great concern for the rapid events taking place in Bahrain, where the last period from 13 August until 8 September was distinguished by serious violations of human rights and the launch of a security campaign against public liberties by the Executive Authority.

The BYSHR had detected a number of violations during the last three weeks, and they were as follows:

First: Arbitrary Arrests:

Since 13 August 2010, the Authorities arrested a number of political activists, cleric men, human rights defenders and a group of citizens. The National Security Apparatus had stated that these arrests are to eliminate the terrorist organization "organizational network" whose aim is to affect the country's stability.

The National Security Apparatus had arrested:

- Dr. Abdul-Jalil Al-Sangaee – head of the human rights office in "Haq" Movement for Liberties and Democracy
- Sheikh Mohammed Habib Al-Muqdad – president of Al-Zahraa Society for Orphan Care
- Sheikh Abdul-Hadi Al-Mukhodur – member of Al-Wafaa Islamic Movement
- Sheikh Saeed Al-Nori – member of Al-Wafaa Islamic Movement
- Sheikh Mirza Al-Mahroos – cleric man
- Mohammed Saeed Al-Sahlawi – board member of the Bahrain Center for Human Rights
- Ali Jawad Al-Fardan – Committee for the Defense of the Detainees of Karzakan
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- Jaffar Al-Hisabi – Human rights defender (living in the UK)

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- Abdul-Ghani Khanjjar – head of the National Committee of Victims and Martyrs of Bahrain
- Salman Naji – Activists in the Committee of Unemployed
- Ali Abdulemam - Blogger. The administrator of Bahrainonline.org which advocates for human rights

The list includes other citizens and those working in public committees, human rights defenders and political activists (^{1, 2, 3, 4}).

Second: Allegations of Torture and Ill-treatment:

Information indicates that the National Security Apparatus (NSA) has been practicing torture and ill-treatment against the detainees, and the NSA had attempted to extract forced confessions. The detainees confirmed to the Public Prosecution that they have been subjected to torture, insult and abuse during their presence at the NSA.

The detainees have been subjected to:

- Cuffing and blindfolding for long periods of time.
- Forbidding food and drinks for long periods of time.
- Beating on all parts of the body.
- Hanging for long periods.
- Preventing sleep.
- Standing continuously for long periods of time.
- Beating on the ears in a continuous manner.
- Forcing them to listen to the voices of other detainees being tortured.

The methods varied from one person to the other, and this added to the mental and physical pressure that the detainees are facing, and some were transmitted to hospital for treatment (^{5, 6, 7}).

Third: The Detainees' Rights:

‘A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law’. Principle 11

¹ Refer to the report of the Human Rights Watch <http://www.hrw.org/en/news/2010/08/17/bahrain-charge-or-release-opposition-activists>

² Refer to the report of the Observatory for the Human Rights Defenders <http://www.fidh.org/Arbitrary-arrest-and-detention-of-Messrs>

³ Refer to the report of Amnesty International <http://www.amnesty.org/en/news-and-updates/bahrain-intensifies-crackdown-activists-and-clerics-2010-08-18>

⁴ Refer to the report of the Frontline organization for the Protection of the Human Rights Defenders <http://www.frontlinedefenders.org/node/13155>

⁵ Refer to the Human Rights Watch report (2) <http://www.hrw.org/en/news/2010/09/01/bahrain-pursue-torture-allegations>

⁶ Refer to the report (2) of Amnesty International <http://www.amnesty.org/en/library/asset/MDE11/004/2010/en/1c56d255-4eaa-4a68-92ba-de7603a02dc4/mde110042010en.html>

⁷ Refer to the report of the Observatory for the Defenders of Human Rights <http://www.fidh.org/Acts-of-physical-and-psychological-torture>

‘A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefore.’ Principle 11

‘Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody’. Principle 16

The NSA violated the ‘Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment’⁸ as the detainees and for two weeks were not permitted to the following:

- The detainee was not informed of the reasons of his detention.
- The family members were not informed of the place of detention.
- The detainee’s lawyer was permitted to contact or know the charges of the detainee.
- The detainee was prohibited from contacting the outside world.

Information confirms that torture and ill-treatment take place in the first days of the detention and when the detainee usually has no contact with the outer world.

Fourth: Freedom of Opinion and Expression:

The Bahraini Information Institute summoned five political societies who publish party publications ‘Al-Wefaq Islamic Society, Al-Menbar Democratic National Society, Islamic Action Society, The National Democratic Action Society and the National Democratic Assemblage Society,’ where the Information Institute expressed its objection to the content of the party publications.⁹

The BYSHR believes that the aim of this summoning is to restrict freedom of opinion and expression and to control the criticism published against the current security policy in Bahrain.

Noteworthy, the societies has released more than one issue before August 13, 2010.

In the same context, the Information Institute blocked – on Thursday, 2 September 2010 – the electronic website of Al-Wefaq Islamic Society, and since August, 13 2010 it blocked several other websites that addressed the case of arresting political activists and human rights defenders. On Wednesday, 8 September 2010 the Information Institute blocked the electronic website of Islamic Action Society¹⁰

Also, the moderator of one of the political dialogue websites was summoned by the security apparatuses and was threatened of deleting anything that criticizes the executive authority.

The Ministry of Justice and Islamic Affairs summoned a number of mosque preachers and warned them of criticizing the security apparatuses and asked them to criticize what it named ‘violence and terrorism’.

⁸ Refer to the Principles <http://www1.umn.edu/humanrts/instree/g3bpppdi.htm>

⁹ Refer to the Bahraini Al-Wasat newspaper <http://www.alwasatnews.com/2919/news/read/472744/1.html>

¹⁰ The website of Al-Wefaq Islamic Society <http://www.alwefaq.org> , Islamic Action Society <http://www.amal-islami.net>

Fifth: Freedom of Assembling:

The Law of Assembling indicates that the security apparatuses should be informed of any protest or demonstration, and since August 13, 2010, the security apparatuses had rejected several notices submitted to with the aim of holding peaceful events.

The security authorities rejected a demonstration notice that was supposed to be held by the family of the detainee Dr. Abdul-Jalil Al-Sangaeece – Wednesday 18 August 2010 – to demand his release, and it also rejected the notice to hold a peaceful demonstration in front of shopping mall to demand the release of the detainees and which was supposed to be held on Friday 20 August 2010.¹¹

In addition, the security apparatuses rejected a notice of an annual demonstration held by the political and religious bodies to support the case of ‘Palestine’ – Friday 3 September 2010 – and threatened to oppress it.¹²

Sixth: Freedom of civil society institutes:

The Ministry of Social Development threatened the societies engaged in the field of human rights to take legal and administrative action against it as a result of what it named ‘defending a group of citizens and neglecting the other group’.¹³

The BYSHR believes that this threat is related to the press conference held by the detainees’ families and activists in the Bahrain Society for Human Rights, where the families spoke of the dreadful conditions of the detainees.¹⁴ On Wednesday 8 September 2010 the authorities suspended their Board of Directors and appointed a new Executive Director.

Noteworthy, the Minister of Justice had previously threatened the organizations not licensed to register, and the BYSHR believes that this threat includes the BCHR and the BYSHR.

Seventh: Suppressive Laws:

The Public Prosecution confirmed that the detainees will be charged according to the – ill-reputed - Anti-Terrorist Law, and this law is considered one of the suppressive laws and it has been condemned by the UN and international organizations.

The BYSHR believes that the Public Prosecution made use of the Anti-Terrorist Law to use the detention period in it and which lasts for 15 days before the defendant is brought to the Public Prosecution; the Public Prosecution also has the right to renew the detention period for long periods of time.¹⁵

It has previously been mentioned that the torture is practiced during the first days of detention, and usually the detainee has no contact with the outside world.

¹¹ Refer to the BYSHR report on 20 August 2010

¹² Refer to the statement of the organizing committee http://manamavoice.com/news-news_read-4707-0.html

¹³ Refer to the Ministry of Social Development report http://manamavoice.com/news-news_read-4691-0.html

¹⁴ Refer to the Minister of Justice’s statement – Al-Wasat Bahraini Newspaper -

<http://www.alwasatnews.com/2903/news/read/466084/1.html>

¹⁵ Refer to the BYSHR report <http://www.anhri.net/?p=10788>

Eight: the defendant is innocent until condemned (publishing the photos of the defendants before trial):

Bahrain TV – the official media outlet – and in addition to some newspapers, ‘Al-Watan, Akhbar-al-Khaleej, Al-Ayam, Al-Bilad’ and in addition to English newspapers all published the photos of the defendants in some of the cases before being convicted in a fair and independent trial. The Public Prosecution stated that it had ordered publishing the photos in order to assure the community from the terrorist acts.¹⁶

The BYSHR believes that publishing the photos is intended to intimidate the activists and those engaged in the field of human rights, and it believes that it is an indirect threat to all institutes.

It also emphasizes that publishing the photos before they are convicted in a court of law that provides all the guarantees of a fair and independent trial is a blatant violation to the principle that ‘the defendant is innocent until proven guilty’, and it stresses on the defendants and their families right to file legal complaints against any who published their photos.

Ninth: Banning Publication:

The Public Prosecutor issued on 28 August 2010 a decision to ban the publication in the case of the ‘network organization’ and he indicated in his statement to the newspapers that publication will be limited to the Public Prosecution only.¹⁷

Whoever violates the decision of banning publications is sentenced with imprisonment for a year according to Article 246 of the Bahraini Penal Code.

The BYSHR believes that the decision to ban publication is in order to limit the publications to the Public Prosecution, and to prevent the lawyers and human rights defenders from exposing the torture the defendants were subjected to in the case.

The BYSHR confirms that exposing the human rights violations is a fundamental right of lawyers and human rights organizations and general public, and no official institute has the right to interfere in this.

Conclusion and recommendations:

The BYSHR believes that restricting public liberties and especially during the period between 13 August 2010 and until this day warns of a political and human rights crisis in the country, where the human rights violations are continuing to increase.

The BYSHR stresses that under the security and political tension in Bahrain, the security state will not be stable and this will affect the local economy and the general political condition.

Based on that, the BYSHR demands:

- The immediate release of detainees or presenting them to a court that provides the international standards concerned with a fair and independent trial.
- Allow the lawyers or families of detainees to visit them and to be reassured of them.

¹⁶ Refer to the Public Prosecution report http://manamavoice.com/news-news_read-4692-0.html

¹⁷ Refer to the Public Prosecution report http://manamavoice.com/news-news_read-4615-0.html

- The immediate and independent investigation in the torture allegations and to question every accomplice in the crime of torture.
- Allow the international and local organizations to visit the detention centers.
- Launch public liberties and not restrict them and especially those related to societies and peaceful assembling.
- Annul the decision of banning publications and to allow the press, media and human rights organizations to be informed of all that is occurring in this case.
- Stop the media incitement carried out by some of the newspapers allied with the Executive Authority against the political and human rights societies and public figures.