

The Terrorism Law In Bahrain

A Tool To Silence Dissidents



TERRORIST?



BAHRAIN CENTER FOR HUMAN RIGHTS

Defending and promoting human rights in Bahrain

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About Us

The Bahrain Center for Human Rights (BCHR) is a nonprofit, non-governmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the authorities in November 2004 to close it, the BCHR is still functioning after gaining wide internal and external support for its struggle to promote human rights in Bahrain.

The co-founder and former President of the BCHR is Abdulhadi Al-Khawaja, who is currently serving a life sentence in prison for charges related to freedom of speech. The current President is Nabeel Rajab, who is serving a two year prison sentence for his work as a human rights defender. The Acting President is Maryam Al-Khawaja.

Note on this report:

The cases outlined below represent only a small portion of the total number of violations that the Bahraini government is perpetrating against its citizens by means of judicial harassment.

For more information, please visit our website:

www.bahrainrights.org



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Introduction

In 2011, the grassroots movement that started in Bahrain demanding democracy, rights and freedoms was met with large scale brute violence by the government. Extreme measures were taken against pro-democracy protesters, and thousands were arrested, systematically tortured and given lengthy prison sentences. The government of Bahrain began to more liberally apply its vaguely defined terrorism law to go after its citizens. Hundreds of individuals, including opposition figures, human rights defenders, peaceful protesters and even children, have found themselves on trial facing terrorism charges for simply exercising their basic human rights. The counter terrorism law known as “Protecting Society from Terrorism Acts” of 2006 is the main law used by the government, where penalties under this law are harsh and could include life in prison or even the death penalty.

The “Anti-Terrorism Law” has been internationally criticized for its failure to comply with international legal standards. The law is vague and lacks precision which allows the government to liberally apply it in prosecuting its critics and generally limiting basic freedoms such as the freedom of expression, assembly and association.

In 2013 alone, 328 defendants were tried for alleged terrorism crimes in 38 separate cases. According to a review by the BCHR, the majority of these cases lacked adequate evidence, and convictions were based mainly, or entirely, on the defendants’ confessions obtained under reported torture or secret sources that are never revealed. In a sample of twenty cases, the sentences handed down for the 231 defendants totaled more than 2500 years in prison. At the end of 2013, eighteen cases were still before court, in which more than 90 defendants were awaiting a final verdict. Throughout the whole year of 2013, there was an average of one terrorism case every ten days, which is an alarmingly high number for a country with a population as small as Bahrain’s.

“In 2013,
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every ten days...”

The Bahrain Center for Human Rights is gravely concerned about the authorities’ use of the terrorism law as a tool to crackdown on pro-democracy protesters and silence the opposition; for those who are deemed to be a ‘threat to public security’ are denied their right to due process, and ultimately justice. This law raises concerns mainly in regards to the violations of human rights committed in its application. There are also serious concerns that arise from the pattern observed by the BCHR in these cases, which clearly shows the targeting of a specific religious sect and political orientation.

Anti-Terrorism Law: A Tool To Suppress Dissidents

The Bahraini authorities approved a law on 31 July 2006 under the title of “Protecting Society from Terrorism Acts”.¹ The law clearly undermines human rights and basic freedoms and was widely criticized by legal and human rights experts as well as the United Nations² and many international human rights organizations for the following reasons:

(1) Vague definition of terrorism:

The definition of terrorism is extremely vague, which undermines the international principle of legality that requires law to be formulated sufficiently, clearly and precisely to allow individuals to know what constitutes a crime.

The law includes broad statements regarding terrorism acts, which may be interpreted by the authorities as they wish which poses a serious threat to human rights. For example, the law states that “obstructing the public authorities [...] from doing their work - article 1” and “harm[ing] National Unity” are acts of terrorism. Both of these statements could easily be applied to persecute those staging peaceful protests.

(2) Restriction on freedom of assembly, association and expression:

The law states in article 6 that terrorist organizations, associations or groups, include those that, among other things, “obstruct the provision of the constitution or the law”, “prevent the states’ institution or public authorities from carrying out their duties” or “harm national unity”. The broadness of these statements may lead to targeting opposition associations, human rights organizations and any activities they organize such as protests, gatherings, or conferences. An organization can be prosecuted under the terrorism law for merely peacefully protesting and/or criticizing the authorities.

The law also criminalizes the promotion of terrorist acts and possession of documents containing materials considered to promote terrorist acts. The definition of terrorism remains broad, and this could lead to restrictions on freedom of expression. An individual’s political opinions could be considered as promotion of terrorists acts under these guidelines.

(3) Risk of torture, ill-treatment and arbitrary detention:

The law allows for a prolonged period of pre-charge detention, which is ordered by the public prosecution not a judge; the detention period can be extended by the public prosecution at any time. It also allows the security authorities to ask for extension of detention, which may be based entirely on secret evidence that the detainee has no access to, and cannot challenge. Those arrested under this law can be ordered to 60 days detention without being charged, while the maximum period of detention without judicial review according to international human rights standard is 15 days. Most of the detainees arrested under this pretense report that they are subjected to torture and ill-treatment during this pre-charge pre-trial period. In this way, the office of the public prosecution has powers beyond the scope of their work, and it makes decisions that should be handled by the judiciary.³

1 <http://www.bahrainrights.org/sites/default/files/Law-of-Bahrain-on-counter-terrorism.doc>

2 <http://www.bahrainrights.org/en/node/3449>

3 <http://www.bahrainrights.org/en/node/3449>

The National Assembly: Further Toughening The Law

In August 2013, Bahrain's National Assembly called an urgent meeting authorized by the King and recommended to further toughen an already harsh and vague law. Although the law has already been widely and extensively criticized for the aforementioned reasons, Bahraini law makers, in a clear disregard to the international standards, put forward an amendment to the law to add revoking of citizenship as a new penalty. This new proposal opposes the Universal Declaration of Human Rights which states that no one shall be arbitrarily deprived from citizenship. This was again widely condemned by the international community, including the United Nations.⁴



In 2013 alone,

318

defendants, including women and children, were sentenced to prison or are awaiting verdicts.

There has been an enormous spike in the number of terrorism cases since 2011, which is a cause for serious concern in connection with a law that lacks basic legal principles. Terrorists in Bahrain are now human rights defenders, political leaders, photographers, peaceful protesters, and even children.

In 2013 alone, there were 38 terrorism cases where 318 defendants including women and children were sentenced to prison, or are awaiting verdicts. At least 2541 years of prison sentences have been handed down by judges; four were sentenced to death since 2011 and dozens of others to life imprisonment. There is an average rate of approximately one case every 10 days, which is again suspiciously high for a country with a small population like Bahrain. The United States, by comparison, reported 60 terrorism cases occurred since 9/11, the highest numbers reported were 9 cases in years 2009 and 2011 while only 2 cases were reported from January to June 2013.⁵ The extremely high rate of terrorism cases in Bahrain is even more suspect when considering the population of these two countries: 317 million in the United States, versus 1.2 million in Bahrain.

List of 2013 terrorism cases: <https://docs.google.com/spreadsheets/cc?key=0ApabTTYHrcWD-dGNFdVVMdUowMFpoU05ESGRsaFZnTGc&usp=sharing>⁶

4 <http://www.un.org/apps/news/story.asp?NewsID=45569&Cr=bahrain&Cr1=>

5 <http://www.heritage.org/research/reports/2013/07/60-terrorist-plots-since-911-continued-lessons-in-domestic-counterterrorism>

6 Original source: <http://www.alwasatnews.com/4154/news/read/849321/1.html>

Most of the cases reviewed by the Bahrain Center for Human Rights follow a similar pattern. These cases lack physical evidence and are mainly based on confessions obtained under torture, as reported by detainees. Cases can also be based on the secret sources which defendants' lawyers have no access to, making it impossible to challenge. Another pattern observed in the BCHR's review is the religious sect and political orientation of the defendants. The majority of the more than 318 defendants are from the same sect, they are Shia Muslims. Moreover, among those accused of terrorism there are well-known Bahraini political leaders, human rights defenders, journalists and children. These observations provide clear indications as to how the terrorism law is applied by the Bahraini authorities, as well as the intended targets of this law.

Sample Cases:

For A Political Leader: Freedom Of Speech Treated As An Act Of Terrorism

Khalil Marzooq is the political assistant to the Secretary General of the largest political society in Bahrain, AlWefaq National Islamic Society (officially recognized by government). Marzooq was AlWefaq's official representative in the national dialogue, and was arrested on 17 September 2013. He was accused of incitement to commit terrorist crimes through his alleged relation and support for the Bahraini revolutionary movement known as the "Coalition of 14 February". The charges were brought against him due to a speech he gave in a peaceful gathering arranged by the opposition societies. Marzooq was kept in detention for 38 days. He was later released on 24 October 2014, however, the charges have not been dropped, and the case is still in the courts; he is not allowed to travel.



A careful review of the case by the BCHR reviewed that Marzooq's speech included criticism of the government, the ruling family, and the mentality pursued by the security forces to suppress the peaceful activities that demand reform and change. He also criticized the country's autocracy, and the ruling family's appropriation of the country's resources. Al-Marzooq saluted the February 14th Youth Coalition, which has been active during the past two years in organizing peaceful events and protests.⁷

The charges against Khalil Marzooq make a clear example of criminalization of freedom of expression under the terrorism law.

Citizen Journalism: An Act Of Terrorism

Award winning photographer Hussain Hubail and blogger Jassim Radhi Al-Noaimi, both detained since 31 July 2013, have been brought to trial on charges of "inciting hatred against the regime through social media, and calling for illegal protests" under the counter terrorism law. At the first hearing of their trial, which was held on 28 November 2013, both individuals denied the charges against them. Hussain Hubail told the court that he is not receiving adequate medical care for his heart condition, and being denied access to the hospital until his condition worsens to the



Hussain Hubail

7 <http://www.bahrainrights.org/en/node/6404>

point of collapse. He added that he is not provided with his necessary medication until after his symptoms begin to include severe pain and suffering. Furthermore, he testified to the court that he was subjected to torture and he called on the authorities to provide him with the necessary medical care. Blogger Jassim AlNoaimi also stated to the court that he was tortured at the Criminal Investigation Department (CID) and reported that for four days he was not allowed to sleep. He added that he is suffering from severe pain in his back and he was not allowed to appoint a lawyer. The court ignored all requests for investigations into these allegations.⁸

According to available information, Hubail was subjected to enforced disappearance for approximately four days after his arrest during which time the authorities denied his family any information on his whereabouts. When had access to his family for the first time, Hubail informed his family that while he was at the CID, he was beaten with plastic hoses, kicked, and forced to listen to his friend being tortured. Officer Bassam Mohammed Al-Muraaaj reportedly threatened Hubail that he could do anything and everything to him. He also reported being tortured in room 99 of the CID over the course of his four day detention there, being prevented from sitting down or sleeping, and denied food. He confessed to the accusations made against him and signed papers which he was not able to read after being tortured and threatened.⁹

Hussain Hubail is a freelance photographer. His work includes photographs of opposition protests in Bahrain and has been published by Agence France-Presse, Voice of America and various other news outlets. In May 2013, independent newspaper Al-Wasat awarded him a prize for his photograph of protesters running through a cloud of tear gas.

Human Rights Defenders

Naji Fateel, a human rights defender and a board member of the Bahrain Youth Human Rights Society (BYHRS), was arrested at dawn on 02 May 2013 without a warrant and was held in incommunicado detention for two days. Fateel reported that he was subjected to torture during his interrogation, including electric shocks on his genitals, left leg and on the back; kicks and punches all over his body, and threats of rape. During a session in court, Fateel removed his shirt to reveal clear evidence of torture, which was visible on his back.



However, instead of taking immediate action and initiating an impartial and thorough investigation into the allegations of torture, the judge did not allow him to complete his testimony and refused to take note of the torture allegations. Furthermore, Fateel was not allowed to attend the second hearing of his trial on 26 July 2013. On 29 September 2013, Fateel was sentenced to 15 years imprisonment on charges related to the internationally condemned 'Terrorism Law' in which he allegedly was responsible for "setting up a terrorist group which aims to suspend the constitution and harm national unity".

Forty-nine other individuals were sentenced in the same case as Fateel to imprisonment sentences ranging between five to fifteen years. Most of the detained defendants reported being

8 <http://www.bahrainrights.org/en/node/6638>

9 <http://www.bahrainrights.org/en/node/6657>

tortured¹⁰ during interrogation. Observers of the trial stated that the proceedings fell short of international standards.¹¹ Torture allegations from the defendants were not investigated, and were not considered by the court. The legal defense team submitted a letter requesting a change of judges due to the conflict of interest, as per the Bahraini law, and requested a medical committee to investigate the torture allegations from the defendants. However the court proceeded to pass the sentence without responding to the lawyers' requests.

The BCHR concluded in its review of the case that the arrest and charges brought against Naji Fateel are solely related to his legitimate and peaceful activities in the field of human rights.

WhatsApp¹² Terrorism

AbdulAli Khair (44 years old) was arrested from the court on 25 July 2013 while attending his trial, which he was unaware of before. He came to know that he is a defendant in a "terrorism case" when his photo was broadcast on national television along with others accused of joining a "terrorist group" in reference to the revolutionary movement "February 14 Coalition". He then received a court summons, though he was never interrogated on any charges. He was arrested from court despite trying to explain that he was not aware of any charges against him. On 29 September 2013 he was sentenced to 10 years in prison for joining a terrorist group. The only alleged evidence of his "terrorist activities" was a WhatsApp message that he has received and forwarded, which contains a statement from the February 14 Coalition.

Children

The children Jihad Sadeq (16 years-old) and Ebrahim Al-Muqdad (15 years-old) were arrested on 23 July 2012 following an attack on a protest in Bilad Al-Qadeem by security forces. They were subjected to enforced disappearance for 48 hours and reported being subjected to ill-treatment during interrogation, which was carried out without the presence of their lawyers or families. Ebrahim al-Muqdad reported to his family and a member of the BCHR documentation team in a phone call that he was beaten at the time of his arrest and that the security forces attempted to strip him of his clothes and sexually assault him, but he resisted. A gun was pointed at him, and another



Jihad Sadeq



Ebrahim Al-Muqdad

gun was put against his ear and the trigger was pulled although the gun was not loaded. Al-Muqdad added that he was then taken to a burnt armored vehicle where he was given a script to read while being videotaped, and confessed to burning the vehicle.

Al-Muqdad stated that he was interrogated by officer Isa Al Majali, who has been implicated in numerous torture cases. Al-Muqdad reported that he was blindfolded the entire time, handcuffed and was made to lay on the ground and not allowed to move, sit or sleep.

10 <http://bahrainrights.hopto.org/en/node/6227>

11 <http://bahrainrights.org/en/node/6425>

12 Note: Whatspp is an application used for instant messaging on smart phones.

Jehad Sadeq informed the BCHR that he was beaten with the butt of a gun and slapped during his arrest by riot police. He was reportedly slapped, insulted and cursed by Officer Isa Al Majali and was made to stand in a corner for hours.¹³

Both children remained incarcerated since their arrest. On 04 April 2013, the high criminal court sentenced them and others to 10 years' imprisonment on charges of "burning an armored vehicle" under the terrorism law. On 29 September 2013 the High Criminal Court of Appeal upheld the 10-year prison sentences against the two children.

“THE COURT IGNORED REQUESTS TO INVESTIGATE THE TORTURE ALLEGATIONS”

No physical evidence was submitted to the court, and the harsh sentences were based merely on confessions taken under duress. The boys denied the charges at the court and complained of torture but the court ignored requests to investigate the torture allegations. Additionally, the testimonies of the prosecution witnesses were contradictory.

While Representing Bahrain Internationally, Athlete Sentenced To Jail For Terrorism

On January 6 2014, the first criminal court issued a 10 year imprisonment sentence against the member of the Olympic team and the youth national team for football Hakeem AlOraibi (21 years old) while he was representing Bahrain in a football match in Qatar, as part of the national team participating in the West Asian Championship.



AlOraibi was arrested on November 7, 2013 from a checkpoint and accused, with 12 other persons, of attacking AlKhamees police station with Molotov cocktails and illegal gathering, which he has denied. He was kept in detention for 45 days before he was released, and he was reportedly tortured during the interrogation to extract confessions. What is important to note here is that his lawyer provided evidence to the court that during the time of the alleged attack on the police station, AlOraibi was playing an official football match which was broadcast live on the Bahrain Sports Channel. The match record confirmed that AlOraibi was part of the team playing. By ignoring such strong documented evidences and issuing such a harsh sentence, the court confirms the absolute lack of justice and the politically motivated charges.

Cases Without Evidence: Explosives Made Of Sheep Manure

Jalal Saeed Al-Mudber was first arrested in 2011 when he reports that he was subjected to severe torture to force his confession. He was then tried in a military court and sentenced to 20 years imprisonment, initially for allegedly kidnapping a policeman but later he was acquitted by the court after he served more than one year in prison. However, seven months after his release, during which time his house was raided by the security forces several times for unknown reasons, he was arrested again on 27 March 2013. Al-Mudber was taken to

the Criminal Investigation Department where he was again reportedly subjected to torture in order to extract false confessions. He was reportedly continuously beaten on the face, ears, eyes and chest, thrown on the floor and kicked on his back and legs, deprived from sleep and performing prayers for three days as well as verbal abuse and insults. He was detained and charged with fellow detainee, Sayed Hashim Sayed Abbas, under the terrorism law with “making explosives made of sheep manure, and failing”. Al-Mudber denied guilt before this highly unusual charge. Al-Mudber reported not understanding the charge when he was first informed by the investigator, then he laughed when he understood and was beaten for laughing. The trial is currently ongoing, and the only evidence presented in court is sheep manure, and the confessions reportedly extracted under duress.

Death Sentence Without Evidence Of A Crime

On 19 February 2014, Maher AlKhabbaz was sentenced to death in a case with six other men who were sentenced to life imprisonment, and two others sentenced to five and six years imprisonment each. The group was accused of killing a police officer with a flare gun, amongst other charges. According to the public prosecution, the incident took place on 14 February 2013 when a group of protesters attacked police officer Asef Khan, and others, then allegedly shot Khan in the stomach using a flare gun. The officer died of his injuries on the way to the hospital. The defendants denied all charges against them and stated that their confessions were obtained under torture. Their lawyer requested that the defendants be seen by an independent medical commission to investigate the torture allegations. The court ignored the request. The public prosecution alleged that one of the defendants acquired the weapon used in the crime from the maritime company he worked for. One of the defense lawyers in the case publicly stated after the issuing of the verdict that the main witness, the security and safety manager in the company where the defendants allegedly stole the flare gun from, stated that no projectile or flare gun was missing. The manager added that it would be difficult to steal such a weapon as they are large and difficult to hide. The defense lawyer added that the weapon used in the crime was never brought to trial. One of the defense lawyers also stated that the injury described in the forensic report did not match the injuries that would be caused by the weapon reportedly used in the crime by the defendants¹⁴. The death sentence and the harsh sentences were passed in the complete absence of any physical evidence.

Ten-Year Sentence Based On Contradicting Statements

Three men - Jaffar Ahmed Ali, Hussein Mansoor Eid and Mustafa Abdulkareem - were sentenced in September 2013 to 10 years in prison each for “the attempted murder of a police officer through the possession of firearms and homemade explosives.” The three detainees were reportedly subjected to beating and abuse by the authorities since their arrest. The prosecution’s witnesses’ statements contradicted each other during testimony; one of the security forces testified in the interrogation report that he suffered from a wound caused by a live bullet and a bruise in his right leg. However, the same officer responded to the same question at the court that he was not injured, and that none of the security officers with him were injured. He also stated before the Public Prosecution that he witnessed three people carrying something in their hands, while he stated before court that he only saw one person carrying something. One of the witnesses from the security forces in the trial stated that while chasing the offenders, the battery in their wireless radio died, which prevented them from calling for further support to chase the “fugitives”. However, another witness contradicted this statement when

14 <http://www.alwasatnews.com/3974/news/read/795629/1.html>

he said that the three citizens were reportedly arrested in Karzakan by coordination through the use of the hand-held radio device.

The lawyers went as far as pushing for the invalidity of the lawsuit especially in the absence of concrete evidence that implicates the three detainees. Since their arrest, the public prosecution has not provided any proof that the accused possessed any weapon, and their fingerprints were not found on the seized weapons. The investigation could not conclude that the three detainees used anything that prevents their fingerprints from being detected on the weapons, such as gloves, and their clothing was not marked with gunpowder.¹⁵

Life Sentences Based On Testimonies Of Witnesses Who “Can’t Remember”

In November 2013, the fourth high criminal court passed life sentences against four defendants, and sentences of fifteen years in prison against another six defendants on charges of “establishing and leading the Jaish Al Imam (Army of Imam) terrorist group with the intention of arming and training its members to carry out acts of terrorism targeting property, the public, and police” and “conspiring with Iran to plot terrorist attacks in Bahrain”.

The judge in the case, Ali Khalifa Al-Dhahrani, refused to provide the defendants with an opportunity to speak before court regarding the reported violations against their rights during arrest, detention and interrogation. However, the judge did allow the testimony from the prosecution’s witnesses, one of whom has been implicated in the torture of the defendants. One of the defendants told the court that the prosecution’s witness is the same person who tortured him during interrogation at the Criminal Investigation Department. One of the witnesses in the trial, Mohammed Khalid Al-Saeedi, stated that ‘confidential sources’ led him to conclude that the defendants took part in establishing a ‘terrorist cell’, even though the witness could not answer all the questions from the lawyers regarding the details of the case. His answers varied between stating that the information is ‘mentioned in the investigation’s report’, ‘I forgot’ or ‘they are confidential sources’. Also, his reply to one of the lawyers’ question contradicted his statement in the initial investigation report.¹⁶

The defense lawyers requested that the judges be disqualified from hearing the defendants’ trial, on the grounds of bias, and in accordance with Article 211 of the Bahraini criminal procedures law. In addition to denying this request, the court ignored the lawyers’ request to refer the defendants to an impartial medical committee for examination of any injuries they might have suffered while in detention.¹⁷

There were twenty-four defendants in the case. On 20 February 2013 the head of public security announced that the terrorist cell was exposed based on investigation and defendants “confessions”.¹⁸ Fourteen of the defendants were acquitted including some who were held for approximately 10 months, reportedly forced to sign “confessions” papers, and who had their photos broadcast on national TV as confirmed defendants.

15 <http://www.bahrainrights.org/en/node/6405>

16 <http://www.bahrainrights.org/en/node/6405>

17 <http://www.bahrainrights.org/en/node/6335>

18 <http://www.bahrainrights.org/en/node/6335>

Ali Saad

On the 14 May 2013, Ali Abdulla Saad, a 29 year-old man suffering from severe visual impairment, was arrested after a group of masked security forces in civilian clothing raided his home at 3:20am. Saad was held in incommunicado detention for over five days, and his family was not able to receive any information about his whereabouts or well-being. As per information received by the BCHR, Saad was reportedly tortured and denied adequate medical treatment.¹⁹ Saad lost sight in both eyes after a car explosion in 2009.²⁰

Saad is still being held in detention, without a trial, on charges under the counter terrorism law. On February 9, 2014 his detention was extended to another 30 days, which mean he is detained beyond the maximum period of temporary detention of 6 months. According to information, Saad is accused of training others on the making of explosive materials, a charge that he is not physically able to do due to his visual impairment.²¹

Conclusion

Bahrain is a State party to the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment (CAT) and Convention on the Rights of the Child (CRC). Collectively, these treaties prohibit torture and other forms of ill-treatment, disappearances, arbitrary detention and enforced Disappearance (CED). However, the text of the anti-terrorism law in Bahrain allows for these violations to be committed because of its vague language and lack of precision as well as the authority it gives to the public prosecution to take decisions not under its mandate.

19 <http://www.bahrainrights.org/en/node/6128>

20 https://www.youtube.com/watch?v=h7OMlPt8L5s&feature=youtube_gdata_player

21 <http://www.akhbar-alkhaleej.com/13116/article/8012.html>

Recommendations

The Bahrain Center for Human Rights calls on the United States, the United Kingdom, the European Union and all other close allies of Bahrain to pressure the authorities in Bahrain to:

1. End the practice of using sham trials and politically motivated terrorism charges to persecute dissidents
2. End the culture of impunity that allows for the authorities to abuse detainees without fear of reprisals, and bring those found responsible for abuses to justice, including members of the public prosecution.
3. Reform the terrorism law so that it is aligned with international standards
4. Release all political prisoners who have been subjected to unfair trials, and submit all terrorism cases to an independent judicial review.

Appendix

The Bahraini Anti-Terrorism Law:

Article 6: “Whoever creates, establishes, organizes or manages, in violation of the provisions of the law, an association, body, organization, group, gang or a branch thereof; or has a leading position therein, for the purpose of calling, by whatever means, for obstruction of the provisions of the constitution or the laws or preventing the states’ institutions or the public authorities from carrying out their duties; or the attack against the individual liberties of the citizens or any other freedoms and public rights guaranteed by the constitution and law; or to harm national unity, if terrorism was among the means used to achieve or execute the objectives called by the association, body, organization, group, gang or the branch of one of them; shall be punished by the death penalty.” Also, article 9 that states that “[w]hoever manages an organization, association, foundation or private body created according to law and exploits its direction in calling for committing any of the crimes mentioned in this law, shall be punished by life sentence.”

Article 12: “Whoever promotes or approves, in any way, any act of crime committed for a terrorist purpose, shall be punished by imprisonment or a fine of no less than two thousand Dinars and no more than five thousand Dinars.

Whoever possesses or obtains, by himself or through a mediator, a publication or a print which contains that promotion or approval, shall be punished by imprisonment for no more than five years, if it was prepared to be disseminated or to be consulted by others. It is the same for anyone who possessed or obtained any means of printing or recording or diffusion, used or prepared to be used, even temporarily, to print or record or diffuse that promotion or approval.”

Article 29: “As an exemption to the provisions of the Law on Penal Procedure, the Public Prosecution acquires the additional authority of the judge of Lower Court provided in the Law on Penal Procedure, and the consultative authority of the Higher Court, as provided in article no.148 of the Law, when investigating crimes according to this law. The order of detention is issued by the Public Prosecutor or his alternate within a total period of detention that doesn’t exceed ninety days. Without obstructing either the provisions of article 89 (3) of the constitution or article 43 of the Law on the Judicial Authority issued by the decree No.42 of 2002, in investigating the cases mentioned in the paragraph above, the Public prosecutor is not bound by article 12 of the Law on Penal Procedure.”

Article 30: “In case sufficient proof exists against the accused, or he has been caught red-handed in a crime cited in this law, the judicial arrest officer may detain the accused for a period not more than 14 days. When necessary, the officer may ask the Public Prosecution to permit him to extend the detention period. In this case, when necessary and for reasons of investigation or for the security of the society, the Public Prosecution may give permission to extend the detention period for no more than 14 additional days. The judicial arrest officer is required to hear the accused and send him to the Public Prosecution after the end of the period mentioned in the paragraph above.

The Public Prosecution must interrogate the accused after no more than three days and then decide whether to keep him in pre-trial detention or release him.”

Article 31: “Information provided by security sources to extend the period of detention mentioned in the first paragraph of article 30 of this law is confidential to the Public Prosecution and it is forbidden to reveal the information or to reveal the names of those who presented it.”