

BAHRAIN

THE HUMAN PRICE FOR FREEDOM AND JUSTICE

A JOINT REPORT ON HUMAN RIGHTS

PUBLISHED 22 NOVEMBER 2011



Bahrain: the Human Price for Freedom and Social Justice

A joint report on human rights violations in Bahrain

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Acronyms

MOI	Ministry of Interior
NSA	National Security Apparatus
BICI	Bahrain International Commission of Inquiry
BCHR	Bahrain Center for Human Rights
BYSHR	Bahrain Youth Society for Human Rights
BHRS	Bahrain Human Rights Society
NGOs	Non-governmental Organisations
GCCPS	Gulf Cooperation Council Peninsula Shield
IAA	Information Affairs Authority
HRW	Human Rights Watch
LHRW	Liberty and Human Rights of Wafaq
UNOHCHR	UN Office of the High Commissioner for Human Rights

Executive Summary

1. This is a joint report by a group of Bahrain's independent human rights NGOs presenting the main key findings from the ongoing effort to document violations occurring in the state of Bahrain in 2011. Our investigative report supports the rights of victims, no matter their political or religious background. It is unaffiliated with the Bahraini government or any foreign government and is firmly centered on domestic civil society advocacy of human rights. The three organizations included in this report are: the Bahrain Center for Human Rights, the Bahrain Youth Society for Human Rights and the Bahrain Human Rights Society.
2. Serious violations of human rights started long before the Arab Spring of 2011, particularly in August 2010, when at least 400 citizens were arrested including leading opposition activists who were detained for almost 6 months, then released in February 2011. BCHR has recorded claims of torture by these prisoners of conscience, including the prominent blogger Ali Abdulemam, and monitored their cases carefully. The infrastructure of torture is entrenched in the security apparatus, is accepted as a method to extract confession, and was systematic policy, as noted by the HRW report, "Torture Redux".
3. Since February 2011, Bahrain has been consumed by pro-democracy protests as part of the political and social upheaval that is sweeping across the Arab world. The protests were initially called for by unknown cyberactivists on Facebook and a popular webforum called BahrainOnline. The protests which centered on the occupation of Pearl Roundabout lasted for a month. To end the protests, Saudi Arabia sent the Gulf Peninsula Shield across the King Fahd causeway on March 14th to assist the Bahraini government in quelling the protests and beginning a comprehensive security crackdown that began with the clearing of Pearl Roundabout and then swept across the country as a form of collective and indiscriminate punishment against a wide spectrum of the population; particularly in impoverished villages and other urban centers. At least three deaths are attributed to the wrongful use of teargas inside residential homes, which led to the suffocation of those unable to escape in time.
4. Society as a whole was targeted through the arbitrary arrest of doctors, nurses, teachers, academics, athletes, businessmen, and prominent opposition leaders who called for peaceful democratic change. Up to 500 continue to be detained, with many sentenced to lengthy jail terms by draconian military courts.
5. We have seen direct evidence that excessive and often unnecessary force was used and continues to be used against protesters. This amounts to a serious breach of a range of rights under international human rights law, including the right to life, the right to security of person, the right to freedom of assembly and the right to freedom of expression.
6. The targeting of particular areas known as anti-government strongholds where pro-democracy protests are now confined to, as well as indiscriminately attacking not just protesters but anyone in the area, appears to have been carried out in a blanket fashion,

targeting suspected opposition supporters or regions viewed as being opposed to the regime, rather than being related to the commission of criminal acts or other security related reasons.

7. The Bahrain Center for Human Rights and other NGOs have documented
 - 45 killings
 - 1500 cases of arbitrary arrest
 - 1866 cases of torture and illtreatment
 - 500 prisoners of conscience
 - Destruction of 40+ places of worship
 - 2710 summary sackings
 - 500 in exile
 - 3 men on death row
 - 477 Students expelled

8. Much has been said about the role of the international community and its response to the Bahraini crackdown compared to much louder condemnation and punitive measures taken against other governments who have responded violently to the 2011 uprisings. The US government, for example, is in the final stage of an arms deal with the Bahraini government. Protesters on the ground, Bahraini NGOs as well as human rights groups like Amnesty International¹ have documented the kinds of weapons used by the Bahrain security forces, and these provide an important source in trying to establish whether or not the tactics and weapons used were appropriate for the situation. The main weapons used were teargas and birdshot pellets supplied mostly by the US, in order to disperse protesters. If used correctly these weapons are intended to injure without causing fatalities. However, the, inappropriate, unnecessary and excessive use of teargas in residential areas, sometimes directly inside homes, as well as the use of birdshot at extremely close-range have both led to at least 30 fatalities. There are also other documented cases of live ammunition² being used.

9. Despite modest international pressure exerted on the Bahraini government to end its violent suppression of protests and arbitrary arrests, in September, special military courts sentenced 208 civilians to nearly 2500 years imprisonment in total, including 20 doctors sentenced to up to 15 years for their involvement in offering medical treatment to protesters.

10. BCHR and other NGOs continue to document daily arrests, worsening prison conditions, disproportionate use of force against protesters, including excessive use of tear gas in confined spaces, and unfair trials, verdicts and sentencing. At the time of going to print, Ali Alali, 15 years old from Nuaim village was reportedly arrested, and his family claim he

¹ [Amnesty International, *Arms Transfers to the Middle-East and North Africa*, 2011](#)

² [HRW, *Bahrain: Hold Perpetrators of Crackdown Accountable*, 28 February 2011](#), [Physicians for Human Rights, *Do No Harm: A Call for Bahrain to End Systematic Attacks on Doctors and Patients*, April 2011](#), [HRW, *Bahrain: Investigate Deaths Linked to Crackdown*, 29 March 2011](#)

collapsed as he was dragged away violently by security officers at gun point. Just a few days before this report's publication, a 15 year old boy called Ali Alsatravi was brutally run over by security forces in Juffair village during a protest.

11. Bahraini civil society organizations are gravely concerned about the unceasing human rights violations that have occurred in 2011 despite the establishment of the Bahrain Independent Commission of Inquiry (BICI). We are also disappointed by the lack of seriousness with which the authorities are addressing clear abuses of power in an environment that offers impunity to perpetrators of human rights abuses. We believe that the Bahraini government is only interested in plastering over the cracks in its international reputation and not in addressing the longstanding systemic problems which led to the violations witnessed during 2011. If the BICI investigation only results in the prosecution of a small number of low-level police and security officials, the underlying political and social problems which led to the human rights abuses will not be addressed and they will be certain to continue. Scores of victims of the state's recent atrocities are now seeking redress through legal justice and reparation.
12. There is growing international consensus among human rights organizations that the abuses of human rights in Bahrain may amount to 'crimes against humanity' under international law due to the overwhelming evidence of the existence of systematic torture. We estimate nearly 90% of those arrested experienced a form of physical and mental torture, humiliation and degrading treatment. The European Center for Constitutional and Human Rights has submitted a report to the BICI detailing two important cases which they believe represent a larger pattern of abuse. The ECCHR states in this report that, "*We believe that there are sufficient grounds to place these two cases in an overall pattern of crimes that might amount to crimes against humanity. We therefore also ask you to investigate who is responsible for such an alleged pattern of crimes according to the concept of superior responsibility.*"
13. Meanwhile, Mr Bahey Eldin-Hassan, director of the Cairo Institute of Human Rights Studies (CIHRS) said in a statement at the 18th Session of the Human Rights Council in Geneva in September 2011 that, "*Growing evidence that crimes against humanity appear to have been committed by government security forces in Bahrain and Yemen in response to popular protests has largely been swept under the rug.*"
14. In September, the King of Bahrain admitted that human rights 'mistakes' have occurred, but that these were a result of individual acts, rather than a systematic policy. He alluded that victims would be compensated using existing mechanisms available, without offering victims or the family of those killed justice in terms of accountability of the perpetrators of those crimes. To date, not a single official has been held responsible or has been convicted for the large number of deaths and the systematic practice of torture.
16. Through the hundreds of testimonies of abuse and torture we have gathered, we have collected the names of at least 50 security officials who were identified by the victims as

either carrying out the act of torture directly or who oversaw, authorized or ordered the act of torture. There is substantial evidence to implicate nearly all of them through their direct identification by the victims of torture. In those cases of the use of live ammunition by the military or those officers who fired birdshot directly at protesters, the Bahraini authorities have concealed their identities. In the two cases where officers have been charged with causing the death of protesters, none have been convicted. Many victims, particularly the group of convicted doctors, have gone on record and openly accused members of the royal family of torturing them. The BCHR has published a report with selected names of torturers³, and we will continue to demand, on behalf of the victims, that these perpetrators of human rights violations are held to account.

17. Considering the scale and scope of the repression that took place beyond the security sector, we believe that individual criminal responsibility for human rights violations reached the highest echelons of authority. We urge further investigation by an independent commission of inquiry with no possibility of influence by the government of Bahrain, such as OHCHR or the ICC to seek the prosecution of the perpetrators at the international level in the absence of domestic oversight and accountability. Until serious investigation and prosecution take place, the infrastructure of repression, and the medieval practices of torture that have plagued the security apparatus for decades will continue and the victims of human rights abuses will never achieve redress.
18. The targeting of journalists, bloggers and photographers, intimidation and targeting of well-known government opponents, including the death of an online activist in custody and a 15-year prison sentence for another, the takeover of the independent Bahraini newspaper al-Wasat, the blocking of websites, restricting access to foreign media, and the propaganda output of the government backed media, served to limit information about what was going on on the ground. This polarized the population and heightened tension, with more extreme political positions on both sides being given a greater voice, especially in state media where presenters called for informers to identify protesters so they could be arrested. Human rights observers from Amnesty International (AI) and Human Rights Watch (HRW) were not allowed to renew their visas and had no presence in Bahrain from April onwards. Many journalists were refused entry to Bahrain and the government initiated a new visa process for journalists to make it easier to identify journalists and control the entry and exit of journalists from the country.
19. Bahrain is a signatory to many international rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture (CAT), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of Discrimination Against Women (CEDAW). The writers of this report, representing Bahraini civil society and human rights groups, feel that it is our duty to hold the Bahraini

³ [BCHR, *Some members of the Bahraini royal family beating & torturing political prisoners*, 16 August 2011](#)

government to account for any breaches of their obligations under international law because of lack of domestic mechanisms of accountability

Findings of the report regarding international human rights law

This report has found that Bahrain committed violations to various international human rights treaties which it has signed and ratified. It has violated the right to life, freedom from torture, arbitrary arrest and enforced disappearance, freedom of opinion and expression, assembly and association and freedom of thought, conscience and religion and the right to a fair trial. Among these, torture is the most serious and binding of the violations because it is a fundamental or peremptory norm of international law which can be prosecuted under universal jurisdiction and gives rise to the obligation of other states to hold those responsible legally accountable. Torture, when carried out in a widespread and systematic fashion by a state against a civilian population, can amount to a crime against humanity.

The report has found that the violations have been widespread and systematic. They are widespread because the number of violations which have been reported are in the thousands. Bahrain has only 0.6 million locals out of an estimated 1.2 million total population. In a country the size of Bahrain, this represents a significant percentage of the population, which has created a climate of fear and mistrust, leading to greater social divisions.

This report outlines grave violations of international human rights law occurring in Bahrain in the following areas:

- Excessive use of force against protesters
 - The security forces are using their weapons in a way that exceeds the necessity of the situation. Security forces did not apply safety measures when using their weapons on demonstrators, causing unnecessary injuries and in some cases injuring people not participating in demonstrations. In addition, the documented amount of injuries and places of injury on the protesters are a strong indication that security forces shot with the intent to injure the demonstrators and not for crowd control. There are too many instances of excessive force used against demonstrators to list them all here, and the list continues to grow by the day. Social media has helped to shed light on the extent of the violations occurring in Bahrain, helping to prove the case that the force used to crush the protests was excessive for the situation, as well as widespread and following a consistent pattern of the use of teargas and birdshot pellets, often fired indiscriminately and from close range. A huge number of birdshot injuries were in the back: i.e. they were preparing to escape and not in a situation of facing the security forces. A report by BCHR has documented many cases of protesters being blinded by birdshot pellets aimed at their faces.⁴ The BDF is under the control of Field Marshal Khalifa bin Ahmed, who is known to head the hard-line faction of the Royal family. As the head of the military, he is ultimately responsible for the conduct of the officers under his command.

⁴ [BCHR, *Dozens of Bahraini protesters lose their eyes due to the continued use of excessive force by the security forces, 29 October 2011*](#)

- Torture and other forms of cruel and degrading treatment
 - The large number of people reporting being tortured, as well as the fact that torture was committed generally on political prisoners in detention centers over the same sustained period indicates a systematic nature to the occurrence of torture. The pattern of violence displayed by these hundreds of cases, of which the above are a small sample, shows how institutionalized torture has become for political prisoners in Bahrain. King Hamad Al-Khalifa effectively admitted that torture had occurred by granting compensation to some prisoners who had been abused in detention.⁵ As previously stated, an investigation was begun in May into torture at one detention center, but those arrested were later released.
 - It has been noted that there is a culture of impunity surrounding the prevalence of torture in prisons and detention centers. This is confirmed that despite the domestic legal provisions to punish torture, no government employee has been held accountable for the significant number of deaths in custody since 1980.
 - In 1997, the UN Special Rapporteur on Torture stated in his report to the UN Human Rights Commission that in Bahrain, “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 urinating; 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.”⁶ Little has changed since this report, and the culture of impunity has only encouraged the prevalence of this kind of human rights abuse. Doing nothing about such violations only encourages those in authority to commit them.
 - The Association for the Prevention of Torture submitted evidence to the BICI commission in September 2011 calling for the government of Bahrain to take measures to prevent torture, including the signing of the Optional Protocol on the Convention Against Torture (OPCAT).⁷ However, it seems that the culture of excessive force which attends demonstrations and interrogations needs deep systemic reform, not just a legal facelift.
 - The argument is not therefore about whether torture takes place or not. The argument is about whether torture is systematic and widespread or not. It seems clear that it is widespread, with 1866 cases of torture and ill-treatment having been reported, and that it is systematic, as detainees report similar kinds of torture being used. It is not necessary to prove that this was organised by the Bahraini

⁵ [The National, Former prisoners bear witness to Bahrain's Security Operation, 1 September 2011](#)

⁶ Fifty-third session, Item 8(a) of the provisional agenda UN Doc. [E/CN.4/1997/7](#), 10 January 1997, para 26

⁷ [Association for the Prevention of Torture, Public Submission to the BICI, August 2011](#)

government for it to be a crime for which the government is ultimately responsible. There is clearly a culture of impunity in the Bahrain police and security services, and this creates an environment in which torture and other cruel and degrading treatment is accepted as normal, or even encouraged by superior officers who engage in it. This sense of protection from accountability stems from Decree 56, issued by the King in 2002 which grants amnesty to those who had committed crimes of torture during the uprising in the 1990's. This decree is the reason some of the officials responsible for crimes of torture in the 1990's continue to occupy positions in government, some of them receiving promotions.

- On September 29th 2011, the UN Secretary-General Ban Ki-Moon reiterated his concern about the harsh sentences given to medical professionals and others in military court trials.⁸ A European Parliament Joint Motion for a Resolution on Bahrain in October 2011 called on Bahrain “as party to the Geneva Conventions to respect its obligations regarding the provision of health care to the sick and injured.”⁹The case against the doctors who treated patients at Salmaniya Medical Complex is serious and ongoing. As of the time of writing, there has been a big international outcry about their treatment, and this negative publicity for the Bahraini government has led to their retrial in a civilian court and the dropping of the most serious charges against them.¹⁰ The Al-Jazeera documentary *Bahrain: Shouting in the Dark*¹¹ showed the chaos of Salmaniya Medical Complex (SMC) after the crackdown on Pearl Roundabout. Shia and Sunni doctors are seen together maintaining that they are willing to treat both Shia and Sunnis without prejudice, and the cameras are shown the ID cards of plainclothes MOI employees, mostly non-Bahrainis, who have been treated at the hospital, showing that these people were not refused treatment because of their religion.
- The case of the doctors could be a case study in authoritarian state repression. In their comment on torture, Steiner and Alston note that a state “may systematically employ torture as a method for terrorizing a population and discouraging dissent... to maintain a given structure or ideology and to assure those holding power of their position.”¹²It could be argued by the Bahraini authorities that the derogation from the right to liberty and security of the person during the National Safety period allowed them to lawfully deny medical services. However, injured people in the SMC at the time of the government takeover were tortured to punish them for taking part in protests, violating the non-derogable right to freedom from torture.
- The public prosecution in Bahrain detains those accused of political charges for a period of 45 days. In this period, the torture of the accused persons takes place. The submission to a trial is postponed or delayed until the marks of torture fade,

⁸ [UN, Statement attributable to the Spokesperson for the Secretary-General on Bahrain, 30 September 2011](#)

⁹ [European Parliament Joint Motion for a Resolution on Bahrain, 26 October 2011](#) para. 7

¹⁰ [Manama Press, Court reprieve for 20 medics, 24 October 2011](#)

¹¹ [Al-Jazeera, Bahrain: Shouting in the Dark, 2011](#)

¹² Steiner, Alston and Goodman, *International Human Rights in Context*, Oxford, 2008, p225

and although the judiciary record is full of torture allegations the judges refuse to look into allegations of torture. If the accused is submitted to the coroner, it is done with the presence of policemen to terrorize the accused from specifying his injuries as reported by some victims who underwent such examinations. There are concerns and doubts regarding the reliability of the coroners' check-ups according to the statement of Dr. Fakhri Mohammed Saleh, head of forensic doctors in the Bahraini Public Prosecution¹³. Even if the coroner decides to note the existence of injuries, the court usually looks for ways to weaken the report.

- The torture in prisons raises questions on the role of the judicial authority in the inspection of prisons and detention centers.
- Extra-judicial killings
 - There is some very strong evidence available about those responsible for a number of the extrajudicial executions which have been committed in Bahrain in 2011. Needless to say that due to the perpetrators being members of the police and security forces, none of these murders has been properly investigated.
 - In May 2011, the Special Rapporteur on Extrajudicial Executions, Christof Heyns, presented his first annual report to the Human Rights Council in Geneva where he concentrated on the excessive use of force against demonstrators in a number of MENA countries including Bahrain. Mr Heyns noted that there was no comprehensive international law addressing the right to demonstrate.¹⁴
 - The pattern of these murders, as well as the history of extrajudicial killings in Bahrain point to a culture of impunity within the police and security forces. Although the King himself promised an investigation into the first two deaths in February, no charges have been brought. If nobody is held responsible for these crimes, there will be no incentive for police to moderate their conduct in the future.
 - However, there is a deeper problem with the culture of policing in Bahrain. While the police and security services do not properly reflect the civilian population which they are supposed to protect, they are likely to continue to use brutal and excessive force on those perceived as political opponents of the government they serve. Following the experience of reforming the police in Northern Ireland could provide a way to de-politicize the police force in Bahrain.
 - There are four indicators for the previously mentioned cases:
 - i. The army used live ammunition without there being the cause or justification for it, thus indicating that they were given a green light to fire at unarmed protesters.
 - ii. Security forces had orders to use weapons for the purpose of targeting civilians who were protesting and not for the purpose of self-defense, nor in accordance to the rules of military action applied by the security forces.

¹³ [Bahrain Mirror, Statement of Dr. Fakhri Mohammed Saleh, 24 September 2011 \(Arabic only\)](#)

¹⁴ [ISHR, Special Rapporteur on extrajudicial executions focuses on excessive use of force during demonstrations, 3 June 2011](#)

- iii. Security forces had orders to use excessive and undisciplined force in residential areas, firing tear gas canisters and sound bombs as a means to harm the local community, and subject them to collective punishment.
 - iv. Victims of torture that led to death in prison assert the existence of systematic torture.
- Arbitrary detentions, arrests and enforced disappearances
 - Similar to the case of torture, arbitrary arrest and detention is used as a tool of intimidation and punishment for dissidents in Bahrain. Although Bahrain derogated from its obligations to the right to liberty and security of the person from 15 March to 1 June, many violations of these rights were committed outside of this period.
 - The concern about the prevalence of arbitrary arrest and enforced disappearance is that they are violations which often attend other serious breaches of human rights law, such as torture and extrajudicial execution. In total, they point to the serious extent of the political repression currently taking place in Bahrain.
- Freedom of association and assembly
 - Although the Bahrain Trade Union law protects the right to join a trade union and to strike for economic benefits¹⁵, the charges against the leaders of the Trade Unions are not based on the restrictions to these rights under the law. According to Amnesty International, the charges against them included “inciting hatred of the regime and attempting to overthrow the ruling system by force”¹⁶.
 - Part of the problem is that societies like the teachers, doctors and other societies which perform some similar functions to unions are not regulated under the union law, but by Law 21 of 1989 for societies, social and cultural clubs, which gives the Minister of Social Development the right to dissolve the society (Article 50). This is another good example of the ambiguity of the Bahraini legal system which gives too much power to the executive authority. Front Line Defenders notes that Law 21 is “viewed by most human rights defenders as one of the main obstacles hindering the work of non-governmental organizations”¹⁷ in Bahrain.
 - According to HRW, “Article 113(4) of Bahrain's Labor Law (23/1976) allows a firm to dismiss a worker if he or she has been absent "without reasonable cause" for more than 20 days in a year, or more than 10 consecutive days, provided that dismissal is preceded by a written warning after five consecutive days of absence. Almost all of the cases reviewed by Human Rights Watch involved absences of fewer than 10 days, and the workers said they had received no warning. Article 102 (4) states that there should be no penalty for any offense committed outside of the workplace, making dismissals for participating in demonstrations outside of work time unlawful, even if the government considered the demonstrations themselves illegal.”¹⁸ As a result of this, HRW believes that Bahrain is violating its own labor laws.

¹⁵ Article 21, [Workers Trade Union Law of 2002](#)

¹⁶ [Amnesty International, Bahrain Teachers Given Jail Sentences, 26 September 2011](#)

¹⁷ [Front Line Defenders, Bahrain Overview](#)

¹⁸ [HRW, Bahrain: Revoke Summary Firings Linked to Protests, 14 June 2011](#)

- Aside from the domestic laws broken, Bahrain is undoubtedly in breach of its obligations under international law, particularly Article 21 and 22 of the ICCPR, exempting the period of National Safety in which Bahrain informed the UN Secretary General of its derogation from these legal obligations.
- Freedom of opinion and expression
 - The government of Bahrain has tried to solve the political issues in Bahrain by hindering and restricting discussion of them. It has also attempted to control its international public relations image by hiring a number of PR companies to place articles in the international media and help them write press releases.¹⁹
 - Many of the problems related to violations of the right to freedom of expression are as a result of Law no. 47 of 2002. According to OpenNet, the Bahraini authorities use this press law “to restrict coverage of sensitive subjects and to prosecute journalists and activists for allegedly defaming government officials, insulting the king, or inciting hatred against the government.”²⁰ The Bahrain government claim that before the National Action Charter reforms, there was no free press at all. However, they chose to institute a law which severely restricted all non-government media. According to the BPA report on press freedom, “Press people have long labeled such law as “notorious” as it allows the trial of journalists in criminal rather than civil courts and adopts imprisonment as a punishment.”²¹
- Denial of medical access
 - Due to the army takeover of Salmaniya Medical Complex (SMC), the main general hospital has not been accessible to the injured protesters for approximately the past 9 months. Due to this, protesters have had to treat themselves at home despite in some cases having severe injuries. The International Committee of the Red Cross criticized the situation in Bahrain in their report Health Care in Danger.²²
 - There is a consensus that doctors who treated patients and were later put on trial were being punished for reporting human rights violations to the international community and for refusing to adhere to orders to not treat protesters. Testimonies of patients from the SMC reported to BYSHR that the hospital was turned into a prison by security forces, and patients were tortured.²³
 - A report by Médecins Sans Frontières (MSF) reported that they “witnessed patients with critical and life-threatening injuries refusing to go to the hospital due to high levels of fear.”²⁴ “the denial of medical care is being used by Bahraini

¹⁹ [Arabian Business, Bahrain calls in Washington PR firm to tackle backlash, 9 August 2011](#); [PR Week, Bell Pottinger's work for Bahrain Government under the spotlight, 25 February 2011](#)

²⁰ [OpenNet Initiative, Country Profile: Bahrain, August 2009](#)

²¹ [Bahrain Press Association, Word Leading to Death, July 2011](#), p8

²² [ICRC, Health Care in Danger: Making the Case, August 2011](#)

²³ [BYSHR, Bahrain: Injured testimonies confirm that the hospital turned into prison, 16 August 2011](#)

²⁴ [MSF, Health Services Paralyzed: Bahrain's Military Crackdown on Patients, 7 April 2011](#)

authorities to deter people from protesting,” said Latifa Ayada, MSF medical coordinator.²⁵

- Physicians for Human Rights produced a report which confirmed these findings with their report. Do No Harm: a Call for Bahrain to End Systematic attacks on Doctors and Patients.²⁶
- Religious discrimination
 - The acts described in the section below on religious discrimination were not personal attacks or mistakes but orders from senior officials like Justice Minister Sheikh Khalid Al-Khalifa, who does not deny ordering the destruction of mosques, only debating the legality of the order.²⁷ These orders were carried out by Commander in Chief of the Bahrain Defence Force, Sheikh Khalifa Ahmed Al-Khalifa and Commander of Peninsula Shield Forces, Maj. Gen. Mutlaq Salem Alazimaa.²⁸ This points to the fact that the authority responsible for all religious places is the Ministry of Justice, and the authority responsible for carrying out the demolition of any building is the Ministry of Municipalities. However all demolitions were carried out by the army and security forces. thereby pointing to the illegality of the demolitions.
 - Shia citizens in Bahrain feel that they are punished as a group because the majority of protesters and opposition come from the Shia community. This produces a self-perpetuating cycle of victimization. Shia are punished as a group, therefore they are more likely to oppose the government, therefore they continue to be discriminated against. It is fundamentally important to break this cycle if the divisions in Bahraini society which have been inflamed by the government are to be mended.
- Right to a fair trial
 - In 2011 the Bar Human Rights Committee of England Wales issued a letter to Bahraini authorities regarding the arrest and detention of Mohammed Al-Tajer, a prominent lawyer.²⁹ The letter speaks directly to the need for the government of Bahrain to acknowledge the existence of human rights law and thereby defend it:
 - ‘The Bahraini authorities must acknowledge and defend the rights to freedom of expression and freedom of association protected by Article 19 and Article 22 of the ICCPR. These provisions are reinforced by the Declaration on Human Rights Defenders, adopted on 9 December 1998 by the UN General Assembly. Article 9 of the Declaration on Human Rights Defenders provides that ‘everyone has the right, individually and in associations with others, inter alia to [...] (c) offer and

²⁵ [BCHR, MSF Report summary, 7 April 2011](#)

²⁶ [Physicians for Human Rights, Do No Harm, April 2011](#)

²⁷ [Gulf News, Bahrain's justice minister denies mosque demolition reports, 3 May 2011](#)

²⁸ [See photos showing the army and riot police participating in the demolishing the religious places ; Video \(minute 5:3\) GCC troops destroying buildings ; video at Bani Jamra graveyard removing the door of one of the graves](#)

²⁹ [BHRC, letter of concern to the Bahraini authorities regarding the case of Mohammed Al-Tajer, 2 June 2011](#)

- provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms'.³⁰
- Ultimately the government of Bahrain must ensure compliance with its international obligations and principles of human rights. In particular, the Bahraini authorities must guarantee in all circumstances the physical and psychological integrity of all its citizens, including legal professionals, in order to preserve the independence and integrity of the administration of justice.
 - The international pressure which has been brought to bear on Bahrain as a result of the harsh crackdown has resulted in the Bahraini government being shamed into altering some of the legal decisions of the courts. The trial of the medics was moved from a military to a civilian court, where they are awaiting an appeal. The trial of Mattar Ebrahim Mattar was annulled without explanation after international pressure and he was released with over 100 other political prisoners.³¹ The lack of fair trial standards facilitates other human rights abuses, such as torture and other forms of cruel, inhuman and degrading treatment, with much concern raised by groups like Physicians for Human Rights that detainees on hunger strike are not receiving adequate care.³²
 - Confiscation and destruction of property
 - Theft, the destruction of private property, and vandalism point to the inability of the regime to protect the rights and property of its citizens. Moreover, abuses by government supported security forces against said property as a means of intimidation point to not only the inability to protect citizens but rather a concerted effort to limit citizens' financial well-being and security, as well as their dignity and reputations.
 - Reimbursement for damaged and stolen property has not been provided by the government, which includes the over 500 cars vandalized by government security forces at Pearl Roundabout. Moreover, unlawful home invasions resulting in destruction and theft continue to destroy the livelihood of the people.
 - Attacks on unionists, laborers, and students
 - The attacks on students, laborers and unionists clearly demonstrate Bahrain's violations of the right to peaceful assembly, association, expression and opinion. While Bahrain reserves the right to derogate from Article 19, 21 and 22 within the period of National Safety, these rights have been seen to be violated outside this declared period; in some instances violations have continued to be perpetrated.
 - Today, over 2,700 workers in both the public and private sectors have been dismissed³³, and hundreds more have been suspended from public sector jobs. The government has failed to reinstate the vast majority of these workers and has presented no evidence to support recent claims that it has. Some of those few that have been reinstated have had to agree to unacceptable, indeed illegal,

³⁰ [BCHR, *Letter of concern to the Bahraini authorities regarding the case of Mohammed Al-Tajer*, 2 June 2011](#)

³¹ [CNN, *Bahrain releases more than 140 detainees*, 8 August 2011](#)

³² [Physicians for Human Rights, *PHR Renews Call for Open and Fair Trials in Bahrain*, 1 September 2011](#)

³³ [Spreadsheet showing all sackings reported to Bahraini NGOs](#)

conditions to get their jobs back, including agreeing not to join the union. Students too have faced dismissals from their universities; those who retain their places are coerced to take loyalty oaths. Numerous trade union leaders and students are also now facing criminal prosecution.

- Use of mercenaries
 - It can be concluded that foreign nationals have taken part in the conflict, including using force which violates human rights law. Moreover, the continued recruitment of foreign nationals violates the UN Convention against Mercenaries. These violations, nevertheless, are not new in the Kingdom of Bahrain. The use of mercenaries by security forces in Bahrain has been a longstanding topic of concern., when in 2009, the Bahrain Center for Human Rights obtained information noting, that amongst the more than 1000 employees working for the NSA, 64% of them are non-citizens, mostly of Asian nationalities, further hinting at the validity of recruitment being done in Pakistan during the spring of 2011.³⁴

Recent Historical Background

While the protests which spread across the Middle-East North Africa (MENA) in the past year were often led by clear statements targeting the incumbent regime, as seen in Tunisia, Egypt, and Libya, the protests which began in February 2011 in Bahrain initially called for basic political reform. With the killing of Ali Mushaimi and Fadhel Matrook because of the fatal use of birdshot. the protestor's main demand cascaded into, the Arab Spring chant, 'The people want the fall of the regime!'. The registered political societies still shied away from this demand and entered secret talks with the government. Other groups in the opposition, demanded outright removal of the monarchy, though emphasizing the use of peaceful means and civil disobedience. The protests quickly escalated, culminating . After a brutal crackdown on the protest camp at the symbolic site of Pearl Roundabout, a strong undercurrent of continuous smaller protests occur on a daily basis in many villages across Bahrain. By the MOI's own admission there have been 1300 protests over the past 5 months alone.. These are regularly met with aggression and excessive use of teargas and bird shotgun pellets to clear protest areas. Thus, the number of dead has continued to rise as injured people succumb to their injuries, sometimes months afterwards, and others suffer poisoning and suffocation from teargas canisters.

Over the past 12 years since the accession of the current King, Bahrain's opposition groups have become more and more frustrated with the progress of reform promised by the government. As the old power disparities were entrenched in the fields of employment and access to government offices, anger with the system started to build up, increasing after the Bandar report.³⁵ This report implicated the government in a policy of social engineering to bring in Sunni migrants to reduce the Shia majority, leading to employment problems for native Bahrainis. Tension increased in 2010 with the imprisonment of activists on terrorism charges.³⁶ Taken together, it is clear in hindsight that the political temperature in Bahrain at the start of 2011 was about to reach boiling point when Mohammed Bouazizi set himself on fire in Tunisia to protest the economic discrimination suffered by working class people in the Arab world. In doing so he touched a chord with people all over the region who have seen their autocratic leaders enrich themselves at the expense of political and social reforms.

³⁴ [BCHR, *Bahrain: Dangerous Statistics and Facts about the National Security Apparatus*, 5 March 2009](#)

³⁵ [Al-Bander report](#)

³⁶ [Amnesty International, *Bahrain activists must receive a fair trial*, 6 September 2010](#)

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I - Introduction

A - Mandate and methods

The mandate for this report comes from the collective will and work of Bahraini civil society organizations. As stakeholders in the situation of human rights in Bahrain, we feel that it is our duty to present as impartially as possible our view of the offences committed in order to shed light on the political and social situation in Bahrain. This report is presented on behalf of the Bahrain Center for Human Rights (BCHR), the Bahrain Society for Human Rights (BSHR), Bahrain Transparency Society (BTS) and the Bahrain Youth Society for Human Rights (BYSHR).

These organizations have collectively compiled a mountain of data, cases and evidence, only a summary of which is contained below. We have worked to shed light on the extent of the suffering endured by ordinary Bahrainis and drawn conclusions and made recommendations from the evidence. We have sifted through news reports, sought the assistance and advice of other organizations such as Redress in addressing the legal framework of the human rights violations and consulted widely among Bahrainis and others with relevant human rights expertise both in Bahrain and abroad.

II - Background

The Kingdom of Bahrain is an island state near the Western shore of the Gulf with a total area of 760 sq km. It is connected to Saudi Arabia in the West via the King Fahd causeway, and Qatar is to the South East.³⁷ The population in 2010 stood at 1,234,571, including 568,399 non-nationals and 666,172 nationals.³⁸ Bahrain is relatively high on the Human Development Index (HDI), at a ratio of 0.8 compared to an average of 0.59 for Arab states. In 2011 Bahrain was the 42nd most developed state in the world on UNDP's HDI, down three places since 2010.³⁹ However, the index shows that this development has been stagnant since 2006.⁴⁰ Bahrain also ranks low (122) on the Economist's Democracy Index⁴¹, where it is ranked as an authoritarian regime. This was in line with a report produced by the US think-tank Freedom House, which downgraded Bahrain from 'partially free' to 'not free' due to worsening sectarian tensions and political oppression in 2010.⁴²

Bahrain is distinguished among GCC countries by two characteristics. First, the sectarian structure is different than in the other GCC states, as the majority of Bahrain's population are

³⁷ [CIA World Factbook, Country Profile: Bahrain, 9 November 2011](#)

³⁸ [Central Bank of Bahrain Economic Indicators report, 2010 demographics, March 2011, p4](#)

³⁹ [International Human Development Indicators, Country Profile: Bahrain, 2011](#)

⁴⁰ Many opposition groups in Bahrain attribute this economic stagnation on the government's policy of encouraging immigration from Sunni countries and naturalising thousands of foreign workers.

⁴¹ [The Economist Intelligence Unit's Index of Democracy 2010](#)

⁴² [Freedom House, Country Report: Bahrain, 2010](#)

Shiites, and Sunnis represent the minority. The second feature is that the political movement and the movement of the opposition in Bahrain is the oldest and most active among these countries.

Bahrain has been ruled by the Al-Khalifa dynasty since the late 18th century. They were part of the Bani Utbah tribal alliance which defeated Sheikh Nasr Al-Madhkur at the 1782 Battle of Zubarah⁴³. This was a time of much political upheaval, with the rise of British imperial influence forcing the Al-Khalifa family to request protection on more than one occasion from Persia, as well as invasions of the island by Omani and Saudi tribes. In 1820, the Al Khalifa dynasty entered into an informal treaty relationship with Great Britain, by then the dominant naval power in the region, granting the Al-Khalifa the title of Rulers of Bahrain.

As in many Arab states, the tribal system was the basis for social organization in Bahrain. The historic tribal control of particular families or dynasties over states like Saudi Arabia, Syria, Libya and Bahrain created an oligarchic system which is resistant to the democratizing demands of popular movements. “[T]he characteristics of the Bahraini ruling system and its rentier economy impede any transition to a democratic regime”⁴⁴ notes an editorial piece in Al-Akhbar newspaper.

The Al-Khalifa rulers maintained a balancing act between Britain and Persia in an attempt to secure their independence. This independence slowly diminished as Britain asserted its control over the island with formal treaties in 1861 and 1892 to the exclusion of Persia. During the late 19th Century, Bahrain developed a cosmopolitan culture with many trading families from the Gulf, India and elsewhere making the island their home.

Bahraini authorities rejected demands in 1938 and 1954 for the establishment of an elected legislature. The events of the 1954 shaped the security doctrine of the state followed by the elimination of the supreme body and exile of political leaders in 1956.⁴⁵ After that there was a period of political silence as a result of the repressive measures imposed, including the Emergency Law and the Penal Code.⁴⁶

With the declaration of independence a Constituent Assembly was formed to write a modern constitution for Bahrain. However, the Bahraini government was determined to impose their authority and limit the extent of political reforms.

The constitutional period lasted from 1973-1975. Subsequently, Bahraini politics was marked by constitutional emptiness and political and sectarian tension. From the mid seventies until the end of the nineties, Bahrain faced repeated political crises. The adoption of several laws limited constitutional provisions of freedom of opinion and expression and regulation.⁴⁷ On August 24,

⁴³ On tribalism in Bahrain, see Khalaf, Abdulhadi (1998). [Contentious politics in Bahrain: From ethnic to national and vice versa](#). University of Lund.

⁴⁴ [Al-Akhbar, Geopolitics and Democracy in Bahrain, 21 October 2011](#)

⁴⁵ [Miriam Joyce. The Bahraini three on St. Helena, 1956-1961, The Middle East Journal. Washington: Autumn 2000. Vol.54](#)

⁴⁶ [Bahrain Penal Code 1976](#)

⁴⁷ For example, the State Security Act 1974: “Government security forces use the State Security Act to detain persons deemed to be engaging in antigovernment activities, including persons who attempted to

1975, the Government of Bahrain presented its resignation due to the government's attempts to disable it, and the intelligence body launched a campaign of mass arrests of 150 citizens, then calling on the government to dissolve the National Assembly in 1975. Elections were not held for a new Assembly within two months as required by law, and the National Assembly remained idle for a period of 30 years.

In 1989, the Press and Publications Law No. (14) was issued which put controls on the media and limited freedom of expression. It also passed on the Law No. (21) of 1989 with respect to societies, organizations and associations which also curtailed the rights to assembly.

In 1992, the late Emir Isa bin Salman issued a decree establishing the Shura Council with the power to advise on draft laws and public policy of the State. It is composed of 40 members appointed by the head of state.

The Bahrain regime has conducted a policy of barring Shiites from some posts in the military, security, administrative and judicial branches of government. This policy is reflected by the indicators of social development for Shiites in Bahrain, for example the unemployment rate and the relative poverty and underdevelopment of Shia areas and villages. Against this backdrop, the anger and resentment of the Shia community increased to the point where many consider that they are treated as second-class citizens.

The relationship between opposition forces and the regime reached a low point during the 1990s, and the tension boiled over in 1994, with a popular protest movement demanding reform, equal rights and a return to the Constitution of 1973. Clashes with the government lasted until 1998. A large number of demonstrators were detained and tortured and several opposition leaders were arrested. More than fifty people were killed by security forces, some of under torture in detention.

Hamad bin Isa Al-Khalifa succeeded his father in 1999, changing the name of the country from the State of Bahrain to the Kingdom of Bahrain, and his title from Emir to King. On becoming Emir, Hamad bin Isa gave a speech stating that he was ready to open the door for political reform. He issued Order No. 36 and 43 to form a Supreme National Committee to prepare a draft National Action Charter. After the draft was ready, he issued Order No. 8 of 2001 for a popular referendum on the draft National Action Charter, which was supported by the Shia community.

However, joy at the prospect of political reform was short-lived as one year later the King issued a new constitution including fundamental amendments which changed the structure and character of the state to protect the power of the establishment. This new constitution was also of a different character to the Constitution of 1973, issued by the half-elected Constituent Assembly.⁴⁸

exercise their rights of free speech, assembly, and association, or other rights." From [World organization Against Torture, August 2000](#)

⁴⁸ The 2002 Constitution led to the following outcomes:

- Reinforcing the absolute powers of the king, diminishing the powers of the appointed legislature with its subordination the appointed Shura Council, accompanied by the gerrymandering of electoral constituencies.
- Reducing the financial control of the House of Representatives and subordinating it to the Royal Court which belongs to the King.
- Diminishing political control over the post of the prime minister by preventing questions about his conduct and allowing his interrogation of other ministers.

These actions were seen as a coup against the provisions of the National Action Charter and coincided with the King's issuance of decree-laws contributing to the deepening crisis, such as Decree Law No. (56), providing legal impunity for those who committed acts of torture during the crisis of the 1990s.⁴⁹ With the continuation of the constitutional crisis and the boycott of political societies of the parliamentary elections in October 2002, the reform project began to fade and new political crises added to social tension. The most significant crisis came from the publication of the Al-Bander report in 2006⁵⁰, which provided strong evidence to prove a government policy of demographic engineering by naturalizing thousands of foreign Sunnis.

In 2006, the National Security Agency was created as a separate body no longer responsible to the Minister of Interior, and increasing to four the number of security agencies, with the Bahrain Defense Force, Army and Ministry of Interior.

The judiciary in Bahrain is under the control of the King, who appoints the judges and dismisses them after consulting the Supreme Judicial Council, which is appointed by the King. Many criticisms have been raised to the judiciary system regarding judgments issued in political cases and the inability of the system to stop human rights violations.

The disappointment at the failure of the reform process, the continuation of low level protests and the political marginalization of the Shia community is the background leading to the outbreak of mass-protests at the start of 2011.

Legal System of the Kingdom of Bahrain

The Bahrain Constitution, adopted 26th May 1973 states in Article 1, "Bahrain is an Arab Islamic State". Article 2 affirms Islam as the official religion and identifies the *shari'a* as a main source of legislation. However, Bahrain had a long exposure to British common law, and this provides a secondary source of legal authority.

Bahrain is a hereditary monarchy, and the ruling regime, according to the constitution of 2002, is based on the existence of legislative authority, executive authority and judicial authority. The King has a central role in all of these authorities⁵¹ in terms of their composition and in the exercise of their authorities. In addition, he exercises the functions of the state administration individually through royal commands issued by him independently. The ministers are appointed by the King and the Prime Minister independently. Most ministers are appointed from within the ruling family and they hold key ministries such as those of foreign affairs, oil, finance and defense. The judiciary in Bahrain is under the control of the King, who appoints and dismisses judges after consulting the Supreme Judicial Council, also controlled by the king.

The judiciary is organized into two separate branches: the civil law courts and the Shari'a courts. The civil law courts, through their two branches (criminal and civil), adjudicate all civil and commercial cases, criminal cases, and personal status cases involving non-Muslims. The Courts of Minor Causes (the Lower Courts and the Court of Execution) have one judge with jurisdiction

⁴⁹ [Bahrain Decree Law no.10 of 2001](#)

⁵⁰ ["Al Bander Report": Demographic engineering in Bahrain and mechanisms of exclusion, 2006](#)

⁵¹ [Article 33 of the 2002 constitution](#)

over minor civil, commercial, and misdemeanor cases.⁵² The High Civil Courts have three judges with jurisdiction over larger civil and commercial cases, felonies, and personal status cases involving non-Muslims.⁵³ The Civil High Court of Appeal has a panel of three judges and hears appeals. Both the civil and criminal court systems have a Supreme Court of Appeal, and a Court of Cassation, which is the final appellate court. There are also Shari'a courts which have jurisdiction over personal status cases involving citizen and noncitizen Muslims. The judicial authority is managed by The Higher Judicial Council, headed by the King. The King appoints the members of the council.⁵⁴ The President of Court of Cessation, who belongs to the ruling family and acts as the second deputy of this council, manages its affairs.⁵⁵

The constitution established the Constitutional Court to rule on the constitutionality of laws and statutes. The court's membership consists of a president and six members, all appointed by the King. These seven judges serve nine-year terms and cannot be removed before their terms expire. The court's determination is final and "binding on all state authorities and on everyone," according to the constitution. The Constitutional Court, as well as the civilian and military judges and the members of the prosecution are also all appointed by royal decrees without any mechanism to allow public participation in their choice.

The military sector maintains a separate court system that only tries military personnel accused of offenses under the Military Code of Justice. However, since March, special military courts were established under the auspices of the Bahrain Defense Force, called National Safety Courts, to try civilians on protest-related charges.

⁵² [U.S. State Department, *Bahrain Country Reports on Human Rights Practices*, 6 March 2007](#)

⁵³ [Arab Center for the Development of the Rule of Law and Integrity, Bahrain country profile.](#)

⁵⁴ According to the text of Article (69) from the decree no 42/2002 related to the promulgating of the law of the judicial authority and its amendments.

⁵⁵ Based on Royal Decree no 44/2002 that appointed him to head the council meetings in case of the absence of the King.

III - Findings

A - Introduction

This report focuses on reports of human rights abuses committed since the start of the protest movement in Bahrain in 2011. However, lack of press freedom and freedom of association have been ongoing for some time. The Bahrain Penal Code (1976)⁵⁶ and Press Law (2002) are often used to target dissenting voices by shutting down publications or preventing access to websites unfavorable to the government. The amendments made in 2008 to the Press Law saw the elimination of prison sentences for journalists and prior censorship, though the potential remained for journalists to be charged and jailed under provisions of the Penal Code and the Anti-Terrorism Law⁵⁷.

The Civil Service Bureau Act 1 in 2003 banned the establishment of unions in the governmental sector. Government staff are allowed to join a union which has been established by a non-governmental entity outside the government sector.⁵⁸ As mentioned earlier, dissatisfaction with the slow pace of reform and the continued entrenchment of the power of the ruling dynasty created the conditions which allowed such a large protest movement to emerge in Bahrain.

B - The events from February 2011

The events which prompted the establishment of the Bahrain Independent Commission of Inquiry (BICI) began with peaceful protests in Bahrain in February 2011, in which participants called for immediate political reform. These protests were inspired by popular uprisings in other countries in the Middle-East North Africa (MENA) region, as shown by the events of February 4, 2011, when protesters assembled in front of the Egyptian Embassy in Manama, expressing solidarity with protesters in Egypt.

This initial assembly then culminated in the February 14th protest in and around Manama. According to protesters, these demonstrations were peaceful. The government of Bahrain has disputed this claim, a matter further examined in Section IV A. (Excessive use of force against demonstrators). The Government's initial use of force against these first demonstrations and the subsequent deaths of several protesters resulted in a surge of participants and demonstrations the following day, February 15, 2011, culminating in the protesters' control of the Manama Pearl Roundabout. This caused an escalation of force by the Government, resulting in the participants calling for the abdication of the Monarchy. This caused a continued use of force by the Government until by mid-March the Gulf Cooperation Council (GCC) deployed Peninsula Shield

⁵⁶ [Bahrain Penal Code 1976](#)

⁵⁷ [OpenNet Initiative, *Internet Filtering in Bahrain, 2009*](#)

⁵⁸ [The Civil Service Bureau, Act 1 2003](#) (Arabic only)

Force Troops to Bahrain, comprised primarily of Saudi and UAE troops, with Kuwaiti naval support. There was no official statement regarding Qatar and Oman's involvement. A State of Emergency was later declared in late March resulting in increased attacks by Security forces against protesters.. At present, pro-democracy demonstrations continue to occur throughout Bahrain resulting in consistent government-led crack-downs. The major developments can be summarized as follows:

Bahraini authorities appear to have been eager to halt any mass demonstrations calling for political reform in the early days of February 2011. The blocking of an electronic group on the social networking site, Facebook, by Bahraini Authorities on February 6th points to such efforts. Various groups on the site called upon people to assemble and protest against the lack of democratic reform on the part of the national authority on February 14th, and not regime change as seen in other Arab protests.

Two days after the electronic group was launched on Facebook, the Information Affairs Authority blocked the Facebook page of a group called 'The Revolution of 14th February in Bahrain', which called for immediate democratic reform, as well as an end to the government supported policy of political naturalization. February 14th was selected due to the fact that it coincides with the tenth anniversary of the King unilaterally altering the Bahraini Constitution in 2002, known formerly as the National Action Charter.

Authorities also arrested a number of bloggers and electronic activists including prominent Bahraini blogger Ali Abdulemam, as well as the academic blogger Abdul-Jalil Al-Singace, both accused of terrorism, prior to the February protests and even prior to the Tunisian Revolution. It also prosecuted the electronic activist Mohammed Al-Rashid due to topics he published on electronic forums. In response to the National Authority's efforts to curb freedom of expression and assembly, on February 12th The Bahrain Center for Human Rights sent an open letter to the King of Bahrain, asking the government to avoid further escalating the already existing tension, by releasing more than 450 detainees including human rights defenders, religious figures and more than 110 children, dissolving the Security apparatus, to prosecute its own officials responsible of violations, and to start serious dialogue with civil society and opposition groups on disputed issues such as political participation, corruption by high officials, housing and low income problems and discrimination and naturalization on sectarian basis.

The letter from the BCHR to the King of Bahrain came in the wake of a widespread call on Facebook and other internet mediums for widespread protests to begin on Monday 14th February 2011, also known as a "Day of Rage" in Bahrain. Up to the time of issuing this release, one of the many pages engaged in this campaign has attracted more than 85.000 fans.⁵⁹

In response to the growing protests throughout the region, as well as the increase in social media calls for a "Day of Rage" on February 14th, the King of Bahrain, Hamad bin Isa Al Khalifa, granted each Bahraini family roughly \$2,700 American dollars, this coming less than 24 hours after Mubarak's resignation. Nevertheless, "The Day of Rage" commenced with demonstrations taking place in villages surrounding Manama on February 14th. Authorities sought to disperse protesters using tear gas, rubber bullets, and pellet shotgun rounds resulting in the death of 21

⁵⁹ [Bahrain Facebook campaign website](#)

year old Ali Abdul Hadi Mushaima in the village of Nuwaidrat. Protests were also held in a number of other towns in the country.

On the following day, February 15th, a funeral procession from the hospital to the cemetery for Ali Abdulhadi Mushaima took place, with thousands in attendance, according to eyewitness reports. During the procession riot police opened fire at the gates of the hospital, forcing gatherers to flee into the hospital for refuge, ultimately injuring 25 and killing one, Fadhel Ali Almatrook. Protests subsequently intensified on February 15th with Al-Wefaq National Islamic Society, the main opposition party, joining the protests. Protesters were ultimately able to gain control of the Pearl Roundabout in Manama, similar to the capture of Tahrir Square during Egypt's previous revolt.

In the Government's response to the protesters control of the Pearl Roundabout, at 3:00 am local time, on February 17th riot police attacked Pearl Roundabout, where a makeshift camp had been constructed. Live fire, tear gas, and batons were used during the attack resulting in three deaths and over 100 injuries⁶⁰. The Royal Bahraini Defense Force, which is under the command of the king, subsequently took control of the capital. Attacks by government forces continued throughout the next day with targets including protesters, medics, and the press, leading to the death of Abdulridha Buhmaid by a gunshot to the head. Up until March 13th protests continued to take place throughout Manama and neighboring towns. By 25 February, media reports indicated that protesters rallied again at Pearl Roundabout numbering tens of thousands in the 12th straight day of protests⁶¹.

In the Government's response to the protesters gathering in the Pearl Roundabout, at 3:00 am local time, on February 17th riot police attacked Pearl Roundabout, where a makeshift camp had been constructed. Live fire, tear gas, and batons were used during the attack resulting in 5 deaths and over 100 injuries.⁶² The Royal Bahraini Army subsequently took control of the capital. Attacks by government forces continued throughout the next day with targets including protesters, medics, and the press.⁶³ By 19th February, protesters rallied again at Pearl Roundabout numbering tens of thousands in the following days.⁶⁴

Starting from 11th March, altercations between Government forces and protesters nevertheless continued culminating in government forces firing tear gas and bird shot pellets at protesters at Manama's Financial Harbor and the Pearl Roundabout on March 13th.

On the same day, on the University of Bahrain's campus, government-sponsored mercenaries terrorized and attacked students. The Government of Bahrain has disputed this claim, a matter

⁶⁰ [London Evening Standard, *Girl, 2, shot dead as Bahrain police swoop on peaceful protest camp*, 17 February 2011](#)

⁶¹ [BBC, *Bahrain unrest: Tens of thousands rally in Pearl Square*, 26 February 2011](#)

⁶² [London Evening Standard, *Girl, 2, shot dead as Bahrain police swoop on peaceful protest camp*, 17 February 2011](#)
[Amnesty International, *Bloodied but Unbowed Unwarranted state violence against Bahraini protesters*, March 2011](#)

⁶³ [Al Wasat, *Attacks on the press \(Arabic only\)*](#)

⁶⁴ [BBC, *Bahrain unrest: Tens of thousands rally in Pearl Square*, 26 February 2011](#)

further examined in Section IV K. (The Right to Education). There were four serious cases of injury and about eighty to one hundred students were transferred to the hospital due to suffocation caused by tear gas.

Students were attacked in the University of Bahrain's Sakheer campus, by government supported individuals as result of a spontaneous and unplanned rally that was organized by some female students. Some students requested that the administration of the University to protect the students from security guards carrying knives and sticks, but unfortunately the University's administration did not respond. More pro-regime thugs arrived to support the University's Security Guards and policemen. They attacked students in some of the University's facilities, leaving some students with serious injuries These events resulted in charges to students and academics who were then interrogated, dismissed or having their scholarships stopped.

Further videos/pictures of the attack show the following:

- Students in one of the university buildings screaming after being attacked.⁶⁵
- Student on his way to the university, recording the regime-supported individuals in white dress, which cannot be confused with protesters as the protesters do not wear white dress, holding sticks. After which time his car has been shot by a police officer.⁶⁶
- Pictures explaining how the "regime-supported individuals" came into the university without being stopped by the police officers who were enabling the attacks through not interfering⁶⁷

On March 14 The Gulf Cooperation Council, a six nation regional group consisting of Bahrain, Saudi Arabia, Kuwait, Oman, the United Arab Emirates, and Qatar agreed to send Peninsula Shield Forces into Bahrain. According to the Bahraini government, the use of these troops was to "restore and preserve public order".⁶⁸ However, this act by the GCC is illegal according to the treaty established by GCC members. In the 1984 the Kuwaiti Emir noted that GCC forces are not to be used against internal uprisings, but strictly foreign threats.⁶⁹ The entrance of Peninsula Forces also coincided with a three month state of security(martial law) by the government where significant arrests, which were primarily conducted at night, curfews, student expulsions, sackings, torture, and crackdowns on protests were seen, including the demolition of the Pearl Roundabout on March 18th. The state of martial law was eventually lifted on 1 June, yet hundreds of incidents of arrest, torture, and other violations against international law were rampant during this period and will be further addressed in Section IV. On June 29th The Bahrain Independent Commission of Inquiry (BICI) was established by King Hamad to examine the events of the preceding months.

⁶⁵ [Students after attack at UoB](#)

⁶⁶ [Regime supporters attack car of a bystander at UoB](#)

⁶⁷ [Pictures of pro-government thugs being allowed into the university.](#)

⁶⁸ [New York Times, Saudi Troops Enter Bahrain to Help Put Down Unrest, 14 March 2011](#)

⁶⁹ [Emir of Kuwait speaking in 1984 \(Arabic only\)](#)

The security force and some of the regime-supported individuals organized a systematic attack on Sitra on 15 March that lasted from morning until night; resulting in three deaths. Adding to that tens of injured, many sustained serious injuries due to the excessive use of the fire weapons after closing the area and isolating it from the surrounding areas. The attack targeted the health center of the area and isolated it.

A State of National Safety was later declared on March 15th, resulting in increased attacks by Security forces against protesters.. At present, pro-democracy demonstrations continue to occur throughout Bahrain resulting in consistent Government led crack-downs. The major developments can be summarized as follows: significant arrests, curfews, and crackdowns on protests were seen, including the demolition of the Pearl Roundabout on March 18th. The state of martial law was eventually lifted on 1 June, yet several incidents of arrests, torture, and other violations against international law were rampant during this period and will be further addressed in Section IV. On June 29th The Bahrain Independent Commission of Inquiry (BICI) was established by King Hamad to examine the events of the preceding months.

C - International Legal Framework for Analysis

1. Bodies of Applicable Law

The two main bodies of international law that will be referred to are international human rights law and international criminal law. Due to the nature of the situation in Bahrain, references to international humanitarian law are not relevant. International humanitarian law describes the law of armed conflict, where a non-international armed conflict is one where “protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State [party to the Geneva Conventions]”⁷⁰. As such the situation in Bahrain lacks the element of a conflict between the State and an armed group – the protests are grassroots uprisings which are not armed – and therefore cannot be characterized as an non-international armed conflict regulated by international humanitarian law.

2. International Human Rights Law

Bahrain is party to the following human rights treaties: the International Covenant on Civil and Political Rights (ICCPR),⁷¹ the International Covenant on Social, Economic and Cultural Rights (ICESCR),⁷² the Convention on the Elimination of all forms of Racial Discrimination (CERD)⁷³, the Convention on the Elimination of Discrimination Against Women (CEDAW),⁷⁴ the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment (CAT),⁷⁵ the

⁷⁰ [International Committee of the Red Cross \(ICRC\), “How is the Term “Armed Conflict” Defined in International Humanitarian Law?,” Opinion Paper, March 2008](#)

⁷¹ Ratified by Bahrain on 20 September 2006

⁷² Ratified by Bahrain on 27 September 2007

⁷³ Ratified by Bahrain on 27 March 1990

⁷⁴ Ratified by Bahrain on 18 June 2002

⁷⁵ Ratified by Bahrain on 6 March 1998

Convention on the Rights of Child (CRC),⁷⁶ and the Convention on the Prevention and Punishment of the Crime of Genocide.⁷⁷ Thus as a state party to the aforementioned treaties, Bahrain is bound to respect, protect, promote, and fulfil the human rights of all persons within its jurisdiction, including the right to effective remedy and reparations. The State is also obliged to investigate and take action against those allegedly responsible for particular violations.⁷⁸ With regards to particular provisions of human rights law that form customary international law, Bahrain is similarly bound to these rules – among these peremptory norms are included the right to life, right to freedom from torture, cruel, inhuman or degrading treatment and right to freedom of thought, conscience and religion.

Bahrain has informed the Secretary-General of a State of National Safety, declared on 15 March 2011 for a period of three months.⁷⁹ Article 4 of the ICCPR allows for derogation from their obligations under the ICCPR “in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed.” Derogation may only be permitted “to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involved discrimination solely on the ground of race, color, sex, language, religion or social origin.” Additionally, Article 4 provides that certain provisions of the ICCPR are non-derogable – especially relevant to the situation in Bahrain are the right to life, freedom of thought, conscience and religion, the prohibition of torture or cruel, inhuman or degrading treatment and the prohibition of being held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence. Exercising this right, Bahrain has informed the Secretary-General of its derogation from the right to liberty and security of person, right to liberty of movement and freedom to choose residence, prohibition of expelling an alien only in pursuance to the law, prohibition of arbitrary or unlawful interference with privacy, family, home or correspondence and to unlawful attacks on honour and reputation, freedom of expression and opinion and the right to peaceful assembly and freedom of association.⁸⁰ Derogation from these provisions applies only during the state of emergency of 15 March 2011 to 1 June 2011, when Bahrain declared an end to martial law.

3. International Criminal Law

International criminal law is a branch of international law that prohibits crimes that are viewed as the most serious crimes of concern to the international community and to hold those responsible for such crimes accountable. These crimes include the crime of genocide, crimes against humanity, war crimes and the crime of aggression. Although Bahrain is not party to the Rome Statute of the International Criminal Court (ICC), the ICC may exercise jurisdiction over Bahrain if as according to Article 13, the crime(s) that appears to have been committed is referred to the Prosecutor by a State Party or the Security Council or if the Prosecutor initiates an investigation into the crime(s).⁸¹ According to the violations as documented and analysed by BCHR, supported

⁷⁶ Ratified by Bahrain on 13 February 1992

⁷⁷ Ratified by Bahrain on 27 March 1990

⁷⁸ See *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, adopted by the General Assembly in December 2005.

⁷⁹ [Bahrain's statement to the UN on its derogation from articles of the ICCPR](#)

⁸⁰ [As notified by Bahrain's permanent representative to the UN, Tawfeeq Ahmed Almansoor to the Secretary-General on 28 April 2011](#)

⁸¹ Article 13 of the Rome Statute

by an advisory opinion by the European Center for Constitutional and Human Rights (ECCHR) to the Bahrain Independent Commission of Inquiry (BICI), the crimes committed in Bahrain may constitute crimes against humanity under the Rome Statute.

Crimes against humanity are committed where certain acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. The following is a list of individual crimes as laid out in the Rome Statute of the ICC that constitute crimes against humanity that are most relevant to the violations committed in Bahrain: namely murder^[1], imprisonment, torture, persecution against an identifiable group or collectivity, enforced disappearance and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health.

Crimes against humanity must be directed against a civilian population, or those not taking part in armed conflict, and condoned or acquiesced by a government or de facto authority. The contextual elements that must be fulfilled for crimes against humanity are that of the widespread requirement and the systematic requirement, as laid out in Article 7 of the Rome Statute.

In the *Prosecutor v. Akayesu*, the International Criminal Tribunal for Rwanda (ICTR) defined the concept of 'widespread' as "massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims."⁸² The Court defined the concept of 'systematic' "as thoroughly organized and following a regular pattern on the basis of a common policy involving substantial public or private resources." In the *Tadic* case, the International Criminal Tribunal for the former Yugoslavia (ICTY) stated that 'widespread' refers to the large-scale nature of the attack and the number of victims, whereas 'systematic' refers to the organised nature of the acts of violence and the improbability of their random occurrence .

⁸² *Prosecutor v. Akayesu*, Judgment, September 2, 1998, para. 579; see also, *Kordic and Cerkez*, ICTY, trial chamber, February 26, 2001, para. 179; *Kayishema and Ruzindana*, ICTR Trial Chamber, May 21, 1999, para. 123.

IV - Violations

A. Excessive use of force against demonstrators

1 - Introduction

Bahrain rose to prominence within the international media in February because of the force which the government used to crush the demonstrators. Most in the West had never heard much about the country, and for Western governments, it had been seen as a relatively liberal and stable place. The recent uprising and crackdown in Bahrain is not a new development but has been seen many times over the past two decades⁸³ and also during the colonial period to suppress the anti-colonial independence movement. However, it is clear that the Bahraini government felt the need to send a particularly strong signal to the protesters that what happened in Tunisia and Egypt would not happen in Bahrain. To this end, it sought military assistance from Saudi Arabia and other GCC states who sent troops to help reinforce the military control of the government.

2 - Applicable Law

The ICCPR prohibits arbitrary deprivation of life (Article 6), cruel, inhuman or degrading treatment or punishment (Article 7) and guarantees the security of persons (Article 9). Extra-judicial execution by law enforcement officials (whether police, military or other members of State security forces) therefore amounts to a serious breach of international law. Elements of 'soft law' adopted by the UN, in particular the *Code of Conduct for Law Enforcement Officials* and the *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*⁸⁴ provide further guidance on this subject. Non-violent means are to be used as far as possible before resorting to the use of force (principle of "necessity"), and any use of force must be limited to that which is proportionate to the seriousness of the offence and the legitimate objective to be achieved (principle of "proportionality").

Firearms are to be used only in self-defence or in defence of others against imminent threat of death or serious injury; to prevent a particularly serious crime involving grave threat to life; or to arrest a person posing such a threat and who is resisting efforts to stop the threat or to prevent that person's escape. Before using firearms, law enforcement officials must identify themselves and give a clear warning that firearms will be used. Sufficient time must be provided for the

⁸³ Fakhro, Munira A. 1997. "The Uprising in Bahrain: An Assessment." In *The Persian Gulf at the Millennium: Essays in Politics, Economy, Security, and Religion*, eds. Gary G. Sick and Lawrence G. Potter: 167–188. New York: St. Martin's Press. [ISBN 0-312-17567-1](#)

⁸⁴ *Code of Conduct for Law Enforcement Officials*, adopted by General Assembly Resolution 34/169, 17 December 1979; and *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, adopted by the Eighth United Nations Conference on the Prevention of Crime and the Treatment of Offenders, 7 September 1990

warning to be observed, unless this would create a risk of death or serious harm to the officer or other persons, or would be clearly inappropriate or pointless in the circumstances.⁸⁵

3 - Factual Findings

The first person to be killed during the protests was on the initial 'Day of Rage', on February 14th. Ali Abdulhadi Mushaima, 21, was shot by police with birdshot from close range in the back. Mushaima died on his way to Salmaniya hospital, where his death was announced an hour later. The next day, a crowd of protesters gathered at the hospital to accompany his funeral procession back to the town of al-Daih, and the protesters were again attacked by riot police with teargas and birdshot, injuring around 25 and resulting in the death of Fadel Salman Matrouk, reportedly shot with a 'hollow point bullet', according to the BBC.⁸⁶ "All the reports from independent journalists and Bahraini human rights groups indicate that security forces used lethal force unlawfully against anti-government demonstrators," said Joe Stork, deputy Middle East director at Human Rights Watch.⁸⁷

The next four protesters to die were killed on February 17th during the riot police's attempt to clear Pearl Roundabout by force. Mahmood Ahmed Makki, Ali Mansoor Kudhair and Ali Ahmed Abdulla al-Moumen were all killed when police attacked protesters around 2.30am while they were sleeping. Isa Abdul-Hasan was killed later that morning while attempting to reach the roundabout. Abdul-Hasan's large headwounds show that he was probably shot at very close range, while Kudhair had 91 birdshot pellets removed from his body.⁸⁸ The case of Ali Ahmed Abdulla al-Moumen is interesting. In a press conference in May, the Minister of Justice accused the doctors at Salmaniya of killing Ali by enlarging the wounds on his thigh.⁸⁹ Later in August, the MOI said one of its men was responsible for the murder of AlMoumen by mistake.⁹⁰

The next day, February 18th, protesters marched back to the roundabout and were shot with live ammunition by the army. Abdul-Redha Mohammed Buhmeid was shot in the head and died three days later in hospital. The video of the attack⁹¹ shows that the army did not fire any warning shots before attacking the protesters, and photos of the injuries⁹² suggest that army aimed at the upper body area of the victim.

On March 16th, the violence increased again, with three protesters being killed by security forces and army around the Pearl Roundabout area in the second attempt to clear the protest camp.⁹³ A fourth man from India, Steven, unaffiliated with the protest camp, was shot and killed on a

⁸⁵ See Article 3 of the *Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*.

⁸⁶ [BBC, Bahrain protests: King announces probe into two deaths, 15 February 2011](#)

⁸⁷ [HRW, Bahrain: Stop Attacks on Peaceful Protesters, 15 February 2011](#)

⁸⁸ [New York Times, Bahrain Army In Charge After Police Shoot Protesters, 17 February 2011](#)

⁸⁹ [BCHR, Report on the death of Ali Moumen \(Arabic only\)](#)

⁹⁰ [BCHR, Report on MOI claiming responsibility for the death of Ali Moumen \(Arabic only\)](#)

⁹¹ [Bahrain's army deliberately kills peaceful protesters with live rounds](#)

⁹² [Photo showing the body of Abdul-Redha Mohammed Buhmeid \(Graphic\)](#)

⁹³ [HRW, Bahrain: Investigate Deaths Linked to Crackdown, 29 March 2011](#)

balcony by army in a helicopter.⁹⁴ The death of this man who was clearly taking not part in the protests attests to the indiscriminate nature of the attacks against civilians.

On the same day, the Bahrain government alleged that two security forces employees were killed as a result of being run down by cars but there was no reliable information particularly that the trial concerning their death was based allegedly on extracted confessions under torture.⁹⁵ Human rights organizations stress on the importance of conducting real investigations into these deaths and holding the perpetrators responsible based on factual evidence.

Deaths as a result of excessive force used against protests continued throughout the rest of 2011. Aklas Miah, a Bengali who had been in Bahrain for 30 years, was shot while protecting women protesters in Sitra on 15th March. Isa Mohammed Ali Abdullah, 71, died of teargas asphyxiation after his village was attacked by riot police on March 25th. Mohammed Abdulhussain Farhan, 6, the youngest person to die, also suffocated from teargas on March 30th in Sitra. Salman Isa Abdulrees was shot at a protest on March 16th and died on the 3rd of June from his injuries. Zainab al-Tajar also died on the 3rd of June from teargas suffocation after police attacked a protest where she was walking. Sayed Adnan Sayed Hassan died on June 24th from teargas suffocation when police attacked a religious event in Duraz. Zainab Hassan Ahmed al-Jumaa died on July 15th from teargas inhalation after police attacked a demonstration in Sitra. Isa al-Taweel died on July 31st from teargas inhalation. Ali Jawad Ahmad al-Shaikh, 14, died from a neck injury caused by a teargas canister on August 31st. Sayyed Jawad Ahmed died on September 14th from teargas inhalation. Jaafar Lutf Allah, 74, died from teargas inhalation on September 30th. Ahmed Jaber al-Qattan, 16, died from close-range birdshot wounds on October 6th. Ali Hasan al-Dehi, 78, died when police beat him outside his house near a protest in which he was not taking part, causing him to suffer a heart attack.

Although some of these victims were not themselves taking part in protests, many of them died in their houses in Sitra, which is a Shia village where informal protests are constantly taking place. Therefore the deaths of Mohammed Abdulhussain Farhan, Zainab Hassan Ahmed al-Jumaa, Isa al-Taweel and Jaafar Lutf Allah are still instances where excessive force against protests has resulted in civilian deaths.

There have been numerous other cases in which police have been filmed or photographed using force which seems to be excessive for the situation. An article recently posted on Global Voices details different videos of police cars which seem to be attempting to run over protesters, which the government has vehemently denied that the police do.⁹⁶ On November 18th, 16 year old Ali al-Satrawi was run over by riot police and died. Two others were taken to hospital with serious injuries.⁹⁷ Another of the most serious cases caught on video shows a sniper shooting a protester

⁹⁴ [Times of India, *Stray bullets kill Indian in Bahrain*, 18 March 2011](#)

⁹⁵ [Al Wasat News, *Two Policemen Alleged Run Down by Cars*, March 16, 2011.](#)

⁹⁶ [Global Voices Online, *Bahrain: Are Police Cars Running Over Protesters on Purpose?*, 12 November 2011](#)

⁹⁷ [Washington Post, *Bahrain protester killed by police vehicle*, 19 November 2011](#)

in Karrana village in mid-March.⁹⁸ There are many more videos of police engaging protesters using teargas and birdshot, resulting in many injuries mainly on the side of the protesters.⁹⁹

In September, a protest by 45 women, girls, and a few men in a Manama shopping center was met with disproportionate force as the women were rounded up, handcuffed and made to lie together on the floor.¹⁰⁰ Amnesty International issued an alert over fears about their illtreatment¹⁰¹, and their fears seem to have been realised, with reports of torture and the denial of medical access, one girl being rearrested from her hospital bed who was only 17 and suffering from sickle cell anemia.¹⁰²

4 - Summary

The security forces are using their weapons in a way that breaches the instructions of using them and in most times without the need of using them at all. Security forces did not apply safety measures when using their weapons on demonstrators, causing unnecessary injuries and in some cases injuring people not participating demonstrations. To add to that, the documented amount of injuries and places of injury on the protesters are a strong indication that security forces shot with the intent to injure the demonstrators and not for crowd control. There are too many instances of excessive force used against demonstrators to list them all here, and the list continues to grow by the day. Social media has helped to shed light on the extent of the violations occurring in Bahrain, helping to prove the case that the force used to crush the protests was excessive to the situation, as well as widespread and following a consistent pattern of the use of teargas and bird shotgun, often fired indiscriminately and from close range. A huge number of bird shotgun injuries were in the back, i.e. they were preparing to escape and not in a situation of facing the security forces. A report by BCHR has documented many cases of protesters being blinded by bird shotgun aimed at their faces.¹⁰³

The BDF is under the control of Field Marshal Khalifa bin Ahmed, who is known to head the hard-line faction of the Royal family. As the head of the military, he is ultimately responsible for the conduct of the officers under his command.

⁹⁸ [Russia Today report: Bahraini protester shot by sniper.](#)

⁹⁹ [Bahraini police firing birdshot at protesters from close range.](#)

¹⁰⁰ [Bahrain Youth Society for Human Rights: Police brutality against women.](#)

¹⁰¹ [Amnesty International, Torture fears for Bahraini women and girls in detention, 26 September 2011](#)

¹⁰² [Womens' News Network, Bahrain girl teen protester re-arrested in spite of health conditions, October 2011](#)

¹⁰³ [BCHR, Dozens of Bahraini protesters lose their eyes due to the continued use of excessive force by the security forces, 29 October 2011](#)

B. Torture and other forms of cruel, inhuman and degrading treatment.

1 - Introduction

Torture has been used frequently by the Bahraini government in the past. Notable cases include that of Ian Henderson, a former colonial officer employed in Bahrain who was accused by multiple witnesses of torturing prisoners.¹⁰⁴ Adel Flaifel, a notorious security officer identified by many detainees as having overseen torture¹⁰⁵, was given immunity under Royal Decree 56 of 2002. Between 1980 and 1998, 9 people died in detention as a result of torture, with 5 more died shortly after being released as a result of injuries sustained from torture. Reports released by Amnesty International¹⁰⁶ and Human Rights Watch¹⁰⁷ in the 1990s point to the widespread use of torture in Bahraini prisons. The latest report by HRW on the prevalence of torture in Bahrain is from February 2011.¹⁰⁸

Navi Pillay, UN High Commissioner for Human Rights, having received reports of torture urged Bahrain to investigate the claims, saying "There must be independent investigations of these cases of death in detention and allegations of torture."¹⁰⁹

In response to allegations of torture, the Bahrain authorities made an effort to seem as though they were investigating what they claimed were isolated cases of some guards overstepping their authority. Sheikh Abdulaziz bin Mubarak, Director of Media Relations at the Bahrain Information Authority, told ABC news in May that, "The government policy is of zero tolerance to any abuse of human rights, and on May the 11th, the Ministry of Interior has demonstrated willingness to see investigations through in a timely manner and have announced that the arrest of 5 prison guards alleged to be responsible for the death of one of the detainees while in police custody. Therefore, any isolated incidents come without official sanction and all allegations are really treated seriously."¹¹⁰ However, all five of those accused of torture were later released.

2 - Applicable Law

Bahrain is a signatory to the Convention Against Torture and other forms of cruel, inhuman or degrading treatment (CAT). Torture is one of the most serious crimes under international law, the

¹⁰⁴ [Documentary about Ian Henderson; BBC, *Is the UK facing up to Bahrain's past?*, 16 April 2003](#)

¹⁰⁵ [HRW, *Bahrain: Investigate Torture Claims Against Ex-Officer*, 16 December 2002](#)

¹⁰⁶ [Amnesty International *Bahrain: Further information on death in custody / arbitrary arrests / fear of torture*, 27 September 1995](#)

¹⁰⁷ [HRW, *Routine Abuse, Routine Denial: Civil Rights and the Political Crisis in Bahrain*, June 1997](#)

¹⁰⁸ [HRW, *Torture Redux*, 8 February 2010](#)

¹⁰⁹ [Al-Jazeera, *UN urges Bahrain to free detained activists*, 5 May 2011](#)

¹¹⁰ [ABC, *Bahrain denies Torture claims*, 14 May 2011](#)

prohibition of which is considered a *jus cogens* norm¹¹¹ and punishable under universal jurisdiction¹¹².

Jus cogens norms are customary rules of a fundamental nature and as set forth in Article 53 of the Vienna Convention on the Law of Treaties of 1969, are norms “accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.”¹¹³ As a peremptory norm of customary nature, freedom from torture is regarded as the most essential of human rights.¹¹⁴

The principle of universal jurisdiction holds that there are certain crimes regarded as so widely condemned and so heinous that “any state if it captures the offender may prosecute and punish that person on behalf of the world community regardless of the nationality of the offender or victim or where the crime was committed.”¹¹⁵

Torture and other forms of cruel, inhuman or degrading treatment are prohibited by Article 7 of the ICCPR. The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) defines ‘torture’ as,

*“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”*¹¹⁶

Allegations of torture not only mean a violation of Bahrain’s legal obligations to the CAT, but also a breach of fundamental freedoms as enshrined in the Bahraini Constitution and the Penal Code of 2002.

The Constitution of Bahrain in Article 19(d) prohibits torture: “No person shall be subjected to physical or mental torture, or inducement, or undignified treatment, and the penalty for so doing shall be specified by law. Any statement or confession proved to have been made under torture, inducement, or such treatment, or the threat thereof, shall be null and void.”¹¹⁷

¹¹¹ The body of peremptory principles or norms (including genocide, slavery and waging aggressive war) from which no derogation is permitted; which are recognized by the international community as a whole as being fundamental to the maintenance of an international legal order. [M Cherif Bassiouni, *International Crimes: Jus Cogens and Obligatio Erga Omnes*, 1997](#)

¹¹² “The doctrine of universal jurisdiction allows national courts to try cases of the gravest crimes against humanity, even if these crimes are not committed in the national territory” [Global Policy Forum, *Universal Jurisdiction*](#)

¹¹³ Article 53, Vienna Convention on the Law of Treaties 1969.

¹¹⁴ As argued by Steiner, Alston and Goodman (2008), “If anything is a human right, then it’s the right not to be tortured.”

¹¹⁵ M. Bassiouni, *II International Criminal Law*, Ch. 6 at 298 (ed. 1986).

¹¹⁶ Article 1(1) CAT

¹¹⁷ [Bahrain Constitution 2002](#)

Furthermore, the Bahrain Penal Code (Article 208) states that, “A prison sentence shall be the penalty for every civil servant or officer entrusted with a public service who uses torture, force or threat, either personally or through a third party, against an accused person, witness or expert to force him to admit having committed a crime or give statements or information in respect thereof. The penalty shall be life imprisonment should the use of torture or force lead to death.”¹¹⁸

The denial of medical access through the government takeover of Salmaniya Medical Complex (SMC) and the arbitrary arrest of medics who had treated patients there created a situation in which patients at SMC and doctors were subjected to torture and other cruel, inhuman and degrading treatment. While individuals have the right to medical access under domestic Bahraini and International law, the more serious legal violations committed through the repression of medics and patients at SMC are those resulting in torture for reasons noted above.

3 - Factual Findings

Out of a sample of 1,374 arrested persons, 1,330 confirmed their exposure to torture. 1,236 out of 1,406 confirmed their exposure to torture to extract confessions and 975 out of 1,357 confirmed the continuation of the torture after signing confessions. 935 individuals confirmed their exposure to torture because of their religious beliefs while 868 victims confirmed their exposure to insults and degrading treatment in reference to their religious beliefs. 885 confirmed that the torture was related to their political opinion. 860 victims declared that they were referred to as betrayers, as having committed treason against the state, and as infiltrators working for other countries. 495 victims confirmed that they were forced to glorify and praise the Prime Minister. Data collected by other organizations in Bahrain including LHRW suggest that the number of reported cases of torture is as high as 1866.

Torture also happened outside the prison, at checkpoints, as 166 cases of exposure to torture at checkpoints out of a sample of 237 cases of people stopped at checkpoints. Only 3% of the samples that were examined said that they had not been subjected to torture at checkpoints. The use of torture was widespread in almost all the detention centers and 450 cases of torture by the army against patients in the hospital were documented. 100 of the cases documented were exposed to electric shocks not withstanding those threatened with the use of it (by making them hear the sound of the electric current). The cases of torture were scattered in twelve places that belong to the MOI and three to the National Security Apparatus. 145 victims were tortured by hanging in eleven places that belong to the MOI and two that belong to the National Security Apparatus. Many different methods of torture that were used in the detention centers that fall under the jurisdiction of several departments belonging to different factions of the government involved in torture in the same pattern and within a short time frame (samples collected from 16th March until the 30th of September by LHRW).

Most cases of torture started at the time of arrest, whether the arrest took place in homes – which is usually done between 1 and 4am, schools, work places, checkpoints or from hospital beds. There are numerous reported cases of severe torture, such as torture by use of an electric stick, hanging from the ceiling with hands tied (faylaqa), slapping, standing for hours, being kicked by the police with their boots, hitting their heads against the wall several times, deprivation from drinking water and praying, and insulting the victims religious beliefs. The majority of victims were handcuffed and blindfolded for consecutive days. were soaked in cold water, burned with cigarettes and sexually harassed. Patients were taken from their beds in

¹¹⁸ [Bahrain Penal Code 1976](#)

hospitals. Though the government has long denied that they condone torture, they do not deny that it takes place in detention centers, the King even setting up a compensation fund to help victims.¹¹⁹ Because of the large number of cases, only the most prominent are listed below.

The most serious cases of torture were those which resulted in the deaths of four detainees. Ali Isa Saqer, Abdul Karim Fakhrawi, Zakarya Al Asheeri and Hassan Jassim Mohammed Makki all showed marks of torture on their bodies, while authorities released death certificates which attempted to prove that their deaths were the result of medical complications, or in the case of Saqer, the result of force used to subdue him when he became violent. The claim that Al-Asheeri died of sickle cell anaemia complications was rejected by his family, and his body was covered in bruises and wounds.¹²⁰

Many of the medics arrested by the police described how they were punished for publicising the extent of the violence. Roula al-Saffar talked to *The Independent* about how she was tortured to extract a confession.¹²¹ Nada Dhaif recounted a similar experience to *The Guardian*.¹²² Dr Fatima Haji spoke to Al-Jazeera about her torture, identifying Noura Al-Khalifa as one official who had participated in abusing her. Other international sources have reported the allegations made by some of the imprisoned medical staff and others such as Ayat Al-Qurmezi that Noura Al-Khalifa took part in their physical abuse.¹²³

Bahrain Youth Society for Human Rights (BYSHR) documented testimonies of patients who were at the SMC after the crackdown there which show how many were mistreated because their original injuries happened during the protests at Pearl Roundabout.¹²⁴ The Journal of American Medical Association also reported on violence directed at healthcare professionals and patients at Salmaniya in a report which can be read on the BCHR website.¹²⁵ Physicians for Human Rights also interviewed and reported on torture survivors from Salmaniya in April 2011.¹²⁶ A report published by MSF in April also documented how the SMC had become like a detention and torture facility for those unlucky enough to be treated there when it was taken over by security forces.¹²⁷

The MSF report also stated that “Hospitals and health clinics are no longer places to go for the sick or injured, but are rather places to be feared. As the military cracks down on protesters and medical personnel Médecins Sans Frontières has witnessed patients with critical and life-threatening injuries refusing to go to the hospital due to high levels of fear.”¹²⁸ It was possibly the outspoken attitude of MSF in Bahrain which eventually led to their offices being raided in July,

¹¹⁹ [Huffington Post, Bahrain: King Pardons Some Protesters, 28 August 2011](#)

¹²⁰ [RSF, No concessions to media as indiscriminate repression continues, 12 April 2011](#)

¹²¹ [The Independent, I was tortured in Bahrain police cell, says one of the doctors jailed for 15 years, 3 October 2011](#)

¹²² [The Guardian, Bahrain medic accuses police of torture, 30 September 2011](#)

¹²³ [The Times, Bahraini princess accused of torturing detainees during unrest, 3 October 2011](#)

¹²⁴ [BYSHR, Injured testimonies confirm that the hospital turned into prison, 16 August 2011](#)

¹²⁵ [JAMA, Human Rights Report Details Violence Against Health Care Workers in Bahrain, 3 August 2011](#)

¹²⁶ [Physicians for Human Rights, Do No Harm: A Call for Bahrain to End Systematic Attacks on Doctors and Patients, April 2011](#)

¹²⁷ [MSF, Health Services Paralyzed: Bahrain's Military Crackdown on Patients, 7 April 2011](#)

¹²⁸ Ibid

with medicine confiscated and one staff member arrested.¹²⁹ Shutting down clinics like this reduced medical access to protesters afraid to go to government controlled hospitals, resulting in further cruel, inhuman and degrading treatment of injured civilians.

In May 2011, the general manager of MSF issued another article under the title “From hospital to prison” in which he emphasized that “The only public hospital, that is Salmanya Medical Center, is subjected to continuous military control.”¹³⁰ Victims reported to Amnesty International how they were tortured and arrested from their beds in the SMC. Hamid Sayyid (not his real name), who was detained at the Salmaniya Medical Complex at the end of March, told AI:

“10 people dressed in police and army clothes entered the nursing room while I was alone in the room and beat and kicked me. Immediately after they took me to the police station in the ... village without explaining why they were taking me. Once there they put me in the middle of a room, blindfolded, and several men, I don't know how many, beat me and applied electric shocks on both legs.”¹³¹

A Bahrain military court jailed Sheikh Mohammed Ali al-Mahfoodh, Chairman of the opposition Amal Party, for 10 years on October 4th, 2011. His daughter Hajar says whilst in detention he was tortured so badly she could barely recognize her own father. She affirms there is no tangible evidence against him and his case is clear political persecution. She reported the facts of the case to Bahrain Justice and Development Network.¹³²

Sixteen women and four girls, detained on 23 September, are being tried on charges which include ‘illegal gathering’, and ‘incitement to hatred of the regime’. Some claim they have been tortured in detention and their lawyers have not been allowed to visit them. They may be prisoners of conscience if convicted. On 23 September Bahraini security forces arrested 38 women and seven girls in a city center mall in Manama. They were preparing to take part in a protest march that was heading for the GCC Roundabout (formerly Pearl Roundabout).

A representative sample of the testimonies of victims of torture sent to BCHR comes from Muntadher Jassim Moh'd Kadhem AlMahari, 20 years old, from Al Muqsha in northern Bahrain.¹³³ He describes being forced to stand, being repeatedly beaten and insulted, and being interrogated until he gave the responses which the torturers wanted. However, prisoners find that they continue to be subject to torture even after they have given false confessions, been tried and convicted.¹³⁴

From this and other cases, it is possible to see a pattern of torture emerging. Victims are often arrested at checkpoints, during night-time raids of their homes or from work, are immediately beaten, insulted and robbed, taken to a detention center where periods of interrogation and

¹²⁹ [MSF, *Bahrain: MSF condemns armed raid on its offices*, 5 August 2011](#)

¹³⁰ [Al-Jazeera, *Bahrain: From hospital to prison*, 12 May 2011](#)

¹³¹ [Amnesty International, *Bahrain: A Human Rights Crisis*, 21 April 2011](#)

¹³² [Bahrain Justice and Development Network, *Interview with daughter of jailed opposition leader*, 4 October 2011](#)

¹³³ [Testimony of a victim of torture to BCHR.](#)

¹³⁴ [BCHR, *Prisoners in Jaw Prison still subjected to torture and ill-treatment*, 20 August 2011](#)

beatings follow one after the other until the victim is forced to make a confession.¹³⁵ Sometimes they are subjected to mock executions.¹³⁶ Often they are targeted as punishment for a prominent member of their family who is in hiding or exile.¹³⁷ They are likely to suffer sectarian insults or worse if they are a Shiite religious figure.¹³⁸ If they are a woman, or even sometimes a man, they can be threatened with rape¹³⁹, and are sometimes sexually assaulted.

There is also a pattern to the kinds of torture victims report being exposed to. Standing for hours, blindfolding, being forced to listen to others being tortured, being threatened with beating and rape are among the non-physical kinds of torture. After this, beating with a hose or other long instrument on the feet is the most common kind of torture reported, presumably because it does not leave obvious physical evidence of torture. Victims are sometimes burned with cigarettes.¹⁴⁰ Electrocuting is also commonly reported.¹⁴¹

Bloomberg reported in August 2011 on the use of surveillance technology supplied by the Nokia Siemens corporation during interrogations which often resulted in the use of torture.¹⁴² The report by Bloomberg noted that many of these interrogation methods followed a 'pattern' wherein the detainees would be confronted with messages and comments from their mobile devices and internet postings. Less well reported, but in a similar vein, the British company Olton is employed by the MoI to monitor social networks and build up profiles of dissidents and track their activity online, allowing the security services to arrest those involved in anti-government activities and provide information to be used in interrogations.¹⁴³

In July 2011, Human Rights First profiled¹⁴⁴ Jalila Al-Salman, a prominent member of the Bahrain Teachers' Association¹⁴⁵, who was arrested for encouraging participation in protests and strikes. Her health deteriorated after a hungerstrike until she was eventually released, only to be re-arrested again on 18th October, 2011. Amnesty International also reported on the plight of Jalila

¹³⁵ As The Independent reported: "According to an Amnesty International report published earlier this month, security officials at Bahrain's Criminal Investigations Directorate forced a number of doctors and nurses to stand for long periods, deprived them of sleep, beat them with rubber hoses and wooden boards containing nails, and made them sign papers while blindfolded." [The Independent, Bahraini leadership faces new claims that torture took place in hospital, 20 June 2011](#)

¹³⁶ Like Naser al-Raas: [The Star, Canadian jailed for protesting in Bahrain, 25 October 2011](#)

¹³⁷ Like Ghazi Farhan, whose father-in-law is an opposition activist: [Al-Jazeera, My husband was abducted by Bahrain 'security', 25 June 2011](#)

¹³⁸ Like Sayyed Hussain al-Quraifi: [BCHR, Victim of systematic torture AlGuraifi gets disability and paraplegia, 3 October 2011](#)

¹³⁹ Abdulhadi Alkhawaja made allegations of being threatened with rape in court, but was forcefully removed from the room: [CSM, Bahrain rights activist's wife details torture, unfair trial, 16 May 2011](#)

¹⁴⁰ [Manama Voice, Bani Jamra boys tortured by officer, witnessed by BICI commission, 2 August 2011](#)

(Arabic only)

¹⁴¹ [Telegraph, Bahraini woman poet tells of torture while in custody, 14 July 2011](#)

¹⁴² [Bloomberg, Torture in Bahrain becomes routine with help from Nokia Siemens, 22 August 2011](#)

¹⁴³ [ATN, Is a British firm helping Bahrain's Ministry of Interior monitor online activity?, November 2011](#)

¹⁴⁴ [HRF, Female Teacher Forgotten in Bahraini Prison, 20 July 2011](#)

¹⁴⁵ The BTA acts in a similar capacity to a union, though it is not classified as one.

Al-Salman and Rula Al-Saffar, one of the Salmaniya doctors, who both reported being subjected to beatings, electric shocks and verbal abuse.¹⁴⁶

Patrick Cockburn wrote in *The Independent* that, “The account by Dr Saffar of her interrogation and mistreatment tallies so closely with that of other detainees that there seems to have been a common procedure, beginning with seven days of severe torture, including sleep deprivation and confinement in a cell with the air conditioning turned down to freezing.”¹⁴⁷

4 - Summary

The large number of people reporting being tortured, as well as the fact that torture was committed generally on political prisoners in detention centers over the same sustained period indicates a systematic nature to the occurrence of torture. The pattern of violence displayed by these hundreds of cases, of which the above are a small sample, shows how institutionalized torture has become for political prisoners in Bahrain. King Hamad Al-Khalifa effectively admitted that torture had occurred by granting compensation to some prisoners who had been abused in detention.¹⁴⁸ As previously stated, an investigation was begun in May into torture at one detention center, but those arrested were later released.

It has been noted that there is a culture of impunity surrounding the prevalence of torture in prisons and detention centers. This is confirmed that despite the domestic legal provisions to punish torture, no government employee has been held accountable for the significant number of deaths in custody since 1980.

In 1997, the UN Special Rapporteur on Torture stated in his report to the UN Human Rights Commission that in Bahrain, “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.”¹⁴⁹ Little has changed since this report, and the culture of impunity has only encouraged the prevalence of this kind of human rights abuse. Doing nothing about such violations only encourages those in authority to commit them.

The Association for the Prevention of Torture submitted evidence to the BICI commission in September 2011 calling for the government of Bahrain to take measures to prevent torture, including the signing of the Optional Protocol on the Convention Against Torture (OPCAT).¹⁵⁰

¹⁴⁶ [HRF, *Jalila Al Salman and Rula Al Saffar go on hunger strike*, 3 August 2011](#)

¹⁴⁷ [The Independent, *I was tortured in Bahrain police cell*, 3 October 2011](#)

¹⁴⁸ [The National, *Former prisoners bear witness to Bahrain's Security Operation*, 1 September 2011](#)

¹⁴⁹ Fifty-third session, Item 8(a) of the provisional agenda UN Doc. [E/CN.4/1997/7](#), 10 January 1997, para

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¹⁵⁰ [APT, *Submission to the BICI commission*, September 2011](#)

However, it seems that the culture excessive force which attends demonstrations and interrogations needs deep systemic reform, not just a legal facelift.

The argument is not therefore about whether torture takes place or not. The argument is about whether torture is systematic and widespread or not. It seems clear that it is widespread, with 1866 cases of torture and ill-treatment having been reported, and that it is systematic, as detainees report similar kinds of torture being used. It is not necessary to prove that this was organised by the Bahraini government for it to be a crime for which the government is ultimately responsible. There is clearly a culture of impunity in the Bahrain police and security services, and this creates an environment in which torture and other cruel and degrading treatment is accepted as normal, or even encouraged by superior officers who engage in it. This sense of protection from accountability stems from Decree 56, issued by the King in 2002 which grants amnesty to those who had committed crimes of torture during the uprising in the 1990s.¹⁵¹ This decree is the reason some of the officials responsible for crimes of torture in the 1990s continue to occupy positions in government, some of them receiving promotions.¹⁵²

On September 29th 2011, the UN Secretary-General Ban Ki-Moon reiterated his concern about the harsh sentences given to medical professionals and others in military court trials.¹⁵³ A European Parliament Joint Motion for a Resolution on Bahrain in October 2011 called on Bahrain “as party to the Geneva Conventions to respect its obligations regarding the provision of health care to the sick and injured.”¹⁵⁴ The case against the doctors who treated patients at Salmaniya Medical Complex is serious and ongoing. As of the time of writing, there has been a big international outcry about their treatment, and this negative publicity for the Bahraini government has led to their retrial in a civilian court and the dropping of the most serious charges against them.¹⁵⁵ The Al-Jazeera documentary *Bahrain: Shouting in the Dark*¹⁵⁶ showed the chaos of Salmaniya Medical Complex (SMC) after the crackdown on Pearl Roundabout. Shia and Sunni doctors are seen together maintaining that they are willing to treat both Shia and Sunnis without prejudice, and the cameras are shown the ID cards of plainclothes MOI employees, mostly non-Bahrainis, who have been treated at the hospital, showing that these people were not refused treatment because of their religion.

The case of the doctors could be a case study in authoritarian state repression. In their comment on torture, Steiner and Alston note that a state “may systematically employ torture as a method for terrorizing a population and discouraging dissent... to maintain a given structure or ideology and to assure those holding power of their position.”¹⁵⁷ It could be argued by the Bahraini authorities that the derogation from the right to liberty and security of the person during the National Safety period allowed them to lawfully deny medical services. However, injured people in the SMC at the time of the government takeover were tortured to punish them for taking part in protests, violating the non-derogable right to freedom from torture.

¹⁵¹ [Redress, Submission to the House of Lords meeting on Bahrain, 17 August 2004](#)

¹⁵² [BCHR, In Blatant Defiance to his Victims Adel Fleifel in Parliament of 2010, 15 July 2009](#)

¹⁵³ [UN, Statement of the Secretary General on Bahrain, 30 September 2011](#)

¹⁵⁴ [European Parliament, Joint Motion for a Resolution on Bahrain, 26 October 2011](#) Para. 7

¹⁵⁵ [Manama Press, Court Reprieve for 20 Medics, 24 October 2011](#)

¹⁵⁶ [Al-Jazeera, Bahrain: Shouting in the Dark, 2011](#)

¹⁵⁷ Steiner, Alston and Goodman, *International Human Rights in Context*, Oxford, 2008, p225

The public prosecution in Bahrain detains those accused of political charges for a period of 45 days. In this period, the torture of the accused persons takes place. The submission to a trial is postponed or delayed until the marks of torture fade, and although the judiciary record is full of torture allegations the judges refuse to look into allegations of torture. If the accused is submitted to the coroner, it is done with the presence of policemen to terrorize the accused from specifying his injuries as per the testimonies of some victims who underwent such examinations. There are concerns and doubts regarding the reliability of the coroners check ups as per the statement of Dr. Fakhri Mohammed Saleh, head of forensic doctors in the Bahraini Public Prosecution (previously published by Mirror of Bahrain on September 24, 2011). Even if the coroner decides to note the existence of injuries, the court usually looks for ways to weaken the report as per the interview.

The torture in prisons raises questions on the role of the judicial authority in the inspection of prisons and detention centers.

C. Extrajudicial Killings

1 - Introduction

One of the most serious human rights abuses which has characterized the 2011 Bahrain protests has been the disappearance of civilians whose whereabouts were not known until their families were told to collect their bodies from the morgue. Extrajudicial murder characterizes authoritarian regimes which show little respect for international legal standards. As such, it is one of the strongest indicators of the willingness of a regime which lacks the legitimacy of popular consent to use fear and violence to suppress demands for reform.

Extrajudicial killings are characterized by the intent of the perpetrator to cause fatal injury and outside of any legal framework. Though extrajudicial killing is poorly defined in international law, if a death is intentionally caused by a law enforcement official without legal justification or due process, it can be considered extrajudicial. For this reason, only those deaths where the intent clearly existed to kill the victim are listed below. However, security forces in Bahrain regularly aim at the upper body of civilians, which can cause death even with birdshot or teargas canisters when done from close range, and these could be argued to constitute extrajudicial killings also.

2 - Applicable Law

International human rights law prohibits arbitrary deprivation of life (Article 6 ICCPR), guarantees the security of persons (Article 9 ICCPR) and prohibits cruel, inhuman or degrading treatment or punishment (Article 7 ICCPR). These peremptory norms are violated when law enforcement officials engage in extrajudicial executions. Elements of 'soft law' adopted by the UN, in particular the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials¹⁵⁸ provide further guidance on this subject.

¹⁵⁸ *Code of Conduct for Law Enforcement Officials*, adopted by General Assembly Resolution 34/169, 17 December 1979; and *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*,

Non-violent means are to be used whenever possible, and force should be used only in the last resort (the principle of “necessity”). Any use of force must be limited to that which is proportionate to the situation and the legitimate objectives to be achieved (principle of “proportionality”). Firearms should be used only in self-defense or in defense of others against imminent threat of death or serious injury; to prevent a particularly serious crime involving the threat to life; or to arrest a person posing such a threat and who is resisting efforts to stop the threat or to prevent that person’s escape.

Before using firearms, law enforcement officials must identify themselves and give a clear warning that firearms will be used. Further, sufficient time must be provided for the warning to be observed, unless this would unduly create a risk of death or serious harm to the officer or other persons, or would be clearly inappropriate or pointless in the circumstances.¹⁵⁹

3 - Factual Findings

A witness to the murder of Isa Abdul Hasan (No 3 on this list) gave evidence that he heard other officers telling the perpetrator not to shoot.¹⁶⁰ She heard them calling him "Al-Thawadi" which is the officer’s last name. This family name is famous in Bahrain and many people from this family work in the security forces.

Another witness of this crime, the journalist Nazeeha Saeed described the murder on television, and for talking about it she was detained for about 24 hours and severely tortured, though the authorities then alleged there was no official summons for Nazeeha.¹⁶¹

Ahmed Abdulla Farhan was shot in the head from point blank range at a gas station on the outskirts of Sitra. He was reportedly singled out because he had a Bahrain flag on his car, first being shot with birdshot, then with a stun grenade as he tried to flee, and finally shot in the head as he lay on the ground.¹⁶² The graphic images of his body attest to the brutality and excessiveness of the force used, the severe head trauma indicating an execution-style murder.

Isa Radhi al-Radhi was missing since 15 March. On the 19th, his family was called to pick up the body. He was severely beaten and his skull and neck were broken. Abdul-Rasoul Hassan al-Hujairi died under torture sometime between the 17th March, when he was stopped at a police checkpoint, and the 20th, when the MOI reported finding his body in a remote area in Awali

Jawad Mohammed Ali Shamlan, who worked for the military, went to work at Khamis police station on March 16th, but did not come back home. The family were unofficially informed that he

adopted by the Eighth United Nations Conference on the Prevention of Crime and the Treatment of Offenders, 7 September 1990.

¹⁵⁹ See Article 3 of the *Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*.

¹⁶⁰ [Witness testimony to the murder of Isa Abdul Hasan \(Arabic only\)](#)

¹⁶¹ [Reporters Without Borders, France 24 correspondent tortured for covering pro-democracy demonstrations, 30 May 2011](#)

¹⁶² [Unarmed Bahraini man Ahmed Farhan shot in the head... by Finian Cunningham](#)

was at the Military hospital. On March 21st, a relative recognized his body at the morgue at Salmaniya Hospital.

Bahia Abdelrasoul Al-Aradi died on March 21st after being shot in the head by a police sniper while on the phone with her sister on March 15th.¹⁶³ Bahia's family refused to take her body when they were asked to sign a paper saying that she died in a car accident. The official death certificate stated that Bahia died as result of "severe brain injury".

Hani Abdul-Aziz Abdullah Jumah, was shot by riot police on March 19th at a construction site, and was found unconscious, lying in a large pool of his own blood. HRW examined the scene of the attack on March 22, three days afterwards, and found fragments of bone, which a medical expert confirmed to be fragments of knee bone consistent with being shot at close range.¹⁶⁴ On March 24, Jumah's family was informed that they could pick up his body from Salmaniya Medical Complex.

Aziz Jumma Ayyad who had been working at the Bahrain Defense Force (BDF) for 10 years went missing for 10 days, during which the BDF denied that they had any employee with that name. On 24th March the family was contacted by the authorities to tell them that he was admitted to the military hospital. Two hours later they were contacted again to tell them that Aziz had died as a result of a heart attack. According to death certificate he died 9 days earlier.

Hassan Jassim Mohammed Makki's death was announced by the MOI on April 3rd. He had been in a detention since his arrest on 28th March as a suspect of being involved in the recent unrest. The General Inspector of the Ministry, Ibrahim Habib A-Ghaith, claimed that the cause of death was a hereditary blood disease, but photos of his body showed clear marks of torture.¹⁶⁵

Sayed Hameed Mahfoodh Alsari had been reported missing on April 5th. The MOI reported finding his body in Saar on April 6th and said it is investigating but that an external examination showed no signs of beating though photos showed very clear signs of torture.¹⁶⁶

Ali Isa Saqer had been arrested on charges of attempted murder of policemen by trying to run over them in his car. The Ministry of interiors claimed that "the suspect created chaos at the detention center, prompting the security forces to interfere to bring the situation under control, but he resisted them sustaining injuries in the process. He was taken to the hospital and later died." Weeks after his death, Bahrain T.V showed Saqer's "confessions" on 28 April 2011.

Zakariya Rashid Hassan AlAshiri, was reported to have died in detention by the MOI on April 9th, six days after his arrest on charges of inciting hatred, disseminating false news, promoting sectarianism and calling for the regime's overthrow in online forums. He moderated a now-closed forum where updates about the protest were posted. His family has rejected the interior

¹⁶³ [The National, Family mourns senseless death of Bahiya Al Aradi, 23 March 2011](#)

¹⁶⁴ [HRW, Bahrain: Investigate Shooting, Arrest of Man Caught Up in Police Sweep, 23 March 2011](#)

¹⁶⁵ [Photos of Hassan Makki including marks of torture on his body.](#)

¹⁶⁶ [Torture marks on the body of Sayed Hameed Mahfoodh Alsari](#)

ministry's claim that he died as a result of sickle cell anemia complications as marks of torture were visible on his body.¹⁶⁷

Kareem Fakhrawi, a member of al-Wefaq and a founder of the Al-Wasat newspaper, died in custody between the 3rd and 12th of April. He reportedly was last seen at the Exhibition Center Police Station on April 3 where he went to file a complaint about a raid on one of his relatives' houses. His body showed extensive marks of torture.¹⁶⁸

HRW asked Bahraini authorities repeatedly to investigate deaths in custody¹⁶⁹, but so far nobody has been charged with any of these murders. Five security men were referred to prosecution for the murder of Ali Saqer in custody, but no developments on the have been made public.¹⁷⁰

4 - Summary

There is some very strong evidence available about those responsible for a number of the extrajudicial executions which have been committed in Bahrain in 2011. Needless to say that due to the perpetrators being members of the police and security forces, none of these murders has been properly investigated.

In May 2011, the Special Rapporteur on Extrajudicial Executions, Christof Heyns, presented his first annual report to the Human Rights Council in Geneva where he concentrated on the excessive use of force against demonstrators in a number of MENA countries including Bahrain. Mr Heyns noted that there was no comprehensive international law addressing the right to demonstrate.¹⁷¹

The pattern of these murders, as well as the history of extrajudicial killings in Bahrain points to a culture of impunity within the police and security forces. Although the King himself promised an investigation into the first two deaths in February, no charges have been brought. If nobody is held responsible for these crimes, there will be no incentive for police to moderate their conduct in the future.

However, there is a deeper problem with the culture of policing in Bahrain. While the police and security services do not properly reflect the civilian population which they are supposed to protect, they are likely to continue to use brutal and excessive force on those perceived as political opponents of the government they serve. Following the experience of reforming the police in Northern Ireland could provide a way to de-politicize the police force in Bahrain.

There are four indicators for the previously mentioned cases:

¹⁶⁷ [Marks of torture visible on the body of Zakariya Al-Ashiri](#)

¹⁶⁸ [Marks of torture on the body of Karim Fakhrawi](#)

¹⁶⁹ [HRW - Bahrain: Suspicious Deaths in Custody](#), [HRW - Bahrain: Investigate Deaths Linked to Crackdown](#)

¹⁷⁰ [Bahrain News Agency, Bahrain to try guards over activist's death, 12 May 2011](#)

¹⁷¹ [ISHR, Special Rapporteur on extrajudicial executions focuses on excessive use of force during demonstrations, 3 June 2011](#)

1. The army used live ammunition without there being the cause or justification for it, thus indicating that they were given a green light to fire at unarmed protesters.
2. Security forces had orders to use excessive and undisciplined force in residential areas, firing tear gas canisters and sound bombs as a means to harm the local community, and subject them to collective punishment.
3. Security forces had orders to use excessive and undisciplined force in residential areas, firing tear gas canisters and sound bombs as a means to harm the local community, and subjecting them to collective punishment.
4. Victims of torture that led to death in prison assert the existence of systematic torture.

D. Arbitrary detentions, arrests and enforced disappearances

1 - Introduction

Civil Society organizations in Bahrain have been documenting cases of arrest and detention arising from the protests. So far, about 1500 cases of arrest linked to the protests have been recorded, and 924 cases have been reported to the BICI commission which qualify as arbitrary detention under international human rights instruments like the ICCPR. The tactics of the Bahraini authorities have disproportionately targeted Shia Bahrainis through checkpoints stationed around Shia villages and the use of social media to identify protesters who had participated in demonstrations. Other groups targeted include doctors who treated injured civilians at the Salmaniya medical complex, students, journalists and bloggers and human rights and political activists, both Shia and Sunnis.

2 - Applicable Law

Article 9 of the ICCPR prohibits arbitrary arrest or detention of individuals. It provides that “no one shall be deprived of liberty except on such grounds in accordance with such procedures as are established by law.”¹⁷² Persons arrested are to be informed at the time of arrest of the reasons for the arrest and promptly informed of any charges.¹⁷³ Anyone arrested or detained on a criminal charge is to be brought promptly before a judge or other officer authorized by law to exercise judicial power and is entitled to trial within a reasonable period or release.¹⁷⁴ Persons have a right to take proceedings before a court for the purposes of reviewing the lawfulness of detention and to be released if the detention is unlawful.¹⁷⁵ Lawfulness of detention is to be considered as lawfulness both under domestic law and lawfulness under international law.¹⁷⁶ The term “arbitrary” needs to be considered in terms of appropriateness, proportionality and reasonableness.¹⁷⁷

¹⁷² Article 9(1) ICCPR

¹⁷³ Article 9(2) ICCPR

¹⁷⁴ Article 9(3) ICCPR

¹⁷⁵ The ICCPR also provides for a right of compensation for unlawful arrest or detention.

¹⁷⁶ See for instance, *A v Australia*, Human Rights Committee, Communication No. 560/1993, CCPR/C/59/D/560/1993, para. 9.5.

¹⁷⁷ *A v Australia*, Human Rights Committee, Communication No. 560/1993, CCPR/C/59/D/560/1993, para. 9.2. In considering unlawful remand, the Committee has also highlighted that factors of inappropriateness, injustice and lack of predictability that may render arbitrary an otherwise lawful detention; see *Van Alphen v The Netherlands*, Human Rights Committee, Communication No. 305/1988, CCPR/C/39/D/305/1988

Although Bahrain is not a party to the specialized convention concerning enforced disappearances,¹⁷⁸ it is a party to the ICCPR, provisions of which are infringed by enforced disappearance. Such action violates a person's right to recognition as a person before the law,¹⁷⁹ to liberty and security and freedom from arbitrary detention including the right to be brought promptly before a judge or other official for review of the lawfulness of detention.¹⁸⁰ Disappearance may also be associated with torture and other forms of cruel, inhuman or degrading treatment and extrajudicial execution, in violation of the right to life and torture and other forms of cruel, inhuman or degrading treatment.¹⁸¹

Enforced disappearances may lead to other violations such as torture, murder or extra judicial executions. Arbitrary detention and enforced disappearance are acts recognized in the Rome Statute as potentially giving rise to a crime against humanity if committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack.¹⁸² Although The Government of Bahrain derogated from certain provisions of the ICCPR during the State of National Safety, violations of the right to liberty and security of the person have occurred before and after these provisions were in effect, with the continuation of arbitrary detentions and arrests and enforced disappearances.

Bahrain derogated from this right by informing the UN that from March 15th, it no longer recognised the right to liberty and security of person.¹⁸³ While Bahrain reserves the right to derogate from Article 9 of the ICCPR in the event of a state of emergency, certain rights remain non-derogable such as the right to life and freedom from torture, including several others.

It is also important to note that the right to derogate from these rights are only lawful within the period of a state of emergency. Before and after martial law, Bahrain is bound to these legal provisions as a signatory to the ICCPR. There is sufficient evidence to point to violations of the right to liberty and security of person occurring within periods outside of the State of National Safety.

¹⁷⁸ *International Convention on the Protection of all Persons from Enforced Disappearance.*

¹⁷⁹ Article 16 ICCPR.

¹⁸⁰ Article 9 ICCPR.

¹⁸¹ The Human Rights Committee General Comment No 20 (1992), para. 11, on Article 7 of the ICCPR, recognized that safeguards against torture included having provisions against incommunicado detention, granting detainees access to doctors, lawyers and family members, ensuring detainees are held in places that are officially recognized as places of detention and for their names and places of detention, as well as for the names of persons responsible for their detention, to be kept in registers readily available and accessible to those concerned, including relatives and friends.

¹⁸² See Article 7(1)(e) and Article 7(1)(i) Rome Statute. Enforced disappearance is also defined in Article 7(2)(i) as "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time."

¹⁸³ [International Covenant on Civil and Political Rights \(1966\)](#)

3 - Factual Findings

Civil Society groups in Bahrain have documented 924 cases of arbitrary arrest in Bahrain between February 14th and October 13th. This does not reflect the total number, as people continue to be arrested after this date. These include all of the prominent opposition activists and protesters who have been imprisoned solely for their political opposition to the government. These cases represent only a small number of the over 1500 cases of people arrested for their political activities, and are the most serious and clear-cut cases of arbitrary arrest, which were attended by other abuses of their human rights, such as torture and lack of access to proper legal remedy.

There are over 1,234 cases of people arrested for their political activities or their beliefs and/or opinions. All of these cases are of people arrested for merely participating in peaceful demonstrations, because of performing their duties as employees in the health sector or for showing sympathy with the protesters. 940 of these cases began with enforced disappearance. Their incommunicado detention continued without fair trial as most of the detainees were submitted to the National Safety courts where the presiding judge was from the military, without the existence of a decree stipulating the formation of these courts and their neutrality. No reason for the arrests were given and family members remained unaware of the charges. The detainees were not allowed to communicate freely with their lawyers and they were subjected to continued detention without any legal basis.

Through documentation of cases, it was confirmed that 646 detainees faced charges of “inciting hatred against the regime and 906 cases were arrested because of their participation in marches and demonstrations or “illegal gatherings” during February and March.

252 detainees were arrested from the streets, while 158 detainees were arrested from checkpoints, 28 cases of them were arrested from the checkpoints of Salmaniya Medical Complex road. 211 detainees were arrested from their workplace, 39 detainees were arrested from their beds in hospitals. Most of those detainees were held incommunicado, while over 451 were arrested after house raids between 1-4am, thereby terrorizing family members. Only 2% of these detainees were presented with an arrest warrant. It is worth mentioning that 15% of the total number of all the categories were informed of the reason of their detention.

The Bahraini government has not produced a register of detainees, which means that people often go missing and were held incommunicado for long periods without access to family or legal aid.¹⁸⁴ Human Rights First reported in May that at that time, 800 people had been arrested, with these arrests often displaying a pattern of house raids during the night by groups of masked police, with items often stolen and houses ransacked.¹⁸⁵

One of the clearest cases of arbitrary arrest was of Ayat al-Gormezi, who was imprisoned for reading a poem critical of the King at Pearl Roundabout. She went into hiding because she was

¹⁸⁴ [Eurasia Review, Bahrain: State Of Fear Prevails With Arbitrary Detentions, Pre-Dawn Raids, 8 April 2011](#)

¹⁸⁵ [Human Rights First, Arbitrary Arrests and Detentions; Disappearances; Torture, 2011](#)

afraid of arrest, but was forced to hand herself in after police threatened to kill her brothers.¹⁸⁶ This case in particular was shocking to those in other countries, because her imprisonment and sentence of one year in jail was so disproportionate.

Mohammed al-Tajer, a well known defense lawyer, was arrested during a night raid on April 15th. "Human Rights Watch believes that al-Tajer is the first defense lawyer detained in more than a decade. He is well known for defending opposition figures and rights activists arrested in security sweeps", noted a Reliefweb report.¹⁸⁷

4 - Summary

Similar to the case of torture, arbitrary arrest and detention is used as a tool of intimidation and punishment for dissidents in Bahrain. Although Bahrain derogated from its obligations to the right to liberty and security of the person from 15 March to 1 June, many violations of these rights were committed outside of this period. The prevalence of arbitrary arrest shows the lack of legal controls which the security forces are bound by, and these actions form part of a general pattern of unfair trials, as prisoners are usually never shown a warrant for their arrest.

The concern about the prevalence of arbitrary arrest and enforced disappearance is that they are violations which often attend other serious breaches of human rights law, such as torture and extrajudicial execution. In total, they point to the serious extent of the political repression currently taking place in Bahrain.

Isolating the person from the outside world through enforced disappearance is one of the indicators of the existence of systematic torture in Bahrain.

E - Freedom of Association and Assembly

1 - Introduction

The violent suppression of demonstrations happened frequently in Bahrain throughout the 1990s. However, at the start of the protests in Bahrain, the government made moves to reassure people that they would be allowed to demonstrate peacefully.

After the beginning of protests on February 14th, the Crown Prince Salman bin Hamad al-Khalifa appeared on national television to ask for calm and to attempt to promote dialogue between different sectors of society.¹⁸⁸ He repeated this message two days later on al-Arabiya television¹⁸⁹, and then spoke to CNN, where he confirmed that protesters had a right to

¹⁸⁶ [The Independent, Locked up for reading a poem, 2 June 2011](#)

¹⁸⁷ [Relief Web, Bahrain: Defense Lawyer Detained After Night Raid, 17 April 2011](#)

¹⁸⁸ [PALFX, HRH Crown Prince launches National Dialogue to resolve situation in Bahrain, 19 February 2011](#)

¹⁸⁹ [HRH Crown Prince Salman interview with al-Arabiya, February 19th \(Arabic\)](#)

demonstrate and stated that they would be allowed to remain at Pearl Roundabout.¹⁹⁰ He said “The protesters in Pearl Roundabout represent a very significant proportion of our society and our political belief.” He continued this conciliatory tone on March 6th, when he spoke on Bahrain television, saying “I do know that the young people at the Roundabout have their views and I wish to address them as soon as I can because I know that one of the reasons of this crisis is the feeling among some people that their voice is not heard”.¹⁹¹ Also on the 22nd of February, a government spokesperson reiterated that Bahrain protected freedom of expression and that demonstrators would be allowed to remain at Pearl Roundabout.¹⁹² Minister of Social Development and Human Rights, Fatima al-Balooshi, addressed the Human Rights Council on March 1st, again stating Bahrain’s commitment to freedom of expression and the right of protesters to remain at Pearl Roundabout.¹⁹³

There also existed special agreements between the organizers of the sit-in at Pearl Roundabout with the security forces, based on the agreement with the Crown Prince and in coordination with the Minister of the Interior. As the marches and rallies were with the presence of the security and that the official spokesman of the information affairs authority, some of these marches and rallies finished peacefully.

Item (c) of Article 13 of the Assembly and Parade Law states that participating in an illegal protest is punished by imprisonment for a term not exceeding three months. However, many have been punished under Article 178 of the Penal Code, the maximum penalty for which is a sentence of two years.¹⁹⁴

2 - Applicable Law

Article 21 of the ICCPR, describing the right to freedom of assembly states: “No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety”.¹⁹⁵ Article 22 of the ICCPR, describing the right to freedom of association states: “Article 22 of the ICCPR states that, “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.” Furthermore, “No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety”.¹⁹⁶

¹⁹⁰ [HRH Crown Prince speaks to CNN about national dialogue initiative in Bahrain - 19 Feb 11](#)

¹⁹¹ [HRH Crown Prince is interviewed on Bahrain TV - 6 March 2011](#)

¹⁹² [BNA, *Government protects freedom of expression*, 22 February 2011](#) (Arabic only)

¹⁹³ [BNA, *Dr Al Balooshi Addresses Human Rights Council*, 3 March 2011](#)

¹⁹⁴ [Article 178, Bahrain Penal Code 1976](#)

¹⁹⁵ [International Covenant on Civil and Political Rights \(1966\)](#)

¹⁹⁶ Ibid.

3 - Factual Findings

The government of Bahrain has repeatedly interfered in the work of NGOs, political societies and trade unions. The General Federation of Bahrain Trade Unions (GFBTU) was targeted with 7 of 15 members of its executive board fired.¹⁹⁷ As of July 12, the GFBTU reported that 2186 employees had been fired since late March. Bahrain Civil Society organizations reported a total of 2710 firings up to October 13th.¹⁹⁸ 906 cases of persons accused of participating in illegal marches and sit-ins in violation of the law of public meetings have been recorded up to October 2011, though the total number is likely to be higher and continues to increase.

The National Democratic Work Society (Waad, one of the opposition parties) was closed on 7th April by a statement from the Military Public Prosecutor¹⁹⁹. Its secretary general Ebrahim Sharif (one of the most prominent Sunni opposition leaders) was sentenced to 5 years in jail. The society headquarters in Muharraq was burned down²⁰⁰ on 13 March 2011 and its building in Om Al-Hassam burned down²⁰¹ on 18 March 2011, leaving the society with no offices. Despite filing a complaint at the Ministry of interior no one has been held accountable for these attacks. However, the party was reopened again in June.²⁰²

On April 14th, the Minister of Justice announced the decision to refer the opposition parties al-Wafaq Islamic Society and the Islamic Action Society Amal to court in order to dissolve both²⁰³. The decision was withdrawn the next day under international pressure²⁰⁴.

The General Secretary of the Islamic Action Society (Amal), most of its board members and more than 200 of its active members were arrested in an attempt to hamper the work of the oppositional society²⁰⁵. 14 members of the opposition society, including its General Secretary were sentenced by military court on 4 Oct 2011 up to 10 years in jail²⁰⁶ which renders the society almost non-operational without its leaders. On March 28th 2011, the regime raided the building of the society. All the doors and gates were destroyed, the rooms were severely damaged, all electronic devices and computers were stolen or broken, and the private files of the society were stolen²⁰⁷.

The Bahrain Teachers Society, which represents more than 5000 teachers, was dissolved on 7th April by the Minister for Social Development²⁰⁸. Society head Mahdi Abu Dheeb and his deputy Jaleela al-Salman were arrested and tried in a military court. Abu Dheeb received a 10 year

¹⁹⁷ [HRW, Bahrain: Revoke Summary Firings Linked to Protests, 14 July 2011](#)

¹⁹⁸ [Spreadsheet of sacked employees by company.](#)

¹⁹⁹ [BNA, National Democratic Action Society Wa'ad Suspended, 7 April 2011](#)

²⁰⁰ [Al-Wasat, Waad: Government will shoulder responsibility to protect headquarters, 14 March 2011](#)

²⁰¹ [Al-Wasat, Waad - arson attack destroys the Assembly building, 19 March 2011](#)

²⁰² [Jurist, Bahrain government lifts ban on opposition party, 19 June 2011](#)

²⁰³ [The National, Bahrain moves to dissolve main opposition group, al Wafaq, 15 April 2011](#)

²⁰⁴ [News Australia, Bahrain denies dissolving Al-Wafaq, 19 April 2011](#)

²⁰⁵ [Amal, Save Sheikh Mohammed Ali AlMahfoodh from Injustice, 2011](#)

²⁰⁶ [Reuters, Bahrain jails Shi'ite party members over protests, 4 October 2011](#)

²⁰⁷ [Amal Islamic Action Society, Save Sheikh Ali AlMahfoodh From Injustice, October 2011](#)

²⁰⁸ [BNA, BTS Dissolved and BMS Suspended, 6 April 2011](#)

sentence and al-Salman received 3 years. Several board members are currently on trial²⁰⁹. Abu Dheeb is still in jail.

The Bahrain Medical Society board of directors was suspended by the Minister of Social Development and replaced by pro-government members²¹⁰. On the 7th of April, society head Dr. Ahmed Jamal was detained and was later released²¹¹.

The head of the Bahrain Society for Photography, Mohamed al-Shakih was arrested and brought to military court, though later released. Several of the members of the society were also detained for several weeks²¹².

Lastly, the more than 2700 reported sackings²¹³ from Bahraini companies as a result of workers' political activities constitute one of the gravest violations of freedom of association. It has been reported by witnesses that agents of the National Security Agency collected names of workers absent on the days of protests to use as evidence for arresting and charging employees.

Because of their participation in the demonstrations and then writing a letter to the Secretary General of the UN, some AIWefaq municipal MPs' memberships had been revoked - 3 of them from the Central District Municipalities and 1 from the Muharraq Municipality by an order from the Government despite being elected members.²¹⁴

Over 150 athletes (players and match referees – including very famous players known internationally – coaches and administrators) have been punished by suspension and dismissal for political reasons relating to their participation in a march of athletes to Pearl Roundabout, based on a resolution from the formal authorities in Bahrain²¹⁵.

4 - Summary

Although the Bahrain Trade Union law protects the right to join a trade union and to strike for economic benefits²¹⁶, the charges against the leaders of the Trade Unions are not based on the restrictions to these rights under the law. According to Amnesty International, the charges against them included “inciting hatred of the regime and attempting to overthrow the ruling system by force”²¹⁷.

Part of the problem is that societies like the teachers, doctors and other societies which perform some similar functions to unions are not regulated under the union law, but by Law 21 of 1989 for societies, social and cultural clubs, which gives the Minister of Social Development the right to dissolve the society (Article 50). This is another good example of the ambiguity of the Bahraini

²⁰⁹ [BCHR, Teachers in Bahrain on World Teachers Day: Jailed, tortured, prosecuted, 5 October 2011](#)

²¹⁰ [BNA, BTS Dissolved and BMS Suspended, 6 April 2011](#)

²¹¹ [Amnesty International, Bahrain renews emergency law as repression persists, 4 May 2011](#)

²¹² <http://www.bahrainrights.org/en/node/4767>

²¹³ [Spreadsheet of all sackings reported to Bahraini NGOs.](#)

²¹⁴ LHRW about the municipalities.

²¹⁵ LHRW about the athletes.

²¹⁶ Article 21, [Workers Trade Union Law of 2002](#)

²¹⁷ [Amnesty International, Bahrain Teachers Given Jail Sentences, 26 September 2011](#)

legal system which gives too much power to the executive authority. Front Line Defenders notes that Law 21 is “viewed by most human rights defenders as one of the main obstacles hindering the work of non-governmental organizations”²¹⁸ in Bahrain.

According to HRW, “Article 113(4) of Bahrain's Labor Law (23/1976) allows a firm to dismiss a worker if he or she has been absent "without reasonable cause" for more than 20 days in a year, or more than 10 consecutive days, provided that dismissal is preceded by a written warning after five consecutive days of absence. Almost all of the cases reviewed by Human Rights Watch involved absences of fewer than 10 days, and the workers said they had received no warning. Article 102 (4) states that there should be no penalty for any offense committed outside of the workplace, making dismissals for participating in demonstrations outside of work time unlawful, even if the government considered the demonstrations themselves illegal.”²¹⁹ As a result of this, HRW believes that Bahrain is violating its own labor laws.

F. Freedom of Opinion and Expression

1 - Introduction

The government of Bahrain acknowledges to some extent that freedom of expression is restricted by national law. It qualifies this by saying that this is necessary in order to prohibit speech which could constitute a threat to public order or incite violence. One result of the Government's National Dialogue has been the vague offer to enlarge freedom of expression by “narrowing the circumstances under which individuals can be charged with speech-related activity under Bahrain's criminal laws” according to Bloomberg.²²⁰ Again, this kind of legislation is vague and leaves doubt as to what can be said which encourages self-censorship.

One of the main points of concern in terms of Bahrain's domestic Penal Code are the *lese majesté* laws which prohibit causing offence to the King. These laws prohibit even the publishing of the diaries of Sir Charles Belgrave. Belgrave's diaries were for private or family purposes, and he is not diplomatic about what he says about the Al-Khalifa, calling them “lazy, conceited, oppressive people”.²²¹

Other articles in the Penal Code are so vague as to allow them to be applied in an overtly political way against government opponents. Article 165 states, “A prison sentence shall be passed against any person who expressly incites others to develop hatred or hostility towards the system of government.”²²²

Article 168 provides that, “A punishment of imprisonment for a period of no more than 2 years and a fine not exceeding BD200, or either penalty, shall be inflicted upon any person who willfully broadcasts any false or malicious news reports, statements or rumours or spreads adverse

²¹⁸ <http://www.frontlinedefenders.org/bahrain>

²¹⁹ <http://www.hrw.org/news/2011/07/14/bahrain-revoke-summary-firings-linked-protests>

²²⁰ [Bloomberg, Bahrain Assembly to Vote on Plans to Widen Freedom of Expression, 24 October 2011](#)

²²¹ [Diaries of Sir Charles Belgrave](#), p296

²²² [Bahrain Penal Code 1976](#)

publicity, if such conduct results in disturbing public security, terrorizing people or causing damage to public interest.” This article in particular has been used to prosecute journalists.

Taken together, these domestic laws allow the government significant power to fine or prosecute individuals or groups who publish any information which is critical or contrary to its interests. The majority of media organizations are affiliated with the regime, and these have worked hard to convince Bahrainis that the protest movement is not part of the Arab Spring, but secretly backed by foreign, especially Iranian influence. This kind of scaremongering has been quite successful at scaring people into supporting the status quo in fear of the motivations of opposition leaders.

2 - Applicable Law

International human rights law clearly provides for freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice. While it can be subject to restrictions, these are to be only as provided for by law and are necessary for respect for the rights or reputations of others, for the protection of national security, public order, public health or morals (Article 19 ICCPR). The Human Rights Committee has referred to the role of journalists in disseminating information and the way in which attacks on journalists, whether in the form of arbitrary arrests, torture, killings or other means are incompatible with Article 19.²²³

This report takes into account the concept of the prisoner of conscience adopted by Amnesty International as “the person detained by the authorities because of his political or religious beliefs and his expression of them without the use of violence or incitement to violence”, as well as the international standards on Arbitrary Detention relating to the Working Group on Arbitrary Detention of the Human Rights Council, of which the detention for - the mere exercise of a right consistent with what is prescribed in the Universal Declaration of Human rights and International Covenant on Civil and Political Rights.

This report agrees with the statement of Professor M. Cherif Bassiouni, Chairman of the BICI in a press conference held at the time of his assignment of the chairmanship of the Committee that the criteria used to determine the occurrence of violations are international standards of human rights, which should not take into account the existence of local texts that criminalize certain behaviors to express opinions in a way that breaches the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

3 - Factual Findings

A. Journalists and media specialists:

Since mid February, political unrest has been running high all over the country. Press people of all specialties covering the democracy protests reported to have been repressed by non-stop

²²³ For a recent discussion of this topic, see the Draft General Comment No. 34 (2011) on Article 19 of the Human Rights Committee, CCPR/C/GC/34/CRP.6, paras. 12 and 22

violations and assaults. According to the Bahrain Press Association (BPA) report on press freedom, as of July, “The list of those journalists who were persecuted includes Mansoor Aljamri, editor-in-chief of Al-Wasat Newspaper; Husain Khalaf of Al-Wasat Newspaper; Mohamed Al-Sawaad of Al-Waqet Newspaper; Rashid Al-Ghayab of Al-Ayam and Al-Bilad Newspapers; Maryam Al-Shorooqi of Al-Wasat Newspaper; and Jaffer Al-Jamri of Al-Wasat Newspaper.”²²⁴

Data collected by Bahraini civil society organizations shows that 68 journalists were dismissed from news organizations and the Information Affairs Authority, and 14 journalists were detained or submitted for trial on charges related to publishing false news. The campaign also resulted in about 120 journalists leaving the country, and arrest warrants were issued against some of them. In addition, 20 bloggers were detained or charged with offences related to publishing false news. Around 650 cases of ‘broadcasting false information’ have been recorded.

Mohammed Al-Sheikh, head of the Photography Association and 18 members in the association were arrested.²²⁵ Jaafar Mohammed Abdali who was killed at Pearl Roundabout, was possibly targeted because he was taking pictures of the violence. Al-Watan and al-Wasat photographers reported being attacked while filming clashes between police and demonstrators.

Among foreign journalists, CBS News correspondent Toulia Vlahou was attacked by riot police using rubber bullets which smashed her car²²⁶, and ABC News correspondent, Miguel Marquez was beaten by security forces while he was talking to the channel during the attack on The Pearl roundabout²²⁷. Alex Delmar-Morgan of The Wall Street Journal was arrested and detained, while CNN’s Mohammed Jamjoom was expelled from Bahrain.²²⁸ Press TV’s Johnny Miller, Reuters’ Frederick Richter and Finian Cunningham from Irish Times were all expelled. Other reporters were detained, assaulted and had equipment confiscated. A press ban from February 19th prevented international journalists from entering Bahrain, according to BPA.²²⁹

France 24 and Radio Monte Carlo correspondent Nazeeha Saeed was summoned to the southern governorate police station and was severely tortured, an incident later acknowledged by the Bahraini interior ministry.²³⁰ As a result, the ministry set up an inquiry panel to look into the violation following critical statements by international organizations. Not surprisingly, until today no outcome has been announced pertaining to such incident.

Journalist Basima Al-Qassab was summoned to appear before the civil court over a media statement she made to the BBC Channel. Ms. Al Qassab was dismissed from her job on June 8, 2011 after appearing before a disciplinary council amid that statement which represents a clear violation to the freedom of the press and freedom of expression in Bahrain. In the trial, Ms. Al

²²⁴ [Bahrain Press Association: Word Leading to Death \(July 2011\)](#), p8

²²⁵ <http://en.rsf.org/bahrain-news-photographers-among-crackdown-17-05-2011,40301.html>

²²⁶ <http://www.mediaite.com/online/cbs-radio-reporter-shot-at-in-bahrain/>

²²⁷ [The Daily Mail, ABC journalist 'badly beaten' and at least four killed in Bahrain, 17 February 2011](#)

²²⁸ <http://www.cpj.org/2011/03/bahrain-expels-cnn-reporter-harasses-journal-corre.php>

²²⁹ [Bahrain Press Association, Word Leading to Death, July 2011](#)

²³⁰ <http://en.rsf.org/bahrain-france-24-correspondent-tortured-30-05-2011,40374.html>

Qassab will be charged with allegations like inciting anti-government hatred and participation in illegal gatherings to face jail terms ranging from one to five years.

Dr. Mansoor Al-Jamri, the editor of Al-Wasat newspaper, an independent Bahraini newspaper, was forced from his position in May after being accused of printing false information. He was reinstated by the board of directors in July, but was fined 1000 BD (\$2600) along with two sub-editors in October for the same offence. He admitted printing the reports but his defence presented evidence that the information was sent from an IP address in Saudi Arabia, and he was unaware of its false nature.²³¹ Other al-Wasat journalists who have been targetted include Mansoor al-Jamri's wife Reem Khalifa²³² and Karim Fakhrawi who died in custody under torture after going to report his car after missing²³³. Faisal Hyat is a sports journalist and one of the founders of Al-Wasat who was targeted taking part in a rally calling for free and unbiased media.²³⁴

The online activist Zakaryia al-Ashiri (the moderator of an online forum) died in police custody under torture on 9 April 2011 6 days after his arrest. The marks on his body showed clear evidence of being subject to torture. No official has been held accountable for his death. The authority alleged that Zakaryia died due to sickle cell anaemia.²³⁵

Many detainees have talked about being subject to torture at different detention centers, one of them is the head of the Bahrain Society for Photography, an award winning photographer who was tortured to into signing a forced confession.²³⁶

The longest imprisonment sentence was received by the online blogger Ali Abdulemam²³⁷ who has no political affiliation and was sentenced (in absentia) by military court to 15 years imprisonment²³⁸ for setting up one of the most prominent online forums since 1998 bahrainonline.org (blocked in Bahrain) where people often express views critical of the government. Abdulemam was detained previously between Sep 2010 to Feb 2011 and was subject to torture.²³⁹ When the latest crackdown started he chose to go into hiding, leaving behind him 3 children under the age of 6 and a wife. He has no chance to ask for an appeal to his sentence unless he returns to be arrested. Several other online activists were sentenced by military court up to 3 years in jail for posting photos of injured people online, with charges of "disseminating fabricated images", or "incitement hatred against the regime". While most of the arrested activists were released, many of them are receiving summons for trials in Oct, Nov and Dec 2011.²⁴⁰

BCHR President Nabeel Rajab has been summoned to police interviews on two occasions, once by the military prosecution and then by public prosecution, because of his posts on Twitter²⁴¹.

²³¹ <http://www.middle-east-online.com/english/?id=48482>

²³² <http://cpj.org/2011/07/cpj-calls-on-bahrain-to-end-harassment-of-critical.php>;
<http://www.bahrainrights.org/en/node/4834>

²³³ <http://www.cpj.org/2011/04/al-wasat-founder-dies-in-custody-in-bahrain.php>

²³⁴ <http://bhmirror.hopto.org/article.php?id=1835&cid=71>

²³⁵ <http://bahrainrights.hopto.org/en/node/3917>

²³⁶ <http://www.bahrainrights.org/en/node/4767>

²³⁷ <http://abdulemam.blogspot.com/>

²³⁸ http://en.rsf.org/bahrain-one-blogger-sentenced-to-life-22-06-2011_40507.html

²³⁹ At minute 09:20 of this video <http://www.youtube.com/v/IZdyiK-Z5Do>

²⁴⁰ <http://www.youtube.com/v/IZdyiK-Z5Do>

²⁴¹ <http://www.bahrainrights.org/en/node/4548>

The government continues to send threats legal action against online users of social media, for what it calls “calling for illegal gatherings” and “inciting hatred against the regime”.²⁴²

B - Media Incitement

After the crackdown online pages on Facebook and Twitter were created by anonymous pro-government users who were posting photos of protesters and calling others to identify them.²⁴³ Those protesters who were identified were arrested, prosecuted, fired from their jobs, and expelled from university. As a result, many users had to change their names online, close their accounts, delete their photos and move toward an extreme level of self-censorship.

The government filled the social networks (especially Twitter) with accounts of its representatives and supporters to shout down and threaten prominent opposition activists.²⁴⁴ Programs that monitor Twitter density showed that many messages are originating from the area of Ministry of the Interior, which prove that these accounts are related to it.²⁴⁵

The online posts of people on their Facebook pages and twitter were presented to them at interrogation meetings in their workplaces and university, as evidence of being “traitors”. Some were shown on national tv.²⁴⁶ As a result, thousands of workers were sacked from jobs and hundreds of students were expelled from university²⁴⁷ or had their scholarships revoked

Hundreds of websites are censored in Bahrain, and more are censored every day without the need of a judicial order.²⁴⁸ This includes human rights websites, some news websites, video webcasting, Bahraini political societies’ websites, and even the Google translation page.

Since February, some websites have gone completely offline with all their content, mostly because their moderators were arrested, but some were voluntarily removed due to the fear of arrest[12]. Phone and internet activities are monitored and recorded by all service providers in Bahrain by law[13]. In 2010 these records were used against activists who had been arrested, like in the case of rights activist Abdulghani Khanjar.²⁴⁹

All local television and radio media in Bahrain are owned by the state. There are no private television channels and when al-Wefaq tried to operate a television channel online, the government banned its website <http://alwefaq.org>. The National TV channel BTV broadcast forced confessions of detainees, one of them who had already died in custody.²⁵⁰

BTV also broadcast programs that incited hatred against people who had taken part in protests and called for their arrest. The victims included national football players, journalists and the

²⁴² <http://pomed.org/blog/2011/09/bahrain-social-media-posts-calling-for-protests-punishable-by-law.html/#.TpIOOdIUqso>

²⁴³ <http://www.bahrainrights.org/en/node/4474>

²⁴⁴ <http://thelede.blogs.nytimes.com/2011/10/11/twitter-trolls-haunt-discussions-of-bahrain-online/>

²⁴⁵ <http://www.bahrainrights.org/en/node/4101>

²⁴⁶ <http://www.bahrainrights.org/en/node/4101>

²⁴⁷ <http://www.mideastyouth.com/2011/06/13/in-bahrain-you-can-be-penalized-for-an-anti-government-facebook-status-2/>

²⁴⁸ <http://www.bahrainrights.org/en/node/4101>

²⁴⁹ [Bloomberg, *Torture in Bahrain becomes routine with help from Nokia Siemens*, 22 August 2011](#)

²⁵⁰ <http://www.bahrainrights.org/en/node/3976>

Salmaniya doctors where state TV played a role in convicting them in the eyes of the community before they were tried in court.²⁵¹ The coverage of the events that took place in SMC inflated the rhetoric about the existence of sectarian violence in the hospital. The coverage in the last days, which was during the presence of the sit-in in Pearl roundabout included talk of Sunni hostages and the kidnapping of Sunni doctors. Although not explicitly stated, it was indicated that the kidnappers must be Shia protesters.

The role of television media was not neutral in broadcasting calls by the public expressing such rumors and news. Decontextualized internet clips were shown of some doctors who were chanting enthusiastic songs and clapping on the evening of 15/3/2011. The host himself was not aware of the background of this clip and offered suggestions related to rumors of hostages and sectarian violence in the hospital. The last speaker that night was a ministry spokesperson who denied rumors of hostages. The next day the coverage of the events of the army attack on SMC on 16/3/2011 focused on liberating hostages, which was denied by the minister a few hours before on the same channel.

BTV aired a phone interview with Naser Bin Hamad Al Khalifa, Chairman of Bahraini Olympic Committee, who threatened to punish every athlete or politician who participated in the demonstrations. Following this, a campaign of arrest of many athletes started, according to a report by BCHR.²⁵² Some programs included a call for accountability for whomever called for the fall of the regime. A program broadcast in April on BTV, included phone calls from an official stating that whoever demanded the overthrow of the regime will be punished. The program also included incitement against a well-known player, Alaa Hubail, by displaying images of him in a march and giving a speech. At the end of the speech, a sentence under his image was displayed stating that he was demanding the overthrow of the regime

The broadcast of programs that incited sectarian hatred exacerbated the division in Bahraini society, according to a number of reports. Karen Leigh, a reporter for Time writing in The Atlantic, said of the channel that, "The narrative that BTV keeps driving is one in which Sunnis should fear the mostly Shi'ite protesters, with an implicit warning -- if they win, you are in danger."²⁵³ The opposition parties in Bahrain are not allowed to air their views on BTV.²⁵⁴

C – Human Rights Defenders

The following spreadsheet lays out all the documented cases of harassment and attacks against human rights defenders.

Nabeel Rajab, President of the Bahrain Center for Human Rights and vice Secretary General of the International Federation for Human Rights (FIDH), has been banned from travelling, has had his house attacked with tear gas on two occasions. He was briefly arrested, beaten, and threatened with prosecution.²⁵⁵ He was interrogated by military prosecution for statements on

²⁵¹ <http://www.bahrainrights.org/en/node/4121>

²⁵² <http://bahrainrights.hopto.org/en/node/4374>

²⁵³ [The Atlantic, *The Anti-al-Jazeera: Bahrain's Notorious State-Run TV Channel*, 19 April 2011](#)

²⁵⁴ <http://www.bahrainrights.org/en/node/4121>

²⁵⁵ <http://www.bahrainrights.org/en/node/4144>

Twitter and international media last June²⁵⁶, and then again was interrogated at public prosecution in August²⁵⁷.

Abdulhadi Alkhawaja, former head of Bahrain Center for Human Rights, was recently working with Front Line as Middle East coordinator. Imprisoned since 9 April 2001, he was beaten at the time of arrest, severely tortured in detention and was threatened with rape during detention. He was sentenced to life imprisonment on terrorism charges.²⁵⁸

Abdulghani Khanjar, Head of the Committee of the Victims of Torture, was sentenced to 15 years in jail by military court, and is currently in hiding. Abdullah Aldurazi, Head of the Bahrain Human Rights Society (BHRS) was interrogated about his human rights work including communication with international media²⁵⁹, and was dismissed from his job at the University of Bahrain²⁶⁰. Essa Al-Ghayeb, Bahrain Human Rights Society (BHRS) Deputy Secretary General and board member, was barred from travelling by the Bahrain passport authorities as he went to the airport May 2011.²⁶¹

4 - Summary

The government of Bahrain has tried to solve the political issues in Bahrain by hindering and restricting discussion of them. It has also attempted to control its international public relations image by hiring a number of PR companies to place articles in the international media and help them write press releases.²⁶²

Many of the problems related to violations of the right to freedom of expression are as a result of Law no. 47 of 2002. According to OpenNet, the Bahraini authorities use this press law “to restrict coverage of sensitive subjects and to prosecute journalists and activists for allegedly defaming government officials, insulting the king, or inciting hatred against the government.”²⁶³ The Bahrain government claims that before the National Action Charter reforms, there was no free press at all. However, they chose to institute a law which severely restricted all non-government media. According to the BPA report on press freedom, “Press people have long labeled such law as “notorious” as it allows the trial of journalists in criminal rather than civil courts and adopts imprisonment as a punishment.”²⁶⁴

Many of the problems related to violations of the right to freedom of expression are as a result of Law no. 47 of 2002. The Bahrain government claims that before the National Action Charter

²⁵⁶ <http://www.bahrainrights.org/en/node/4160>

²⁵⁷ <http://www.bahrainrights.org/en/node/4548>

²⁵⁸ <http://www.bahrainrights.org/en/node/4168>

<http://www.bahrainrights.org/en/node/4386>

²⁵⁹ <http://www.bahrainrights.org/en/node/4160>

²⁶⁰ <http://www.irishtimes.com/newspaper/world/2011/0912/1224303944246.html>

²⁶¹ <http://www.bahrainrights.org/en/node/4160>

²⁶² <http://www.arabianbusiness.com/bahrain-calls-in-washington-pr-firm-tackle-backlash-414941.html>;

<http://www.prweek.com/news/1057005/Bell-Pottingers-work-Bahrain-Government-spotlight/>

²⁶³ [OpenNet Initiative, Country Profile: Bahrain, August 2009](#)

²⁶⁴ http://bahrainrights.hopto.org/BCHR/wp-content/uploads/2011/10/BPA_English_copy_02102011.pdf,

reforms, there was no free press at all. However, they chose to institute a law which severely restricted all non-government media. According to the BPA report on press freedom, "Press people have long labeled such law as "notorious" as it allows the trial of journalists in criminal rather than civil courts and adopts imprisonment as a punishment. The Law is deeply rooted in much firm law, i.e. the Penal Code with sentences in prison up to 25 years."²⁶⁵

It is worth mentioning that the Minister of Justice and Islamic Affairs sent a letter to Ayatollah Sheikh Issa Ahmed Qassem on May 21, 2011, claiming his observation of some terms and phrases that is considered as an invitation to incite people to break the law, without mentioning any of these terms and phrases! The letter also included the phrase "it is not permissible for you, solely, to decide from the pulpit of the Messenger of Allah the will of ordinary Muslims, and shoot your judgments for a specific party or the other as it is being oppressed or targeted It is not acceptable that you monopolize the word the people and that you speak on their behalf and deciding their will, as you are aware nature of factional the sense of such word in the mind of the recipient ". This is commenting on one of the Friday sermons in which the Imam of Friday criticized the trial of citizens before a court of national safety, and criticized some of the abuses by the authority.

G. Religious discrimination

1. Introduction

In 2010-2011 the United States Department of State published a report entitled, "Report on International Religious Freedom in Bahrain". In this report the Department of State noted several instances within the Bahraini Constitution which protect the freedom of worship, but not specifically, freedom of religion. Furthermore, the report noted that the Government endorsed the suppression of the majority Shia population. As noted, "Shia were underrepresented in the Ministry of Education in both the leadership and in the ranks of head teachers who teach Islamic studies and supervise and mentor other teachers. At the secondary school level, out of more than a dozen Islamic studies head teachers, only two were Shia. Although there were many Islamic studies teachers who were Shia, school authorities discouraged them from introducing content about Shia traditions and practices and instructed them to follow the curriculum"²⁶⁶.

This discrimination also manifested itself in the military, civil service, and internal security forces. As noted by the State Department report, "the Sunni Muslim citizen minority enjoyed favored status. Sunni citizens often received preference for employment in sensitive government positions, in the managerial ranks of the civil service, and in the military. Only a few Shi'a citizens held significant posts in the defense and internal security forces, although more were found in the enlisted ranks. The police force reported it did not record or consider religious belief when

²⁶⁵ http://bahrainrights.hopto.org/BCHR/wp-content/uploads/2011/10/BPA_English_copy_02102011.pdf, p8

²⁶⁶ United States Department of State, *2009 Report on International Religious Freedom - Bahrain*, 26 October 2009, available at: <http://www.unhcr.org/refworld/docid/4ae8615c73.html> [accessed 20 October 2011]

hiring employees, although Shi'a continued to allege they were unable to obtain government positions, especially in the security services, because of their sect.²⁶⁷

Nabeel Rajab, president of the Bahrain Center for Human Rights, noted in 2008, at a session held at the United States Congress, presided over by then chair of the Congressional Human Rights Commission, Congressman Frank Wolf, the following examples of discrimination supported by the government:

- Shia only hold 13% of high official posts in the country
- Shia citizens are not allowed to work in the Bahraini Army
- Shia citizens are not allowed to work in the intelligence agency
- Shia citizens are not allowed to work in the police force
- Shia in Bahrain are not allowed to include their religious beliefs in the school curriculum
- Shia attendance in the University of Bahrain is above 70% while the majority of them are unemployed as a result of exclusionary government policies.
- There are 5 Shia ministers out of 25 in the government cabinet.
- The Shia mosques are neglected by the Bahraini government and it is almost impossible to get a permit to build a Shia mosque in the country.
- Shia citizens cannot buy land or houses in 48% of the country because the government refuses to allow Shia citizens to purchase land or houses in those areas, like East and West Riffa.
- Shia are not allowed to study Islam according to their sect in the government schools.
- Shia Friday sermons are completely neglected by the government media while Sunni sermons are aired live every Friday.
- When it comes to religious programmes on Television, Shia scholars are rarely invited.²⁶⁸

These government policies of religious discrimination were further carried out during the demonstrations beginning in February 2011. Bahraini authorities committed several international crimes against places of worship and other religious establishments of the Shiite sect since the declaration of the 'State of National Safety'. Many of them have been totally demolished without any prior notice or taking into account the presence of copies of the Holy Quran, which in turn were burned. According to official statistics issued by the Department of al-Awqaf al-Jaferia (Administration of Shiite Religious Sites), at least thirty-five mosques were demolished and vandalized as well as eight places of worship and two cemeteries.²⁶⁹

2. Applicable Law

Article 18 of the ICCPR provides for the freedom of thought, conscience and religion. Article 18 (3) stipulates that the freedom to manifest one's religion or beliefs "may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others." Bahrain exercised its right to derogate from certain provisions of the ICCPR during the State of National Safety, though it is important to note that no derogation is to be made from Article 18, as stated in Article 4 of the ICCPR. The declaration represents a document of soft law which carries normative weight. The fact that Article 18 is a non-derogable right provides that it represents a fundamental freedom that applies irrespective of circumstance. The Declaration on the Elimination of All Forms of Intolerance and

²⁶⁷ Ibid

²⁶⁸ <http://www.bahrainrights.org/en/node/2472>

²⁶⁹ <http://www.alwasatnews.com/3182/news/read/562698/1.html>

of Discrimination Based on Religion or Belief reiterates the fundamental rights of freedom of religion and belief.

3. Factual Findings

Shia Bahrainis are often targeted just for living in Shia areas. One of the most discriminatory forms of punishment is the use of checkpoints to stop and search people driving in and out of Shia villages. Where you are from in Bahrain can result in a greatly increased chance of arrest, robbery and other forms of victimization. It is for this reason that the protest slogan 'Welcome to Arab apartheid' has become a common piece of graffiti in Bahrain. Refer to the original BCHR report for full details of cases of religious discrimination in Bahrain.²⁷⁰

A. Attacks against mosques

There have been roughly thirty-five documented cases of government sponsored attacks against Mosques across Bahrain. These attacks included the burning of religious sites, the destruction of Mosque property and its contents including copies of the Quran, and at times, complete Mosque demolition. Several examples of these attacks are noted below.

Imam al-Hassan al-Askari Mosque which is a cabin at roundabout 22 and Salman al-Mohammadi Mosque at roundabout 19 were demolished on 15 April after a militant group attacked the worshippers there at about 9 p.m. and asked them to evacuate the mosques in preparation for demolition at 11 pm. Kowaikebat Mosque was destroyed by security forces on Friday 25th March burning it to the ground. Al-Alaweyein "Sheikh Ibrahim" Mosque was also demolished, even though it was newly built and licensed by the Awqaf. Amir Mohammed Braighi mosque in Aali, which was 400 years old, was also destroyed, according to McClatchy Newspapers, whose reporter found that the number of buildings destroyed was greater than the list of 27 mosques listed by opposition groups.²⁷¹

However, the Minister for Justice and Islamic Affairs justified the demolitions saying, "These are not mosques. These are illegal buildings".²⁷²

B. Attacks against religious facilities

At around 11 p.m. on April 14th, a large masked group of Bahraini security forces entered many Shiite villages in civilian clothes, carrying arms and accompanied by Peninsula Shield forces with armored vehicles and bulldozers. Without any prior notice, they began demolishing and dismantling multiple Mudheif²⁷³ that were under the care of Shiite worship places.

²⁷⁰ [BCHR Discrimination and deprivation of religious freedom in Bahrain, 8 June 2011](#)

²⁷¹ [Christian Science Monitor, Bahrain's Sunni rulers target Shiite mosques, 11 May 2011](#)

²⁷² Ibid.

²⁷³ Small cabins where people distribute free food on religious occasions and celebrations.

The Independent noted in an article published on 19th April 2011²⁷⁴ that the government of Bahrain is destroying mosques and places of worship belonging to the Shiite majority. While activists were aware of the demolishing of mosques by the Bahraini government, Bahrain Television denied any connection to the Bahraini government. In the Observer (al-Rasid) program on BTV, the presenter talked about those who demolished these mosques, saying that they are unknown and do not belong to Islam. He also asked the government to withdraw their Bahraini nationalities and expel them from the country.

After Bahraini authorities were subjected to considerable media pressure, Minister of Information Fawaz Mohammed Al Khalifa said in a press conference in response to a question regarding the demolition of mosques, that “the government of Bahrain or any Muslim will not agree with things against religion and belief, and the Government of Bahrain builds Mosques and has the highest proportion in the region, but what happened is a departure from the fundamental issue as there were encroachments on state properties as well as private properties. There are around 600 cases in court and what has been demolished does not exceed 10 percent of these cases”²⁷⁵.

Meanwhile, the Minister of Justice insisted on his opinion that “there is no targeting of places of worship” in a press conference held on 3rd May 2011. He said that the number of existing places of worship is actually greater than the need for people. And said that there are about 32 mosques in one area and another area has about 22 mataam next to each other and he stressed that there is no targeting of the places of worship and talking about it is unacceptable.²⁷⁶ However, following President Barack Obama's speech in the White House, emphasizing that the U.S. deplores the destruction of Shiite mosques in Bahrain, the government admitted to the demolition of the mosques, vowing to re-build the mosques that were demolished.

C. Attacks against cemeteries

Cemeteries also became the scene of violations by the regime as its forces, backed by Saudi troops, attacked three cemeteries in Shiite areas. Security forces ransacked Muharraq cemetery, destroyed Bani Jamra cemetery and on 4th May 2011, they also went to Nuwaidrat cemetery, dug up the grave of Sayed Mohammed Abu Khulais.²⁷⁷ A witness said that the military forces of the Peninsula Shield, the army and the security police of the Ministry of the Interior backed by bulldozers demolished the mausoleum above the grave. Forces also dug up the grave by using a bulldozer, exposing the remains of the body of Abu Khulais and unearthing the skull, femur and other parts of his body.²⁷⁸ Reports of vandalism were also noted of parks and heritage gates in some Shiite villages, such as Bani Jamra, Oker, Sar, Karanah and Duraz were reported.

The website of al-Awqaf al-Jaferia also published a list of some of the mosques that were vandalized or demolished.²⁷⁹ Other activists also launched a page on Google Maps to document cases of demolition and destruction that have affected Shiite mosques.²⁸⁰

²⁷⁴ [The Independent, Bahrain escapes censure by West as crackdown on protesters intensifies, 19 April 2011](#)

²⁷⁵ [Al-Wasat, Minister of Information press conference, \(Arabic only\)](#)

²⁷⁶ [Bahrain News Agency, Minister of Justice press conference, 3 May 2011 \(Arabic only\)](#)

²⁷⁷ [Video showing destruction of Nuwaidrat cemetery](#)

²⁷⁸ [Bahraini security unearth the tomb of Mohammed Abu Khulais](#)

²⁷⁹ [al-Awqaf al-Jaferia list of destroyed mosques \(Arabic only\)](#)

²⁸⁰ [Map showing list of destroyed mosques in Bahrain.](#)

D. Preventing the free practice of religion

During the declared state of “National Safety” the Bahraini Government violated the freedom of belief and worship by preventing followers of the Shiite doctrine access to a number of mosques on Fridays. That prevention was more pronounced due to government officials obstructing worshipers from reaching the mosque in the village of Diraz. Preventing worshipers from attending Friday prayers in Diraz has taken two forms: either completely closing roads or enforced inspections of persons and vehicles, and identity cards, which remained for almost two months. Witness statements were all reported to investigators affiliated with al-Wefaq.

Through a number of documented testimonies of two witnesses (w1) and (w2) it is clear that followers were prohibited from attending Friday prayers in Diraz on the authority of security officials, with the closing of the gates leading to the village of Diraz and the rest of the neighboring villages. This act coincided with prayer time, as the checkpoint was in operation between 10:30 am and at 12:45 pm. The witness said (w3) that the checkpoint asked her to return to enter the closed area after prayer (at 1 pm). Two other witnesses (w4, 5) said that they were both ordered to return home when they told the checkpoint they wanted to pray in Diraz.

Some of witnesses confirm that they were exposed to harassment by security forces simply because of their religion. Witness (w 12) claimed that they insulted Shia beliefs and practices, (w 6) said that the police had insulted Sheikh Isa Qassim. Also witness (w 14) said that he was subjected to humiliation at the hands of several police officers. In some cases witnesses claimed police officers had taken prayers books from them and thrown them in the street and then subsequently humiliated them in public(w 16).

Other witnesses said that harassment from security forces began after the end of prayer. While witnesses noted that they were at first able to enter prayer services, upon their exit they were harassed and intimidated by police in civilian clothing. Witness (w17) said that the police chased a car after leaving the mosque in the ‘Palm’ sub-street.

4. Summary

The acts described above were not personal attacks or mistakes but orders from senior officials like Justice Minister Sheikh Khalid Al Khalifa, who does not deny ordering the destruction of mosques, only debating the legality of the order.²⁸¹ These orders were carried out by Commander in Chief of the Bahrain Defence Force, Sheikh Khalifa Ahmed Al-Khalifa and Commander of Peninsula Shield Forces, Maj. Gen. Mutlaq Salem Alazimaa.²⁸² This points to the fact that the authority responsible for all religious places is the Ministry of Justice, and the authority responsible for carrying out the demolition of any building is the Ministry of Municipalities. However all demolitions were carried out by the army and security forces. thereby pointing to the illegality of the demolitions.

Shia citizens in Bahrain feel that they are punished as a group because the majority of protesters and opposition come from the Shia community. This produces a self-perpetuating cycle of

²⁸¹ [Gulf News, Bahrain's justice minister denies mosque demolition reports, 3 May 2011](#)

²⁸² [See photos showing the army and riot police participating in the demolishing the religious places ; Video \(minute 5:13\) GCC troops destroying buildings ; video at Bani Jamra graveyard removing the door of one of the graves](#)

victimisation. Shia are punished as a group, therefore they are more likely to oppose the government, therefore they continue to be indiscriminately discriminated against. It is fundamentally important to break this cycle if the divisions in Bahraini society which have been inflamed by the government are to be mended.

H. Right to a fair trial

1. Introduction

The right to a fair trial has been repeatedly violated by the Bahraini government in the past. In 2005, The International Commission of Jurists published a report about the anti-terrorism laws stating that they were too broad and could be used for political reasons to obstruct the course of justice.²⁸³ With the number of people being arrested for political activities increasing dramatically in 2011, the chance for defendants to receive impartial justice has fallen.

One of the most serious developments was the establishment of a special tribunal named the 'National Safety Court', presided over by a military judge with two civilian judges. This body's main function was to interrogate and file suit before a military prosecution could commence. Human Rights Watch has described the court as a "travesty of justice"²⁸⁴, while Amnesty International has described it as a "sham"²⁸⁵ and "a parody of justice."²⁸⁶

Amnesty reported that "On 29 June, the King decreed that all cases linked to the February-March 2011 protests would be transferred to ordinary civilian courts; he then issued a further decree on 18 August (Decree 28/20011) ordering that the National Safety Court of First Instance continue to deal with felony (serious criminal) cases, while misdemeanor (less serious) cases would be referred to the civilian courts."²⁸⁷ This has meant that the most senior political prisoners with the most serious charges of attempting to overthrow the regime have no chance of having their cases heard by a competent and independent judge.

2. Applicable Law

Article 14 of the ICCPR provides for the right to fair trial. The right to fair trial, as stated in the ICCPR requires that "everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law." Article 14(3) describes the minimum guarantees that must be provided. The following minimum guarantees are especially relevant to Bahrain: the right to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; to be tried without undue delay; not to be compelled to testify against himself or to confess guilt.²⁸⁸

²⁸³ [International Commission of Jurists, *Bahrain Briefing on Antiterrorism Laws, 2005*](#)

²⁸⁴ [Bahrain: Stop Military Court Travesty of Justice". *Human Rights Watch*. 14 June 2011](#)

²⁸⁵ [Amnesty International, *Bahrain Protester Convictions Upheld at Sham Military Trial, 28 September 2011*](#)

²⁸⁶ [Amnesty International, *Bahrain Must Not Try Activists in Military Court, 22 August 2011*](#).

²⁸⁷ [Amnesty International, *Bahrain: "Protester" jailed after unfair trial, 12 September 2011*](#)

²⁸⁸ [International Covenant on Civil and Political Rights](#)

3. Factual Findings

A large portion of citizens were tried before the national security court. Such trials lack the international standards an individual must have pertaining to fair trials as stipulated by Article 14 of the ICCPR. The ICCPR dictates that a criminal trial is put before a court that is competent, independent and impartial. This requires the court to have jurisdiction over the defendant, which a military court cannot have over a civilian. The members of the court are appointed by the chief of the army, who is known to lead the hard-line government faction. The court showed impartiality by not allowing access to lawyers or family for the defendants, not presenting evidence, and ignoring claims of torture. The defendants were often not notified of the charges against them until their court hearing.

As of June 13, HRW reported that they were aware of 82 people who had received sentences by military court. Five months later, the number is certain to be much higher.²⁸⁹

The Case of Ghazi Farhan is representative of the standard of unfair trials in Bahrain. He was arrested without a warrant, he was not allowed to see a lawyer until the trial date and the only evidence presented against him was a confession which he claimed was made under torture.²⁹⁰

"Al-Tajer's attorneys, who have repeatedly sought access to him without success, were given no notice of the hearing and so were unable to attend."²⁹¹

a) Fair Trials Standards pertaining to Pre-trial Proceedings:

Standard One: Availability of the arresting warrant and its issuance in accordance with the law:

Pursuant to Clause B of Article 19 of the Bahraini Constitution, "No person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified place except in accordance with the law and under the supervision of the judicial authorities". Many defendants were arrested without a warrant during the night by plain clothes officers, in clear violation of domestic law.

Abdulhadi AlKhawaja was arrested at dawn without being served a legal warrant by a group of masked Bahraini security forces and was taken to an unknown location²⁹². The officer claimed that there was a warrant, however the lawyer rebutted that the plea documents had no such warrant, and even if there was one, it did not follow a due process in which an arrest warrant has to be presented to the defendant upon arrest.

Ali Husain Hasan Al Muhanna was arrested on May 12, 2011 after being summoned by the Security Forces of the Interior Ministry and not as per a warrant issued by the military prosecution of the Bahrain Defense Force. This breaches the local legislation that dictates an arrest warrant be in place in the event a defendant was not caught red-handed. Jalila Al Salman:

²⁸⁹ [HRW, *Bahrain: Stop Military Court Travesty of Justice*, 14 June 2011](#)

²⁹⁰ [Amnesty International, *Bahrain: "Protester" jailed after unfair trial*, 12 September 2011](#)

²⁹¹ <http://www.hrw.org/news/2011/06/14/bahrain-stop-military-court-travesty-justice>

²⁹² <http://www.bbc.co.uk/news/world-middle-east-13023428>

Arrested at dawn without being served a notice by a group of masked security men in their civilian clothes. Matar Ebrahim Matar was arrested on May 2, 2011²⁹³ after armed men in civilian clothes accosted him in the street without being served a notice in the presence of his wife and was taken to an known location.

Standard Two: Interrogating defendants after the legal interrogation period elapsed and with no lawyer present.

Article 57 of Decree 46 of 2002 states that "A judicial summary arrest officer shall immediately hear the statements of the accused following his arrest. If he fails to provide evidence of his acquittal, he shall send him to the Public Prosecution within 48 hours. The Public Prosecution shall question him within 24 hours, then shall order his imprisonment or release."²⁹⁴

A number of the medics arrested because of their work at Salmaniya reported being denied access to a lawyer before their trial.²⁹⁵ "The role of the military prosecutor, the makeup of the special court, and the meager access to legal representation undermine the most basic due process protections" said Joe Stork of HRW.²⁹⁶

Matar Ebrahim Matar was arrested on May 2, 2011 and put before the military prosecution on May 18, 2011 without an attorney being present. Interrogation documentation shows that his attorney was contacted by the Prosecution and that the attorney himself was not allowed to get in touch with his client. The attorney denies receiving any calls by the Prosecution on the interrogation day and that he was following the case on a regular basis and was not notified even after the interrogation was concluded. Added to this, the attorney was not allowed to see the defendant on the first hearing which he was not notified of and knew about only from colleagues.

It is apparent that there is a systematic practice of negligence in presenting the defendant to a legal servant as soon as technically possible.

b.) Standards pertaining to trial proceedings

Standard One: Right to trial before a competent, independent, and impartial court

In contradiction with the ICCPR, the cases were tried before a national security court that was formed by a royal decree. The national security court was formed to look into accusations in cases of threats to national security. All defence lawyers deemed the national security court formation unconstitutional in their preliminary hearings. The court rejected these appeals.

Standard Two: Prompt presentation of evidence and trial within a reasonable time limit:

²⁹³ <http://www.aljazeera.com/news/middleeast/2011/05/201152205239385476.html>

²⁹⁴ [Legislative decree No.\(46\) of the year 2002 with respect to promulgating the code of Criminal Procedures](#)

²⁹⁵ [Reuters, Lawyers say cannot reach detained Bahrain medics, 7 June 2011](#)

²⁹⁶ [HRW, Bahrain: Set Aside Martial Law Death Sentences, 2 May 2011](#)

Based on Article 14 and Clause 3 of Article 9 of the ICCPR, it is apparent that this standard was breached in many cases, notably those of Dr. Ali Al Ekri²⁹⁷ and Jalila Al Salman²⁹⁸. This shows that trials were unreasonably delayed.

Taking into account the time frame between the defendants' arrest and their being put on trial, the delay in putting the cases before court is obvious, especially considering that the security court was formed to expedite legal proceedings and reach prompt convictions to such cases. This falls far short of international standards pertaining to the expedition of putting the arrested on trial. A defendant is entitled to be put on trial within a reasonable period of time or be set free. Keeping those individuals awaiting trial shall be deemed to be no general ground. It is worth mentioning that all lawyers were demanding the release of their clients in every session under any guarantee requested by the court, but the court declined the release requests each time a session was held.

In parallel with the delay of trials, the court utilized adjournment on multiple occasions. The court also gave no regard to the volume of evidence or documentation. Another court malpractice was denying attorneys the right to read and scrutinize the papers or meeting with both defendants and witnesses. For example

1. In the case against Abdulhadi AlKhawaja and 20 other defendants, the case lasted for one month and 10 days with 6 sessions. Notably, the attorney received the action documents only after the first session.
2. The trial of Matar Ebrahim Mater was supposed to be tried over a 24-day period in 3 sessions. His lawyer did not attend the first session as he had not been officially notified; the other session was not attended by the defendant as his name was dropped from the defendants' list supposed to be brought to court, and the last session was to see the final verdict which was annulled by Royal Decree no. 62 for 2011.

It is clear that lawyers were obstructed in the performance of their duties by not being informed of the time and location of hearings, not being allowed to read the charges and search for witnesses. There was a general atmosphere of nervousness and fear making some lawyers reluctant to accept such cases for fear of being arrested like the lawyer Mohmaed Al Tajer.²⁹⁹ It was clear to most lawyers that the arrest of Mr. Al Tajer was connected to his role in defending political activists during recent years.

Standard Three: Ignoring material requests by the defence:

The satisfaction of material requests for a defendant comes at the core of a fair trial. If a court does not allow this to be realized and examined, it would constitute a material breach to the defendant's rights to present their pleadings, and result in making the trial a waste, lawsuits documents have clearly proved this, for instance:

²⁹⁷ Arrested on March 17, 2011, his case was put on trial on May 27, 2011

²⁹⁸ Arrested on March 29, 2011, her case was put on trial on May 27, 2011

²⁹⁹ [International Observatory for Lawyers, *Arbitrary arrest and detention of human rights lawyer Mr Mohammed Al-Tajer*, 3 May 2011](#)

Defendant Dr. Ali Al Ekri: The national security court refused several material requests filed by his attorney, such as:

- Delegating a medical committee composed of more than one physician other than those working for the interior ministry, the military prosecution, or any security body to examine the defendant to ascertain his physical condition.
- Allow the defendant to appoint a consultant specialized in bodily injuries to examine his body to record any injuries, bruises, cuts, or any other assault apparent on the defendant's body.
- Allow lawsuit publication, including the pleas, proceedings, legal opinions, and the facts associated with the case by the defendant or otherwise, which was granted to the prosecution.
- Serve a subpoena to defense witnesses, via the court, to the person of a minister and two undersecretaries who were in office at the outset of the crisis.
- As noted by the Bahrain Transparency Society³⁰⁰, the defendant stated that other defendants, including himself, were subject to torture in the courtroom in the presence of observers including the US Assistant Secretary of State for Human Rights, Michael Posner. The chief judge had expelled defendant Dr. Zahraa Al Sammak from the courtroom and warned other defendants against uttering a word.

Standard Four: Equal treatment between litigants in action and the right to a public trial:

The Bahraini authorities announced that the military prosecutor issued an order banning any type of publication of lawsuits presented before the national security court prior to the examination of the first lawsuit. However, what happened was that the state-run television channel and the official news agency in the Kingdom were circulating news harmful to the legal positions of the defendants based on statements made by the military prosecution. The ban on publication was on both defendants and independent journalism. Meanwhile the military prosecution was allowed to make media statements, on its absolute discretion, which is again a violation of the equal treatment between litigants.

c.) Additional Points

a. Harassment faced by defense lawyers

The attorneys standing for defendants in lawsuits brought before the national security court were subject to a great deal of pressure, preventing lawyers from talking about the lawsuits brought by the court. For instance, Attorney Mohamed al Jishi, the lawyer for Abdulahdi Alkhawaja, stated that he was the subject of harassment due to defending his client. He received humiliating treatment by the guards in the building in which the court is situated and it is the military justice building. Mr. Al Jishi was also searched in a very degrading way upon his entry to the military court.

³⁰⁰ The Bahrain Transparency Society was one of the few organisations allowed to observe the trials. Their report is not publicly available yet.

b. The use of confidential sources to make charges

The charging of defendants on crimes of terrorism shows the political nature of the charges against the 21 opposition and human rights activists. Organizational connections were alleged without evidence of links to Hezbollah and other organizations that are Shia loyalists which infers that the protesters were targeting Sunni citizens and painting the popular uprisings as a sectarian act.

c. Court Sessions are not held in public:

It is an international practice that fair trials should be publicly held. However, the national security courts, under the observance of the Bahrain Transparency Society was allowed to attend the hearings with a ban on pens and paper pads. Furthermore, making a statement to any media outlet was prohibited even for journalists and the media was restricted to state-run television. Journalists representing non-Bahraini outlets were not granted access to the hearings. Moreover, no representative of any human rights organization was allowed to attend with the exception of Front Line representative, Ms. Mary Lawlor, who attended only one session of the trial of a Front Line member.

4. Summary

In 2011 the Bar Human Rights Committee of England Wales issued the following letter to Bahraini authorities regarding the arrest and detention of Mohammed Al-Tajer, a prominent lawyer. The letter speaks directly to the need for the government of Bahrain to acknowledge the existence of human rights law and thereby defend it:

‘The Bahraini authorities must acknowledge and defend the rights to freedom of expression and freedom of association protected by Article 19 and Article 22 of the ICCPR. These provisions are reinforced by the Declaration on Human Rights Defenders, adopted on 9 December 1998 by the UN General Assembly. Article 9 of the Declaration on Human Rights Defenders provides that ‘everyone has the right, individually and in associations with others, inter alia to [...] (c) offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms’.³⁰¹

Ultimately the government of Bahrain must ensure compliance with its international obligations and principles of human rights. In particular, the Bahraini authorities must guarantee in all circumstances the physical and psychological integrity of all its citizens, including legal professionals, in order to preserve the independence and integrity of the administration of justice.

The international pressure which has been brought to bear on Bahrain as a result of the harsh crackdown has resulted in the Bahraini government being shamed into altering some of the legal decisions of the courts. The trial of the medics was moved from a military to a civilian court, where they are awaiting an appeal. The trial of Mattar Ebrahim Mattar was annulled without explanation after international pressure and he was released with over 100 other political prisoners.³⁰² The lack of fair trial standards facilitates other human rights abuses, such as torture

³⁰¹ <http://www.bahrainrights.org/en/node/4176>

³⁰² [CNN, Bahrain releases more than 140 detainees, 8 August 2011](#)

and other forms of cruel, inhuman and degrading treatment, with much concern raised by groups like Physicians for Human Rights that detainees on hunger strike are not receiving adequate care.³⁰³

I. Confiscation and destruction of property

1 - Introduction

Since the start of anti-government demonstrations in Bahrain in 2011, protesters have been targeted at checkpoints, workplaces, villages, and even their homes. Many violations of human rights have been committed by the Bahraini authorities, amongst them robbery and vandalism of property. Hundreds of cases were reported to BCHR, provided with videos and photos of such violations as evidence. The checkpoints are still widespread in many areas, despite the lifting of the state National Safety since June 1, 2011. The original BCHR report on these violations can be read [here](#).

2 - Applicable Law

Article 17 of the ICCPR states that “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.” The right to privacy is inextricably tied to the security of property and in this respect, the confiscation or destruction of property can be said to undermine this right. Article 11 of the ICESCR provides the right to housing, stating the right of everyone to an adequate standard of living for himself and his family.³⁰⁴ The confiscation or destruction of property does not provide for this adequate standard. Additionally, the UDHR calls for the right to hold property without interference.

3 - Factual Findings

Robbery has been very common since the imposition of National Safety on 17 March 2011. These occurred during nightly home raids, at checkpoints and in villages. Based on the cases reported to BCHR, the total amount stolen in just three months reached BD437,781 for 336 cases reported, although the number is believed to be higher. Not only was cash stolen but it seems that Bahraini security forces also focused on stealing mobile phones, laptops (many brand new), ipads, ipods, and other valuable things. The reported number of mobile/smart phones taken was 431 and the number of laptops was 113. Mobiles and laptops taken were worth at least BD140,900, according to a report by BCHR in September.³⁰⁵

Following the declaration of National Safety, hundreds of checkpoints were setup in all areas of Bahrain. Although officially they were managed by security forces, in many areas and on different occasions they were also managed by informal or plainclothes individuals used for this purpose “regime mercenaries”. The targets of these checkpoints were those whom security

³⁰³ [Physicians for Human Rights, *PHR Renews Call for Open and Fair Trials in Bahrain*, 1 September 2011](#)

³⁰⁴ [International Covenant on Economic, Social and Cultural Rights](#)

³⁰⁵ <http://www.bahrainrights.org/en/node/4629>

forces felt took part in the protests at Pearl Roundabout or were from the Shia sect which was made synonymous with the opposition in a government-led sectarian campaign. When those being targeted were identified at a checkpoint either by their Central Population Registration (CPR) card number or the contents of their mobile phones, they were treated with violence and humiliation and in numerous cases arrested.³⁰⁶

In addition to violence at checkpoints, robbery became a common occurrence. More than 100 cases have been reported of robberies at checkpoints between February and September. Zahra was stopped at a checkpoint in Muharraq where she works. Her car was searched, her mobile and laptop were taken as well as a cash amount of BD30 from her wallet.

On 3 May, Hani and his friend were going to attend a dinner party in Adliya. On their way at 9:45pm he was stopped at one of the checkpoints by a uniformed security officer near the Salmaniya hospital, where his mobile and a sum of BD150 were stolen. Hussain was with his cousin going to buy dinner from a drive-through in Salmaniya area where he was stopped by police guards; they were beaten, taken to jail and detained for nearly 5 weeks. Hussain was tortured then released with a broken nose. Upon his release he requested his belongings including his wallet which contained cash of BD80, ID card and his 2 smart phones worth BD400 but was told they were not available with the security. Hussain then asked for his new 3 month old red Mazda Ultra car worth BD10,000, but was informed that the car wasn't taken by security even though he was arrested from his car at a checkpoint.

There were a few cases reported of robbery immediately after withdrawing money from banks. Such an incident happened to a business woman, who left the bank, only to be stopped at a checkpoint near the Sheraton hotel by a uniformed officer who asked for her ID and after reading her name, he asked if she was a relative of a jailed Member of Parliament. She replied that he is her brother. The money she had withdrawn was in an envelope so the security officer inquired what the envelope contained. She explained that it contained salaries of her employees. The officer took the envelope and asked her to leave. When she demanded to get it back, he replied by telling her to ask the jailed MP to pay her the amount, having no other option, she had to leave without getting her employees' salary back. In another case, Mohammed was stopped after leaving a bank on 20 June at a checkpoint in Dimastan Village by four armed security guards in civilian clothing. They asked him and his wife to hand their mobile phone and took a cash amount of BD150 which they had just withdrawn from the bank.

Such incidents have made Bahrainis very fearful of checkpoints.³⁰⁷ They have become cautious to the point where no one leaves home with expensive items, mobile phones or laptops, and carries the least amount of cash possible to avoid having it stolen at checkpoints by security forces.

Robbery was not the only crime committed by security forces, as many Bahrainis felt unsafe even in their own homes. Security forces and masked men break into houses in the early hours of the morning to arrest people and rob valuable items from their homes.

Artist Mohsin Gareeb's³⁰⁸ house got raided by around 40 mostly non-Bahraini security officers, some wearing uniforms and others civilian clothes. They attacked his house, destroyed all the

³⁰⁶ <http://www.csmonitor.com/World/Middle-East/2011/0401/Bahrain-s-calculated-campaign-of-intimidation>

³⁰⁷ <http://www.aljazeera.com/news/middleeast/2011/03/2011331131744583927.html>

³⁰⁸ [Demotix, *International Bahraini artist arrested and home torn apart*, 18 May 2011](#)

furniture and took with them the cars and doors' keys, an iPod, four laptops, four smart phones, a gold jewelry set, a BD100 chandelier and unknown cash amount from his wallet, in addition to a digital camera, a video camera, a removable hard disk, phone charging cards and a charity box full of charity money. Items stolen from Mr. Gareeb's house were worth of 1000s of dinars in value.

Similarly, cleric Abdul Jaleel Al Meqdad also had a huge amount of charity money stolen when his house got raided to arrest him. Also, Sheikh Al Mubarak had a charity box stolen from his house and security forces took everything they could carry with them including his and his wife's cars when they raided his house at 3am.

From Nuwaidrat village, Ali Mohamed, says his family hides anything valuable they have every night in anticipation of another raid after his father was arrested at 1am in mid April. Similarly, Hasan's home was raided when his father was arrested from his bed without being allowed to dress. They forced the rest of the family to face the wall and used anti-Shia slurs. Security forces took from Hassan's house seven mobile phones, one laptop and three desktop computers. They also attacked the house of Abudrais in Manama to arrest the journalist Haider AlNoamini (his son in-law), who works for Al Wasat newspaper. All family members were humiliated, assaulted and BD4000 was stolen as well as 4 mobiles, 6 laptops and 2 cameras and household items and furniture were damaged. Another BD3500 was stolen during a raid on Muneer Al Sheikh's home and BD1700 as well as laptops and 6 mobiles were stolen from the house of opposition leader Abdulwahab Hussain.

Akbar who lives in a majority Sunni area was forced to leave the house on the 17th of March without being able to take his belongings. He tried to go back with no luck and when he finally managed to reach his house, the house was totally empty. Everything was robbed, there was nothing left except the carpet and the curtains and a few old things. He is still unable to live in the house and has to stay with relatives until he manages to sell his house and move to another secure area. In another case during an attack on a village, security forces raided the house of the owner of a tourism company for religious pilgrimages and stole BD65,000 which was collected for the pilgrimages of his customers. In addition to the huge amount of cash, they stole 4 mobiles and 2 laptops. This specific incident has been reported directly to the International Criminal Court with supporting documents.

Mohamed was arrested on March 27 by 30 security guards from his mother's house in Manama. They destroyed most of the furniture and stole lots of items including a mobile phone and an Ipad; strangely the second morning 4 non-Bahraini security guards planned another robbery and came to the house to remove his mother's small safe box completely which contained a few gold items and some land deeds.

Many stories of 100,000s of dinars stolen in cash or valuable items by Bahrain's security forces have been reported to BCHR while many more have not out of fear. The crime of robbery has been systematically targeted towards opposition and pro-democracy protesters in Shia villages around Bahrain.

As per the LHRW monitoring, 2141 steeling or confiscation cases, the total cash amounts declared was equal to 206,877.400 BHD, and that the total amount of in cash and in kind was 310,434.300 BHD. Taking into account that who declared the value of the stolen things is only 272 out of 2141 which means that what exceed this amount was not declared and that it is clear that this amount will increase more than nine times of this mentioned figure.

While government media has been accusing protesters of the destruction of public property, videos have proven otherwise. Bahrain's riot police and security forces have been seen going around smashing car windows and slashing tires of civilian cars parked in villages or around protest areas. After the brutal crackdown on Pearl Roundabout, police were seen smashing cars of the protesters who ran away to escape the violence. . Crushing cars and destroying them deliberately and systematically disclosed an act of revenge, driven by orders, or at least with satisfaction of military leaders who were in the area after evacuation directly to see what the soldiers were doing.

Some citizens tried to check the possibility of claiming their cars back through contacting the official phone number (80008008). However, they met with procrastination and evasion by the official authorities in dealing with their claim to regain their vehicles. No one was able to get a clear and frank response about it. Everyone was asked to write requests when they went to the security centers. After those requests, they were surprised when asked to sign on papers to relieve official authority of any responsibility for any damage that occurred to their cars. In cases of refusal of citizens to sign they have not received their cars.

People were unable to go back to take their cars, as many who went to inquire were arrested. Hundreds of cars were removed to unknown destinations as has been reported, as well as the vandalizing of over 100 cars as reported to BCHR. The Department of public rights and freedoms at al-Wefaq documented the numbers of vehicles that are believed to have been broken and destroyed by the military and security forces after the attack on Pearl Roundabout on March 16 as 538 different cars.

Sayed, 21 years old, was working for Aluminium Bahrain (ALBA) taking care of his family after his father passed away. He was sacked from his work like thousands of Bahraini workers and got his car taken by security guards who left him with a BD105 payment for a car he no longer has nor can pay for. Amal Ali and her family have no ride to their work place, schools or anywhere else as one of their cars was taken away from Pearl Roundabout after the crackdown and the other one was smashed while parked outside their house in Sitra village.

Many families, like Amal Ali's, have lost their means of transportation; however they were also fearful of reporting their cases for fear of arrest, detention and torture. Maher Abdul Wahab tried to report his missing car after a week of the crackdown and he was humiliated, beaten and detained for 3 hours, then released, and till this day has not received a reply from the police. Despite the humiliation and torture Maher went through, he was luckier than Mohammed Hassan Jawad who was arrested and is still in detention after reporting his missing car. Jawad is a longtime activist in Bahrain, and one of the 14 defendants sentenced to lengthy prison terms for plotting to overthrow the government.³⁰⁹

Houses were not only robbed during the raids but were also vandalized and smashed for no apparent reason. Many photos have been published of wrecked houses and broken furniture by riot police and security forces. Over 200 houses have been vandalized as reported to BCHR.³¹⁰

³⁰⁹ <http://www.bahrainrights.org/en/node/4386>

³¹⁰ <http://www.bahrainrights.org/en/node/4629>

Artist H Al Moulani's house was raided after midnight by uniformed forces who broke into his house without warning but did not find him there so they stole BD2800, 2 mobile phones, 3 DJ speaker sets, hard discs, and 2 video cameras. They also vandalized the house's furniture and smashed up his recording studio and workshop which are above his house.

Twenty year old poet, Ayat Al Qurmazi, was arrested after a dawn raid where security forces broke into the house, searching and vandalizing her property. Photos taken after the raid show broken doors, beds and cupboards with everything thrown on the floor.

Brothers Ali and Salah Abdulaal's house was raided at 1.30am and jewelry, cash and electronic equipment costing around BD4000 were stolen. As video footage shows, the entire house was damaged before they were arrested along with their friend.³¹¹

This is a frightening situation, as people fear reporting the robberies and vandalism to the police particularly following the death of Karim Fakhrawi in police custody due to torture, after he went to the police station to file a report and complaint about a raid on one of his relative's houses on the 3rd of April.³¹²

LHRW monitoring to the damages of private property had represented 1530 cases, 57 cases of them had declared the amount needed to fix the damages.

4 – Summary

Theft, destruction of private property and vandalism show the inability of the regime to protect the rights and property of its citizens. Moreover, abuses by government supported security forces against said property as a means of intimidation point to not only the inability to protect one's citizens but rather a concerted effort to limit your citizen's financial well-being and security, as well their dignity and reputation.

Reimbursement for damaged and stolen property has not been provided by the government , which includes the over 500 cars vandalized by government security forces at Pearl Roundabout. Moreover, unlawful home invasions resulting in destruction and theft continue to destroy the livelihood of the people.

J. Attacks on Unionists, Labourers and Students

1. Introduction

Institutions such as trade unions and universities have been targeted and its' members have faced harassments, arbitrary arrests, assault and in some instances even torture. The attacks on bodies such as the University of Bahrain and the Bahrain Trade Union Federation suggest the coordinated manner in which governmental forces are systematically targeting groups and individuals that in any way hold dissenting political views and participate in protests in support of

³¹¹ [Aftermath of an attack on a house by riot police.](#)

³¹² <http://www.cpj.org/killed/2011/karim-fakhrawi.php>

a greater process of democracy. This section outlines clearly the attacks directed to unionists, labourers and students, demonstrating Bahrain's violation of human rights.

2. Factual Findings

Unionists and Laborers

An intense sacking campaign started around the third week of March 2011 which affected thousands of workers and unionists working in the private sector, especially in organizations partially or fully owned by the government. This campaign seemed to discriminate against members of a particular religious group or those who held dissenting political opinions. 2722 employees from both private and public sectors have thus far been sacked.

Unionists have been barred from participating in union activists and many have been dismissed. Since 12 June 2011, 52 unionists have been sacked, eight of them members of the Bahrain Trade Union Federation. In all these instances, those targeted were participants of protests since the beginning of February.

Following the Prime Minister's directives a large number of public sector employees were referred to investigation under CBS pressure. Those employees had to face interrogation related to their absence during the recent unrest which witnessed unstable security situation. They were also questioned about their participation in the Pearl roundabout sit in and some of them were shown some photos taken to them in the Pearl roundabout or in other rallies.

A media campaign was launched against unionists that involved government-owned newspapers utilizing the media to harass and intimidate them. Unionists have been named on air and threats have directed against them. In one instance, a Member of Parliament demanded for the arrests and punishment of unionists. He also accused unionists of participating in a conspiratorial plot to overthrow the regime. Unions have also been accused of receiving orders from external sources and themselves ordering sacked employees to participate in protests.

Members of the Bahrain Trade Union Federation have also been threatened by major companies which are partially or fully owned by the government. They were threatened with legal action should they refuse voluntary resignation from their positions within the Federation. There have been instances where entire boards of directors or a majority of them were dismissed due to their participation in union activities.

According to the General Federation of Workers Trade Unions in Bahrain, 2535 Bahraini workers have been affected till July 2011 and that figure represents 2 % of Bahraini manpower and .04% of Bahrain population reflecting in the lives of 12966 Bahrainis taken the members of each family which represents 2.3% of Bahrain population and 13.8% of Bahraini families. 82% of the dismissed employees were male.

The following facts show the government's intervention in dismissing the employees for political reasons, were not for economic reasons and the decisions were not independently made by the concerned companies. 75.9% of the affected employees work either in the public sector or in state-owned companies.

According to the LHRW monitoring, in terms of age group, the age group between 30-39 years old was the most affected group that represents 44.6% of the reported cases of dismissal.

Employees between 20-29 years old and 40-49 years old represent 23.5% each. In addition 8.3% of the affected employees were over 49 years old. Dismissals mainly targeted professional and experienced employees; 53% of the affected employees having more than 6 years experience, 6-10 years 21%, 11-15 years experience 10%, 16-20 years experience 11%. The given diagram shows detailed figures. In term of qualifications, the figures show that 60% of the dismissed and suspended employees hold university degrees and above as following: 54% have university degrees while 5% of the registered dismissed employees didn't reveal their qualifications.

The government formed a committee whose function is to review the legitimacy of dismissals cases within the private sector. As per the cases recorded by BCHR, reasons for dismissals were found to be due to participating in political activities, violating the company regulations which the employee works in, absence from work, using the internet, email and social networks, criticizing the present situation in the country and or political figures, aggravating workers to go on strike, protest and violate the rules. During investigations in both the private and public sectors, employees were asked questions regarding their political activities and affiliations prior to dismissal.

A number of establishments have forced their employees to resign from their jobs or face arrests. This has occurred at the Arab Shipbuilding and Repair Yard (ASRY) where employees who occupy administrative and technical positions were threatened to be taken to the Central Investigation Department (CID) if they did not voluntarily resign.

Students and teachers

Students from the University of Bahrain were attacked on March 13 2011. Documented evidence shows students being attacked by mercenaries carrying weapons such as knives and sticks.³¹³ The attackers were seen arriving in groups, some of them masked. Requests made by two students to the Chief of Security and the University to provide protection to the students were left unheeded. The students then moved to another faculty in the university to seek shelter, while some others moved to the mosque at the University.

The mercenaries were shown surrounding the mosque and attempting to break in, coordinating with the police. Evidence also suggests that the University administration were also coordinating with the mercenaries. Families of the students were barred from entering the premises. Security forces arrived at around 1:30pm and began to fire tear gas, sounds bombs and rubber bullets near Building S20 where the conflict spread to. The statement to the BICI investigation of Dr Mike Diboll, a British professor at the University of Bahrain, is an interesting and thorough account of what happened on March 13, showing that outside attackers came into the university to intimidate student protesters.³¹⁴

There has not been any official statement on the number of injured in this incident. Salmaniya Medical Complex received patients whose injuries were caused by swords, two of whom were placed in a critical condition in the ICU. Hamad Jasim Kanoo Health Center, in Hamad town, received 80 to 100 wounded from the incident at the University. Half of the cases were transferred in order to avoid official registration. The influx of patients, due to the incident at the University, also resulted in half of the cases that were transferred to the hospital to not be

³¹³ For more information and links to documented evidence please refer to the [BCHR website report](#).

³¹⁴ [Dr. Michael Diboll: Statement to the Bahrain Independent Commission of Inquiry, 1st September 2011](#)

registered. The majority of injuries were due to suffocation from tear gas. At least two injuries were sustained by shotgun wounds. Al Wefaq stated that there were nine cases of disappearances on March 13, the majority from the incident at the University.³¹⁵

Based on the report collected by BCHR³¹⁶, following the University attacks on March 13, at least 166 students have been dismissed from universities, where 44.97% were not involved in the incident (these students were from Isa Town campus located around one hour away from Sakheer campus where the attacks took place). According to Voice of America, the number of expelled students reached 400 by the end of September.³¹⁷ A government report from Gulf News put the figure even higher in August, at 477, of whom 439 were reinstated.³¹⁸

After the 13 March incident, students told Al-Jazeera of the restricted access to the University, with the addition to checkpoints placed throughout the university, and a loyalty pledge demanded of all students. The loyalty pledge asks students to declare their loyalty to the leadership of Bahrain and restricting their participation in university activities especially those of any political nature.³¹⁹

Investigative committees were established to interrogate the students at the University of Bahrain, Bahrain Polytechnic, Bahrain Training Institute and other educational institutions, accusing them of “participating in marches to overthrow the regime” and criminalizing their exercise of basic human rights. These interrogations have led Brian Dooley of Human Rights First to write that “Bahrain Polytechnic is violating students' rights by forcing them to choose between their personal rights of expression, opinion, and association, and to their right to education.”³²⁰

At least 78 students have been arrested. Some of whom had their homes raided and vandalized, and their families terrorized. Students who have no political activity have also been subjected to arrests because of their religious background.³²¹ Students have also been put on trial before the military courts.

Among these students Ebrahim Ashkanani, an activist who defended and spoke out for students rights. He was expelled in April for expressing his political views on television, as stated in his letter on the White House Facebook page. He was later arrested on 18 May 2011. He has been presented at martial court without a lawyer and in absence of any family member as they were not informed about his trial. He is charged with incitement to overthrow the regime, trying to

³¹⁵ [Al Wasat News.com, Injuries at the University, August, 2011](#)

³¹⁶ [Bahrain Center for Human Rights, Violations against University Students, June, 2011](#)

³¹⁷ [VOA News, Bahraini Students Uncertain Over Future, 21 September 2011](#)

³¹⁸ [Gulf News, Bahrain reinstates 439 students after clashes, 28 August 2011](#)

³¹⁹ [Al Jazeera, Loyalty Pledge, May 2011, LA Times, Bahrain Students Forced to Sign Pledge of Allegiance, May 2011](#)

[BYSHR, Bahrain: University of Bahrain only accept pro-government students, 18 May 2011](#)

[Aletho News, Bahrain Students Forced to Pledge Loyalty for Regime, May 16, 2011](#)

Loyalty Pledge: [\(Arabic & English\)](#)

Copy of Dismissal letter (number 267 for the year 2011, with a logo of Bahrain vision 2030)

³²⁰ [Huffington Post, Bahrain's Youth Crackdown, November 11, 2011](#)

³²¹ [Spreadsheet of reported student arrests](#)

demolish the country's economy, illegal gathering and communicating with external parties and broadcasting of false news and lies.

Dozens of expelled students are due to be tried for charges such as illegal gathering, damage of public property, assault and inciting hatred against the regime. Some of them have been transferred to civil courts with the recent royal decree that ordered all civil cases to be removed from martial courts. There has been alleged torture of students in their early days of detention and denied access to their families and lawyers. In protest of their unfair detention and ill-treatment, detained students began a hunger strike on 1 September.

BCHR documented that more than 12 girls' schools were raided by the security forces where students aged between 11 - 17 were taken from their classrooms, beaten, arrested, tortured, humiliated and detained for days with no access to a legal representative during interrogations. Hameeda, a girl at Yathreb Intermediate School for Girls, stated that "Almost 60 students aged 11-14 were taken by force using several buses to the Police station at 17th Roundabout in Hamad Town. In the bus we were forced to repeat pro-government slogans such as "long live Bu Salman". At the police station, they made me stand while lifting my hands up for almost 8 hours. They would come to us every now and then to beat us on the hands with metal rulers. Not to mention the insults, obscene words and the mocking "we will take away your nationality and make you leave to Iran, Iraq or Lebanon".

Heba, 17, reported to Al-Jazeera that she was arrested from her school with 3 other students. She was detained and beaten for 3 continuous days on April 2011.³²² BCHR has recorded³²³ many more first hand testimonies of political attacks on students.

3. Summary

The attacks on students, laborers and unionists clearly demonstrate Bahrain's violations of the right to peaceful assembly, association, expression and opinion. While Bahrain reserves the right to derogate from Article 19, 21 and 22 within the period of National Safety, these rights have been seen to be violated outside this declared period; in some instances violations have continued to be perpetrated.

Today, over 2,700 workers in both the public and private sectors have been dismissed³²⁴, and hundreds more have been suspended from public sector jobs. The government has failed to reinstate the vast majority of these workers and has presented no evidence to support recent claims that it has. Some of those few that have been reinstated have had to agree to unacceptable, indeed illegal, conditions to get their jobs back, including agreeing not to join the union. Students too have faced dismissals from their universities; those who retain their places are coerced to take loyalty oaths. Numerous trade union leaders and students are also now facing criminal prosecution.

According to LHRW, random actions have been taken in work and contrary to the local labor laws. 35% of the affected employees have revealed that they have been punished without being interrogated. 29% of affected employees said they had been investigated by some parties not

³²² [Al-Jazeera, Schoolgirls 'beaten' in Bahrain raids, 11 May 2011](#)

³²³ [BCHR, Teachers ordeal in Bahrain: arrested, tortured, sacked, suspended and prosecuted, 11 July 2011](#)

³²⁴ [Spreadsheet showing all sackings reported to Bahraini NGOs](#)

belonging to their institutions and faced disciplinary actions. 75% of the employees who have been investigated have been asked questions related to their religious faith and political views. For instance the dismissed employees in university of Bahrain have been asked direct questions about their relation with Al-Wefaq society while some parties played the role of the security authorities. 35% of the dismissed employees have been referred to the security authorities for investigation or arrested.

The authorities have also admitted that illegal disciplinary actions have been taken against some employees and workers and the King has expressed his desire since July to reinstate these dismissed employees, however this issue has not been resolved yet.

Moreover some actions have been accelerated after announcing the royal directives and some of the reinstated employees have returned to their jobs with unfair conditions such as by losing some privileges or assigning their administrative or technical responsibilities to other employees. Some of them also have not been paid for the suspension period. Furthermore, those who have given orders to commit the arbitrary dismissals have not been held accountable.

LHRW has also observed some actions taken against some self-employed Bahrainis such as Taxi drivers, truck and bus drivers, driving trainers and brokers for their participation in the protests in February and March demonstrations. The security authorities also seized their cars, buses and trucks. They also suspended the issuance of some licenses issued for practicing some activities such as driving training and clearance. The Committee has registered more than 100 cases. More than 61% of the cases were reported in April and they came parallel with dismissals which reflect a clear unified policy.

K. Denial of medical access and medical neutrality

1 - Introduction

Salmaniya medical is the only government hospital in Bahrain, which provides primary and specialist medical care to the public, and it faced a severe experience unheard of any of its employees.³²⁵

Throughout the initial stages of the protests in February and March, injured protesters were being brought to Salmaniya hospital and other smaller clinics for treatment. After the second clearance of Pearl Roundabout, many protesters were brought to Salmaniya Medical Complex, and their families congregated outside, where they continued to protest in the presence of international media, particularly Al-Jazeera, who were given unprecedented access to the hospital by the staff there in order to document the injuries and work of the staff. Much of this footage can be seen in the Al-Jazeera documentary *Bahrain: Shouting in the Dark*³²⁶. The government claims that the protesters took over the hospital as a politically partisan location. What is evident in the documentary is that after the clearance of Pearl Roundabout, the families of the injured stayed outside Salmaniya which they felt was a safe place for them to protest. The tension and anger of the families of the injured is palpable, and the doctors are seen under great pressure and strain to cope with the numbers of injured and the shock of seeing maimed and

³²⁵ The report of SMC should be attached.

³²⁶ <http://www.youtube.com/watch?v=xaTKDMYOB0U>

dead bodies day after day with no time to rest or sleep. Shia and Sunni doctors are seen together maintaining that they are willing to treat both Shia and Sunnis without prejudice, and the cameras are shown the ID cards of plainclothes MOI employees, mostly non-Bahrainis, who have been treated at the hospital, showing that these people were not refused treatment because of their religion.

The case against the doctors who treated patients at Salmaniya Medical Complex is serious and ongoing. As of the time of writing, there has been a big international outcry about their treatment, and this negative publicity for the Bahraini government has led to their retrial in a civilian court and the dropping of the most serious charges against them.³²⁷

On September 29th 2011, the UN Secretary-General Ban Ki-Moon reiterated his concern about the harsh sentences given to medical professionals and others in military court trials.³²⁸ A European Parliament Joint Motion for a Resolution on Bahrain in October 2011 called on Bahrain “as party to the Geneva Conventions to respect its obligations regarding the provision of health care to the sick and injured.”³²⁹

2 - Applicable Law

As a signatory to ICESCR, Bahrain has accepted the legal obligation to respect the right to everyone to the enjoyment of the highest attainable standard of physical and mental health under Article 12. The Committee on Economic, Social, and Cultural Rights has stated in its General Comment on Article 12 that this includes an obligation not to prevent access to health services as a punitive measure. Although the specific example provided by the Committee relates to where medical services are prevented as a punitive measure in times of armed conflict contrary to international humanitarian law, this obligation applies at all times.³³⁰

3 - Factual Findings

Bahraini authorities have launched a campaign to suppress the popular uprising that started on 14 February 2011. The suppression continued for days then stopped for around a month to resume on 13 March 2011, with a mass crackdown to end the protests and silence the people’s democratic demands.

Deprivation of medical care and targeting medical staff is one form of the Bahraini authorities’ violent crackdown on protesters. On 16 March 2011, security forces laid siege to Salmaniya Hospital, the only public referral hospital in Bahrain. Wards and patients’ rooms were broken into, in search of patients with wounds and injuries caused by security forces’ gunfire during clashes with protesters, like pellet gunshots and live ammunition. Patients were then tortured and arrested from their hospital beds. The risk of going to Salmaniya Hospital meant that many protesters from villages that witnessed clashes did not attempt to seek medical care out of fear of

³²⁷ <http://manamapress.net/?p=4424>

³²⁸ <http://www.un.org/apps/sg/sgstats.asp?nid=5581>

³²⁹ <http://www.europarl.europa.eu/sides/getDoc.do?> para. 7

³³⁰ ICESCR, General Comment No. 14 of Article 12 (2000), para. 34

the violent crackdown on medical facilities. Not only public medical facilities were targeted, but private hospitals have received threats from the authorities holding them accountable in case they treated such injuries, forcing them to report any such cases to the security forces and putting patients at risk of being arrested. These threats made many hospitals hesitant in accepting patients with wounds or injuries caused by security forces. Medical staff, doctors and nurses, were subjected to violent attacks from the Bahraini military and special forces, they were tortured and pulled from operation rooms to be arrested and later prosecuted for treating protesters. The violations are:

1. Deprivation from medical treatment because of detention; denial of proper medical care while in detention.
2. Deprivation of medical treatment for a period of time because of direct orders from security forces, like ordering medical staff not to treat patients or holding them in the hospital in a way that prevented treatment.
3. Denying injured and sick detainees from medical treatment, by not transferring them to medical institutions or depriving them of treatment from medical staff or hospitals under military control on discriminatory basis.
4. Denying medical treatment by imposing military procedures on public and private medical institutions for purposes of detaining injured protesters, based on the type of their injuries, or assaulting them on a political or sectarian basis
5. Denying medical treatment by imposing military procedures on public and private medical institutions for purposes of detaining injured, depending on the type of their injuries, or assaulting them on a political or sectarian basis

LHRW revealed that in 54 cases patients were tortured, 40 cases after the occupation by the army of the SMC. 20 cases confirmed that they were tortured in one of the wards in the 6th floor of the SMC, while some cases had confirmed that they were shifted to this ward after the army takeover.

LHRW monitored 143 cases of serious injuries that needed urgent medical intervention by the SMC which is the only hospital qualified for such treatment. Those cases confirmed that the main reason for their fear of going to the hospital was because of the military presence there. 24 of them confirmed that they were attacked or noticed the attacks on other injured people, while 22 of them confirmed that they know individuals who were arrested from the hospital while seeking medical treatment.³³¹

In March 2011, Médecins Sans Frontières (MSF) issued a report saying that, “Hospitals and health clinics are no longer places to go for the sick or injured, but are rather places to be feared. As the military cracks down on protestors and medical personnel Médecins Sans Frontières/Doctors Without Borders (MSF) has witnessed patients with critical and life-threatening injuries refusing to go to the hospital due to high levels of fear.”³³²

It was possibly the outspoken attitude of MSF in Bahrain which eventually led to their offices being raided in July, with medicine confiscated and one staff member arrested.³³³

³³¹ LHRW Report on denial and obstruction of medical access.

³³² <http://www.doctorswithoutborders.org/publications/article.cfm?id=5171>

³³³ http://www.msf.org.uk/Bahrain_arrests_20110803.news

Bahraini NGOs have documented 143 cases of deprivation of treatment for discriminatory reasons. However, this number of cases does not represent the estimated total number as the process of documenting such cases faced the obstacle of patients' hesitation in documenting due to their fear of arrest if their name reached the authorities. They are also sometimes unaware of the guarantees provided for the victims not to reveal their names to security agencies.

According to a report by HRW, "Beginning on February 17, three days after the start of the protests, security forces attacked paramedics, doctors, and nurses attempting to provide urgent medical care to injured protesters and bystanders at the scene of demonstrations."³³⁴ HRW also stated that in this early stage of the protests, medical workers were attacked at the University of Bahrain and at Pearl Roundabout. After Pearl was attacked on March 16th, the site of tension shifted to Salmaniya, where the injured were taken.

In May 2011, the general manager of MSF issued another article under the title "From hospital to prison" in which he emphasized that "The only public hospital Salmaniya Medical Center was under continuous military control."³³⁵

Victims reported to Amnesty International how they were tortured and arrested from their beds in the SMC. Hamid Sayyid (not his real name), who was detained at the Salmaniya Medical Complex at the end of March, told AI:

"10 people dressed in police and army clothes entered the nursing room while I was alone in the room and beat and kicked me. Immediately after they took me to the police station in the village without explaining why they were taking me. Once there they put me in the middle of a room, blindfolded, and several men, I don't know how many, beat me and applied electric shocks on both legs."³³⁶

4 - Summary

It could be argued by the Bahraini authorities that the derogation from the right to liberty and security of the person during the National Safety period allowed them to lawfully deny medical services. However, the government takeover of Salmaniya has lasted until the present, and injured protesters are still being treated in private to avoid going there. In addition, injured people in the SMC at the time of the government takeover were tortured to punish them for taking part in protests. Therefore, Bahrain is knowingly violating its commitment to the highest attainable standard of physical and mental health under Article 12 of the ICESCR.

HRW stated that as to the government's assertion that doctors engaged in sectarian policies by not treating injured Sunnis, or provided protesters with weapons, "in the course of visits to the SMC during this period Human Rights Watch researchers observed no evidence of such activity."³³⁷

³³⁴ <http://www.hrw.org/node/100507/section/3>

³³⁵ <http://www.aljazeera.com/indepth/opinion/2011/05/201151285040679763.html>

³³⁶ <http://www.amnesty.org/en/library/asset/MDE11/019/2011/en>

³³⁷ <http://www.hrw.org/node/100507/section/3>

M. Use of mercenaries

1- Introduction

The use of mercenaries by the Bahraini Government during the revolt has been widely reported. Bahraini special forces and riot police consist of personnel from Syria, Iraq, Jordan, and Pakistan, of which, a significant number are Sunni³³⁸. Such a recruitment points to a coordinated effort by the National Authority to undermine Bahrain's Shia majority, which account for 65% of the country's population of one million, in the hopes of beginning a process of naturalization for these mercenaries.³³⁹ While the National Authority claims that "few foreigners are being naturalized", according to a 2009 cable released by the United States Embassy in Manama, "hardliners grouped around the royal court minister, Khalid bin Ahmad, and cabinet minister, Ahmed bin Atiyatallah, have successfully resisted calls for a transparent naturalisation system".³⁴⁰ While there is strong evidence of the participation of mercenaries in the conflict, the timing of their recruitment which took place during the revolt is an example of a deliberate act by the government to suppress the demonstrations through armed conflict. Furthermore, the Minister of the Interior, Lt. General Shaikh Rashid bin Abdullah Al Khalifa, noted in a October 19, 2011 interview, that while foreigners were brought into the country to curtail conflicts so that the Bahraini people would not have to face each other in disputes, this act does not constitute the government using mercenaries³⁴¹. However, in the previous June, Lt. General Shaikh Rashid bin Abdullah Al Khalifa himself was the sponsor of forming local militias³⁴².

Under the UN Convention Against Mercenaries³⁴³, a mercenary is any person who:

- Is specifically recruited locally or abroad in order to fight in an armed conflict;
- Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party;
- Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
- Is not a member of the armed forces of a party to the conflict; and
- Has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces.³⁴⁴

Although some of these provisions do not apply to the situation of Bahrain, which is not engaged in an internal armed conflict, the fact that Bahrain hires mercenaries shows that the government behaves as if it were fighting an armed insurgency, rather than a protest movement.

³³⁸ <http://www.time.com/time/world/article/0,8599,2053107,00.html>

³³⁹ <http://www.guardian.co.uk/world/2011/feb/17/bahrain-security-forces-sunni-foreign>

³⁴⁰ Ibid

³⁴¹ <http://www.alwasatnews.com/3330/news/read/602247/1.html>

³⁴² [Bahrain News Agency, Lt. General Sheikh Rashid bin Abdullah Al-Khalifa recruiting mercenaries, June 2010 \(Arabic only\)](#)

³⁴³ [A/RES/44/34, International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 4 December 1989](#)

³⁴⁴ [Article 1, A/RES/44/34, International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 4 December 1989](#)

3. Factual Findings

BCHR received confirmation in 2009 that a Bahraini security delegation was in the Pakistani town of Makran. The security delegation is said to be working to recruit men from this city, who belong to the Baluch tribes in Pakistan, to work as mercenaries in the Bahraini security services. In his statement to News Online, Mr. Basham Baluch - Official spokesman for the Baluch Liberation Front (BLF) – appealed to the Baluchi people, saying, “The Bahraini army is currently recruiting members of the Makran area in Baluchistan. Under the current circumstances, we call upon the Baluchi nation not to become part of any tyrant or oppressive army, at a time when the Baluchi nation is living in a state of war and is going through a critical period. Instead of turning the young Baluchestanis into hired killers, they should join the national armies (Baluch Liberation Front, Baluchistani Liberation Army, the Baluch Republican Army (BLA), to make the independence of their homeland a reality.” He added, “We warn all these institutions and demand that they put an immediate end to the recruitment process in Makran area. We are in a status of war, and are struggling against the tyrants ourselves, and we do not want the Baluch people to be used and turned into mercenaries.” The Baluch Liberation Front (BLF) has the people’s support among the Baluch in Pakistan and the rest of the Gulf countries, and is engaged in a resistance to separate their province from Pakistan.

The Special Security Forces are also joined by groups of armed civilians affiliated with them. The armed civilians are of different nationalities, some are Baluch and others from some tribes in Jordan, Syria and Yemen.

According to the international standards on the prohibition of the use of mercenaries, the foreigners associated with the Special Forces are identified as mercenaries. They are brought selectively from abroad to be used in security or military issues outside the regular security and military services. They are trained and equipped, in particular, and are provided with features job-wise and materialistically, which the normal security employees - foreigners and citizens - do not receive such as housing, travel and family reunification. In Bahrain, the majority of the mercenary forces live with their families in areas isolated from the rest of the citizens, such as “Safra” area, and which is a remote area to the south of Riffa town. Most of those were granted the Bahraini citizenship, as part of the government’s demographic change project which aims at changing the demography and turning the Shiite citizens in Bahrain to a minority. Documented reports indicate that naturalised mercenaries have been used effectively in previous elections to marginalize the liberal opposition and the Shiite majority, as detailed in the documents of the Al Bandar report.³⁴⁵

In March 2011 a call for applicants titled “Urgent Requirement: Manpower for Bahrain National Guard” was placed on the website of a prominent Pakistani human resource firm that has close ties to the Pakistani military (Overseas Employment, A Project of the Fauji Foundation, Pakistan. The announcement said it was hiring several categories of ex-military personnel, including anti-riot instructors, Pakistan Military Academy drill instructors, retired infantry majors, and military police. The statement said that a delegation from the Bahrain National Guard would be visiting Pakistan for the purpose of selecting the Pakistani personnel from March 7 to March 14. A similar advertisement was published in the Daily Jang, Pakistan’s most widely read newspaper, on the first of March³⁴⁶, and before that on the 25th of February.³⁴⁷ Moreover, in June of 2011, amidst rumors that Indonesian mercenaries were hired to quell protesters as well, Indonesian

³⁴⁵ [The Al-Bander Report, 2006](#)

³⁴⁶ [Advert placed in Jang Newspaper, Pakistan, March 1, 2011](#)

³⁴⁷ [Advert placed in Jang Newspaper, Pakistan, February 25, 2011](#)

Defensive Minister Purnomo Yusgiantoro, while denying such claims, did in fact say that representatives from the Bahraini government had been to Malaysia to recruit soldiers.³⁴⁸ These acts were later increased in August 2011, when Pakistani President Asif Ali Zardari met with King Hamad bin Isa Al Khalifa in Bahrain, and agreed on the increased transfer of mercenaries to Bahrain.³⁴⁹

Evidence was first found during this current wave of protests, regarding the use of these mercenaries against the protesters in Bahrain, in February of 2011. Ministry of the Interior identifications cards were found on armed, plain clothed Pakistani and Syrian mercenaries at Salmaniya Hospital following attacks on protesters, as shown in the Al-Jazeera documentary *Bahrain: Shouting in the Dark*.³⁵⁰ The attacks which took place at the University of Bahrain in March of 2011 also reflect the use of plain clothed government mercenaries to suppress the protests, which will be addressed in section J- The Right to Education.

It is difficult to confirm the exact numbers of Pakistani ex-soldiers who have been recruited in response to the recent adverts, but according to Al Jazeera, on the back of visits to Islamabad by senior Saudi and Bahraini sources, at least 2,500 former servicemen have been recruited by Bahrainis and brought to Manama, increasing the size of the national guard and riot police by as much as fifty percent. Moreover, as many as 800 Pakistanis have already been hired during the month of March.³⁵¹

4. Summary

It can be concluded that foreign nationals have taken part in the conflict, including using force which violates human rights law. Moreover, the continued recruitment of foreign nationals violates the UN Convention against Mercenaries. These violations, nevertheless, are not new in the Kingdom of Bahrain. The use of mercenaries by security forces in Bahrain has been a longstanding topic of concern., when in 2009, the Bahrain Center for Human Rights obtained information noting, that amongst the more than 1000 employees working for the NSA, 64% of them are non-citizens, mostly of Asian nationalities, further hinting at the validity of recruitment being done in Pakistan during the spring of 2011.³⁵²

³⁴⁸ [The Jakarta Post, Government Denies Hiring Mercenaries, June 22, 2011](#)

³⁴⁹ [The Nation, Pakistan to Send More Troops to Bahrain, August 22, 2011](#)

³⁵⁰ [Al-Jazeera, Bahrain: Shouting in the Dark, 2011](#)

³⁵¹ [Al-Jazeera, Pakistani Troops aid Bahrain's Crackdown, 30 July 2011](#)

³⁵² [BCHR, Bahrain: Dangerous Statistics and Facts about the National Security Apparatus, 5 March 2009](#)

V. Assessment

This Joint Report represents a concerted effort on the part of every human rights organization operating in Bahrain, various opposition parties, and those citizens to whom this report gives a voice. The collection of personal testimonies, governmental orders and documentation, and video and hardcopy evidence, amongst others, has been an ongoing project since before the February 2011 protests erupted. Nevertheless, while the work of this Joint Report is representative of almost a yearlong research study, much more needs to be done, largely because the conflict continues to rage and violations of international human rights law are reported everyday.

The evidence contained in this report is accurate considering the reliability of the sources used and the length of time spent in collecting and addressing the various data. It is therefore the opinion of the authors of this joint report that the violations of international human rights law that are addressed herein are credible and sufficient in quality and quantity to illicit immediate action by the international community and the government of Bahrain. Prior to and after the February 2011 protests, the international media has produced several reports pertaining to the events. Moreover, videos and still pictures have been given to members of the Bahrain human rights community by various individuals fearful of coming forward to the Government supported BICI Report. This video and photographic evidence has been surmised in relation to their validity and proven credible.

The current state of affairs must be appraised in regard to the regime's reign since the 18th century, and specifically, Hamad bin Isa Al-Khalifa succession in 1999, as noted in Section II. (Background). The 2002 Constitution reinforced the absolute powers of the king, and diminished the powers of the appointed legislature. This Constitutional Crisis also negated the actions of the National Action Charter, enabling the King to increase the number of security agencies, with the creation of the National Security Agency, to control the judiciary, and to enforce a process of naturalization. The NSA is known to be behind numerous human rights violations and largely uses non-Bahraini mercenaries. In 2010, BCHR reported that "the NSA has become a security institute that is completely independent of the Public Security and Defense; however, it benefits from double jurisdictions that combine the domains of the Public Security Forces and the Judicial Authority."³⁵³ This is a development which has severe negative effects on the observance of justice and further encourages impunity for torturers. These political maneuvers by the King provided the framework for the February 2011 protests, but more importantly, not only allowed the government to perpetrate human rights abuses but suffer the consequences of them as well under national and international law.

Bahrain's constitution guarantees freedom of expression (Article 23), the press (Article 24), communication (Article 26), association, including the right to form trade unions on a national basis (Article 27), and assembly (Article 28). In many cases, however, the 1976 Penal Code effectively nullifies those rights, particularly in the following articles: 134A, 163, 164, 165, 168, 169, 178, and 222. Therefore, Bahraini citizens do not in fact hold any basic human rights, according to Bahraini domestic code. For instance Article 178 under the 1976 Penal Code proscribes any assembly of five or more persons "aimed at undermining public security, even

³⁵³ [BCHR, *The King of Bahrain Grants the National Security Apparatus \(NSA\) Full Power*, 23 August 2010](#)

though for the realization of a legitimate objective³⁵⁴ as illegal which is against Article 28 of the constitution - right to assembly. Every human right noted in the Constitution is in fact negated by another law code. Subsequently, when Bahraini citizens chose to practice their basic human rights of protest in February 2011, under the King's decree, such human rights were non-existent.

The nullification of basic human rights by opposing law codes within Bahrain enabled the regime, which also includes all government ministers, to violently oppose any protest, ultimately committing multiple national and international violations and thereby proving the systematic nature of such violations as noted below:

1. The Bahrain constitution states that the only person who can order the use of the army inside the country is the King, and is thereby responsible for its actions. Following this order, Abdul Ridha Buhmaid was killed by the army³⁵⁵, along with many other protesters.
2. On February 17, 2011, hours following the 3am raid on Manama's Pearl Square, King Hamad bin Isa Al Khalifa visited the Bahrain Defence Force General Command to meet with commanders and address troops, where he noted, "You are the guardians of the nation who defend the motherland in all situations." The regime went on to later say, "We have widened the scope for peaceful and legal freedom of expression to be exercised within the framework of laws, regulations and guarantees warranted in the constitution and the National Action Charter." Three protesters were killed and 231 injured following this raid.³⁵⁶
3. The head of the Bahraini Defense Force, Marshal Khalifa Bin Ahmed, spoke to protesters, in response to GCC Peninsula Forces enforcing "National Security" in Bahrain that, "if you are back we will be back harsher than before." In this quote Marshal Khalifa Bin Ahmed is already taking responsibility as a military governor of all security forces, for whom the King is in charge, and is thereby equally responsible for any deaths under Marshal Khalifa.³⁵⁷
4. The President of the Supreme Council for Youth and Sport and Bahrain Olympic Committee President Sheikh Nasser Bin Hamad Al-Khalifa who is one of Sheikh Hamad Bin Issa Al-Khalifa sons, made a phone call on Bahrain TV threatening to punish all those who participated in the protests who will not be able to escape from punishment because Bahrain is a small Island. He further noted that everyone who called for the overthrow of the regime, a "wall" will fall on his head.³⁵⁸
5. As noted in Religious Discrimination (see above), Justice Minister Sheikh Khalid Al Khalifa, who does not deny ordering the destruction of mosques, only debates the legality of the order³⁵⁹, pointing to the fact that these orders were carried out by Commander in Chief of the Bahrain Defence Force, Sheikh Khalifa Ahmed Al-Khalifa and Commander of

³⁵⁴ [Bahrain Penal Code 1976](#)

³⁵⁵ [Death of Abdul Ridha Buhamid](#)

³⁵⁶ [Florida Statesman, Bahrain King Visits Military Command, 17 February 201111.](#)

³⁵⁷ [RT News, Field Marshal Khalida Statement, 13 March 2011](#)

³⁵⁸ [Sheikh Nasser Bin Hamad Al-Khalifa Statement](#)

³⁵⁹ [Gulf News, Bahrain's justice minister denies mosque demolition reports, 3 May 2011](#)

Peninsula Shield Forces, Maj. Gen. Mutlaq Salem Alazimaa, who are thereby under the control of the King.

While these five points provide further evidence of the systematic attack issued by the government against the Bahraini civilian population, it provides a mere glimpse into the total responsibility the regime holds in the death and destruction of the Bahraini fabric of life. As a result of systematically taking control of every facet of the government and society, such as the judiciary, military, and cultural ministries through the creation of the 2002 Constitution, Penal Codes, and National Action Charter, King Hamad bin Isa Al Khalifa is ultimately responsible for every illegal trial, case of torture, religious offense, injury, sacking, and death during the 2011 protests because of the perpetuation of his authoritarian regime. The effect of taking absolute authority which is the nature of a monarchical system is that the person who leads such a system is in charge and responsible for it.

VI. Recommendations

A. For the Bahraini Government

The Bahraini human rights groups call on the Government of Bahrain:

To immediately end ongoing human rights violations

1. To immediately end the violent repression of protests; to completely cease use of birdshot and excessive tear gas; and to recognise the fundamental right to associate.
2. Unconditionally release political prisoners and end torture, arbitrary detention, and incommunicado detention;
3. To reduce the security level in the country and to ease tension by removing checkpoints from villages, hospitals and schools.
4. Take measures to ensure the reinstatement of all workers and employees who were dismissed from their workplace for peacefully exercising their right to freedom of expression, political opinion, and assembly;
5. To immediately reinstate all students, faculty, and staff who were dismissed solely for expressing opinions critical of the government and ruling family or attending overwhelmingly peaceful pro-democracy demonstrations.
6. To end the harassment and intimidation of human rights defenders, political activists and journalists
7. Allow access by local and international journalists to activists, protest sites, hospitals and other public institutions.
8. To immediately withdraw all factions of the army from Salmaniya Medical Complex, and allow people access to medical care.

Accountability & ending the culture of impunity

9. To put on trial all those accused of killing and wounding protesters and torturing detainees as well as those who ordered and authorized such acts. BCHR has produced a report with four members of the royal family accused of personally torturing detainees. These are names that victims were able to identify directly. The full list however includes the names of over 50 officers.
10. To put on trial those ministers responsible for crimes against humanity and the head of state who has complete control of all government operations, and would have authorized, and condoned human rights abuses. Such widespread and systematic policies may amount to crimes against humanity and that command responsibility reaches at least ministerial level and head of state. It would be difficult to reject the prima facie case here. Not only are implicated ministers, such as the Minister of Interior, the head of the National Security Apparatus, head of BDF, the IAA, the Social Development Minister, the labor Minister and the Labor Ministry directly responsible for one or more of the violations listed, they should be put on trial for ordering, or becoming accessory to such crimes.
11. To end the impunity of those in government and those in power. The failure to seriously investigate or to convict a single official or security officer for the grave abuses that have taken place cannot continue.
12. Dissolve the National Security Apparatus and the Special Security Apparatus and return their jurisdictions to the regular security apparatuses.
13. To sign the Optional Protocol of the Convention Against Torture (OPCAT) in order to strengthen legal accountability for torturers.

Redress & reparation for victims

14. To grant reparations to the families of those killed or left disabled by serious injuries.
15. To initiate a rehabilitation center for victims of torture.

To rebuild a new independent justice system

16. Create a judicial system that operates independently, both financially and administratively, and is impartial and transparent in its proceedings; to make sure it is never again used as a political tool of the state
17. To prosecute the Minister of Justice for perverting the course of justice by violating due process.
18. To put the head of the infamous National Security Apparatus on trial for crimes of torture committed by his apparatus.
19. To ensure the independence of judges in civilian courts in all hearings. Those who have been arrested and convicted in a military court should be immediately released and have their convictions expunged.
20. To bring laws into conformity with international standards of freedom of expression and association.
21. To address and reform the Penal Code and laws that are not currently up to international standards.
22. To address the Law against Terrorism which has been heavily criticized by international human rights organizations as being too vague and could include anything as an act of terrorism.
23. Institutionalizing human rights and ending sectarian discrimination
24. The elimination of discrimination in respect of employment and occupation based on political opinions that are different than others; and
25. A security apparatus respectful of human rights and subject to independent review with equal opportunity for all and ending the use of foreign mercenaries that serve as an anti-thesis to community policing.
26. Protect Shi'a places of worship and religious buildings, rebuild destroyed mosques, and end systematic discrimination in political representation, government recruitment, employment, and naturalization policies;
27. To allow independent oversight by an international body at the beginning, such Amnesty International, Human Rights Watch, FIDH and OHCHR to ensure these changes are implemented.
28. To institutionalize human rights in order to ensure that these breaches do not happen again. Addressing the root causes of the problem.
29. Political reconciliation in the form of democratic transition
30. To recognize that human rights are best protected in a democratic political system where there is accountability and transparency.
31. To include in any plans for reconciliation, the 21 opposition leaders who have paid the highest price in terms of freedom in their struggle for democracy.
32. To draw a road map for democratic transition including a new constitution that represents the will of the people.
33. Universal and equal suffrage, including in the designation of electoral districts

B. For the EU and US

To end arms deals with the Bahraini regime

1. Because of the likely use of US-origin military equipment by the BDF against protesters marching to the Pearl Roundabout on February 18, 2011 and by Saudi troops who entered Bahrain to crush the movement, the EU and US should cease military sales to Bahrain that could be used to repress the Bahraini people.

2. There should be an international moratorium on the use of birdshot against civilians if not a ban of sales of such weaponry to governments, like the Bahraini government that have fatally used them against their own people.

Surveillance technologies

1. To stop the sale of surveillance technologies to the government of Bahrain from European companies. Export controls should target specific technologies, such as content filters and spyware, which serve the primary purpose of limiting flows of online information or monitoring private digital communications.
2. To hold technologies companies accountable for their corporate social responsibility toward protection of human rights. Involvement in sale of technologies to government with bad human rights records and where reports of ill-use of these technologies should be addressed in the laws of the EU countries and the United States. They should be required to report the to publicly disclose what products and services they provide to countries with extensive internet restrictions.

TV Satellite broadcasting

3. To suspend operation of the new channel on hot bird. Bahrain has announced plans to start a new TV channel on Hot bird Satellite, which is operated by Eutelsat. With the current record of the national television with violations of human rights (as described in a previous chapter), it is recommended that unless the government provides guarantees that the above mentioned violations will not occur, Bahrain should:
 - a. Investigate the violations that happened on the current state television channel and hold the responsible officials accountable.
 - b. Immediately discontinue the shows that aim to spread hate, sectarianism and defamation against individuals and are being aired on the state channel BTV.
 - c. Extend an official apology to all those who were harmed because of the aforementioned shows.

Protect right to anonymity

4. To enable greater anonymity online for the protection of activists and users in countries where they are facing harsh punishment for online posts. Google said it's reconsidering the policy of real name, while Facebook has not shown any sign of modifying this policy.

Challenge restrictive internet laws and practices

5. To provide and enforce greater human rights laws for online users and activists in order to avoid unlawful arrests, detention and imprisonment on the grounds of ambiguous charges.³⁶⁰
6. To address online freedom of speech and its international law components and regulations. The laws that are used to restrict their freedom to speech online need to be publicly challenged, as they are filled with ambiguous terms which can make them easily used to hinder net freedom rather than protect it.³⁶¹ Unfortunately, because the parliament does not to the most part represent the people of Bahrain, and has very little power when it comes to legalisation, they cannot be depended on to stop such restrictive laws.

Address internet censorship as a barrier to free trade:

7. For the European Union and the United States to challenge censorship practices under bilateral trade agreements with Bahrain and present a case against internet censorship before the World Trade Organization, because the potential loss of trade will provide a strong incentive for Bahrain to cut back on their censorship of online content and services.

Issue public statements about the violations in Bahrain:

8. To issue topic specific statements strongly condemning the human rights violations committed by the government of Bahrain, which will then allow for follow up on the specific violations raised within these topics. As with many cases in the past, it was direct public pressure on certain cases that caused the government of Bahrain to respond quickly and address the case. For example in the case of the medics the government went as far as to dropping several charges against the doctors to relieve the international pressure exerted due to that case.

C. For the UN OHCHR and ICC

1. To send an urgent mission to Bahrain to investigate the deaths of at least 4 protesters killed since BICI closed its doors on September 30 and have not been included in its investigation. The risk of further deaths is still high if not increasing. The ICC needs to investigate the evidence presented of crimes against humanity and to bring the perpetrators to justice at the Hague, in the absence of an independent legal system in Bahrain.

³⁶⁰ [Reporters Without Borders, Detained blogger Abduljalil Al-Singace on hunger strike, 6 September 2011](#)

³⁶¹ [Project for Middle-Eastern Democracy, Bahrain: Social Media Posts Calling for Protests Punishable by Law, 22 September 2011](#) and [Freedom on the Net 2011: Bahrain is NOT FREE](#)