
BAHRAIN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2010

Political context

Despite the commitments taken by the authorities and the recommendations made by the Member States of the Human Rights Council during the Universal Periodic Review (UPR) of Bahrain in April 2008, the year 2009 saw the adoption of none of the principal reforms expected to guarantee improved respect for citizens' rights¹. Bahrain civil society, heavily implicated in the fight against discrimination and corruption, continued to be subjected to the interference of an all-powerful executive body. In addition, the laws regulating freedoms of association², public assembly³, expression⁴ and trade union freedom remained extremely restrictive.

Freedom of expression in particular deteriorated considerably, notably through blocks on Internet websites, proceedings against journalists and media campaigns against defenders. Since January 5, 2009, a Ministry of Culture and Information By-law authorises the suspension of websites by simple request of the Minister and without any judicial control. Under this by-law, "telecommunication companies and Internet service providers are required to prohibit any means that allow access to sites blocked by the Ministry, whether by Internet address, use of a proxy server or any other means" (Article 3). This measure deprives human rights defenders of a basic tool for denouncing human rights violations. At the beginning of 2009, the authorities ordered the blocking of the *Aafaq.org* information website, based in Washington (United States), the *Bahrain-eve* blog of the President of the Women's Petition Committee and the blog of the *Bahrainblogs.org* aggregator. At the end of 2009, nearly 600 websites were still inaccessible within the country⁵. Moreover, the blocking of websites occurred in a climate of widespread censorship; trials of journalists also increased in 2009. In addition, the draft amendment of Law No. 47 on the

1/ An action plan for the implementation of UPR recommendations was adopted on July 10, 2008, but the principal reforms contained in the plan, relating to fundamental freedoms, remained pending at the end of 2009.

2/ See Law No. 21 of 1989 on Associations. A new Bill on Associations, drawn up in 2007 by the Ministry of Social Development in consultation with civil society organisations, had still not been presented to Parliament by the end of 2009.

3/ See Law No. 32 of 2006 on Public Assemblies.

4/ See Law No. 17 of 2002 on the Press and Publications.

5/ See Reporters Without Borders (RSF) Press Release, May 14, 2009 and BCHR.

Press, which was approved in 2008 by the Shura Council and which annuls most prison sentences against journalists, had still not been submitted by the Government to the National Assembly by the end of 2009.

2009 was also marked by the pardon granted in April 2009 by the King of Bahrain to 178 political prisoners⁶ sentenced or prosecuted for attacks on security. Nevertheless, those who voiced opposition to the Government, especially those who denounced discrimination against the Shia population, continued to be subjected to acts of harassment.

Ongoing obstacles to freedom of association

In 2009, several human rights organisations were still obliged to carry out their work without being registered, in particular the Bahrain Youth Human Rights Society (BYHRS), the National Committee for the Unemployed and the Bahrain Centre for Human Rights (BCHR). Without legal recognition, the founders of these NGOs remained liable to judicial proceedings. As an example, proceedings against Mr. **Mohammed Abdul Nabi al-Maskati**, BYHRS Director, was still being prosecuted since the end of 2007 for “operating an unregistered association before the issue of a registration license”. He risks a six months’ prison sentence and a fine of 5,000 dinars (around 9,450 euros). The hearing was postponed from November 16, 2009 to January 25, 2010.

Obstacles to freedom of peaceful assembly

In 2009, there were considerable restrictions on the organisation of peaceful assemblies. On May 16, 2009, special forces prevented the organisation of a public seminar on the “political naturalisation” process in Bahrain, by which the Government naturalises foreigners belonging to the Sunni obedience in order to counteract the demographic weight of the Shia community on the country’s population, and to denounce discrimination against the Shia population. The seminar was organised by six political groups⁷ and was due to be held at the premises of the National Democratic Action Society (Waad) in the village of Arad on Muharraq Island. The special forces surrounded the building and prevented most of the seminar organisers and participants from entering on the grounds that the authorities had not authorised the seminar. In addition, on August 25, 2009, Mr. **Nabeel Rajab**, President of BCHR, was arrested and held for

6 / Including Mr. **Hassan Abdunabi**, a member of the Unemployed and Underpaid Committee (UUC), Mr. **Naji al-Fateel**, a member of the Bahrain Youth Society for Human Rights (BYSHR), Mr. **Mohammed Abdullah al-Sengais**, founder of the Committee to Combat High Prices (CCHP), and Mr. **Isa al-Sarh**, a member of the Amal Political Society.

7 / These were the Waad, the Progressive Forum, al-Wefaq, Amal, the National Coalition and al-Ekha.

several hours by the police when he and three other people protested in front of the Saudi embassy against the arbitrary detention of a Bahraini citizen held for seven years in Saudi prisons. Mr. Rajab was threatened with reprisals if he returned to protest in front of the Saudi embassy even if there were no more than four protesters⁸. The police also resorted again to the use of violence to break up demonstrations or unauthorised peaceful assemblies, with complete impunity. As an example, on March 13 and 15, 2009, the special forces, which are responsible to the security services, opened fire on families who had gathered peacefully in Sitra to call for the return of their lands confiscated by the army, and at the Duraz roundabout near Manama to demand the release of political detainees. Several demonstrators were injured⁹. Moreover, on February 11, 2009, Mr. **Sayed Sharaf Ahmed**, a board member of the National Committee of Martyrs and Victims of Torture, was arrested at his home and held for several days with no contact with his family or with a lawyer. Mr. Sayed Sharaf Ahmed is known for his role in the organisation of peaceful sit-ins in Sitra in support of prisoners' rights. He was arrested firstly without a warrant, and then later accused of "burning tyres" and "holding up the traffic". He was released six months later due to lack of evidence¹⁰.

Bahraini defenders in exile abroad were also targets of acts of intimidation because of their participation in rallies to condemn human rights violations in their country. For instance, Messrs. **Abbass Abdul Aziz al-Omran**, a former member of BCHR, and **Ali Mushaima**, a former member of the Unemployed and Underpaid Committee (UUC), were attacked in London by three masked men on July 2, 2009. Three days later, Mr. Mushaima received a telephone call from an unknown person who threatened that he would be attacked again if he continued his protests against the Bahrain Government. Messrs. Abbas al-Omran and Ali Mushaima are regular participants in demonstrations opposite the Bahrain embassy in London¹¹.

Recourse to anti-terrorist legislation to prosecute human rights defenders

In 2009, a wave of arrests on the basis of anti-terrorist legislation, followed by a defamation campaign, targeted 35 activists including several human rights defenders accused of being involved in an "planned attack"

8 / Law No. 32 of 2006 on Public Assemblies prohibits any unauthorised assembly of more than four people. See BCHR.

9 / See BCHR Press Release, March 26, 2009.

10 / See BCHR Press Release, March 2, 2009 and BHRS.

foiled by the authorities in December 2008. On January 26, 2009, Mr. **Hassan Mushaima**, President of the unauthorised political organisation *al-Haq*, Mr. **Abduljalil al-Sengais**, Head of the human rights unit of the same organisation, and Mr. **Habib al-Moqdad**, a religious dignitary, were arrested at their homes by security agents and then taken to Dry Dock prison on Muharraq Island. M. Abduljalil al-Sengais was released on bail on January 27, 2009. The accusations against all three included their participation in creating an illegal association in opposition to the Bahrain Constitution and resorting to terrorism to achieve its objectives, a charge that is punishable by life imprisonment, under Article 6 of Law No. 58 of 2006 on Terrorism¹². Several other activists arrested in December 2008 in relation to the same case complained of being subjected to ill-treatment and torture during questioning. The police would also have forced them to make false declarations and accusations against several human rights defenders, “confessions” that were then relayed through the press and television. The trial of the 35 people involved in the so-called “terrorist plot” case, or case No. 1403/2008, was opened on February 23, 2009 before the Manama High Criminal Court. Amongst the people charged were Messrs. Hassan Mushaima, Abduljalil al-Sengais, Habib al-Moqdad, Abbass Abdul Aziz al-Omran¹³, **Abdul-redha Hassan al-Saffar**, known for his ties with UUC and arrested on December 21, 2008, Ali Mushaima and **Abdulraoof al-Shayeb**, former President of the Committee of Martyrs and Victims of Torture. All these people are known for their demands for equal rights. All the activists prosecuted in this case were finally granted a royal pardon by the King on April 12, 2009.

Judicial harassment of journalists who denounce human rights violations

In 2009, judicial proceedings were opened against several journalists who denounced human rights violations. As an example, Ms. **Maryam al-Shorooqi**, a journalist with the *al-Wasat* daily paper, was accused of making remarks that “damage the unity of the country by introducing discrimination between Sunni and Shia Muslims”, following the publication of an article in the edition of August 27, 2008 in which she condemned discriminatory employment practices by the Civil Service Bureau (CSB). On October 17, 2009, the Manama High Criminal Court sentenced her to payment of a fine of 50 dinars (around 92 euros). She appealed against

12/ The other charges - “incitement to overthrow the Government and the political system” and “incitement to hatred of the regime” - are punishable under the Criminal Code by five and three years’ imprisonment respectively.

13/ The name of Mr. Abbass Abdulaziz al-Omran was only added on February 10, 2009 to the indictment sent by the Prosecutor to the High Criminal Court in relation to this case.

the decision¹⁴. Similarly, on March 5, 2009, the General Prosecutor summoned Ms. **Lamees Dhaif**, a journalist with the daily newspaper *al-Waqt*, after a series of articles entitled “the Dossier of Great Shame” appeared between November 22 and 26, 2008, in which she denounced the failings in the legal system and called for the adoption of a new family code. Ms. Dhaif is being prosecuted for “public insult to the constituent body” under Article 216 of the Criminal Code, punishable by a prison sentence of up to two years, rather than Law No. 47 on the Press. As of the end of 2009, proceedings against her continued¹⁵.

Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. Abdulhadi al-Khawaja, Ali Mushaima, Abdulraoof al-Shayeb, Hasan Mushaima, Abduljalil al-Sengais, Mohamed Habib al-Meqdad, Ali Ahmed and Abdul-redha Hassan al-Saffar	Defamation campaign / Arbitrary detention / Torture	Urgent Appeal BHR 001/0109/OBS 003	January 7, 2009
Messrs. Abduljalil al-Sengais, Hasan Mushaima and Mohamed Habib al-Meqdad	Secret detention / Harassment	Urgent Appeal BHR 001/0109/OBS 003.1	February 6, 2009
Messrs. Abbass Abdul Aziz al-Omran, Abduljalil al-Sengais, Hasan Mushaima, Mohamed Habib al-Meqdad, Abdul-redha Hassan al-Saffar, Ali Mushaima and Abdulraoof al-Shayeb	Judicial harassment / Arbitrary detention / Ill-treatments	Urgent Appeal BHR 001/0109/OBS 003.2	February 24, 2009
Ms. Ghada Jamsheer	Harassment	Joint Open Letter to the authorities	January 28, 2009
Mr. Mohamed Abdul Nabi al-Maskati	Judicial harassment	Press Release	March 30, 2009
Mr. Maytham Bader Jassim al-Sheikh	Release / Ill-treatments / Torture	Urgent Appeal BHR 001/0208/OBS 017.2	April 7, 2009
Mr. Jaafar Kadhim	Abduction / Attacks / Ill-treatments	Urgent Appeal BHR 002/0509/OBS 071	May 13, 2009

14/ The trial at appeal was planned for January 17, 2010. See BCHR and BHRS.

454 15/ See BCHR and IFEX Joint Press Release, March 10, 2009, and RSF Press Release, May 14, 2009.