

Use of Force and Firearms by Law Enforcement Officials, and to respect all international fair trial standards in death penalty cases.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 17, 18, 20, 21, 66–76)

The report notes that the Special Rapporteur (SR), either alone or jointly with other rapporteurs, transmitted several cases to the government involving: the detention of a lawyer detained allegedly because of his prominent role in the pro-democracy movement and because he had acted as defence lawyer for many prisoners who were reportedly prosecuted in connection with political protests; questions arising from the right to fair trial; and the death penalty following unfair trial.

The SR, commenting on various aspects of the law and trial procedures in Bahrain, referred to: arrest by members of the Bahraini State Intelligence Service under the 1974 Decree Law on State Security Measures, which permits the detention of any person suspected of being a threat to state security, without charge or trial for up to three years; and charges of criminal offences against the state. The report also examines Amiri Decree No. 7 of 1976 which established the State Security Court and sets out exceptional provisions governing its proceedings. These provisions reportedly: deny defendants access to legal counsel until they are brought to the State Security Court (i.e., defendants can only choose a lawyer to represent them on the first day of their trial); provide for the appointment of lawyers by the State Security Court for defendants who fail to secure legal representation on their own; deny defence lawyers access to court documents and give them inadequate time to prepare a defence for their clients; and only provide defence lawyers with limited access to clients during the trials. The SR also comments on the apparent disregard for provisions in Amiri Decree No. 7 which require that sentencing be pronounced in public sessions, and that the sessions of the State Security Court be held in public, unless it is deemed necessary to hold them in camera. Information received by the SR suggests that sessions of the State Security Court are always held in camera; that they are attended only by members of the Bench, the defendants, defence lawyers and representatives of the Public Prosecution; and that sentencing takes place in closed sessions.

In a case where three men were sentenced to death, appeals to the government brought to light information which suggests that the principles of presumption of innocence and non-interference in the judicial process had been violated because the Minister of Interior had incriminated the defendants prior to trial. As well, the principle of non-retroactive application of law was violated because the defendants had been tried under the Penal Procedures Law of 1996 which had not been in effect at the time of the incident in which they were involved.

In replying to the SR, the government of Bahrain stated that the (pro-democracy) lawyer had been arrested for criminal activity, not for political reasons; he was subsequently released on bail, then acquitted in court of the charges against him. The authorities also drew the attention of the SR to an alleged plot to overthrow the government and destabilize peace in the region. The government asserted that, in the light of such threats, the 1974 State Security Law was an exceedingly valuable counter-terrorist measure, and that

proceedings before the State Security Appeal court are mandatorily in camera. Nonetheless, the SR indicated that he remained concerned that the trials before the State Security Court violate article 14 of the ICCPR because of the apparent lack of due process in the Court.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 10–16)

The Special Rapporteur (SR) reports that information he received indicates that: most persons arrested for political reasons in Bahrain are held incommunicado; the Security and Intelligence Service (SIS) and the Criminal Investigation Department (CID) frequently conduct interrogation under torture; torture by these agencies is said to be undertaken with impunity with no known cases of officials being prosecuted for acts of torture or other ill-treatment; cases heard before the State Security Court often result in defendants being convicted solely on the basis of uncorroborated confessions made to political or security officials, or on the testimony of such officials that confessions have been made; while defendants have often stated that their "confessions" had been extracted under torture, the court has never ordered an impartial investigation of such claims; and, unless the defendants displayed obvious signs of injury, the courts have rarely ordered medical examinations of defendants.

The report also notes that torture is not only used as a means of extracting a "confession", it has also been administered to force detainees to: sign statements pledging to renounce their political affiliation, desist from future anti-government activity, coerce the victim into reporting on the activities of others, inflict punishment, and instil fear in political opponents. The methods of torture reported include: falaqa (beatings on the soles of the feet); severe beatings, sometimes with hose-pipes; suspension of the limbs in contorted positions accompanied by blows to the body; enforced prolonged standing; sleep deprivation; preventing victims from relieving themselves; immersion in water to the point of near drowning; burnings with cigarettes; piercing the skin with a drill; sexual assault, including the insertion of objects into the penis or anus; threats of execution or of harm to family members; and placing detainees suffering from sickle cell anaemia (said to be prevalent in the country) in air-conditioned rooms in the winter, which can lead to injury to internal organs.

The Special Rapporteur transmitted one case of alleged torture to the government, and informed the authorities of information received on other cases where the names of the victims had been withheld because, fearing reprisals, the victims had requested confidentiality. Six urgent appeals were also sent on behalf of 19 people. The cases addressed by the SR included individuals who: had participated in anti-government protests; were arrested for political reasons; had advocated the restoration of the elected Parliament; were accused of membership in an unauthorized organization; were accused of involvement in a foreign plot to overthrow the government; or were charged with the possession of illegal literature. The government variously responded that: the information received by the SR was a product of terrorist propaganda; the people named were members of a terrorist cell; that they were being held in lawful custody with adequate legal, medical and procedural safeguards; the people