

Enforced Disappearances In Bahrain



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BAHRAIN CENTER FOR HUMAN RIGHTS

Defending and promoting human rights in Bahrain

About Us



BAHRAIN CENTER FOR HUMAN RIGHTS

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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:

The cases outline below represent only a portion of the total number of cases relating to enforced disappearance in Bahrain. Limitation on the BCHR's capacity, and attacks from the government against those who wish to report on these cases, determine this report to be a sampling of the total number of incidents.

For more information, please visit our website:

www.bahrainrights.org



The Commission is able to determine that the Government of Bahrain concealed or withheld from detainees and/or their families information about the detained persons' whereabouts for periods ranging from days to weeks.

*-The Bahrain Independent Commission of Inquiry
November 2011*



Enforced Disappearance

Enforced disappearance is widely practiced against political dissidents and activists in Bahrain. It is in violation of numerous rights preserved by the Universal Declaration of Human Rights, including but not limited to the rights to security, a fair trial, and to be free from torture, cruel and inhuman or degrading treatment.

Therefore, in December 2006, the United Nations adopted the International Convention for the Protection of All Persons from Enforced Disappearance that aims to prevent the occurrence of enforced disappearance, to punish the perpetrators, to end impunity, and to protect the rights of the victims of enforced disappearance and their families.

The convention proclaimed a new right stating: “No one shall be subjected to enforced disappearance” under any circumstances, and defined enforced disappearance as:

“the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the States, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such person outside the protection of law.”

Enforced Disappearance in Bahrain

The authorities in Bahrain have a record of using enforced disappearance against civilians whom oppose or criticize the regime for decades, but this tactic has become applied on a wider and a more systematic scale since the beginning of the mass pro-democracy protests on the 14th of February 2011. Enforced disappearances in Bahrain usually start when a family's home is raided in a pre-dawn attack by masked men in civilian clothing backed by security forces in uniform. A member of the family is then abducted by these forces, and the home is ransacked. Almost without exception, the family is not presented with an arrest warrant. When the family then tries to inquire about the location of the abducted family member at the local police station and/or the Central Investigative Directorate (CID), they are informed that the individual is not in their custody or that there is no information, which often later turns out to be false. Detainees are often prevented from contacting their family or a lawyer for days, and sometimes weeks. Victims of enforced disappearance have been repeatedly subjected to torture and ill-treatment, interrogated without the presence of a lawyer and coerced into signing false confessions. When they are finally allowed to make a phone call to their families, they are instructed by supervising officers to say that they are fine before the line is cut. They are deprived from their most basic rights.

The Bahrain Independent Commission of Inquiry (BICI) stated in its report that it had received 196 cases of enforced disappearance and approximately one thousand additional cases were reported by the human rights unit in a political society for the period covered by the report (Feb 2011- 31 March 2011).

The majority of detainees and prisoners were subjected to enforced disappearance upon their arrest or during their detention, for periods that varied between several hours to weeks. The Bahrain Center for Human Rights has documented approximately 200 cases of enforced disappearance during a period of time spanning only one month and a half between early July and mid-August 2013. The disappearances ranged from 2 to 10 days.

The authorities in Bahrain proudly call Bahrain an “oasis of human rights”, but they are not signatory to the International Convention for the Protection of All Persons from Enforced Disappearance. The Government of Bahrain has been urged by many human rights organizations and a large number of member states in the United Nations to join the convention, but so far these efforts have fallen on deaf ears. On the 19th of July 2013, a panel of independent United Nations experts, which met to discuss and implement strategies to bring an end to enforced disappearances, reported during their session that they have received a number of cases that are under their urgent action procedures, including cases from Bahrain.

The widespread or systematic practice of enforced disappearance constitutes a crime against humanity...

-Article 5

The authorities in Bahrain have been using enforced disappearance to silence dissidents for decades. Many have been reportedly abducted and subjected to enforced disappearance for periods ranging from hours to weeks. In February 2011, Bahrainis took to the streets in mass protests against injustice and to demand rights and a new constitution written by both the people and rulers. On the 15th of February 2011, the second day of the movement, Mohammed Al Buflasa, a Bahraini poet, writer, and a former Bahrain Defense Force officer, gave a speech in the pearl roundabout where he demanded economic and political reforms. Shortly after his speech, AlBuflasa disappeared. His family did not know his whereabouts for more than a month, until an official source from the Bahrain Defense Force reported that he was being held in the Defense Force headquarter. A family member



stated that he met AlBuflasa who “was held in a small cell (1 meter x 1 meter) in solitary. He was tortured, on hunger strike and signs of exhaustion were very apparent on him” (Read more: <http://bahrainrights.org/en/node/4428> and <http://www.hrw.org/en/news/2011/03/10/bahrain-explain-protesters-detention>).

Following the government crackdown on peaceful protests in March 2011 with the help of foreign military forces; activists, teachers, unionists, athletes, medical staff, students and many others have been victims of enforced disappearances. The BICI report stated that it received 196 cases of enforced disappearance, in addition to thousands from NGOs in Bahrain during the coverage period of beginning of February 2011 until 31 March 2011. The BCHR has documented approximately 100 cases in the month of August 2013 alone where victims' whereabouts were unknown for days, and the authorities denied knowledge of their whereabouts.

Mohammed Hasan, a 27 year-old blogger known on twitter as @Safybh, was arrested from his home on the 31st July 2013 at dawn. Both his family and lawyer knew nothing about Hassan's whereabouts for over three days. On the 3rd August 2013, he was transferred to the Dry Dock prison. His lawyer, AbdulAziz Mosa, said that during the time of Hasan's disappearance, he was subjected to torture as he saw marks of beatings on his arms. Hasan stated at the public prosecution in the presence of his lawyer that he was beaten at the CID on his back and lower abdomen. On the 7th of August, he was taken for interrogation again where he was reportedly forced to confess under



mental and physical abuse; Hasan was mainly questioned about his work as an activist, seminars and forums he attended outside Bahrain, and his contact with reporters. On the same day Hasan was arrested, the authorities arrested his friend, Hussain Hubail, an award winning photojournalist, from Bahrain International Airport while on his way to Dubai. When his family asked about him at the Criminal Investigative Directorate (CID), they denied having him in their custody. There was no information about his whereabouts for days. On the 7th of August 2013, he was taken to the public prosecution for interrogation. Hubail was reportedly subjected to beatings during that period (Read more: <http://www.amnesty.ie/content/act-social-media-activists-risk-torture-bahrain> and <http://bahrainrights.org/en/node/6296>).

Salman Hassan Mohammed, 21 years old, was abducted from work on the 21st of August 2013. His family was concerned when he did not return home at the usual time. His father and uncle went out searching for him, and they were informed by one of his work colleagues that towards the end of the shift Mohammed was asked to go to the supermarket but he never returned. His friend stated that there were security forces present in the area but he thought it was as usual. They headed to the airport police where they were told that he was in the CID. The following day, they asked at the CID and were referred to Muharraq police station, where they denied having Mohammed. They received a call from Mohammed on the 23rd of August 2013 that only lasted a few seconds during which he told them he was fine before the line was cut. On the 25th of August, the family went to the CID where they were not provided with any information about Mohammed and were told that he will contact them. Until the time of writing this report, Mohammed's family have yet to hear from their son, and continue to be denied information about him from the authorities (see: <http://bahrainrights.hopto.org/en/node/6343>).

The convention states a very comprehensive definition of enforced disappearance, and indicated the elements of the crime as: (1) deprivation of liberty by any means, (2) committed by the State or its agents, (3) refusal of acknowledgement of the deprivation and (4) holding back information of the victims whereabouts and fate; which leads to putting the victim outside the protection of law.

No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance...

-Article 1.2

The convention stresses that nothing justifies enforced disappearance, but the authorities in Bahrain repeatedly use enforced disappearance as a tool against human rights defenders, political dissidents and civilians.



Nabeel Rajab, the President of the BCHR, was arrested from his home for calling for peaceful protests and criticizing the ruling family on the social network website Twitter. While in prison serving his sentence, he witnessed the torture of a number of children at the hands of the prison guards. On the 14th of May 2013, Rajab reported what he saw to his wife and asked her to communicate with the International Committee of the Red Cross (ICRC) to visit the prison so he can provide them with his testimony. Shortly after this call, Rajab was reportedly removed from his cell and not returned. He disappeared and his family lost all contact with him for days (Read more: <http://bahrainrights.hopto.org/en/node/6121>).



Naji Fateel, a human rights defender and an administrative member of the Bahrain Youth Society for Human Rights, was abducted by masked men in civilian clothes from his home in Bani Jamra on the 2nd of May 2013 at dawn. His lawyer requested information about Fateel from the Public Prosecution office, but the office stated that they have no information about him and are not aware of any charges against him. After four days of being subjected to enforced disappearance, Fateel called his family. Fateel reported that he was subjected to various forms of torture during his enforced disappearance. He is currently incarcerated and being tried in a sham trial under the terrorism law (Read more: <http://bahrainrights.org/en/node/5734>).

Jaffar Al Demstani, the son of one of the detained medics, tweeted about his imprisoned father on the 19th of June 2013. He posted on Twitter that the back injury that his father suffers from is a result of the torture he received at the hands of colonel Mubarak Bin Huwail. His house was raided at 3:00am on the 20th of June 2013 and he was abducted and taken to an unknown location. When his family inquired about his whereabouts, officials denied having him in their custody. He went missing for at least 3 days. He was later released after several weeks in detention without ever going to court (Read more: <http://bahrainrights.hopto.org/en/node/6188>).



Each victim has the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared...

-Article 24.2

Due to the fact that enforced disappearance is a crime committed by the authorities in Bahrain and the local culture of impunity practiced at the highest levels of power, the violation is not taken seriously and is not even considered a crime. Victims may disappear for as long as the authorities choose, represented by the Ministry of Interior and the Criminal Investigative Directorate, without providing any information to the relatives or lawyers of the disappeared individual.



Yousif Ahmed Muwali, 24 years old, went missing on the 9th of January 2012. His family asked of his whereabouts in the nearby police station, where Muwali's mother was told that he is in the Criminal Investigative Directorate (CID). The officer she spoke to told her that he was fine and there was no need to worry about him. He then ripped the paper she wanted to file asking for a response about her son's whereabouts without providing further information. After five days of constant search for information about his whereabouts and condition, with no response from the authorities, his family received a call from the authorities that they had found their son's body. Forensic examination later confirmed that he died from torture.



Abdulhadi Al-Khawaja, one of Bahrain's leading human rights defenders, went on numerous hunger strikes, the longest one began on the 8th of February 2012, in protest of his imprisonment and the treatment of political prisoners after he was sentenced to life imprisonment by a military court. His health deteriorated severely during that period. On the 77th day of his hunger strike, namely on the 25th of April 2012, his family did not receive a call from him as they usually do. The authorities and the hospital administration refused to provide the family with any information about him. His lawyer was not allowed to contact him for 3 weeks despite repeated requests, and the Danish Ambassador had not been allowed to visit him or talk to him for periods of time (Alkhawaja is also a Danish citizen). Fear and concern for his life were increasing. After more than four days of enforced disappearance, the family was finally able to visit him. Al-Khawaja said in the visit that during that time, he had been drugged, tied to the bed and forcibly fed with a nasogastric tube, an act that is considered torture under international law (Read more: <http://www.bahrainrights.org/en/node/5049>).

On the 24th of May 2013, Redha Abdulla Isa Al-Ghasra, 25 years old, was brutally arrested according to eyewitnesses who stated that at 7:30am on Friday, 24th May 2013, civilian cars surrounded Al-Ghasra who was riding his motorcycle, arrested him and took him to an unofficial torture center, known as the 'cavalry'. Redha's family were not given any information about him for days. Their fear increased when a photo and an audio recording were disseminated by government loyalist twitter accounts. In the photo Redha was on the ground, handcuffed with blood on his face while the audio recording, which they claimed was the voice of Redha, contained screams from a man being tortured and beaten. To this date, authorities have taken no actions whatsoever to investigate reports of torture and ill-treatment surrounding Redha's disappearance, despite the evidence provided of his torture (Read more: <http://bahrainrights.hopto.org/en/node/6146>).



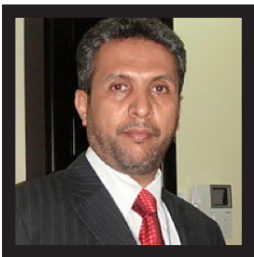
On the 14th of August 2013, "Tamaroud" (rebellion movement) called for Bahrainis to sit outside their homes as a form of protest. In Demistan, residents participated by sitting close to their homes (Video: <http://www.youtube.com/watch?v=epCDsXQVp-PY&feature=youtu.be&a>). Despite the peaceful nature of the participation, they were attacked by approximately five police jeeps. After approximately 45 minutes of the police arguing with civilians, they ordered Abdulla Yousif Mohammed, 24 years old, to provide them with his ID card. When he told them that it was inside his home and that no one there could fetch it for him, he offered to go in the home himself to retrieve the card but the police of-

ficers refused. As people were gathering, the security forces used shotgun pellets, teargas canisters, and stun grenades to disperse the crowd. They sprayed pepper in the face of Abdulla's brother and his wife. A larger number of security forces joined and arrested Mohammed and Zuhair Yahya Rashed, 23 years old, who was trying to protect his friend from the violent arrest. Mohammed's brother followed the officers when they left so that he would know where his brother was taken, but he was not able to find out any information. Rashed was allowed to contact his family after 24 hours, but Mohammed's family did not hear from him until eight days after his arrest. Mohammed is currently detained in the Dry Dock prison (Read: <http://bahrainrights.hopto.org/en/node/6342>).

Each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law (Art. 4).” and “Each State Party shall take the necessary measures to establish its competence to exercise jurisdiction over the offence of enforced disappearance...

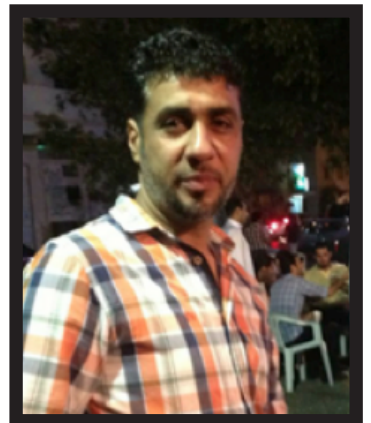
Article 9.1

The Government of Bahrain refuses to ratify the convention and there are no laws that criminalize the act of enforced disappearance, despite evidence of widespread occurrence of the crime. Although a great deal of evidence is available and has been documented by several reliable human rights organizations, both locally and internationally, no one has been taken to court and charged for this severe violation.



Starting from March 2011, the authorities launched a brutal and large-scale campaign against pro-democracy protesters, during which thousands of individuals were abducted and disappeared. Mahdi Abu Deeb, the President of the Bahrain Teachers Society, disappeared on the 6th of April 2011. His family had no information about him for 24 hours before they learned that he had been arrested by masked men in civilian clothing. For 24 days, AbuDeeb was in solitary confinement with little or no contact with the outside world, his family did not have access to him, which caused them to fear for his well being.

On the 15th of June 2013, Sayed Maher Jaffar Hashem, 40 years old, was shot with a pellet shotgun while participating in a peaceful protest in Bilad AlQadeem. A video was published online shows his violent arrest: (<http://www.youtube.com/watch?v=usDMVjJIxOA&feature=c4-overview&list=UUgqx8SzhoGECQdjDC-GhO0Dg>) His family had no access to any information about Hashem. Two days later they received a call from Nabih Saleh police station and were asked to bring him clothing. However, when they arrived at the police station, the officers refused to take the clothes and informed the family that he is being held elsewhere. On the 23rd of June, the family sought information from the public prosecution office, and were told that he is being held in the Dry Dock prison. When they went to the Dry Dock the next day, officials there denied having him in their custody. They went back to the public prosecution office and informed them of what they were told in the Dry Dock, they were told to wait until they are contacted. On the 25th of June, the family was finally able to see Hashem after going to the public prosecution office and the Dry Dock prison again. Rather than investigating the allegations of the abuses that he was subjected to, including enforced disappearance, and holding those responsible accountable, the Ministry of Interior issued a statement referring to Hashem as part of a group of “rioters”, “saboteurs” and “thugs” (Read more: <http://bahrainrights.org/en/node/6239>).



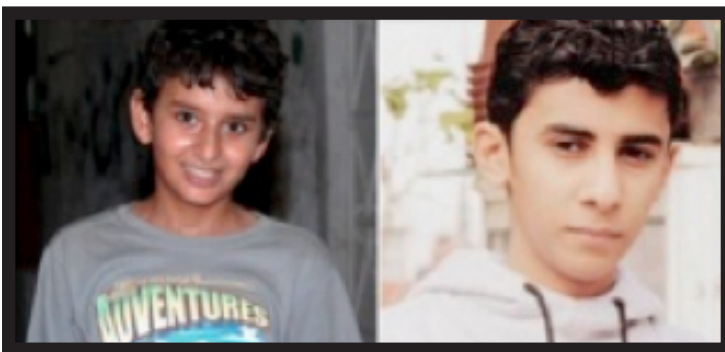


Abdulla Saeed Abdulla, 26 years old, was arrested on the 13th of August 2013 at 2:30am according to his brother, who said that masked men in civilian clothing backed by security forces raided their home and asked for Abdulla. The family told them he was in his upstairs apartment with his wife and children. They went to his apartment and ten masked men in civilian clothing broke in. Phones were confiscated and Abdulla was arrested. The family was told that he would only be held for two hours. The following day, they went to AlKhamis police station where they were told that he might be at the CID, and at the CID they were referred to the public prosecution office, and they kept getting sent elsewhere with no information. Abdulla was subjected to enforced disappearance for 8 days. On the 21st of August 2013, the family received a call from Abdulla who told them that he was fine and needed clothes, and then the line abruptly cut. Abdulla is currently detained in the Dry Dock prison and charged under the internationally criticized terrorism law.

Each State Party shall take the necessary measures to prevent and punish under its criminal law:

(a) The wrongful removal of children who are subjected to enforced disappearance...

-Article 25.1.a



Ebrahim Al Muqdad and Jehad Sadeq, both 16 years old, were arrested on the 23rd of July 2012. Both children were subjected to enforced disappearance for 48 hours. When their families inquired about them at police stations they were repeatedly told by the officers that they knew nothing about them. On the 25th of July 2012, they were allowed to make a call and informed their families that they were in the Dry Dock prison. They were reportedly subjected to abuse and coerced into confession and sentenced

to 10 years imprisonment under the internationally criticized terrorism law on the 4th of April 2013. Currently, they are serving their sentence in an adult prison (see: <http://bahrainrights.hopto.org/en/node/5701>).

Ahmed Abdulla AlAjaimi, 16 years old, was arrested by masked men in civilian clothing on the 2nd of July 2013 from the street while walking home. AlAjaimi was subjected to enforced disappearance for five days after which his family received a call from AlAjaimi telling them that he was in the Dry Dock prison block 11. AlAjaimi was taken to the public prosecution and interrogated without a lawyer. His family was first able to visit him on the 10th of July 2013, when he told them that he was subjected to torture, including being forced to stand for a whole day in the CID to obtain a confession on charges he did not commit. He is currently in prison for 45 days pending investigation.



Haitham Moosa Hazeem, 16 years old, was arrested on the 2nd of July 2013 after his home was raided at 2:30am by masked men in civilian clothes, who headed directly to his room to arrest him, ransacked the home, and confiscated his phone. He was taken to an unknown location. After 24 hours, the family received a call from Hazeem telling them that he was fine before the line went dead. He was interrogated at the public prosecution without a lawyer. He is currently being held at the Dry Docks detention facility.

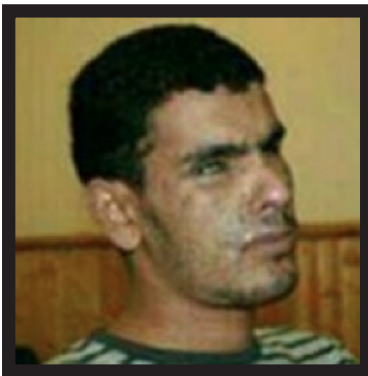


“Victim” means the disappeared and any individual who has suffered harm as the direct result of an enforced disappearance...

-Article 24.1

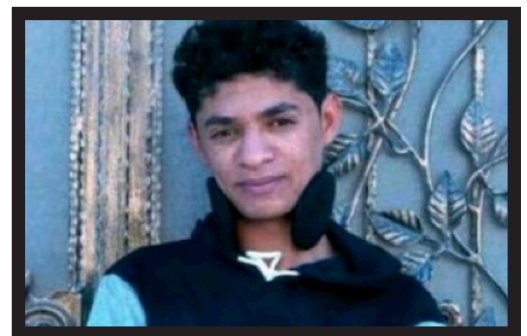
The convention broadens the definition of “victims” and states that not only the disappeared person is the victim in this violation but also whoever is directly affected by this crime, including the relatives of the disappeared.

Victims, in reference to the relatives of the disappeared, have always expressed their concern, worry and fear over the wellbeing of the disappeared person. The families have been appealing to the international community and calling on the authorities for any information about their loved ones.



Ali Abdulla Saad, who is blind, was arrested without a warrant on the 14th of May 2013 after his home was raided by a group of masked men in civilian clothing at dawn. He later told his family that he asked the officers numerous times about his whereabouts, but they refused to respond. His family was greatly concerned about his wellbeing due to the fact that in addition to his visual impairment, Ali suffers from chest inflammation and mental illnesses according to his family. Saad was subjected to enforced disappearance for five days after which he called his family and only managed to say that he was fine before the line was cut. He is currently in detention and is being denied medical care, which puts his life at a great risk (Read more: <http://bahrainrights.org/en/node/6128>).

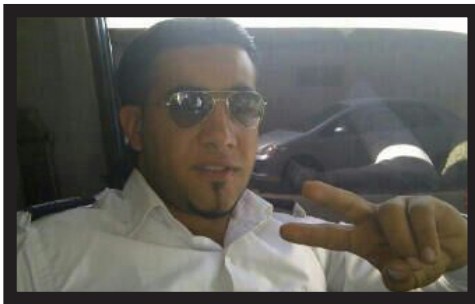
On the 19th of July 2013, security forces attacked a peaceful protest in Bilad AlQadeem. Mahmood Mubarak, 25 years old, was shot at very close range with shotgun pellets that resulted in severe injuries to his head and chest. He was taken by the security forces after falling due to his injuries. His family inquired about the fate of their injured son but at Al Khamis police station they were told that they did not have anyone in custody with this name. Despite his severe injuries, Mubarak was subjected to enforced disappearance for three days, when his family was finally allowed to visit him for five minutes.



Munira Sayed Habib, 27 years old, was violently arrested on the 28th of November 2012 at dawn after a group of special forces and armed masked men in civilian clothing raided her home in Al Ghuraifa. The house was searched for two hours, ransacked, and many items were confiscated before she was taken away. Habib was subjected to enforced disappearance for at least 30 hours during which the authorities refused to reveal any information regarding her whereabouts and wellbeing to her family who were very concerned after witnessing the violent raid. She was reportedly put in solitary confinement in an extremely cold small room called the “freezer”, and prevented from all contact with the outside world, including her family and lawyer. She was then interrogated for hours, before being



transferred to the Isa Town Women Prison where she was kept in solitary confinement. She was transferred back again to the CID where she was placed in the same room after another session of interrogation, then taken to the Public Prosecution office. The public prosecution then ordered her release after she was charged with “participating in a demonstration, and monitoring the way for demonstrators” (Read more: <http://bahrain-rights.org/en/node/5567>)



Ali Hassan Jaffar from AlNuwaidrat village was abducted by men in civilian clothes on 26 August 2013 after his home was raided by the security forces. His family asked about him at AlWesta police station and the CID, but the authorities denied having him in their custody. Jaffar has been missing for four days, and at the time of writing, his whereabouts are still unknown.

The International Convention for the Protection of All Persons from Enforced Disappearance also stated that “Each State Party shall guarantee the right to form and participate freely in organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared, and to assist victims of enforced disappearance (Art. 24.7)”, guaranteeing the right to form associations and participate in protests demanding information. Many protests have been organized by families of victims of enforced disappearance in villages and in front of police stations, but they end up in being dispersed by the security forces using teargas and stun grenades and arresting protesters.

The victims, whether the disappeared or their families, are entitled for redress and compensation as “Each State Party shall ensure in its legal system that the victims of enforced disappearance have the right to obtain reparation and prompt, fair and adequate compensation. The right to obtain reparation covers material and moral damages and, where appropriate, other forms of reparation such as: a) Restitution; b) Rehabilitation; c) Satisfaction, including restoration of dignity and reputation; d) Guarantees of non-repetition (Art. 24.4 and 24.5)”.

Conclusion and Recommendations

Conclusion

Many people in Bahrain live in constant fear that their government will break into their home, abduct a member of their family and subject them to torture. The sample of cases outlined above makes clear that the government is willing to subject anyone, including journalists, human rights activists, political leaders, ordinary citizens and even children, to this brutal practice. The authorities can not be allowed to continue abusing its citizens in this way and maintain the support of the international community.

Recommendations

The Bahrain Center for Human Rights calls on the governments closely allied to Bahrain, namely the United States and the United Kingdom, and all relevant international institutions like the United Nations, to end the international impunity and pressure the Government of Bahrain to:

1. Immediately end the practice of enforced disappearance;
2. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
3. Investigate all allegations of enforced disappearance and bring those responsible before a fair and independent trial.
4. Release from detention all victims of enforced disappearances, as well as all political prisoners and prisoners of conscience.
5. Provide compensation to all victims of enforced disappearances, both for the time they spent in detention, and the items taken by the security forces during raids.

Recommendations to the US, UK and the EU:

1. Immediately cease all arms sales to Bahrain
2. Issue sanctions against individuals in the Government of Bahrain who have been proven to have committed human rights violations and enjoy impunity in Bahrain
3. Use the United Nations, both the Human Rights Council and the Security Council, as a platform to hold the Government accountable.
4. Hold all economic relations with Bahrain to the standard of basic human rights

Recommendations to the UN:

1. Issue public statements about cases of enforced disappearances in Bahrain and pressure the Government to hold perpetrators accountable
2. Advocate that member states at the Human Rights Council should bring up such violations in their statements under the relevant items.