

# Governmental Declarations on Reform Are Little More than Rhetoric, As Reality Reveals Continued Repression of Basic



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## **FIDH mission in Bahrain - Preliminary conclusions**

FIDH concluded a 5 days visit to Bahrain to monitor the implementation of recommendations made by the Bahrain Independent Commission of Inquiry, which was established following the violent government's response to the protest movement in Bahrain that began on February 14, 2011, and presents a preliminary assessment.

While certain efforts have been made by Bahraini authorities to address many of the BICI recommendations, the mission concluded that government continues to deny a majority of Bahraini's fundamental rights on a daily basis and uses governmental structures to attack or control the population rather than protect it, creating an atmosphere of mistrust and fear among the population. The mission observed a country in the state of continuing protest and unrest fuelled by arbitrary detention, disproportionate use of force by the authorities, and significant persecution.

### **Excessive force against pro-democracy demonstrations, silencing of witnesses of violations, collective punishment**

The mission witnessed how peaceful demonstrations are being repressed with disproportionate use of force and the excessive use and abuse of tear gas by the security forces. Peaceful demonstrators are being dispersed by tear gas-canisters, that are fired at close range, targeting protestors in the head or the body. Such practice has led to severe injuries and death of unarmed and unprotected demonstrators over the past weeks. The mission witnessed the firing of tear-gas canisters into one darkened and quiet Shi'a village from a main road by security forces in the late evening hours. The mission heard accounts of the physical injuries or serious respiratory problems caused particularly to the elderly or children in other villages following the firing of such canisters indiscriminately into densely populated areas. Time and time again, the mission heard reports of security forces being used to punish or intimidate pro-democracy protestors, rather than to protect them. The mission considers such acts to be a form of collective punishment for exercising the right to peaceful assembly.

The mission also expresses its deep concern at measures of retaliation against witnesses and families of victims of the repression, in an apparent move to silence eyewitnesses to violations and make the impede the collection of evidence. Doctors having treated injured victims have been threatened, tortured and detained. A climate of fear has been created around hospitals for both those in the medical profession and those seeking medical assistance, resulting in a situation where the injured are foregoing medical treatment in hospitals and the hospitals are losing much-needed qualified professionals and medical specialists. Families of victims have been targeted in their houses by tear-gas canisters, including instances were open canisters have been placed in their courtyards or within their houses. Witnesses of human rights violations have been arrested and detained.

According to the evidence brought forward to the mission, the killing of citizen-journalist Ahmed Ismael by gun-shot wound to the thigh on the eve of the mission, appears to have been deliberate and motivated by retaliation for his active uploading of his videos and photographs of the demonstrations.

### **Unfair trials, arbitrary detentions, fabricated evidence and systematic torture**

Throughout the meetings held over the course of the mission and the observation of three court proceedings, FIDH gained a deeper understanding of how the vast majority of the trials against those sentenced are based on fabricated charges, confessions obtained under torture or charges repressing freedom of expression or of assembly. While

certain of the recommendations in the BICI report have been adopted, the mission found that the actual implementation of the recommendations has been far too slow, if it has happened at all. Many pro-democracy protestors, including students and activists, remain in prison, as do witnesses to the crack-down, with little real movement by the courts and minimal real attention paid to accountability for torture.

The trials of 14 political activists have brought no evidence that they used violence nor justified their lengthy sentences, which include eight sentenced to life imprisonment. They appear to have been convicted and sentenced in retaliation for their call for and participation in the pro-democracy demonstrations - expressions of their fundamental rights to expression, assembly and association - and are thus prisoners of conscience.

Among them, the situation of Abdulhadi Al-Khawaja is particularly preoccupying. At his 68th day of hunger strike, his family and his lawyer do not have access to him. He and the 13 other activists should be immediately and unconditionally released. FIDH observed court proceedings in this case, in which defense lawyers sought to have sections of the BICI report which support their claims that these cases lack a legal basis and that torture was employed against the defendants, entered into evidence. The next session for this case is set for April 23rd. FIDH expresses concern with the delays and length of time it has taken to have the convictions in this case reviewed, and remains concerned about the outcome of any review proceedings.

The mission observed the trial of two members of the Bahrain Teachers Association (BTA), and heard BTA President Mahdi Abu Dheeb give his account of the serious mistreatment he suffered during his arrest and detention. Mr. Abu Dheeb's request for bail one year after his arrest remains pending. When the mission raised Mr. Abu Dheeb's testimony with government officials and queried about the investigation into such serious allegations of mistreatment, the results were concerning: rather than being told that such allegations would warrant an immediate investigation and that accountability is a priority, the mission was reminded that Mr. Abu Dheeb is prisoner seeking release and thus what he says should be viewed in that light.

FIDH is also deeply concerned at the lengthy sentences against students for their participation in demonstrations at the universities, particularly in light of the lack of credible evidence against them and reports of torture used against them. Additionally, evidence brought to the mission strongly suggests that violence appears to have been deliberately provoked by looters and thugs outside of the university with the complicity of the police.

Throughout the testimonies received by the mission, allegations of the use of torture have repeatedly been made. Yet, the mission regrets that in spite of public declarations to confront this and address the use of torture, in practice, impunity prevails.

### **Persecution of medics and teachers, among other professions**

The mission expresses its deep concern at the ongoing detention or the judicial prosecution of doctors and medics who exercised their duty in providing medical support to injured protesters. Moreover, teachers who took part in strikes last year still face judicial trials and administrative suspensions.

Since the BICI report, within the health and education sectors, persons of Shia confession are also discriminated upon, being suspended, removed from their posts and rehired at lower positions or simply not hired, while the authorities actively hire non-nationals to replace them.

FIDH recalls the authorities' obligation to comply with the international human rights instruments ratified by the Kingdom of Bahrain and their pledge to effectively implement the recommendations of the BICI report, especially N°1722 with regard to "the use of force, arrest, treatment of persons in custody, detention and prosecution in connection with the freedom of expression, assembly and association".

**Immediate recommendations thus include :**

- ▶ to release all political activists, students, teachers, doctors, workers, human rights defenders and individuals detained and charged with violations related to the rights of expression, peaceful assembly and association, following the unrest,  
to reintegrate medics, teachers, journalists and other professionals suspended into their original posts,
- ▶ to allow all persons in Bahrain to enjoy and express their fundamental rights of freedom of expression, assembly and association, as well as protection from discrimination, including in employment and access to medical services,
- ▶ to instruct the security forces that their role is to protect the population's safety and security, and to further - not obstruct or punish - the enjoyment of fundamental rights,
- ▶ to initiate an independent commission that enjoys the trust and support of the majority of the population to follow-up on the BICI report, usher in an era of real accountability, and to contribute to creating an atmosphere of trust and respect for the fundamental rights of all persons in Bahrain.

**Background**

FIDH concluded a 5 day investigative mission to Bahrain, which was organised between April 1 to 5. The mission took place after more than a year of repeated requests to visit the country. While a detailed documentation of the current situation would have required more time, the mission was only permitted to enter Bahrain for working 5 days, which did not allow it to remain in country on Friday, which has been the day of the largest protests.

Meetings with authorities were organised with the Minister of Justice, the public Prosecutor and the Under-Secretary for Human rights. The mission regrets it was not able to meet with the Minister of Interior, nor to meet with detained human rights defender Abdulhadi Al-Khawaja despite repeated requests..

The mission was carried out more than a year after peaceful rallies erupted in the country on February 14 2011, and four months after a national commission of investigation was established « to investigate and report on the events occurring in Bahrain in February March 2011 and any subsequent consequences arising out of the aforementioned events ». The Bahrain Independent Commission of Inquiry's report was released on November 23rd, 2011.

On March 20, 2012, a National Commission published a report on the authorities' follow-up to the BICI report. Among other actions, charges related to speech were dropped and a special investigative unit of the Public Prosecutor 's office was set up to investigate victim's claims of torture and ill-treatment and requests for compensation. While the mission welcomes the dropping of charges related to speech, it notes that charges related to unlawful gathering or assembly remain.

The conclusions of the mission will be published in a forthcoming detailed report .