

NGOs Express Concern that Bahrain Anti-Terrorism Amendment Permits Human Rights Violations

Americans for Democracy for Human Rights in Bahrain (ADHRB), the Bahrain Center for Human Rights (BCHR) and the Bahrain Institute for Rights and Democracy (BIRD) are deeply concerned by an [amendment made on 4 December 2014](#) to Bahrain's anti-terrorism law 58/2006, "Protecting Society from Terrorism Acts".

The anti-terrorism law in Bahrain has been an issue of concern for human rights organizations and professionals, [including United Nations human rights experts](#), since its introduction in 2006 due to the lack of precision employed by its definition of terrorism and the inclusion of articles that undermine human rights and basic freedoms. In recent years, the government has used this law, which was [previously revised in August 2013](#), in its campaign against pro-democracy activists by granting authorities additional powers to prosecute dissent and [deliver lengthy prison sentences](#). In 2013 alone, the government charged 328 individuals under the terrorism law in 38 separate cases, for an average of one terrorism case every ten days. The government has even abused this law to [prosecute children](#) as young as 15 years old.

The [new revision to the law](#) introduces a separate prosecution office for terrorism related-crimes, effectively creating an entirely new process of criminal procedure for persons accused of terrorism. The law allows this new prosecutor's office to hold terror suspects without trial for up to six months, thereby violating Bahrain's commitments to the right to a fair and speedy trial. According to [Article 9](#) of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded in 2006, "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release." Despite its international commitments to the contrary, the Government of Bahrain has in the past routinely held persons accused of terrorism-related crimes for [extended periods of time](#) without first bringing them to trial. This new provision allows Bahraini authorities to justify prolonged pre-trial detentions under national law, even as they remain in violation of the international equivalents.

The new law also allows the government to detain an individual for up to 28 days without charges or investigation. After this initial pre-trial detention has lapsed, the prosecution has a period of up to three days to interrogate and press official charges against the suspect. When combined with the period of time that the new prosecutor's office may hold a detainee without trial, a person accused of terrorism may experience up to seven months of pre-trial detention, further violating the rights of detainees to a fair and speedy trial.

The prolonged period of pre-charge and pre-trial detention put the detainees at risk of torture, as has been the case in many instances reported by the BCHR. During the first days of arrest, a detainee is rarely granted access to family or counsel, with the first meeting with a lawyer occurring at the initial court date. Most detainees arrested under this law report that they are subjected to torture and ill-treatment during the pre-trial period. Such was the case of photographer [Hussain Hubail](#), human rights defender [Naji Fateel](#), and [children Jihad Sadeq and Ebrahim Al-Muqdad](#).

ADHRB, BCHR, and BIRD are additionally concerned that the new anti-terrorism law revision provides the police with even greater authority. Under the new law, Bahraini security forces enjoy privileges allowing them to:

- Search any person and their belongings at any time without a court order, in violation of an individual's fundamental right to privacy as guaranteed by Article 17 of the ICCPR;
- Stop and search public and private transportation vehicles;
- Indefinitely ban the movement of persons and vehicles, in violation of the right to movement as guaranteed by Article 12 of the ICCPR;
- Interdict communication lines for up to 24 hours by order of the special prosecutor for terrorism-related crimes, without any input from the courts; and
- Prevent anyone suspected of a terrorist act from entering a specific area for up to 15 days.

The amendment serves to provide legal justification for many already utilized police practices that violate basic human rights. Bahraini security officers already illegally employ many of these practices, including the illegal use of security checkpoints, the illegal disruption of communication lines during high-volume protests, and the illegal search of homes without a warrant.

In addition, the aforementioned NGOs are concerned over the [recent royal appointment](#) of Mr. Hamad Shaheen Al-Buainain to serve as Senior Prosecutor of the new terrorism crimes prosecution. Mr. al-Buainain was accused of participating in acts of torture in 2013, and a [complaint has been filed](#) against him with the Ministry of Interior's Special Investigations Unit.

The new revision to Bahrain's anti-terrorism law indicates that the government intends to continue its [well-documented practice of abusing the law](#) to silence peaceful dissent. While ADHRB, BCHR, and BIRD understand and encourage the prosecution of legitimate and violent acts of terrorism, the use of anti-terrorism legislation to silence dissent and curtail the freedoms of expression, assembly, and association is an unacceptable aberration from international law. Therefore, Americans for Democracy and Human Rights in Bahrain, the Bahrain Center for Human Rights and the Bahrain Institute for Rights and Democracy call upon the United Kingdom, the United States, the European Union and all other close allies to the Kingdom of Bahrain to urge Bahraini authorities to:

- Revise the legislation on "anti-terrorism" to bring it in line with international human rights standards;
- End the practice of using fabricated trials and politically motivated terrorism charges to persecute dissidents; and
- Release all political prisoners who have been subjected to unfair trials and submit all terrorism cases to independent judicial review.