About the institution that submitted the report:

Human Rights Activists for Bahrain: the group’s activity has started in the beginning of 2016. Through its programs, reports, and the statements of its officials, the group seeks to improve the overall situation of human rights, especially the right to vote and equality, discrimination, and other civil and political rights.

Bahrain Interfaith Center: is a non-profit team of voluntary open minded, moderate Bahrainis attempting to protect religious rights, prevent religious and social discrimination and sectarianism, encourage interfaith dialogue, denounce sectarian violence and support peace initiatives.
Background:

1. In its final report on the recommendations of the Universal Periodic Review at its second session in 2012, Bahrain vowed to implement 145 recommendations fully, 13 recommendations partially, and rejected 18 recommendations out of 176 recommendations made by the council.

2. In spite of the steps that Bahrain took in order to implement these recommendations like establishing government bodies for redress and remedy such as the Special Investigation Unit (SIU), the Ombudsman, and the Prisoners and Detainees Rights Commission (PDRC), these institutions, according to our close observation of them, did not play their role according to the approved international standards. In fact, they have been often used to block the remedy and justice road of those affected by human rights violations, and to protect the ones responsible for human rights violations, which leads to polishing the government's image in terms of human rights. A number of reports were issued to evaluate these institutions, including the report submitted by Al-Wefaq’s Liberties and Human Rights Department, which is a paper evaluating the Ombudsman.

3. As for laws, due to the absence of the elements of good governance in the Kingdom of Bahrain, and the absence of separation of powers, the councils that form the legislative authority enacted laws claiming that some of them are for improving the human rights situation. However, these laws, in reality, did not make any difference in the field of human rights. A clear example of that are the Penal Code amendments and the Code of Criminal Procedure, which were advertised as implementations of the recommendations of the Bahrain Independent Commission of Inquiry (BICI) report, because judicial decisions kept being issued in the matter that was criticized by the BICI. On the other hand, laws that further restrict activists and rob them of their rights were enacted, such as the Terrorism Act and the Citizenship Act amendments, which further discarded all guarantees of human rights.

Laws and Legislations

4. Following the second session in 2012, the Bahraini authorities sought to amend certain laws to allegedly improve the human rights situation, after the Human Rights Council issued 23 recommendations regarding reviewing the amendment of laws and legislations. The authorities issued amendments to these laws that have led to restrictions on civil activity in Bahrain.

The Terrorism Law:

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1 Al-Wefaq: a paper evaluating the Ombudsman http://alwefaq.net/cms/2014/08/14/31804/
5. According to the decree No. 20 of 2013 related to amending Law No. 58 of 2006 on the protection of society from terrorist acts, the citizenship of a person convicted in cases related to establishing or joining terrorist cells shall be revoked.

6. According to the Decree No. 68 of 2014 related to the same title, a Terror Crimes Prosecution shall be created, its members shall be appointed by a royal decree, and it shall have the authority to issue an order of imprisonment in terrorist crimes for a period or successive periods that do not exceed in total six months. This amendment also grants the arrest officer the authority to keep the investigation going with the accused for up to 28 days before referring him to the public prosecution, without providing any safeguards that prevent his isolation from the outside world during this period.

7. According to our observation, the vast majority of those who have been detained based on this authority claimed in the first hearing, when they come out of isolation, that they were tortured. In such cases, the defendant or his lawyer misses their chance to prove that the defendant was subjected to torture or ill-treatment, particularly because the methods of torture the victims are subjected to in recent periods do not leave marks for a long time. In addition, most of the interrogations conducted by the public prosecution occur in the absence of the defendants’ lawyers, and without providing guarantees that ensure their right to a lawyer who defends them from the beginning of the accusation procedures.

8. This same amendment permits that the information available to the Terror Crimes Prosecution remains secret, so it cannot be revealed, which hinders the right of the defense to refute the (confidential) information available against the accused, even before the court!!

The Citizenship Act:

9. Legislative Decree No. 21 of 2014 was issued to amend the provisions of the Bahraini Citizenship Act of 1963. The amendment in Article 10 of the same act states that, with abridged procedures by government agencies, it is permitted to revoke the nationality of who causes harm to the interests of Bahrain, or who acts contrary to the duty of loyalty to the country. No guarantees or real actions are provided to the ones subjected to this procedure. Based on this law, the nationalities of many political and human rights activists, religious scholars, journalists, photographers, social activists, and Twitter users were revoked. They are accused of defaming Bahrain abroad.

On July 24, 2016, the Bahraini Interior Minister issued the decision No. 89 of 2016, which states that the person whose citizenship has been revoked has 4 weeks from the date of the revocation to correct his legal status, which is also subject to the wide

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estimated authority of government agencies that can refuse his presence and deport him from the country within this period. Referring to court cannot prevent the deportation proceedings, especially since the judiciary has turned a blind eye to the undisciplined power exercised by government agencies in the deprivation of citizenship, considering it to be an absolute estimated power for these agencies, without taking into account the situation of the citizen who becomes stateless.

The Penal Code:

10. Decree Law No. 51 of 2012\(^7\) was issued to amend some provisions of the Penal Code promulgated by Decree Law No. 15 of 1976\(^8\). It states that a prison sentence for two years shall be the punishment for any person who deliberately disseminates false news seeking to damage public security. This amendment is used by the authorities to punish some activists, although it was advertised as an implementation of the recommendations of the Bahrain Independent Commission of Inquiry. On August 14, 2016, a lawyer was accused of this charge just because he told a local newspaper that his client, who died in jail during the investigation period, was tortured.

11. The amendment to Law No. 1 of 2014\(^9\) states that imprisonment for a period of no less than one year shall be the punishment of anybody who publicly insults the King. However, through this law, authorities can punish many political and human rights activists for allegedly insulting the King.

12. The authorities are still prosecuting many citizens over the charge of insulting a statutory authority. This charge now haunts all human rights and political activists, although the Penal Code includes Article 69 bis, which states that exercising rights in accordance with the generally accepted standards of democratic practices is considered a cause of legalization, in implementation of the recommendations of the aforementioned commission. However, those charged with this charge are numerous, including most of the activists who disagree with the government’s views and offer a critical view of the political and human rights situation in Bahrain.

13. **Recommendations:**

1) Abolish the decision that allows keeping the defendant under interrogation for 28 days.
2) Abolish the legislations that permit revoking the citizenship of those who are proven to be involved in terrorist crimes.
3) Amend local laws and legislations in accordance with international laws.
4) Abolish the Article that gives the Interior Minister the right to recommend the revocation of a citizenship.

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5) Implement significant and fundamental changes in the judiciary that make it the guardian of rights and public freedoms and make it stand against the immoderation of the legislative and executive authorities, which dominate these rights, and be a guarantee against the violations. The implementation of this recommendation should be executed through institutional change in the judiciary, away from training the officers, which did not achieve any results on the ground.

The Establishment of Associations

14. The Human Rights Council issued five recommendations relating to the establishment of societies and political parties in its second cycle in 2012. They focus on ensuring that political associations are not restricted and are given space to practice their activities. However, the Bahraini authorities have clamped down even more on the work of these political associations, and restricted them by threatening to close them or arrest their leaders, while some of them were later closed down.

15. The Political Associations Law\textsuperscript{10} is one of the most prominent laws that restrict the work of political associations. This law gives the Ministry of Justice the right to register and supervise political associations, while it is not obliged to clarify the reasons for refusing to accept the registration of new associations. The executive decisions of this law also require that there shall be a representative from the Ministry of Foreign Affairs while holding any meetings or contacting foreign parties or bodies, and the Ministry of Justice require that it should be notified in this regard as well. This same law also stipulates that it is forbidden to benefit from accepting any donation or advantage from any foreign party, whether it was an individual, a group, or an organization.

16. New amendments were added to the law allowing Bahrain’s Ministry of Justice to interfere in the decisions of the political societies and breach generally accepted principles by giving the Ministry the right to request any private information and data of the society and its members, which creates a threat to harass them in political confrontation. They also deprived certain categories of the citizens, such as the religious clerics, of having their own political affiliations.

17. Bahrain’s Ministry of Interior tightened its fist on the activity of political societies, preventing some citizens from agreeing on holding events for political societies in their centers, halls, and private properties and depriving others from public jobs and positions because of their affiliation with opposition political societies.

18. As a result of these laws and procedures, the authorities dissolved the Islamic Action Society (Amal) in July 2012, and the Ministry of Justice filed a lawsuit against Al-Wefaq National Islamic Society and the National Democratic Action Society (Waad) in July 2014.

\textsuperscript{10} Political Associations Law http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2407
19. Although the apparent law decided to dissolve the political society by a judicial sentence based on a lawsuit filed by the Minister of Justice, the judiciary performed an executive role regarding the lawsuit filed by the Ministry of Justice on January 14, 2016 against Al-Wefaq National Islamic Society. After 3 hours of filing the lawsuit, the court ordered to close the headquarters of Al-Wefaq National Islamic Society, reserve its funds, and suspend its activity. The headquarters were closed and its activity was suspended in the same day. On July 17, 2016, a judicial ruling was issued to completely close and liquidate the society through procedures in which the lawyers withdrew from to show that it was impossible for them to perform their duty of defending Al-Wefaq in the absence of the principles of fair trial and without allowing them to access the documents needed in their defense, which were in the society’s headquarters that was controlled by the Ministry of Justice by its judicial guard.

20. The NGOs Law complicates the process of establishing civil society institutions. The Law grants government agencies the right to register or reject the registration of these institutions based on utterly estimated reasons. The government agencies refused to register two human rights organizations, “Insaf” in 2014, and “Afaq” in 2015, while they authorized others for political reasons.

21. On January 29, 2014, the High Administrative Court ordered to dissolve the Islamic Scholars Council, the biggest assembly of Shiite clerics in Bahrain which deals with the citizens’ religious and scholarly issues, before the sentence issued by the Court of Appeal on January 16, 2014 was endorsed. However, the Council did not commit any convicted action, and none of its members was brought to trial over any charge.

22. On January 14, 2016, the government agencies decided to dissolve the Islamic Enlightenment Society and liquidate its funds. It is the largest society for Shiite citizens in Bahrain that teaches the concepts of the Shiite Islamic doctrine, since the official authorities do not provide any educational services for the Shiites despite being the majority in Bahrain. These decisions were not proceeded or accompanied by real guarantees or have any concrete reasons.

23. Recommendations:

1) Amend the Political Associations Law in conformity with the standard practices of democratic regimes, allowing for political pluralism and granting political parties the freedom to practice their activities.

2) Amend the NGOs Law in conformity with the international laws.

Prosecuting Activists

24. As for freedom of expression, since issuing the recommendations for Bahrain in the Universal Periodic Review (UPR) in 2012, the Bahraini authorities arrested many activists.

25. On July 9, 2012, the Bahraini authorities arrested the human rights activist Mr. Nabeel Rajab, the President of Bahrain Centre for Human Rights (BCHR), and released him 2 years later on May 24, 2015, after sentencing him to 2 years in prison over the charge of assembly for participating in an unlicensed march.

26. Then, they arrested the human rights activist Mr. Naji Fateel on the 1st of May, 2013 and convicted him in a terrorism case, and he was sentenced to 30 years in prison over 2 separate cases.

27. On December 28, 2014, the authorities arrested Sheikh Ali Salman, the Secretary-General of Al-Wefaq Society, and sentenced him to 4 years in prison after accusing him of inciting hatred against a sect, not complying with the laws, and insulting the Ministry of Interior. On May 30, 2016, the Court of Appeal increased the sentence to 9 years in prison and accused him of promoting to change the constitutional regime by force and illegal means.

28. On the 1st of July 2015, the authorities also arrested Mr. Majeed Milad, the former president of the Capital Municipal Council, and he was sentenced to 2 years in prison after accusing him of promoting non obedience to the laws. The Court of Appeal amended the issued sentence to 1 year.

29. On July 12, 2015, the authorities arrested Mr. Ibrahim Sharif, the former Secretary-General of the National Democratic Action Society (Waad), after accusing him of promoting to change the regime and inciting hatred against the regime. This happened following a speech he delivered to commemorate a child that was killed in the recent events.

30. Since the closure of Al-Wefaq National Islamic Society and Islamic Enlightenment Society and the revocation of the citizenship of Sheikh Isa Qassim, the Bahraini authorities arrested 16 Shiite clerics and summoned dozens.

31. **Recommendations:**

   1) Release all the prisoners of conscience including the ones detained since the beginning of the 2011 protests.

   2) Establish major changes in the judiciary that prevent using the law as a tool to punish the opposition and deter peaceful protests, and as a barrier against the exercise of the right to legitimate criticism. Implementing this recommendation should be through institutional change in the judiciary, away from training the members, which did not achieve any results on the ground.

**Freedom of Peaceful Assembly**
32. The Human Rights Council (HRC) issued 15 recommendations in the Universal Periodic Review (UPR) of Bahrain in 2012, related to the right to peaceful assembly, while the authorities issued legislations and decisions that restricted this right even more.

33. On August 6, 2013, a Royal Decree was issued for amending the Law on Public Meetings, Marches and Assemblies. The most important amendments were the absolute ban of any marches or demonstrations before sunrise and after sunset, the absolute ban of any demonstration or gathering in the capital Manama, and the ban of demonstrating near the airport, shopping malls, or security-related places.

34. Since the beginning of the parliamentary election campaign in November 2014, the Bahraini authorities banned any form of assemblies and sit-ins. The authorities have refused to receive any notification regarding these marches and assemblies, and have refused to give any justification or present reasons that prevent holding these events. Between November 2014 and April 2016, the opposition submitted 181 notifications, and the ban was extended to reach the marches held by The General Federation of Workers Trade Unions in Bahrain (GFWTUB) on Workers’ Day. In fact, the rights to peaceful assembly and demonstrations are absolutely prohibited in Bahrain.

35. Bahrain’s Ministry of Interior prosecuted the participants in the marches and assemblies of the opposition forces by summoning and detaining the organizers or some participants sometimes. In subsequent periods, some of them were subjected to interrogations regarding submitting notifications for a march years ago. They were also listed on the blacklists although they were applying the law imposed on them.

36. Regarding the unregulated protests, the authorities repressed these events with excessive force. Between January 2013 and August 9, 2016, they repressed 7557 events. The police forces also besieged the entrances of the villages and towns in which these protests were held, in order to prevent the protesters from leaving when they start repressing them. As a result of these repressions 1288 citizens were lightly or moderately injured, while some injuries were serious.

37. **Recommendations:**

1) Release all of those accused of assembly, and drop all charges against them.

2) Abolish the powers of the security agencies to ban demonstrations and change their place and time, limit the methods of notification for holding peaceful demonstrations and sit-ins to modern means, and immediately allow holding all forms of peaceful demonstrations in all areas of Bahrain.

3) Amend the Law on Public Meetings, Marches and Assemblies to facilitate holding peaceful protests and demonstrations and protect those demonstrators.

4) Implement significant and substantive changes in the judiciary to transform it into the supervisor of the executive authority while it practices its powers in using force and disabling the right to peaceful demonstration and protest.

5) Amend the Penal Code to ensure that Article 179 is not misused in order to punish those who practice the right to peaceful protest.
Arbitrary Arrest, Torture, and Abuse

38. Between January 2013 and August 8, 2013, the Bahraini authorities arrested 6360 citizens, including 84 women and 916 children. Several arrests included raiding houses and vandalizing their contents. According to information we obtained, we believe that these were arbitrary arrests, since the police forces did not present a warrant to arrest the persons accused of exercising freedom of expression. In addition, the authorities did not ensure fair trial guarantees, and the detainees were subjected to ill-treatment which, in several cases, may amount to torture. The authorities released the majority of the aforementioned citizens after they served a period in detention or prison.

39. Regarding torture, 1387 citizens were subjected to ill-treatment through torture, degrading and humiliating treatment, deprivation of medical treatment and other internationally condemned practices. According to the witnesses of the victims or their families, the investigators at the Directorate of Investigations and Forensics used harsh methods with the detainees in order to obtain confessions under psychological or physical coercion. These methods include electric shocks, sexual harassment, suspension in painful positions, hanging on ladders, beatings of the head, chest, testicles, and other places, stripping detainees of their clothes in cold rooms and pouring water on them, forced standing for days, deprivation of food, drink, sleep, and water closets for days, solitary confinement, insulting and threatening to rape the detainee, his wife or parents, and deprivation of communication with the outside world after the arrest. All these methods were mentioned in the report of the Bahrain Independent Commission of Inquiry (BICI), and the authorities have not changed this methodology in treating the defendants.

40. Recommendations:
1) To allow the UN Special Rapporteurs on arbitrary arrests and torture to visit Bahrain.
2) To investigate the cases of torture and abuse, and bring the perpetrators and those responsible to trial.
3) To reconsider the terrorism-related cases, in which the convicts were allegedly subjected to torture.
4) To amend the Criminal Procedure Code to ensure the prevention of the reasons of the problem, particularly enabling the defendants to contact their families and lawyers, and preventing their isolation from the outside world.

Judicial Sentences

41. In 2012, the Human Rights Council (HRC) issued 8 recommendations related to the right to a fair judiciary. However, the authorities restricted civil activity in the country even more, through the judiciary, by issuing judicial sentences via procedures that do not comply with the principles of fair trials.
There are around 1400 Bahraini citizens serving long-term prison sentences in cases relating to political opinions, including charges of assembly, insulting the State figures, spreading false news, and posting on social media outlets. However, according to the records of trials and cases that we reviewed, these trials included a number of violations starting from the moment of arrest until issuing the sentence. These breaches and violations include:

- Torturing and abusing the detainees in the Criminal Investigation Department to obtain false confessions.
- The negative role of Bahrain’s Public Prosecution in revealing the torture that the detainees were subjected to, and even creating the circumstances to subject the detainees to more torture in some cases, and threatening the detainees to send them back to the security agencies if they refused to make the same confessions they made under torture in the security agencies.
- The charges are based on secret investigations which only exist on the papers prepared by the investigators of the security bodies, without allowing for the discussion of those investigations.
- The court does not need evidence from the prosecution to prove the charge against the defendant. It is sufficient that the security body states its adaptation of the incidence, and the Public Prosecution will agree with it.
- The phrases and speeches of the politicians are misrepresented in order to link them to the charges.
- Not enabling the defense to use the defense tools that are ensured by the standards of fair trial, such as discussing the incriminating evidence and particularly the witnesses from the security bodies, and refusing to present the defendant to the witnesses in order to deny the charges.
- The sentences do not conform to the international standards of human rights, expanding the criminalization of freedom of expression, belief, and peaceful assembly, and scientific research, in a way which makes the judiciary a tool to punish the political opposition.

Recommendations:

1) Arrange for an urgent visit of the Special Rapporteur on the Independence of Judges to Bahrain, perform an urgent objective assessment of the judicial bodies in Bahrain, and suggest short-term and long-term solutions to reform the judiciary according to the international standards.

2) Determine a mechanism to hold the judicial officials, who perform a positive role in allowing torture and abuse to happen, or a negative role in putting an end to this treatment, accountable.

3) Review all the judicial sentences that were issued over political backgrounds, in which the judiciary was used to repress the legitimate criticism of the government, hold the judicial officials who had issued these sentences accountable, and review the judicial procedures that rob the freedom of the defendants.
4) Make substantial institutional and structural modifications in the judiciary that ensure it becomes an independent judiciary, which will be a guarantee for the individuals to practice their rights and freedoms away from the tyranny of the legislative and executive authorities. These modifications should prevent the judiciary from being a tool in the political struggle for repressing the political opposition, ensure the validity and qualification of the current judicial officials, and isolate those involved in the human rights violations.

Revoking Citizenships and Deporting those Stripped or Deprived of their Nationalities

44. In May 2012, The Human Rights Council (HRC) did not issue any recommendation regarding revoking citizenships, since this violation was added after the Universal Periodic Review (UPR) of Bahrain. Until the moment of writing this report, the cases of revoking citizenships reached 323 cases including clerics, political and human rights activists, journalists, former MPs, and citizens. According to our observation, 296 cases of the total cases of revoking citizenships were for dissidents, 23 cases were for citizens believed to have joined and fought for ISIS, and 3 other cases.

45. The 331 cases of revoking citizenships are classified as the following:
   - 2 cases as a result of administrative decisions
   - 31 cases as a result of ministerial orders issued by the Minister of Interior
   - 76 cases as a result of Royal Decrees
   - 214 cases as a result of judicial sentences

46. On January 20 2016, the authorities revoked the citizenship of Sheikh Isa Ahmed Qassim (75 years old), the most prominent leader of the Shiite sect in Bahrain who has the rank of “Ayatollah”, after the Minister of Interior requested that and the Cabinet approved, before issuing a decree.

47. On September 15, 2013, the authorities deported Sheikh Hussein Abdul Baqi, known as Ayatollah Najati (scholar degree: Ayatollah), whose citizenship was revoked, after he received direct threats. On April 23, 2014, the authorities declared that they deported Najati because “he practiced his activities ambiguously and without coordination with the official authorities in the country”.

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48. On January 31, 2015, Bahrain’s News Agency published a news report on revoking the citizenship of 72 Bahraini citizens including 49 dissidents, the majority of whom are activists outside the country. The news report issued from the Ministry of Interior reported that according to the request of Bahrain’s Minister of Interior, and after the Cabinet’s approval, a decree was issued to revoke the citizenship of 72 Bahraini citizens. The list included the Bahraini cleric Sheikh Mohammed Hussein Khojasteh. His lawyer filed a lawsuit to consider the case before Bahrain’s High Administrative court, but the filed lawsuit was rejected.

49. Bahrain’s Public Prosecution filed a lawsuit accusing him of illegal residency in the country, and on May 14, 2015, Bahrain’s Tenth Lower Criminal Court ordered to fine Khojasteh BD 100 (around USD 265) and officially deport him from the country. Following the appeal of the case, on February 18 2016, Bahrain’s High Criminal Court approved the issued sentence to permanently deport the accused from the country.

50. In the cases of revoking citizenships, neither the situation of the person whose citizenship has been revoked nor the consequences of his legal status are taken into consideration. He becomes stateless and is transferred into the status of legal execution; as a result he will be deprived of all the rights and freedoms, in a breach of the international law regarding prohibiting the status of being stateless.

51. The victims of revoking citizenships in Bahrain suffer from the inability to travel or obtain the rights given to other citizens. Their new-born children are deprived of the citizenship, some of them are not allowed to submit a request for residential units like other citizens, and some of them are deprived of their retirement income, although that negatively affects the family members.

52. The Bahraini authorities used a new violating practice in coincidence with the revocation of citizenships, which is deporting those whose citizenships are revoked, or those who have the right to Bahraini citizenships but the authorities had stubbornly refused to grant them the citizenship since long ago.

53. Until writing this report August 14 2016 the number of those forcibly deported from the country amounted to 10 citizens, although that is considered encroachment to the local law and international covenants ratified by Bahrain.

55. Recommendations:

1) Return the citizenship of those who were deprived of it due to judicial rulings, royal decrees, or ministerial orders, and compensate them for all the rights taken from them as a result of being non-citizens.

2) Prohibit revoking the citizenship except in exclusively and clearly specified cases, through the judiciary, with guarantees that ensure non-arbitrariness, and in a way in which there is no effect for revoking the citizenship unless those guarantees are depleted.

3) Work to facilitate the issues of those whose citizenships were revoked outside the country in obtaining their passports.