

Case 33 from BICI report

From the BICI Report * (official translation)

1693 (page 416): The Government believed that the domestic situation reached a point that was threatening the complete breakdown of law and order, the safety of citizens and the stability of the country, all of which impacted upon the economic and social condition of the country. Therefore, on 15 March 2011, HM King Hamad issued Royal Decree No. 18 of 2011 pursuant to which a State of National Safety was declared in Bahrain. The GoB used the BDF and National Guard to assist MoI units in restoring public order. The NSA was also used in arresting prominent members of the political leadership of the protest movement. A substantial number of arrests were made, including of senior political and clerical leadership of opposition and Shia groups. In particular, the security forces carried out the arrests without presenting an arrest warrant or informing the arrested individual of the reasons for arrest. In many cases, the security services of the GoB resorted to the use of unnecessary and excessive force, terror-inspiring behavior and unnecessary damage to property. The fact that a systematic pattern of behavior existed indicates that this is how these security forces were trained and were expected to behave.

1694 (page 417): Many detainees were subjected to torture and other forms of physical and psychological abuse while in custody. This again indicates certain patterns of behavior by certain government agencies. Not all of the detainees were subjected to all of the techniques of mistreatment. Rather, there was a more discernible pattern of ill-treatment with regard to certain categories of detainees. The extent of this physical and psychological mistreatment is evidence of a deliberate practice, which in some cases was aimed at extracting confessions and statements by duress, while in other cases was intended for the purpose of retribution and punishment. The Commission notes that this systematic practice ceased after 10 June. As of that time no further mistreatment is reported to the Commission to have taken place in prisons. However, mistreatment has been reported as continuing in police stations where persons arrested for localized demonstrations and stone throwing at the police have occurred from July to date.

1696 (page 417): The most common techniques for mistreatment used on detainees included the following: blindfolding; handcuffing; enforced standing for prolonged periods; beating; punching; hitting the detainee with rubber hoses (including on the soles of the feet), cables, whips, metal, wooden planks or other objects; electrocution; sleep-deprivation; exposure to extreme temperatures; verbal abuse; threats of rape; and insulting the detainee's religious sect (Shia). The MoI opened investigations into cases of alleged torture. However, with the exception of 10832 prosecutions for torture relating to death, no prosecutions ensued.

The worst of all my previous arrests

The last arrest came after the events that took place since February 14 2011, to make it the worst arrest that I ever encountered throughout my entire life. On the early morning of Thursday, 17 March 2011, and at around 2 o'clock am, is the time the security forces choose to make their arrests in order to inflict more harm and terror to those asleep, and terrorize and scare the children, and to leave the children and family with an eternal recollection of those horrific scenes and blatant violations.

I was asleep but my sons and daughters were awake, they heard a loud and continuous ringing of the door bell, so they came to wake me up and tell me that the riot police were surrounding the house and that they were here to arrest me. I went to them and asked them the usual question if they had had a court order for my arrest or from the Public Prosecutor but they remained silent and entered my bedroom and searched it and took my laptop and my mobile phone, they then handcuffed me and took me, accompanied by a large number of riot police to "Safra" area. There and after the formal and quick examination they handcuffed me again and blindfolded me and put me in a vehicle. I did not see my welcome party started, unlike all of my previous arrests, with beating, humiliation, insults and verbal abuse, for there was no law upheld or respected and no rights for the detainee, only bursts of hatred, revenge and vengeance. The first of those words were: "Mushaima – to hell with you and your sect". This degrading treatment continued all the way until we reached "Al-Qareen" Prison, whose name I found out later, and in there I received another reception party of beating and punching all over my body and especially on my head and ears. They spat on me and pushed me until I fell and was injured. I was about to vomit from the intensity of the cold but they continued to curse, humiliate and insult me along with the beating until they took me to the solitary cell. There and to increase the humiliation I was given an old torn sponge bed to sleep on and a dirty old blanket and a very old smelly pillow. As soon as I lay on the bed I was surprised by someone (a masked man) bringing cold water in the cold weather while the AC was on and started spilling it over me from head to toe and on the bed and blanket. I stayed shaking from the cold and unable to sleep although I was very exhausted.

Next night, and after the lights were turned off, another series of intimidation and harassment began. They hit the metal grid of the cell with hard objects that cause loud and disturbing sounds. In the middle of the night, other groups of masked men would come to threaten, humiliate, mock and beat. This degrading treatment continued, and the series of intimidation and torture continued on a daily basis, and especially at midnight. I stayed awake feeling restless, expecting them to come any moment at midnight, where the groups of masked men would continue with their foul methods of abuse, insult, beating and humiliation in various ways, such as standing for hours by the wall often raising my hand. I remember staying for 10 days with the same clothes without showering, until I was disgusted by my odor, so I once asked the masked policeman to allow me to shower but he did not respond. After an hour or so, another masked person wearing his civilian clothes walked into my cell and said shouting at the top of his lungs, "Get up... face the wall, didn't you try showering in London on the street?" He then started pouring cold water over my entire body while I stood facing the wall, and then said, "Do not move". I stayed like this for around 5 hours then another masked man came to say, "We forgot about you".

I remained a long time cut out from the outside world. I did not know where I was, or whether my family knew anything about me and after more than a month, they allowed me the only phone call and told me not to say anything except greet them. When I called and did exactly as I was told, as soon as one of my daughters was trying to tell me that the others are greeting me, the phone was cut off. I was returned to my cell where the torture continued. They threatened to bring the dogs and I could hear their voices. The insults were not only against certain people, they were against the sect and faith as well. I remember that I was taken several times during the month of May in a car at around dawn, for the beginning of the trials to an area distant from the camp. I was handcuffed and blindfolded, and teenage masked boys insulted and mocked me, and my sect and faith, when I was getting inside the car, and leaving it and when I was inside the car as well. They also insulted our Sheiks and religious figures, and one of them said in a mocking and humiliating tone that nobody here can bear listen to, "your daughter is beautiful, can I fornicate with her (marry her Mut'aa)."

I answered him angrily: "do not mention my family or my daughters please," but he started to curse and threaten me. I was taken to that unknown place. There, I was told that there was someone named Sheik Saqer from the family, and that he came on behalf of the Royal Court to get to know my opinion and listen to me so that he can pass it on to the King.

During the conversation about what had happened, he suggested that I make a televised apology, and when I refused he said: " we will summon you again," and in fact after the court hearing, they summoned me at three o'clock in the morning, and took me handcuffed and blindfolded in the same manner of ridicule, insult and offense. When I met him, he offered the same earlier suggestion, but I refused. As soon as I answered, several masked men attacked me, sexually harassed me and began pulling my beard saying that they would return the cancer I was cured from instantly that night. On the way to and back from there I hear all sorts of revenge and hatred that has nothing to do with applying the law.

To be tortured by the Intelligence, and to be subjected to all sorts of coarse and degrading methods to extract confessions may seem justified even if it was against human rights, but to be tortured and be subjected to those degrading treatments only for revenge and hatred, is a context that holds within it the absence of the rule of law; devastating human dignity, and loss of true nationalism which is proof of the doctrine implemented by the military, Ministry of Interior, and National Security Apparatus, and reveals the nature of previous training of those forces that consider the detainee an enemy that should be avenged, not a citizen that has dignity and rights.

One of the nights, around the end of May, when the sentencing was soon, perhaps at the beginning of June, and as usual at midnight a group of around 9 masked men came inside prison and started shouting out insults, and beating us. When they came near my cell they started ridiculing me, threatening me with the execution sentence, then, someone whose age could be the age of one of my grandsons came and put his foot forth asking me to kiss it; is there any humiliation more than this?!! Are these degrading methods practiced against us as personal behaviour like some suggest or is it the Authority's behaviour? Or is it the

methods of the higher authorities? And can any second-rate employee take actions without being given green light from higher authorities? We did complain about our condition and what we encounter to the interrogators at the military prosecution office but with no use. On the contrary, we were beaten and insulted in the same military court itself and in a degrading and humiliating way as well. When they wanted to take us to the military courtroom or to meet the lawyer or for short family visits, they treated us with spite and humiliation and they would shout at us saying, "Head down... look at the ground". Sometimes they would hold us forcefully by the neck while pushing us to the visiting rooms.

On the first sentencing day on 22nd June, 2011, and after we said, "peaceful....peaceful, freedom demanding people," they handcuffed us from the back and blindfolded us and shoved us outside by pushing and kicking. At first, they put us against the wall and started hitting us in different ways. They continued punching and hitting us with shoes in the waiting room. I remember one of the officers, after asking me about my sentence, he started hitting me repeatedly and I could feel that he was taking out his anger on me while beating me. He continued to beat me all over my body, by using his hand sometimes and at other times with his feet and shoes, he would put the heel of his shoes in my mouth and rubbed it (my mouth) with the shoes. Then he took my slipper and started hitting me with it, he rubbed it over my face and in my mouth in front of the court officials without them taking any measures. When we complained, no one paid any attention to us. In the Prosecution Office, we would remain handcuffed and blindfolded for long periods of time that could reach more than an hour until our turn came to see the detective. The detectives used to insult us and play tapes (CD) that had the national anthem and every time the national anthem was played, we were ordered to stand up.

Our torture was not done solely by the police and Intelligence, but by the people who gave the orders of arrest and detention. Is the Judiciary capable of summoning and prosecuting the senior leaders who were the main reason behind all the events and violations and injustice that was inflicted on us and many other defenseless people? Those who call for identifying the masked torturers just to stir the torture cases are ridiculing the innocent and oppressed people, and are failing to deal with them because the only one who knows the torturers is the one who gave them the orders of arrest and torture. If there was a true and honest intention of accountability then those leaders would be the first to be sued, and all the torturers would be revealed, but this could only happen in the state of law and order, not in a police state; a state that separates between the Legislative, Executive and Judicial Authorities, not a state which reigns over these powers and dominates them all.

Investigations:

They took me two or three times for interrogation before I was taken to the military prosecution office. It took place in an office in the same detention centre and I was blindfolded and couldn't see anything at all. They sat me in front of the investigators whom I didn't know or see, along with their thugs who waited for any signal to beat me. I was threatened not to change my statements in the military prosecution. After that, and within minutes, my interrogation at the military prosecution started. These interrogations took days and the investigation pages amounted to around 130 pages. I could have withheld my answers to save time and not incriminate myself, but I was very honest and transparent in my answers and refuted all the malicious

charges. I made it very clear to the investigator that the reason behind my sincere answers was that I was certain that I don't feel that I practiced anything wrong or committed any wrong doing. I stated that all of my activities were public for all to see and I only expressed my political views and my demands of the rights of the Bahraini people. I also stated that my demands were not sectarian but rather patriotic regardless of right or wrong. What was called incitement or hatred against the regime is merely political criticism and pinpointing the errors that our country has suffered from. They are the rights of all citizens and the government should amend the laws which contradict rights, as was stated in Article 31 of the constitution:

“Public rights and liberties laid down in this Constitution shall neither be regulated nor defined except by a law or in accordance therewith. Such regulation or definition shall not affect the essence of the right or liberty.”

I was shown all of my speeches and interviews on the various TV channels and radios, as well as my speeches at the Roundabout by the Military Prosecution. I demanded and still demand that they provide me with any statement in which I made a call for violence. They all include my political views, criticism of the political and human rights situation, and my demand for freedom and dignity for all. In addition to this, the call for a serious and purposeful dialogue; for the emphasis on national unity and cohesion; and that rights are for all; and that choosing the ruling regime is the right of people under law and under international constitutions, and among them is the 1973 nodal Constitution of Bahrain.

From BICI Report:

1700 (Page 418): A large number of individuals were prosecuted before the National Safety Courts and imprisoned for violating articles 165, 168, 169, 179 and 180 of the Bahrain Penal Code in connection with the events of February/March 2011. The textual ambiguity of these provisions and the way that they were applied raises questions about their conformity with international human rights law and with the Constitution of Bahrain. These concerns are explained in this Report and were communicated by the Commission on an earlier occasion to the GoB. On 11th November, the Commission received an official response from the GoB indicating that a number of legislative amendments had been sent from the Government to the Council of Representatives to bring articles 168 and 169 of the Penal Code into conformity with the ICCPR and the Arab Charter.

1701 (page 418): Numerous violations of due process rights were recorded by the Commission. This was partially due to the absence of a statute identifying the exact powers to be exercised by the Government during a State of National Safety. In addition, it appears that the Military Attorney General chose to rely on those statutory provisions that were the least favorable to the arrested persons and to the defendants appearing before the National Safety Courts. The latter courts were exceptional tribunals consisting of a presiding military judge and two civilian judges. The NSA performed a number of arrests on the basis of arrest warrants issued by the Military Attorney General. The manner in which the GoB interpreted article 5(11) of the National Safety Decree allowed for the indefinite detention of individuals. This does not conform to the Code of Criminal Procedure, which sets specific time limits after which detained individuals must be brought before a judicial authority. Concurrently, the NSA and Mol executed a number of arrests and detentions on the basis of the Code of Criminal Procedure. Thus, two different procedures were applied without distinction as to the grounds or legal reasons for relying on one of those procedures or the other.

1702 (page 419): The manner in which the security and judicial agencies of the GoB interpreted the National Safety Decree also opened the door for the perpetration of grave violations of human rights, including the arbitrary deprivation of life, torture and arbitrary detention. Detainees were kept for questioning for periods that, in some cases, extended to over two months. They were neither brought before any judicial authorities nor were they presented with any formal charges during this period. Furthermore, the lack of judicial supervision, oversight or inspection of detention facilities operated by these security agencies allowed for the perpetration of human rights violations. Whether the judicial system became overwhelmed by the events of February/ March, or whether it failed to rise to the challenge of the situation as a result of its weaknesses, needs to be determined. In any event, it is clear that the National Safety Decree, as implemented by the Military Attorney General, overtook the national system of justice. A pattern of due process violations occurred at the pre-trial and trial levels that denied most defendants elementary fair trial guarantees.

Findings and Conclusion (page 311):

1279: A large number of individuals were prosecuted before the National Safety Courts and imprisoned for violating articles 165, 168, 169, 179 and 180 of the Bahrain Penal Code in connection with the events of February/March 2011. The Commission considers that the GoB used these articles to punish those in the opposition and to deter political opposition.

1280: In the light of the way that these provisions have been applied in Bahrain, the Commission has a number of concerns about their conformity with international human rights law and with the Constitution of Bahrain.

1281: Article 165 of the Penal Code was applied in a way that infringes upon the freedoms of opinion and expression by excluding from the public debate opinions that express opposition to the existing system of government in Bahrain, as well as opinions that call for any peaceful change in the structure or system of government or for regime change.

1282: Paragraph 1 of article 168 places broad restrictions on the exercise of freedoms of opinion and expression by criminalizing “any false or malicious news reports, statements or rumors or spreads adverse publicity”. The absence of clear thresholds governing the application of this provision, and the ambiguity of notions such as “malicious news reports”, “rumors” and “adverse publicity”, raise concerns about the overly broad restrictions imposed by this article. These concerns are heightened by the manner in which the provision was applied in connection with the events of February/March 2011.

1283: Paragraph 2 of article 168 criminalizes the possession in any way or form of material prescribed by paragraph 1. This has been applied so as to restrict the freedoms of opinion and expression by infringing the right to seek, receive and impart information.

1286: Article 179 of the Penal Code has also been used by National Safety Courts to convict persons who opposed the GoB. The use of article 179 in connection with the events of February/March 2011 was similar to the use of articles 165, 168 and 169 as discussed above, namely as a means of repressing freedom of assembly and punishing those who seek to exercise that right. Article 179 criminalizes acts that constitute “attempts” to participate in violence, which this provision characterized as rioting. However, this definition does not include a key element of the crime of attempt, namely the taking of material or tangible steps towards the commission of the crime. Thus, article 179 can be used against persons seeking to exercise

their internationally guaranteed right of freedom of assembly, without the need to prove the commission of material or tangible conduct. Moreover, article 179 criminalizes attempts to commit acts of violence, without requiring any act leading to violence to have been committed.

1284: Articles 165, 168 and 169 of the Penal Code also restrict opinion and expression by criminalizing incitement to hatred towards the regime or damaging public interest, without requiring any material act that causes social or individual harm. They have been applied to repress legitimate criticism of the GoB.

Recommendations (page 313):

1291: The Commission recommends that all persons charged with offences involving political expression, not consisting of advocacy of violence, have their convictions reviewed and sentences commuted or, as the case may be, outstanding charges against them dropped.

1722 (page 424):

h. To review convictions and commute sentences of all persons charged with offences involving political expression, not consisting of advocacy of violence, or, as the case may be, to drop outstanding charges against them.

Article 19 – Bahraini Constitution:

(b). No person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified Place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of Movement is restricted, except in accordance with the law and under the supervision of the judicial authorities.

(d). No person shall be subjected to physical or mental torture, enticement or degrading treatment, and The law shall provide the penalty for these acts.

Article 20:

(d). No physical or moral injury shall be inflicted on an accused person.

The constitution that imposed on the people of Bahrain. Let us read article no. (1-D):

"the regime system in Bahrain Kingdom is democratic where the supremacy is for the people (source of all authorities) and the pursuit of supremacy is as explained in this constitution."

There are even speeches where I had warned from the sedition the regime is fueling and had warned from any interface confrontations the regime seeks to create, and even the statement that was released about the republic confirmed that:

It is a civilian and not Islamic republic to be connected to Iran or any other. Secondly, we have stressed the peaceful methods. And thirdly, we left the choice to the decision of the people with all its groups and classes whether being Sunni or Shiite, within democratic pursuit without taking any practical steps; it was

only a political opinion just as the opinion that demanded the constitutional monarchy. In London, a person called for changing the monarchy there to a republic and because the society and regime is democratic that person became a minister. So if one of the people expresses his political opinion, he is imprisoned and tortured? Or is he persecuted for practicing a political right? Then came the BICI to confirm that the group which was named as 14 or other prisoners, expressed their political opinions, so he who expresses or practices a political opinion gets sentenced to life?

Military trial:

We were issued with unfair judgments in courts which lack the ethics of a fair trial. We were mistreated and imprisoned for a long time, as is the case for hundreds of protesters because of our opinions and public stances, and because of practicing our fundamental rights of expression, assembly, and organizing. The trials lacked the international standards of the principles of justice which without them the right of litigation is dropped, and therefore, all of the charges drop despite the seriousness and credibility of these charges. Along with the principles of a fair trial which we were denied, our rights were also violated by:

1. Arbitrary detention: includes getting us arrested without showing arrest warrants and not telling us (the paragraphs {1174 – 1178} BICI report).
2. Arrest procedures: Arrest and investigation authorities did not abide by the Criminal Procedures Law for the first 48 hours of detention. Paragraphs {1160 – 1166}.
3. Rights of detainees: the investigation authorities violated our rights as detainees by detaining us for more than two months without allowing us to contact the outside world or to reach the court to challenge the lawfulness of the procedures of arrest or allowing us to call lawyers and depriving our families of any information related to the place or reason of detention. Paragraphs {1235 – 1237}.
4. Torture and maltreatment: Paragraphs {1238}.
5. The Judiciary and Prosecution overlooking the complaints we filed during the investigation and trial: Paragraph {1241}.
6. Applying unfair laws: the charges and trials (military and civilian) plotted against us and against hundreds of protestors were based on article laws that are internationally condemned for violating fundamental human civilian and political rights including: Anti-terrorism Law – Penal Code – Assembly Law and National Safety Laws and others Paragraphs {1274 – 1290 – 1281 – 1282 – 1700}.
7. Military trials: Military trial procedures were applied on us as civilians and not as military, those trials lacked the adequate just rights to litigation
8. Referring to confessions taken coercively with physical and mental torturing methods and convictions were made based on that (paragraph 1720). We refused all the malicious charges against us, and yet we were unfairly and aggressively sentenced with a motivation of vengeance

and revenge to eliminate the opposition with the law of power and not the power of law. The only evidence is our private (secret) sources. Because the first court decision was a first-degree political decision and had no relation whatsoever to the law or judiciary; the appeal's decision corresponded and confirmed it.

Distortion and defamation: another important matter to point to again is that the regime was not only satisfied with giving orders to arbitrarily arrest us, and giving orders to torture and insult us and withhold us from the outside world, but also through their total dominance over the visual (television) and readable (newspapers) media and through the journalists that were recruited for the distortion and defamation of us - those journalists that monopolized the country with what the regime sees and what is of benefit to them, and before the judiciary says its final word; those journalists started spreading verdicts and accusing us of being ... terrorists ... over-throwers ... traitors ...agents; without considering the rule and Article 20G from the Constitution that states, "The accused is innocent until proved guilty in a legal trial which ensures him necessary guarantees to use the right of self defense in all investigation and trial levels according to law." And without the Judiciary considering that this approach and agitation could affect the Judiciary. A circular was released at an earlier time in relation to the Bandar report when the Judiciary banned discussing the issue, because the case is still at court and such a thing will affect the case. So, the Judiciary did the same in the circular they published in the newspapers about the "cell" related to Al-Qaeda. Why this outrageous discrimination in the treatment of citizens, and until now the press and those journalists are still continuing to smear and pass judgments during the retrial: is it courageous for these people who are not thinking responsibly and who did not for one second think of the country's interest to turn to assaulting a person behind bars? Someone who has been absented for months and who is not able to defend himself and is not given the space to say a word for himself? The falseness of these slanders and lies they circulated must be revealed one day, and Allah's absolute justice will not abandon his worshipper, knowing his sincerity. The press and journalists are still going on with their deception, distortion and smearing of innocent people's reputations (Example is Al-Ayam newspaper). If this was a country of law and institutions, and there was a fair and independent Judiciary, it would stop these farces; but it didn't. It instead intentionally put us to trial and insisted on convicting us despite the clarity of the situation and the disclosure of the true faces behind the masks.

Who conspired against the people of Bahrain?

Year of 1938 was crowned with struggles and demands from Bahrain's people for political and civil rights, justice and equivalence; that's why the most important demands on that year was a freely elected council representing people's aspirations. The insistence for that demand persisted until 1973 and after the exodus of colonialism. There was a historical attitude for Bahrain's people, especially for Shiite's when they stood next to Sunni's at that time and refused the Iranian shah's request, to assure that Bahrain was an independent and democratic Arabic country without knowing that one day they will be described as agents and their loyalty for their country will be dubious.

Under that exceptional circumstance; Bahrain's people got the first constitution contract with a national council with elected majority, but the authority could not bear it because it never believed in democracy or

public participation for making political decisions or sharing the country's wealth.

The authority continued monopolizing and controlling everything in the country for decades. In the 1990's, we tried with various national forces and peaceful methods including writing petitions where the elitism petition emerged followed by the public petition demanding the return of parliamentary life and activation of the Constitution of 1973; the return of displaced Bahraini people; improved women's rights; and other national demands for all the people of Bahrain. But instead of responding and listening to the people the regime converts the demands issue into security confrontations, groups of people were arrested and we were detained at that time with tries from us to security and political situation.

There was an interlocution from inside the prison followed by an agreement to release all the detainees in three batches, but the regime backtracked and kept more than 300 prisoners and got us arrested again to stay in jail about 6 years without a trial because of our political opinions. There were attempts and compromises by the authority to get us released on the condition we stop our demands and cease meeting with our Sunni brothers or other national forces but we refused. Believing to continue building bridges with our Sunni brothers and other national forces maintaining national unity, and considering that the demands are for all citizens without discrimination. Even after our first and second knock outs in 1995 & 2001, we sought to meet with the country's partners, and worked to strengthen relations with our brothers through joint cultural programs, but the regime and the Interior ministry prevented that interface and the forces surrounded a place in A'ali to stop a joint seminar between us and our Sunni brothers.

In the charter's phase, we tried to support the call of reform hoping to walk out from the continual crises in Bahrain, but after sensing that there is no serious reform and the attempts to detour around demands (plus cancelling the "73 constitution" despite all the promises to be replaced with a less ambitious and power constitution) we continued fighting and insisting to achieve the demands for a modern democratic constitution which is fair for the Bahraini people with all sects, and achieve justice, bargain and contribute the existence of full powers of legislative authority with the same peaceful methods.

So we worked on writing the internationalism petition claims for democratic constitution written by the people of Bahrain Sunni and Shiite through an elected organization. However, the collusion theory that's nesting in the authority's mind and instead of responding to the Bahrainis' demands and their political and civil rights, the authority began planning conspiracy after conspiracy, and presenting weak trials to strike the political movement and hit the national unity by tearing the Shiite-Sunni row in various ways as the Bandar's report revealed how big the collusion on Bahraini's is and the attempt to inflame the conflict between Sunni and Shiite. The authority did this by recruiting journalists and making studies just to create sedition and create a gap between Sunni and Shiite. Instead of accounting the conspirators against Bahrainis, authorities, and using their journalists, started to work hard to break the communication between Sunni and Shiite, and create the illusion of fear from Shiite's danger.

Coinciding with that, the nationalization thousands of Sunnis from different countries under the pretext of preserving Sunnis from Shiites began and articles started loading and intimidating minds against political and human rights activists. The regime then began prefacing for the arrest of activists and human rights

demanders by fabricating exposed plays and as a prelude to all of that, terrorism law was passed. This law was established for a security phase that continued until the events of 14th February.

Followed by that came the law of gatherings. Writers became active in charging and accusing us with instigation, at the same time words were spreading about the so-called pardon. Then, the government started mixing things on people and the "alhujaiah play" started. I remember laughing about it in London (where I was at the time), because this area is very well known to Bahraini visitors to Syria. It is a veggie market and it's very close to a very well populated area, so how could anyone get weapon training like they said? And I remember saying to the former security department chief "how could you accuse me of terrorism when you know that I do not have any relation to it at all?"

He just smiled, then said: "Your speeches are very hard on us." Then the terrorist cell came after it. And when the Arab Spring started, and the February movement started, and instead of positively responding to the people and starting meaningful dialogue, the regime went around the people as usual and turned it to a security issue by inventing crises, fights, threats and attacks on Sunnis. Therefore, it would be justified for the strike and the enforcement of the national safety law and the seeking of the Saudi forces or what is known as the island shield to strike the political movements.

What am I accused of?

I was arrested in the 1990's because of my political speeches and because others and I demanded democracy and equality and justice for the people of Bahrain, all the people of Bahrain and it's sects and races. We remained in prison for around 6 years without trial and no charges were made against us. And instead of prosecuting those who deprived us of our freedom under that unjust "State Security Law," there was talk of pardoning us, and the question remains, pardon for what?

I was arrested again in 2007 for a few hours and also for my political views and my blunt rights demanding speeches that upset the regime. Then, I was arrested again in 2009 and also for the same reason, along with others for demanding the rights of the people in what was known as " Masrahyat Al Hujairah= Al hujairah Play" that showed the government and its failure in framing others.

In 2010, I was in London taking chemotherapy for lymphatic cancer. My treatment at first was on the expense of the health ministry (a right for every Bahraini citizen) but the ministry cut the funding in the middle of the treatment through a formal letter to my hospital. I received a copy from my hospital and published it at that time. At that time when I got out of Bahrain I was not accused of anything, even one of the embassy employee visited me in the flat to pass the king's greetings and to offer me a bag full of money, however, I declined and refused to accept it. Then I had some TV interviews, and in that time a framed terrorist cell was captured and I was accused of being in it, and if I had accepted the bag I would never have been accused.

Lastly, the events of February 14th started, and I was still in London to continue my treatment and I didn't arrive in Bahrain until 26th February, 2011 and instead of considering February 14 as a representation of

the will of the people and its feelings of injustice and its incidence to get its demands, we were accused of being behind all of what happened. All of my speeches and words were a representation of the peoples demands and it was patriotic, not sectarian, and it did not call for violence.

A lot of my speeches had assertion not to change this peaceful movement to violence and even our statement of the republic did not contain any call for Islamic republic like all these hired writers were accusing us of. In it we asserted that people should continue with their peaceful demands. We did not order people to change to a republic, rather suggested it to them and only the people of Bahrain had the right to choose such a thing. And you can see my speeches, did it had anything but political views and political critique? And is that a crime to be imprisoned for, or is it rights that were bestowed by the heavenly religions and all the traditions have accepted it along with the international constitutions and the Bahraini constitution is one of them? So where is the fairness and justice?

Is the judicature independent?

I wonder if the judicature in Bahrain is independent and isn't politically motivated, and I give several pieces of evidence in this argument:

1. The reports of the international human rights organizations.
2. The statements of the judges earlier.
3. The submission of the judges to the political authority and there are more than an indicator.
4. Our previous experiences that we witnessed and others have in different cases, the judicature stood on the side of the public authorities like the ministry of interior and the national security against innocent defendants although the torture and forced confessions had been established.
5. The structure of judge's selection.

And finally we wonder if the judicature is independent why didn't the court of cassation say its verdict after 5 months except in these days? And why was it postponed exactly after the Formula 1 ended?!

It was proven in the BICI report (which was created by the royal decree and was accepted by the king himself and although the lackings in the report) that we had political views and that the charges made against us were not true and weren't consistent with international human rights laws or the Bahraini constitution. The one who started the sectarian divide, and the one who made this big gap between the Bahrainis, was the government itself. It did this through misleading and directed media, TV, radio, paper and/or internet and ordered hired writers to play a big role in increasing the sectarian divide. This lead Bahrain to what followed and all what was attributed to us is completely false and does not stand a chance against the truth that he who should be prosecuted is not us. And if this was a democratic country and a state of law and institutions then the government would have resigned and those who committed what was said would certainly be put to trial. If the judicature was independent then we would be released immediately after the picture has cleared, not to be re-put to trial.

And as such, and because I'm certain that this trial is another part of the by-crossing of truth and media coverage, and that the final verdict is not decided by the judge but rather by the political decision coming from the higher political powers, and because our presence or the lack of it along with our defense team is the same and because the continuation of this trial would seem like an admission of approval for the proceedings:

For all of the above I demand the following:

1. The immediate and unconditional release of all of the detainees following the unrests that happened in Bahrain since February with proper compensation.
2. Prosecuting all who are responsible, regardless of rank or lineage in the security departments and who is involved in torture and abuse after an independent inquiry and in accordance with the BICI.

And I announce the following:

1. My presence in these preliminary sessions of this trial is only to register my statement and to document what I was subjected to of torture and ill-treatment in addition to the violations that happened to me during the arrest, investigation and trial which invalidates the principle of fair trial and show the falsehood of the regime and its lack of seriousness in dealing with the political crisis in the country.
2. I will stop attending any new sessions and will not continue in this trial which does not have dependability or justice.
3. I thank and appreciate the efforts of the defense team who came to defend me and I ask them to withdraw from this trial effective from this session and not to represent me in any stage of this trial.
4. I refuse for any lawyer to represent me and I do not agree with such representation appointed by the court without the announced and formal acceptance by me.

Hasan Ali Hasan Mashaima

The Supreme Court of Appeal

Tuesday 29/05/2012