



BAHRAIN: REFORM SHELVED, REPRESSION UNLEASHED

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Cover photo: Police try to restrain a suspected protester during clashes in the Bahraini capital, Manama, 21 September 2012.

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1. INTRODUCTION

‘The Secretary-General reiterates his appeal to the Bahraini authorities to abide fully by international human rights standards, including respect for freedom of expression and peaceful assembly and association....’

Spokesperson of the United Nations Secretary-General, 1 November 2012

The human rights situation in Bahrain has markedly deteriorated over recent months, with repressive practices increasingly entrenched and more and more flagrant government disregard for the recommendations of the Bahrain Independent Commission of Inquiry (BICI), set up to investigate widespread human rights violations during the 2011 uprising. The blanket ban issued in late October 2012 on all protests, and the increasing harassment and arrest of human rights activists, has meant hope for an improved human rights situation in Bahrain is fading.

In April 2012, Amnesty International warned that the government's substantial investment in international expertise to help them reform would go to waste unless it showed real political will to take difficult decisions - in particular, holding to account senior members of the security forces accused of violations, releasing prisoners of conscience and addressing the underlying discrimination against the Shi'a majority population. A year on, the groundbreaking report has been shelved by the spiralling repression in Bahrain. The Bahraini authorities can no longer shield themselves from criticism by using the pretence of reform, and Bahrain's close allies, including the USA and the UK can no longer brandish the BICI report to go back to business as usual.

The US and UK governments applauded the establishment of the BICI and welcomed its final report. Yet, in the face of the worsening human rights situation in the country, Bahrain's two allies have been more vocal in their criticism of the country's human rights record.

However, officials have not matched these expressions of concern with any meaningful actions or consequences. Indeed, both governments continue to call for reconciliation and reform in Bahrain, clinging to the illusion of reform and minimizing blows to the stated reform process.

In the face of growing evidence of serious human rights violations being committed in Bahrain, Bahrain's allies can no longer fall back on the BICI report, which has been routinely flouted by the authorities. A year since the BICI report, the reform process has been shelved and repression unleashed.

With the increasing tension in Bahrain, the unleashing of repression by the authorities, and incidents of violence by protesters which claimed the lives of two security officers in the past weeks, Bahrain risks sliding into protracted unrest and instability. Bahrain is at a crossroads. The BICI report provides a roadmap to put Bahrain on the path of respect for the rule of law and human rights. The approach currently followed by the government is a recipe for escalating repression and unrest. The genuine implementation of the BICI report recommendations could halt the slide.

On 14 February 2011 thousands of people took to the streets of Bahrain to voice their demands. The majority of protesters, Shi'a Muslims, have complained of being politically marginalized by the ruling Sunni Al Khalifa family, which dominates all aspects of political and economic life in Bahrain. The security forces responded to the largely peaceful protests with unnecessary and excessive force. Between February and March 2011 at least 35 people died, including five in custody, as did five security officers. In mid-March 2011 the government declared a three-month state of emergency (State of National Safety) during which more than 4,000 people were dismissed from their work, hundreds were arrested and scores were tortured and otherwise ill-treated in detention. Between April and October 2011, dozens of people were tried before military courts and sentenced to imprisonment. These courts were abolished in October 2011.

In the face of mounting criticism, on 29 June 2011 the BICI was appointed by Royal Order. It included five renowned international legal and human rights experts, charged with investigating and reporting on human rights violations committed in connection to the 2011 protests.

At the launch of the BICI report in November 2011, the government publicly committed itself to implementing the recommendations set out in the report. The report recounted the government's response to the mass protests and documented wide-ranging human rights abuses. Among its key recommendations, the report called on the government to bring to account those responsible for human rights violations, including torture and excessive use of force, and to carry out independent investigations into allegations of torture.

Later, during the Universal Periodic Review (UPR) sessions held in May and September 2012 before the United Nations Human Rights Council in Geneva, the government of Bahrain tried to dodge criticism almost solely by relying on the BICI process. During the May session, the Bahraini delegation stated that "a great number of BICI recommendations have been completely implemented while others are currently being implemented".¹ During the final review in September, the government accepted more than 140 of 176 recommendations, including those calling for the release of prisoners of conscience, investigations into allegations of torture, and prosecution of those found responsible for human rights violations.

However, as this report makes clear, many of the government's pledges remain unfulfilled. The establishment of BICI and its report was considered to be a groundbreaking initiative,

but a year on, the promise of meaningful reform has been betrayed by the government's unwillingness to implement key recommendations around accountability, including its failure to carry out independent, effective and transparent investigations into allegations of torture and other ill-treatment and excessive use of force and to prosecute all those who gave the orders to commit human rights abuses.

While the BICI report was used by the Bahraini authorities as a narrative of change, in reality the facade of reform crumbled as human rights violations intensified, the circles of repression widened to include children and human rights activists, culminating with a ban on all protests at the end of October 2012.

At the time of writing in October 2012, the number of investigations into allegations of torture remains low and no results of independent, effective and transparent investigations have been made public. Only a handful of low-ranking officers and two higher-ranking officers are currently on trial for the killing of protesters and ill-treatment of detainees. Three other officials have been acquitted and another police officer has been sentenced to seven years in prison, although their convictions and sentences are currently under appeal. No investigation is known to have taken place to identify and prosecute those who gave orders to commit abuses. Delivering justice appears to be a slogan for the authorities to pacify the population, and for victims and their families justice and reparation remain elusive. Meanwhile, security forces continue to violate human rights, including by using unnecessary and excessive force against protesters, sometimes resulting in deaths, including 24 individuals since the publication of the BICI report, and torturing or ill-treating detainees. Human rights defenders and activists denouncing such abuses have been repeatedly harassed and some have been jailed for carrying out their human rights work and peacefully exercising their rights to freedom of expression, association and assembly. The government's intolerance of dissent was made absolutely clear at the end of October when it banned all gatherings and rallies.

On the first anniversary of the BICI report, Amnesty International continues to call for true justice and accountability in Bahrain. The Bahraini government must immediately release all prisoners of conscience; conduct independent, effective and transparent investigations into allegations of torture; bring to justice anyone at any level of the chain of command who committed or gave the orders to commit abuses; and refrain from further use of unnecessary or excessive force against protesters. The international community, in particular the USA and the UK should immediately condemn human rights violations and match their condemnation with action, instead of satisfying themselves with the narrative of reform while ignoring the reality of repression. If Bahrain is to check the slide into further human rights abuses, the government must pull the BICI report off the shelf and get serious about implementing its recommendations.

2. INVESTIGATIONS INTO PAST TORTURE AND USE OF EXCESSIVE FORCE

‘Likewise, all allegations of torture and similar treatment [must] be investigated by an independent and impartial body, following the Istanbul Principles...’

BICI recommendation 1722(a)

Several recommendations in the BICI report, including 1719² and 1722(a, b)³ refer to the need to conduct impartial and independent investigations into allegations of torture “capable of leading to the prosecution of the implicated individuals, both direct and at all levels of responsibility, with a view to ensuring that punishment be consistent with the gravity of the offence.” Following the recommendations, the Bahraini government set up the Special Investigative Unit (SIU) within the Public Prosecutor’s Office (PPO) to investigate allegations of torture and other ill-treatment, killings and other violations. Its mandate is primarily to focus on the cases documented by the BICI report but it is also tasked with examining other cases referred to it by the PPO.

The new SIU as a body within the PPO does not meet the “minimum requirements of independence, impartiality and effectiveness” as advised by the international human rights experts hired by the government.⁴ This is because, contrary to government claims, the PPO in Bahrain has not in the past demonstrated sufficient independence from or impartiality towards the authorities against whom the allegations of responsibility for torture and other ill-treatment, and unlawful killings, have been made. The PPO has, for instance, often failed to investigate allegations of torture and it has used “confessions” by detainees extracted under torture or other ill-treatment to convict them.⁵ Such a track record casts a shadow on the ability of SIU as part of PPO to deal with the widespread allegations of torture in Bahrain and does not augur well for victims of torture and other abuses.

Amnesty International’s concerns over the independence of the judiciary in Bahrain have been compounded by recent court decisions upholding the convictions and sentences of individuals jailed for peacefully exercising their rights to freedom of expression, association and assembly, against whom no convincing evidence has been provided in court.

In June 2012, the newly formed BICI Follow-up Unit issued a report documenting the progress made in implementing the recommendations of the BICI report. According to the BICI Follow-Up Unit's report issued in June 2012, in addition to 122 cases referred by the Ministry of Interior (MoI) and the National Security Agency (NSA) in February 2012, the SIU received an additional 45 complaints. Some 126 complainants were interviewed and 50 of them referred for forensic medical examination. Seventy-seven suspects were also questioned and investigations resulted in charges being brought against 21 policemen and officers.⁶



Marks on the leg of a former detainee who alleged torture. Bahrain, April 2011 © Amnesty International

The BICI report details that the Commission received 559 complaints concerning “mistreatment” of people in state custody. However, the number of those alleging torture during the 2011 events could be higher since the Commission recorded that 2,929 people were arrested in the months following the 2011 protests. The Commission also looked at the forensic evidence in 59 of the 559 complaints. In its chapter on forensic evidence the Commission concluded that “findings on 34 detainees were highly consistent with beatings and trauma” and “findings on 32 detainees were highly consistent with mistreatment and traumatic events”. In other cases, the experts concluded that statements were not supported by physical evidence but that the absence of external injuries did not exclude the possibility of torture.⁷

Additionally, the BICI determined that 35 people died between February and March 2011 and that 19 of the deaths were attributed to the security forces, nine were not attributed to any perpetrator and two were attributed to civilians. Five security officers died in the same period: three of these deaths were attributed to protesters, one to the Bahrain Defence Force (BDF) and the death of one BDF officer was not attributed to any perpetrator. The Commission concluded that “thirty two out of thirty five deaths were investigated by the [government of Bahrain], but the Commission has reservations as to the effectiveness of these investigations which were limited to the personnel of each of the security agencies”.⁸

Amnesty International has interviewed the lawyers of many current and former detainees who have submitted complaints about alleged torture, as well as victims and families of victims of human rights abuses during the 2011 uprisings. In some cases investigations have been initiated but the results have not been made public. In other cases, investigations have not taken place.

Thirteen opposition activists, amongst them **‘Abdulhadi Al-Khawaja** and **Ebrahim Sharif**, arrested between March and April 2011 say that they were tortured during the first weeks of their detention while they were being interrogated. During their appeal before a civilian court in 2012, most of them detailed the torture they had suffered. Methods of torture included beatings, sexual harassment, being forced to stand up for prolonged periods, and being held in solitary confinement. They said that they were forced to sign “confessions”. Although their

cases were detailed in the BICI report, so far, their allegations of torture have not been independently investigated. Even though they described in court the torture and other ill-treatment they had suffered, no investigation was ordered by the judges and the “confessions” of some of them were used as the prosecution’s main evidence during their appeal hearing.

During the UPR session in May 2012, the Bahrain delegation confirmed that there were no detainees being held for exercising their rights to freedom of expression, association and assembly and that those held were done so for committing criminal offences. On 4 September 2012, the High Criminal Court of Appeal upheld their conviction and sentences ranging from two years to life in prison. According to Bahraini legislation (Penal Code, Article 230) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Bahrain is a state party, Bahrain has an obligation to investigate allegations of torture made by any individual “in any territory under its jurisdiction”. Amnesty International has repeatedly called on the authorities to order an immediate and independent investigation into some of the allegations made by defendants during previous court hearings, that they have been tortured and suffered other ill-treatment while in detention, including sexual assault, in order to coerce “confessions” from them.

Roula Jassim Mohammed al-Saffar is one of the 20 health professionals sentenced by a military court to between five and 15 years in prison in September 2011. Their appeal before a civilian court started on 23 October 2011. She was acquitted of all charges on 14 June 2012.

Roula Jassim Mohammed al-Saffar was arrested on 4 April 2011. When Amnesty International delegates met her in Bahrain weeks after her release on bail in 2011, she described her torture while being questioned at the Criminal Investigation Department:

“A woman officer entered the room and said ‘I will blindfold you and I will deal with you now’. Then three men entered the room and started hitting me... She had an electric device in each hand and hit me with it on both sides of my head at the same time. I felt dizzy and lost consciousness. I don’t remember what happened straight after. Then they took me to another room and one of them called me a whore and insulted my family... On the third day she gave me electric shocks again and she asked if I went to the strike. Another woman started slapping me. She cut my hair with scissors. Then they burned my hair on the sides. They hit me and sexually harassed me by putting their hands all over my body... This continued for four or five days.”

On 1 October 2012 the trial of two high-ranking officers allegedly involved in the torture of six of the 20 health professionals began, however neither Roula Jassim Mohammed al-Saffar nor the other 13 in the group were included. Roula Jassim Mohammed al-Saffar told Amnesty International that the same people on trial were responsible for her alleged torture. At the end of October an investigation into the alleged torture of the other health professionals, including Roula, had been launched but a year and a half after her arrest and treatment in detention, no one is known to have been formally charged for her alleged torture.

Matar Ebrahim Matar, a former MP for al-Wefaq Islamic Society, the main opposition bloc, was arrested on 2 May 2011 and taken to an unknown location. After his release he told

Amnesty International:

“I was ill-treated by the security forces in Bahrain and held in solitary confinement for 45 days. I was interrogated by the Criminal Investigation Department while blindfolded and handcuffed and threatened to be treated like an animal if I did not co-operate. For several days I was deprived of sleep and forced to stand up for prolonged hours. I was brought before the military prosecutor without the presence of a lawyer and only allowed to contact the outside world for the first time three weeks after my arrest, but I wasn't allowed to tell them where I was being held.”

Matar Ebrahim Matar was released in August 2011. The following month he filed a complaint before the public prosecution about his alleged ill-treatment. He was charged with “illegal gathering and spreading false rumours” but was acquitted of all charges in February 2012. At the time of writing, he was still unaware of any investigation into his allegations of ill-treatment.

3. TRIALS OF SECURITY OFFICERS

‘The Commission is of the view that the lack of accountability of officials within the security system in Bahrain has led to a culture of impunity...’

Paragraph 1698 of the BICI report

Despite the fact that it is a year since the BICI report was issued, the number of security officers referred to trial remains relatively low.⁹ At the time of writing at the end of October 2012, at least 17 security officers, including two high-ranking officers, had faced trial for torture or other ill-treatment of detainees, deaths in custody and excessive use of force resulting in death. Of these, three had already been acquitted of all charges and one had been found guilty and sentenced to seven years in prison, but was free pending the outcome of his appeal. At least 28 other officers have been formally charged, according to government news agencies.

In the BICI Follow-up Unit report in June 2012, the government announced that three security officers had been sentenced, one of them to one year in prison. However, the report did not provide details on the rank of these officers, the cases for which they had been sentenced, the length of the sentences or the charges brought against them.

The number of security officers on trial remains very low considering that, according to the BICI report, at least 35 people were killed between February and March 2011, including five who died in custody, and at least 11 others who died before the report was issued in November 2011. Since then until the end of October 2012, at least 24 other people have died as a result of the direct or indirect use of excessive force by police. The BICI also received 559 complaints of torture and documented extensively 60 cases of torture and other ill-treatment in the appendix of its report.

Amnesty International remains concerned by the impunity that seems to prevail, in light of the small number of officers facing trial and the large number of deaths and allegations of torture during 2011 and the continuing reports of torture and deaths as a result of excessive use of force (see sections 4 and 5). The organization is also concerned that most of those on trial are low-ranking officers, while those who gave the orders to commit abuses have not been prosecuted. Further, so far three of the security officers on trial have been acquitted of all charges while no one else has been found responsible for the deaths and torture for which they were tried.

TRIALS FOR KILLINGS OF PROTESTERS

On 27 September 2012, two low-ranking security officers were acquitted of the killing of **'Issa 'Abdulhassan Hussain** and **'Ali Ahmed 'Abdullah 'Ali al-Momen**, who were among five protesters shot dead at the Pearl Roundabout on 17 February 2011. The two officers, one Yemeni and the other Bahraini, were initially charged with unintentionally killing the protesters but in June 2012 the court changed the charge to murder. Apparently the main evidence presented in court was the statements of the two security officers. Defence witnesses (mainly security officers) as well as witnesses called by the lawyers representing the family of the deceased were allowed to speak to the court. The officers attended none of the court sessions and were apparently still working during the trial. So far, no one has been found responsible for the deaths of the two protesters. At the end of October the prosecution had appealed the sentences and stated that "in the light of evidences submitted in each case, Public Prosecution found that the charges against the accused are warranted, and therefore resolved to appeal the two Court decisions".¹⁰

Also on 27 September, another Bahraini policeman was sentenced to seven years in prison for the murder of **Hany 'Abdelaziz 'Abdullah Jumaa**, who was shot three times in the village of Bilad al Qadeem on 19 March 2011. The policeman was initially charged with shooting resulting in unintentional death, but the court changed the charge to murder on 25 June 2012. Both the policeman's defence lawyer and the lawyers representing Hany 'Abdelaziz 'Abdullah Jumaa's family appealed the decision; the appeal is due to start on 12 November.

Three more security officers are currently on trial in relation to the killings of protesters. One is charged with the killing of **'Ali 'Abdulhadi Saleh Jaafar al-Mushaima**, who was the first protester killed during the unrest. He died as a result of a shotgun injury on 14 February 2011. His trial started in July 2012. The trial of two security officers charged with the killing of **Fadhel Salman 'Ali Salman 'Ali Matrook** started on 1 July 2012. **Fadhel Salman 'Ali Salman 'Ali Matrook** died as a result of shotgun injuries inflicted on 15 February 2011 at **'Ali 'Abdulhadi Saleh Jaafar Mushaima's** funeral. So far the court has heard defence witnesses but the lawyers representing the family of the deceased had not brought their own witnesses in court by the end of October. The lawyers representing the two security officers have brought in their witnesses, mainly security officers too. The two security officers were released during the trial and are still working.

TRIALS FOR DEATHS IN CUSTODY

The trials of seven security officers continue in relation to two separate cases involving the deaths in custody of **'Abdelkarim al-Fakhrawi**, who died on 11 April 2011; and **Zakaraya Rasheed Hassan al-'Asheri** and **'Ali 'Issa Ibrahim al-Saqer**, who both died on 9 April 2011.¹¹

In the case of 'Abdelkarim al-Fakhrawi, two security officers from the NSA are accused of assault resulting in accidental death. The court heard defence witness statements from officers, whose record is tainted by torture allegations; as well as also statements of two doctors who had examined 'Abdelkarim al-Fakhrawi before his death. The lawyer representing the families requested that the doctors testify in court about 'Abdelkarim al-Fakhrawi's condition when he was brought to the clinic. By the end of October the lawyers representing the family of 'Abdelkarim al-Fakhrawi had not had the chance to bring their own witnesses, although they were scheduled to bring them to court at the following hearing on 18 November. The two officers were released on bail during the duration of the hearing.

In the case of Zakaraya al-'Asheri and 'Ali 'Issa al-Saqr, five low-ranking security officers, all Pakistani nationals, have been on trial since 11 January 2012. Two of them are charged with accidentally causing his death and three with not reporting a crime. They were previously acquitted of all charges when they were tried before a military court. All the officers have been released on bail throughout the duration of the trial and some of them have not been attending the court hearings. Defence witnesses have included security officers from the NSA and the Criminal Investigations Directorate (CID). The lawyers representing the families of the deceased have not been able to bring their own witnesses, although they were scheduled to speak before the court at the following hearing scheduled for 25 November.

Two other people died in custody in 2011 – **Hasan Jassim Mohamed Maki** in April and **Jaber Ebrahim Yousif Mohamed Alawiyat** in June. As of the end of October no investigation into their deaths was known to have taken place and no one was known to have been charged with involvement in their deaths.

TRIALS FOR TORTURE

On 1 October 2012, the trial of two high-ranking officers accused of torturing six health professionals began. A male officer reportedly faces charges of mistreating four male medics in detention, and a female officer reportedly faces charges of mistreating two female medics. The allegations refer to a group of 20 health professionals arrested between March and April 2011. They were sentenced by a military court in September 2011 to between five and 15 years in prison for their involvement in anti-government protests in 2011. They reported being tortured, held in solitary confinement and forced to sign "confessions". However, an investigation into the allegations of torture of the other 14 health professionals was only known to have been initiated in October (see Chapter 2) and no one is known to have been brought to justice for the alleged torture.

A female security officer accused of torturing **Nazeeha al-Saeed** in custody in 2011 was acquitted of all charges on 22 October 2012. Nazeeha al-Saeed, a Bahraini journalist for France 24, a French television news broadcaster, was arrested on 22 May 2011. She was beaten by a group of security officers (both men and women) with a hose-pipe, and punched and kicked while blindfolded; a policewoman gave electric shocks to her arms and she was insulted and humiliated. Nazeeha al-Saeed identified four officers, three women and a man, as having been involved in her torture and other ill-treatment and filed a complaint with the PPO. So far, only one of the officers has been brought to trial and she was acquitted of charges of torturing Nazeeha al-Saeed. The other three have never been charged. Nazeeha al-Saeed identified the policewoman as the main person involved in her torture and other ill-treatment. Apparently, a witness for the defence of the security officer was one of the other officers identified by Nazeeha al-Saeed. Nazeeha al-Saeed had presented forensic and medical reports, including reports from the MoI about her torture to support her allegations. Both Nazeeha al-Saeed and the prosecution appealed the court decision at the end of October.

4. CONTINUING USE OF EXCESSIVE FORCE

‘I heard the shotgun from the house, I heard the shotgun. [...] after a long wait I shouted ‘can’t anyone tell me if Ali is dead?’ ’

Ali Hussein Neama’s family member, September 2012



Bahraini anti-government protesters react as riot police throw sound bombs at their feet to disperse them Friday, Feb. 17, 2012 © AP Photo/Hasan Jamali

The BICI report concluded that excessive force had been used against protesters in February and March 2011 and made recommendations for the police and other security agencies. As a result, the government embarked on a training programme led by foreign experts to reform the police, and created a new code of conduct.¹² However, Amnesty International has continued to document incidents of unnecessary and excessive use of force against protesters during 2012, with an increase in the use of shotguns since mid-2012.

Since the beginning of 2012, a rising number of gatherings have involved participants reportedly throwing Molotov cocktails or blocking roads. The Bahraini government reported on 24 September that at least 1,500 members of the security forces had been injured by anti-government protesters since the beginning of the year.¹³ According to the government, one policeman died on 19 October as a result of injuries caused by an explosion in al-Eker village that happened while he was on patrol there,¹⁴ and a week later another police officer died from wounds sustained during protests earlier in the year. Such violent attacks are not protected forms of expression under international human rights law, and those suspected of carrying them out may be brought to justice in conformity with standards of fairness and due process.

The use of force by the authorities to control public assemblies, including those which become violent, must conform to the requirements of necessity and proportionality; and firearms should only be used as a last resort to protect life or prevent serious injury. The response by Bahraini authorities has clearly exceeded these requirements.

Amnesty International considers that policing of assemblies should always be guided by human rights considerations. The fact that an assembly is illegal, or that minor violations of the law occur during a peaceful assembly, should not necessarily lead to a decision to disperse it. Similarly, where a small minority tries to turn a peaceful assembly into a violent one, police should ensure that those who are protesting peacefully are able to continue to do so, and not use the violent acts of a few as a pretext to restrict or impede the exercise of rights of a majority. Any decision to disperse an assembly should be taken only as a last resort and carefully in line with the principles of necessity and proportionality, i.e. only when there are no other means available to protect a legitimate aim and when the level of the threat of violence outweighs the right of people to assemble. Police should prioritize peaceful settlement of disputes and the methods of persuasion, negotiation and mediation, both before and during assemblies, as a means of avoiding the escalation of disputes, recourse to restrictions or the use of force.

Amnesty International has documented in the past few months many cases where peaceful protests have been suppressed by the security forces using shotguns and tear gas; and two children have died after being shot during protests. Since the beginning of the protests in 2011 until the end of October 2012, at least 70 people have died as a result of the use of unnecessary or excessive force by the security forces. At least 24 people have died since the BICI report was issued.

During the UPR review in May 2012, the Bahraini delegation dismissed questions on excessive use of force by saying that “the government did not use excessive force, but there was proportionate and necessary force to restore the normal situation similar to what other nations do to control similar situations”.¹⁵

Hussam al-Haddad, 16, died on 17 August 2012 in al-Muharraq, the day after he was shot by riot police. According to his family, he had gone to a nearby cafe while demonstrations were happening in the area. A family member who was present after Hussam al-Haddad was shot reported that after he was shot and while he was on the ground a riot police officer hit Hussam al-Haddad with his rifle and kicked him. Hussam al-Haddad was taken to a military hospital and then to Salmaniya Medical Complex. His family was informed about his death at

around 2am that night. Soon after, the government announced that he had died “after a violent attack against the police” and that he “had been identified as being involved in the terror act, at which time he was injured. He died after being transported to the hospital.”¹⁶

On 29 August the head of the SIU declared that a medical examination confirmed that Hussam al-Haddad’s body had shotgun wounds and no other injuries. A policeman was initially charged on 30 August with manslaughter but justified firing the gun as self-defence. On 9 October the SIU published its findings on the investigation into the death and confirmed the cause of death as “the birdshot pellets and the damage caused [to] internal organs” and said that “the hands of the deceased showed traces of gasoline”. It also explained that the deceased belonged to a group attacking a police patrol and that the police acted in self-defence. It said: “The Public Prosecution has concluded, based on the outcome of its investigation and the action of the parties involved in the incident that the action of the police officer was inevitable to ward off imminent danger, which could have resulted in the loss of his own life. Public Prosecution ordered the case closed, determining it as legally justifiable self-defence.”¹⁷

Ali Hussein Neama, 16, died on 28 September 2012 after he was hit by shotgun fire in Sadad village. His family told Amnesty International that earlier that night he had been shouting slogans together with other youths. The police had been shooting tear gas and his family said that Ali was hiding in a house waiting for the tear gas to dissipate before he returned home. When he finally left the house to go home he was reportedly shot in the back by a riot policeman. His family told Amnesty International they immediately went outside after hearing the shot and saw Ali on the ground. His family was reportedly not allowed to approach him by a security officer and had to wait in the street for around two hours without receiving any information. His father was allegedly threatened with a sound bomb after he insisted on finding out about his son’s condition. The following morning his family was told that Ali had died. When they arrived at the morgue they were asked to leave their mobile phones outside and instructed not to take pictures of the body. Pictures of his body show his back covered by pellet shots. On 29 September the General Director of the Northern Governorate Police announced that a police patrol came under attack by a group of people with petrol bombs and the police defended themselves but that Ali Hussein Neama was injured and then pronounced dead at the scene. He also announced that the PPO has been notified and that an investigation had been launched.¹⁸

On 22 June 2012 a small peaceful gathering in Bilad al-Qadeem organized by the five main opposition political groups went ahead despite being banned by the government. Security forces forcibly dispersed the gathering, which involved fewer than 50 people, and several participants were wounded. Among those injured were the Secretary General of al-Wafaq, Shaikh Ali Salman, and members of other political associations, including **Hassan Marzooq**, Deputy Secretary General of the Unitary National Democratic Assemblage, who told Amnesty International:

“At 5.30pm we went to the road heading towards the roundabout and we were stopped 200 metres before we reached it. There were 20 riot police officers and three buses besides the road plus eight jeeps. The police came towards us. Ali Salman and I were heading the demonstration and the police told us we had to clear in two minutes. The town mayor was behind the police and we said we wanted to talk to him. A policeman

said if you do not leave I will shoot you all. We said we did not come to fight. At 5.32 pm they fired at me. The police were maybe 1.5 metres from me. A sound bomb impacted on my face, a tear gas canister impacted on my chest and I was shot with a shot gun on my leg. They pointed directly to my face and chest."

Hassan Marzooq filed a complaint on 25 June 2012 after being hospitalized for two days. As of the end of October, no investigation into the shooting had been carried out.

In the same gathering on 22 June, a young man, **Ali al-Mowali**, was wounded after a tear gas canister hit his head, causing severe head injuries. He was immediately transferred to intensive care and later had an operation. Ali al-Mowali has left hospital but has difficulties with his speech and memory loss. As of the end of October, no investigation is known to have taken place and no one has been brought to justice.

5. ONGOING ARRESTS AND TORTURE

‘After the torture and further threats of sexual assault I signed papers without being able to read them.’

Ahmed Radhi, October 2012

The BICI report stated that 2,929 people had been arrested for their involvement in protests during the 2011 uprising. Scores were tortured or otherwise ill-treated. It stated that “on the basis of the Commission’s investigation and particularly the forensic medical reports, it finds that the NSA and the MoI followed a systematic practice of physical and psychological mistreatment, which in many cases amounted to torture, with respect to a large number of detainees in custody”.¹⁹ In its General Observations and Recommendations it detailed that the most common techniques of torture (paragraph 1696) included blindfolding, prolonged standing, handcuffing, beating, punching, hitting the detainee with a rubber hose, exposure to extreme temperatures, electric shocks, verbal abuse and threats of rape. It described how detainees were coerced to sign “confessions”.²⁰ The report’s General Observations stated: “The Commission is of the view that the lack of accountability of officials within the security system in Bahrain has led to a culture of impunity...”.²¹

The BICI also called for safeguards to protect people in custody.²² The Bahraini government responded by establishing new regulations for police with new training on human rights and a new code of conduct. Despite this, Amnesty International has continued to document reports of torture and other ill-treatment at the hands of the security forces, and of people being arrested without access to their lawyers or family during the first days of detention. Methods of torture or other ill-treatment include beatings, kicking, electric shocks, blindfolding, verbal abuse and threats of rape. Steps taken by the authorities and seen as implementing the BICI recommendations, including installing closed-circuit television (CCTV) cameras in police stations, proved inefficient as Amnesty International documented that people were subsequently detained in unrecognized places of detention to avoid scrutiny.

In September 2012, Bahrain fully accepted 143 recommendations made to it during the UPR in May 2012. These included recommendations to reform the police, stop the use of excessive force and ensure that due process is applied when detaining people. In that context the government stated: “The Ministry of Interior has made serious, sustained efforts to ensure its personnel respect human rights, notably in collaboration with the [International Committee of the Red Cross] and relevant international organizations.”²³

As documented by Amnesty International in April 2012, the reform taken by the government of Bahrain only scratched the surface. However, even as it was engaged in the UPR process and pledging to uphold human rights, it continued to conduct arbitrary arrests and subject detainees to abuse.

Hussein Abdullah Ali Mahmood al-Ali, 31, was arrested on 26 July 2012 at his brother-in-law's garage in the village of Salmabad. Before his arrest his own house had allegedly been raided several times at night by armed security officers who did not present any arrest warrant, broke the door and threatened to arrest his sister if he did not show up. During his arrest, Hussein Abdullah Ali Mahmood al-Ali was allegedly beaten on the head with a baton by masked security officers. For the first three weeks following his arrest his family did not know his whereabouts. They asked at police stations, the PPO and the CID, but all denied knowledge of him.

During those three weeks he was apparently held at an unknown location undergoing questioning. He managed to call his wife for a few seconds three weeks after his arrest and told her he did not know where he was being held. Five weeks after his arrest his family managed to visit him at the CID, where he had been taken. By the end of October, while visits had taken place at the CID, neither his lawyer nor his family knew the exact location of the detention centre where he was being held.

During the visits, he told his family that he had been tortured or otherwise ill-treated during interrogation, including with electric shocks, beatings and threats of rape, to force him to sign a "confession". He was accused of possessing and making explosives. At the time of writing, he is still jailed and awaiting trial. His allegations of torture are not known to have been investigated.

Ahmed Radhi, 36, a journalist and blogger, was arrested when his father's house in Sanabis, an area outside Manama, was raided at dawn on 16 May 2012. Days before his arrest he had participated in a programme on BBC Arabic Radio during which he had criticized the Gulf Union between Bahrain and Saudi Arabia as an attempt to legitimize Saudi Arabia's military intervention of Bahrain.

He had worked as a journalist for a pro-government newspaper and later as a correspondent for Lebanon's Al-Manar TV until the authorities withdrew his press accreditation. Subsequently, he ran a blog ("My weapon is my pen") and was a commentator on several Arabic language channels. After his release on 20 September 2012 after some four months in detention he told Amnesty International:



Ahmed Radhi © Private

"They did not tell me where they were taking me and did not show an arrest warrant... They told my family I would be back in some hours... They kept me for hours inside the police car in front of the police station on the Exhibition Road and kept on asking me questions, if I went to the roundabout, how many times I burned tyres, if I like Khalifa bin Salman [Bahrain's Prime Minister]... During that time I was severely beaten on the head, chest and face more than once and I was insulted... I was taken to the Criminal Investigations

Directorate where I remained handcuffed and blindfolded for two days... For those two days I was continually beaten on various parts of the body, insulted and threatened with sexual assault during questioning.

“Until the moment of questioning I thought that my arrest was because of my press and media activity in favour of Bahrain’s revolution, but I found out they accused me of illegal gathering and throwing Molotov cocktails in Sanabis area... I insisted I attended marches because I work as a journalist and correspondent for independent media, and I did not bring a stone or Molotov, but I brought a pen to express errors of all parties, but this was not recorded in my confession... After the torture and further threats of sexual assault I signed papers without being able to read them... Two days after, I was taken to the Public Prosecutor’s Office, where I denied all the charges against me, related my torture and asked for an investigation. I was detained for over 127 days. I was released on 20 September.”

By the end of October the charges against Ahmed Radhi had not been dropped and he had been issued with a travel ban. After his release he filed a complaint with the PPO about his torture but to date no investigation is known to have taken place.

A young man (name withheld for security reasons) was arrested at his house in the village of Karzakan at around 5pm on 14 July 2012 after he participated in a protest. He told Amnesty International.

“While I was in the house the police beat me on my belly and my head mainly. They did not show an arrest warrant. Then, when I was taken to the police station, I was beaten on my head and stomach inside the car. I was then taken to a police station in al-Wasta area. Once there, three policemen beat me for two hours while they were questioning me. Then I was taken to the Public Prosecutor’s Office and to Dry Dock prison. I was released one month later.”

He has been formally charged with rioting and “illegal gathering” and was awaiting trial at the time of writing.

6. DETENTION, TORTURE AND ILL-TREATMENT OF CHILDREN

‘Every person under the age of 18 years at the time of the alleged commission of an offence must be treated in accordance with the rules of juvenile justice.’

Committee on the Rights of the Child, General Comment No. 10, CRC/C/GC/10, 2007, paragraph 37

An increasing number of children aged between 15 and 18 have been held in adult prisons and detention centres in Bahrain in the past few months. The total may be as high as 80, according to lawyers and Bahraini human rights groups.²⁴

Many of these children were arrested during demonstrations and have been accused of “illegal gathering” and rioting. Some of them alleged they were beaten during arrest or on the way to police stations. In some cases, they did not have access to their families or lawyers during the first hours of detention and were forced to sign “confessions”. In other cases, they were formally charged with criminal offences under the Penal Code, tried in the regular (as opposed to juvenile) justice system, convicted and sentenced to prison terms.

Under international law, anyone under the age of 18 is a child; and children suspected of a criminal offence should be treated according to the rules of juvenile justice.²⁵ Principles of juvenile justice include: detention or imprisonment only as a measure of last resort – under regular review and for the shortest appropriate time and a commitment to the use of alternatives to detention whenever possible; prohibition of solitary confinement; separation of children in detention facilities from adult detainees; no life imprisonment without the possibility of release in connection with offences committed while under 18; and attention to the particular needs of children in custody and an emphasis on reformation and social rehabilitation of child prisoners. Article 32 of Bahrain’s Penal Code states: “A person, who is not more than 15 years of age at the time of committing an act constituting a crime, shall not be held liable. In this case he shall be subject to provisions of the Law on Juveniles.”

However, as documented below, in contradiction with international law, children suspected of criminal offences have been treated as adults and sentenced to jail.

Jehad Sadeq Aziz Salman, 16, and **Ebrahim Ahmed Radi al-Moqdad**, 15, were arrested on 23 July 2012 during an anti-government protest in Bilad al-Qadeem, west of Manama. After



Jehad Sadeq Aziz Salman © Private

their arrest, they were first taken to a police station in Gudaibiya neighbourhood in Manama, then to the CID for interrogation, and finally to the PPO for further questioning. They were not allowed to speak to their families or to contact lawyers until nearly 48 hours after arrest, and there was no lawyer present during their interrogation. Jehad Sadeq Aziz Salman told his family that he was beaten on the back and head with the back of a weapon while inside the car that took him to the police station. Ebrahim Ahmed Radi al-Moqdad told his family that he had been beaten upon arrest. Both were allegedly forced to sign “confessions” without the presence of a lawyer or a family member, and were formally charged under articles of the Bahrain Penal Code and the 2006 anti-terrorist law with “intending to murder”, “burning a police car”, “illegal gathering and rioting”, “throwing Molotov cocktails”, and “attempting to steal a police car” in relation to a gathering in July.



Ebrahim Ahmed Radi al-Moqdad © Private

From the second day of their arrest they were held in the Dry Dock Prison for adults. The trial of the two children, together with two adult men, before the High Criminal Court in Manama started on 16 October 2012. One of the adults told the court how he had lost the hearing in one ear and suffered from back pain as a result of beatings. The two children did not have an opportunity to tell the court about their arrest and treatment during the first session of their hearing. By the end of October their lawyers were still waiting for the results of a forensic examination. Their next hearing was scheduled for 3 December 2012, and at the end of October, they were still being held in the Dry Dock Prison.

Salman Amir Abdullah al-Aradi, 16, was first arrested on 17 February 2012 while he was participating in a demonstration in Manama. He was released the following day. He participated in several other protests until his second arrest in May 2012. In his absence his house was raided three times by a large number of riot police officers during the month before his arrest, who allegedly broke the main door. He was finally arrested in his neighbourhood at 7pm on 28 May while sitting outside his friend’s house in the Arad area. He told his family that upon arrest he was beaten by a group of riot police. He was then taken to Al Hidd police station for questioning and was allegedly beaten and threatened with rape if he did not “confess”. Neither his family nor his lawyer were present during his questioning at the police station. Two days later, he was taken to the PPO in the presence of a lawyer and relatives, and was formally charged with “participating in an illegal gathering of more than five people with the purpose of using violence” and “possessing Molotov cocktails intended to be used to endanger lives and properties”. He was then sent to the Dry Dock Prison and subsequently tried in the Lower Criminal Court Branch 5. He was convicted on these counts under Article 277, 179 and 178 of the Penal Code and sentenced on 12 July to one year in prison. On 26 August the court of appeal upheld his sentence. His lawyer has lodged an appeal before the Court of Cassation and at the end of October was awaiting a date. He also filed a complaint about his allegations of torture and requested that his “confession”, tainted with torture allegations, be disregarded. Salman Amir Abdullah al-Aradi is currently in Jaw

Prison where he is being held with adult prisoners, in contravention with Article 37(c) of the Convention on the Rights of the Child, which requires that "...every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so"..

Yousif Ahmed Yousif, 15, was arrested on 15 July 2012. His house was raided twice in the middle of the night in the weeks before his arrest. The first time the riot police entered at around 4am and broke the main door. They told his family that Yousif had to give himself up. They returned later that day. His family said the riot police beat Yousif all over his body when he was in the house, then kicked and beat him and took him to Hamad Town police station without showing his family an arrest order. He was then sent to Dry Dock Prison and on 2 October he was sentenced to five months in prison for burning tyres and participating in an "illegal gathering". He is currently serving his sentence in Jaw Prison.

Mariam Hassan Abdali Al Khazaz, 17, was arrested on 21 September 2012 from a street in Manama after a protest. She told Amnesty International that she was walking with relatives at the time of her arrest, and was adamant that she was not participating in a protest. She said that a police officer who had threatened her with arrest at earlier demonstrations identified her for arrest. She tried to hide in a shop, but the police officers followed her. She told Amnesty International:

"They beat me on the stomach, I fell on the floor and they kept on kicking me while I was on the floor. Then they handcuffed me and took me to the police station."

In the police station she was reportedly questioned without the presence of a lawyer or adult relative. She was told to sign a "confession" and although her words were allegedly changed, she had to sign. Two days after her arrest she was questioned by the PPO in the presence of her lawyer; she told the PPO about her beating and was referred to hospital three days later to be examined by a doctor. She was charged with "illegal gathering", "assaulting a patrol" and "assaulting an officer". She was held in 'Issa Town detention centre for women until her release on bail on 17 October. By the end of October the charges against her had not been dropped and she is still facing trial.

7. HARASSMENT OF HUMAN RIGHTS DEFENDERS AND OTHER ACTIVISTS

‘The Bahraini Government must immediately cease its campaign of persecution of human rights defenders in the country.’

Margaret Sekaggya, UN Special Rapporteur on the situation of human rights defenders, 23 August 2012

Among the recommendations accepted by Bahrain in the UPR review of 2012 are those calling on the government to abandon restrictions on human rights defenders.²⁶ During 2012, however, human rights defenders and other activists in Bahrain have been harassed, arrested and even imprisoned for their human rights activities.

The harassment of human rights defenders and activists is taking place against a backdrop of vilification, and what appear to be orchestrated media campaigns, against dissenting voices. The authorities have intensified their attempts to de-legitimize the work of human rights activists and to portray them as damaging the image of the country.

The BICI report contains a whole chapter dealing with allegations of harassment by pro-government and state media, and documents allegations of a government-orchestrated media campaign against doctors at the Salmaniya Medical Complex. Recommendation 1724 refers to media incitement. Recommendation 1724b calls for the establishment of “professional standards for the media and other forms of publications that contain an ethical code and an enforcement mechanism, designed to uphold ethical and professional standards in order to avoid incitement to hatred, violence and intolerance, without prejudice to internationally protected right of freedom of expression”.

The BICI Follow-up Unit report in June 2012 confirms that in an effort to implement this recommendation, Bahrain’s Information Affairs Authority (IAA) engaged a group of independent media experts, “as a first step to consider supervision over the media and allowing the opposition wider access to television, radio and print media”.²⁷ The report states that the IAA is in charge of developing professional standards to avoid incitement of hatred, intolerance and violence “without prejudice to the internationally protected freedom of expression”. It also states that the IAA is drafting a new media law.

In the context of the UPR process, however, Bahraini human rights activists and members of opposition parties participating in the event and denouncing human rights violations in Bahrain were aggressively targeted by Bahrain’s state media. Newspapers labelled human

rights and opposition activists who participated in the UPR process on 21 May 2012 as “traitors” or “a disloyal bunch” and accused them of wanting to “tarnish the reputation of Bahrain”. In August, the UN Secretary-General submitted a global report on reprisals against individuals who had co-operated with the UN in the field of human rights which included information on the harassment of Bahraini activists. The report called on the states mentioned to ensure protection of those who collaborate with UN mechanisms.

Two weeks after the May UPR session, videos of **Mohammed al-Tajer**, a human rights lawyer and one of the activists who attended the review, showing him sharing intimate moments with his wife, were published on Bahrain Forum’s website. He received text messages threatening that the videos would be released if he participated in a talk about the UPR review organized by the Shi’a political group Islamic Action Society (Amal). Mohammed al-Tajer had earlier reported similar threats to the BICI, as recorded in its final report.

During the second part of the UPR exercise in September 2012, human rights activists participating in side-events during the UPR review were again targeted by a Bahraini newspaper with close ties to the government and one of the activists reported receiving threatening phone calls.

On 23 September, the Bahraini newspaper *Al Watan*, believed to have close links with the authorities, published an article entitled “List of participants defaming Bahrain in Geneva”. It included names, photographs and other details of Bahraini civil society activists who had travelled to Geneva for the Human Rights Council session. The newspaper had previously quoted members of the Shura Council, Bahrain’s upper house and main legislative body, saying that “whoever tarnishes the image of the country is a traitor who does not deserve [Bahraini] nationality”, and appealed for such people to be held responsible for defaming the country.

On 24 September, *Al Watan* reported that some lawyers in Bahrain had called for the defamation of Bahrain abroad to be a crime punishable by law and alleged that speeches in Geneva by Bahraini civil society activists denouncing human rights abuses were based on fabricated information.²⁸

Mohammed al-Maskati, President of the Bahrain Youth Society for Human Rights (BYSHR), told Amnesty International that he was subjected to intimidation before and after delivering a statement to the Human Rights Council in Geneva on 13 September, when he participated in a panel discussion on intimidation and reprisals against people and organizations who co-operate with the UN. He told Amnesty International that from the date of his arrival in Geneva until after he delivered the speech he received more than a dozen anonymous phone calls in which the callers branded him a “traitor to his country” and an “agent of Iran”, and allegedly threatened to kill him upon his return to Bahrain. Weeks after, on 16 October, he was arrested, detained for a day and formally charged with “illegal gathering” and “rioting” after he accompanied foreign journalists covering a demonstration in Manama on 12 October.



Mohammed al-Maskati and Maryan Al-Khawaja met with the President of the UN Human Rights Council Laura Dupuy Lasserre during the UPR session held in Geneva in September 2012 © Private

Other human rights activists have been questioned, arrested, attacked and sentenced for their human rights activities.

Nabeel Rajab, President of the Bahrain Centre for Human Rights (BCHR) and Director of the Gulf Centre for Human Rights (GCHR), has been harassed on several occasions. On 6 February riot police reportedly punched him several times in the face, head and back while he was leading a demonstration. He told Amnesty International:

“I fell on the ground but they continued to beat me – they even stamped on me and kicked me.”

Nabeel Rajab was arrested on 5 May at Manama airport as he travelled back to the country after attending a conference in Lebanon where he had been attending a human rights workshop. He was charged with “insulting a national institution” (the MoI) in his tweets. He was released on bail on 27 June and re-arrested on 9 July after being sentenced to three months in prison for comments he made on Twitter about the Prime Minister’s visit to an area of Bahrain. On 16 August he was sentenced to three years in prison for calling for and participating in “illegal gatherings” and “disturbing public order” between February and March 2012. Only he and his wife were present during the hearing and his lawyers were not present when the verdict was announced. Days later, on 23 August, he was acquitted of the libel case after he had already served his three-month sentence. During the hearing he told the court he had been subjected to ill-treatment and described his poor prison conditions. He

also told the court that following a phone call from his wife, in which he had told her of the bad prison conditions, he was put in a smaller, dark cell in solitary confinement for one day. An Amnesty International trial observer who attended Nabeel Rajab's hearing on 10 September said that Nabeel Rajab had also told the court on that day about his ill-treatment. Nabeel Rajab described that after he was sentenced to three years in prison he was placed alone in a very small and dark room for one day where there was a dead animal. He later said that he was almost naked, only with a small piece of cloth covering his genitals.

He is currently serving his sentence in Jaw Prison. Amnesty International considers him to be a prisoner of conscience, imprisoned solely for exercising his legitimate rights to freedom of expression, association and assembly. His lawyers have repeatedly requested to the court to release him. His next hearing is due on 11 December 2012.

Zainab Al-Khawaja, a Bahraini activist and daughter of activist and prisoner of conscience, 'Abdulhadi Al-Khawaja, has been arrested and released on bail four times between December 2011 and October 2012. She was first arrested in December 2011, together with another activist, **Mas'uma Sayyid Sharaf**, before being released a few days later. They were charged with "illegal gathering" and "inciting hatred against the regime" after police dispersed a peaceful protest at a roundabout outside Manama using tear gas and sound bombs. When the police arrested her she was the only person remaining at the roundabout and she was sitting down peacefully. Video footage of her arrest shows how she was handcuffed and dragged by her handcuffs along the ground to a police car a few metres away by two policewomen, causing her head to repeatedly bang on the floor. After her release Zainab al-Khawaja told Amnesty International that once she reached the police station, on the outskirts of Manama, she was punched in the head and kicked, and that Mas'uma Sayyid Sharaf was kicked and spat on.

On 21 April 2012 Zainab Al-Khawaja was arrested again, after staging a sit-down protest on a highway close to the Financial Harbour in protest at her father's detention and the general poor human rights situation in Bahrain. She was released on 29 May after paying a fine of 200 Bahrain dinars (around US\$530) for allegedly insulting a police officer. On 28 June she was injured while monitoring the police behaviour during a protest. Shortly after being shot she told Amnesty International she was shot on her thigh with a tear gas canister and as a result she had 17 stitches and a fractured bone.

She was re-arrested on 2 August and sentenced at the end of the month to two months in prison for "destroying public property" after she tore up a picture of the King. She was released again on bail on 2 October pending other trials, but re-arrested for only a few hours on 20 October and released again on bail.

Sayed Yousif Almuhaftah, acting Vice-president of the BCHR, was arrested on several occasions between August and October 2012. He was first arrested on 15 August after he took a picture of a checkpoint in A'ali town, south-west of Manama, and posted it on Twitter. He was stopped on the road by the traffic police. He told Amnesty international:

"I remained inside the car with the doors open; my daughters were sitting behind me. Some riot policemen beat me on the face, head and chest one after the other; they slapped me and punched me for a couple of minutes."

He was later arrested after a traffic policeman identified a banner showing pictures of human rights defender Nabeel Rajab:

“I want you to say he is a whore’, a traffic policeman told me. I refused and a traffic policeman punched me on the face once. I was held at Issa Town police station for two hours and then released without charge. After that I filed a complaint with the PPO.”

At time of writing, his complaint is not known to have been investigated. He was again arrested on 11 September at a checkpoint near his house in A’ali town and kept in a police station for three hours. He was released without being questioned and no charges were brought against him. He was re-arrested on 20 October while walking on the side of the road with Zainab Al-Khawaja and another human rights activist towards al-Eker town, after they heard rumours that the town was under siege. He and the other two were detained for several hours and again released without charge.

Sayyid Hadi al-Mosawi, a former MP for al-Wefaq, who is in charge of the human rights brief within the party, was summoned for questioning by the PPO in June 2012. He was questioned for comments he made during a press conference in Manama in May 2012 where he denounced the excessive force used by the authorities and said that some children had been molested after arrest. As of mid-October, he had not been officially charged. Shortly after his questioning, he told Amnesty International:

“I told the PPO I do not insult people or the authorities. I am a human rights activist and I receive weekly complaints, so I do not hide them. We collaborated with the BICI sharing cases. When I became an MP I had to make an oath giving loyalty to the King and the country, but I am not going to hide abuses. All I said were facts and ideas.”

8. RESTRICTIVE LEGISLATION

The BICI report identified Articles 165, 168, 169, 179 and 180 of Bahrain's Penal Code as the main articles used to punish the exercise of the rights to freedom of expression, association and assembly. In paragraph 1256 the BICI report notes that a number of individuals were sentenced on the basis of the provisions above. In its concluding remarks the Commission stated that "the textual ambiguity of these provisions and the way they were applied raises questions about their conformity with international human rights law and with the constitution of Bahrain".²⁹

During the UPR review in May the Bahrain delegation announced that the government was 'reconciling national laws against international covenants ratified by Bahrain'.³⁰ Decrees 50/2012, 51/2012, 52/2012 and 53/2012, issued on 11 October 2012, make several amendments to the Penal Code and Code of Criminal Procedure. While some of these amendments could potentially have a positive impact, they leave untouched several provisions that are contrary to international human rights law, overly broad and vague or otherwise are liable to be used to punish peaceful exercise of human rights.

These decrees made the following amendments to the Penal Code:

- Article 168, which criminalizes the act of broadcasting false news, was amended to provide that the act has to be deliberate and damaging to public order, public security or public health and cause injury.
- Article 169, which criminalizes publishing false documents, was amended to specify the type of documents such as "papers or photos falsified or forged documents attributed to others or falsely attributed to others if they undermine public peace or damage public interest."
- Articles 208 and 232, which criminalize the use of torture, were amended to specify and detail the crime of torture as "inflicting severe pain or suffering, whether it is physical or psychological". The penalty for torture resulting in death is life in prison and it specifies that the "period of limitation does not apply to the crimes of torture set forth in this article".
- A new Article 69(bis) was added emphasizing that no restrictions may be placed on the exercise of the right of freedom of expression other than those which are necessary in a democratic society.
- Article 174, which criminalized the publication of photos that could cause offence to the country's reputation and Article 134, which criminalized the spreading of false or malicious rumours abroad that could damage the reputation of the country, were repealed.

Other articles of the Penal Code that have not been amended can still be used to criminalize the peaceful exercise of the rights to freedom of expression, association and assembly. Among those provisions are:

Article 160 criminalizes calling for the “overthrow or change of the country's political, social or economic system with the use of force, intimidation or such other illegal methods”. This provision could be used, for example, to criminalize the participation in peaceful, unauthorized gatherings. Article 161 makes liable to punishment anyone “who possesses either by himself or through others any publication or leaflet containing material propagating or promoting any of the things set out in the preceding Article without a lawful cause”.

Articles 163 and 164, which criminalize the establishment of organizations without a licence, are overly broad and allow for violations of the right to freedom of association.

Article 165 makes liable to punishment anyone “who expressly incites others to develop hatred or hostility towards the system of government”. This article criminalizes criticism of a system of government, which is a protected form of expression and could be used to imprison people solely for criticizing monarchical or other systems of government. Advocacy of hatred may only be lawfully prohibited to protect individuals – not to protect ideas or institutions from criticism. Such a restriction on political discourse is incompatible with Article 19 of the ICPPR.³¹

Articles 166 and 167 criminalize calling for a resignation of an emir or minister through “violence, intimidation or any other illegal method.” These two articles are problematic as they can be used to criminalize legitimate exercise of human rights, such as participation in unauthorized peaceful assemblies which call for the abdication of the King, resignation of the Prime Minister or other ministers.

Article 171, which punishes with prison terms “any person who overtly incites any of the armed forces or Public Security personnel to desist from being obedient”, could be used to criminalize legitimate expression, including calling on soldiers not to fire on peaceful protesters or not to obey illegal orders.

Article 178, punishes anyone who takes part “in a demonstration in a public place where at least five persons are assembled with the aim of committing crimes or acts intended to prepare or facilitate the commission of such crimes or aimed at undermining public security”. Article 179 stipulates that “If one demonstrator or several demonstrators attempt to use violence for the realization of the purpose for which they have assembled, their action shall be deemed as a riot”. These articles have been used to punish peaceful protesters participating in unauthorized assemblies. Article 179 can be used to punish every peaceful protester for the violent conduct of individual protesters by deeming all those present as participating in a “riot.”

Furthermore, Article 180 authorizes police to forcibly disperse any gathering of five or more persons whom they deem to “have demonstrated with the intent of causing a riot”, and specifies that those who continue to protest after being ordered to disperse are liable for imprisonment.

Articles 214, 215, and 216 criminalize offending the emir of the country [the King], the national flag or emblem; offending a foreign country or international organization; and offending the National Assembly, or other constitutional institutions, the army, law courts, authorities or government agencies. These three articles violate the right to freedom of

expression. Restrictions punishing criticism of heads of state, government officials or institutions are not permissible.³²

Article 222 punishes anyone 'who offends with the use of signs, saying, writing or by any other method a civil servant or officer entrusted with a public service during or by reason of carrying out the duties of his office or service'. This article violates the right to freedom of expression by criminalising criticism of civil servants and other officials.

In many of the cases documented by Amnesty International, such provisions have been used to punish individuals who have peacefully exercised their rights to freedom of expression, association and assembly.

9. PRISONERS OF CONSCIENCE

‘The continuing repression of free speech in Bahrain runs counter to international law and standards that individuals will not be prosecuted for peaceful political speech.’

Frank La Rue, UN Special Rapporteur on the right to freedom of opinion and expression, Geneva, 23 August 2012



Abdulhadi al-Khawaja and Nabeel Rajab at a pro-democracy march, Bahrain, 22 May 2011 © Bahrain Center for Human Rights

The BICI report states that among 1,300 cases of people arrested in 2011, the Commission examined the situation of individuals held under articles of the Penal Code³³ that criminalize the peaceful exercise of the rights to freedom of expression, association and assembly. Recommendation 1722(h) calls on the government to review convictions, commute sentences and drop charges against people charged with offences relating to political expression not involving advocacy of violence. On 24 December 2011 the Public Prosecutor ordered the dropping of charges related to freedom of expression, a measure that affected 334 people.

In the report presented by Bahrain to the UN Human Rights Council in the framework of the UPR, Bahrain confirmed its acceptance of recommendations calling on the release of those sentenced for exercising their rights to freedom of expression, association and assembly. However, the Bahraini authorities continue to rely on provisions in national legislation which criminalize the peaceful exercise of the rights to freedom of expression, association and assembly and which are in breach of international law. The delegation emphasized: "No court sentence for the events of February and March 2011 concerned individual's exercise of their free expression. Individuals still serving prison terms were convicted of criminal offences. Pending appeals may reduce these sentences."³⁴

As such, many individuals, including prisoners of conscience, remain behind bars for acts considered to be a crime in Bahrain, but which do not constitute an internationally recognizable criminal offence, such as calling for or participating in an "illegal gathering". According to Article 178 of the Penal Code, any unauthorized gathering of more than five people is illegal. Other people are serving prison sentences after they were convicted, on trumped-up charges, of serious criminal offences. However, Amnesty International reviewed legal documents and evidence, and concluded that the individuals did not advocate violence and that no convincing evidence was submitted as a basis for their conviction. It appears that these individuals were targeted for their anti-government views.

Thirteen prominent opposition activists arrested between 17 March and 9 April 2011 remain behind bars after being sentenced to between five years and life in prison (see Chapter 3). They were convicted by the National Safety Court (a military court) on 22 June 2011 for charges including "setting up terror groups to topple the royal regime and change the constitution". Seven of the 13 activists were sentenced to life imprisonment. They are: **Hassan Mshaima**, **'Abdelwahab Hussain**, **'Abdulhadi Al-Khawaja**, **Dr 'Abdel-Jalil al-Singace**, **Mohammad Habib al-Miqdad**, **Abdel-Jalil al-Miqdad** and **Sa'eed Mirza al-Nuri**. Four people, **Mohammad Hassan Jawwad**, **Mohammad 'Ali Ridha Isma'il**, **Abdullah al-Mahroos**, and **'Abdul-Hadi 'Abdullah Hassan al-Mukhodher**, were sentenced to 15 years in prison. Two people, **Ebrahim Sharif** and **Salah 'Abdullah Hubail Al-Khawaja**, brother of 'Abdulhadi Al-Khawaja, were given five-year prison terms. On 4 September 2012, the High Criminal Court of Appeal, a civilian court, upheld all the convictions and sentences. The appeal counted as the main incriminating evidence videos, "confessions" of two defendants, allegedly obtained under torture, and testimonies from officers allegedly involved in the defendants' torture. After reviewing court documents and information available, Amnesty International found no evidence that they had used or advocated violence, and adopted them as prisoners of conscience who should be immediately and unconditionally released.

On 2 October 2012, six health professionals – **'Ali 'Esa Mansoor al-'Ekri**, **Ebrahim 'Abdullah Ebrahim**, **Ghassan Ahmed 'Ali Dhaif**, **Sa'eed Mothaheer Habib Al Samahiji**, **Mahmood Asghar 'Abdulwahab** and **Dhia Ibrahim Ja'far** – were arrested the day after the Court of Cassation in Manama upheld their convictions and sentences on charges including "illegal gathering and participating in unlicensed marches", "calling for the overthrow the regime by force", and "instigating hatred against another sect". They had originally been sentenced in September 2011 by the military National Safety Court to between 5 and 15 years in prison. In June 2012, the High Criminal Court of Appeal reduced their sentences to between one month and five years in prison and acquitted others previously sentenced with them in the same case. Mahmood Asghar 'Abdulwahab was later released as he had served his sentences and Dhia

Ibrahim Ja'far was due for release at the end of October. The rest were held in Jaw Prison. After having reviewed legal documents and evidence, Amnesty International found no evidence that any of them used or advocated violence in their role in last year's pro-reform demonstrations. The organization considers them to be prisoners of conscience, imprisoned only for exercising their legitimate right to freedom of expression, association and assembly.

Mahdi 'Issa Mahdi Abu Dheeb, former President of the Bahrain Teachers' Association (BTA), was arrested on 6 April 2011 after a raid on his uncle's house. Both he and his uncle were arrested; his uncle was released 72 days later. Mahdi 'Issa Mahdi Abu Dheeb's family did not know where he was for 24 days. He spent 64 days in solitary confinement during which he says he was tortured. His family and lawyer were only allowed to see him during the first session of his trial before a military court on 7 June 2011. Mahdi 'Issa Mahdi Abu Dheeb has remained in prison since his arrest. He was sentenced with **Jalila al-Salman**, former Vice-president of the BTA, on 25 September 2011 before the military National Safety Court, to 10 years in prison. His appeal before a civilian court started on 11 December 2011 and on 21 October 2012 the High Criminal Court of Appeal in Manama upheld their convictions but reduced Jalila al-Salman's sentence to six months in prison and Mahdi 'Issa Mahdi Abu Dheeb's sentence to five years in prison. Jalila al-Salman had already spent five and a half months in prison and Mahdi 'Issa Mahdi Abu Dheeb over 18 months. At the time the verdict was announced Mahdi 'Issa Mahdi Abu Dheeb was already serving his sentence in Jaw prison. No investigation into their allegations of torture and other ill-treatment is known to have taken place and the results made public when the appeal verdict was announced. Both were convicted for using their positions to call for a strike by teachers, halting the educational process, inciting hatred of the regime, attempting to overthrow the ruling system by force, possessing pamphlets and disseminating fabricated stories and information, among other charges. Neither of them advocated violence during the protests and Amnesty has not seen any convincing evidence supporting such accusations, nor was there any such evidence presented at trial. The organization considers them to be prisoners of conscience imprisoned solely for exercising their rights to freedom of expression, association and assembly and therefore they should be immediately and unconditionally released.

At the time of writing, prisoner of conscience **Nabeel Rajab** (see Chapter 7) continues to be held solely for exercising his right to freedom of expression and peaceful assembly.

10. RALLIES BANNED

‘Bahrain is proceeding smoothly towards national reconciliation and political dialogue to promote mutual understandings and finalize reform and development initiatives.’

Bahrain's Minister of Foreign Affairs, Khalid bin Ali Al-Khalifa, 7 August 2012

Since the BICI report was issued protests have continued steadily, including around the first anniversary of the uprisings on 14 February 2012. Violence has on occasions been reported on the part of the protesters in 2012 and two policemen have died as a result of violent attacks during protests. On many occasions, the security forces have used excessive force against protesters. Since the BICI report in November 2011 until the end of October 2012, at least 24 other people have died as a result of the direct or indirect use of excessive force by police.

In spite of the Bahraini government's commitment during the UPR to revise the Code of Public Meetings, Processions and Gatherings and align it to its international human rights obligations, not only did it not take any step to review the law, but on the contrary, it took the extreme measure of banning all protests in the country.³⁵

On 30 October 2012 the Interior Minister announced a sweeping ban on all rallies and gatherings in the country saying they were associated with violence, rioting and attacks on public and private property. He said that the ban would continue until "security is maintained" and suggested that one of his main concerns was the fact the rallies expressed opposition to the government and ruling family³⁶.

Gatherings and political rallies in Bahrain are regulated by the Code on Public Meetings, Processions and Gatherings (Law 18 of 1973), a law that contains restrictions on the exercise of the rights to freedom of expression, association and assembly. According to amendments contained in Law 32 of 2006 to the Code on Public Meetings, Processions and Gatherings: "every organizer of a public meeting, including political gatherings, rallies and processions has to notify in writing the head of the Public Security three days before the occasion... Such notification should include the time, venue, subject of the meeting and objectives". Going ahead with a gathering without having obtained prior permission can result in up to six months in prison for the organizers and up to three months in prison for participants.

Since the BICI report was issued in November 2011, the main five opposition groups in Bahrain have attempted on several occasions to organize rallies. On most occasions, notifications were issued to the authorities, in line with the requirements of the Code on Public Meetings, Processions and Gatherings. However, several rallies and gatherings were banned by the authorities in 2012, and when they took place without authorization the security forces sometimes dispersed them with unnecessary and excessive force and scores were reported to have been arrested for their participation. Organizers of gatherings have complained to Amnesty International that even though they submit their requests to the head of Public Security in advance, they usually do not obtain permission. The authorities have sometimes said that after reviewing security plans they decline permission because the location and timing of the rallies could disturb traffic.

On 28 October 2012 three members of the al-Wefaq Islamic Society were reportedly detained after a rally that had been banned by the authorities went ahead. The Central Governorate Police Director General reportedly announced that any participant would be held accountable for violating the law.³⁷ On 28 October the MoI announced that legal action would be taken against the organizers of the rally.³⁸ The three were released hours after without charges.

Legislation which imposes undue restrictions on the right to freedom of assembly, as well as the 30 October ban on all protests, breach Bahrain's obligations under international law. Article 21 of the International Covenant on Civil and Political Rights (ICCPR) states:

"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

The Code on Public Meetings Processions and Gatherings imposes undue restrictions on the right to peaceful assembly and is contrary to Article 21 of the ICCPR. It has onerous procedures for applying for permission and allows the government to ban demonstrations for reasons beyond what would be permissible under international law. Generally it treats what should be a right – which the government has an obligation to uphold and facilitate – as if it were a privilege, placing arbitrary obstacles before those wishing to exercise their right to hold peaceful rallies, meetings, marches and other gatherings.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and association has emphasized that authorities wishing to restrict these rights must respect all of the conditions outlined in Article 21, and that any such restrictions must be demonstrably necessary and proportionate to a legitimate aim related to one of the limited grounds outlined in the Article. Officials also have an obligation not to unduly interfere with the right to peaceful assembly, and the exercise of this right "should not be subject to previous authorization by the authorities... but at the most to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly."³⁹

Any restrictions must also be applied without discrimination, including on grounds of political opinion⁴⁰, and should be subject to prompt independent judicial review.⁴¹ Furthermore, once an assembly is underway, individuals do not lose their right to freedom of assembly if there is sporadic or isolated violence or other unlawful behaviour by some within the crowd.⁴² In such a situation, law enforcement officers should act to protect the peaceful protesters rather than using the violent acts of a few as a pretext to restrict or impede the rights of the majority. Such a sweeping measure amounts to nothing less than nullifying the rights to freedom of expression and assembly.

The UN Special Rapporteur also emphasises that human rights defenders – including members of civil society organizations, journalists, bloggers, and representatives of national human rights institutions – must be allowed to operate freely during public assemblies and demonstrations.⁴³ In order to guarantee the rights to freedom of expression, association and assembly, the authorities must offer alternatives to allow political societies and the general population to demonstrate, instead of continuing to arbitrarily deny the right to peaceful assembly on the grounds that traffic might be disturbed. Under no circumstances should authorities justify the use of excessive force or arbitrary arrest against protesters on grounds of participation in an unauthorized assembly.

11. CONCLUSION AND RECOMMENDATIONS

A year after the groundbreaking report of the BICI, in light of the developments and steps taken in Bahrain, such as verdicts upholding prison sentences for opposition leaders, the jailing of activists, the ban of all protests, one is forced to wonder where Bahrain stands, and whether the reform process which initiated with the establishment of the BICI is now moribund, and Bahrain in full-scale repression.

The legacy of the BICI report is fading fast, increasingly overshadowed by ongoing impunity for torture, the jailing of activists, and the ban on all protests. In the face of what increasingly appears to be a defunct reform process, those who have championed Bahrain's record on reform must be increasingly forced to challenge the charade.

Since the launch of the BICI report, the government has promised accountability and the full implementation of the report's recommendations. Yet a year after it was issued, the main recommendations that would ensure justice have not been fully implemented. Investigations into torture have not been made public; the number of police officers on trial for abuses remains very low; no high-ranking officer has been sentenced for abuses; and state agents continue to commit human rights violations on a routine basis.

Despite its discourse and the partial implementation of some recommendations, such as the amendment of some articles of the Penal Code, the drafting of a new press law and the setting up of training to promote human rights awareness among police, the situation is deteriorating, with frequent protests and arrests, continued reports of torture and ill-treatment, and human rights defenders and activists being harassed, arrested and sentenced to imprisonment for their human rights work. Indeed, the lack of real political will on the part of the authorities to tackle human rights violations is enshrining a culture of impunity, and engulfing the country in entrenched unrest and fuelling instability, as evidenced by the increasing use of violence by protesters and the heightened polarization in the country. The BICI report offers a roadmap to break the cycle of repression and violence, and its recommendations must be genuinely implemented.

Amnesty International reiterates the calls made to the Bahraini authorities in April this year, and urges the authorities to immediately and genuinely implement the recommendations of the BICI report:

Uphold freedom of expression, association and assembly

- Immediately and unconditionally release all prisoners of conscience imprisoned solely for peacefully exercising their human rights to freedom of expression, association and assembly;
- Immediately lift the ban on all protests and ensure that the right to protest is not unduly

restricted in line with the ICCPR;

- Repeal or amend, with a view to bringing into conformity with international law, vaguely worded provisions of the Penal Code that criminalize the peaceful exercise of freedom of expression, association and assembly, including articles 160, 161, 163, 164, 165, 166, 167, 171, 178, 179, 180, 214, 215, 216 and 222 of the Penal Code;
- Remove restrictions on freedom of expression, association and assembly, including in Law 32 of 2006 on the Code on Public Meetings, Processions and Gatherings, in line with Bahrain's obligations under Article 19 of the International Covenant on Civil and Political Rights;
- Undertake a thorough and independent review, in line with Bahrain's commitment under the 2012 Universal Periodic Review and with the active participation of civil society, of other Bahraini legislation, especially the 2006 anti-terrorism Law, the 1989 law on non-governmental organizations, the 2002 Press and Publications Law, and the 2005 Political Societies Law, with a view to bringing them into full conformity with international human rights law and standards;
- Respect and protect the right to freedom of association and ensure that all human rights organizations and human rights defenders are able to carry out their work without political interference or hindrance.

Excessive use of force

- Ensure that security forces policing demonstrations or performing other law enforcement duties comply fully with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Publish and disseminate in a form that is readily accessible to the public the rules and regulations on the use of force by all security forces, including the armed forces if they are involved in maintaining public order.

Protection of detainees and prisoners from torture and other ill-treatment

- Publicly condemn the practice of torture and other ill-treatment and declare unequivocally that such violations will not be tolerated;
- Ensure that any detainee alleging torture or other ill-treatment is promptly examined by an independent doctor, and that all necessary treatment is provided to them;
- Ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Fair trial guarantees

- Ensure that all detainees are informed at the time of arrest of the reasons for their arrest

and detention, and promptly informed of any charges against them;

- Ensure that anyone arrested or detained on a criminal charge is brought promptly before a judge; at the very least uphold provisions of the Bahraini Criminal Procedure Code stipulating that suspects should be brought before the Public Prosecutor's Office within 48 hours;
- Ensure that all detainees have access to legal counsel without delay;
- Ensure that detainees are questioned and held only in officially recognized places of detention and that accurate information about their arrest and whereabouts is made immediately available to relatives, lawyers and others;
- Ensure that detainees are allowed regular visits by members of their families promptly after arrest;
- Ensure that all those being tried for recognizable criminal offences before lower criminal courts and the High Criminal Court receive a fair trial, consistent with Bahrain's obligations under international human rights law and standards, including:
 - a) the right to be tried before an independent and impartial tribunal;
 - b) the right to be tried in one's presence, and to defend oneself in person or through legal assistance of one's own choosing; and to have legal assistance at all stages of the proceedings;
 - c) the right to be presumed innocent until proven guilty according to law;
 - d) the right to equality of arms between the prosecution and accused, including among other things the right of the accused to examine, or have examined, the witnesses against the person and to obtain the attendance and examination of witnesses on the person's behalf under the same conditions as witnesses against the person;
 - e) the right not to be compelled to testify against himself or herself or to confess guilt;
 - f) the right to appeal any conviction and sentence to a higher court, both on the basis of sufficiency of the evidence and of the law;
 - g) the highest standards for the gathering and assessment of evidence should be followed.

Accountability for human rights violations

- In line with international standards, set up prompt, thorough, impartial and independent investigations (by an independent body outside the Public Prosecutor's Office) into all allegations of torture, deaths in custody and unlawful killings, including those resulting from unnecessary and excessive use of force, committed since the beginning of the February 2011 protests;
- Ensure that the investigative body has the powers and authority to gather all information

it considers relevant, including the power to compel the production of official documents and records and the attendance of officials and other people as and when necessary;

- Guarantee that no evidence of human rights abuses, including evidence of unlawful killings, is tampered with or destroyed;
- Ensure that the methods of such investigations follow the methods set out in the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, and their findings are made public;
- Ensure that, pending investigation, officials and others about whom there is evidence of serious human rights violations do not remain or are not placed in positions where they could repeat such violations;
- Ensure that all those suspected of torture and unlawful killing, including those with command responsibility, or those who condoned or committed torture, unlawful killings and other human rights violations, regardless of their position or status in the government and ranking in the security and military forces, are held accountable, including in a trial consistent with international fair trial guarantees and without recourse to the death penalty.

Reparation for victims of human rights abuses

- Provide all victims of human rights violations full reparations including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Financial compensation and other forms of reparation must be appropriate and proportional to the gravity of the violation, the harm suffered and the circumstances of their case;
- Ensure that enough information and assistance is provided for potential beneficiaries seeking to claim financial compensation;
- Issue a formal apology at the highest level of the State to victims of human rights violations;

Ratification of international human rights instruments

- Ratify the two Optional Protocols to the International Covenant on Civil and Political Rights; as well as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Rome Statute of the International Criminal Court.

ENDNOTES

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review –Bahrain* (A/HRC/21/6), Thirteenth session, Geneva, 21 May–4 June 2012, para 19.

² ‘To adopt legislative measures requiring the Attorney-General to investigate claims of torture and other forms of cruel, inhuman or degrading treatment or punishment, and to use independent forensic experts. Such procedures should guarantee the safety for those raising such claims. Furthermore, the legislation should provide for remedies for any person claiming retribution for having raised a claim of torture or other forms of cruel, inhuman and degrading treatment or punishment’.

³ (a) - ‘To conduct effective investigation in accordance with the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions of all the deaths that have been attributed to the security forces. Likewise, all allegations of torture and similar treatment be investigated by an independent and impartial body, following the Istanbul Principles. The investigation of both types of alleged violation should be capable of leading to the prosecution of the implicated individuals, both direct and at all levels of responsibility, with a view to ensuring that a punishment be consistent with the gravity of the offence. (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’.

⁴ Website of the National Commission (Appendix 2), <http://www.biciactions.bh>

⁵ Article 15 of the CAT explicitly prohibits such use of confessions obtained by torture, and the Human Rights Committee has interpreted article 7 of the ICCPR similarly to prohibit reliance on statements obtained by torture or other cruel, inhuman or degrading treatment (Human Rights Committee, General Comment No 20 ‘prohibition of torture and cruel treatment or punishment’ (1992), paragraph 12; General Comment No 32 ‘Right to equality before courts and tribunals and to a fair trial’ UN Doc CCPR/C/GC/32 (23 August 2007), paras 6 and 60.

⁶ Information Affairs Authority (IAA), report of the Bahrain Independent Commission of Inquiry (BICI), accessed at: http://www.iaa.bh/downloads/bici_followup_report_en.pdf

⁷ Report of the Bahrain Independent Commission of Inquiry (BICI), paras 1213, 1695 and 1705.

⁸ Report of the BICI, para 1703.

⁹ Amnesty International, *Flawed Reforms: Bahrain fails to achieve justice for protesters* (Index: MDE 11/014/2012).

¹⁰ IAA, “Public Prosecution to Appeal Two Court Decisions Regarding Mistreatment and Public Security Personnel Accused of Manslaughter”, 30 October 2012, accessed at <http://www.iaa.bh/pressReleasedetails.aspx?id=382>

¹¹ *Flawed reforms: Bahrain fails to achieve justice for protesters.*

¹² *Flawed Reforms: Bahrain fails to achieve justice for protesters.*

¹³ *Gulf Daily News*, “1,500 policemen injured by rioters”, 24 September 2012, accessed at <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=338335>

¹⁴ IAA, “1 Policeman Killed and Another Critically Injured In Ekar Bomb Explosion”, 19 October 2012,

accessed at <http://www.iaa.bh/pressReleasedetails.aspx?id=372>

¹⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Bahrain (A/HRC/21/6)*, Thirteenth session, Geneva, 21 May–4 June 2012, para 46.

¹⁶ IAA “Youth Dies During Terrorist Attack on Police in Muharraq; Investigation Opened”, 18 August 2012, accessed at <http://www.iaa.bh/pressReleasedetails.aspx?id=298>

¹⁷ IAA, “Public Prosecution Releases Results of Hossam Al-Haddad Investigation”, 9 October 2012, accessed at <http://www.iaa.bh/pressReleasedetails.aspx?id=361>

¹⁸ IAA, “Domestic Terror Attack Against Police in Sadad Results in Fatal Injury”, 28 September 2012, accessed at <http://www.iaa.bh/pressReleasedetails.aspx?id=348>

¹⁹ Report of the BICI, para 1238.

²⁰ Report of the BICI, para 1697.

²¹ Report of the BICI, para 1698.

²² In its recommendation 1722(d).

²³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Bahrain (A/HRC/21/6/Add.1) - Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 13 September 2012, para 10.

²⁴ Amnesty International has seen several lists of children between 15 and 18 held, including lists put together by NGOs and other groups, as well as lawyers. The numbers on the lists varied, and civil society groups noted the difficulty of maintaining them given the numbers of arrests and releases.

²⁵ CRC General Comment No. 10, CRC/C/GC/10, 2007, para 37.

²⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Bahrain (A/HRC/21/6)*, Thirteenth session, Geneva, 21 May–4 June 2012, Rec. 115.147, 115.150, 115.158.

²⁷ Report of the BICI Follow-up Unit, June 2012, page 34.

²⁸ *Al Watan* newspaper, “Lawmakers are demanding that defamation of Bahrain abroad is criminalised”, 24 September 2012, accessed at <http://www.alwatannews.net/NewsViewer.aspx?ID=YFhoTUD49733337mO44YJ73ov1A933339933339>

²⁹ Report of the BICI, para 1700.

³⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Bahrain (A/HRC/21/6/Add.1) - Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 13 September 2012, 1 para 22 (b).

³¹ Human Rights Committee, General Comment No. 34, Article 19, para 38.

³² Human Right Committee, General Comment No. 334, Article 19, para 38.

³³ Bahrain Penal Code articles 165, 168, 169 179 and 180.

³⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Bahrain (A/HRC/21/6/Add.1) - Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 13 September 2012, 1 para 5(d).

³⁵ The Bahraini government partly accepted recommendations 115.157 and 115.160 calling on the government to revise the Code of Public Meetings, Processions and Gatherings to align it to its obligations as a state party to the ICCPR.

³⁶ Website of the Ministry of Interior, 30 October 2012 at http://www.policemc.gov.bh/en/news_details.aspx?type=1&articleId=15194

³⁷ *Bahrain News Agency*, "Al-Wefaq Society' s planned march in Eker tomorrow is unlicensed, says Central Governorate Police Director General", 27 October 2012 accessed at <http://www.bna.bh/portal/en/news/530928>

³⁸ Website of the Ministry of Interior accessed at http://www.policemc.gov.bh/en/news_details.aspx?type=1&articleId=15180

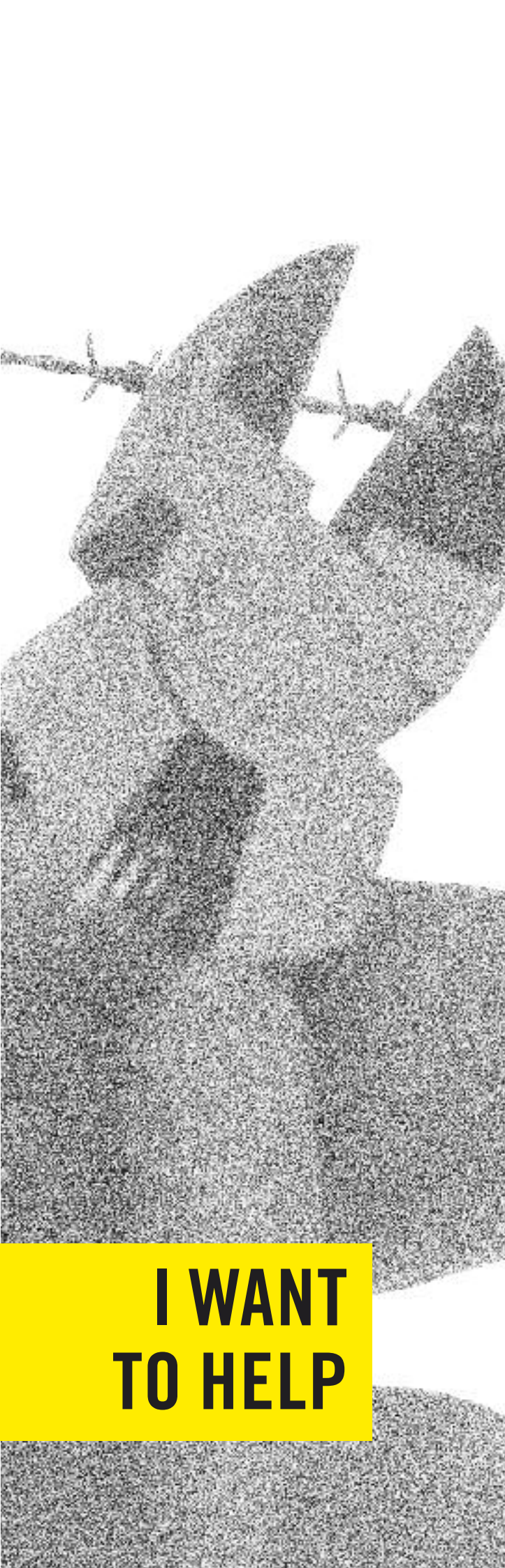
³⁹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, 21 May 2012, paras. 15-17, 39-40, 84. See also: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/17/28, 23 May 2011, paras. 34 and 37; Human Rights Committee, General Comment No. 34 on Freedoms of Opinion and Expression, CCPR/C/GC34, 21 July 2001, paras. 21-36.

⁴⁰ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, 21 May 2012, paras. 15-17, 39-40, 84. See also: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/17/28, 23 May 2011, paras. 34 and 37; Human Rights Committee, General Comment No. 34 on Freedoms of Opinion and Expression, CCPR/C/GC34, 21 July 2001, paras. 21-36.

⁴¹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, May 2012, paras. 42 and 84.

⁴² Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, May 2011, para 42.

⁴³ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, May 2012, paras. 33, 39, 28, 48.



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BAHRAIN: REFORM SHELVED, REPRESSION UNLEASHED

One year after the landmark report of the Bahrain Independent Commission of Inquiry (BICI), the abuses of the 2011 uprising still stand unpunished, and the human rights situation has markedly deteriorated. Only a handful of police officers have faced prosecution for the killing of protesters and the torture or other ill-treatment of detainees. Instead, the authorities have entrenched repressive practices. Even as Bahrain trumpeted reform in international forums and to its allies, it jailed human rights activists and tightened restrictions on freedom of expression and assembly – culminating in a ban on all protests in October 2012. The BICI report, at the time hailed as groundbreaking, has been shelved by the spiralling repression.

Bahrain risks sliding into protracted unrest and instability and is at a crossroads. The BICI report provides a roadmap to put Bahrain on the path of the rule of law; only the genuine implementation of the BICI report recommendations would halt the slide. Bahrain's close allies, including the USA and the UK, can no longer brandish the BICI report to give themselves cover to go back to business as usual.

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