



Negative Effect of Terrorism on Human Rights in Bahrain, Saudi Arabia, and the United Arab Emirates

1. Introduction

The Governments of Bahrain, Saudi Arabia, and the United Arab Emirates (UAE) use threats to national security, like terrorism, to invoke anti-terror laws that restrict human rights, particularly the rights to life and liberty. While terrorism can pose a legitimate threat to people's lives and to social order, under the pretext of terrorism, Bahrain, Saudi Arabia and the UAE have enacted anti-terror laws that grant authorities the power to criminalize free expression, association and assembly, as well as to increase detention periods, expand the practice of arbitrary detention and enforced disappearances and hand down longer prison sentences and harsher verdicts, including the death penalty.

2. Negative Effects of terrorism on human rights

A. Saudi Arabia

On 31 January 2014, the Government of Saudi Arabia passed the Penal Law of Crimes of Terrorism and its Financing,¹ which defines a terrorist crime as any act that "disrupts public order, risks the national unity, harms the reputation of the state, and threatens or incites anyone to commit these acts."² Most of these actions do not expressly relate to violence.³ As a result, terrorism can encompass acts related to peaceful expression, assembly, and association.⁴ The broad language of this law grants the government expanded powers to suppress dissidents.

Saudi officials use their expanded powers under the law to criminalize basic human rights. Under the anti-terror law, an investigatory body can hold individuals incommunicado for up to 90 days and detain them for up to one year without judicial review.⁵ This allows authorities to effectively forcibly disappear a defendant. In addition, the anti-terror law grants authorities the power to try the defendant in the counter-terror Specialized Criminal Court (SCC). On numerous occasions, the SCC has failed to deliver fair trials for defendants, particularly in accepting tortured confessions as admissible evidence to convict individuals.⁶ The law also allows the SCC to try the defendant *in absentia* and hear testimony and receive evidence without the presence of the defendant or the defendant's lawyer.⁷

Saudi authorities have used the anti-terror law to suppress civil society organizations. Among the groups the government has targeted is the Saudi Civil and Political Rights Association (ACPRA). ACPRA was

¹ "Saudi Arabia: New Terrorism Regulations Assault Rights," Human Rights Watch (HRW), 20 March, 2014, <https://www.hrw.org/news/2014/03/20/saudi-arabia-new-terrorism-regulations-assault-rights>.

² "Pretense of Progress," Americans for Democracy & Human Rights in Bahrain (ADHRB), 10 March 2015, <http://www.adhrb.org/2015/03/adhrb-publishes-report-on-saudi-arabias-judiciary/>, pgs. 34-45.

³ Ibid.

⁴ "Saudi Arabia: New Terrorism Regulations Assault Rights, HRW.

⁵ "Pretense of Progress," ADHRB, pg. 39.

⁶ "Mapping the Saudi State, Chapter 8: The Ministry of Justice," ADHRB, 3 November 2015, <http://www.adhrb.org/2015/11/mapping-the-saudi-state-chapter-8-the-ministry-of-justice/>, pg. 1.

⁷ "Pretense of Progress," ADHRB, pgs. 34-45.



founded by 15 human rights defenders in 2009,⁸ at least 11 of whom are currently incarcerated.⁹ Saudi officials prosecuted many of ACPRA's members as terrorists in the SCC. The government charged them with crimes such as, "harming the image of the state," "breaking allegiance with the ruler," "participating in the founding of an unlicensed organization," and "inciting disorder."¹⁰ As a result of their activism, the SCC has sentenced many of them to prison terms ranging between three years to 15 years in prison.¹¹

Under the anti-terror law, since 2013, the SCC and Saudi prosecutors have increasingly invoked the punishment of the death penalty.¹² Among those it has sentenced to death are Sheikh Nimr al-Nimr, a prominent Shia cleric, Ali al-Nimr, his nephew, Dawood al-Marhoon, and Abdullah al-Zaher. Authorities executed Sheikh Nimr in a mass execution on 2 January 2016.¹³ Officials arrested then-minors Ali al-Nimr, Dawood al-Marhoon, and Abdullah al-Zaher in 2012 for participating in protests, and sentenced them to death. Their executions could take place at any time.¹⁴

B. United Arab Emirates

On 21 August 2014, the United Arab Emirates issued its anti-terror law, Terrorism Law No. 7.¹⁵ The law broadly defines terrorism. Article 1 defines a "terrorist outcome" as, among other things, "stirring panic among a group of people" and "antagonizing the state."¹⁶ The law defines "terrorist organizations" as groups that act to create a "direct or indirect terrorist outcome." The law does not require the intent to cause serious injury or death, allowing the government to apply the law to restrict nonviolent groups.¹⁷ The vague nature of the law allows Emirati authorities to prosecute people for exercising their rights to free expression, opinion, association, and assembly.¹⁸

In addition to broadly defining terrorism and terrorist organizations, the law provides harsher penalties for alleged terrorists. The penalty for "undermining the stability, sovereignty, or security of the State" and "undermining national unity and social peace" is the death penalty or life in prison. The punishment for setting up, organizing, or running a terrorist organization is the death penalty.¹⁹

Under the anti-terror law, UAE officials have frequently arbitrarily detained and forcibly disappeared dissidents. On 26 March 2012, Emirati authorities arrested 94 activists and held them in secret detention

⁸ "Saudi Arabia's ACPRA: How the Kingdom Silences its Human Rights Activists," Amnesty International, 10 October 2014, <https://www.amnesty.org/en/documents/mde23/025/2014/en/>, pg. 6.

⁹ "Saudi Arabia tries to 'silence' main rights group – Amnesty," *BBC*, 9 October 2014, <http://www.bbc.com/news/world-middle-east-29559014>.

¹⁰ "Saudi Arabia's ACPRA," Amnesty International, pgs. 7-10.

¹¹ "URGENT ACTION: another ACPRA member sentenced to prison," Amnesty International, 17 June 2016, <https://www.amnestyusa.org/sites/default/files/uaa13916.pdf>.

¹² "Saudi Arabia: Over 100 Executions Since January 1," Human Rights Watch (HRW), 27 July 2016, <https://www.hrw.org/news/2016/07/27/saudi-arabia-over-100-executions-january-1>.

¹³ "Shia cleric among 47 executed by Saudi Arabia in a single day," Amnesty International, 2 January 2016, <https://www.amnesty.org/en/press-releases/2016/01/shia-cleric-among-47-executed-by-saudi-arabia-in-a-single-day/>.

¹⁴ "Saudi Arabia: Fears grow that three young activists could soon be executed," Amnesty International, 16 October 2015, <https://www.amnesty.org/en/latest/news/2015/10/saudi-arabia-three-young-activists-could-soon-be-executed/>.

¹⁵ "United Arab Emirates: Anti-Terrorism Law Approved," Global Legal Monitor, 27 August 2014, <https://www.loc.gov/law/foreign-news/article/united-arab-emirates-anti-terrorism-law-approved/>.

¹⁶ "UAE: Terrorism Law Threatens Lives, Liberty," Human Rights Watch (HRW), 3 December 2014, <https://www.hrw.org/news/2014/12/03/uae-terrorism-law-threatens-lives-liberty>.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*



for months, ultimately jailing them for periods ranging from seven to 15 years.²⁰ In late August 2014, authorities arbitrarily detained and forcibly disappeared 10 men, including Salim and Mohamed al-Aradi and Kamal and Mohamed al-Darat, before releasing them after months in detention.²¹ On 18 August 2015, security forces arbitrarily arrested economist Dr. Nasser bin Ghaith and forcibly disappeared him for eight months before putting him on trial, though he has remained in detention.²²

C. Bahrain

On 31 July 2006, the Government of Bahrain approved a vaguely-worded anti-terror law entitled “Protecting Society from Terrorism Acts” which allows authorities to restrict freedom of expression, opinion, association, and assembly. Article 1 of the law provides that “obstructing the public authorities from doing their work” and “harming National Unity” are considered terrorist acts.²³ Article 6 defines terrorist organizations, associations or groups as those that, “obstruct the provision of the constitution or the law” or “harming national unity.”²⁴ On 28 July 2013, the king accepted Parliament’s 22 amendments to the 2006 anti-terror law.²⁵

The law and its amendments grant greater powers of prosecution. They allow courts to extend pretrial detention periods from 15 to 60 days based on secret evidence the detainee can neither access nor challenge.²⁶ The extension of pretrial detention periods has led to increased torture of detainees.²⁷ The law and amendments have also led to increased sentences, mandating at least 10 years for committing a “terrorist attack,” though many peaceful activists have received life in prison.²⁸ Many of those charged with terrorist attacks are members of the country’s Shia opposition and were tortured into confessing to crimes they did not commit.²⁹

The law and its amendments also allow the government to denaturalize “those who carry out terrorist crimes and their instigators.”³⁰ Since 2011, the Government of Bahrain has revoked the citizenship of approximately 300 people, including 72 in February 2015, many on charges of terrorism.³¹ The government justified the revocations by stating the measures had been implemented to “preserve security and stability and to fight terrorism,” thus grounding the revocations in the country’s anti-terror

²⁰ “The Trial of the 94,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 21 August 2015, <http://www.adhrb.org/2015/08/the-trial-of-the-94/>.

²¹ Ashifa Kassam, “Salim Alaradi leaves UAE for Canada after being detained nearly two years,” *The Guardian*, 2 June 2016, <https://www.theguardian.com/world/2016/jun/02/salim-alaradi-freed-uae-canada>.

²² Tyler Pry, “Where Is He? Eight months later, Dr. Nasser bin Ghaith is still disappeared,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 18 April 2016, <http://www.adhrb.org/2016/04/eight-months-later-dr-nasser-bin-ghaith-still-disappeared/>.

²³ “The Terrorism Law in Bahrain: A Tool to Silence Dissidents,” Bahrain Center for Human Rights (BCHR), 13 March 2014, <http://www.bahrainrights.org/sites/default/files/Terrorism%20Laws%20in%20Bahrain%20-%20FINAL.pdf>, pg. 4.

²⁴ *Ibid.*

²⁵ “Bahrain National Assembly Expands Anti-Terror Laws,” Project on Middle East Democracy (POMED), <http://pomed.org/blog-post/us-policy/congress/bahrain-national-assembly-expands-anti-terrorism-laws/>.

²⁶ “The Terrorism Law in Bahrain,” BCHR, pg. 4.

²⁷ *Ibid.*, pg. 5-6.

²⁸ Yara Bayoumi, “Bahrain King toughens anti-terrorism laws, rights groups cry foul,” *Reuters*, 1 August 2013, <http://www.reuters.com/article/us-bahrain-rights-idUSBRE9700HI20130801>.

²⁹ “The Terrorism Law in Bahrain,” BCHR, pg. 6.

³⁰ “Bahrain National Assembly Expands Anti-Terror Laws,” POMED.

³¹ “HRC32: ADHRB calls attention to citizenship revocation in Bahrain,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 14 June 2016, <http://www.adhrb.org/2016/06/hrc32-adhrb-highlights-crackdown-civil-society-bahrain/>.



legislation.³² However, many of those denaturalized were peaceful dissidents, human rights defenders, journalists, academics, and religious scholars.³³

Under anti-terror legislation, there has also been an increase in the use of the death penalty, with seven people sentenced to death in 2015 alone. As of December 2015, the number of Bahrainis on death row has increased to 10.³⁴ Mohamed Ramadan and Husain Moosa are among those sentenced to death. Both were arrested, disappeared, tortured and forced to sign a confession in 2013. When they recanted these confessions in court, both were subjected to further torture. Ramadan and Moosa could be executed at any time.

Major challenges in addressing these human rights abuses

The Governments of Bahrain, Saudi Arabia, and the UAE have not successfully responded to the threat of terrorism, as they have failed at the same time to protect human rights. Even worse, they have invoked terrorism as the rationale for implementing broad anti-terror laws that violate their citizens' rights. Every state has the right to defend itself against terrorism and Saudi Arabia, in particular, has suffered from numerous terrorist attacks. However, these anti-terror laws target individuals who are not terrorists and encourage judicial proceedings that deprive defendants of their international human rights, including their right to due process. This appears to be intentional.

The vague language of these states' anti-terror legislation allows officials to criminalize fundamental freedoms and political opposition as a threat to national security. In order to distinguish activists and peaceful dissidents from terrorists, and prevent activists from being falsely accused of terrorism, the Governments of Bahrain, Saudi Arabia, and UAE need to define terrorism, terrorist acts, and terrorist groups more precisely. At the same time, regardless of the defendant's crimes, these governments need to enact legal provisions which ensure that any person accused of terrorism, terrorist or not, is granted a fair trial with due process, in line with the international human rights obligations of these states. Bahrain is party to the International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on the Rights of the Child. Saudi Arabia and the UAE are parties to the Convention Against Torture and the Convention on the Rights of the Child.³⁵ These states need to ensure that their legislation does not contravene the principles enshrined in these treaties.

Best Practices

Bahrain, Saudi Arabia, and the UAE drafted their anti-terror legislation so as to limit the human rights of their populations. The restrictive laws demonstrate that these governments have not been successful in addressing the challenge of terrorism while respecting human rights. As a result, the UAE, Bahrain, and Saudi Arabia have not demonstrated any best practices in promoting the enjoyment of human rights while countering terrorism.

³² "Bahrain revokes the nationality of 72 people," *BBC*, 31 January 2015, <http://www.bbc.com/news/world-middle-east-31075216>.

³³ "HRC32: ADHRB calls attention to citizenship revocation in Bahrain," ADHRB.

³⁴ "NGOs condemn death sentences in Bahrain after record year," FIDH, 8 January 2016, <https://www.fidh.org/en/region/north-africa-middle-east/bahrain/ngos-condemn-death-sentences-in-bahrain-after-record-year>.

³⁵ "Status of Ratification: Interactive Dashboard," United Nations Office of the High Commissioner for Human Rights, 2014, <http://indicators.ohchr.org/>.