



## **Bahraini Authorities Introduce Additional Oppressive Laws**

Since the 2011 uprising, the Government of Bahrain has introduced laws granting authorities the ability to further prosecute and suppress peaceful opposition. In the past several weeks, the Bahraini Parliament and Shura Council approved amendments to Bahrain's anti-terrorism law, "Protecting Society from Terrorism Acts" and the Political Societies law. The Bahrain Center for Human Rights (BCHR), Americans for Democracy & Human Rights in Bahrain (ADHRB), and the Bahrain Institute for Rights and Democracy (BIRD) are gravely concerned by these new amendments, which could grant authorities additional powers to suppress peaceful dissent in Bahrain.

On 1 December 2015, the Bahraini Parliament approved amendments to several articles of Bahrain's Anti-Terrorism law, which has been widely criticized by the [international community](#) for its vagueness, overreach, and failure to comply with international human rights standards. The government has thus far employed the law to restrict basic freedoms.

The new law gives judicial officers additional powers that exceed those of the public prosecution. Not only can detainees be held up to 28 days without charge, but they are also handed over to the Terrorist Crimes Prosecutor at the end of the detention period, who is entitled to extend the detention up to another six months. This provision allows the Bahraini authorities to imprison a person without trial for close to 7 months, thereby the right to a speedy and fair trial.

The law additionally extends sentencing guidelines for most crimes related to the to a minimum of seven years and a maximum of life imprisonment. Combined with the frequency with which the government engages in unfair trial and sentencing, which BCHR [records](#) as occurring often, the new law further endangers the freedom of peaceful dissenters, human rights defenders, and opposition political leaders.

Moreover, under article 27 of the anti-terrorism law, the practice of collective punishment is legalized; security forces are fully entitled to "*search individuals, stop and search vehicles, restrict the right of movement of vehicles, public transport or pedestrians, cut communications and messages sent from the scene of the crime and sites where anti-terror operations are taking place, for a period of up to 12 hours.*"

Based on cases documented by BCHR, individuals arrested under the Anti-Terrorism law have reported being subjected to torture and being prevented from their rights to due process and fair trial.

In a further attempt to restrict the work of political societies and limit the Bahraini people's freedom of expression, on 6 December 2015, Bahrain's Shura Council [approved](#) amendments to several articles of law 26 of 2005 concerning political societies. The new amendments

[prevent](#) clerics who are members of political societies from delivering religious speeches or preaching. This restriction directly violates the International Covenant on Civil and Political Rights, which guarantees in Article 19 the right to free expression for all, and in Article 26 prohibits discrimination on religious grounds. These proposed amendments are now being discussed by the lower parliament.

On the other hand, Bahrain's Parliament [hasn't reached](#) an agreement on acceding to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Many members of parliament objected to this decision by trying to justify that it is in violation of Islamic Law (Sharia).

Despite its claims to be implementing reforms, the Government of Bahrain has used its local laws to further suppress dissent, increased the powers and authority of the security forces beyond reasonable scope, and passed broad and vague laws to be used against the opposition. Through its legislative process, the Government of Bahrain is legalizing human rights abuse.

Based on the above, BCHR, ADHRB, and BIRD 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 anti-terrorism legislation to bring it in line with international human rights standards;
- Uphold the rights of all persons to a fair and impartial trial and to the presumption of innocence during all court proceedings; and
- Release all political prisoners who have been subjected to unfair trials and submit all terrorism cases to independent judicial review.

### **Text of Anti-Terrorism Law Amendments**

Article 8:

*A life sentence, or a prison term of no less than 7 years, for any individual found to have trained another person or multiple persons in the manufacture or use of weapons, explosives or other similar material, or who is found to have trained another in activities used to prepare for or facilitate their use, with the aim of committing terrorist crimes.*

*Any individual who is found to have received training in the manufacture or use of weapons, explosives or other similar material, or to have received training in activities used to prepare for or facilitate their use in a terrorist crime, shall be ordered to serve a prison sentence of no less than 5 years.*

*The same sentence stipulated in the foregoing paragraph will also fall on any individual who fights abroad or commits acts of mass violence not directed against the kingdom of Bahrain, or who participates in these actions in any way.*

Article 15:

*It is an offence punishable by prison to attack any person implementing this law with force, violence or threats while he tries to carry out his duty or because of it. Any individual who unintentionally causes actual bodily harm another in this fashion shall be given a sentence of*

*no less than 7 years in prison. The same sentence is applied to anyone who bears a weapon or who abducts or detains an official implementing this law, or who does the same to the spouse, dependent or relative of an official, up to the fourth level of relation. The sentence may not be less than 10 years in prison where an individual has intentionally caused actual bodily harm, and where an attack unintentionally or intentionally resulted in death, a life sentence must be applied.*

Article 26:

*A new prosecution unit is hereby established, to be known as the 'Terrorist Crimes Prosecutor', whose members are appointed by royal decree based on a request by the prosecutor general. The unit is tasked with investigating crimes of terrorism as defined by the present law. The unit has the right while investigating these crimes to issue a detention order from its lawyer or the individual fulfilling that position for an individual for a period or consecutive periods totaling no more than 6 months.*

Article 27:

*The judicial officer has the right, providing that there is sufficient evidence to charge an individual with one of the crimes stipulated in this law, to detain the suspect for no longer than 28 days.*

*The judicial officer is obliged to give a fair hearing to the detained suspect and transfer him to the Terrorist Crimes Prosecutor at the end of the period referred to in the preceding paragraph. The Terrorist Crimes Prosecutor must interrogate the suspect within 3 days, and must either apply to detain the suspect for a further period or release him.*

*Pursuant to this article, the national organization for human rights judged that the amount of time that the law allowed the judicial officer does not comply with the judgements of Article 9 of the International Covenant on Civil and Political Rights, in addition to relevant international standards. It was decided that this amendment represented a violation of human rights as they concern the right to freedom, personal safety and a fair trial.*

Article 2 (new):

*The judgements of this law apply to all citizens and to all foreigners who commit, outside Bahrain, an act that makes him either the main author of or a partner in one of the crimes stipulated by the law.*

Article 27 (new):

*The judicial officer, should a terrorist crime occur or providing there is sufficient evidence that one might occur, has the right to do the following in the area surrounding the crime: search individuals, stop and search vehicles, restrict the right of movement of vehicles, public transport or pedestrians, cut communications and messages sent from the scene of the crime and sites where anti-terror operations are taking place, for a period of up to 12 hours. The officer may also prevent any person about whom there is strong evidence linking them to involvement in terrorist activity from entering areas or specific places for stated times or days.*