

## Front Line submission to the OHCHR: Universal Periodic Review Mechanism

### HUMAN RIGHTS DEFENDERS AT RISK IN BAHRAIN

31 October 2007

Front Line is deeply concerned about the ongoing persecution of human rights defenders in Bahrain. Despite the presence of provisions for basic human rights in Bahraini law and the state's adherence to a number of international human rights treaties, in practice these rights are substantially limited. Human rights defenders in Bahrain continue to face high levels of insecurity and are victim to various forms of state repression, such as arbitrary arrest, judicial proceedings based on false or unfounded charges such as "*encouraging hatred of the state and distributing falsehoods and rumours*", verbal threat, physical assault, ill-treatment and in some cases torture. They also face numerous other acts of harassment and intimidation by the authorities and government security forces. Many human rights defenders are constantly under surveillance by the authorities.

#### Attacks on Human Rights Defenders

##### Bahrain Centre for Human Rights

The Bahrain Centre for Human Rights (BCHR) is a non-governmental organisation (NGO), which focuses on civil, political, economic and social rights in Bahrain. Since 2005, **Nabeel Rajab**, the Vice-President of the BCHR, has been the subject of ongoing harassment. In 2005, Nabeel and his wife **Somaya**, were the target of a defamation campaign organised by an anonymous source. The campaign has been linked to a secret network of government officials and other people close to the government and is allegedly headed by a member of the royal family. In 2005, Nabeel Rajab's case was presented at the Office of the Public Prosecutor, but to date there has not been an investigation into the complaint. Nabeel Rajab was physically beaten by police officers whilst attending a peaceful demonstration in solidarity with the Unemployed and Underpaid Committee on 19 July 2005.

In October 2006, Nabeel Rajab was summoned by the Office of the Public Prosecutor for questioning in relation to a published BCHR article, which reported on the 'Bandargate Scandal'. The 'Bandargate scandal' refers to the case of Dr Salah Al-Bandar, a former advisor to the Ministry of Cabinet Affairs in Bahrain, who was reportedly charged, in absentia, with seizing government papers for a report he had issued, in which he accused the government of conspiring to marginalize the majority Shia community and attempting to rig the parliamentary elections in 2006. To date no government official named in the report has been investigated and the government has made no official statement on the allegations. Nabeel has been under constant surveillance by unidentified individuals travelling in civilian vehicles since 1 July 2007. His phone calls and email are intercepted.

**Abdulahadi Al-khawaja**, the Chairperson of the BCHR has been arrested, detained and threatened on a number of occasions. In 2004, Abdulhadi Al-khawaja was detained for two months, for having allegedly referred to the Prime Minister as corrupt in a public seminar on poverty. He was

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sentenced to one year imprisonment but later released. He has been subjected to severe beatings by the Special Security Forces on a number of occasions. Members of the Special Security Forces physically attacked Abdulhadi Al-khawaja during peaceful demonstrations on 15 June and 19 July 2005. On 14 December 2005, Abdulhadi Al-khawaja received a threatening telephone call from an unknown individual, alleging to be from the Bahraini Ministry for the Interior. The caller threatened Abdulhadi Al-khawaja and said to him that he would be charged with crimes of treason if he took part in more protests. As a result of the phone call, Abdulhadi Al-khawaja and nine other human rights defenders went to the United Nations building in Bahrain to seek international protection from persecution. **Abdulhadi Al-khawaja** and **Hassan Mushaima**, Secretary General of HAQ and **Sahker Abdul-Aal**, member of the Unemployed and Underpaid Committee, were arrested on 2 February 2007. Security forces surrounded the neighbourhoods where they lived and masked security personnel forcibly entered their homes with arrest warrants issued at the request of the Public Prosecutor. The three human rights defenders were then taken to the Criminal Investigation Department (CID) and after 7 hours of detention including interrogation by both the CID and members of the Office of the Public Prosecutor, they were released on bail. The charges against them relate to "*state security crimes*" and include: the intention to change the governing system of the country, circulating false information, insulting the King and inciting hatred against the regime, according to Articles 160, 165, 168, 172, 173 & 214 of the 1976 Bahraini Penal Code. If convicted, they face a maximum sentence of 10 years imprisonment. They were released following demonstrations in several different parts of the country. Their trial was due to take place on 21 May 2007, however it was postponed by order of the King of Bahrain.

### **Women's Petition Committee**

**Ghada Jamsheer**, the President of the Women's Petition Committee has repeatedly faced fabricated legal charges including "*insulting the judiciary*" as a result of her work on the rights of women in Bahrain's family courts. Ghada Jamsheer has been victim of anonymous threats and harassment by phone calls and SMS messages throughout 2007. Ghada Jamsheer has been effectively banned from the national Bahrain media. On 6 October 2007, newspapers and media sources in Bahrain were ordered to prevent the publication or broadcast of any news article related to Ghada Jamsheer. The order was reportedly issued directly from the Royal Court, through its Minister Shaikh Khalid bin Ahemd Al-Khalifa. In April 2007, Ghada Jamsheer addressed a letter to King Sheikh Hamad bin Asa Al-Khalifa, in which she criticised the Supreme Council for Women for failing to promote the rights of women. Queen Sheika Sabika Bint Ibrahim Al-Khalifa chairs the Supreme Council for Women. Ghada Jamsheer has been victim of harassment, including a campaign of judicial harassment against her. In 2005, she faced three separate criminal charges for allegedly criticising a number of family court judges. These charges were eventually dropped on 19 June 2005. Since 2006, Ghada Jamsheer has been under permanent surveillance, there is a 24-hour presence of plainclothes Public Security officials of the Ministry of the Interior outside her home.

### **Committee of Martyrs and Victims of Torture**

**Abdulraoof Alshayeb**, the former President of the Committee of Martyrs and Victims of Torture, has been the victim of a defamation campaign, judicial harassment and arbitrary arrest. In March 2004, Abdulraoof Alshayeb was arrested for allegedly planning a demonstration at the time when international media were in Bahrain for the Formula One races. He was released shortly afterwards, without being charged. In April 2004, he was detained for on fabricated charges of having an adulterous affair with a migrant housemaid. The legal proceedings took two years and he was finally acquitted of the charges. During the legal proceedings, Abdulraoof was the subject of a campaign of defamation in the national newspapers. In October 2004, Abdulraoof Alshayeb was arrested along with a number of other demonstrators protesting against the imprisonment of Abdulhadi Al-khawaja, the President of BCHR, who was detained in September 2004. Members of the Special Forces physically attacked Abdulraoof Alshayeb while arresting him. Abdulraoof Alshayeb was arrested on 28 March 2005, and held incommunicado detention for five days. He

had just returned from meetings at the United Nations (UN) Commission on Human Rights, which was in session and he had met with the UN Special Rapporteur on Torture and the UN Committee for the Prevention against Torture. In July 2006, Abdulraoof Alshayeb was charged on fabricated charges with being involved in a prostitution ring in Bahrain and sentenced in absentia to a one year prison term. The charges had been made after he has participated in the UN Human Rights Council meetings in Geneva. Abdulraoof Alshayeb decided to apply for asylum in the United Kingdom while he was there, as he feared for his own his safety, should he return to Bahrain. He was granted asylum status in August 2006. **Abbas Al-Omran**, the Vice-President of the Committee of Martyrs and Victims of Torture, was violently beaten by masked members of the Special Security Forces, while he participated in a peaceful demonstration inside the Southern Governorate Police Station in Riffa on 19 June 2005 and outside the House of Representatives on 15 July 2005. In June 2007, Abbas Al-Omran was among several human rights defenders to receive threatening SMS messages from anonymous phone numbers. The SMS messages threatened him with punishment, should he continue his human rights activities. **Abdulghani Al-Khanjar**, the accountant with the Committee of Martyrs and Victims of Torture was violently beaten by members of the Special Security Forces in December 2005, while he participated in a peaceful demonstration outside the office of the Directorate of Criminal Investigation. As a result of the beating, Abdulghani Al-Khanjar received a neck injury and was hospitalised. In 2006 and 2007, Abdulghani Al-Khanjar was the victim of threatening SMS messages, emails and phone calls from anonymous sources.

### **Unemployed and Underpaid Committee**

**Mosa Abdali** is one of the co-founders of the Unemployed and Underpaid Committee (UUC). The UUC assists unemployed people to find employment and lobbies on the issue of unemployment. In June 2005, Mosa Abdali was among a number of people who were violently beaten by members of the Special Security Forces during an attempt to hold a peaceful demonstration outside the Royal Court in Riffa. In July 2005, Mosa Abdali was among a number of people to be violently beaten by members of the Special Security Forces, during a demonstration outside the House of Representatives. Mosa Abdali was hospitalised for few weeks following the attack after having received injuries in his lower back and right leg. On 29 November 2005, unknown masked men in plain clothes near his home abducted Mosa Abdali. Mosa was apparently transported to an isolated place where he was beaten, stripped of his clothes and sexually assaulted. He was then told to cease his activities with the UUC. In April 2006, Mosa Abdali was arrested while attending a demonstration. He remained in detention until 24 September 2006. In the month of August 2006, he was detained incommunicado. In 2007, he travelled to the United Kingdom (UK) and applied for asylum. On 6 July 2006, Abbas Abdali, a member of UUC and brother of Mosa Abdali, was abducted by a group of unknown men in civilian clothing. The men physically assaulted him after he confirmed that he was the brother of Mosa Abdali. He was found unconscious hours later and was hospitalised as a result of his injuries. He was subsequently suspended from his post with the Ministry of the Interior. In 2005, **Hasan Abdulnabi**, a co-founder of the UUC, was abducted and beaten by unknown men. Members of the Special Security Forces summoned him in December 2005, and he was detained and sentenced to one year imprisonment. After his release at the end of September of 2006, he was sacked of his post with the Ministry of Interior. In September 2007, Hasan Abdulnabi was again abducted for three days by unknown men while participating in a demonstration outside the Royal Court. In June 2007, members of the Special Security Forces summoned **Naji Fateel**, a member of the UUC, and allegedly threatened him if he did not cease his human rights activities. He has received multiple threatening SMS messages from anonymous phone numbers.

### **Bahrain Youth Society of Human Rights**

The Bahrain Youth Society of Human Rights (BYSHR) is a non-governmental organization promoting and defending human rights values among youths. In June 2007, **Mohammed Al-Maskati**, Director of the BYSHR, received a number of SMS messages from an anonymous

source, threatening him if he did not cease his human rights activities. On 31 January 2007, Mohamed Al-Maskati was detained and deported from Cairo Airport Security Services. The Cairo Airport Security Service detained Mohamed Al-Maskati in custody at the airport where he was held in a room for fourteen hours. While in detention he was not allowed to eat, drink or sleep and his passport was confiscated and not returned to him until he was on the airplane. He was then deported back to Bahrain. Mohammed Al-Maskati had travelled to Egypt in order to attend seminar organised by the Arab Program for Human Rights Activists (APHRA). **Husein Jawad**, the Vice President of BYSHR, has received threatening phone calls and SMS messages from an anonymous source.

### **Movement of Liberties and Democracy - HAQ**

HAQ is a NGO, which promotes and defends political and human rights in Bahrain. Hasan Mushaima, the Secretary General of HAQ, has been the subject of a defamation campaign in the Bahraini media. In 2006, Hasan received a number of threatening and insulting SMS messages from an unknown source. The SMSs threatened Hasan and his son Ali, who in turn filed a complaint with the Office of the Public Prosecutor. Front Line has received reports that the complaint has to date not been investigated by the authorities. On 2 February 2007, **Hasan Mushaima** was arrested and detained by members of the CID. He was released shortly afterwards. He appeared at court on 22 April 2007, but the trial was adjourned. The case against him is still pending. **Dr Abduljalil Alsingace**, the Director of Media and International Relations and member of the BCHR, has been victim to intimidation and harassment. In March 2005, Dr Abduljalil Alsingace, was dismissed from his post as Chairman of the Mechanical Engineering Department of the University of Bahrain, after he travelled to Washington and London in December 2004. Throughout, 2005, Abduljalil received a number of indirect threats from what is believed to members of security at the National Security Commission and the Ministry of Interior.

On 6 January 2006, during a peaceful and 'authorised' demonstration, Dr Alsingace, who is physically disabled and requires crutches, was violently beaten by armed members of Special Security Forces. Dr Alsingace, is an associate professor of engineering at the University of Bahrain, but reports that he is being discriminated at his work place as a result of his peaceful human rights activities.

### **Freedom of assembly and peaceful gathering**

Bahraini law prohibits unauthorised public gatherings of more than five persons and public gatherings need to be notified to the Ministry of Interior twenty four hours in advance. As outlined in this report Front Line has received a number of reports of the use of excessive force by members of the Special Security Forces when dispersing demonstrations. Amendments to the 1973 Law on Public Gatherings and Processions that were signed into law by the King on 20 July 2006, further increased the number of legislative constraints. According to these amendments, demonstrations organised in public places close to "sensitive" places are strictly prohibited; any public meeting or demonstration has to be notified to the head of Public Security at least three days in advance; organisers and participants of prohibited demonstrations face prison sentences of up to six months and/or a minimum fine of 100 *dinars* (approximately 200 euros). Since these amendments came into force, many demonstrations including those organised by human rights defenders have been violently repressed by members of the police and security services.

### **Freedom of association**

New legislation, under the guise of counter-terrorism, has contributed to further infringements of the freedom of association. The Societies Law no. 21 of 1989 requires that all societies and organisations be registered, prohibiting any activity by an unlicensed society. The Ministry of Labour and Social Affairs is reported to hold strong discretionary powers in these matters and the

authority to reject the registration of any organisation deemed to be against the interest of state security. The Ministry also has the right to appoint management of the societies and to close down any society temporarily. This legislation is designed to prevent the creation of independent organisations and impede the existing ones from carrying out their activities successfully. On 29 September 2004, the Labour and Social Affairs Minister Majid al-Alawi decided to close the Bahrain Centre for Human Rights (BCHR) because of “activities contravening the Societies Law of 1989”. The order prohibits members of the BCHR from resuming activities and freezes all funds.

In May 2007, the Women's Petition Committee, the Unemployed and Underpaid Committee, the Bahrain Youth Human Rights Association and a number other non-registered human rights organisations received official letters from the Ministry of Social Development asking that they cease their activities or face legal persecution. The Bill on 'Protecting Society from Terrorist Acts', which was signed into law by the King of Bahrain on 14 August 2006, is likely to intensify acts of repression. This law has been criticised by Bahraini civil society and international organisations, because it can be used to prevent civil society to associate and human rights defenders to operate free of all restrictions. Article 1 describes a terrorist act as one that threatens national unity and without any further articulation on what this means, the vagueness of these provisions paves the way for criminalisation of the activities of human rights defenders. The United Nations Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism had publicly urged the King to seek amendments to the Bill passed by the legislature, expressing concern that it contained an excessively broad definition of terrorism and terrorist acts.

### **Freedom of expression**

The Constitution provides for the freedom of speech and freedom of the press, albeit with certain restrictions. In practice, these rights are limited in particular in relation to the media. The Press Law (47/2002) contains measures that unduly restrict press freedoms, such as prohibitions on insulting the King and on reports that “threaten national unity.” Journalists exercise a considerable degree of self-censorship, particularly on issues such as corruption implicating the ruling family. The Bahraini authorities continued to severely ban all statements and press releases issued by organisations denouncing human rights violations in the country. As such, the websites of about twenty civil society organisations, including the BCHR, have been or remain inaccessible in the country. Furthermore, Ghada Jamsheer, of the Women’s Petition Committee has been effectively banned from the national Bahrain media on 6 October 2007.

### **Front Line is urging the UN to urge the authorities to prioritise the protection of human rights defenders in Bahrain and calls on the UN to urge the Bahraini authorities to:**

- (1) To conduct an independent inquiry into the source of threats, ill treatment, torture, and all forms of intimidation and harassment directed towards all those human rights defenders mentioned in this report;
- (2) To ensure that all human rights defenders in Bahrain are free to carry out their human rights activities free from persecution;
- (3) To invite the UN Special Representative for Human Rights Defenders to Bahrain.