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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Kham Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Criminalising freedom of peaceful assembly*

Introduction

Bahrain has signed and ratified the International Covenant on Civil and Political Rights (ICCPR), whose Article 21 states that the “right of peaceful assembly shall be recognised”, and there will be “no restrictions placed on the exercise of this right other than those imposed in conformity with the law.”

Bahraini authorities, however, have criminalised practices relating to freedom of assembly by manipulating the domestic law. They have implemented unnecessary restraints and inappropriate regulations, and arbitrarily interpreted the law, infringing Article 21 of the International Covenant on Civil and Political Rights.

Bahrain’s security forces, since 20 June 2016, have closed off all main routes into and out of Duraz, barricading most entrances, and installing search-points at two open entrances. By implementing unnecessary restraints on peaceful assembly, Bahraini authorities have criminalised freedom of assembly and expression.

Discordance between ICCPR Ratification and Domestic Law

Bahrain has signed and ratified the International Covenant on Civil and Political Rights (ICCPR). This gives it legitimacy and reasonable applicability in all affairs of Bahrain, and gives the Universal Declaration of Human Rights authority. Article 21 of the ICCPR states that the “right of peaceful assembly shall be recognised,” and there will be “no restrictions placed on the exercise of this right other than those imposed in conformity with the law.”

However, domestic laws in Bahrain have been implemented that are not consistent with the ICCPR and international norms, placing the following unreasonable restraints on the citizens of Bahrain:¹

- The Bahraini laws on assembly require that the head of national security be informed three days prior to the commencement of an assembly (Article 2). This is in direct disagreement with the view of the UN Special Rapporteur on Freedom of Assembly who states, “fundamental rights should not require permission from the state [...] and if the organizers of an assembly do not inform the state, there still should be no reason to disband the assembly (paraphrased).”
- The Bahraini laws on assembly allow, under Articles 2 and 13, to fine and prosecute members of assemblies that have not sought permission. As explained by the UN Special Rapporteur on Freedom of Assembly, “there is no need to consider organizers of assemblies as carrying out something illegal (paraphrased)”.
- The Bahraini laws grant the head of national security or his delegate unreasonably wide-ranging powers, including changing the time and place of an assembly, as well as changing the direction of a moving assembly. The head of national security has powers, under Article 7 of the Bahraini domestic laws on assembly, to enforce any order on an assembly if he reckons that it affects the “national order”. Article 11 further expands powers of the head of national security to include authority over any public demonstration that is considered to have a “security need”.

Security forces manipulation to siege Duraz

Since 2011, the Bahraini authorities have embarked on a wide and aggressive campaign against the political and religious majority of Bahrain, and concluded with the unlawful nationality revocation of Bahrain’s highest religious authority, Sheikh Isa Qassim. Soon after, the security apparatus subsequently sieged the Duraz area, whose population reaches 18,000, since peaceful sit-in protests had commenced against the government’s aggressive political, security, and pecuniary measures.

Documented and verified accounts have confirmed the following:

- Duraz residents have been subjected to arbitrary questioning and inspection, which allow security forces to humiliate residents and insult their beliefs.
- Local businesses are massively affected because of the siege, with owners and customers unable to access them in and around the Duraz area.
- Friday prayers in Duraz, which are the largest in the country, have been consistently prevented.
- The use of opening investigations and lodging cases against dissidents by the Bahraini authorities is very prevalent, with an aim to intimidate dissidents. 146 Bahraini citizens have been summoned for investigation, and other 56, including activists and religious scholars, have been detained after investigations.

- The authorities have manipulated the internet signal to prevent communications regarding the Duraz vigil. This is a contravention of Article 19 of ICCPR, which enshrines right of expression.

Furthermore, on 26 January 2017, the Bahraini security forces began a new phase of a harsh crackdown on Duraz using the excessive force against citizens who were calling for reform and justice. The 18-year-old Mustafa Ahmed Hamdan was shot and fell into a critical condition.

Criminalisation of freedom of assembly

- Bahraini authorities have criminalised practices relating to freedom of assembly and expression by manipulating the laws on assembly. They have implemented unnecessary restraints and inappropriate regulations, and arbitrarily interpreted the law, infringing Article 21 of the International Covenant on Civil and Political Rights.
- Bahraini authorities have criminalised and sabotaged peaceful assembly, most recently the Duraz sit-in, without giving any proper and legal reasons.
- Bahraini authorities have orchestrated indiscriminate charges against citizens in order to intimidate those who exercise their right to freedom of assembly and expression.
- Bahraini authorities have imposed unreasonable restraints on freedom of movement and the use of the internet, in an attempt to constrict on citizens who exercise their right to assemble and expression.

Recommendations

To the Government of Bahrain:

- Reconsider laws on assembly and stop manipulating them to criminalise rights to peaceful assembly and freedom of expression. More specifically, Article 2, which requires all assemblies to have a permit and be formally informed, and Article 7, which allows the national security to decide time, place, and direction of assembly.
- Monitor officials implementing laws on assembly, and to ensure they are not violent in their implementation and operation.
- Immediately end the Duraz siege, removing all check points and security measures, and allow all citizens their right to peacefully assemble and express their opinion.
- Cease practice of opening investigations intended to intimidate individuals or to punish them for exercising their right to freedoms of assembly and expression.
- Ensure the impartiality of the judiciary, which must be returned to a form where it is not influenced by political or economic interests of a certain party.

To the members of the Human Rights Council:

- Ensure united pressure directed at Bahrain through all legal means and to demand of Bahrain to rescind the arbitrary political measures that hinder freedom of peaceful assembly
- Continued support, encouragement and pressure to ensure Bahrain implements the legal and policy changes needed to ensure the real promotion and protection of all human rights for all people in Bahrain, and to hold the government of Bahrain fully accountable if this does not take place in a prompt manner

*SALAM for Democracy and Human Rights (SALAM DHR), Bahrain Forum For Human Rights, NGOs without consultative status, also share the views expressed in this statement.

¹ <http://www.salam-dhr.org/?p=1787>