

BAHRAIN

Silencing Dissent: A Systematic Policy of On-going Repression

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel,



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CONTEXT

Early in 2011, in the wake of protests in Tunisia and Egypt, protesters took to the streets of Bahrain to call for political and economic reforms, the release of all political prisoners, fair distribution of wealth and an end to torture. The protests took place in a context of a more general movement denouncing discrimination against the Shiite majority, the lack of transparency and corruption in government institutions, and denunciation of anti-democratic practices by the Government of Bahrain (GoB).¹

From 14 February 2011, the security forces brutally repressed the peaceful rallies that broke out throughout the country. The police used tear gas, and live and rubber bullets against protesters, causing several deaths and hundreds of injuries, and they arrested protestors and leaders of the protests and the opposition movement. Despite this, the demonstrations continued.

Repression increased after the army intervened, with the support of troops from Saudi Arabia and the United Arab Emirates, which entered Bahrain on 14 March 2011. On 15 March, a three-month country-wide state of emergency was decreed.

During this time, over 900 people were arrested for having supported, organised or taken part in the protest movement, or for denouncing the human rights violations committed by the authorities. Most of these individuals were tried by the National Safety Court (NSC), which was created under the law establishing the state of emergency and was presided over by a military judge. These proceedings had little to no respect for fair trial standards.² In addition, a huge wave of public-sector job lay-offs affected over 2,000 workers -mostly Shi'as- and university students, teachers, and medical workers were arrested or suspended in reprisal for their presumed participation in, or support of, the protest movement.

On numerous occasions, the regime suggested that the 14 February uprising was a Shiite revolt, and warned of its purported links to Iran. During FIDH's meetings with authorities, the GoB consistently advanced the explanation that the problem is a sectarian one. FIDH considers that the authorities use this argument to try to re-frame the legitimate calls for reform and respect for fundamental human rights as purely sectarian claims, and perhaps also to feed into larger regional political dynamics.

Pro-democracy activists, and most of the political class, insist that this is a popular uprising seeking much-needed reforms, not a sectarian one.³ This view was reflected in interviews FIDH carried out with non-governmental officials during its mission to Bahrain.

Even if the uprising largely remains a popular and not a sectarian movement, sectarian clashes occasionally have erupted. Moreover, FIDH finds that the government's response has also

1. 70% of the Bahraini population is Shiite and 30% is Sunni.

2. Report of the Bahrain Independent Commission of Inquiry, 23 November 2011, <http://www.bici.org.bh/>

3. Several political "societies" (Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assembly, the Nationalist Democratic Society, the Al Ikha' National Society and the Al Menbar Progressive Democratic Society) released a joint statement demanding among other points, "the cessation of —incitement to sectarian hatred in the official government media."

contributed to giving a sectarian nature to the repression: some Shi'a mosques were destroyed⁴ and some punishments were carried out along sectarian lines, in particular the dismissal of public sector employees (medics and teachers).⁵

In July 2011, the Bahrain Independent Commission of Inquiry (BICI) 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, and to make such recommendations as it may deem appropriate.” BICI had a national mandate and was comprised of international members.⁶ The BICI Report was released on 23 November 2011, setting forth extensive recommendations which included legislative, political, policy, criminal justice and overall legal reforms⁷. Among other incidents, it documented 45 killings, 1,500 cases of arbitrary arrest, and 1,866 cases of torture. The BICI Report was officially accepted by King Hamad bin Isa Al Khalifah.

The BICI recommended that the GoB should, *inter alia*, “...make subject to review in ordinary courts all convictions and sentences rendered by the National Security Courts where fundamental principles of a fair trial, including prompt and full access to legal counsel and inadmissibility of coerced testimony, were not respected...”⁸.

A National Commission was immediately set up following the release of BICI Report “to follow-up recommendations of the BICI” and to make recommendations to the legislative body to amend existing laws and to adopt new legislation taking into account the findings and recommendations in the Report.⁹ This National Commission released its report on 20th March 2012.¹⁰

Currently, all cases heard by the NSC are being reviewed by ordinary courts. Regarding convictions by NSCs, on 2 January 2012, the Supreme Judicial Council announced the creation of a panel to review these sentences and guarantee the right of the accused to a fair trial. On 25 February 2012, the panel completed its work regarding the implementation of BICI Report recommendation No. 1720. It found that “165 guilty verdicts were handed down by NSCs to 502 defendants...[it] has also found out that 135 verdicts were appealed and are being processed by ordinary courts...[in addition it] determined that after ending the State of National Security, 1,622 cases were referred from the Military Prosecution to the Public Prosecution, of which 1,185 have been shelved.”¹¹ Of those cases that were not dismissed, FIDH notes, with concern, that the ordinary courts are generally not granting new trials but rather are reviewing convictions

4. According to official statistics issued by the Department of al-Awqaf al-Jaferia (Administration of Shiite Religious Sites) [1] at least 35 mosques were demolished and vandalised as well as eight places of worship and two cemeteries, BCHR, <http://www.bahrainrights.org/en/node/4295>

5. Justin Gengler, a political analyst specialised on Bahrain, has released several articles questioning the sectarian nature of the crisis in Bahrain - see among others, “Bahrain’s Sunni Awakening”, in MERIP, 17 January 2012, at <http://www.merip.org/mero/mero011712>

6. Members of the BICI: M. Cherif Bassiouni, Dr. Badria A. Al-Awadhi, Dr. Mahnoush H. Arsanjani, Judge Philippe Kirsch Q.C., Professor Sir Nigel Simon Rodley KBE.

7. Report of the Bahrain Independent Commission of Inquiry, 23 November 2011, <http://www.bici.org.bh/>

8. BICI Recommendation no. 1720

9. The website of the National Commission is <http://www.biciactions.bh>. The National Commission was established by Royal decree N°48 2011.

10. The report of the National Commission is available here: <http://www.biciactions.bh/wps/portal/BICI/>

11. Bahrain News Agency, “Supreme Judicial Council: 165 conviction verdicts by the National Safety Courts”, 25 February 2012, <http://www.bna.bh/portal/en/news/495850>

based on the record compiled by the NSCs. Furthermore, FIDH observes that the appeal process is slow for lawyers filing urgent appeals for the suspension of sentences. Such requests are only met with delays in most cases - resulting in de facto denial of requests for bail.

On 24 December 2011, the Public Prosecutor announced that all charges related to freedom of expression would be dropped, and only cases involving the use of violence will be heard. On 2 January 2012, the Higher Supreme Judicial Council announced the formation of a panel of civilian judges to review all convictions, with a view to reducing the penalties for crimes related to freedom of expression which did not involve inciting violence.

FIDH finds that despite the GoB's claims of dropping all charges related to freedom of expression in response to BICI Recommendation 1722(h),¹² some political opponents to the GoB remain in prison on charges ultimately relating to freedom of expression, as do a number of students convicted by a military court and who have only recently started their appeal. In addition, there have been recent convictions, including of human rights defenders (see below), for charges linked to freedom of expression.

The GoB continues to arrest and charge protestors for "illegal gathering", which ultimately has the same effect of punishing people for exercising their rights to assembly, association, expression of their political views, or those who call for improved human rights in their country.

The overall judicial situation in Bahrain has left its population lacking trust in the judicial system. FIDH received numerous complaints questioning the independence of the judiciary and concerns about its ties with the Bahraini royal family.

In addition, FIDH expresses great concern that most of the imprisoned victims have had their confessions extracted under torture. In that regard, the GoB responded to BICI recommendation 1722(b) by establishing the Special Investigations Unit.¹³ FIDH was told that the Public Prosecutor is purportedly pursuing 107 cases of death and torture involving at least 48 police officers. However, at the time of writing of this report, there has been no convictions yet and no accountability for the perpetrators.

As to the implementation of BICI recommendation no. 1723 (A),¹⁴ of all civil servants who were terminated as a result of their activity and their exercise of their freedom of expression, 179 out of 180 were restored to their positions effective 1 January 2012. According to the Ministry of Labour and the University of Bahrain, respectively, six workers refused to return to their job, 17 out of 19 dismissed faculty members returned to their job and another two left Bahrain.¹⁵ As for the private sector, 1,893 of 2,462 dismissal cases reviewed by the GoB were settled, 336 workers (including retirees) were hired by other companies, and 139 workers

12. BICI Recommendation no. 1722 (h): "To review convictions and commute sentences of all persons charged with offenses involving political expression, not consisting of advocacy of violence, or, as the case may be, to drop outstanding charges against them."

13. BICI Recommendation no. 1722 (b): "To establish a standing independent body to examine all complaints of torture or ill-treatment, excessive use of force or other abuses at the hands of the authorities. The burden of proving that treatment complies with the prohibition of torture and other ill-treatment should be on the State".

14. BICI Recommendation no. 1723(a): "To ensure that the remaining dismissed employees have not been dismissed because of the exercise of their right to freedom of expression, opinion, association or assembly"

15. BICI Report

are still unemployed, according to National Commission report. However, according to the latest data from the General Federation of Bahrain Trade Unions, a total of 1,776 employees across the public and private sectors had not returned to work as of 3 March 2012; 1,540 of the employees are from the private sector, and 263 are from the public sector.

The repression of peaceful protests continues through the use of force by security forces. Witnesses ranging from citizen-journalists to medical workers who treat injured protestors have been directly targeted by the state apparatus and remain under threat of retaliation. Shiite villages are tear gassed regularly, either in retaliation for holding a protest or even in the absence of protests there, as a form of collective punishment and to intimidate or silence segments of the population. While government authorities complain of violence by protestors, the FIDH mission did not witness any armed protestors or acts of violence by those demonstrating; instead, the mission heard accounts of, and met with family members of victims of, excessive force being used by government forces.

In the wake of the Grand Prix Formula 1 race in late April 2012, the crackdown on the protest movement increased. Human rights defenders and activists continue to be arrested and prosecuted, and reports of torture and ill-treatment continue. During Bahrain's Universal Periodic Review session at the United Nations Human Rights Council in Geneva in May 2012, the civil society and political opponent participants faced threats from the Ministry of Interior and were subjected to a media slandering campaign.¹⁶

While there have been some limited steps forward, such as the long-delayed appeal decision in the medics trial which partially overturned the results of a fundamentally flawed process, there have also been significant steps backwards. FIDH expresses concerns for the continuing judicial harassment, arrest, and detention of human rights defenders¹⁷, including FIDH Deputy Secretary-General Nabeel Rajab who was sentenced to three years imprisonment on 17 August 2012¹⁸, Mr. Abdulhadi Al-Khawaja who has been sentenced to life imprisonment¹⁹ and Zainab al-Khawaja,²⁰ and the on-going use of tear-gas to curtail peaceful protests.

Currently, students, teachers, human rights defenders, political opponents and medical workers remain in prison.

16. FIDH joint Press Release, "Rights organisations alarmed over threats to civil society after trip to UN", 11 June 2012, <http://www.fidh.org/Bahrain-Rights-organisations>

17. FIDH conducts activities for the protection of human rights defenders within the framework of a joint programme with OMCT, the Observatory for the Protection of Human Rights Defenders. Please consult the Observatory's Interventions on: <http://www.fidh.org/-Human-Rights-Defenders,180->

18. The Observatory, "Ongoing arbitrary arrests and judicial harassment of human rights defenders", 10 August 2012, <http://www.fidh.org/BAHRAIN-Ongoing-arbitrary-arrests>

19. The Observatory, Authorities keep a hard line against human rights defenders despite international outcry, 5 September 2012, <http://www.fidh.org/BAHRAIN-Authorities-keep-a-hard>

20. "Bahrain: Human Rights Activist Wounded", New York Times, 28 June 2012, https://www.nytimes.com/2012/06/29/world/middleeast/bahrain-human-rights-activist-wounded.html?_r=1

II. METHODOLOGY

The present report is the result of an investigation on the situation of human rights in Bahrain, one and half years after the government's violent response to the protest movement that began on 14 February 2011. It focuses in particular on the implementation of recommendations made by the BICI, which was established by the King of Bahrain.

The analysis drawn hereunder takes into account both official declarations and actions, and accounts from local civil society and affected persons, notably reports of FIDH's two member organisations in Bahrain, the Bahrain Centre for Human Rights (BCHR) and the Bahrain Human Rights Society (BHRS). Much of the evidence received was substantiated on the occasion of a field mission to Bahrain, which was deployed between 1 April and 5 April 2012, with FIDH Vice President and Center for Constitutional Rights Senior Staff Attorney Katherine Gallagher, FIDH Director for Intergovernmental Organisations Antoine Madelin, and FIDH Programme Officer for the Middle East and North Africa desk Salma El Hosseiny. This report follows the release of the mission's preliminary conclusions on 18 April 2012.²¹

During its April 2012 mission, FIDH met with victims of human rights violations, human rights defenders, civil society organisations, lawyers, medical workers, teachers, university students, families of individuals killed and injured, journalists, political opposition members, the Minister of Justice, the Public Prosecutor, the Deputy Minister of Human Rights and Social Development, and the ambassadors of the United States and France to Bahrain, as well as representatives of the United Kingdom. The mission also observed three court hearings for the cases of the twenty medical workers, the Bahraini Teachers Association (BTA) and the case of Abdulhadi Al Khawaja and 20 other human rights defenders and political opponents.

FIDH wishes to thank its member organisations for their valuable cooperation and organisational help during FIDH's mission to Bahrain, as well as the individuals and organisations who agreed to share their analysis with us.

The report identifies only the names of witnesses who have previously revealed their identities to FIDH and its member organisations, and who have agreed to be cited.²²

FIDH has had difficulties in being granted access to Bahrain. Delegates had been denied entry as early as September 2011. After the release of the National Commission report, the GoB agreed to grant FIDH delegates a five working day visa (Sunday-Thursday), with no possibility for an extension. Following this first mission, a second visit was requested in July 2012, but authorisation was not granted.

While the FIDH delegation sought to maximise the time it did have in the country, the length of the mission was too limited to cover the extensive human rights issues in Bahrain, and regretfully, the delegation could not be in Bahrain on a Friday, when demonstrations were taking place at the time of the mission.

21. Available at: <http://www.fidh.org/Governmental-Declarations-on>.

22. Some facts presented in this report are not attributed to a specific source or published document. In these cases, the information provided was collected through interviews and exchanges between FIDH and its member organisations.

FIDH sets out recommendations at the conclusion of this report directed at Bahraini officials and the international community, which it hopes can help to move the situation in Bahrain from one where the denial of fundamental rights is common-place for many, to a place where all Bahrainis enjoy the protection of and respect for their rights and are able to live in peace and with dignity.



III. ONGOING LARGE-SCALE HUMAN RIGHTS VIOLATIONS



Excessive use of force against peaceful protesters

In response to the BICI recommendation N° 1722(c),²³ on 18 January 2012, the Minister of Interior approved a new Code of Conduct for Bahraini Police. This new Code was drafted in consultation with former Miami Police Chief John Timoney.²⁴ It purportedly adopts the “principles-based” approach, and sets out the broad duties of police officers in relation to various aspects of their work, including use of force, respect for human dignity, and maintaining the rule of law. In addition, a training programme on appropriate conduct by Public Security officers is currently being implemented.²⁵

In the wake of the above-mentioned recommendation and of the response of the GoB, FIDH observed the intervention of the police in three different demonstrations on 5 April 2012 - in Tubli and in front of the Ministry of Interior - which were not registered and FIDH was able to document the excessive use and abuse of force and of tear gas by police forces:

- Tear gas was being used to disperse crowds without pre-emptive notice, in violation of principles of necessity;
- Tear gas was being used against a crowd of unarmed and peaceful protesters, thus failing to apply proportionality principles;
- Police officers were chasing demonstrators as they were fleeing the scene, and appeared to aim tear gas canisters at demonstrators, thus violating proportionality and necessity principles, and turning the demonstration into a punishment; and
- Tear gas canisters were being shot at close range and directed at the heads or torsos of the demonstrators, thus failing to apply obligations to minimise harm.

Such practice, evidenced throughout the three different demonstrations, was corroborated by interviews of participants to the demonstration, evidencing the systematic nature of the excessive and disproportionate use of force, in an unlawful manner and in violation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

23. “[...] the security forces should be trained in the human rights dimensions of detention and interrogation, and in particular the obligation to refuse to participate in any actions involving torture and other prohibited ill-treatment.”

24. John Timoney, former Miami Police Chief, and John Yates, former commander at London’s Scotland Yard, were appointed by the Ministry of Interior to “oversee reform” and to bring Western professional policing to the Bahraini force, specifically to upgrade the human rights record of Bahrain’s Ministry of Interior and National Security Agency. John Timoney is notable for his violent handling of the Free Trade Agreement of the Americas (FTAA) protests in 2003 where tens of thousands of demonstrators were subject to police harassment, provocation, and brutality (more than 100 protesters were treated for injuries, 12 were hospitalised and an estimated 250 were arrested). See “Police Trampled Civil Rights During 2003 Free Trade Protests in Florida, ACLU Charges,” ACLU, 17 Nov. 2005, available at: <http://www.aclu.org/free-speech/police-trampled-civil-rights-during-2003-free-trade-protests-florida-aclu-charges> John Yates was forced to resign in ignominy over corruption involving phone tapping scams carried out by London’s Metropolitan Police in league with Murdoch’s gutter tabloid press.

25. The National Commission Report, p. 43, <http://www.biciactions.bh>

According to FIDH member organisation BCHR, a total of 79 people were killed between the beginning of the protest movement in February 2011 through 26 April 2012. Thirty-six of these died after the release of the BICI Report in November 2011.²⁶ The testimonies provide evidence of the high toll of injuries and death of unarmed and unprotected demonstrators. Injuries suffered by protesters also evidence the continued use of shotguns, tear gas, sound bombs and rubber bullets.

In the wake of the Grand Prix Formula 1, Bahrain's security forces intensified attacks on peaceful protesters. On 15 April, during the violent dispersement of a peaceful protest, **Sayed Yousif Al Mahafdha**, the head of monitoring cases and documentation in BCHR was arrested and detained for four hours along with two Human Rights Watch members. Al Mahafdha was attacked by police officers who sprayed him with pepper spray and hit him in the back. On 19 April, police used excessive tear gas and bird-shot pellets against a peaceful demonstration. On 22 April, the first day of the Grand Prix Formula 1, **Shabeer Mammed**, 27, was found dead in his room in Sanad village reportedly as a result of tear gas suffocation. On 23 April, **Salah Abbas Habib**, 36, was found dead on a roof of a building. BCHR reported that Habib had been arrested the night before his death alongside 10 others who were all released except for Salah. The detainees were reportedly tortured, and witnesses reported that Salah's body bore shotgun injuries and torture marks.²⁷

In addition, the mission heard evidence of the excessive use of force by police officers hitting bystanders, as a result of its indiscriminate, disproportionate and intentionally harming nature which, to date, remains unpunished.

On 11 February 2012, **J.**, a 13 year old, went to buy bread for his family only to be confronted by the violent dispersal of a peaceful march. As J. waited to pick up his order at the bakery, demonstrators ran passed him followed by the armed police. Three metres away from him, a policeman stopped and specifically targeted J. and shot him in his head. A tear-gas canister hit his head and broke part of his front skull. J. immediately collapsed and was put in coma for eight days, diagnosed with traumatic brain injury (TBI). He was hospitalised for a month at Bahrain International Hospital. As he woke up from a coma, the TBI was diagnosed as having led to dysarthria (motor speech disorder), characterised by heavy aphasia (disorder in the content of the language). While he has progressively recovered some speaking abilities, J.'s aphasia remains heavy and he remains in dire need for rehabilitation. It is important to note that the doctor who operated on J. was arrested two days after the operation and detained for 24 hours without any charges. The only response to J.'s family given by the authorities was an apology by a female police officer during his stay at the hospital. The officers claimed that it was an individual mistake on part of the police officer. The family has been refused copies of the medical files of J., including the X-rays of his broken skull. They were told by hospital management that they needed permission from the Ministry of Interior to release the records.

Security experts involved in the retraining of police claim that direct force is no longer used against those on the street, and that tear gas is used instead to disperse crowds. The Code of

26. For the full list of those killed, see Bahrain Center for Human Rights, <http://bahrainrights.hopto.org/en/node/3864>

27. See BCHR, <http://www.bahrainrights.org/en/node/5202>

Conduct established in January 2012 stipulates that firearms can only be used at last resort.²⁸ Yet, the above mentioned testimonies, and the reports on the use of live ammunition and bird-shot pellets at the time of Grand-Prix, confirm that most of the dispositions of the above-mentioned code of conduct have not been implemented, and that police behaviour contradicts both the code and international standards. FIDH continues to receive reports of the misuse of firearms and tear gas by the security forces against peaceful protesters.

FIDH raised concerns on the indiscriminate and disproportionate use of tear gas, on the occasion of a meeting with the Deputy Secretary of State for Human Rights of Bahrain. He explained that the police could use tear gas to disperse crowds as soon as the demonstrations are deemed to be illegal – even in the absence of any violence or imminent threat by the protestors – thus ignoring obligations of proportionality and confirming that Bahrain remains in violation of its international obligations.

▲ **Targeting of witnesses**

Protesters and bystanders are not the only target of security forces. Threats and attacks have also been perpetrated against witnesses and families of victims, which is effective in silencing them and impedes the collection of evidence. Families of victims have been targeted in their houses by tear gas canisters, including instances where open canisters have been placed in their courtyards or within their houses. Witnesses of human rights violations have been arrested and detained.

Ahmed Ismail, 22 years old, a citizen-journalist, was a regular witness and documenter of the demonstrations. With his video camera, he regularly filmed the demonstrations, documenting the use and abuse of force by security forces and uploading his videos and photographs online. Ismail had been identified by security officers and arrested three times. He had even received threats by the police who warned him of further retaliation should he continue his documentation.

On 31 March 2012, while documenting a demonstration, Ismail was shot by a live bullet in the right groin area and died as a result of this injury. Witnesses saw the shooter leaving the scene in a police car. The killing of citizen-journalist Ismail appears to have been deliberate, and motivated by retaliation for his active uploading of videos and photographs of demonstrations. In addition to his shooting, the killing of Ismail also shows the control, by the police of hospitals where injured protesters would turn for treatment.

Although bleeding excessively, Ismail was unable to immediately access the only public hospital with an equipped emergency room, Salmaniya Medical Complex (SMC)²⁹, as the road leading to the hospital was surrounded with police checkpoints. He was first taken to Bahrain International Hospital but was given no blood transfusion due to the lack of resources.

He was later transferred to SMC, where the family reported that he was not given adequate medical care, and they were neither allowed to enter Ismail's room, nor were they allowed to speak to the doctors or be given immediate information regarding his condition.

28. See Legislation and Legal Opinion Commission, <http://www.legalaffairs.gov.bh/viewhtml.aspx?ID=RINT1412>

29. See for more information, Physicians for Human Rights Report, "Under the Gun: Ongoing Assaults on Bahrain's Health System", April 2011, <http://physiciansforhumanrights.org/issues/persecution-of-health-workers/bahrain/>

Ismail's family filed proceedings in Al Madl Police Station on 2 April 2012, however two of the witness were refused to enter with their lawyers. Other witnesses who saw the license plate of the police car that fired at Ismail have so far refused to provide testimony out of fear of reprisal from the authorities. At the time of writing of this report, the Public Prosecution continues to stall the proceedings by referring the case to non-concerned committees.

FIDH heard throughout its mission of cases such as Ismail's, where persons injured at or around protests are afraid to seek proper medical treatment at hospitals because of the presence of security forces at the hospitals' entrances, and the questioning or arrest of the injured and the family members or witnesses accompanying them.³⁰ FIDH expresses its concern about the impact on the right to health, as individuals are afraid to seek medical assistance due to the police and military presence at medical facilities.

Other evidence suggests that witnesses or victims of excessive use of force suffer deliberate repression to silence them.

On 15 March 2011, **Jaffar Salman**, a father of two girls, was driving home from work. On that day, Saudi troops surrounded and attacked his village Sitra, a Shi'a village. Salman got caught in the crossfire as he was driving back to his house. As he got out of his car, riot police shot him at close range, in the face, with bird-shot pellets from a shotgun. He was hit with approximately 80 bird shot pellets, some in the eyes. He was immediately sent to Salmaniya's Hospital by a friend. His wife joined him at the hospital. On the morning of 18 March, the third day, the Saudi police raided the hospital at 2 am, threatened his wife, isolated and interrogated Salman for three hours, arrested him and took him to Isa police station. He had not finished receiving treatment for his eyes.

Salman was transferred and detained in Jaw prison, where he was allegedly tortured (hit by a rubber hose in the head, undressed, a tooth pulled out with a key). A month later, Salman was able to call his family, saying he didn't know where he was, and that he was blind. In May, he was sent back to Salmaniya Hospital but did not get an operation and did not receive any treatment until June. He was ultimately taken to the BDF military hospital, where he was treated and recovered sight in one eye. According to his family, members of BICI met with him while visiting the prison, yet the BICI Report did not mention his case.

In June, he was sent to the NSC, and without seeing either his lawyer or the prosecutor, he was sentenced to two years for illegal gathering and attacking police officers with stones. Following his sentence, his lawyer collected a list of 10 witnesses' testimonies that he was only coming back from work. The judge did not consider the evidence. The appeal in a civilian court began on 26 July 2011, and verdict of the NSC was confirmed on 3 November. Five appeal dates had successively been rescheduled.

After having written three letters complaining about this to the administrative authorities, Salman was granted an appeal at a civilian court. His hearing, initially scheduled for 20 June 2012 was postponed three times. Finally, on 13 of August, the Appeals Court found Salman innocent on both charges and he was immediately released. Such delays constitute a violation of the right to a speedy trial.

30. Ibid.

Salman still has not received appropriate medical treatment for his eyes, and is not allowed to wear sunglasses as is needed as a result of his injured eyes.

⚡ **Collective Punishment:**

Security forces continue to shoot excessive amounts of tear gas on a near-daily basis at residential areas as a form of collective punishment. These attacks have caused several deaths by inhalation of the tear gas and miscarriages with a reported number of almost 22 deaths due to suffocation from tear gas.

In addition to the on-going repression against protesters, mourner marches and funeral processions have been attacked with tear gas.

The funeral of **Ahmed Ismail**, was attacked by tear gas canisters on 2 April 2012. On 13 April 2012, after the family of Ismail received his body, thousands of mourners marched in his funeral procession, and were attacked by security forces using bird-shot pellets. Dozens were injured as a result, including **Mohammed Ahmed Abdul Aziz**, 15, who was admitted to the intensive care unit at the Salmaniya hospital. He received multiple injuries, including to his heart. **Sadeq Reyadh**, 15, who suffers from skull fracture and internal head bleeding, and **Habib Mohammed Khalil**, 15, who was beaten by security forces³¹ were also among those injured.

Tear gas canisters are also being directly shot into houses or planted inside houses through house raids undertaken by both anti-riot and plain-cloth officials. This has already resulted in the death by inhalation of tear gas of several elderly people and infants.

A.J. 35, testified immediately at the police station after the death of his 14 year old cousin, who was killed on 30 August 2011 as a result of a tear gas canister shot at him from close range (3 metres). After A.J. participated in the funeral march of his cousin, security forces repeatedly shot tear gas into his home; as a result, he died out of suffocation on 14 September 2011. His brother filed a complaint at the Public Prosecutor's office, however no proceedings have been initiated at the time of writing of this report. His deceased cousin's house was also targeted with tear gas canisters.

During its mission on 2 April, 2012, FIDH witnessed security forces firing of a rain of tear-gas canisters onto Adari, a darkened and quiet Shi'a village, from a main road in the late evening hours. Cases of humiliation and the taking of money, mobile phone and other possessions by police officers at police checkpoints have been reported.

⚡ **Arbitrary arrests, incommunicado detentions:**

According to the BICI findings, over 3,000 people have been arrested since 14 February 2011, however it is estimated by NGOs that the number has reached 4,000 cases. Since the release of the BICI report in November 2011, the numbers of detainees has increased from 500 to 1,700 at the time of writing of this report³². In February 2012, more than 200 further arbitrary arrests

31. See BCHR, <http://bahrainrights.hopto.org/en/node/5203>

32. Figures recorded by FIDH member organisation, Bahrain Human Rights Society

were reported. In a report published in June 2012, BCHR alleged that there are currently 517 detainees as a result of the crisis, 190 of those having been detained since 2011.

Thus, arrests are on-going. These arrests take place during both protests and raids against homes. Cases of incommunicado detention continue to be reported, despite the 22 December 2011 order by the Minister of Interior which instructed the Inspector General to “take all necessary steps, including any necessary training of officers and amendments to the procedures for arrest and detention, to guarantee the rights of all suspects including their right to: (i) not be held incommunicado; (ii) be shown a warrant upon arrest; (iii) be given prompt access to their lawyers; and (iv) allowed family visits in accordance with the Bahrain Code of Criminal Procedure”. However, on 30 January 2012, a proposal drafted by the Ministry of Interior to lengthen prison sentences for those who have attacked security personnel or their families up to 15 years, was sent to the Parliament for review. The law has been approved by the Parliament in May 2012.

On-going use of torture and inhumane conditions of detentions

The November 2011 BICI Report confirmed the systematic use of torture and mistreatment against detainees arrested in relation to the uprisings. Since then, the conditions of detentions have not improved, and have reportedly worsened. In fact, almost all the testimonies of victims of arbitrary arrest and detention gathered by FIDH mission have mentioned that they were subjected to torture and inhumane treatment.

According to a report on the “treatment of political detainees in Bahrain’s prison, “the biggest complaint of mistreatment continues to be poor access to health care, continuing torture in local detention centres, and denial of due process by not releasing political prisoners arrested for taking part in the 2011 uprising”³³. The report also states that “physical abuse occurs both at the point of arrest and at local police detention centres.”³⁴. BCHR has also reported several cases of torture in its latest report, released on June 2012³⁵.

The report also documents violations of the Standard Minimum Rules for the Treatment of Prisoners, with: fewer hours outside the cell for prisoners; restrictions of religious rituals; showers not equipped with hot water; families not allowed to bring winter clothes; health problems; refusal to give vaccinations; poor hygienic conditions; overcrowded cells; and the excessive use of solitary confinement as punishment. Prison guards routinely refer to political detainees as traitors for trying to overthrow the monarchy, to which the prison administration vows its loyalty.

Protesters and activists have also reported having been tortured outside police detention centres. This can be seen as an attempt by authorities to avoid being directly implicated in such incidents and to therefore avoid being held accountable. This comes after a stated decision to introduce video recording during interrogations in police stations, resulting to the BICI recommendation N°1722(g). In most cases, when those arrested are not transferred to a proper detention centre,

33. This report was released on January 2012 by the Bahrain Rehabilitation & Anti-Violence Organisation (BRAVO) and the Bahrain Centre for Human Rights (BCHR) for the International Committee of the Red Cross. Sixty-six percent of the report was prepared by prisoners inside the prison who documented the human rights violations. Further information was collected between November 2011 and January 2012 through families of prisoners.

34. Ibid.

35. See “BCHR: Post-BICI Report PART II”, <http://bahrainrights.hopto.org/en/node/5325>

they are held for a day, tortured and beaten, and then released without being formally charged with an offense or registering their detention case. Several individuals were found dead after having been arrested.

On 13 January 2012, the death of **Yousif Ahmed Muwali** was announced by the Ministry of Interior. The cause of his death was not given. According to official declarations, Muwali was detained at the Criminal Investigation Directorate; however he was not officially charged. On 21 January 2012, his family, who had reported him missing on 10 January, finally received his body, which had marks proving he was tortured to death. Muwali's family filed legal proceedings against the Ministry of Interior, however at the time of writing of this report, no action has been taken by the authorities.

On 25 January 2012, **Muntadher Saeed Fakhar** died under torture in Hooraa police station within 24 hours after being arrested without any charges. A witness said the police hit Fakhar's car, then beat him in the street near Jidhafs graveyard before arresting him. On the same day, **Mohamed Ebrahim Yaqoob** was a victim of a run-over attempt by the police before being arrested. A few hours later, the Ministry of Interior announced that he had died as a result of sickle cell complications. However, many witnesses saw him being tortured in front of the police station, and his body bore bruises and cuts.

On 29 January 2012, approximately 250 political prisoners began a widespread national hunger strike to denounce their on-going arbitrary detention and the inhumane conditions of detention. This hunger strike began after 14 prominent political and human rights activists, who had been arbitrarily detained since March 2011,³⁶ announced they would begin a hunger strike. In response, the section of the Jaw prison where the above-mentioned detainees are kept was reportedly tear gassed. A number of the detainees were severely beaten, and others were put in solitary confinement.

Abdul Hadi Al Khawaja, former President of the Bahrain Centre for Human Rights (BCHR) as well as the former Front Line Defenders' Middle East and North Africa Protection Coordinator, started a hunger strike on 9 February 2012, and ended his 110-day hunger strike on 29 May 2012. Al Khawaja reported that he had been force-fed since 23 March. During FIDH's visit to Bahrain, FIDH attempted to get permission from the authorities to be granted access to visit Al Khawaja in prison, but to no avail. FIDH attended the appeal hearing of Al-Khawaja and others on 2 April, during which additional evidence, including excerpts of the BICI Report, were submitted and a request was made for the court to order the prosecutor to request the forensic experts reports relied upon in the BICI Report as additional evidence. The hearing was adjourned without ruling to 14 August, and then adjourned again to 4 September for the ruling of the verdict. FIDH notes that none of the defendants were present at this hearing, and FIDH was informed that none of the defendants waived their right to be present.³⁷ On 30 April, Bahrain's Military Court announced the referral of Al Khawaja's case and those of 20 other human rights defenders and political opponents to a civilian court, while

36. See FIDH and OMCT joint press release "*FIDH and OMCT call for the immediate end of repression*", 11 May 2011.

37. FIDH also expresses concern about the general layout of the courtrooms: FIDH observed proceedings in a courtroom where defendants were kept behind a glass wall, separate from their attorneys. In addition to giving the appearance of being kept in a cell or large cage, FIDH is concerned that such a layout impedes the normal interaction and consultation between a client and his/her attorney. FIDH notes that the venue of Nabeel Rajab in his hearing sessions in July/August 2012 had the same layout.

ruling at the same time that the detained activists will remain in detention pending trial.³⁸ During the first hearing, Al Khawaja told the court about the torture and ill-treatment he was subjected to during his detention. As of the time of writing of this report, no investigation has been launched into these allegations. Al Khawaja's testimony was documented by the BICI Report. On 4 September 2012, the Higher Court of Appeals upheld the sentence against Al Khawaja and the other 20 human rights defenders and political opponents.



Violation of the right to defence through acts of harassment against lawyers

The work conditions imposed on lawyers undermine the legitimate exercise of their profession. It has been reported that some lawyers fear reprisal if they effectively defend political prisoners. This has created a *de facto* failure to provide the right to defence.

Lawyers also continue to face judicial harassment. **Mohamed Issa Al Tajer**, a prominent human rights lawyer, arrested on 15 April 2011, has been pursued for 14 months on charges of “spreading rumours and malicious news,” “incitement of hatred towards the regime,” and “taking part in a demonstration.” His trial, began in June 2011, was due to resume on 7 February 2012, but was postponed to 20 March 2012, and then again to 26 June 2012. He has allegedly been subjected to acts of torture and ill-treatment during his 114 days of detention. In June 2012, following Al Tajer's participation in the Universal Period Review Working Group Session for the adoption of the report on Bahrain, a smear campaign was waged against him and a YouTube video was posted in Bahraini discussion forums showing Al Tajer and his wife in a compromising position. Even after the video was taken down, a popular website in Bahrain published the images. Al Tajer was blackmailed with this video as he was threatened by his interrogators, during his detention last year, that they would broadcast a film showing him with his wife.³⁹

Administrative harassment against lawyers has also been reported. On 30 November 2011, the Ministry of Human Rights and Social Development dissolved the Board of Directors of the Bahraini Bar Association by annulling the election held on 26 November 2011. The Ministry stated “the immediate past Board of Directors is appointed once again, while the current elected board is void.” The reason for this annulment is presumably due to the pledge of the new lawyers for the defence of human rights, and their criticism of recent human rights violations.⁴⁰

The Ministry of Human Rights and Social Development applied the “Law of Societies,” which has been repeatedly criticised by human rights organisations for its purpose to control the activities of civil society institutions and to restrict their freedoms. The same law was used in 2004 to dissolve the BCHR. Law No. 21 of 1989 on Associations makes the prior approval a requirement for any association activity, with the authorities' silence signifying that the request is rejected (Article 11).⁴¹ This comes in violation with Article 22 and 25 of the International Covenant on Civil and Political Rights (ICCPR).⁴²

38. See the Observatory Press Release, “Trial of arbitrarily detained Abdulhadi Al Khawaja transferred to a civilian court, concerns remain over his health status,” 30 April 2012, <http://www.fidh.org/BAHRAIN-Trial-of-arbitrarily>

39. The Observatory, “Bahrain: Harassment of lawyer Mohamed Issa Al Tajer”, June 14 2012, <http://www.fidh.org/BAHRAIN-Harassment-of-lawyer>

40. See statement issued by Bahraini Bar Association on 20 February 2011 strongly denouncing the brutal crackdown by government forces on the peaceful demonstrators, https://www.facebook.com/note.php?note_id=194939650536117

41. The Observatory, “Steadfast in Protest: Annual Report 2011”.

42. See FIDH report, “Freedom of Association Report on Bahrain, Kuwait and Yemen”, 2009, <http://www.fidh.org/Freedom-of-Association-Report-on>

IV. ONGOING JUDICIAL AND ADMINISTRATIVE HARASSMENT AGAINST PRO- DEMOCRACY PROTESTERS

“There is no political prisoner in Bahrain today. Not a single person is awaiting trial for political protest or activity, or for exercising her or his right to free speech and assembly.” Declaration of the Minister of Foreign Affairs in an open letter sent to the British Foreign Secretary on 6 January 2012.



Judicial harassment before civil court / Violation of the guarantees to a fair trial

In response to the BICI recommendation N° 1720⁴³ and 1722(h),⁴⁴ the GoB stated that “all live cases are being reviewed in the ordinary courts to ensure fair trial rights have been complied with in cases before the (NSCs. Where final convictions were rendered in the NSCs, and cannot be opened up on appeal, on 2 January 2012, the Supreme Judicial Council announced that it had formed a committee to review all such final convictions to ensure that the accused was provided with his or her fair trial rights.” “On 24 December 2011, the Attorney General confirmed that all charges relating to free speech will be dropped, with cases only being pursued against those persons accused of violent crimes. This decision benefits 343 people. On 2 January 2012, the Supreme Judicial Council announced that a committee of civilian judges will review all convictions with a view to commute sentences of all persons charged with offenses involving political expression, not consisting of advocacy of violence.”

Despite these statements, scores of health workers, teachers, students, opposition activists, human rights defenders and others are still facing trials or serving prison sentences. Royal Decree No. 62 issued by the King of Bahrain on 29 June 2011 transferred all cases before the NSC to ordinary courts in accordance with the law of the Court of Cassation promulgated by Decree Law No. (8) of 1989 as amended by Law No. (9) for the year 2009, and the Law of Criminal Procedure, promulgated by Decree Law No. (46) of 2002 amended by Law No. (65)

43. BICI recommendation N° 1720 “To make subject to review in ordinary courts all convictions and sentences rendered by the NSCs where fundamental principles of a fair trial, including prompt and full access to legal counsel and inadmissibility of coerced testimony, were not respected be subject to full review in the ordinary courts.”

44. 1722(h) “To review convictions and commute sentences of all persons charged with offenses involving political expression, not consisting of advocacy of violence, or, as the case may be, to drop outstanding charges against them.”

for the year 2006. FIDH notes that according to the Royal Decree No. 62, all sentences issued by the NSC could be appealed before the Court of Cassation⁴⁵.

In practice, the transfer of cases from the military courts to civilian courts has not led to new trials but only limited appeals, which have taken the questionable trial record and previous convictions and sentences as a legitimate starting point.

While some appeals led to the dropping of charges against some of the victims, the civil court often upheld sentences rendered by military courts. Detentions “pending investigation” have been, and are still being, abusively extended. FIDH noted how proceedings are being delayed for months while individuals remain in detention. As one person said to the FIDH mission, it is largely the same system, just with different hats. FIDH expresses its concern. Within the vast majority of the trials, sentences appear to be based on fabricated charges, confessions obtained under torture, or charges that in themselves repress basic freedoms, including the freedoms of expression or assembly. The following are examples of unfair trials.

▲ *Medical staff:*

On 29 September 2011, a group of 20 medics were sentenced by the National Safety Lower Court to prison sentences ranging from 5 to 15 years because of their involvement in the treatment of wounded demonstrators. They were found guilty of acts that included forcibly taking over the Salmaniya Medical Complex (SMC), and refusing treatment to patients based on their sectarian affiliation. An appeal in civil court was initiated on 23 October 2011, after prosecutors dropped confessions from the defendants, who claimed that the statements were extracted under torture. On 14 June 2012, Bahrain’s court of appeals issued its final verdict. The court dropped charges of “the possession of arms” and “the occupation of SMC”. **Zahraa Al-Sammak, Hassan Al-Tublani, Fatima Haji, Nada Dhaif, Ahmed Omran, Rola Al-Saffar, Najah Khalil, Mohammed Al-Shehab, Sayed Marhoon**, were all found innocent on all charges. The court also reduced jail terms for eight of the defendants, **Ali Al-Ekri**, who had been previously sentenced to 15 years, was given five years imprisonment; **Ghassan Dhaif** was sentenced to one year imprisonment; **Mahmood Asghar** was sentenced to six months imprisonment, **Bassem Dhaif** was sentenced to one month imprisonment; **Ebrahim Al-Demistani** was sentenced to three years imprisonment; **Nader Diwani** was sentenced to one month imprisonment; **Abdulkhaliq Al-Oraibi** was sentenced to one month imprisonment; **Dhiaa Abuidrees** was sentenced to two months imprisonment; and **Saeed Al-Samahiji** was sentenced to one year imprisonment⁴⁶.

The lawyers of the 20 medics had presented 45 witnesses; however, the Court only heard testimony from 18 due to time constraints. In the hearing attended by FIDH on 4 April 2012, the defence lawyers presented written testimonies of 275 witnesses. In the same hearing, the defence lawyers requested that copies of the defendants’ medical records during their detention from the National Security Agency, the Military Prosecution and the Ministry of Interior be added to the case file in order to further provide evidence as to the torture they suffered. Defence lawyers also presented detailed lists of patients treated by the medics showing the non-discrimination in treatment based on religious background, and records from the Ministry

45. Bahrain News Agency, <http://www.bna.bh/portal/news/462939>

46. For earlier details please consult The Observatory’s Urgent Appeal, 5 May 2011, <http://www.fidh.org/Judicial-harassment-against-47>

of Health showing the lack of misconduct by the medics charged. In addition, the lawyers raised their concern regarding the credibility and independence of the newly established Special Investigation Unit.

It is also important to note that on 10 May 2012, the Public Prosecution issued a statement saying that charges against 15 of the medics could be dropped, but that another five could be sentenced, which shows the clear predetermination of the sentence, unjust trial and politicization of the case.

In January 2012, new cases of reprisal against medical staff were reported. On 26 January 2012 two medical staff, **Halima Abdulaziz Al-Sabag** and **Aqeela Radhi Hammad**, were arrested without a warrant at their workplace, SMC. They were charged with using their positions to embezzle money from the State. They were released three weeks later without being charged.

The cases of detention and torture of doctors and medics are not limited to those currently on trial and sentenced. Another 60 doctors have been detained without charges or trial. All have been tortured and later released, and suspended for three to six months from their work and then reinstated in junior positions. They still suffer from continuing harassment. The President of the Dentist Society was detained for 44 days. Although he has been reinstated, he has not been paid for the past months.

On 28 November, 2011, the Court of Cassation upheld the three-year jail sentence imposed by the NSC in May 2011 against **Hassan Matooq**, a nurse and photographer. He had been charged by the NSC in May with illegal assembly and dissemination of fabricated photos of wounded people. He has been held since 24 March 2011. **Ahmed Ali**, a pharmacist, is still under detention and his case is currently at the Court of Cassation. **Younis Ashour**, a 60 year old administrator, has been sentenced to three years for sending oxygen cylinders from Mohrek to Salmaniya Medical Complex (SMC). According to his wife, he has been tortured by Mubarak Ben Hewik, the head of interrogation at the prison. Ashour gave testimony regarding his torture and ill-treatment to the BICI committee. Ashour spent a year in prison and had suffered from heart and kidney problems. On Monday 6 August 2012, the Court of Appeals found Ashour guilty on the first count of sending oxygen cylinders from Mohrek to SMC, but reduced the sentence to one year. He was found innocent on charges of incitement of hatred towards the regime. He was released on the same day after having served his one year sentence.

On 31 January 2012, the Health Ministry issued a memorandum to private hospitals requiring them to inform security authorities of the injured and wounded, and advising them that legal action against the hospital will be taken if they do not cooperate. There is widespread fear among the Shiite community of accessing SMC for any trauma cases. This theme has been recurring after the injury of many protesters, and they resist transfer to the hospital out of fear of arrest. Indeed, the hospitals are losing much-needed qualified professionals and medical specialists.

Since the BICI Report, within the health and education sectors, Shiites are discriminated upon, being suspended, removed from their posts and rehired at lower positions, or simply not hired, as the authorities actively hire non-nationals to replace them. State policy has been directed at the militarisation and polarization of the Bahraini health system. All medics facing trial are

prevented from practicing at any public or private hospitals. Due to the detention and/or trials of specialised doctors, the health system in Bahrain has been negatively affected. Five of the Intensive Care Unit Specialist doctors in Bahrain are currently in detention, two maxillo-facial surgeons have been suspended, and two neurosurgeons are on suspension, thereby leaving only one specialist in charge of SMC. Additionally, 71 Shiite nurses specialised in emergency room treatment have been transferred to other departments. On 28 March 2012, Al Wasat newspaper printed an announcement of vacancies for Jordanian nurses and doctors. The policy of keeping Bahraini Shiite medics out of the emergency room assists the goal of preventing eye-witnesses from access to injured protesters. There are currently 55 graduate nurses who have not been hired particularly due to their sectarian background; the other 10 graduate Sunni nurses have all been hired by the Bahraini Defence Forces.



Athletes:

Bahraini authorities have announced the dropping of charges against 100 athletes for participating in the mass protest, many of whom are still in prison. Others were victims of libel campaigns and were arbitrarily arrested. They received heavy prison terms by the NSC on charges of “illegal gathering” and “inciting hatred against the regime”. Several referees who have been banned for exercising their legitimate rights of expression and peaceful assembly are still without work. However, arrests continued, as was the case for **Yousif Abdullah**, a race car driver, was arrested on 7 January 2012 and was detained for 45 days in the Dry Dock prison during the investigation. As of April 2012, 23 were athletes detained in Dry Dock prison, of whom eight had been sentenced before the release of BICI Report. The remaining 15 had been arrested after the release of BICI Report and are still pending trial. The charges against them include inciting hatred, illegal gathering, attack on police officers and destruction of public property. Many of these athletes have been tortured by beating, electricity shocks, sexually harassed, and put in solitary confinement. It is important to note that the only evidence presented for the eight sentenced athletes were confessions allegedly extracted under torture.



Education professionals:

Teachers are also targeted and attacked for practicing their basic rights, such as striking in solidarity with the pro-democracy movement. Since March 2011, hundreds of teachers have been detained, tortured, dismissed and subjected to unfair transfers from their schools. The BICI Commission received complaints from 87 dismissed and 96 suspended employees from the Ministry of Education.

Following the release of the BICI report, the suspension and harassment of teachers continues as more than 2,000 teachers have been suspended. Three teachers who tried to file complaints in the Ministry of Education have been threatened with a heavier punishment. A police officer is now placed within each school.

Several members of the Bahrain Teachers Association (BTA) arrested in spring 2011 were released on bail. **Mahdi Abu Dheeb**, BTA President, and **Jalila al-Salman**, BTA Vice-President, have been brought several times before the NSC of First Instance, and have faced a range of charges, including using their positions at the BTA to call for a strike by teachers, halting the educational process, “inciting hatred of the regime”, and “attempting to overthrow the ruling system by force”. Jalila al-Salman was released on bail on 21 August 2011, while Mahdi Abu Dheeb remains in prison. Al-Salman was reportedly tortured during

her detention and has filed legal complaints; however, she has not received any response from the government regarding whether they are conducting any investigations. On 25 September 2011, the court sentenced Jalila al-Salman to three years in prison, and Mahdi Abu Dheeb to 10 years. Their appeal hearing began on 19 February 2012 and, at the time of writing of this report, continues. Despite Mahdi Abu Dheeb's poor health, the court refuses to release him, although his lawyers have requested repeatedly in each hearing session. FIDH was present at Abu Dheeb's hearing on 2 April 2012, during which he detailed the serious mistreatment he has been subjected to during his arrest and while in detention, including being beaten by 8 to 10 people about his head, neck and shoulder - resulting in broken ribs, being threatened with rape, subjected to two mock executions, and denied necessary medications. The hearing of 2 April was the first occasion since his arrest a year before that Abu Dheeb was permitted to give his account of the violence to which he was subjected during his arrest, and the injuries he sustained during his arrest and detention. Despite his account and the serious questions raised about the validity of the case against Abu Dheeb, his request for provisional release was denied. FIDH raised Abu Dheeb's testimony with government officials and queried about the investigation into his serious allegations of mistreatment. The response received by FIDH is concerning. Rather than being told that such allegations would warrant an immediate investigation and that accountability is a priority, FIDH was advised that Abu Dheeb is a prisoner seeking release, and thus what he says should be viewed in that light.

Members of the Board of Directors of the Bahrain Teachers Society (BTS), **Anwar Abdul Aziz Akbar**, **Salah AlBari**, **Afrah AlAsfour**, **Sana Abdul Razak**, **Ali AlBanaa**, **Fakharia Milad** and **Gasoon Sayad Hamza**, were tried for "participating in illegal gatherings", "inciting others to commit crimes", "leaving work on purpose and encouraging others to do so", and "disrupting the implementation of laws". The BTS previously called for improvement in teachers' working conditions and has contributed to the protests since 14 February 2011. On 26 March 2012, all BTS members were found innocent by the Appeals Court.

▲ *University Students:*

University students were not spared from the crackdown as lengthy sentences were handed down due to their participation in demonstrations, despite the lack of credible evidence against them and reports of the use of torture against them. Additionally, FIDH heard evidence that strongly suggests that the violence on the university campus appeared to have been deliberately provoked by looters and thugs outside of the university, with the complicity of the police. It appears that such evidence has not yet been brought to the attention of the BICI Commission.

On 13 March 2011, students demonstrated peacefully on the campus of the University of Bahrain in solidarity with the protesters in Pearl Roundabout. The demonstration was attacked by armed civilians, who are alleged to have ties to the police. While the BICI Report has adopted the official story of the GoB stating that the attack on the students was committed by members of the opposition, the evidence we were presented with shows the attack would have been orchestrated by the police with the knowledge of the university's administration, with armed civilians and police entering the university campus. Approximately 50 students were reportedly injured, among whom **Mohamed Abd Al Mahdi**, a student, was struck by a sword, leading to the loss of his memory. However, only the students were prosecuted, and none of the armed civilians were even investigated, much less prosecuted.

The university administration dismissed 471 students who participated in the demonstrations, both those on and outside the campus. The BICI Report stated that “*the investigations generally relied upon hearsay and circumstantial evidence*”⁴⁷, and that “*the Commission did not see any photographs in the university’s investigative files that established that a particular student had participated in a violent, criminal or disruptive act on the university campus.*”⁴⁸ Although all 471 students were reinstated after the release of the BICI Report, they have lost one school year as a result.

Seven students were nevertheless sentenced to 15 years in prison by the NSC and fined a total of 350,000 BD. Five students have been detained for over a year.

Gasem El Halabi, 19 years old, was sentenced to 15 years in prison by a military court and has been detained since 27 March 2011. He was charged with “inciting hatred of the regime”, “destroying public property”, and “disrupting the learning process”. El Halabi’s family knew nothing of his whereabouts for two months and, when they finally saw him at the military court, it was already his second hearing. El Halabi met with the BICI Commission and, despite the Commission’s promise that he would be released, he remains in Jaw Prison. His family is only allowed to visit him twice a month and call him twice a week; yet they are unable to bring any items to him. He is kept in a 2 metre by 1.5 metre cell, which holds three other prisoners in total. El Halabi’s appeal proceedings are still on-going at the time of writing of the report.

On 26 April 2011, three masked men broke in to the house of **Gasem Mohamed El Khader**, a fifteen year old university student, broke various items in the house, and arrested him. His family knew nothing of his whereabouts until the authorities contacted them a month later and requested that they bring a lawyer to his hearing. He had tried to tell the military judge about his torture, but was not allowed to speak during the hearing. His family reported that he was in very bad condition and that there were signs of torture and ill-treatment. He told his parents that he was beaten, hung from his arms, and threatened by a Jordanian officer, Eissa El Majal with being sent to the “black room” if he refused sign a confession. He and six others were found guilty on charges of “inciting hatred of the regime”, “destroying public property” and “disrupting the learning process”. All seven students were sentenced to 15 years imprisonment.

The only evidence presented in the court was testimonies extracted under torture. Two lawyers informed the judge in the civil court that their defendants had been tortured. The only witness confirming the charges was a police officer, Fawazem Al Omady who allegedly performed the torture. Al Omady also testified against another 120 students. Students who have been tried in a civilian court for the same charges were sentenced to only six months.

It is important to note that despite the King’s royal decree ordering the referral of all military cases to be transferred to civilian courts, this case was not transferred immediately. However,

47. 1491 “Upon review of the investigations conducted by Bahrain Polytechnic and the University of Bahrain, the Commission notes that the investigations generally relied upon hearsay and circumstantial evidence. It is of particular concern that hundreds of students were initially dismissed from the university simply after being identified in photographs showing them participating in a demonstration at the university campus.”

48. 1492 “Although the University of Bahrain repeatedly expressed to Commission investigators that it only disciplined students involved in disruptive, violent and criminal activities at the university, evidence provided by the university does not indicate in every case that wrongdoing had been clearly established.⁷³⁸ In respect to photographic evidence, the Commission did not see any photographs in the university’s investigative files that proved that a particular student had participated in a violent, criminal or disruptive act on the university campus.”

after the verdict was issued, the case was transferred to a civilian court on 3 October 2011. The first appeal was on 1 January 2012, and has been postponed twice; first to 5 March and then to 23 April 2012. At the time of the writing of this report, El Khader's appeal proceedings are still on-going.



Harassment against dismissed employees

*The Government of Bahrain's response to recommendation N°1723(a)(b) regarding the dismissal and/or the suspension of employees:*⁴⁹ “[I]n the public sector, all employees dismissed for free speech activity have been reinstated or will be reinstated by 1 January 2012”. “Private sector companies will be making announcements regarding reinstatement in January 2012. [...] GoB has been in negotiations with the private sector, with high level discussions with public corporations, and there will shortly be an announcement about reinstatements.”

According to the BICI Report, 2,075 employees from the public sector and 2,464 from the private sector were dismissed for supporting, or participating in, the strikes in the Spring of 2011 on the grounds that the strikes were unlawful. According to the Bahrain Civil Service Bureau information provided to the Commission, out of the 2,075 dismissed public sector employees, 1,682 had been reinstated. The Commission was also informed that, following the King's speech on 28 August 2011, the Ministry of Labour was working to have the dismissed private sector employees reinstated.

The Report also stated that, out of the 2,464 private sector employees who were dismissed, 179 remained out of work.

However, the General Federation of Bahrain Trade Unions report that 1,674 employees from the private sector, and 854 from the public sector, are still out of work, which means there are at least 2,528 people who remain dismissed or suspended.

Not only is it alarming that there is such a wide gap between these two figures, but also the conditions imposed on employees to be reinstated are questionable. Very few of the 55 dismissed trade union leaders were reinstated, although other workers in same firm were reinstated. The few who were reinstated had to accept specific conditions, and had to sign a document stating that they will not engage in any trade-union or political activities. Others were reinstated to inferior posts and/or reinstated without back-pay and retroactive benefits.

Senior staff of the Bahrain Training Institute (BTI) who were dismissed in June 2011 without any investigation, still remain out of work. The GoB claims that this is due to purely administrative reasons.

The majority of the senior teachers who were reinstated have been given inferior posts at a lower rate of pay, and/or have been marginalised within their schools. They frequently do not have desks, resources, or simply are not given work to do. The education system in Bahrain has been negatively affected due to these policies. Specialists in the Ministry of Education have been replaced by under-qualified employees known for their loyalty to the government

49. 1723(a) “To ensure that the remaining dismissed employees have not been dismissed because of the exercise of their right to freedom of expression, opinion, association or assembly. (b) To use all its powers to ensure that public corporations and other employers who dismissed employees for failure to appear for work at the time of the demonstrations treat them in a way that is at least equal to that provided by the GoB to civil servants.

and Sunni backgrounds. The Ministry of Education continues to accept volunteer teachers. The latest deadline for the call of volunteers was on 5 April 2012. The volunteers are paid 450 BD while the average salary for a teacher is 425 BD. In June 2011, there were 16,000 teachers. At the time of the writing of this report, there were 22,500 teachers, including 6,000 volunteers and 2,500 Egyptian teachers. However, due to the lack of qualified volunteers, and the difference in the educational system between Bahrain and Egypt, the quality of education has been regressing. The Ministry of Education has now instituted training programmes for volunteers.

It has been reported that, in the private sector, in order to be reinstated some dismissed workers will have to agree to accept a warning being placed in their personnel file, to drop all claims against the company for back pay and benefits, and to not engage in any further political activity, or they risk immediate dismissal. Other companies agree to reinstate the dismissed staff only under new contracts, as if they were new employees, thereby losing all accrued seniority and benefits.

In addition, several amendments were made to the trade union law, unilaterally and without notice,⁵⁰ which has resulted in the prohibition against establishing a general labour union, and which gives only the Minister of Labour the power to decide who will represent Bahraini workers at international and national level bargaining tables. The amendments also prohibit those union leaders who participated in the protests to hold any office in any other unions for five years.

50. Articles 8-1; 8-3; 10; 17.

V. ONGOING IMPUNITY

In his speech at the occasion of the release of the BICI Report, the King declared “there will be no impunity”.

In May 2011, five police officers of Pakistani origin were referred to criminal court for alleged cases of torture and mistreatment on detainees, during the repression of the protests, and in particular the deaths of **Zakariya Al-Asheri** and **Ali Saqer**, who died on 9 April 2011 while in custody. The military prosecution accused two of the police officers of “beating two detainees to death”, and the three others were accused of “failing to report the incident.” Thus, the prosecution did not charge the officers with either torture and killing. The penalty for “beating that leads to death” ranges from three to seven years imprisonment, while the penalty for torture is a life sentence. The trial began on 11 January 2012 before a civil court. The low-ranking accused policemen, who have not been detained, attended court in their uniforms, indicating that they were on active duty. On 27 March 2012, the High Criminal Court referred the case back to the Public Prosecution, ruling that the Public Prosecution had failed to adhere to the required proceedings.

In parallel to this case, the Attorney General established, on 28 February 2012, a Special Investigations Unit, to investigate claims of torture and other forms of cruel, inhuman or degrading treatment or punishment. The Unit, which was established per a BICI recommendation, is led by a senior public prosecutor, supported by experienced and independent forensic experts, and a senior independent investigation council (appointed by the Supreme Judicial Council).

On 6 June 2012, the Special Investigative Unit issued a statement that the Unit was investigating over 150 cases of alleged abuse, mistreatment and torture. These cases involve 72 accused security personnel, including officers of the rank of Lieutenant Colonel. The Unit has also referred 12 cases involving 19 accused, including officers, to courts. Five officers were charged with battery resulting in death, one has been charged with battery resulting in permanent disability, another has been charged with use of force to extract a confession, and the five remaining officers have been charged with assault and battery.

At the time of writing of this report, no police officer has been sentenced. No information has been provided regarding investigations into the role of the security bodies for which those policemen worked. This suggests that the GoB is not honouring its pledge to implement recommendations N°1716⁵¹ and N°1722(a)(b) which deal with the conduct of effective investigations of complaints of torture, ill-treatment, excessive use of force, and other abuses at the hands of the authorities.

In fact, the GoB promoted several of the officials responsible for acts of torture in the detention centres. Although the head of public security was dismissed from his position, he was subsequently appointed as an Ambassador to the Cabinet of the Ministry of Foreign Affairs. The previous head of national security was promoted to General Secretary of the Supreme Council

51. 1716 “To establish a national independent and impartial mechanism to determine the accountability of those in the government who have committed unlawful or negligent acts resulting in the deaths, torture and mistreatment of civilians with a view to bringing legal and disciplinary action against such individuals, including those in the chain of command, military and civilian, who are found to be responsible under international standards of superior responsibility.”

of Defence and advisor to the King, and was given the rank of Minister. These promotions appear to be an attempt to prevent the prosecution of upper echelon authorities.

Victims of human rights violations are do not trust authorities to hold perpetrators of crimes accountable. In addition, victims fear filling legal complaints due to anticipated reprisal by the government on the victim, their families, and witnesses. Consequently, many victims do not press any charges.

VI. INDEPENDENT MONITORING BLACKED OUT

Measures, strategies and acts of harassment aimed at undermining any independent monitoring of the situation in Bahrain and to muzzle the media intensified in the weeks running up to the 14 February anniversary of protests. This escalation occurred in an alarming way, despite the King's November 2011 declaration, at the occasion of the release of the BICI Report, that "any Government which has a sincere desire for reform and progress understands the benefit of objective and constructive criticism".

✧ **Obstacles to freedom of the press**

According to the 2011-2012 press freedom index of Reporters Without Borders, Bahrain is ranked 173rd out of 179 countries. Obstacles to press freedom exist at both the international and the national level in the following manners:

✧ **By denying journalists' access to Bahrain:**

Access to Bahraini territory was denied to any foreign journalist who requested an accreditation in the run-up to the one-year anniversary of the protests in Bahrain. All visa applications were denied, purportedly "due to the high volume of applications."⁵² However, the GoB also declared it "would like [journalists] to come [...] at the end of February when we'll be celebrating the implementation of the Bahrain Independent Commission of Inquiry report".

As a response to the denunciation of the violations to the freedom of press by human rights organisations, the Information Affairs Authority declared in a statement on 9 February 2012, that "the Kingdom of Bahrain welcomes international media and hopes to provide an enjoyable and reliable service for all journalists traveling to Bahrain for work purposes... through the Information Affairs Authority".

Even during the Formula 1 events, some reporters were denied entry to Bahrain, including **Simeon Kerr** from the Financial Times, and **Stuart Ramsay** from Sky news.

On 22 April 2012, a Channel 4 News team were stopped by police officers and arrested, and were later sent directly to airport and deported without having been given back their equipment and videos.

52. Among the news services denied visas were: *New York Times*, *Al Jazeera*, *BBC*, *Christian Science Monitor*, *The Wall Street Journal*, *AFP*.



Through acts of intimidation and attacks against journalists:

Journalists posted in Bahrain continue to face acts of intimidation and attacks in response to the legitimate exercise of their profession. While covering the protest events on 3 January 2012, photographer **Mazen Mahdi** was beaten by police in front of the police station in Samaheej, despite wearing a vest clearly bearing the word “Press”. During a protest on 15 December 2011, tear gas was aimed at Mahdi and *Reuters* photographer **Hamad Mohamed**. They were also wearing their press vests at the time. On 7 December 2011, Mahdi and a colleague from the *RTR* agency were detained by riot police for 30 minutes after covering a demonstration. Tear gas was fired at *New York Times* correspondent **Nicholas Kristof** and his cameraman on 9 December 2011, and their equipment was damaged. Kristof was later denied entry when he arrived in Bahrain on 8 February 2012 to cover the anniversary of the uprising. **Jaafar Al Mulla**, a sports journalist at the University of Bahrain, was fired in March 2012 due to anti-government comments on his social networking accounts. Prior to his firing, he had been informally warned by his supervisors to halt his on-line activism if he wanted keep his position.



Through on-going judicial harassment:

In addition, journalists continue to face judicial harassment through baseless charges. **Reem Khalifa**, a journalist at “AlWasat” newspaper, was attacked, beaten and insulted by a group of pro-government supporters. She subsequently filed a lawsuit, charging the perpetrators with “assault and insult”; however her assailants - instead of being brought in for questioning - charged her with libel, slander and physical assault. The Lower Criminal Court heard her case on 2 February 2012. It reportedly refused to hear testimony from the defence witnesses and refused to examine the evidence which demonstrated that Khalifa was the victim and not the assailant. In April 2012, the court fined Khalifa 600 BD.

Waheed Balloushy, a media professional and Internet activist, was summoned by the public prosecutor on 2 January 2012, for questioning regarding a complaint submitted by Al-asala Al-Islamiya Association (a Salafist organisation), which accused Balloushy of insulting an Islamic symbol in writings in which he was critical of the association.. Balloushy was tried before the Lower Criminal Court on 1 February 2012, and the proceedings are still on-going



Threats and harassment against human rights defenders⁵³:

Independent local monitors and in particular, members of Bahraini human rights organisations, continue to be threatened for their human rights activities. They are subjected to defamation campaigns on social networks, death threats, arbitrary arrests, incommunicado detentions, judicial harassment and ill-treatment. In particular, threats and defamation campaigns continue against **Mohammed Al-Maskati**, BYSHR President, **Nabeel Rajab**, BCHR President and Deputy Secretary General of FIDH, and **Yousef Al-Mahafdha**, a BCHR member. On 2 December 2011, **Yousef Abdul Rasool**, a member of the BYSHR Board of Directors, was harassed and interrogated by security at the Bahrain International Airport after his return from participating in a training session with the Office of the High Commissioner for Human Rights. On 1 January 2012, **Ahmed Abbas**, a BYSHR member, was arrested during a house raid for

53. The Observatory for the Protection of Human Rights Defenders has issued several appeals on the situation of HRDs in Bahrain, see <http://www.fidh.org/-Bahrain,441->

allegedly throwing Molotov cocktails on police cars in Nuwaidrat and was allegedly subjected to ill-treatment. At the time of this writing, Abbas is still being held. On 6 January 2012, **Nabeel Rajab** was beaten by security forces with fists and batons during a peaceful protest. In the same protest, **Sayed Yousif Al-Mahafdh**, a BCHR member, his leg and arm were injured by a stun grenade. On 7 January 2012, the Ministry of Interior issued a report that stated that all allegations made by Nabeel Rajab regarding the 6 January event were false.

On 5 May 2012, **Nabeel Rajab**, BCHR President, Director of the Gulf Centre for Human Rights, and Deputy Secretary General of FIDH, was arrested by plain clothes police officers upon arrival at the Manama airport from Lebanon and transferred to the Al Hawra police station. Neither Rajab nor his lawyers were informed as to the reasons for his arrest. The arresting officers stated that the arrest had been ordered by Public Prosecution. The following day, Rajab was taken to court where he faced charges of “participating in an illegal assembly” and “calling others to join”. These charges resulted from a protest organised on March 31, 2012 in Manama to denounce the detention of human rights defender Abdulhadi Al Khawaja, founder of GCHR, former BCHR President and former MENA Director at Front Line. Rajab denied the charges. On 16 July 2012, hearing took place on a different case in which Rajab was accused of “involvement in illegal practices and inciting to gatherings and calling for unauthorised marches through social networking sites”. Rajab’s lawyers requested that this case be combined with another similar case in which Rajab was accused of “participation in illegal gathering and calling for a march without prior notification” in Manama. The court agreed to consolidate these two cases.

Later the same day, Rajab was presented before the Public Prosecutor who informed him of the reasons for his arrest. According to Rajab’s lawyers, charges of “insulting the statutory bodies” pursuant to Article 216 of the Penal Code, which carries a term of imprisonment of up to three years and a fine, were pressed against him for tweets deemed “insulting” to the Ministry of Interior. Rajab admitted that he was the author of tweets, but that he did not recognise the jurisdiction of the Court and the Prosecution given their lack of independence from the Executive branch. The Public Prosecutor sentenced Rajab to detention for seven days. On 28 May 2012, Rajab was released on bail after spending three weeks in detention. On 27 June 2012, the Court issued its final verdict and fined him 300 BD. He was also definitively released and the travel ban was lifted.

Prior to this final verdict, Rajab was summoned by the Public Prosecutor on 6 June 2012 for a 2 June tweet that stated: “Khalifa, leave the residents of Al Muhraq, its Sheikhs and its elderly. Everyone knows that you are not popular here, and if it wasn’t for the subsidies, they wouldn’t have gone out to welcome you. When will you step down?”. On the same day, the Prosecutor ordered a seven-day imprisonment pending further investigation. Rajab was charged with “insulting in public” in accordance with Article 92 (1), (3) and 365 (1) of the Bahraini Penal Code.

On 9 July 2012 at 1:30 pm, police cars surrounded Rajab’s house, and masked police officers entered the house and forcibly arrested him. The arrest warrant was issued by the presiding judge of the 5th Lower Criminal Court, which sentenced Rajab on the same day to three months imprisonment for allegedly libelling the residents of Al Muhraq through tweets posted on his Twitter account

On 18 July 2012, Rajab was brought to the court handcuffed and reportedly placed inside a glass cell. The judge decided to postpone the hearing to 24 July 2012 in order to examine the

case file, and refused to release Rajab on bail. On 24 July, he again refused to release Rajab on bail, and announced that a final decision regarding the request to suspend the sentence would be issued at the next hearing, which was scheduled for 5 August. However, on 5 August, the judge again postponed the hearing to 12 August. The official reason was in order to call the police officer in charge of the investigation to the stand. On 23 August, the Higher Appeal Court acquitted Rajab on the charges of “insulting in public”.

On 17 August 2012, Rajab was sentenced to three years imprisonment by the Lower Criminal Court on charges of “participating in an illegal assembly”, “calling others to join”, “involvement in illegal practices and incitement to gatherings and calling for unauthorised marches through social networking sites”, and “participating in an illegal assembly”.⁵⁴

During the UPR Working Group Session for the adoption of the report on Bahrain on 25 May 2012, UN Human Rights Council President Laura Dupuy Lasserre expressed concern regarding “a media campaign which is taking place in [Bahrain], identifying and threatening representatives of civil society who came to Geneva to participate in this review. On 27 May, the Bahraini Minister of Interior subsequently said in a statement “legal procedures” would take place against those who had travelled to Geneva, based on the statements they made about human rights violations committed by the government. This comes in light of the media smearing campaign by pro-government media in Bahrain, who referred to those who went to Geneva as “traitors” and called for action against them.⁵⁵ Despite the statement by the Minister of State for Human Rights Salah Bin Ali Mohamed Abdulrahman during the UPR session, who claimed that there are no political prisoners in Bahrain and all prisoners held in the country are being held for criminal activities, Rajab was in custody at the time for charges relating to his freedom of expression and human rights activities.



Access denied to international human rights organisations:

Access to the Bahraini territory has been denied to several delegations from international human rights organisations. On 30 November 2011, Bahraini authorities prevented the representative of Human Rights Watch from attending the trials of journalist **Reem Khalifa** and members of the Board of Directors of the Bahrain Teachers Society (see above). On 8 January 2012, **Richard Sollom**, the Deputy Director of Physicians for Human Rights, was denied entry by the Ministry of Human Rights and Social Development upon his arrival at the Manama airport, despite his five-year multiple-entry visa. He was travelling to Bahrain to monitor the appeal trial of the 20 Bahraini medical staff discussed above. On 11 January 2012, a Human Rights First representative was denied a visa, and on 19 January 2012, an international media expert and two other staff members from Freedom House were also denied visas. FIDH mission was denied entry in September 2011.

GoB has justified these visa denials by declaring that the delegations’ visits would be more “beneficial” if they occurred in March, after the issuance of the conclusions of the National Commission’s report. After the release of the National Commission’s report, GoB granted five-day entry visas to several international human rights organisations, including FIDH and Human Rights First. However, the visas are only valid during working days – from Sunday to Thursday – thereby denying any observations of the demonstrations which take place on Fridays.

54. The Observatory, “Nabeel Rajab sentenced to three years’ imprisonment while judicial harassment continues”, 17 August 2012, <http://www.fidh.org/Bahrain-Nabeel-Rajab-sentenced-to.html>

55. See FIDH joint press release, “Rights organisations alarmed over threats to civil society after trip to UN”, 11 June 2012, <http://www.fidh.org/Bahrain-Rights-organisations>

VII. CONCLUSION

As FIDH set out in its preliminary mission report, it finds that the reforms announced by the GoB amount to little more than rhetoric.⁵⁶ FIDH heard throughout the mission that a significant problem exists in regards to implementation of the reform measures and meaningful change. Although some of the tactics have changed, such as using tear gas instead of bird-shot to disperse protesters, arrests based on illegal assembly or gathering without a permit instead of speech-based violations, or suspensions of public workers rather than outright dismissals, civilians continue to be harmed or killed by government forces. Additionally, human rights defenders, protesters and political opponents continue to be detained in violation of basic human rights norms, and widespread discrimination and suppression of human rights continues. While certain efforts have been made by Bahraini authorities to address many of the BICI recommendations, the mission concludes that the GoB continues to deny a majority of fundamental rights on a daily basis, and uses its structures to attack or control the population rather than protect it, which creates 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, serious shortcomings within the judicial system, and widespread persecution. The mission found government authorities eager to cite the new laws or governmental structures adopted in the wake of the BICI Report, often at the recommendation of international consultants, but largely unwilling to engage in a meaningful discussion or examination of concerns regarding the on-going denial of fundamental rights, the tactics used to silence dissent, and the targeting of those who might bear witness to government abuses. The mission's meetings with government officials left it deeply skeptical that the GoB is willing, or legitimately interested, in addressing the underlying causes of the on-going protests or to cease using force – often excessive force – against its citizens.

56. Available at: <http://www.fidh.org/Governmental-Declarations-on>.

VIII. RECOMMENDATIONS



FIDH calls upon the Government of Bahrain to:

1. Implement all recommendations of the BICI report,
2. 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, and withdraw all charges against them.
3. Reintegrate medics, teachers, journalists and other professionals suspended into their original posts and with all their former responsibilities and pay.
4. Allow all persons in Bahrain to enjoy and express their fundamental rights of freedom of expression, assembly and association, and protection from discrimination in regards to employment and access to medical services, among others, in accordance with international human rights standards.
5. Establish an independent monitoring commission set-up under the auspices of the UN Human Rights Council, composed of international experts renown for their independence and impartiality, to monitor the implementation of 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.
6. 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. Implement in this respect the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and enforce the accountability for law enforcement officials who violate the principles.
7. Ratify the Optional Protocol for the Convention Against Torture, and amend domestic legislations to be in line with the definition of torture set forth in the aforementioned Protocol.
8. Conduct independent and impartial investigations into the use of torture and ill-treatment, and prosecute those found to be responsible. Investigate, in particular, the use of evidence obtained through torture or ill-treatment by the Public Prosecution's Office.
9. Align domestic legislation with the standards set-forth in the International Convention on Civil and Political Rights on freedom of expression, freedom of association and freedom of assembly
10. Extend an open invitation to UN human rights procedures, and organise the prompt visit of the three Special Rapporteurs on Rights to Peaceful Assembly and Association, on Torture and on the Independence of Judges of Lawyers.



To the International Community:

1. Condemn the human rights violations and request the immediate release of 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.
2. Support the establishment of an international monitoring mechanism, to be set up

through a resolution of the UN Human Rights Council, with the mandate of monitoring the implementation of the BICI recommendations and the overall resolution of the human rights crisis in Bahrain.

3. Suspend and ban exports of tear gas and crowd control material to Bahrain until investigations have been made as regards to their improper utilisation and until the perpetrators of such improper utilisation are held accountable
4. Suspend all technical cooperation programmes to the Prosecutor's Office and to the Ministry of Justice, until sentences and trials that are contrary to international human rights standards have been reviewed and prisoners of opinion have been released.
5. Adopt effective sanctions (visa bans and freezing of assets) against individuals suspected of being responsible for acts of torture (as documented by the BICI report), until they are held accountable for, and sentenced for, their crimes.
6. Support independent human rights NGOs operating in Bahrain.



NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS

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investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

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**FIDH
represents 164
human rights organisations
on 5 continents**

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inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest, detention or exile. Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty

ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

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