

Statement for the Record

Submitted by Husain Abdulla

Executive Director, Americans for Democracy & Human Rights in Bahrain

to the

Tom Lantos Human Rights Commission

U.S. House of Representatives

**The Government of Bahrain's Systematic Use of Anti-Terrorism Laws to Justify Violations of
Human Rights Against its Own People**

October 26, 2021

Chairman McGovern, Representative Smith, and members of the Commission, thank you for holding this important hearing to highlight the use of anti-terrorism laws by some Governments to justify gross violations of human rights and shield themselves from scrutiny and condemnation.

Americans for Democracy & Human Rights in Bahrain (ADHRB) has been extremely concerned about this issue in Bahrain for more than a decade. We have documented the systematic use of anti-terrorism laws by the Government of Bahrain to prosecute, and even execute, peaceful protesters calling for political reform, respect for human rights, and accountability for those committing human rights violations. The methods and motivations of the Government of Bahrain are transparent and in violation of international norms, but they continue unabated.

Terrorism is a global scourge and anti-terrorism laws are critical to keeping civilians safe around the world. We understand and encourage the prosecution of legitimate and violent acts of terrorism, however, the use of anti-terrorism legislation to silence dissent and curtail the freedoms of expression, assembly, and association, as is done on a routine basis in Bahrain, is an unacceptable aberration from international law.

I also want to counter the false narrative of Bahrain as a reforming state and that this issue will take care of itself given time. On numerous occasions, US and other Western government officials have characterized Bahrain as improving its respect for human rights. On October 5, 2021, Steven Bondy, the United States' Ambassador-nominee to Bahrain seemed to encourage the Government of Bahrain to continue on their current path when he said at his Senate confirmation hearing that the "trendlines" in Bahrain have been "exceedingly positive" in the past ten years.

Based on reporting by the State Department and every major human rights organization, there is no way to twist the terrible facts about human rights violations in Bahrain into an "exceedingly positive" scenario. There is simply no evidence to support this claim and it only serves to encourage the Bahraini Government to continue on their current course of action, which the State Department in its 2020 Human Rights Report on Bahrain says includes torture; cases of cruel, inhuman, or degrading treatment or punishment; harsh prison conditions; arbitrary detention; political prisoners; arbitrary or unlawful interference with privacy; restrictions on freedom of expression; interference with the rights of peaceful assembly and freedom of association; overly restrictive laws on independent nongovernmental organizations; restrictions on freedom of movement; and restrictions on political participation.

This is not a government that is reforming. It is a government aggressively using tools at its disposal, like overbroad anti-terrorism laws, to silence its people and hold power at all costs.

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. The government has used this law, which was 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.

Under the 2013 anti-terrorism 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
- Prevent anyone suspected of a terrorist act from entering a specific area for up to 15 days

The modification was adopted to provide legal justification for many practices the police were already utilizing that violate basic human rights, 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.

On 13 September 2017, Americans for Democracy & Human Rights in Bahrain (ADHRB) and Amnesty International hosted an event at the 36th session of the Human Rights Council that sought to explore the means by which Bahrain's state security agencies—particularly the National Security Agency (NSA)—systematically violate human rights in the name of countering terrorism. The panel explored issues relating to the abuse of overly broad counter-terror legislation, secretive policing practices, systematic torture to coerce confessions and recruit informants, and new judicial structures that render civilians subject to military trials.

In 2017, Bahrain reversed several of its only criminal justice and security sector reforms. The king restored law enforcement powers to the National Security Agency, the kingdom's primary intelligence service, reversed a recommendation to restrict the NSA's authority after it was found to systematically commit rights abuses, and amended the constitution to allow military courts to try civilians charged with terror offenses, further empowering so-called counterterror authorities like the NSA.

Along with its overly broad and vague anti-terror law, Bahrain cracks down on dissent online through cybercrime legislation, including the Information Technology Crimes Law of 2014, which allows for the prosecution of free speech online. The government of Bahrain applies state security, media regulation, and anti-terror laws to target criticism online. According to Bahrain's anti-terror law, any online speech found to "prejudice national unity" can constitute a terrorist offense and be punished accordingly.

Human rights defender, Dr. Abduljalil AlSingace, was arrested in 2009 after authorities accused him of terrorist offenses and "hatred for the regime" in his online blog. He was eventually released after the government blocked his blog permanently. Nevertheless, he was arrested again in 2011 for his participation in pro-democracy protests and sentenced to life in prison for allegedly plotting to overthrow the government.

By virtually eliminating all peaceful dissent, the authoritarian government of Bahrain works to ensure that it will always retain absolute control over the political process and escape any accountability for its human rights abuses.

Bahrain's judiciary and legal systems have played both active and passive roles in the government's strategy to suppress dissent. In April 2013, the Kingdom's counterterrorism law was expanded to include non-violent protests, human rights work, peaceful activism and dissent as these provisions are vigorously enforced by the judiciary. As mentioned above, in April 2017 the Bahraini Parliament sanctioned a constitutional change permanently allowing

military courts to try civilians, provided that these individuals are accused of terrorism; naturally, an accusation of terrorism often serves as the pretense necessary to ensure that this condition is met.

In 2021, a decade after the historic 2011 Arab Spring protests in Bahrain, peaceful protesters face an environment of intensified persecution. The space for dissent has diminished until it is almost non-existent. As the Government has planned, the fear of persecution and reprisals has prevented many would-be dissenters from raising their concerns publicly.

Americans for Democracy and Human Rights in Bahrain call on the US Government, the European Union, the United Kingdom and all other close allies to the Kingdom of Bahrain to demand that Bahraini authorities:

- Revise all Bahraini 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
- Release all political prisoners who have been subjected to unfair trials and submit all terrorism cases to independent judicial review

Thank you for the opportunity to share these perspectives with you and for your commitment to ending human rights violations in Bahrain and around the world.