



ستعجزون.. ولن نعجز

تحية لهذا الشعب الذي توكل على الله وحده وفوض أمره إليه، ومضى في طريق الكرامة والأمر بالمعروف والنهي عن المنكر، وثقا بعذالة قضيتهم، مؤمنا بضرورة خطواتهم ومطالبهم. كلمات الشيخ علي سلمان

FREE OUR LEADER NOW

## BEHIND THE RHETORIC

HUMAN RIGHTS ABUSES IN BAHRAIN CONTINUE UNABATED

AMNESTY INTERNATIONAL



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*Cover photo:* Protester carrying banner with photograph of recently imprisoned opposition leader, Sheikh Ali Salman, Biled al qadeem, Bahrain, 31 January 2015.

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# EXECUTIVE SUMMARY

This report reviews the current human rights situation in Bahrain, a small but strategically located Gulf kingdom with a population of just under one and a half million, which has been ravaged by internal dissension since 2011.

Amnesty International has monitored human rights developments in Bahrain for many years but never more closely than in the past four years, which have seen widespread violations by government security forces. These have included torture and other ill-treatment of detainees, unfair trials, the imprisonment of prisoners of conscience – persons sentenced to prison terms for peacefully exercising their rights to free speech, association or assembly – and unlawful killings, with those responsible all too frequently escaping accountability. Anti-government elements have also carried out several bomb explosions and other violent acts targeting the security forces.

This report documents many of these human rights violations and recommends a series of measures that the government should take if, as it has repeatedly professed in UN and other fora, it is committed to ending abuses and upholding the rights of all Bahrainis without discrimination, and to ensuring accountability when abuses do occur. As the report shows, although the government has introduced a number of legal and institutional reforms in recent years to improve human rights, these have so far proved inadequate and have failed to ensure an end to serious rights violations, and justice and appropriate redress for the victims of abuses by state forces.

Four years ago, popular protests in Manama, Bahrain's capital, sparked off a series of events that have polarized Bahraini society and opened deep divisions between the country's ruling Sunni Muslim minority and an opposition that draws its strength mostly from the Shi'a Muslim majority, who make up some two thirds or more of the Kingdom's predominantly Muslim population.<sup>1</sup> The government's heavy handed response to the protests that began in February 2011 as mass protests elsewhere swept aside longstanding Arab rulers in Egypt and Tunisia, saw protesters beaten and shot, a period of martial law, and opposition activists detained, tortured and imprisoned after grossly unfair trials, eliciting an outcry both at home and abroad. To its credit, the government responded by appointing a group of international lawyers and human rights specialists – the Bahrain Independent Commission of Inquiry (BICI) – to investigate alleged human rights violations, setting it a tight timetable to complete its task. In November 2011, the BICI submitted its report to Bahrain's King personally, and he publicly committed the government to accepting its findings and implementing its recommendations.<sup>2</sup> In essence, the BICI concluded that security forces had committed

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<sup>1</sup> Pew Research Center, "Mapping the Global Muslim Population", 2009  
<http://www.pewforum.org/2009/10/07/mapping-the-global-muslim-population>, accessed 3 April 2015.  
Similar figures were also referenced in the BICI report, para. 43.

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

torture and other ill-treatment, unlawful killings and that Bahrain's courts failed to deliver fair trials, and recommended far-reaching legal and institutional reforms to halt and prevent any repetition of such abuses and further investigations to ensure that those responsible for the human rights violations that had occurred were held accountable.

The King's unconditional acceptance of the BICI findings and his stated commitment to ensure full implementation of the BICI recommendations engendered high hopes but more than three years on, these have all but evaporated and tension within the Kingdom remains critically high. The government has introduced reforms but these have been undermined by its imposition and use of other repressive laws and regulations to imprison peaceful critics, including human rights defenders, and ban peaceful protests in Manama. Meanwhile, compliant courts have sentenced political opposition leaders to lengthy prison terms and continue to jail those who take to the streets to show their defiance on charges of "illegal gathering."

Bahrain, today, continues to go through a political and human rights crisis. The government proclaims its commitment to real and meaningful reform – indeed, it claims that it has already made improvements that exceed those that the BICI said were urgently needed. In practice, however, serious violations continue to occur and do so on an extensive scale, and the sense of grievance among victims, their families and their community remains acute. To date, Bahrain's allies – the USA, the UK and other EU states – have generally refrained from publicly criticizing Bahraini human rights violations and have appeared to accept the government's claimed commitment to reform at face value, perhaps while lending support for institution-building and human rights training. As this report shows, however, such quiet engagement has yet to produce real and sustained improvements in Bahrain and now warrants review. The Bahrain government should be left in no doubt that it cannot continue to count on the support of its allies unless it moves swiftly to institute genuine safeguards for the human rights of all Bahrainis, ensure proper accountability for human rights violations and comply fully with its obligations under international law and human rights treaties to which it is party.

In order to address the current human rights crisis, the Bahraini authorities must, as a matter of priority, take the following steps:

- Bring Bahraini laws in line with international law and standards and ensure these are respected and implemented in practice;
- Release all those detained for lawfully exercising their right to freedom of expression, association or peaceful assembly;
- Start a full and comprehensive legal reform of the judiciary to ensure its full impartiality and independence from the executive authorities;
- Ensure thorough investigations, including where necessary re-opening closed investigations, into all cases of torture or other ill-treatment, death in custody and killings committed by the security forces with a view to delivering truth, justice and adequate reparation to the victims and their relatives;

- Ensure fair retrials of all those convicted after unfair trials and without the use of “confessions” extracted under torture or other ill-treatment.

The international community, in particular the UK, US and EU governments, must:

- Raise concerns publicly and in private about human rights abuses in Bahrain with a view to ensure full compliance with Bahrain’s international human rights obligations;
- Push for a more comprehensive and prompt reform of the justice system in order to ensure accountability.

# METHODOLOGY

This report is based on information that Amnesty International obtained during two field visits to Bahrain, in May 2014 and January 2015, and daily research and monitoring of human rights developments. In Bahrain, Amnesty International researchers interviewed scores of victims of human rights violations and their relatives, former detainees, lawyers, human rights and political activists and others. Some of those to whom Amnesty International spoke agreed to be interviewed only under condition of confidentiality for fear that disclosure of their identity could expose them to reprisals by Bahraini security authorities; consequently, when cited in this report their names have been altered. Amnesty International expresses its gratitude to all those who agreed to speak to it and others who assisted in obtaining information.

During its visits to Bahrain, Amnesty International also met and had discussions about human rights with a range of government officials, including the Ministers of Justice and Interior, the Public Prosecutor, officials of the Ministry of Foreign Affairs, senior police and prosecutorial officials as well as the heads of the new human rights institutions. This report reflects the responses that Amnesty International received from officials during those meetings as well as the authorities' response to a detailed 42-page Memorandum that Amnesty International sent to the Bahraini government in October 2014 setting out its concerns and requesting information and clarification on certain issues and individual cases. Amnesty International gratefully acknowledges the assistance provided by government officials.

In preparing this report, Amnesty International also reviewed a range of documentary information, including legal texts and court judgements, official statements, Bahraini media reports and information published by local and international human rights organizations.

The human rights concerns that Amnesty International documents in this report take account of Bahrain's obligations under international human rights law, entered onto by virtue of its ratification of a range of key international treaties, in particular the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of the Child (CRC). The report also makes reference to the authoritative interpretations of international law provided by the Human Rights Committee in respect of the ICCPR, and other UN treaty monitoring bodies and special procedures.



# BACKGROUND

Bahrain today remains enmeshed in a political and human rights crisis that intensified when popular protests demanding reform broke out in Manama, the capital, amid the so-called uprisings that spread across Arabic-speaking countries in early 2011. Four years on from those first protests, Bahrain is more deeply divided than ever, polarized between a small ruling Sunni Muslim minority that maintains a monopoly of political and economic power while proclaiming its commitment to reconciliation and reform, and a Shi'a Muslim majority population that considers itself discriminated against, denied an equal voice in governance and a fair share of the country's wealth, and many of whose leaders now languish in prison, having been deprived of their fundamental rights.

In 2011, in response to local and international criticism of the government's heavy-handed clamp-down on the February-March protests and the ensuing human rights violations that the security forces committed, King Hamad bin 'Issa Al Khalifa established the Bahrain Independent Commission of Inquiry (BICI). Headed by a distinguished Egyptian jurist and comprising other acknowledged international human rights law experts, the five member Commission was mandated to investigate and report on the authorities' actions in response to the February-March protests and subsequent events, to consider whether they resulted in violations of international human rights laws and standards, and to make recommendations for government action. The BICI began its investigations in July 2011 and submitted its 513-page final report to King Hamad, who publicly welcomed the report and committed his government to full implementation of its recommendations, in November 2011.

The BICI's creation represented a positive high water mark in that it appeared to signal a government commitment to uncovering and ensuring accountability for human rights violations committed by officials and members of the security forces. Yet, as the record of the three years since King Hamad pledged full implementation of the BICI's recommendations shows, very few police or other security officials, and then mostly low ranking ones, have faced prosecution for alleged human rights violations although scores of protesters have died or suffered injury as a result of police action. Many detainees have been tortured or otherwise ill-treated, and sentenced after unfair trials. Government critics have increasingly been imprisoned or stand trials on spurious charges.

The last four years have seen the Bahraini authorities loudly laud, internationally and within Bahrain, their establishment of new national institutions for the protection and promotion of human rights and repeatedly assert to have fully implemented the recommendations that the BICI made in its 2011 report. The authorities have actively sought to engage international human rights bodies and experts in devising new legislation and training for Bahraini government officials as part of what they claim is a process of ongoing reform.

As yet, however, the government's institutional and legal reforms have largely failed to have significant impact in either preventing human rights violations by state authorities or in ensuring full accountability for those committed to date, leaving victims and their relatives still without justice. The authorities have brought only a few prosecutions against police and other members of the security forces alleged to have committed serious rights violations, and

most of the cases resulted either in acquittals, the failure to bring the real culprit to justice or the imposition by courts of sentences that failed to reflect the gravity of the abuses committed, including torture and unlawful killing.

Since their establishment by the government in 2012 with a mandate to monitor and investigate human rights violations and ensure accountability, the new institutions – notably the Ombudsman of the Ministry of Interior and the Special Investigation Unit – have proved largely ineffective and continued to face distrust from the predominantly Shi'a critics and



*The Ombudsman Office of the Ministry of Interior  
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opponents. As government creations, headed by and comprising state appointees, many Shi'a do not consider them credible, independent bodies but rather as elements of a public relations façade that the authorities have sought to set up essentially in order to deflect international criticism of Bahraini human rights violations and portray the government in a much more positive light diplomatically than its record actually merits.

The government's opponents in Bahrain claim that it has failed to

implement many of the BICI's recommendations and that the National Dialogue that King Hamad initiated in 2011 to promote reconciliation and reform has also failed to deliver. In September 2014 with many of its leaders in prison, the opposition rejected the outcome of the National Dialogue process, describing it as neither genuine nor fair,<sup>3</sup> and boycotted parliamentary and municipal elections held in November 2014, the first since the 2011 protests. The arrest by the authorities of Sheikh Ali Salman, Secretary General of the main Shi'a opposition al-Wefaq National Islamic Society in December 2014, raised tensions further and sparked renewed protests in some Shi'a villages. Weeks later, the fourth anniversary of the 2011 protests saw new demonstrations, reflecting Shi'a frustration at the lack of meaningful political and other reform, the continued imprisonment of opposition leaders and activists, and government restrictions on human rights, including those to peaceful dissent and protest.

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<sup>3</sup> The National Dialogue was criticized as non-inclusive and interrupted several times before it broke down. In September 2014, Salman bin Hamad Al Khalifa, Crown Prince, Deputy Supreme Commander and First Deputy Premier, addressed a letter to King Hamad highlighting five points of the National Dialogue. These were the electoral districts, legislative authority, cabinet formation, judicial reform and security. (See, GDN, "Moving forward together," 19 September 2014 at <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=386134>). The opposition said the reform of the electoral district was not fair and that while the other points were important, they lacked substance and or a framework or time line for their implementation.

In practice, the authorities continue to curtail the rights to freedom of expression, association and assembly and to imprison critics and opponents solely on account of their peaceful exercise of these or other rights.<sup>4</sup> Those targeted include human rights as well as political activists, who have been detained and sentenced to prison terms – in some cases, repeatedly – for peacefully expressing their views. Political associations, meanwhile, operate under the threat of suspension or dissolution by the authorities, while restrictions on demonstrations have led to clashes between security forces and protesters, mostly youth, and death and injuries to both protesters and police officers. The authorities have arrested hundreds of mostly young men and imprisoned them on charges of “illegal gathering”, “rioting” or “arson” after trials that failed to comply with international fair trial standards. In some cases, the authorities have revoked the Bahraini nationality as an additional penalty against individuals convicted on terrorism-related charges following bomb explosions or killings of police officers. Torture and other ill-treatment of detainees remain rife, particularly in the custody of the Ministry of Interior’s Criminal Investigations Directorate (CID), in Manama. At least one detainee died in prison as a result of torture in November 2014. Ill-treatment of prisoners continue to be reported and led to a number of prison riots, most recently in March 2015.

Despite these ongoing human rights violations, the Bahrain government has continued to assure the international community of its commitment to human rights reform and of the “progress” it has made in implementing the BICI recommendations. For example, in its September 2014 Interim Report on implementation of recommendations made during the UN Human Right Council’s four-yearly Universal Period Review (UPR) of Bahrain in 2012, the government enumerated various legal and institutional reforms that it said it had made in compliance with the BICI recommendations. These included, for instance, limiting criminalization of spreading information harmful to the state to cases of incitement to violence, bringing the definition of torture in its national legislation in line with international standards and criminalizing acts of torture.

Some of the new measures that the Bahrain government has introduced have the potential to lead to genuine improvements in human rights but, as yet, this has still to be clearly demonstrated in practice. As detailed below, the new institutions that the government has created have not yet succeeded in clearly asserting their independence and establishing their credibility as institutions to which those whose rights have been violated can look with confidence for both justice and redress.

Adding to this, the government has introduced and applied new laws and restrictions that further erodes rights. Overall, the divisions between the government and its critics appear to remain as deep and entrenched as at any time, reflected by the almost daily street protests in Shi’a towns and villages across the country. The authorities consider such protests unlawful and the security forces often forcibly disperse them, using tear gas, rubber bullets and

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<sup>4</sup> Many of the illustrative cases used this report would qualify as potential prisoners of conscience. Amnesty International explicitly calls individual POC when fuller assessment of the cases, including charges and court documents were reviewed. Cases that are not explicitly declared certain individuals as POC does not necessarily mean they do not qualify as such. It simply an indication that the organization does not have sufficient information on individual cases to enable it to assess their POC status.

shotguns, resulting in deaths and serious injuries. Some protesters have also used violence against the security forces; according to the Ministry of Interior, 2887 police officers were injured and 15 were killed as a result of the actions of protesters in the last four years.<sup>5</sup>

The government has sought to curb protests and silence its critics by banning all public protests in Manama for an indefinite period, while introducing new legislation to increase penalties for those convicted of acts of terrorism, violence against the police and security forces, and “insult” of the King. The government has also adopted, and invoked, new legislation that enables the courts to revoke the Bahraini citizenship of anyone convicted on charges of terrorism, irrespective of whether such withdrawal of citizenship will render them stateless.

The Bahrain government’s policy of introducing some institutional and legal human rights reforms while maintaining and toughening laws against dissent and protest and continuing to imprison leaders of the Shi’a opposition has left the country polarized and divided. Yet, it has certainly served to ensure that Bahrain’s main Western allies, the USA and the UK, have remained diplomatically and politically supportive of the government and reluctant to speak out against human rights violations in the Kingdom. Bahrain’s Western allies continue to accentuate the positive when it comes to human rights in the Kingdom, praising the government’s “incremental steps to implement [...] human rights” amid the volatile security conditions that currently prevail across the Middle East, North Africa and the Gulf region. The UK government has provided vocal support for the Bahrain government, for example, to which it has announced a “package of technical assistance focused on strengthening human rights and the rule of law, in line with the Bahrain Independent Commission of Inquiry (BICI) and the UN Universal Periodic Review (UPR)”,<sup>6</sup> while appearing conspicuously reluctant on various occasions to speak out against human rights violations in Bahrain. It remains to be seen whether such publicly unquestioning support from Bahrain’s Western allies will lead to genuine human rights improvements in the Kingdom or help to imbue within Bahrain’s government a sense that, in practice, it can continue to commit human rights violations with impunity.

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<sup>5</sup> Trade Arabia, “Tougher punishments in Bahrain anti-terror clamp,” 24 March 2014, [http://www.tradearabia.com/news/MISC\\_278058.html](http://www.tradearabia.com/news/MISC_278058.html) . An officer in the Bahraini police force was also killed in a blast in Damistan on 8 December 2014.

<sup>6</sup> UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2014*, p. 46.

# INSTITUTIONAL AND LEGAL REFORM

The BICI reported in 2011 that it had examined more than 8,000 complaints; visited a number of prisons and detention centres, and the Salmaniya Medical Complex in Manama, where injured protesters had been taken and which the government alleged was a focal point of opposition; and interviewed more than 5,000 people, including detainees and witnesses. It concluded that the security forces had used excessive force against protesters, resulting in a number of unlawful killings and serious injuries; that the security forces had also committed acts of torture and other ill-treatment against detainees; and that legal proceedings of the National Safety Court, a military court used to try government critics and protesters, did not meet international fair trial standards.

The BICI recommended that the government take a series of steps to address the violations that had occurred and to prevent further human rights violations. These included the creation of an independent and impartial mechanism to ensure that those responsible for human rights abuses are held to account,<sup>7</sup> and the establishment of two independent General Inspector offices, one within the Ministry of Interior empowered to conduct investigations and promote professional standards within the police force, and the other within the National Security Agency (NSA) and to limit the NSA's activities to intelligence gathering.<sup>8</sup> As well, the BICI said the authorities should enact legislation to place the Office of the Public Prosecutor under a legal obligation to investigate allegations of torture and other ill-treatment, to ensure the safety of complainants, to provide remedies for reprisals taken against anyone for raising claims of torture and other ill-treatment, and to ensure compensation and remedies for families of the deceased and victims of torture and other ill-treatment.<sup>9</sup> The BICI also called for the government to establish an independent, impartial national committee to monitor and implement the BICI recommendations.<sup>10</sup>

In response to its findings about the use of excessive force and torture by the security forces in 2011, the BICI urged the government to establish an independent investigative body to carry out effective investigations into allegations of torture and other ill-treatment, excessive use of force and all other abuses and to hold to account, including high-ranking members of the government, security forces and the army who gave orders to commit such violations and ensure punishment is consistent with the gravity of the offence.<sup>11</sup> The BICI also recommended that the authorities provide training to their security forces on UN best practice standards relating to the use of force and firearms, and instruction for judges and prosecutors on the means to eradicate torture.<sup>12</sup> With regard to detention practices, the BICI

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<sup>7</sup> Recommendation 1716.

<sup>8</sup> Recommendation 1717 and 1718.

<sup>9</sup> Recommendation 1719.

<sup>10</sup> Recommendation 1715.

<sup>11</sup> Recommendations 1722 (a) and (b).

<sup>12</sup> Recommendation 1722 (c).

urged the Bahrain government to avoid the use of incommunicado detention, which facilitates torture and other ill-treatment; to ensure that those taken into custody are given arrest warrants at the time of their arrest; and to allow all detainees prompt access to a lawyer of their own choosing and to the outside world.<sup>13</sup>

Since the acceptance of the BICI report, the government has repeatedly declared its determination to learn from the events of 2011 and sought to convey the impression, at home and internationally, that it has instituted a raft of legal and institutional reforms towards this end, and as recommended by the BICI. This was reflected in both the April 2012 report of the National Commission,<sup>14</sup> and in reports published by the BICI Follow-up Unit, a body under the supervision of the Minister of Justice,<sup>15</sup> in June and November 2012, in December 2013 and in February 2014.

The government has made both institutional and legal reforms in response to the BICI's recommendations. The former have included the creation of several new bodies mandated to monitor and investigate alleged human rights violations, described below, in some cases with the advice and assistance of international human rights experts. As well, the government has provided human rights training for officials, the judiciary and the security forces. In meetings with Amnesty International in January 2015, government officials stated that their programme of reforms was on track and, in many instances, the reforms exceeded the requirements of the BICI recommendations. This is the message that Bahraini officials have also communicated to the UN Human Rights Council and in other international fora.

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<sup>13</sup> Recommendation 1722(d). BICI also put other recommendations to the Bahraini authorities. These included rebuilding demolished Shi'a mosques; establishing a national reconciliation programme to address the grievances of groups which felt marginalized or discriminated against; ending discrimination against Shi'a in the security forces and preventing incitement to hatred by the government-controlled media.

<sup>14</sup> A National Commission was established in March 2012 by Royal Order No. 45 of 2011 pursuant to BICI recommendation 1715. The Commission is composed of a Chair and 18 members, made up mostly of parliamentarians but also included academics and former parliamentarians. It is tasked with (a) reviewing the laws and procedures implemented in the wake of the events in February and March 2011 and (b) making recommendations to the legislative body to carry out appropriate reforms to the existing laws and introduce new laws to implement BICI recommendations on legislative reform. The Commission said in its report that invitations for the commission membership were issued both verbally and in writing to members of opposition societies but remained without an answer.

<sup>15</sup> The Follow-up Unit is composed of a group of experts mandated to liaise with all government agencies and ministries concerned with the BICI recommendations and to verify the implement of these recommendations within the framework established by the National Commission.

## INSTITUTIONAL REFORMS

### OFFICES OF THE OMBUDSMAN AND THE INSPECTOR GENERAL

In late 2012, the government decreed the establishment of an Ombudsman office within the Interior Ministry and an Inspector General's office within the NSA. The former was mandated to receive and examine complaints alleging abuses by members of the Ministry of Interior and to refer them to the relevant authorities for disciplinary action or criminal prosecution. The Ombudsman is empowered to open investigations on its own (without a complaint) into abuses by civil and public security personnel of all ranks that can damage public trust in the members of the Ministry of Interior.<sup>16</sup> In addition, as part of its remit to identify and examine cases of arbitrary detention, torture and other ill-treatment, the Ombudsman office of the Ministry of Interior was empowered to inspect prisons and detention centres. Since its formation, it has issued a series of public reports, including an Annual Report, containing recommendations for the attention of the authorities; to date, these have raised concerns about medical care for detainees and prison overcrowding, but they have not addressed issues of torture and other ill-treatment. According to the Ombudsman, if his officials identify cases of abuse that they consider amount to torture, they refer them to the Special Investigation Unit (SIU), described below, for investigation.<sup>17</sup> In January 2015, the Ombudsman told Amnesty International that his officials had conducted a visit to the detention facility of the CID in Manama, on which it would report publicly in 2015.

The Inspector General's office within the NSA is mandated to receive and examine complaints of human rights violations against members of the NSA and to refer cases to the relevant authorities to take appropriate action, in coordination with the Public Prosecution Office. The Inspector General has two offices, one within the Ministry of Justice to receive complaints, and another within the building of the NSA to question NSA officials about allegations against them. He is required to provide mid-year reports that are referred to the Prime Minister, who can decide what to do with them. Since the establishment of the Inspector General's office, none of its reports were made public.

The decrees establishing the Ombudsman and the Inspector General, who are appointed for indefinitely renewable five-year periods, stipulate that they are independent; however, their appointment, and also their dismissal, is subject to recommendations of the Minister of Interior, in the case of the Ombudsman within the Interior Ministry, and the Head of the NSA in the case of the Inspector General, as well as the consent of the President of the Council of Ministers. This places their independence and neutrality in question in the view of some.

### NATIONAL INSTITUTION FOR HUMAN RIGHTS

Initially established in 2009, the National Institution for Human Rights (NIHR) was ineffective, despite a 2012 amendment to its mandate, until 2014, when it was amended further to bring it into line with the Paris Principles,<sup>18</sup> the recognized international standards

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<sup>16</sup> Article 12 Decree 35 of 2013 amending Decree 27 of 2012 which established the Ombudsman of the Ministry of Interior.

<sup>17</sup> Meeting with Amnesty International on 10 November 2014, London.

<sup>18</sup> The government introduced new amendments (Decree 28 of 2012) following the BICI report, but these were short of international standards related to national human rights institutions as stipulated in

relating to the establishment and operation of national human rights institutions. The NIHR's mandate now includes not only human rights education and awareness raising, but also reviewing draft and existing legislation to ensure its compliance with international human rights laws and standards, investigating complaints of abuse and making recommendations.

The NIHR comprises 11 members, who are appointed by royal decree for renewable terms of four years after consultation with "related institutions of the civil society."<sup>19</sup> In September 2014, the NIHR presented its 2013 Annual Report to the King and, in accordance with Article 21 of Law 26 of 2014, published the report on its website the same day. Among other recommendations, the NIHR proposed that the office of the SIU should be relocated from its current location within the building that houses the Public Prosecution Office (PPO) in order to ensure the SIU's impartiality. In January 2015, NIHR representatives told Amnesty International that the NIHR has carried out a number of training sessions for Bahraini trial judges on international fair trial standards.

#### PRISONERS' AND DETAINEES' RIGHTS COMMISSION

The Prisoners' and Detainees' Rights Commission (PDRC), created in September 2013 by Decree 61 of 2013, is also an institution mandated to inspect prisons and other detention centres, and to do so without advance warning to the authorities responsible for such prisons and detention centres. It is headed by the Ombudsman of the Ministry of Interior and has 11 other members, comprising NGO representatives, human rights activists, lawyers, doctors and academics; of these, three are nominated by the Ombudsman, four by the NIHR, two by the Supreme Judicial Council, and two by the Public Prosecutor. In August 2014, the PDRC published a report of its visit to Dry Dock Detention Centre in April 2014 and made recommendations to the government authorities, including on setting up procedures to ensure detainees are able to contact their families and lawyers when they are at Dry Dock and training for personnel on the legal use of force.

#### SPECIAL INVESTIGATION UNIT

Three months after the BICI presented its report to King Hamad, the Public Prosecutor established a Special Investigation Unit (SIU) within the PPO to be "exclusively charged with determining the criminal liability of government officials who committed illegal acts resulting in killing, torture, injury or abuse, including officials in leadership positions, under the standards of superior responsibility," – acts that resulted from the events of 2011 that were included in the BICI report as well as any other cases referred to it by the PPO.<sup>20</sup>

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the Paris Principles. In December 2013, the Council of Ministers agreed a draft law to establish the NIHR, which was referred to Parliament for discussion. The draft law benefited from the advice of the mission of the UN OHCHR in bringing the law in line with internationally agreed principles for national institutions. On 24 July 2014, Law 26 of 2014 establishing the NIHR entered into force. It abolished Decree 46 of 2009 and its amendments introduced in Decree 28 of 2012.

<sup>19</sup> Article 5 of the law establishing the NIHR did not specify the limit of terms members can hold. It is unclear, however, to what extent the authorities sought to consult with Bahraini human rights groups that criticize the government before appointing the current members of the NIHR.

<sup>20</sup> Articles 4 and 5 of Resolution No. 28 of 2012.



In addition, in July 2013 the Public Prosecutor provided Special Directives to the SIU.<sup>21</sup> These cover the formation, authority and responsibilities of the SIU, and provide a Code of Conduct to be used by SIU officials when carrying out investigations and collecting evidence. Article 7 of the Directives empowers the SIU to examine and investigate reports of “torture, abuse and cruel punishment and determine the parties involved”, as they relate to Penal Code Articles 208 (torture), 209-10 (cruel punishment), 207, 213, 357 to 363 and 372 (abuses and deprivation of liberty), 333 to 350 (assault and battery).

According to the authorities, the Directives comply with the Istanbul Protocol – the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; however, in several cases of alleged torture reported to Amnesty International, it appears that the actions undertaken by the SIU failed to comply systematically and thoroughly with the Istanbul standards.

Like other institutions, the SIU has obtained the assistance of international experts and agencies to provide human rights training for its officials. In June 2014, for example, the SIU signed a memorandum of understanding with the United Nations Development Programme (UNDP) to train all SIU officials in investigating deaths in custody or death resulting from the actions of the security forces and allegations of torture and other ill-



*Public Prosecution Office where the Special Investigation Unit is located, Manama ©Amnesty International*

treatment in accordance with the standards contained in the Istanbul Protocols.

The head of the SIU now has the rank of Attorney General, enabling him to refer criminal cases directly to the courts for trial without first referring them to the PPO for authorization. However, the SIU's staff is composed of former Public Prosecution officials and judicial police officers seconded from the Ministry of Interior, who continue to receive their salaries from that Ministry, putting their independence in question. In May 2014, the Head of the SIU told Amnesty International that his staff were selected largely on account of their experience and integrity.

The SIU's independence has also been compromised in many eyes by its location within the same offices as those used by the PPO, making it difficult for detainees and others to distinguish between the two bodies and deterring those who may be questioned by the SIU about torture or other abuses they suffered from speaking freely. Many of those who have

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<sup>21</sup> Resolution No. 26 of 2013 on the Issue of Directives to the Special Investigation Unit.

alleged abuse in detention and who the SIU may summon for interview will have previously visited the building that houses the SIU for questioning by the PPO, and had their torture complaints dismissed out of hand by prosecutors or threatened with further torture or abuses if they changed the “confessions” obtained from them under interrogation in pre-trial detention.

In its September 2014 report, the NIHR noted that the SIU “in its current form, does not have the aspired independence and impartiality to ensure effective investigations,” and recommended that the SIU be relocated to a different building and no longer accommodated together with the PPO. In January 2015, the head of the SIU told Amnesty International that it is now the government’s intention to relocate the SIU but he did not give further details or indicate when the move would take place. In April 2015, the SIU remained based in the same building as the PPO.

Amnesty International welcomes the establishment of the above institutions as a step towards addressing impunity in Bahrain but, as those leading them acknowledged in meetings with Amnesty International, these institutions continue to labour under a trust deficit and have yet to establish themselves as both independent and credible in the view of many Bahrainis. Issues such as the location of the SIU within the same premises as the PPO contributes to this trust deficit that these institutions need to overcome if they are to fulfil their mandates effectively and make a real difference in Bahrain. That those who lead the institutions were appointed by royal decree without adequate consultation with relevant civil society organizations, has also contributed to the perception, held widely among those who have suffered rights abuses since 2011 and others, that these new bodies lack independence and remain too close to the authorities.

Human rights activists, lawyers, victims of abuses and their families who spoke to Amnesty International voiced such concern, complaining about the manner in which the heads of these bodies, who they described as people known to be loyal to the authorities, were appointed, and the use of former PPO officials and Ministry of Interior judicial police to staff the SIU, given the roles that both the PPO and the Interior Ministry have played in pursuing government critics since the outbreak of the 2011 protests.

Currently, these new bodies, which the government has said it created in response to the BICI recommendations, have not lived up to the expectations of the victims and their families and it still remains to be seen whether they will prove effective in identifying and addressing human right violations, ending impunity and ensuring accountability up to the highest levels of responsibility. Their detractors claim that the government created them primarily for public relations reasons, to enable it to affirm to the international community that it is serious and determined to eradicate human rights violations while, in practice, perpetuating such violations. To overcome this, and prove their worth, therefore, each of these new institutions needs urgently to proactively demonstrate its independence and show to the Bahraini public that it is committed to pursuing its mandate impartially – by ensuring transparency about their investigations and other work, particularly its rights protection aspects, and by mounting effective prosecutions, where appropriate, against members of the security forces and others responsible for torture and other ill-treatment of detainees, unlawful killings and other serious rights violations

## LEGAL REFORM

The Bahrain government has also introduced legal reforms in response to the BICI's findings and recommendations. Decree 115 of 2011, issued in December 2011, limited the NSA's role to intelligence gathering and uncovering activities damaging to national security, its system and institutions (Article 4). It also required NSA officers to refer to the Ministry of Interior any cases that require arrests and detention of suspects (Article 5bis (1d)).<sup>22</sup>

The government has also amended the Penal Code by repealing Articles 134bis and 174<sup>23</sup> to remove some restrictions, on freedom of association and freedom of expression, and amending Article 168 to narrow the grounds on which individuals can face criminal prosecution for spreading information deemed harmful to the state to require the element of incitement to violence. As well, according to Article 69bis, any limitations on freedom of expression must now amount to what is "necessary in a democratic society" to justify such restrictions. Other articles of the Penal Code, however, continue to make it a crime punishable by imprisonment to insult or otherwise cause offence to the King, the national flag or emblem, a foreign country or an international organization (Articles 214, 215 and 216).

In October 2012, by Decree 52 of 2012, the government amended the Penal Code to incorporate within it the definition of torture contained in Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). As well, the authorities have said they installed CCTV cameras in police stations as a means to prevent torture or other ill-treatment and deter other violations against detainees. In May 2014 the Ombudsman of the Ministry of Interior informed Amnesty International that Bahrain is considering ratification of the Optional Protocol to the CAT (OPCAT), although at this writing, 11 months later, the government has still to take that step. Officials told Amnesty International that, in their view, the newly established Prisoners' and Detainees' Rights Commission already acts "as the equivalent of a 'National Preventive Mechanism' (NPM) under the OPCAT."<sup>24</sup>

In meetings with Amnesty International, Ministry of Interior officials insisted that they take allegations of torture very seriously and that, in addition to launching criminal investigations, they have put in place certain procedures, orders and disciplinary mechanisms to prevent such violations. In a report on its implementation of BICI recommendations that the Interior Ministry published in December 2014, it asserted that "policies, practices and safeguards"

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<sup>22</sup> Despite this, family members of individuals arrested in police raids on their homes have told Amnesty International that they believe NSA officials in plain clothes accompanied the police but without identifying themselves, and participated in house searches.

<sup>23</sup> The abolished Article 134bis criminalized attendance or participation in conferences and public meetings on the political, economic or social situation or contact with foreign governments, association and other entities to discuss these matters without government authorization and in a way that could weaken or harm the interest of Bahrain. Article 174 criminalized the production, possession, display, sale, or distribution of pictures intended to cause offence to the country's reputation.

<sup>24</sup> BICI Follow-up Unit, *Moving Beyond 2011*, February 2014, p. 34.

for arrests and detention in Bahrain now “match or surpass those that exist internationally.”<sup>25</sup> Such measures include an electronic system that tracks detainees from the time of their arrest, through their detention and processing through the criminal justice system. According to the Ministry, this system helps ensure that no one is subjected to enforced disappearance or detained incommunicado. As well, the Ministry has said that it is now practice to film search and arrest incidents whenever possible. Yet, despite these apparently impressive new safeguards, detainees’ families continue to report that they are often unable to obtain information from the authorities as to the whereabouts of those taken into custody for days following their arrest or to obtain information on their conditions, and detainees continue to allege torture and other ill-treatment in custody.

In October 2012, the government also amended the Code of Criminal Procedures (CPP) to enhance the role of the PPO in combatting torture. Article 81bis of the CPP now stipulates: “The Public Prosecution shall carry out its jurisdiction by investigating allegations related to torture, inhuman or degrading treatment, or death resulting therefrom, whenever such occurrences affect an accused, a witness or an expert, during the inquiry or investigation stage, or in the course of the trial of the case before a court of law. In other cases, the Public Prosecution shall carry out its jurisdiction in respect of Public Security Forces referred to it by the Ombudsman [of the Ministry of Interior] or the Inspector General [of the NSA], as applicable.”

The government has also taken action to enhance judicial independence, following the BICI recommendations. Decree 44 of 2012, issued in September 2012, amended the Judicial Authority Law to give the Supreme Judicial Council control of an independent budget and make its judicial authority independent of all other government ministries and departments.<sup>26</sup> The authorities have also provided training for members of the judiciary by international experts and prestigious universities and law schools, as they have frequently reported.

In March 2012, in response to the BICI finding that police had used unnecessary and disproportionate force against protesters in 2011, attributing this “at least partially, to inadequate training of field units, ineffectual command and control systems and, at times, insufficient numbers of police to handle demonstrators,”<sup>27</sup> the authorities introduced the Code of Conduct for Police Officers. This was set out in Decree 14 of 2012, section 2 of which “categorically bans the use of torture and other forms of ill-treatment” by police officers; consequently, police officers can no longer seek to justify the use of torture or other ill-treatment on the ground that they were acting under the orders of their superior or were faced with exceptional circumstances, such as a state of warfare or a threat to national or public security. The Code of Conduct also places police officers under a legal obligation to ensure the physical protection of detainees, witnesses and suspects. Overall, therefore, the principles contained in the Code of Conduct are consistent with international standards

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<sup>25</sup> Ministry of Interior, “BICI Reforms Update,” 1 December 2014, available at: [www.policemc.gov.bh/en/pdf/bici/BICI\\_2014\\_English.pdf](http://www.policemc.gov.bh/en/pdf/bici/BICI_2014_English.pdf), accessed 29 January 2015.

<sup>26</sup> See paragraph 133 of the BICI implementation Unit Report 2012. Decree 44 of 2012 repealed Law No. 4 of 1975 on Judicial Staff.

<sup>27</sup> BICI Report, para. 660.

related to policing, such as the UN Code of Conduct for Law Enforcement Officials.

More recently, in February 2014, the government issued Decree 24 of 2014 to regulate the use of force and firearms by public security forces. This stipulates that force may only be used by officers in cases of “extreme necessity”, where there is an imminent risk to life, and that the use of armed force in situations other than those that qualify as legitimate self-defence is permissible only when it is authorized by a unit commander or a deputy head of a police station or officer of higher rank.<sup>28</sup> The decree stipulates also that the use of force must be guided at all times by the principles of legitimacy (Article 4), necessity (Article 5), proportionality (Articles 6) and accountability (Article 7). Cases of “extreme necessity”, according to the decree, may include cases where there is an imminent risk to “private and public property.” The decree also permits officers to use armed force to effect the arrest of a person accused of a crime who resists arrest or seeks to escape (Article 12c).

On their face, these legal reforms represent a significant step forward, although questions remain as to the extent and the consistency with which they are applied in practice. They have also been overshadowed, to an extent, by the government’s introduction of new laws and measures to curb protests and punish dissent.

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<sup>28</sup> See paragraph 3 of the introductory section and Article 3, respectively. Legitimate self-defence is specified under Article 17 of the Penal Code, where it is permitted to use force and firearms in cases of an imminent risk to life and property or belief of such risk based on reasonable grounds.

# PERSISTENT CLIMATE OF REPRESSION

The institutional and legal reforms that the government has introduced to date have failed to transform human rights conditions in Bahrain. The authorities have retained and intensified restrictions on the rights to freedom of expression, association and peaceful assembly that exceed those permissible under international law, in breach of Bahrain's treaty obligations as a party to the ICCPR, and it has failed to genuinely reform the judicial system, where unfair trials of government critics and opponents persist. Amnesty International has repeatedly urged the government to sweep away excessive restrictions and bring Bahraini law and practice into full conformity with the country's international human rights obligations. Without such changes, the prospects for reconciliation between the government and its opponents appear bleak.

The authorities have imposed an indefinite ban on all public demonstrations in Manama, in force since August 2013. Protests continue outside the capital, mostly by Shi'a youth, but these are often forcibly dispersed by security forces using tear gas and pellet-firing shotguns. The security forces use road blocks to prevent or control access to the main highways.

Many critics and opponents of the government are now behind bars, many of them sentenced after unfair trials on broadly-framed criminal charges, such as "inciting hatred against the regime" or "seeking to overthrow the regime by force". Some of those behind bars are in poor health and are kept in overcrowded conditions in Jaw Prison. Some human rights activists have fled Bahrain to escape harassment by the security forces and prosecution; in some cases, the authorities subsequently revoked their Bahraini citizenship. Within Bahrain itself, local human rights groups continue to function under the looming threat of a restrictive draft NGO law that, if adopted, would severely limit the scope of their activities. Meanwhile, the government has denied or curtailed access to Bahrain by international human rights organizations, foreign journalists and media correspondents, thereby reducing their capacity to undertake on the ground research and fact-finding. Bahraini political associations also face interference by the executive branch of government, ostensibly to ensure the proper regulation of their activities, but in reality presenting an ongoing threat of enforced suspension or dissolution and the jailing of their leaders. Amendments to the 2006 Anti-Terrorism Law introduced in December 2014 gave the police sweeping powers of search and arrest. Four years on from the 2011 protests and the human rights violations that they sparked, despite the reform measures the government has introduced in response to the BICI and its often-stated commitment to reform, the human rights situation in Bahrain today remains dire and little has changed in practice.

## CURTAILING PEACEFUL ASSEMBLY AND PROTEST

International human rights law guarantees the right to peaceful assembly, as well as the rights to freedom of expression and association. Gatherings and political rallies in Bahrain are regulated by the Law on Public Gatherings, Processions and Assemblies (Law 18 of 1973, Law on Public Gatherings), which restricts the exercise of all three of these rights. According

to amendments introduced in 2006 (via Law 32 of 2006): “every organizer of a public meeting, including political gatherings, rallies and processions has to notify in writing the Head of Public Security at least three days in advance” (Article 2). “Such notification should include the time, venue, subject of the meeting and its purpose” (Article 3). Holding or participating in a public gathering that has not been approved in advance by the authorities is punishable by up to six months in prison in the case of organizers and up to three months in prison in the case of participants in the gathering.

In August 2013, the government amended Article 11 of the Law on Public Gatherings by decree to ban indefinitely all public assemblies in Manama except demonstrations in front of international organizations but these are made subject to written permission from the Head of Public Security or his Deputy before they can go ahead.<sup>29</sup> The decree also subjects all other demonstrations outside of Manama at any time and the use of vehicles in demonstrations to written permission from the Head of Public Security or his Deputy. Demonstrations are also banned near hospitals, airports, commercial compounds and any other areas with security aspects, provided that these are defined by the Minister of Interior in advance. These amendments restrict not only the space and time available to people to peacefully demonstrate and voice their concerns but also their ability to exercise their rights, in breach of what is permissible under Article 21 of the ICCPR, or Article 15 of the Convention on the Rights of the Child.

Freedom of peaceful assembly, enshrined in Article 21 of the ICCPR, is a right that may legitimately be restricted according to international human rights law but only when this is demonstrably necessary and proportionate to one of the legitimate aims listed in Article 21. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has emphasized that officials 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.”<sup>30</sup>

Any restrictions must also be applied without discrimination, including on grounds of political opinion,<sup>31</sup> and should be subject to prompt independent judicial review.<sup>32</sup> 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

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<sup>29</sup> The amendment was introduced via Decree 22 of 2013.

<sup>30</sup> 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.

<sup>31</sup> *Ibid.*

<sup>32</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, May 2012, paras. 42 and 84.

the crowd.<sup>33</sup> In such a situation, law enforcement officers should act to protect the peaceful protesters rather than use violent acts of a few as a pretext to restrict or impede the rights of the majority.

The Law on Public Gatherings has onerous procedures for applying for permission and empowers the authorities to ban protests on grounds that go beyond what is permissible under international law. In effect, the Law on Public Gatherings treats the fundamental right to peaceful assembly, which the government has a legal obligation to uphold and facilitate, as if it were a mere privilege, imposing arbitrary obstacles in the way of those who wish freely to exercise this right, including to demonstrate against the government.

In August 2013, a royal decree (Decree 23 of 2013) extended the circumstances in which juveniles – defined as children under 15 – are considered to be at risk of delinquency, adding “participation in a demonstration, a march, public gathering or a political sit-in” to a list that formerly comprised prostitution, gambling, drugs, truancy, sleeping rough and begging.<sup>34</sup> In response to Amnesty International, the Ministry of Justice defended the amendment on the ground that it aimed to decrease attempts to use children in “illegal” demonstrations and safeguard them from involvement in “violent protests”. Under the decree, any parents who are served with a warning by the Ministry of Interior that their child is at “risk of delinquency” face a fine and/or imprisonment if that child is found by the authorities to be participating “in a demonstration, a march, public gathering or a political sit-in” within six months of the warning. In February 2015, the Ministry of Interior announced further proposed legal amendments to provide a new sentencing regime for youth aged between 15 and 18 who are convicted of involvement in rioting or arson; currently, children aged 15-18 are treated as adults for sentencing purposes under Bahraini law.<sup>35</sup>

Amnesty International has urged the Bahraini authorities to lift their blanket ban on public gatherings and demonstrations in Manama as an unwarranted limitation on the right to peaceful assembly. The government has sought to justify the continuing ban on the ground that protests in Manama could have a paralyzing effect on the country’s economy. The authorities maintained the ban throughout the period of the November 2014 elections.

Protests continue to occur outside Manama but often result in a heavy police presence and clashes between police and demonstrators, and allegations that the police use excessive force to disperse protesters, in some cases resulting in deaths or injuries to protesters. Many of those participating in protests have been arrested, charged with “rioting” or “illegal

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<sup>33</sup> Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, May 2011, para. 42.

<sup>34</sup> Article 2 of the Juvenile Law (Law 17 of 1976) as amended.

<sup>35</sup> Children aged 15, 16 and 17 are considered adults under Bahrain’s law and therefore they are tried by criminal courts and have been until 2014 held in prisons for adults, in breach of Bahrain’s obligations under the Convention on the Rights of the Child (CRC) to which it is a state party. BNA, ““Proposed alternative precautionary measures for juveniles involved in terrorism crimes” 23 February 2015 ( اقتراح )  
تدابير احترازية بديلة للأحداث المتورطين في جرائم إرهابية”, <http://www.bna.bh/portal/news/655450>, accessed 24 February.



gathering” and imprisoned. Activists seeking to observe the protests, and to monitor and document instances of excessive force by the police, have also faced arrest.

Amnesty International fully recognizes the Bahraini authorities’ duty to uphold the safety of the public and ensure public order, and that this task has become more challenging due to a rise in violence on the streets that has seen attacks on police officers and other members of the security forces, including a bomb attack at al-Daih village on 3 March 2014 that killed three police officers. At all times, however, when policing demonstrations, including those that the authorities consider illegal or that become violent, Bahraini law enforcement officers should comply with the standards that the international community has adopted to govern the use of force and firearms by law enforcement officials. These standards apply also to members of the armed forces or others when they are exercising powers normally exercised by the police. They are intended to ensure respect for the rights to life, liberty and security of the person, requiring that force may be used only when strictly necessary and then only to the extent required for the performance of their duty. According to the standards, firearms may be used only as a last resort – when strictly necessary to defend the user or others against an



*Birdshot injuries sustained by a protester shown to Amnesty International researchers in Bahrain in January 2015. ©Amnesty International*

imminent threat of death or serious injury. Intentional use of lethal force is permitted only when strictly unavoidable in order to protect life. In addition, when lethal or other possibly excessive force is used, the authorities must ensure that its use is fully and independently investigated, and that any police or other officials responsible for misuse of force are held accountable.

Bahrain’s Code of Conduct for Police Officers is based closely on these international standards but since it and the decree relating to the use of force and firearms were issued, at least 10 people have been killed and others injured as a

result of the use of firearms by police or other security forces dispersing protests, as detailed below. In some cases, those who died or sustained injuries were shot at close range, apparently as they sought to evade arrest. As well, police continue to face accusations that they use tear gas against demonstrators in enclosed areas, such as narrow alleyways, leading to a danger of asphyxiation, and have caused serious injuries by firing tear gas canisters at protesters at close range. Other protesters have accused police officers of apprehending and assaulting them after they participated in protests, then releasing them and threatening them with re-arrest and further assault unless they become police informers. Often, those injured during protests do not go to hospitals to seek medical treatment for fear that this will result in their arrest and prosecution on charges of illegal gathering.

**Zainab** (not her real name), 36, told Amnesty International that she was at a protest in

Sanabis village at around 9pm on 23 May 2014, and that as she emerged from an alley, men in civilian clothes who she took to be police or other security officers, came out of an alley opposite and insulted her. She turned to walk away, she said, but as she did she was shot at with birdshot, sustaining injuries to her right eye and arm. She has since had three surgical operations, but still has no vision in her right eye as pellet fragments remain lodged in it.

**Mahmoud 'Issa Mohamed**, 20, died on 22 February 2013 after he was struck on the head by a tear gas canister fired by security forces during a protest on 14 February 2013 in Nabeih Saleh village. He was taken to the Salmaniya Medical Complex on the day after he sustained the injury, and died there a week later. The SIU announced on 6 March 2013 that it had opened an investigation, and told Amnesty International that a number of police officers were accused of causing the death of Mahmoud 'Issa Mohamed but it has yet to announce its outcome. A video posted on Youtube<sup>36</sup> purports to show the moment that Mahmoud 'Issa Mohamed, who was with other youths, was hit by the tear gas canister, fired at close range by a member of the security forces, as he knelt apparently to pick up a stone.

**Hussain** (not his real name), 17, told Amnesty International that he participated in a procession in Sanabis on the night of 19 December 2014, when around 15 members of the security forces fired tear gas to disperse it. As he ran away, he was hit on the right side of his face by a tear gas canister that tore into the flesh and broke his teeth and jaw. He said an officer then arrested him, placing his foot on Hussain's head and telling him "I will kill you today". Officers then took Hussain to the Salmaniya Medical Complex where, he said, they filmed and humiliated him and left him screaming with pain for around half an hour before he fell into unconsciousness. He underwent surgery and stayed in hospital for a week. He was questioned by a representative of the PPO but told Amnesty International that he said he would not be able to identify the officer who hit him because he feared this would put him at risk of reprisal. He was released without charge but re-arrested some weeks later during a pre-dawn police raid on his family home. He was allowed to phone his family to say that he was held at the CID but they were unable to obtain any further information about him until they were permitted to visit him at Dry Dock Prison a week later. According to his family, he told them he had been beaten during interrogation, causing bleeding, but that he had not received any medical treatment.

**Mohamed** (not his real name), 20, told Amnesty International he was walking home in Duraz village on 10 July 2014 when he was struck by two shotgun pellets fired by security officers dispersing a protest. He fell to the ground and a police officer pointed a gun at him. He was then hit on the head by an officer with the butt of a gun, and beaten all over his body by three police officers who then took him to a dark alley, pulled his t-shirt up over his face and pepper-sprayed him, he said. They handcuffed his wrists behind his back, insulted him, hit him in the face and stomach, and spat at him, as they transported him in a police vehicle to Budaya police station, where he was interrogated, Mohamed told Amnesty International. He was taken first to the Salmaniya Medical Complex and then to Hamad Town police station. He was charged by the PPO with possession of Molotov cocktails, illegal gathering and rioting, and moved to Dry Dock Prison for 45 days, extended for a further 45 days, then released pending trial. In Dry Dock Prison, Mohamed said, guards prevented him and other

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<sup>36</sup> See video at the <http://www.youtube.com/watch?v=hiEQC6ZlpEk>, accessed in on 9 September 2014

prisoners from washing for prayer and several times handcuffed and assaulted him at night.

**Hussain** (not his real name), 24, was arrested at midnight on 13 September 2014 after the police chased him in his car and rammed into him. Hussain said the arresting officers then took him to a nearby village and beat him for two hours while demanding that he give them the names of protesters in A'al village. At 2am, the police called his brother, **Ahmad** (not his real name) and summoned him to come, then asked him where Hussain had been going, for the names of protesters, threatened him with arrest, and repeatedly punched him on his face and chest, Hussain said. The officers told Ahmad that he had either to give the police the information they sought or work as a police informant, took his mobile phone number, photographed him and told him to take Hussain's car. After his arrest, officers allowed him to make a very brief phone call to let his family know he was in CID custody. However, when they saw him for the first time 10 days later, at Dry Dock Prison, he told them that he had been tortured and threatened at the CID to make him "confess" to attacking police patrol cars and arson. He was subsequently jailed for allegedly burning tyres and faces trial on separate charges of arson and attacking police patrol cars, but has been permitted to see his lawyer only during court hearings.

Videos and photographic evidence also show that security forces fired on protesters who demonstrated in early 2015 against the arrest and detention of opposition leader Sheikh Ali Salman or took to the streets to mark the fourth anniversary of the 2011 uprising in February 2015. In some cases, videos that were circulated on social media websites appear to show the security forces using excessive force against youthful protesters, causing injuries to some of them.

In one video,<sup>37</sup> for example, security officers can be seen firing birdshots at four masked youths as they chased them on 12 February 2015. In another video,<sup>38</sup> published 20 January, a police officer can be seen apparently taking aim and shooting at a young protester carrying a photo of Sheikh Ali Salman, in Bilad al-Qadeem. Following this incident, the Ministry of Interior Ombudsman's office announced that it had opened an investigation. Subsequently, the Head of Public Security told Amnesty International, during a meeting at the Ministry of Interior on 27 January 2015, that the authorities had identified the police officer responsible for the shooting shown in the 20 January video and had suspended him from duty pending a full investigation, while insisting that the video footage should not cause anyone to "jump to conclusions" and fail to "look at the full picture." On 17 February, the SIU said it had referred the police officer's case to a Lower Criminal Court for trial on charges of "endangering someone's life".<sup>39</sup>

**Ahmed** (not his real name), 20, told Amnesty International that he was trying to escape from riot police who dispersed a protest in which he participated on 15 January 2015. He said he

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<sup>37</sup> See video at [https://www.youtube.com/watch?v=Nrz\\_GR9bmwY&feature=youtu.be](https://www.youtube.com/watch?v=Nrz_GR9bmwY&feature=youtu.be), accessed on 13 February 2015.

<sup>38</sup> See video at <https://www.youtube.com/watch?v=8dYLObWp39Y> accessed 22 January 2015.

<sup>39</sup> Gulf Daily News, "'Shooting' video probe completed," <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=396085>, accessed 17 February 2015.

entered a house, followed by the officers who broke the door down, entered and hit him with a gun butt, fracturing his nose. He said the officers kicked him in the face and all over his body, tied his hands behind his back and pulled his t-shirt over his head so that he could not see, and took him into an alley, where they threw him to the ground and again beat him on his body and face. Then he said, they took him to a police car, where one officer tried to squeeze his genitals, and drove him to Karzakkan police station, where he was again assaulted and told to reveal where he stored his weapons. He told Amnesty International that officers took him to an open area, hit him with the claw of a hammer on his right toe, right forearm and left knee, and took his mobile phone number, saying they would call him in a few days, before dropping him, uncharged, at a farm. A week later, he said, he received a message via the WhatsApp social media application asking him to work as a police informant; when he refused, he received a further message threatening him with a worse beating if he should be caught in the future. Amnesty International viewed Ahmed's injuries 10 days after the incident as well as photographs of the injuries taken on the day of the assault, all of which were consistent with his account. He required surgery for his nose, he believed, but he feared to seek hospital treatment in case this should lead to his arrest.

## ASSAULT ON FREEDOM OF EXPRESSION

With the authorities' maintaining such a tight grip on street protests, many critics of the government have resorted to social media websites to express their views and vent their dissent. In response, the government has increasingly clamped down on such expression by mounting prosecutions before the courts of those who post comments on Twitter or other social media accounts that the government deems insulting or offensive in other ways using charges such as "insulting publicly official institutions", "insulting a figure of worship", "defamation" or "insulting the King".

Amnesty International has repeatedly expressed concern to the government about provisions in Bahrain's Penal Code, notably Articles 214, 215 and 216, that criminalize peaceful expression deemed to offend the King, the national flag or emblem, a foreign country or international organizations based in Bahrain. However, rather than amend these provisions to bring them into conformity with Bahrain's international human rights law obligations to uphold freedom of expression, the government introduced harsher penalties in February 2014 for those convicted of "insulting the King" – making it an offence punishable by up to seven years in prison and a fine of up to 10,000 BDN (US\$ 26,500). The offence may incur an even heavier sentence if it is committed in the presence of the King.<sup>40</sup>

Laws prohibiting insult to or disrespect of heads of state or public figures, the military or other public institutions or flags or symbols (such as *lèse majesté* and *desacato* laws) are contrary to international law and standards on freedom of expression. Amnesty International also opposes laws that criminalize defamation, whether of public figures or private individuals, considering that it is a matter that should be addressed through civil litigation, without the threat of imprisonment against the person accused and without their incurring a criminal record if found to be at fault. However, public officials should not receive state assistance or support in bringing civil actions for defamation. Laws that prohibit criticism or

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<sup>40</sup> Reuters, "Bahrain toughens penalties for insulting king," 5 February 2014, available at <http://uk.reuters.com/article/2014/02/05/uk-bahrain-law-idUKBREA140KD20140205>, accessed 5 February 2014.

ridicule of a religion or belief system that falls short of “advocacy of ... religious hatred that constitutes incitement to discrimination, hostility or violence” (ICCPR Article 20) are incompatible with the right to freedom of expression set out in Article 19 of the ICCPR.

The Human Rights Committee, the body of independent experts that oversees the implementation of the ICCPR, stated in its General Comment No. 34 that “... in circumstances of public debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high ... Thus, the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties”. The Committee added: “Moreover, all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition.”



**Dr Sa'eed Mothaher Habib al-Samahiji**, an ophthalmologist, was sentenced on 11 December 2013 to one year in prison for “publicly insulting the King of Bahrain”. He was convicted under Articles 92/2 and 214 of Bahrain’s Penal Code. Under Article 214, “a prison sentence shall be the penalty for any person who offends the emir of the country [the King], the national flag or emblem”. On 3 April 2014 the High Court of Appeal upheld his sentence. On 1 July 2014 he was arrested to serve his sentence in Jaw Prison.

*Dr Sa'eed Mothaher Habib al-Samahiji  
©Private*

**Nader Abdulemam**, 41, was arrested on 27 August 2014 after he was questioned at the CID about comments he had posted on Twitter which were interpreted as derogatory to Khalid ibn al-Waleed, a renowned 6-7<sup>th</sup> century Islamic commander and companion of the Prophet Muhammad. He was charged under Articles 92/3 and 310/2 of the Penal Code, which criminalize “publicly insulting a religious figure of worship”. Article 310 of the Bahraini Penal Code carries a penalty of up to a year in prison and a fine of up to 100 Bahraini Dinars (US\$265) for “publicly insulting a symbol or person considered sacred to members of a particular religious sect”. He was sentenced to six months in prison on 22 October 2014. An appeal court



*Nader Abdulemam © Private*

reduced his sentence to four months in prison on 16 January 2015. He was released on the same day, as he had already served that amount of time in prison; however, he awaits trial on other charges, including “illegal gathering” for participating in demonstrations in Manama. He also faces trial on charges of “running an association without official permission” as a result of a complaint made by the Ministry of Social Development (see *Restrictions on NGOs* below). After his sentence, he was also dismissed from school but eight months later he has yet to receive an official letter of dismissal. On 5 April, he was summoned for interrogation at al-Hoora police station on charges of “incitement to hate the regime”, which he denied. At this writing, his case was still with the PPO.

Other activists have faced prosecution for “insulting” government institutions or the King.

Prominent human right activist **Nabeel Rajab**<sup>41</sup> was arrested on 1 October 2014 after he was summoned to the Cyber Crime Unit of the CID following his return from a trip abroad during



*Nabeel Rajab ©Private*

which he sought to draw attention to human rights violations in Bahrain and mobilize international pressure for them to cease. He was questioned about tweets he had sent including one in which he alleged that members of Bahrain’s security forces had joined the armed group that calls itself Islamic State (IS) in Syria and Iraq. In one tweet, he had also suggested that Bahrain’s security agencies acted as “incubators” of extremist ideologies such as those promoted by IS. He was charged with “publicly insulting official institutions” under Article 216 of the Penal Code following complaints by the Ministries of Interior and Defence,<sup>42</sup> and remanded in custody for seven days. On 8 October, the PPO referred him to trial before the Third Chamber of the Lower Criminal Court. During the hearing on 19 October, Nabeel Rajab denied the charges against him. The judge rejected a request that he be allowed release on bail and adjourned the trial; however, Nabeel Rajab was released on bail on 2 November but banned from travelling abroad. On 20 January 2015, the trial court convicted and sentenced

him to six months in prison, but allowed him to remain on bail to await the outcome of an appeal on 4 May. On 2 April 2015, he was again summoned to the CID and questioned about

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<sup>41</sup> Nabeel Rajab is the President of the Bahrain Center for Human Rights and the Director of the Gulf Center for Human Rights. He had previously served a two-year prison sentence in Jaw Prison on charges of participating in an “illegal gathering”, “disturbing public order” and “calling for and taking part in demonstrations” in Manama “without prior notification”. He was released in May 2014.

<sup>42</sup> Article 216 states: “A person shall be liable for imprisonment or payment of a fine if he offends by any method of expression the National Assembly, or other constitutional institutions, the army, law courts, authorities or government agencies.” On 8 October, he was again interrogated about the same tweets after another complaint was filed by the Ministry of Defence.

comments said to be posted on twitter or retweeted by him on the war in Yemen and incidents that took place in Jaw prison following a prison strike on 10 March. The PPO ordered his detention pending further investigation.

**Zainab Al-Khawaja**,<sup>43</sup> whose father is serving a life term in prison after being sentenced on political grounds, was arrested on 14 October 2014 while appearing before the High Criminal Court of Appeal in Manama in two separate cases, after she tore up a picture of the King of Bahrain and handed it to the judge, who ordered her immediate arrest. The following day she appeared before the PPO, who ordered her detention for seven days pending investigation on charges of “insulting the King”. She continued to be held in ‘Issa Town Detention Centre for Women, south of Manama, until 19 November 2014, when a court ordered her release on bail pending trial. On 4 December, she was sentenced to three years in prison on a charge of “insulting the King”. She remains on bail pending her appeal, due to be heard in June 2015.<sup>44</sup>



*Zainab Al-Khawaja @Private*

On 12 November 2014, four men and seven women were arrested after their homes were raided by the security forces at around 2am. They were arrested for “promoting a referendum on the right to self-determination” ahead of the elections held on 22 November. Amnesty International interviewed several of the 11, all of whom alleged that they were tortured or otherwise ill-treated while detained at the CID. Two of the four males said that officers handcuffed, blindfolded and stripped them naked, then placed them in a freezing cold room, and that officers beat, slapped and spat at them. One said that officers threatened to give him electric shocks and squeezed his testicles, causing severe pain. One of the seven women said that a male officer threatened to remove her clothes in front of other male officers. The seven women were released on 18 November 2014 after five days in detention, while the

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<sup>43</sup> Zainab Al-Khawaja has been arrested and released several times since December 2011. She was last arrested on 27 February 2013 and spent nearly a year in prison serving several short sentences for an array of different charges before being released on 16 February 2014.

<sup>44</sup> On 9 December 2014, Zainab Al-Khawaja received one year and four months’ imprisonment in three different cases: a one-year prison sentence for “insulting a police officer” and a four month sentence upheld on appeal in two cases for “destroying government property” when she ripped up a picture of the King of Bahrain while in detention in ‘Issa Town Detention Centre for Women on 4 and 6 May 2012. She is also standing trial for another case on charges of entering a restricted area when in August 2014 she sought to visit her father, Abdelhadi Al-Khawaja, who was on hunger strike.

four men remained in custody until 22 January 2015. They said they all remain under investigation on charges of “setting up a terrorist cell to overthrow the regime”, “setting up an organization to change the rules of the constitution”, and “disruption of the elections,” and expressed fears that they may be re-arrested at any time.

On 9 December 2014, a Lower Criminal Court sentenced **Ahmad Hassan ‘Ali Mshaima’** to one year in prison for “publicly insulting the King” of Bahrain for reading a poem on 1 November during a religious commemoration of the Muslim festival of ‘Ashura in al-Muharraq Island, north-east of Manama. The poem alluded to a sense of growing injustice in Bahrain and described the country’s ruler as an unjust ruler who had broken promises and shed



*Ahmad Hassan ‘Ali Mshaima’ ©Private*

blood. His defence lawyer complained that she was unable to attend his interrogation at the PPO on 14 November, the day after his arrest. The defendant was not allowed to attend the opening session of his trial and at the second session on 4 December his lawyers were denied access to a CD containing information on the full poem he had read. His sentence was confirmed on appeal on 15 February 2015. He is currently serving his sentence in Jaw Prison but also awaits the verdict in another case against him in which he faces a charge of “illegal gathering with an intent to commit crimes and disturb public security”.

On 23 January 2015, the authorities arrested nine people for making statements on social media that they deemed defamatory to King Abdallah of Saudi Arabia, who died on 22 January. The Ministry of Interior announced their arrests on 27 January and published photographs of them. On 12 February 2015, the Public Prosecution referred them to court on charges of “defaming a foreign country publicly and misusing means of communication”. They were charged under Article 215 of the Penal Code, which criminalizes offending “in public a foreign country or an international organization based in Bahrain or its president or representative”. Their trial before a lower criminal court opened on 16 February 2015. Eight defendants denied charges against them and the case was adjourned to 15 March to allow lawyers time to prepare a defence.<sup>45</sup> At the time of writing, their trial was still ongoing.

## HARASSMENT AND PROSECUTION OF ACTIVISTS

Human rights and political activists continue to face official intimidation and prosecution for

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<sup>45</sup> Al-Wasat, “Court starts tried of nine accused of defaming an Arab country” (القضاء يشرع بمحاكمة 9 متهمين) (بالإساءة الى دولة عربية), 17 February 2015, <http://www.alwasatnews.com/4546/news/read/962321/1.html>, accessed on 17 February 2015.



carrying out their work. Many have faced judicial harassment, some of whom have gone into exile abroad for fear that they will otherwise be imprisoned or because cases against them were pending before the courts on charges that appeared politically motivated and targeted them because of their legitimate human rights work or efforts to expose corruption.

Those working in many countries to draw attention to issues such as human rights violations and corruption often face specific challenges in exercising their human rights, including to expression, association and peaceful assembly. This is among the reasons why the 1998 UN Declaration on Human Rights Defenders expressly reaffirms the right to freedom of expression guaranteed under the ICCPR, according to which human rights defenders have the right to “freely publish, impart or disseminate to others views, information and knowledge on all human rights” and to draw public attention to their observance, both in law and in practice. Additionally, the Declaration provides that states should “[adopt] such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.”

**Sayed Yousif Almuhaftah**, Vice President of the Bahrain Center for Human Rights (BCHR), decided to leave Bahrain and seek exile abroad shortly after a court of appeal acquitted him on 12 September 2013 of charges of “spreading false news with the intention of causing damage to state security”. He said he received threatening anonymous phone calls after the BCHR published pictures of government officials it accused of human rights violations. He was arrested on 17 December 2012 at a protest in Manama, while he was documenting human rights violations during clashes between protesters and the police, and tweeting information, including a photograph of an injured protester. Hours after the picture circulated on Twitter, Sayed Yousif Almuhaftah was arrested and charged with publishing a picture of an injured protester, under Article 168 of the Bahrain Penal Code. Although he was acquitted in March 2013, the PPO appealed the sentence a month later. Sayed Yousif Almuhaftah had been arrested and released without charges on several occasions in 2012.

Dual Danish and Bahraini national, **Maryam Al-Khawaja**, co-Director of the Gulf Center for Human Rights, was sentenced to one year’s imprisonment *in absentia* on 1 December 2014 on charges of “assaulting police officers during the performance of their duties”; she had previously left Bahrain after a court allowed her release on bail and lifted a ban on travelling abroad. She had arrived at Bahrain International Airport on 30 August 2014 but officials initially prevented her from entering Bahrain on the ground that she had been stripped of her Bahraini citizenship. Police then arrested her when she refused to depart on an outgoing flight and she reportedly refused to surrender her mobile phone when they searched her, and detained her at the airport for 10 hours. The same night, the PPO questioned her in the presence of her lawyer; she was not permitted to speak to the lawyer either before or during her questioning, and therefore exercised her right to remain silent. The PPO charged her with “assaulting police officers during the performance of their duties” and authorized her detention for seven days for further investigation. She denied the charges. On 4 September 2014, the PPO said in a letter to Amnesty International that Maryam Al-Khawaja had arrived at Bahrain International Airport carrying a Danish passport without a Bahrain entry visa, and accused her of humiliating and assaulting police officers they told her she needed an entry visa, though without detailing the officers’ alleged injuries or furnishing any evidence, such

as a medical report, as Amnesty International had requested.

On 5 September 2014, a group of independent UN human rights experts jointly called on the Bahraini authorities to release Maryam Al-Khawaja, describing her arrest and detention as “another patent measure of retaliation against individuals who advocate for human rights” in Bahrain.<sup>46</sup> Following her arrest, Maryam Al-Khawaja was held at ‘Issa Town Detention Centre for Women for over two weeks, until the High Criminal Court granted her release on bail but imposed a ban on her leaving Bahrain that was subsequently lifted at the request of her lawyer.



*Ghada Jamsheer ©Private*

**Ghada Jamsheer**, a women’s rights activist and president of the Women’s Petition Committee (WPC),<sup>47</sup> was arrested on 15 September 2014 on 10 charges of “defamation via her Twitter account”, all relating to postings alleging corruption at King Hamad University Hospital, where she was receiving treatment. On the same day, the PPO ordered her detention for seven days and thereafter renewed it several times. She was fined after being convicted in four separate cases. On 24 November 2014, a court granted her release on bail, pending a verdict in the remaining cases, which had by then been joined together as one, in conformity with Article 66 of the Penal Code, and after repeated requests by her lawyer.<sup>48</sup> When she was preparing for her release from the ‘Issa Town Detention Centre for Women, she was informed that a complaint had also been filed against her for allegedly “insulting and assaulting two public officials during the performance of their duties” in connection with a peaceful protest that she

had mounted against her treatment in detention and being prevented from taking the medication she required. Her trial on this account opened before the First High Criminal Court on 14 January 2015 and, at this writing, was continuing. On 14 March 2015, authorities barred her from travelling abroad for medical treatment.<sup>49</sup>

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<sup>46</sup> See, “UN experts urge Bahrain to release human rights defender Maryam Al-Khawaja,” 5 September 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14992&LangID=E>

<sup>47</sup> The Women’s Petition Committee is a network of Bahraini women human rights activists campaigning for the codification of Bahrain’s family laws and the reform of Shari’a family courts.

<sup>48</sup> Article 66 states: “Where several offences are committed for one purpose only and where they are so closely related, they shall be regarded as a single offence which shall be subject to the harshest penalty”.

<sup>49</sup> Bahrain Center for Human Rights, “Bahrain: authorities bars human rights defender from travel,” 16 March 2015, <http://bchr.hopto.org/ar/node/7440>, accessed 17 March 2015.

**Hussain Jawad**, Chairman of the European-Bahraini organization for Human Rights (EBOHR),<sup>50</sup> was arrested at 1.30am on 16 February 2015 from his home by masked police



*Hussain Jawad @Private*

officers in plain clothes and taken to the CID. His wife told Amnesty International that two days after his arrest, he was brought before the PPO and interrogated but denied charges against him for “illegal gathering”, “rioting” and “throwing Molotov cocktails” and said he was tortured and otherwise ill-treated at the CID. The PPO ordered his release but did not order an investigation into his allegations of torture. However, instead of being release, his wife said, CID officers took him back for further interrogation during which he said he was tortured. She said that Hussain Jawad told her during a phone call that during interrogation at the CID, he was slapped and kicked all over his body, kept in a very cold, cramped cell, prevented from going to the toilet and

denied sleep. He said he was also sexually assaulted while blindfolded. He was ordered to memorize his “confession” and threatened with more torture if he changed it. His wife said that on 21 February he “confessed” before the PPO to charges of “collecting money for terrorist groups”, “supporting and financing terrorist groups” and “collecting money without permission”, under Article 14 of Law 21 of 2013, regulating fundraising for public interest. He was brought again to the PPO on 23 February: he said he had been tortured, denied all charges against him and said he had been forced to “confess”. The PPO ordered a medical examination and psychiatric assessment for him. His trial on charges of “collecting and receiving money from home and abroad in order to support and finance subversive groups” was ongoing at the time of writing.

## RESTRICTIONS ON NGOS

The Bahraini authorities continue to restrict the right to freedom of association in breach of their obligations under Article 22 of the ICCPR, and the country’s NGOs are required to operate in compliance with the provisions of a restrictive NGO Law enacted in 1989. This empowers the Ministry of Social Development to intervene directly in the internal affairs and activities of NGOs, to access their files, suspend their boards and withdraw their operating licences. Widespread criticism of the 1989 law within Bahrain and internationally resulted in meetings between the Minister of Social Development and a range of local NGOs in 2007 to consider possible amendments, but without resulting in changes to the law. In January 2013, however, the Ministry of Social Development submitted a new draft NGO law for consideration by Bahrain’s parliament without engaging in further consultation with the

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<sup>50</sup> The European-Bahraini organization for Human Rights is small group of activists based in Bahrain and over Europe. Its activities can be viewed here: <http://www.ebohr.org/en/>

country's NGO community. In April 2015, this draft remained under consideration and had yet to be enacted.

The draft NGO Law, if enacted in its present form, would still allow the authorities excessive powers to prevent the development of and to control independent NGOs and other associations. The main concerns that Amnesty International has raised with the government focus on Article 7, which would prohibit individuals from joining more than one association working in the same field; Article 8, which would enable the Ministry of Social Development to refuse registration to NGOs that it deems to be not needed in society; and Article 11, under which the Ministry could impose "rules and models" to which NGOs would have to adhere when devising or revising their statute. Concerns were also raised regarding Article 18, which would prevent associations from publishing any reports or information other than a periodic bulletin to promote their principles, objectives and programmes, so long as even this has been authorized by the Minister of Social Development, on pain of suspension or closure if they publish information in defiance of this ban; and Article 87, under which anyone found to have breached the law by, for example, receiving money from abroad without prior government authorization or inviting foreigners to attend conferences, workshops or other events without obtaining the authorities' consent in advance, would be liable to imprisonment and/or a fine.

In short, the draft law falls far short of the recommendation made by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2013 Annual Report, where he urged states to "ensure that associations – registered and unregistered – can seek, receive and use funding and other resources from natural and legal persons, whether domestic, foreign or international, without prior authorization or other undue impediments [...]".<sup>51</sup>

The right to freedom of association obliges states to ensure that associations or groups formed are able to operate freely and without undue obstruction or interference. While international human rights law does not prohibit states from creating a registration or monitoring system, any such system must not impose restrictions that disproportionately obstruct the activities of NGOs, and have the effect of stifling the very right to freedom of association.

The UN Special Rapporteur on the situation of human rights defenders has also expressed concern about national legislation that restricts the activities of human rights defenders. In a report in 2012, the Special Rapporteur stated: "Another development in recent legislation is that the authorities are being granted extensive powers to supervise the activities of associations. In many cases, additional reporting requirements are imposed on associations in order for them to retain their licence. In the most extreme cases, the government is authorized by law to place associations under surveillance, to force them to take management decisions and to demand any documents in an association's possession, without prior notice. The Special Rapporteur believes that such provisions amount to a serious infringement of the

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<sup>51</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/23/39, p. 21.

right to freedom of association.”<sup>52</sup>

Bahraini government officials have insisted to Amnesty International that NGOs are able to operate freely in the Kingdom, yet human rights groups, in particular, continue to face serious impediments. Leaders and activists of groups such as the Bahrain Center for Human Rights and the Bahrain Youth Society for Human Rights have been repeatedly harassed, arrested and sentenced to prison terms for their human rights work. The former was a legally registered NGO between July 2002 and November 2004, when it was closed by order of the Minister of Social Development; it remained active, however, but did not seek to re-register with the authorities, apparently because it considered the 1989 NGO law, which remains in force, overly restrictive.

In 2007 the then president of the Bahrain Youth Society for Human Rights, Mohamed al-Maskati, was fined US\$1,500 by the Low Criminal Court for “activating an unregistered association before issuing the declaration of registration” after he set up this NGO in 2005. Since then, this organization also has been deterred from seeking legal registration by the restrictive terms of the 1989 NGO Law.

The Ministry of Social Development has filed complaints in other cases against those they deem to be operating without first applying for or obtaining legal registration. The Ministry filed one such complaint against Nader Abdulemam, head of the Equity Association to Combat Discrimination (Insaf), after the organization’s board held a consultation meeting in May 2014 to discuss their plan for 2015-20. They had filed a registration application with the Ministry the previous month, but it was still pending when they held their consultation meeting in March 2014. The first hearing in the case against Insaf was held on 20 November 2014, when it was adjourned until May 2015.

In March 2012, the authorities imposed new restrictions curtailing access to Bahrain by international human rights organizations. Amnesty International received advance notification of the new restrictions by fax from Khalifa Al Khalifa, Director of Human Rights Organizations at the Ministry of Human Rights and Social Development (as it was then called), on 28 February 2012, after notifying the Ministry that an Amnesty International fact-finding team was about to visit the Kingdom. In the event, Amnesty International decided not to proceed with its planned visit due to the restrictive conditions the government set.

The restrictions limit visits to Bahrain by international NGOs to a maximum of five working days that should not include weekends. At first, the authorities justified their new rules by saying that they were needed to stagger visits by international NGOs because of high demand. Whether intended or not, the limitations also reduced the likelihood that representatives of international NGOs would witness public protests, which often occur following Friday prayers, and the security forces’ response to such protests.

Currently, the authorities only allow Amnesty International, among international human rights

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<sup>52</sup> Situation of human rights defenders: Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, UN Doc. A/67/292, 10 August 2012, para. 46.

organizations, to conduct human rights fact-finding in Bahrain.<sup>53</sup> Amnesty International's access to Bahrain was restored in May 2014, after a gap of 16 months during which the organization several times sought to visit the country. When conducting visits, Amnesty International has insisted to the authorities that it should do so without restrictions that would prevent it meeting with a wide range of institutions, organizations and individuals, including human rights defenders and victims of human rights violations, and it has urged the Bahraini authorities to extend the same access to other international human rights organizations and specialists. Amnesty International considers it highly regrettable that the Bahraini authorities have cancelled scheduled visits of the UN Special Rapporteur on Torture and urges the government to facilitate a visit by the Special Rapporteur before the end of 2015 as an indication of their openness to expert scrutiny and advice.

## POLITICAL ASSOCIATIONS TARGETTED

The authorities have repeatedly referred to the importance of political dialogue between all parties in Bahrain as a means to go beyond the current crisis and tackle national priorities, while maintaining laws that unduly impede the operation of political associations. In September 2013, the Minister of Justice and Islamic Affairs issued Decree 31 of 2013 to amend Decree 4 of 2005 and require political associations to inform the Ministry at least three working days in advance of any meetings they plan with foreign political organizations, including diplomatic representatives or representatives of foreign governments, and to do so in coordination with the Ministry of Foreign Affairs. The new decree also required that all such meetings take place in the presence of a Bahraini government representative when the Foreign Ministry so determines.

The Minister of Justice was also empowered through further amendments to the Law on Political Associations in August 2014 (Law 34 of 2014) to file court cases to close political associations for up to three months in order for them to correct breaches of the law on political associations, the constitution or any other laws or, in the case of a "serious breach" to close the association. However, the decree fails to define what constitutes a "serious breach" leaving a level of ambiguity injurious to the free functioning of political associations. Law 34 of 2014 also prohibits political associations from "using a religious platform to spread their principles, objectives and programmes or use religion as a reference" (Article 10 as amended) and from "directing [their] activities and programmes for sectarian goals or to damage national economy or the public interests of the state" (Article 6 as amended).



*Ministry of Justice building, Manama ©Amnesty International*

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<sup>53</sup> Since 2013, other international human rights organizations, including HRW and Human Rights First, have not been allowed access to Bahrain.

Such restrictions violate the right to freedom of association, and are in breach of Bahrain's international obligations under Article 22 of the ICCPR, which stipulates that everyone shall have the right to freedom of association with others. The scope for Bahrain to restrict the rights to freedom of association is limited by international law.

In response to Amnesty International's criticism, the Ministry of Justice asserted in December 2014 that the amendments introduced in 2013 were intended to regulate the processes relating to political associations rather than to restrict their freedom of action, and that as of that date the Ministry of Foreign Affairs, which oversees the implementation of the decree, had not identified any meeting where it had determined that a government official should be present.

The PPO, however, used the 2013 amendments as the basis to charge two leaders of the al-Wefaq National Islamic Society (al-Wefaq) – **Sheikh 'Ali Salman**, the Secretary General, and **Khalil al-Marzooq**, Assistant Secretary General – with “meeting foreign government officials without notifying the Bahraini government and without the presence of a Bahraini official” after they attended meetings in July 2014 with US Assistant Secretary of State for Democracy, Human Rights and Labour, Tom Malinowski, then visiting Bahrain. One meeting took place at al-Wefaq's Ramadan Majlis in Manama and the other at the US Embassy. Amnesty International has urged the government to withdraw the charges against the two al-Wefaq leaders but the authorities have yet to indicate whether or not they are proceeding with the prosecutions.



*Photo of a poster of Sheikh 'Ali Salman outside al-Wefaq's headquarters, Manama ©Amnesty International*

The charges against the al-Wefaq leaders were followed, on 20 July, by a lawsuit filed by the Ministry of Justice seeking suspension of the association's activities on the ground that the Ministry considered its last four General Assembly Meetings null and void because they had failed to meet the required quorum and their results were not made public. According to al-Wefaq activists, the association only learnt of the Ministry's lawsuit against it from reading the press and via social media sites, not through a court summons. They denied the Ministry's claims as a measure of judicial harassment by the authorities intended to force them to reverse al-Wefaq's declared boycott, along with other opposition organizations, of the November 2014 elections. The High Administrative Court issued a verdict on 28 October 2014; it ordered the suspension of al-Wefaq for three months for violating the Law on Political Associations. After the court verdict, the Minister of Justice deferred the implementation of the court verdict until after al-Wefaq General Assembly meeting scheduled for 4 December 2014. Al-Wefaq appealed the decision and in December 2014 submitted to the Ministry of Justice a report on the process and

results of its General Assembly Meeting. At the time of writing, an appeal hearing was set for 7 April and adjourned to 5 May 2015.

Another political association, the **National Democratic Action Society (Wa'ad)**, learnt in August 2014 that the Minister of Justice had filed a court case against it for its decision to elect prisoner of conscience Ebrahim Sharif as its Secretary General at its General Assembly meeting in October 2012.<sup>54</sup> A court hearing took place on 23 September 2014 before the High Administrative Court at which Wa'ad requested to be allowed sufficient time to hold new internal elections. The case was adjourned to October 2014,<sup>55</sup> but in November the Minister of Justice dropped the case against Wa'ad in a move to reduce tensions in the run up to the elections later that month and after Wa'ad agreed to hold new internal elections.

The authorities' repression of opposition groups escalated after the November 2014 elections with the arrest and detention of Sheikh 'Ali Salman on 28 December 2014, two days after he gave a speech at al-Wefaq's General Assembly Meeting following his re-election as the organization's Secretary General. He was charged with a range of offences – "incitement to promote the change of the political system by force, threats and other illegal means", "public incitement to loathing and contempt of a sect of people which will result in disrupting public order", "publicly inciting others to disobey the law," and "publicly insulting the Interior Ministry" – apparently based on remarks he made during his speech at the party's General Assembly. In that, he is reported to have reaffirmed his party's determination to pursue power in Bahrain through peaceful means, to achieve the reform demands of the 2011 uprising, and to hold those responsible for human rights violations to account, while also stressing the need for equality for all in Bahrain, including the ruling family.

Sheikh 'Ali Salman's trial before the Fourth High Criminal Court in Manama opened on 28 January 2015, in the presence of Amnesty International observers and diplomats representing several foreign governments. Sheikh 'Ali Salman denied the charges. The court adjourned the trial until 25 February, and then to 25 March 2015. It was still in progress at this writing with a hearing scheduled for 22 April.

Sheikh 'Ali Salman was not the only al-Wefaq leader behind bars in early 2015. In October 2014, the authorities charged **Sayed Jamil Kadhem**, president of the al-Wefaq Consultative (Shura) Council, under the 2002 Law on Exercising Political Rights, accusing him of

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<sup>54</sup> Article 5 of the Law on Political Association requires founders and members of political associations to enjoy fully their civil and political rights. Ebrahim Sharif was arrested and sentenced in 2011 and was elected Secretary General for Wa'ad in October 2012. In December 2012, Wa'ad received a letter from the Ministry of Justice ordering the group to remove Ebrahim Sharif from Wa'ad as he is serving a prison sentence and has therefore been deprived of his civil and political rights. Wa'ad refused to do so citing that Ebrahim Sharif is a prisoner of conscience and that his imprisonment does not deprive him of his civil and political rights. See, "Waad's Lawyers Inform the Organization the Start of the Administrative Court Hearings on the 9th of September," 4 August 2014, <http://aldemokrati.org/en/details.php?artid=7486>, accessed 15 January 2015.

<sup>55</sup> Gulf Daily News "Al Wefaq polls trial adjourned" 24 September 2014, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=386475>, accessed on 25 September 2014.



“violating freedom of the elections by disrupting and spreading false statements about them with a view to impacting their outcome.” This occurred after he posted a message on Twitter about “political money” that he said had been offered to individuals to run as candidates in the November 2014 elections and in which he called for a boycott of the elections. The charges followed a complaint by the High Electoral Committee, headed by the Minister of Justice, accusing Sayed Jamil Kadhém of undermining the electoral process. On 13 January 2015, a Lower Criminal Court in Manama sentenced the al-Wefaq leader to six months in prison, and he was arrested the next day to serve the sentence. After a brief period of release on bail, he was arrested again on 15 February after an appeal court confirmed his sentence. He is held at Jaw Prison.

## TOUGHER ANTI-TERRORISM LEGISLATION

Despite criticism from within Bahrain and internationally that the definition contained in Bahraini law is vague and overly broad, the government further toughened its anti-terrorism legislation in August 2013 when it amended the 2006 Anti-Terrorism Law.<sup>56</sup> Now, anyone found to have carried out, started or attempted to carry out any type of explosion with the intent of carrying out a terrorism act incurs a penalty of at least 10 years’ imprisonment, or life imprisonment or a death sentence if these acts resulted in death or injury (Article 10). The government’s amendments also introduced a new Article – Article 24bis – that empowers the courts to order also that defendants convicted under Articles 5, 9, 12 and 17 of the Anti-Terrorism Law<sup>57</sup> are stripped of their Bahraini citizenship, subject to the approval of the King.

On 4 December 2014, the authorities – in Decree 68 of 2014 – amended the Anti-Terrorism Law further, by increasing police search and detention powers and the period during which the police can hold terrorism suspects incommunicado and without access to a lawyer from 10 to 28 days. Thereafter, such detainees must be presented before the Terrorism Crimes Prosecution (TCP), a new unit within the PPO established by Decree 68 to investigate and prosecute terrorism-related offences. The decree empowered the TCP to renew and extend a suspect’s detention for up to six months, without allowing the detainee any means to challenge the reasons for or legality of their detention before a court of law or other independent body, allowing such detainees to be held for a total of up to seven months without trial.

The amendments compound existing concerns about Bahrain’s anti-terrorism legislation, which in its present form, facilitates human rights violations. In particular, it increases the risk of arbitrary or otherwise unlawful detention by equipping police and prosecuting authorities with extensive powers that are not subject to any or adequate judicial oversight. The increased provision for incommunicado detention greatly increases the risk of torture and

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<sup>56</sup> The Anti-Terrorism Law (Law 58 of 2006 on the protection of society from terrorist acts) was amended via Decree 20 of 2013. The amendment also releases the Public Prosecution from the requirement to obtain an order from the Supreme Court before accessing financial assets and bank accounts when investigating terrorism-related offences (Article 31).

<sup>57</sup> These articles cover the following offences: carrying out acts of terrorism, membership of a terrorist organization, soliciting or communicating with foreign terrorist organizations and inciting others to commit terrorist acts.

other ill-treatment of detainees, and the use in court proceedings of “confessions” or other incriminating statements that defendants are alleged to have made while held in incommunicado detention but which they refute and allege were extracted from them through torture or other coercion while they were held entirely under the control of security forces interrogators. Without regular and frequent independent monitoring of all places where detainees are held incommunicado, such violations are inevitable.

When detainees are held incommunicado, they frequently face torture and other ill-treatment – as evidence from many countries has repeatedly shown – yet face huge difficulties in proving such abuse when they have no access to the outside world and there is an absence of frequent independent inspections and medical examinations that could identify and confirm at least physical injuries caused by torture before they heal. In such circumstances, for a detainee – who is often by then a defendant facing serious charges – to prove torture means persuading a court to accept his or her word, unsupported by other evidence or independent testimony or findings, rather than that of one or more police officers or security officials. Bahrain’s trial courts, already roundly criticized for their failure to comply with international standards of fair trial, are unlikely to find in favour of such defendants or to reject their pre-trial “confessions” as evidence by determining that they were coerced rather than freely given.

## REVOCAION OF NATIONALITY

Since 2012, the Bahraini authorities have revived their practice of revoking the nationality of government opponents which, in the past, was used in scores of cases to punish dissent.<sup>58</sup> In addition to the Anti-Terrorism Law amendments empowering courts to order that Bahrainis convicted of certain terrorism offences are stripped of their nationality, the Bahraini Citizenship Law also permits the revocation of nationality. In July 2014, the government also amended this law to broaden the grounds on which the authorities can revoke citizens’ nationality. Article 10(c), which already allowed the authorities to revoke the citizenship of anyone causing harm to state security, was expanded to include acts that contravene what the legislation describes as the “duty of loyalty” to the Kingdom of Bahrain. As well, the new amendments empowered the Minister of Interior to revoke the nationality of any Bahraini citizen who takes up another nationality (except that of another state belonging to the Gulf Cooperation Council)<sup>59</sup> without prior permission from the Ministry. Bahrainis who held another nationality at the time of the new amendments were required to correct their situation within six months either by dropping the other nationality or requesting permission from the Minister to retain it. Anyone whose request is refused will lose their Bahraini nationality if they decide to retain their other nationality.

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<sup>58</sup> In the 1960s and 1970s, the Bahraini authorities refused to renew passports of a number of political dissidents living and studying abroad and did not allowed them to return home. Hundreds of Bahraini nationals of Persian origin were stripped of their nationality and forcibly exiled to Iran in the 1980s. Many had to wait until political reform in 2001 to have their citizenship restored and to return to Bahrain.

<sup>59</sup> In addition to Bahrain, the following states are members of the GCC: Kuwait, Oman, Saudi Arabia and the United Arab Emirates.

These powers to revoke nationality appear incompatible with the right not to be arbitrarily deprived of nationality articulated in Article 15(2) of the Universal Declaration of Human Rights. The 1961 Convention on the Reduction of Statelessness also prohibits, with very few specific exceptions, any loss of nationality that results in statelessness. Subsequently, the obligation to avoid statelessness has been recognized as a norm of customary international law. The loss of nationality can also lead to violations of numerous other rights.

Accordingly, any decision to revoke nationality must accord to strict due process requirements. The UN Human Rights Council has called upon states to ensure that procedural standards “are observed in all decisions concerning the acquisition, deprivation, loss or change of nationality, including availability of effective and timely judicial review.”<sup>60</sup> The Human Rights Council has also reiterated that the arbitrary deprivation of nationality is a violation of an individual’s rights and freedoms, and urged states to respect procedural standards “in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness and are subject to review, in conformity with their international human rights obligations.”<sup>61</sup>

To date, since the recent amendments to Bahraini legislation on nationality revocation, a number of Bahrainis have had their citizenship revoked either by the Minister of Interior or by the courts, as part of a sentence for an offence, subject to approval by the King.

#### NATIONALITY REVOCATIONS BY THE MINISTER OF INTERIOR

On 7 November 2012, the Minister of Interior revoked the nationality of 31 Bahrainis, including 10 currently living in Bahrain. It announced that the decision had been taken under Article 10(c) of the Citizenship Law as they were deemed to have caused harm to state security. Those whose citizenship was revoked learnt of the government’s action from media reports; the Interior Ministry gave them no specific reasons for its revocation of their citizenship or of its basis for concluding that they harmed state security, and failed to serve them with any official document informing them of the Minister’s action.

**Ibrahim Karimi**, one of the 31, challenged the Minister of Interior’s decision to revoke his nationality before the High Administrative Court, but on 29 April 2014 the court upheld the revocation without disclosing any information about the harm, or threat to state security that Ibrahim Karimi and others were deemed to pose. The court said that it had recorded the contents of the Minister’s order revoking Ibrahim Karimi’s citizenship in the minutes of its hearing of 23 December 2013, and that it had permitted Ibrahim Karimi and his lawyers to obtain a copy of these minutes, adding that the law did not require the authority that issued the order to disclose reasons because the decision concerned a matter of state security.

Such opaqueness renders these judicial proceedings arbitrary and unfair. In effect, the Minister of Interior is now able to decide to revoke an individual’s Bahraini nationality without providing substantive reasons, and those whose nationality is withdrawn have no

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<sup>60</sup> Human Rights Council, Resolution: The right to a nationality: women and children, 5 July 2012 (UN Doc. A/HRC/20/4), para. 9.

<sup>61</sup> Human Rights Council, Resolution: Human rights and arbitrary deprivation of nationality, 5 July 2012 (UN Doc. A/HRC/20/5), paras. 2, 10.

effective means of remedy. As Ibrahim Karimi's attempt to challenge the Minister of Interior's decision to revoke his citizenship shows, the courts have no role other than to rubber stamp the executive's decision and imbue it with an aura of legality, and are powerless to investigate, let alone redress, a misuse of this power by the Minister – for example, to target peaceful government critics and force their removal from the country on the basis of a false allegation that their activities harm or present a threat to state security. The powers now wielded by the Minister of Interior in this regard are arbitrary and should be withdrawn, and the Bahraini authorities should refrain in all cases from withdrawing the nationality of citizens who will thereby be rendered stateless.

Following the revocation of their nationality, in June 2013 the Ministry of Interior's Nationality, Passports and Residence Affairs Unit ordered the 10 individuals still resident in Bahrain to surrender their passports and ID cards to the authorities and to provide signed statements confirming that they were understood that they should correct their legal status to that of foreign residents in Bahrain. Several told Amnesty International that they were again called to the Ministry in July 2014 and required to sign documents confirming that they were no longer Bahraini nationals and that they had yet to look for a "sponsor" for their continued residence.<sup>62</sup>

In August 2014, the PPO charged all 10 with "being a foreigner residing in the country illegally and without a residence permit and breaking the asylum and immigration law".<sup>63</sup> Those who spoke to Amnesty International said they told the judge at their first trial session that they were unable to apply for residency permits because the authorities had previously required them to surrender all of their identity documents, while also asserting that they considered themselves still Bahrainis against whom laws that apply specifically to foreigners should not be applied.

Despite this, on 28 October 2014 a Lower Court in Manama ordered the deportation of the 10 individuals then remaining in Bahrain and fined each of them 100 Bahraini Dinars (approximately US\$ 250); they were not told to where the authorities intend to deport them. They lodged an appeal to review the deportation order, which opened on 5 April before being adjourned to 6 May 2015. During the hearing, the court ordered the arrest of one of the 10, lawyer **Taymour Karimi**, for refusing to pay the fine. He was released the following day after he paid the fine and found a Bahraini national to sponsor his stay in Bahrain. In the meantime, all 10 remain at risk of arrest and detention if they are stopped by police and fail to show identity documents, which they no longer possess. For example, on 29 October 2014, the day after the court verdict, **Isma'il Khalil Darwish Ghulom**, one of the 10, was arrested at a police checkpoint when he was unable to produce identity documents, and briefly detained.

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<sup>62</sup> Bahraini regulations for foreigners seeking a residency permit in Bahrain require that amongst other documents (such as a copy of a passport) the person provide a letter from a sponsor and a copy of a work contract.

<sup>63</sup> Charges were filed under Articles 111 and 64bis of the Penal Code and Articles 15, 28(1) and 29(2) of the Immigration and Residency Law (Foreigner Law).

Amnesty International has urged the authorities to drop the charges against those accused of remaining in Bahrain illegally and promptly rescind the decision to revoke their citizenship. The organization fears that those awaiting their appeal may be forced to leave the country, after one of 31, **Sheikh Hussain al-Najati**, was forced out in April 2014.

The Minister of Interior revoked the citizenship of a further 72 Bahrainis on 31 January 2015, stating that they were deemed to have been involved in “illegal acts”. They included former parliamentarians, medical doctors, human rights activists, and political opponents of the government, some of whom had already left the country and were living abroad because of their opposition to the government and its policies. Those named also included a number of Sunni Bahrainis alleged to have left the country to join the armed group that calls itself Islamic State (IS), notorious for mass killings and other atrocities committed in Syria and Iraq. The “illegal acts” that the Minister cited as the grounds for his decision to revoke citizenship in these 72 cases included terrorism-related offences and also acts such as “inciting and advocating regime change through illegal means”, “defaming brotherly countries” and “defaming the image of the regime, inciting against the regime and spreading false news to hinder the rules of the constitution”. None of the 72 who Amnesty International was able to contact said they had received any documentation from the government detailing the specific reasons for its revocation of their nationality.

On 5 February 2015, the Bahraini authorities prevented one of the 72, **Farahat Khursheed Afrah Khursheed**, and his wife and two children, from entering Bahrain when they arrived at Bahrain International Airport from Iran, to which they had travelled for medical reasons. Authorities confiscated their passports and kept them at the airport without food or drink for more than 14 hours before Farahat Khursheed Afrah Khursheed agreed to depart on a flight to Qatar after he was threatened with assault and detention, and his wife and two children were allowed into Bahrain. He told Amnesty International: “The reason why I returned to Bahrain is because I am innocent and there is nothing against me. I have no idea what there is against me and no one has told me”.

On the same day, the authorities ordered two others among the 72, **Muhamad Hassan Ali Hussain Khojasat**, a cleric, and **Masaud Jahromi**, an engineer and Chairman of Telecommunication Engineering Department at Ahlia University, to surrender their passports and ID cards to the Immigration Office and sign documents confirming that they are now regarded as foreigners and required to regularize their legal status on that basis, or leave Bahrain.

#### NATIONALITY REVOCATIONS BY THE COURTS

Courts have also issued sentences stripping defendants of their nationality after convicting them in terrorism trials. On 6 August 2014, the Fourth High Criminal Court in Manama issued the first verdict stripping nine individuals of their nationality in addition to sentencing them to up to 15 years in prison. They were convicted of “collaborating with the Iranian Revolutionary Guards”, “forming a terrorist organization”, and “smuggling weapons into Bahrain”. All nine have no other nationality so the court verdict renders them stateless. On 27 January 2015, an appeal court overturned the citizenship revocation orders issued against

them.<sup>64</sup>

In recent months, courts have issued orders to strip at least 20 other Bahraini citizens of their nationality after convicting them on terrorism-related charges. Nine were sentenced on 26 September 2014 to life imprisonment for smuggling weapons and explosives by sea to Bahrain. Three others were sentenced to 10 years in prison on 20 November 2014 after the High Criminal Court convicted them of causing a bomb explosion in August 2013 in the 'Ekr area, with intent to injure security officers, and rioting. In February 2015, a court issued an order to strip those sentenced in the case of the bombing in al-Daih village that killed three police officers in March 2014 of their nationality (see below).

## ARBITRARY ARREST, TORTURE AND OTHER ILL-TREATMENT

The legal and institutional reforms that the Bahraini authorities have introduced so far in response to the BICI recommendations have failed to prevent arbitrary arrests and detentions, and the torture and other ill-treatment of detainees. In many cases reported to Amnesty International, police and other security officers beat detainees at the time of their arrest, during searches of their homes, and while transporting them in vehicles to police stations, detention centres and prisons. Many detainees and former detainees also allege that they were tortured and otherwise ill-treated while under interrogation by CID officers in the CID building in Manama. Torture of detainees held on suspicion of involvement in terrorism or other security-related investigations appears to be systematic.

Methods of torture and other ill-treatment reported to Amnesty International include: severe beating; punching; the application of electric shocks; suspension by the limbs; rape, threat of rape, and sexual assault; exposure to extremely cold or hot conditions; prolonged standing; sleep deprivation; denial of access to toilet facilities; forced inhaling of cigarette smoke; insults and humiliation. The main purposes of torture appear to be to extract "confessions", force detainees to implicate others in crimes, and obtain information. Some testimonies that Amnesty International has obtained from detainees, former detainees and others indicate that interrogators are increasingly seeking to use methods that leave no long lasting physical traces that could lend credence to detainees' allegations of torture, and by providing detainees with medical treatment when they do sustain injuries under interrogation.

Torture is prohibited in all circumstances under Article 7 of the ICCPR, which stipulates that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" and the CAT, both ratified by Bahrain. Article 15 of the CAT states: "Each State Party shall 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." The Human Rights Committee has also reaffirmed this: "[I]t is important ... that the law must prohibit the use or

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<sup>64</sup> Bahrain Mirror, "Appeal court restores nationality to nine defendants for spying for the Iranian Revolutionary Guards," 28 January 2015, <http://mirrorbh.no-ip.org/news/21902.html>, accessed 30 January 2015.

admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment.”<sup>65</sup>

States are also obligated to conduct independent and impartial investigations into reported instances of torture and other ill-treatment.

The prohibition against torture and other ill-treatment is absolute and non-derogable. Thus, torture remains absolutely prohibited during situations of armed conflict and during emergencies that threaten the life of a nation.<sup>66</sup> As has been recently re-emphasized by the Special Rapporteur on Torture, the absolute and non-derogable nature of the prohibition on torture and other ill-treatment extends to the prohibition on reliance on evidence obtained by such means.<sup>67</sup>

**Ahmed Mohammad Saleh al-Arab**, 22, was arrested on 9 January 2014 during a police raid on the home of one of his friends in Hamad Town, central Bahrain, where he was in hiding. He went into hiding after he was arrested and tortured in February 2012 during protests marking the first anniversary of the 2011 uprising. For four days following his January 2014 arrest, his family did not know where he was. Although they requested information from the CID, the PPO and the police, they received no news of his whereabouts until 13 January 2014, when they received a brief phone call in which he told them he was fine. The family was able to visit him for the first time a month later, on 10 February, after he was transferred to Jaw Prison. He later told his family that he was tortured while blindfolded during his interrogation by CID officers, who forced him to “confess” to



*Ahmed Mohammad Saleh al-Arab ©Private*

possessing weapons and keeping them at the family home. But when police searched the home and found no weapons there, Ahmed al-Arab’s family reported, he was returned to the CID, stripped naked, suspended and beaten on his body and genitals, sexually assaulted, and threatened that his sister, who he was told falsely had also been arrested, would be harmed. Ahmed al-Arab alleged that his torture continued for five or six days, and occurred within the CID building, to which he was taken each day from Riffa Prison, where he was held each

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<sup>65</sup> See Office of the High Commissioner for Human Rights, General Comment 20, 44th session, 30 September 1992, para 12.,

<sup>66</sup> ICCPR, Article 4. See also, Human Rights Committee, General Comment no. 29 (2001), CCPR/C/21/Rev.1/Add.11, 31 August 2001.

<sup>67</sup> Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/25/60, 10 April 2014, at para. 22,

night. He was transferred to Jaw Prison on 29 January 2014. On 2 March 2014, his family told Amnesty International that two PPO officials interviewed him there about his torture allegations after they were cited in an Amnesty International report.<sup>68</sup> Subsequently, the SIU told Amnesty International that it had not opened an investigation into his torture allegations because the PPO reported that Ahmed al-Arab sustained his injuries as a result of being thrown to the ground while resisting arrest.

Ahmed al-Arab has been tried and convicted, in separate cases, on charges of “arson”, “illegal gathering” and “rioting”. In September 2014, according to his family, a court sentenced him to life imprisonment. According to his lawyer, information that interrogators obtained from him under torture has also been used to secure his conviction in several trials.

**Mohammad ‘Ali al-‘Oraibi** told Amnesty International he was arrested at 8pm on 2 February 2014 at Bahrain International Airport upon return from a religious trip to Syria’s Sayyida Zaineb shrine. He was taken out of the airport in an unmarked car, violently and with his head forced down, and driven to the CID, where he was blindfolded, beaten and kicked. He said officers then confined him in a room measuring 2x2 metres, doused him with water and for two hours exposed him to freezing cold air conditioning. He said he also was made to stand still for long periods and repeatedly moved from cold to hot rooms and back again. He said his torture continued for five days, during which he was stripped naked, had electric shocks applied to his genitals, beaten all over his body with a stick, and suspended in the “scorpion” position, in which the hands and legs are tied behind and used to lift the victim, causing excruciating pain. He alleged also that interrogators inserted a wooden stick into his anus several times while mocking him, and that officers threatened to arrest his wife and sister to force him to sign a “confession”. He said that the day before he was taken before the PPO, he was beaten, given electric shocks and threatened with more torture if he withdrew his “confession”. He requested the presence of a lawyer when he appeared before the PPO but that request, and his request for a medical examination by a doctor, was denied.

During his time at the CID, his family had no news of him. They were only able to visit him on 11 February after his transfer to Dry Dock Prison. His father filed a complaint with the Ombudsman when he learnt more details of his son’s torture. Two weeks later, members of the Ombudsman’s office visited Mohammad al-‘Oraibi in prison and took a statement. He was then released on 17 April 2014 pending further investigation.

The SIU told Amnesty International in December 2014 that the Ombudsman referred Mohammad al-‘Oraibi’s complaint to the SIU on 21 May 2014, a month after his release, and that he was questioned about his torture allegations and examined by a forensic doctor who found no trace of injuries, and that the investigation remained ongoing. Mohammad al-‘Oraibi told Amnesty International that in October 2014 he was summoned to the CID and asked to withdraw his torture complaint, but refused.

**Abbas Jamil al-Samea’**, a 25-year-old physical education teacher, was arrested at midnight on 3 March 2014; he was at his grandmother’s home as police had closed the roads to his home in Sanabis village when he was returning from his work at a school because of the

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<sup>68</sup> Amnesty International issued Urgent Actions on the case on 4 and 20 February 2014.



bombing at al-Daih village earlier that day that killed three police officers. His mother told Amnesty International that security officers beat and insulted her son at the time of his arrest, then took him to the CID in Manama, where he remained for 25 days. She said she scarcely recognized her son when the Ministry of Interior published a photograph of him days after his arrest because of his swollen face. She said that his family found him pale, shivering and unable to concentrate when they visited him in prison, and that he told them he had been beaten, deprived of sleep, denied adequate food and water, burnt with cigarettes, suspended and sexually assaulted, and threatened with death and the revocation of his nationality by interrogators. He told them he had complained to the PPO about his torture and being forced to confess to a serious crime but that the prosecutor had ignored his complaint and taken no action, and threatened that he would be returned to the CID and tortured again if he refused to sign his “confession.”

His lawyer told Amnesty International that he made several attempts to obtain power of attorney enabling him to represent Abbas al-Samea’ and gain access to the case file but saw him for the first time only at the opening session of his trial on terrorism-related charges. He was convicted and sentenced to death on 26 February 2015 (see *al-Daih Bombing Trial* below). Following this, a video circulated on social media showing Abbas al-Samea’ in which he alleged that he had been tortured,<sup>69</sup> leading SIU to announce that it “had started probing the complaint as soon as it received it, and obtained a copy of the Public Prosecution’s investigations and the questioning record. They all proved that the complainant was injured as a result of his resistance to the arrest procedure” and that the PPO “ordered [his] examination by the forensic expert whose report concluded that the wounds were the result of resistance.”<sup>70</sup> The SIU said it ruled out the torture after a re-examination of Abbas al-Samea’ by a forensic expert “proved that there were no injuries related to what he had claimed.”<sup>71</sup>

**Sami Mirza Ahmad Mshaimae**, 40, was arrested at the home of a friend in Hamad Town on 3 March 2014. Before his arrest, hooded security and military security forces raided his home in Sanabis. Although they said they have a search warrant from the prosecution they did not present it to his mother when she asked for it. She was told by security forces that her children were arrested for illegal gathering. Sami Mshaimae’s mother told Amnesty International that officers threatened to frame him. During his detention at the CID he said he was stripped naked, beaten all over his body, given electric shocks, and raped by inserting an object in his anus. He was also so severely beaten on his mouth that he lost his front teeth. He was sentenced to death on 26 February 2015 (see *al-Daih Bombing Trial case* below).

**Sadeq Jaafer Mansoor al-Shabani**, 33, was arrested in Oman on 27 January 2014 and held incommunicado for more than 10 days before being transferred to the CID in Bahrain. He called his family on 16 February 2014 for 10 minutes and again two days later to say that he

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<sup>69</sup> See Youtube video on <https://www.youtube.com/watch?v=HFRXTTyUnoU>, accessed on 25 March 2015.

<sup>70</sup> BNA, “SIU rejects convict’s torture claims - Abbas al-Samea’”, 27 February 2015, <http://bna.bh/portal/en/news/656241>

<sup>71</sup> *Ibid.*

was brought to court but was not allowed to attend his trial because torture marks were still visible on him. His family told Amnesty International, he said when they visited him at Dry Dock Prison on 25 February 2014, that since the day he was returned to Bahrain until he was taken to court, he was tortured in the CID, including by being stripped naked and raped with a plastic pipe inserted into his anus. His penis was pulled and hot and cold water was poured onto his genitals. He told them that his interrogators threatened to rape his wife whom they falsely said was in the adjacent room and would come back and rape him. He was shown photos of his wife and his brother's wife which were taken during a house raid in March 2011 when he was arrested and detained for three months. During the interrogation he was told that they would be released if he confessed that al-Wefaq was the main financier of the Pearl Roundabout protests in 2011. He was sentenced to five years in prison for financing the uprising. His conviction was based on information from police informers and on "confessions" his family said were extracted under torture from one of his cousins in 2013 in which he stated that he had received money from Sadeq al-Shabani to start an uprising at the Pearl Roundabout. Sadeq al-Shabani is currently detained in Jaw Prison.

**Ali Ahmed Ibrahim Haroon**, 21, was arrested at his uncle's home on 29 May 2013 as he was wanted by the authorities in connection with an explosion in Bani Jamra that injured four security officers. His family told Amnesty International that he spent one week at the CID where he told them he was put in stress positions, beaten, deprived of sleep and forced to stand for long periods in order to force him to confess to involvement in the bombing. His family said that he escaped from prison in May 2014 because of his continued torture and other ill-treatment there. After his escape, he fled to Iran. He was not able to travel to Europe to study and instead flew to Hong Kong, and then moved to Thailand, where he phoned his family and arranged to fly back to Iran via Turkey. On 13 December 2014, he was arrested by the Thai authorities because of an Interpol arrest warrant against him. He told his family he was beaten and kicked when detained by the Thai authorities and prevented from praying. Despite calls to the Thai authorities, including by UNHCR in Bangkok not to return him to Bahrain until his case is properly reviewed, his family said he was shackled, put on a wheelchair to force him to board the plane and beaten by three Bahraini security officers who came to return him to Bahrain, causing him to bleed from his ear and eyes. He was returned on board of a Gulf Air flight on 18 December 2014. After nine days from his return to Bahrain, his family were informed by the Ombudsman of the Ministry of Interior that he was at the CID. He later phoned them for a few seconds and confirmed he was in custody of the CID. During his family visit to Jaw Prison a couple of days later, he told them that during his torture, the CID officers showed him interviews his sisters gave to media outlets to highlight his plight. He was also shown a document and told that it has the signature of the King and the Prime Minister to withdraw his nationality. During the visit, his family said that his hands and feet were still shackled together and saw bruises on his eyes. Following prison riots on 10 March 2015, his family remained without news of him for several weeks and at the time of this writing were still unable to visit him.

Cousins **Salman 'Issa Ali Salman**, 31, and **Ali Maki Ali Salman**, 26, were arrested on 27 December 2014 in al-Ekr village. Their family told Amnesty International that they were taken to an unmarked car and witnesses saw them being severely beaten and handcuffed before they were taken to the CID, where they said they were tortured. According to their family, both men were handcuffed behind their back and their legs were cuffed for the duration of the 13 days they said they were interrogated at the CID. They told their family that the first four days they were denied food and water and kept in a very cold room. Ali

Maki was kicked and beaten on his genitals until he fainted. Salman 'Issa was electrocuted and burnt with an iron. During their prison visit, the family saw both Salman 'Issa and Ali Maki had fractured noses, their faces swollen and they had bruises on their faces and suffered from pain in their ears as a result of the beatings. They were blindfolded and forced to fingerprint a confession. They were taken to the PPO twice in the 13 days at around 2am and denied access to a lawyer.

On 28 December 2014, the Ministry of Interior issued a statement that the two men were fugitives and during the arrest, they tried to shoot the police and that another gun, additional weapons and homemade bombs were confiscated.<sup>72</sup> At the time of publication, their trial, which began on 22 January 2015, was ongoing.

Ali Maki has previously been sentenced at trials from which they were absent to 70 years and Salman 'Issa to 65 years for setting alight police vehicles and are standing trial for other cases related to explosives. On 20 November 2014, they were sentenced to 10 years by the High Criminal Court for detonating explosives in the village of al-Ekr in August 2013 and their nationality was revoked.

In his communications with the Bahraini authorities on a number of cases, the UN Special Rapporteur on Torture stated that the Bahraini government had failed to sufficiently address the concerns and legal obligations and questions raised in his communications. He therefore concluded there is substance in allegations of torture and other ill-treatment and that the Bahraini government had failed to protect the physical and psychological integrity of the cases raised by the Special Rapporteur and “to comply with its obligation, under international customary law, to investigate, prosecute and punish all acts of torture and other cruel, inhuman or degrading treatment or punishment”.<sup>73</sup>

## UNFAIR TRIALS

Unfair trials of government critics and opponents, including protesters, have become a prominent feature of the human rights landscape in Bahrain since 2011. In practice, the judiciary lacks independence, frequently fails to address serious rights abuses and violations of due process, and acts as a tool of state repression.

Bahrain's Constitution, in Article 101, and the Judicial Authority Law of 2002 both guarantee the independence of the judiciary. Judges, like prosecutors, are appointed by Royal Order (Article 24 of the Judicial Authority Law), based on recommendations of the Supreme Judicial Council, a body comprising seven senior judges and the Public Prosecutor, which is chaired by the King or his appointed representative.<sup>74</sup>

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<sup>72</sup> Ministry of Interior, “Two Fugitives Sentenced to Life Imprisonment on Terrorist Charges Arrested,” 28 December 2014, [www.policemc.gov.bh/en/news\\_details.aspx?type=1&articleId=24682](http://www.policemc.gov.bh/en/news_details.aspx?type=1&articleId=24682), accessed 5 January 2015.

<sup>73</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/28/68/Add.1, 6 March 2015, pp. 10-13.

<sup>74</sup> The seven judges include the President of the Court of Cassation, the President of the High Civil Court of Appeal, two most senior judges in the High Civil Court of Appeal, the President of the High Shari'a Court of Appeal (Sunni Department), the President of the High Shari'a Court of Appeal (Ja'fari

Since protests began in 2011, Bahrain's courts have convicted hundreds of people on charges such as rioting, illegal gathering, and committing terrorism-related offences in trials that failed to comply with international standards on fair trial. In many cases that Amnesty International has reviewed, defendants were denied prompt access to legal assistance or their allegations of torture in pre-trial detention were dismissed without adequate investigation by prosecution and courts. Defence lawyers were often denied full access to case files, impeding or denying them the means to prepare an adequate defence, not permitted to fully cross-examine witnesses, and had requests to call independent experts on certain matters rejected or ignored. Courts generally relied on information provided by preliminary police investigations as evidence or information from police informants, and either failed to order independent investigations into defendants' allegations of torture by police to coerce "confessions" that they refuted in court or to delay trials until investigations had been carried out. Many defendants serving lengthy prison terms or sentenced to death were convicted by courts largely on the basis of "confessions" that they provided to police in pre-trial detention that they alleged were obtained through torture.

Prompt access to a lawyer and legal assistance is an essential part of fair trial guarantees. While the right to assistance of a lawyer during detention, questioning and preliminary investigation is not expressly set out in the ICCPR, the Human Rights Committee has clarified in a number of its concluding observations that the presence of legal counsel during this period is required for the meaningful exercise of the right to a fair trial.

During meetings with the SIU and the PPO in May 2014 and January 2015, officials confirmed to Amnesty International that there are no legal provisions that require PPO officials to inform detainees of their right to a lawyer and to legal assistance. According to the PPO, prosecutors ask detainees whether they have a lawyer or not and, if so, call the lawyer and instruct them to arrive within 30 minutes in order to attend the prosecutor's interrogation of their client. In other cases, or when the lawyer is unable to attend at such short notice, the prosecutor proceeds with the interrogation without the presence of a lawyer, and does so even in cases that do not require urgency due to fear that evidence will be lost as well as in cases considered to fall within the *flagrante delicto* category. In cases where a detainee's defence lawyer arrives after the start of his client's interrogation, the PPO said, he may be admitted to the remainder if the detainee gives consent. The PPO stated that Bahraini law does not require the PPO to appoint a lawyer to represent a detainee without a lawyer even in cases where detainees may not have the financial means to appoint one themselves.

Article 134 of the Code of Criminal Procedures (CCP) provides that "[a]part from the two cases of *flagrante delicto* and urgency because of concern for the loss of evidence, in crimes a Public Prosecution member shall not question the accused nor confront him with other defendants or the witnesses except upon inviting his lawyer to appear, if present. The accused shall declare the name of his lawyer by a report to be given to the Court Clerks Department or to the prison officer. In addition, his lawyer may file such a report." In addition, Article 89 of the Judicial Directives to the Public Prosecution (issued by Decree 44 of 2009) permits the PPO officials to interrogate suspects without requesting the presence of

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Department) and the President of the High Civil Court.

their lawyer if they did not mention their lawyer's name in the Court Clerks Department or to the prison warden.

These provisions are highly restrictive and limit the rights of a detainee to prompt access to a lawyer. Lawyers also experience serious difficulties in practice to obtain power of attorney to represent suspects, particularly during their pre-trial detention, although the Minister of Justice assured Amnesty International in a meeting in May 2014 that the Ministry had established a dedicated unit to assist lawyers to register power of attorney requests. Human rights lawyers told Amnesty International that they experienced serious difficulties in procuring power of attorney in sufficient time to enable them to adequately defend clients, particularly in the cases involving riot or terrorism-related charges. Some lawyers said they had not been permitted access to their clients until the PPO had completed their interrogation, in breach of Article 135 of the CCP; this states: “[i]n all cases, the accused shall not be separated from his lawyer who is present with him in the course of the questioning.”

Despite the October 2012 amendment emphasizing the obligations of PPO officials to investigate allegations of human rights violations and contrary to other provisions in the (Judicial and Administrative) Directives to the Public Prosecution,<sup>75</sup> a number of detainees told Amnesty International that PPO officials ignored or failed to taken action in response to complaints of torture and other ill-treatment by the CID that they made. Some said prosecutors as well as CID officers threatened to send them back to the CID if they insisted on the presence of a lawyer during their interrogations by the PPO or on having their torture complaints recorded, or if they retracted “confessions” they had made to the CID.

The authorities say that they have adopted a new approach that sees a “shift from using testimonial or confessional evidence and a new focus on scientific and forensic evidence-gathering techniques,”<sup>76</sup> yet currently the PPO continues in practice to rely heavily on pre-trial “confessions” that detainees and lawyers say are frequently obtained through torture or other ill-treatment both to press charges and as evidence at trial.

**Nafeesa al-Asfoor**, 31, and **Rayhana al-Mousawi**, 38, were arrested on 20 April 2013 near the Manama Formula One Grand Prix circuit, while participating in a protest against the imprisonment of prominent Bahraini political activists. The two women told their families that they had been tortured or otherwise ill-treated by police officers during their interrogation. They said they were forced to sign “confessions” which they later withdrew when interrogated by the PPO. Both women were tried on charges of “possession of explosives” and “planning to commit terrorist acts” under the Anti-Terrorism Law. During a hearing on 12 January 2014 Rayhana al-Mousawi told the court that she had been tortured and forced to sign a “confession” during her interrogation. She also told the court that when she complained about her treatment before the PPO, an official threatened that she would be sent back for more interrogation, unless she signed the incriminatory “confessions”. The

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<sup>75</sup> These are additional explanatory notes of existing legislation that gives further details and guidance on the conduct of officials of the PPO.

<sup>76</sup> Implementation of BICI Recommendations relating to Accountability November 2012, p. 1.

judge instructed her to leave the courtroom but did not order an investigation into her allegations. Both women denied the charges against them.

Amnesty International interviewed Nafeesa al-'Asfoor and Rayhana al-Mousawi separately on 8 May 2014 at the 'Issa Town Women Detention Centre. Nafeesa al-'Asfoor said that one officer had hit her head against a wall and that she was forced to remove her clothes in front of security dogs, insulted and humiliated while blindfolded. She said that her lawyer was not allowed to attend her interrogation by the PPO, where she was questioned about people unknown to her and threatened that she would be returned to the CID if she changed her statement before the PPO. Rayhana al-Mousawi told Amnesty International that she was interrogated without her lawyer and was ignored when she asked for one, beaten and threatened with electric shocks and rape. In July 2014, she went on hunger strike in protest against her detention.

In April 2014, both women were sentenced to five years' imprisonment in the so-called "Formula One" case. On 31 August 2014, the High Criminal Court of Appeal upheld their convictions and sentences. On 29 September 2013, Rayhana al-Mousawi was also sentenced to five years in prison in a separate case known as the "14 February Coalition" case, which included 49 other defendants sentenced to up to 15 years. Rayhana al-Mousawi's sentence in this case was reduced to three years on 29 May 2014.

In a response to Amnesty International dated 4 October 2013, the SIU stated that Rayhana al-Mousawi "was questioned by the SIU as to whether she had been subjected to any sort of ill-treatment and she stated that she had been beaten and threatened by the police and shouted at in order to get her to confess." The SIU also said that she was brought to the SIU after reports circulated on social media that she had been stripped of her clothes by the police, and that she told the SIU that policewomen had forced her to remove her clothes in a bathroom. The SIU reiterated to Amnesty International in December 2014 that its investigations were ongoing.

**Mohamed Badr al-Sheikh** was arrested on 1 February 2014 at Bahrain International Airport after his return from a religious trip to Syria's Sayyida Zaineb shrine. He told Amnesty International that after his arrest, he was then taken to the CID in Manama, where he spent five days and was stripped naked, blindfolded, handcuffed, beaten, and given electric shocks, which necessitated his receiving medical treatment at the military hospital twice. He said officers also insulted and humiliated him, placed a shoe in his mouth and beat him if it fell out when he answered their questions, held him in the "scorpion" position, threatened to rape him and to bring his sister to the CID. He said he was forced by officers to confess that he belonged to Hezbollah (the Lebanese armed group composed of Shi'a Muslims) and, after five days, taken before the PPO where he asked for but was told that he did not need a lawyer, following which he was fed and allowed a change of clothes. He said he complained to the prosecutor that he had been tortured at the CID, but the prosecutor replied "those guys are heavy handed". He said the prosecutor agreed that he should be seen by a doctor, but the CID officers refused to take him.

His father sought the assistance of the Ministry of Interior Ombudsman's office in February 2014 which referred the case to the SIU for investigation on 4 March and SIU investigators visited his son on 7 March, by which time he had been moved to Dry Dock Prison. Mohamed

al-Sheikh told Amnesty International that when asked about his alleged torture by SIU investigators, he named a senior officer at the CID but said he had not seen the interrogator who tortured him because he was blindfolded. He said that following his release pending further investigation of the charges against him, the CID threatened him with re-arrest unless he withdraw his complaint of torture and, when he refused, told him that they would not press charges against him if he withdrew it, but he continued to refuse and then received threatening phone calls. The SIU has still to report its findings.

## AL-DAIH BOMBING TRIAL

Following the bomb blast which killed three policemen in al-Daih village on 3 March 2014, the security forces raided a number of homes and arrested at least 25 individuals. Many of those who were arrested and later released said they were tortured or otherwise ill-treated. Those who were charged by the prosecution and referred to trial also told their families and later their lawyers that they were also tortured when held at the CID. They were interrogated at the PPO in the absence of their lawyers and on 22 April 2014 the PPO referred eight individuals to trial on an array of charges, including organizing, running and financing a terrorist group (al-Ashtar Brigade); recruiting others to join the group on a sectarian basis; possession and planting of explosives with the intent to kill security forces and causing disorder; killing of three police officers and attempted killing of others. The PPO referred two additional individuals to trial bringing the total to 10. The lawyers in the case were not able to meet with any of the defendants until the first session of trial, before the Higher Criminal Court, on 30 April 2014 despite repeated requests to do so ahead of the trial. During the first hearing the court ignored their request to have the defendants examined for traces of torture and to postpone the case until the results of the examination were available, as prescribed by Article 186 of the Code of Criminal Procedure.

Although the court granted the lawyers permission to have a paper copy of the case files, they did not receive one until later and were instead given the files on a CD. During the second hearing on 19 May, the court decided to hear the prosecution witnesses although the lawyers did not have all the case files or given access to all the evidence in the case. Other requests, including hearing and cross-examining the prosecution witnesses, and technical expertise, were also ignored. A number of defendants also refused to attend the court hearing as they were not allowed to talk. During one hearing, the judge refused to allow the defendants to speak in their defence, stating the lawyers will plead for them.

Despite repeated requests, the court refused to grant lawyers full access to the evidence (video recording, pictures and witnesses) referred to in the prosecution documents, depriving them the right to equality of arms and preventing them from mounting an adequate defence or meaningfully cross-examining witnesses. The lawyers withdrew from the case in protest in October 2014. After their withdrawal, the Ministry of Justice appointed two lawyers from those who had previously withdrawn from the case, who reiterated the other lawyers' demands, which the court again refused. On 26 February 2015, the court sentenced Abbas Jamil al-Samea', Sami Mirza Ahmad Mshiamae and Ali Abdelshahid Al-Sankis to death; the others were sentenced to life imprisonment. All had their Bahraini nationality withdrawn.

**Mohamed Ramadhan 'Issa 'Ali Hussain**, 32 and **Hussain 'Ali Moosa**, 28, were sentenced to death on 29 December 2014 after an unfair trial before the High Criminal Court in Manama at which they were convicted of causing a bomb explosion that killed a police officer in al-Deir village on 14 February 2014. Another 10 defendants were sentenced in the same case to between six years and life in prison.

Hussain 'Ali Moosa was arrested on 21 February 2014 at around 4am and taken to the CID where he was kept for four days. Mohamed Ramadhan Hussain was arrested on 20 March 2014 at Bahrain International Airport where he worked as a member of the security forces. Hussain Moosa's family told Amnesty International that they did not receive any news about his whereabouts until 25 February, when he was transferred to Dry Dock Prison, and were able to visit him. During the visit, they said they saw bruises on his wrists and upper arm, handcuff marks, and marks on other parts of his body and that he told them he had also been electrocuted. Lawyers sought to procure power of attorney to enable them to represent Mohamed Ramadhan Hussain were told by the PPO that he was not under arrest; nor were they informed of his interrogation when he was brought before to the PPO.

Both Mohamed Ramadhan Hussain and Hussain Moosa later told their lawyers that they were tortured or otherwise ill-treated during interrogation at the CID. Mohamed Ramadhan refused to sign a "confession" but Hussain Moosa said he was coerced to confess to the crime and incriminate Mohamed Ramadhan Hussain after being suspended by the limbs and beaten for several days. His "confession" was later used as main evidence in the trial to convict both men. Hussain Moosa told his lawyers that he reported his coerced confession and the torture to the PPO official who dismissed his allegations and sent him back to the CID where he was allegedly tortured for two months. Mohamed Ramadhan Hussain also told his lawyers that he reported his torture before the PPO but that his allegations were dismissed as well. No investigation is known to have taken place into the two men's allegations of torture. Mohamed Ramadhan Hussain was only able to give power of attorney to his lawyer after he was sentenced to death because without a power of attorney he could not appeal his sentence and his case would go directly for cassation. He is currently held in the Asri detention centre for security forces. Hussain Moosa is currently detained in Jaw prison. Both men have appealed their sentence.



# INADEQUATE INVESTIGATIONS ENTRENCHING IMPUNITY

In its recommendation 1722, the BICI urged the Bahraini authorities to ensure that investigations into unlawful killing and torture 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 punishment be consistent with the gravity of the offence.” It also recommended that investigating bodies bring “legal and disciplinary action against such individuals, including those in the chain of command, military and civilian, who are found to be responsible under international standards of ‘superior responsibility’”. This is consistent with Bahrain’s obligations under international law.

While the government has established several institutions to monitor and investigate human rights violations, the SIU has the main responsibility to investigate and bring cases before the courts. The Ministry of Interior Ombudsman, the PPO and other institutions are all required to refer cases of alleged unlawful killings, torture or other ill-treatment involving security forces to the SIU.<sup>77</sup> In addition, lawyers, detainees and their relatives can also bring complaints before the SIU and the SIU can itself decide to investigate allegations without having received a complaint.

In practice, however, the establishment of the SIU has not ensured full accountability for unlawful killings, torture and other serious violations by the security forces. The SIU’s investigations have resulted in relatively few cases of alleged human rights violations being referred for trial, and most that have gone to trial have resulted in acquittals or, when there have been convictions, the imposition of lenient sentences that failed to reflect the gravity of the case. No senior officers or officials have been prosecuted to date on account of their “superior responsibility” for alleged abuses.

In a response to Amnesty International of December 2014, the SIU said that it continued to investigate cases involving “superior responsibility” to determine both criminal and disciplinary responsibility in all cases of killings, torture and other ill-treatment since the uprising in 2011, including those that received convictions, and those that the Unit is still investigating. The response did not specify whether the SIU will also re-examine cases where courts acquitted security officers of wrong doing as part of its investigations in order to identify “superior responsibility”.

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<sup>77</sup> Investigations by the Ombudsman of the Ministry of Interior are limited to misconduct but refers directly to the SIU cases involving violations amounting to a crime.

In January 2015, the SIU provided Amnesty International with statistics on its investigations since its establishment on 27 February 2012. According to this data, the SIU had referred 36 cases to trial, including nine involving cases of death due to force or torture in which 21 members of the security forces faced charges. The other 27 cases involved torture and other ill-treatment, and led to 48 members of the security forces facing charges. The SIU information indicated that 15 of the officers charged held the rank of First and Second Lieutenant and Lieutenant-Colonel, while the rest held lower rank. The SIU told Amnesty International that it had appealed a total of 12 cases to the High Criminal Court of Appeal and two cases to the Court of Cassation. According to information available to Amnesty International, all cases appealed by the SIU were rejected by the courts, which upheld the initial sentence. Out of the 36



*Court of Cassation, Manama @Amnesty International*

cases the SIU referred to court so far, and whose trials closed, at least 12 cases, involving 19 officers, ended up in acquittals for torture and other ill-treatment, assault leading to death and use of armed force leading to death. Only seven cases, involving 9 defendants resulted in convictions and sentences ranging from a fine of 50 of Bahraini Dinars to three in prison for unlawful killing or torture and other ill-treatment leading to death.

During meetings with government officials in May 2014 and January 2015, Amnesty International expressed concern about the number of cases in which police officers tried for alleged human rights violations since the 2011 protests had been acquitted or received minimal sentences upon conviction, and assertions by lawyers representing victims or their families that police and prosecuting authorities failed to adequately or thoroughly investigate allegations against members of the security forces or to charge them with crimes reflecting the gravity of the crimes committed. The SIU said that the evidence was weak in some cases because witnesses were unwilling to cooperate; lawyers, however, complained that the SIU tends to be selective in recording information and takes only summary statements from plaintiffs, whose cases then appear weak, allowing the authorities to formulate charges against police officers and others that do not reflect the gravity of the alleged crime, and leading to few convictions and lenient sentences when officers are convicted.

The limited outcome in terms of prosecutions and convictions after more than three years of SIU-initiated investigations into allegations of human rights violations by Bahraini security forces puts in question the willingness or ability of the SIU, prosecutors and court judges to conduct thorough investigations, pursue appropriate charges and secure convictions, and so ensure accountability and deliver justice for the victims. When cases have resulted in acquittals or low sentences, it is unclear what criteria the SIU uses to determine whether it

should appeal to a higher court or to the Court of Cassation, although appeals to the latter court may be made only on procedural, not evidentiary grounds, such as in cases where a trial court may have incorrectly applied the law or its judgement was deficient or failed to reflect what the court files contain.

## SIU DISMISSALS OF CASES OF ABUSE

The SIU has dismissed a number of complaints of alleged unlawful killings by the security forces and torture and ill-treatment in custody. The BICI Follow-up Unit reported in 2012 that the SIU had begun investigations in 92 cases up to November 2012 (including those cited in the BICI report), 46 of which it had been dismissed after concluding “there were no evidence or indications of a criminal act”. These included complaints arising from deaths caused by inhalation of tear gas.

Other cases were dismissed by the SIU, including those raised by Amnesty International, after it concluded that the actions of the police officers were “acts of legitimate self-defence”. Beyond such brief explanations, however, the authorities have provided little information about their investigations and so have failed to demonstrate clearly that they are effective, impartial and independent, as international law requires them to be, undermining the credibility and transparency of the investigation process. For example, the SIU dismissed a complaint arising from the killing of **‘Ali Hussein Ne’ama** on 28 September 2012, holding that the deceased was killed when he and another child were attacking the police with Molotov cocktails and that the police consequently had no criminal intent and were acting in “self-defence” in accordance with Articles 17, 18 and 20(1) of the Penal Code. However, no further details were made public concerning the facts of the incident, witness evidence taken and other aspects of the investigation.

‘Ali Hussain Ne’ama died after he was hit by shotgun pellets fired by police in the village of Sadad, Northern Governorate. Police had fired tear gas to disperse a protest that evening and ‘Ali Hussain Ne’ama, who was participating in the protest, apparently waited in a house for the tear gas to dissipate before returning home but was then shot in the back after returning to the street. The boy’s family said that a member of the security forces prevented them from approaching the body and they were made to wait for around two hours and threatened by an officer when they sought information. The next day, police told them that their son was already dead by the time that an ambulance arrived to pick him up.

On 29 September, the General Director of the Northern Governorate Police announced that a police patrol had come under attack by a group of people with petrol bombs and that the police had defended themselves. He claimed that ‘Ali Hussain Ne’ama was injured during this incident and then pronounced dead at the scene and said that the PPO had launched an investigation. In October 2013, the SIU told Amnesty International that it opened an investigation as soon as it was alerted to the shooting, that its investigators had interviewed all witnesses and ordered the weapons used by the officers in the shooting to be confiscated, and that ‘Ali Hussain Ne’ama’s family had been questioned by the PPO about his death on 11 October 2012. The SIU said it concluded that ‘Ali Hussain Ne’ama was one of the protesters throwing Molotov cocktails at police officers, and that the officer who shot him did so because he was in imminent danger. According to the SIU account, one police officer “was lured into an alley and found himself confronted by 15 individuals, some of whom were carrying Molotov cocktails. ‘Ali Hussain Ne’ama threw one of the Molotovs in the direction of

the policeman in order to burn him. Knowing the inevitable result if hit by the Molotov, the policeman fired a warning shot in order to push them back but this failed to stop them from their intent to kill him, so they prepared to throw their Molotovs on the policeman who was a few metres from them. Danger was imminent, which required firing another shotgun. This was the only action to tackle the danger and the shotgun injured 'Ali Hussain Ne'ama and led to his death".

This version of events contradicts that given by 'Ali Hussein Ne'ama's family and photographic evidence and the death certificate of 'Ali Hussain Ne'ama both of which indicate that he died from shotgun injuries to his back: pictures taken of his body shortly after his death show his back covered in pellets fired from a shotgun. If he was shot in the back, as the medical evidence shows, it is difficult to see how he could have been presenting a threat to the life of the officer who shot him or the lives of others, at least at the moment when the fatal shot was fired. The SIU account fails to address this seemingly crucial point and told Amnesty International in December 2014 that their dismissal of the case was not affected by the fact that 'Ali Hussain Ne'ama was shot in the back because he and others were effectively and persistently attacking the member of the police officers.

'Ali Hussain Ne'ama's family learnt of the dismissal of their complaint on 21 November 2012 through media reports. The November 2012 BICI Follow-up Unit report attributed the cause of the boy's death to "shots penetrating the chest and abdominal cavities, causing haemorrhage in the chest and abdomen. The death resulted from damaged internal organs and associated haemorrhage."

A lawyer representing 'Ali Hussain Ne'ama's family, who do not accept the official version of their son's killing, has twice formally requested the PPO to allow him access to the investigation documents, including testimonies of witnesses, the family told Amnesty International, but these have not been made available.

The investigating authorities have also dismissed torture allegations. In a meeting with Amnesty International in May 2014, SIU officials said the SIU was prepared to open investigations into allegations of torture even when no torture complaint had been submitted. However, the SIU did not investigate a number of cases of alleged torture outlined in a memorandum that Amnesty International submitted to the government in 2013 because neither the detainees who were the alleged victims nor their families had submitted complaints alleging torture. One such case concerned is that of Ja'afar Hussain Mohammad Youssef 'Eid.<sup>78</sup>

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<sup>78</sup> **Ja'afar Hussain Mohammad Youssif 'Eid**, 31, was arrested on 23 July 2012 from a relative's house in Ma'ameer, Central Governorate. He was allegedly stabbed in the leg and pushed through a window by an arresting officer. His family told Amnesty International that the first information they had about him was on 28 August, when they saw a televised "confession" in which he stated he had been arrested in relation to explosives in the so-called Five Tons of Explosives Case. Days later, when his family visited him in detention, they noticed that he could hardly walk and told them he was tortured at the CID to "confess" to having received money to buy material for explosives. He was only able to meet his lawyer in January 2013. His lawyer's request to the PPO to investigate his client's allegations of torture and to

It appears that the PPO and SIU do not automatically refer alleged victims of torture for prompt medical examination. According to the 2012 report of the BICI Follow-up Unit: “cases referred to the forensic doctor are those who had injuries that the Unit deemed necessary to be examined for conformity with the alleged circumstances and date of occurrence.”<sup>79</sup> This suggests that referrals for medical examination are made only when a detainee has visible physical injuries but the Follow-up Unit’s report indicated that 51 such medical referrals were made out of 122 cases of alleged torture reported to the PPO or SIU, but did not indicate how swiftly detainees were seen by medical examiners. It also stated that some were referred for psychiatric examinations and assessments but did not specify the numbers. Out of the 51 referred to medical examination, nine cases ended up in court.

The case of **Naji Fateel**, 39, is one that raises serious concerns about the efficacy of the system of medical examinations operated by the Bahraini authorities. According to the Bahrain Youth Society for Human Rights, CID officers tortured Naji Fateel after arresting him on 2 May 2013, subjecting him to electric shocks, waterboarding, beating, kicking and suspension by one arm, and threatened him with rape. The next day, he is alleged to have been taken to the PPO but returned to the CID and subjected to further torture after he refused to be questioned by a prosecutor in the absence of his lawyer. Following this, he was again taken to the PPO early on 4 May and forced to sign documents that the authorities did not permit him to read. He was then allowed to phone his family for the first time since his arrest to let them know he was held at the CID, although next day he was transferred to Dry Dock Prison. On 9 May, the PPO authorized the detention of Naji Fateel for 60 days. He stood trial and, despite taking off his shirt to show the court injuries on his back that he said were caused by torture, he was convicted on charges related to his involvement in the opposition youth movement known as the “14 February Coalition” and, in September 2013, sentenced to a 15 year prison term.<sup>80</sup>

In October 2013, the SIU said in a response to Amnesty International that it had opened an investigation into Naji Fateel’s alleged torture and that SIU officials had questioned him on 14 May 2013 and again after he told his trial court in July 2013 that officers had tortured him. The SIU said it had referred him for examination by a forensic doctor on both occasions but without disclosing whether these referrals happened immediately following his questioning by SIU investigators. The SIU said also that the case then – in October 2013 – remained under investigation.

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have him examined by a forensic doctor was rejected on the basis that Ja’afar ‘Eid did not disclose any information about his torture to the PPO official when he was interrogated on his own. Therefore, the prosecution did not see any need for an investigation. He was sentenced to 15 years. Others cases were Mohammad Youssef Mohammad al-Mughanni, Ahmed Youssef Jassim, Ahmed Abdallah Ibrahim, Hussein Abdelamir. They also included the case of children Salman Amir Abdallah al-‘Arradi, Abdallah Hussein Abdallah al-Qallaf, Jihad Sadeq Aziz Salman and Talib Ali Mohamed.

<sup>79</sup> Footnote 2, page 9.

<sup>80</sup> Forty-nine others – including one woman – were sentenced in the same trial; they received prison terms ranging between five and 15 years after having been convicted for their involvement in the “14 February Coalition”.

On 8 May 2014, Naji Fateel repeated his allegations of torture to Amnesty International delegates who were permitted to visit and interview him in Jaw Prison. The same day, the Ministry of Interior published a detailed response to the entry on Bahrain contained in the annual Country Reports on Human Rights Practices submitted by the US Department of State to the United States Congress for 2013,<sup>81</sup> repudiating all allegations of torture of Naji Fateel, and asserting “[h]e was examined by a doctor ... who confirmed there were no signs to show he was subjected to torture. [...] the Ministry has not received any complaint about him having been tortured”.<sup>82</sup>

## COURT ACQUITTALS

Relatively few members of the security forces have been prosecuted in connection with the torture or other ill-treatment of detainees or unlawful killings of protesters, and those prosecutions that the authorities have mounted have often resulted in the acquittal of those charged or their conviction on relatively minor charges. In some cases, courts concluded that there was insufficient evidence to link the accused officers to the alleged crime; in others, that officers were exercising their “legitimate rights to self-defence” or “acting within the limit of the law and the rules of conduct”.

Amnesty International considers that every accused person should receive a fair trial, including those who are accused of perpetrating serious human rights violations. In Bahrain, however, the generally low number of prosecutions for alleged serious human rights violations, and the authorities’ low success rate in bringing successful prosecutions in those cases, raises concern that the authorities’ investigations and evidence gathering in cases of alleged violations by the security forces are insufficiently thorough and rigorous and, at least to an extent, contribute to a climate of impunity that facilitates further security forces violations while denying justice and redress to the victims of their unlawful actions.

Police officers were prosecuted in relation to five killings cited in the BICI report – those of **‘Ali Ahmed ‘Abdullah ‘Ali al-Momen, Issa Abdulhassan, Zakariya Rasheed Hassan al-‘Asheri and Fadhel al-Matrouk** – but in all cases the police officers were acquitted of committing crimes.

Five Pakistani nationals, all low ranking police officers employed as prison guards at Dry Dock Prison, were tried on charges arising from the death in custody of **Zakariya al-‘Asheri** (and of ‘Ali ‘Issa al-Saqer below) in April 2011. None of the officers faced murder charges or charges of committing torture. Two officers were accused of “beating with a hose both victims on various parts of the body without the intent to kill them, causing them the injuries specified in the medical report which led to their death.” The three other officers were charged with failing to report the assault. All five officers denied the charges against them in court.

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<sup>81</sup> US Department of State, “Bahrain 2013 Human Right Report”, in *Country Reports on Human Rights Practices for 2013*, <http://www.state.gov/documents/organization/220560.pdf>, accessed 27 February 2015.

<sup>82</sup> Ministry of Interior Response to US State Department's 2013 Country Report on Human Rights, 8 May 2014. <http://www.policemc.gov.bh/en/print.aspx?articleId=22819&mode=print>, accessed 8 May 2014.

Following its investigation, the BICI reported that Zakariya al-'Asheri was allegedly tortured at the CID following his arrest on 2 April 2011 and between 6 and 9 April 2011 at the Dry Dock Prison and attributed his death to torture. One witness detained with Zakariya al-'Asheri told BICI investigators that he and other detainees in the same cell were blindfolded and handcuffed and ordered to lie on their stomachs, and that one morning, Zakariya al-'Asheri began hallucinating and banging on the cell door while shouting his name, and was then assaulted by those guarding the detainees when he did not comply with their order to be quiet. The witness said he heard Zakariya al-'Asheri screaming as officers beat him and that his screams became muffled.<sup>83</sup>

At the police officers' trial, witnesses who had been detained together with Zakariya al-'Asheri told the court that the officers responsible for beating him had stuffed a newspaper into his mouth, and two other police officers testified that he had been uninjured when he arrived at Dry Dock Prison, according to the court judgement. A medical report found that Zakariya al-'Asheri had suffered "blood spill at the rear of the head and abdomen as a result of traumatic injuries with a blunt object and that the death can be attributed to all the injuries put together which led to internal haemorrhage opposite the injuries".<sup>84</sup>

The trial court acquitted all five officers. It found no evidence linking the two principal accused to Zakariya al-'Asheri's death, as no witnesses had seen them carry out the assault, and said that witness testimony was contradictory and the injuries cited in the medical report could not be linked to the actions of the accused officers. Following the officers' acquittal, the prosecution did not appeal the verdict, nor have the authorities taken any further steps to identify and bring to justice those responsible for the death in custody of Zakariya al-'Asheri.

**Salah 'Abbas Habib Ahmad Moussa**, aged 37, was shot by security forces on 20 April 2012 following protests on Budaya Road and was found dead on the roof of a farm shed on 21 April 2012 by the farm owner in Shakhoura area, southwest of Manama. His family knew about his death when pictures taken of his body in the morgue were circulated on the



*Family of Salah 'Abbas Habib Moussa ©Private*

internet, after which they went to the Salmaniya Medical Complex, but were not allowed to see his body for three days, despite their request to the PPO.

According to the BICI Follow-up Unit report of November 2012, Salah 'Abbas Habib Moussa died as a result of "two injuries by shotgun pellets in the chest and abdomen, penetrating the heart and left lung". A source close to the family

told Amnesty International, that the dead man's wife was not called for questioning by the PPO until 16 March 2013, almost a year after his death, and then decided not to attend. The family and their lawyer heard no more until 9 April 2013, when they learnt from media

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<sup>83</sup> BICI report, para. 999.

<sup>84</sup> Note these are the same wording put in the medical report of Ali Issa al-Saqer.

reports that the SIU had charged one police officer in relation to Salah 'Abbas Habib Moussa's death, under Articles 75(4), 107(1) and 333(1) of the Penal Code, which criminalize murder.

The PPO referred the case to a criminal court on the basis that the policeman "during the performance of his duties has deliberately killed Salah 'Abbas Habib Moussa when he injured him with shotgun pellets ... intentionally wanting to kill him and caused him the injuries specified in the forensic report, which led to his death".

The police officer, who remained at liberty, denied at trial that he had killed Salah 'Abbas Habib Moussa. The PPO called five witnesses (two farmers and three police officers) and submitted an autopsy report, the statement of the accused officer and material evidence consisting of empty shotgun cartridges. The three police witnesses said that the accused officer was the only one armed with a shotgun and that police had chased protesters in the direction where the body of Salah 'Abbas Habib Moussa was found. The medical findings indicated that the body of Salah 'Abbas Habib Moussa "had two recent injuries as a result of firing shotgun, one injury to the left side of the chest and the abdomen and the other to the lateral side of the left thigh." The accused officer accepted that he was the only officer to have used a shotgun on the relevant evening, but denied killing Salah 'Abbas Habib Moussa.

On 24 November 2013, the court trying the case acquitted the accused police officer and gave six reasons for its decision – that neither the accused officer or others on duty with him at the time had reported the incident; that although the officer was the only one to fire a shotgun no witness evidence linked him to the fatal shooting; that the deceased's body was found 600 meters away from where the officer had fired at protesters but no bloodstains were found in the intervening distance; that the spent cartridge from the fatal shot was found near to the place where the deceased's body was found, not where the accused officer was said to have fired his weapon and there were inconsistencies between witness testimonies that the officer fired into the air to disperse protesters, and forensic evidence that the victim was killed by shots fired horizontally from a distance of between 10 and 15 meters; that the investigation had failed to establish the truth of what occurred; and the accused officer's denial of responsibility.

The SIU appealed against the officer's acquittal, but the appeal was rejected in April 2014.

On the face of it, the PPO appears to have failed to conduct a thorough examination into the circumstances in which Salah 'Abbas Habib Moussa was unlawfully killed, apparently as a result of actions by one or more members of Bahrain's security forces, with the result that those responsible have escaped accountability.

Police officers were also acquitted in relation to the torture of journalist **Nazeeha Saeed**, who alleged that a group of male and female security officers beat her with hoses, punched and kicked her while she remained blindfolded following her arrest on 22 May 2011. She alleged also that a policewoman applied electric shocks to her arms and that officers insulted and humiliated her. She identified three female and one male officer who she said had participated in her torture and other ill-treatment, and filed a complaint with the PPO. Authorities prosecuted only one of the four, a female police officer, who a court acquitted of all charges on 22 October 2012. In June 2013, the High Criminal Court of Appeal rejected



PPO's appeal against the acquittal.

During the official investigation, Nazeeha Saeed's lawyer gave the PPO three reports of medical examinations conducted within 48 hours of her release; two by the Ministry of Interior and the other by the NGO Doctors Without Borders. These all noted bruises on her body, with two reports attributing them to beatings with a long object. The High Criminal Court trying the one police officer accused of torturing Nazeeha Saeed acquitted her because of what it said were inconsistencies between her account of her torture and the findings of the only one of the three medical reports that the court accepted. Although this report also noted that Nazeeha Saeed's injuries could have resulted from blows with hands or the use of a hose but did not specify the complainant's allegation that she had been beaten on the soles of her feet and on her back. The court also rejected the testimony of one police officer on grounds of conflict of interest and that of another witness as not containing enough evidence. An appeal court subsequently confirmed the police officer's acquittal.

On 17 November 2014, the SIU summoned Nazeeha Saeed to question her about her torture allegations. She told Amnesty International that when she went to the SIU she was taken into the very room in which she had been tortured and asked to identify the policewomen who had tortured her from among a number of policewomen who were present and laughing in a way that she interpreted as an attempt to intimidate her. She said she identified one of the policewomen who tortured her and that the SIU told her that they would seek to arrange for her to identify the other two policewomen who had tortured her. Despite this, no further prosecutions of police officers for the alleged torture of Nazeeha Saeed had taken place by March 2015.

In May 2014, the Ministry of Interior was reported to have summoned a number of victims and victims' families to the office of its Investigation Department and to have ordered them to refrain from participating in demonstrations calling for accountability, democracy, and self-determination, and thereafter to sign pledges not to participate in marches and demonstrations.<sup>85</sup>

## REDUCTION OF PRISON SENTENCES AFTER APPEAL

Several members of the security forces convicted in cases involving torture of detainees received substantial prison sentence reductions when their cases went to appeal.

Following the death in custody of **Abdelkarim Fakhrawi**, the PPO charged two NSA officers with unintentionally causing his death by beating ("assaulting Abdelkarim Fakhrawi by beating him without the intent to kill him and caused him the injuries specified in the forensic report and which led to his death") but did not file charges of torture. Both officers were convicted after the court heard evidence from two doctors who had examined Abdelkarim Fakhrawi, and were sentenced to seven year prison terms on 30 December 2012. At appeal, the NSA officers' lawyers urged the court to discount one doctor's report and argued that there was no causal link between the assault on the detainee and his death. The

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<sup>85</sup> Those summoned include relatives of Ali Mushaimae, Mahmoud Abu Taki, Asma Hussein, and Yassin Al-Asfoor, see BCHR: <http://www.bahrainrights.org/en/node/6903>.

appeal court rejected the lawyer's argument and asserted the responsibility of the police officers for the assault leading to the death of the victim, acknowledged the conditions for aggravating circumstance specified in Articles 75 and 76 of the Penal Code could be applied in the case, while ignoring them and deciding to show the two NSA officers "some clemency" in view of what it described as, without explaining further, "the circumstances and the conditions of the case."<sup>86</sup> The appeal court then reduced the officers' prison terms from seven to three years.

In a similar reasoning, a Court of Appeal also reduced the sentence of two police officers convicted in connection with the death in custody of **'Ali 'Issa al-Saqer** at Dry Dock Prison. The PPO charged five low ranking police officers, all Pakistani nationals, in connection with his death and that of Zakariya al-'Asheri (see above). The PPO charged two of the five with unintentionally causing the two detainees' deaths ("beating with a hose both victims on various parts of the body without the intent to kill them, causing them the injuries specified in the medical report which led to their death"), and the other three with failing to report the assault. The five officers all denied the charges in court.

According to the court judgment, officers assaulted **'Ali 'Issa al-Saqer** after he tried to hit one of them when they untied his hands at lunch time. After restraining him and again tying his hand, one officer hit **'Ali 'Issa al-Saqer** three or four times with a hose and a second officer also hit him with a hose and kicked him until he pleaded for him to stop, according to the version of events agreed by all five police officers on trial. An autopsy report found "blood spill at the rear of the head and abdomen as a result of traumatic injuries with a blunt object and that the death can be attributed to all the injuries put together which led to internal haemorrhage opposite the injuries". Injuries to his chest, face, back and thighs were also noted.

In delivering its verdict the court convicted the two main accused, finding that they had deliberately beaten **'Ali 'Issa al-Saqer**, causing his death, when he was already under control, and sentenced them to 10 year prison terms. It acquitted the three other officers charged with failing to report the assault.

At appeal, the High Criminal Court of Appeal upheld the two officers' conviction and the trial court's reasoning except in respect of the sentence, stating "given the circumstance of the case and the fact that the appellants carried out the crime while and because of conducting their duties to preserve the life of the detainees, including the victim, and to preserve the security of the society at large, the court decided to correct the sentence and grant clemency to the appellants in line with what is permitted under article 72 of the Penal Code".<sup>87</sup> The court then cut the sentences of the two officers from 10 to two years.

In at least two other cases, officers sentenced for offences against **Hani Abdelaziz 'Abdullah Jumaa** and **Ali Abdulhadi Mushaima'** had the sentences imposed on them by trial courts significantly reduced at appeal – from seven years to six months in the first case, and from

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<sup>86</sup> High Criminal Appeal Court, Appeal cases 480/2012/13 and 481/2012/13, 27 October 2013, p. 4.

<sup>87</sup> High Criminal Appeal Court, Appeal case 119/2013/13, 29 September 2013, p. 9.

seven years to three years in the latter case.

## ONGOING AND SLOW INVESTIGATIONS

Amnesty International has closely monitored the investigations carried out by the Bahraini authorities into the cases of killings and torture and other ill-treatment highlighted in the BICI report as well as cases more recently referred to the courts. In March 2015, a number of cases remained under investigation by the SIU and the SIU was reviewing other cases to decide whether it would lodge appeals.

**Hussein Al-Jazairi**, 16, died after apparently being shot at close range with shotgun pellets in the upper part of his body during a large protest in al-Daih village on 14 February 2013 marking the second anniversary of the anti-government protests in Bahrain. On the same day, the Chief of Public Security announced that 300 rioters had attacked police with rocks, steel rods and Molotov cocktails. He claimed that warning shots were fired but they had failed to disperse the advancing crowd and that one of the protesters was shot and pronounced dead later at Salmaniya Medical Complex. On 16 February 2013, the PPO announced the arrest of two police officers pending further investigations by the SIU. On 6 March, the SIU publicly confirmed that it had questioned police, family members and ambulance workers, and had charged two law enforcement officials with assault resulting in death. The two police officers were reported by the media to have denied any involvement in the shooting and claimed that they were “scapegoats.”<sup>88</sup> On 23 May 2013, after the officers’ detention orders had been renewed several times, the Third High Criminal Court ordered their release on bail of 500 BDN each (approx. US\$ 1,320). In letters to Amnesty International in October 2013 and December 2014, the SIU said that the investigation remained ongoing.

The SIU has also yet to conclude its investigation into a complaint by prisoner of conscience **Mahdi ‘Issa Mahdi Abu Dheeb**, a former President of the Bahrain Teachers’ Association (BTA), who is serving a five-year prison sentence for participating in and leading the February 2011 anti-government protests.<sup>89</sup> After his arrest on 6 April 2011, his family had no news of his whereabouts for 24 days and were only allowed to see him during the first session of his trial before a military court on 7 June 2011. He spent 64 days in solitary confinement during which he said he was tortured.

In April 2012, during a session of his appeal trial before the High Criminal Court of Appeal, Mahdi Abu Dheeb detailed acts of torture to which he was subjected by security officials following his arrest in April 2011 and detention. He also named the officers he said had tortured him, prompting the prosecution to open an investigation and questioned him in June 2012 about his torture. In June, his lawyers complained that a medical examination of Mahdi Abu Dheeb was not “independent” and requested an examination by an independent medical practitioner in compliance with the Istanbul Protocol relating to the medical examination of

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<sup>88</sup> Al-Wasat, “Policemen accused for the killing of Hussain al-Jazairi: we are scapegoats,” 24 May 2014 (الشرطيان المتهمان يقتل حسين الجزائري: نحن كيشا فداء) <http://www.alwasatnews.com/3912/news/read/774890/1.html>, accessed 24 May 2014.

<sup>89</sup> For more information about the trial, see Amnesty International, *Bahrain: Reform Shelved, Repression Unleashed*, November 2012.

alleged torture victims. The SIU only included as part of their investigation the report of the forensic examination carried out on him by the BICI team in the second half of 2014, and then only after repeated requests from his lawyers. In March 2015, almost four years after the alleged torture of Mahdi Abu Dheeb, the SIU had still to complete its investigations and the officers he accused of torturing him have yet to be brought to trial.

**Fadhel Abbas Muslim Marhoon**, 19, was wounded on 8 January 2014 when security forces fired live bullets as they chased him and two others, Sadeq al-Asfoor and Ali Adel Amir Khamis, who had gone to Markh village to visit a recently released prisoner.<sup>90</sup> The wounded man was taken to the Bahrain Defence Force (BDF) hospital but his family was not allowed to visit him there and could not obtain any information about him until 18 January, when they received a call urgently summoning them to the CID. There, they were told to go to the BDF hospital to find out about their son but when they did so, staff said there was no-one with their son's name in hospital. On 26 January, according to the mother of Fadhel Abbas, the CID contacted her to tell her that her son had died.

According to the mother of Fadhel Abbas, when she saw her son's body it bore marks indicating that he had been beaten and shot three times. She said that witnesses had seen him first put in a car by security forces and later taken out and beaten. She said that the family had been asked by an official either of the SIU or the Ministry of Interior Ombudsman's office to go to their office to state what had occurred but that they declined. On 26 January 2014, the Ministry of Interior said in a statement that Fadhel Abbas had died of his wounds after he was shot on 8 January when he "purposefully" drove a car into members of the security forces as he attempted to escape arrest for smuggling arms and explosives. The Ministry said its forces had acted in self-defence. According to the Ministry of Interior, Fadhel Abbas was injured in a security forces operation against arms smuggling into Bahrain by sea and the discovery of an arms cache used by terrorist elements in the al-Qarya region.

Photographs of Fadhel Abbas released by Bahraini human rights activists showed that he had sustained wounds to the back of his head. An official death certificate attributed his death to a "traumatic cerebral oedema".

**Sadeq al-Asfoor**, 17, was also seriously wounded by police fire at the same time as Fadhel Abbas and detained. According to his family, the authorities did not inform them of his whereabouts or medical condition until 23 January 2014, 15 days after he was shot, when he was moved from the BDF hospital to a clinic within the Ministry of Interior. According to his family, police officers went to see Sadeq al-Asfoor while he was still receiving treatment at the military hospital and coerced him by threats into signing a statement that the police officers who shot him and Fadhel Abbas did so only after shouting a warning.

In its annual report, published in June 2014, the Ombudsman of the Ministry of Interior said that the SIU had launched an investigation into the case, identified as Mr D in the report,

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<sup>90</sup> For more information, see Amnesty International, "Bahrain: Death of young detainee shot in head must be investigated," 27 January 2014, available at <https://www.amnesty.org/en/news/bahrain-death-young-detainee-shot-head-must-be-investigated-2014-01-27>

and that the Ombudsman's office was monitoring the progress of this investigation.<sup>91</sup> On 27 July 2014, the SIU announced that it had referred one member of the security forces for trial for the killing of Fadhel Abbas and injury to one other (Sadeq al-Asfoor) when seeking to prevent their escape. The SIU referred the case to court under Articles 75(4), 107, 333(1) and 339(1) of the Penal Code,<sup>92</sup> and the trial of the officer, who was not in custody, began before the Third High Criminal Court on 21 August 2014. The officer denied the charges. After further sessions, the court adjourned until 24 April 2015, when it is expected to deliver its verdict.

**'Abdul'aziz Moussa 'Abdullah al-'Abbar**, 27, a father of two, died on 18 April 2014 as a result of injuries he sustained during a funeral procession on 23 February 2014. His family told Amnesty International that they had been called to the Salmaniya Medical Complex after Abdul'aziz al-'Abbar was admitted with serious head injuries, and were told that he required surgery to remove shotgun pellets from his brain. They were only allowed to visit him after permission from the Budaya Police Station. Following his death, the family said they refused to collect the body of Abdul'aziz al-'Abbar from the hospital because the death certificate only gave "damage to the brain" as the cause of death without indicating how the damage was caused. When asked about this by Amnesty International, the Ombudsman of the Ministry of Interior stated that it was not the hospital's policy when issuing a death certificate to indicate anything other than the immediate cause of death. On 8 May 2014, the Ministry of Health stated publicly that the law and official regulations do not permit changes to be made to death certificates.<sup>93</sup> The family said they persisted, however, in their refusal to collect the body of Abdul'aziz al-'Abbar until 1 July, 75 days after his death, when they finally received a death certificate issued by the SIU's forensic doctor, clarifying that the death was due to "complications from shotgun pellet injuries to the face and head which have led to bleeding in the brain and inflammatory complications and stopping of the heart, leading to death."<sup>94</sup>

The SIU told Amnesty International in December 2014 that it had identified the members of the security forces who used shotgun pellets on the day and location at which Abdul'aziz al-'Abbar was shot, and was continuing its investigation. The SIU had not announced any outcome of its investigation by March 2015; nor had it brought charges against any members of the security forces arising from the fatal wounding of Abdul'aziz al-'Abbar.

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<sup>91</sup> See Bahrain Independent Ombudsman First Annual Report 2013/2014, p. 55, available at <http://www.ombudsman.bh/mcms-store/pdf/610-First%20Annual%20Report%20%202013-2014-2812251.pdf>

<sup>92</sup> These articles cover punishment for offences, including murder, committed by public servants during the performance of their duties.

<sup>93</sup> BNA, "Ministry of Health: The delay is due to the rejection of the family of deceased, Alabbar, to receive the body" 9 May 2014 (وزارة الصحة : التأخير يعود لرفض أهل المتوفى " العبار " استلام الجثة) <http://www.bna.bh/portal/news/617168>, accessed 10 May 2014.

<sup>94</sup> Copy of the forensic report obtained by Amnesty International. See also, Al-Wasat, "After 75 days the forensic doctor documents al-'Abbar's death from birdshots", 2 July 2014 (بعد 75 يوماً... الطبيب الشرعي يوثق وفاة العبار بـ الشوزن) <http://www.alwasatnews.com/4316/news/read/900476/1.html>, accessed 2 July 2014.

**Sayed Mahmoud Mohsen**, 14, died on 21 May 2014 following clashes with the security forces who used teargas and fired shotguns to disperse protesters in Sitra, south of Manama, during the funeral procession of a man who had died from a bomb blast the week before. The family of Sayed Mohsen told Amnesty International that when they saw his body at the hospital it had injuries on the chest that appeared to have been caused by shotgun pellets fired at close range. They were told that he was pronounced dead upon arrival at the hospital. A copy of the death certificate obtained by the family states that the death of Sayed Mohsen was caused by shotgun pellet injuries to the lungs, heart and bowels. Shortly after his death, the Ministry of Interior said that the police had come under attack by protesters using Molotov cocktails and iron rods during a riot following a funeral procession in Sitra and that the PPO had launched an investigation. In June 2014, the SIU said in a statement that Sayed Mohsen had died as a result of shotgun injuries to the left side of the chest, that it had questioned the police officer in charge of the security forces operation in Sitra on the day that Sayed Mohsen was shot, and that it had opened an investigation. In September 2014, however, the family of the deceased told Amnesty International that they were unaware of any official investigation into this death. In December 2014, the SIU told Amnesty International that their investigation into Sayed Mohsen's death was still ongoing but that Sayed Mohsen's father had failed, up to then, to respond to five phone calls asking him to attend to make a statement. In March 2015, the SIU had still to announce the outcome of the investigation, and to indicate whether the officer whose action resulted in Sayed Mahmoud Mohsen's death would face prosecution.

**Hassan Majeed al-Shaikh**, 36 and serving a 10-year prison sentence for drug offences, was beaten and tortured by officers of the Anti-Narcotics Department of the Ministry of Interior who came to investigate a drug-related incident in Jaw Prison on 5 November 2014. After the interrogation, he was put in a solitary confinement cell where he was found dead the next morning. Other inmates reportedly phoned the family to alert them to his condition. On 6 November the PPO told the family that Hassan al-Shaikh died in prison and informed them that an investigation had been opened into the circumstances of his death. The next day, the family were allowed to see his body at the morgue where they saw wounds to the head, broken ribs, and bruises all over the body.

The six security officers were referred to trial for the death as a result of torture of Hassan Majeed al-Shaikh and the torture and other ill-treatment of other inmates in Jaw Prison.



*Jaw Prison, Manama ©Amnesty International*

Three officers were charged under Article 208 of the Penal Code with torture leading to the death of one person and injury to other individuals held in their custody for the purpose of extracting information or forcing them to confess or punishing them for action they were suspected of having committed. The three

other officers were charged with agreeing and accepting to commit such acts of torture and other ill-treatment ordered by the other officers. At the time of publication, their trial was ongoing. Following the death in custody of Hassan Majeed al-Sheikh, the Minister of Interior issued Ministerial Order No. 217 of 2014, banning security officers or judicial police officers from communicating with or questioning a detainee in pretrial detention or sentenced prisoners without a prior authorization from the PPO. It also requires the name of the visitor registered in the prison register as well as the date, time and reason for the visit. The Ministry also said that following the incident, a new director was appointed at Jaw Prison.

In January 2015, the outcome of separate SIU investigations into the cases of **Radhi 'Ali Radhi Abdul-Rasoul** and **Hussein Abdullah Ali Mahmood al-'Ali** were also still awaited. Both men alleged that they were tortured in detention in 2012, and their cases were included in a memorandum that Amnesty International sent to the Bahrain government in 2013. In its response to Amnesty International, the SIU said it had received a complaint from Radhi Abdul-Rasoul on 27 March 2013 in which he alleged that police officers had beaten him in detention to force him to “confess” and that it had then interviewed him and arranged a forensic medical examination. The SIU said also that it had received a complaint from the family of Hussein al-'Ali, also in March 2013, concerning his alleged torture and other ill-treatment in detention. In January 2015, the SIU stated it was continuing to investigate both cases although the complainants were unable to identify their alleged torturers.

# CONCLUSION AND RECOMMENDATIONS

More than three years after Bahrain agreed at the highest level to accept and implement all the BICI recommendations, the steps introduced so far – while positive on a number of aspects – have been piecemeal and have had little impact in practice. Yet, the Bahraini authorities continue to assert internationally, in a range of fora, that they have fully and faithfully implemented all of the BICI recommendations and, indeed, have exceeded them. In reality, however, prisoners of conscience remain behind bars; rights to freedom of expression, association and peaceful assembly are heavily curtailed; government critics and opponents continue to face prosecution before courts that fail to deliver fair trials; and impunity remains a serious problem.

So far, the government's legal reforms have failed to ensure protection of all of the rights that Bahrain is bound by international law and its human rights treaty obligations to uphold. These legal reforms have also been undercut by the government's introduction and use of tougher legal sanctions and penalties to curb dissent, including through social media, and the expression of opposition in public demonstrations and gatherings, and continued allegations of excessive force against protesters by the security forces. Many government critics have been sentenced to prison terms for allegedly "insulting" the King, other institutions and even foreign leaders, and many others – including children – have been jailed on "illegal gathering" charges for participating in protest demonstrations.

The new institutions that the government has established to deliver accountability, while welcome, have struggled to date to gain public trust and credibility, not least among the sector of the population that considers itself on the receiving end of human rights violations by the security forces. Many victims and their families appear to perceive institutions such as the Ombudsman and the SIU as intended to shield the government and its security forces from criticism, within Bahrain and internationally, rather than as instruments of genuine reform that have the will, capability, resources, and the high level political backing that they need to break through and sweep away an entrenched climate of impunity.

Amnesty International welcomes the legal and institutional reforms that the government has introduced to date but considers these far from sufficient. Four years after the outbreak of mass protests calling for reform, improvements such as bringing the definition of torture contained in Bahraini law into conformity with the CAT and the establishment of detention monitoring bodies have so far failed to end torture and other ill-treatment of detainees, particularly in CID custody, and courts continue to convict defendants on the basis of torture-tainted "confessions" that they refute, and sentence them to lengthy prison terms and, in some cases, to death.

Likewise, the introduction of new laws regulating the use of force and firearms by the security forces, while welcome, have failed as yet to put an end to shootings of demonstrators in circumstances indicating that they may have been unlawfully killed or injured. And investigations into alleged unlawful killings and other serious abuses by the security forces by



the Ministry of Interior Ombudsman, the SIU and PPO remain slow and inadequate, and when they lead to prosecutions, they result in acquittals or the imposition of prison sentences that fail to reflect the gravity of the abuses to which they relate.

Bahraini society remains deeply divided, as evidenced by continued protests on the streets and incidents of violence that have resulted in deaths and injuries to members of the security forces as well as protesters and others. The divisions have root causes that have undoubtedly been exacerbated by the human rights violations of the past four years. Those violations, and the government's failure to ensure accountability for them, has clearly left many within the majority Shi'a community feeling aggrieved, further complicating the already challenging task of national reconciliation. In 2011, the King's appointment of the BICI and subsequent acceptance of its highly critical findings and recommendations appeared to show that the government was committed to righting the wrongs that had been done in its name and to pushing through effective reforms, but the government's human rights performance in the intervening years has put this into question. As this report shows, the reforms introduced by the Bahrain government since 2011 have been insufficient to end the cycle of human rights violations and to ensure accountability. Amnesty International urges the Bahraini government to adopt further reforms as a matter of urgency to ensure that the human rights of all of the people of Bahrain are fully protected, without discrimination, including the following measures:

#### **Uphold freedom of expression, association and peaceful assembly**

- Immediately and unconditionally release all prisoners of conscience imprisoned solely for exercising their rights to freedom of expression, association and peaceful assembly;
- Immediately lift the ban on all peaceful 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 exercise of freedom of expression, association and peaceful 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 peaceful assembly that are inconsistent with international human rights law, 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 ICCPR;
- 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, and the 2005 Political Societies Law and their recent amendments, with a view to bringing them into full conformity with international human rights law and standards;
- Ensure the draft NGO Law respects and protects 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.

### **Protection against torture and other ill-treatment**

- Publicly condemn, at a high level, torture and other ill-treatment, and declare unequivocally those who commit or have responsibility for torture or other ill-treatment will be brought to justice through criminal prosecutions;
- Conduct prompt, thorough, independent and impartial investigations into all allegations of torture and other ill-treatment, and ensure that those who perpetrate torture and other ill-treatment are brought to justice and that their victims receive appropriate reparations;
- Open an independent, thorough and impartial investigation into the practices of the Criminal Investigations Directorate in relation to torture and other ill-treatment of detainees;
- 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;
- Amend the law so as to ensure that where an allegation is made that incriminatory or other evidence was obtained by torture or other ill-treatment, courts require the prosecuting authorities seeking to admit that evidence to bear the burden of disproving the allegation;
- Ensure that any statement which is established to have been made as a result of torture or other ill-treatment shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;
- End immediately the use of incommunicado detention and ensure that the families of those detained are informed promptly of the place of detention of their relatives, and any subsequent transfers to other places of detention, without delay.

### **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 from the time of their arrest;
- 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 available to their relatives and lawyers without delay;
- Ensure that detainees are allowed regular visits by members of their families promptly after arrest, including when they are in custody of the CID;

- Ensure that all those being tried for 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.

#### **Excessive use of force**

- Instruct all police officers and other members of the security forces engaged in policing public gatherings and demonstrations or performing other law enforcement duties that they must comply at all times with relevant international standards, particularly 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, and that any failure to do so will result in sanctions against them;
- Ensure that law enforcement officials receive regular training on integrating human rights into the performance of their duties, including when dealing with protests or during arrest, detention and interrogation of suspects, and that clear instructions are put in place as a means to operationalize the new law regulating the use of force and firearms in Bahrain (Decree 24 of 2014);
- 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 carrying out policing functions;
- Require all members of the police and other security forces engaged in policing operations to wear and display their official identification at all times;
- Investigate and prosecute those responsible for using excessive force, particularly when it results in fatalities or serious injury.

### **Accountability for human rights violations**

- Review the process for the appointment of heads of human rights institutions, including the offices of the Ombudsman of the Ministry of Interior, the NSA and the SIU, as well as for the retention of their posts with a view to strengthening safeguards on their independence;
- 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 power 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 are carried out in good faith and 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, including when allegations of abuse are dismissed and detailed reasons for their dismissal;
- Ensure that officials and others suspected of serious human rights violations are suspended from active duty pending the outcome of the investigation;
- Ensure that all those suspected of torture and unlawful killing, including those with command responsibility, or those who were complicit in 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 and cooperation with UN bodies and international human rights organizations**

- 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;
- As a matter of urgency allow the Special Rapporteur on Torture and the Special Rapporteur on the Independence of Judges and Lawyers to visit Bahrain at their earliest convenience;
- Lift the five day visa restriction imposed on international human rights organizations.



## **BEHIND THE RHETORIC**

### **HUMAN RIGHTS ABUSES IN BAHRAIN CONTINUE UNABATED**

Amnesty International has monitored human rights developments in Bahrain for many years but never more closely than in the past four years, which have seen widespread violations by government security forces. These have included torture and other ill-treatment of detainees, unfair trials, the imprisonment of prisoners of conscience and unlawful killings, with those responsible all too frequently escaping accountability.

The King's unconditional acceptance of the BICI findings and his stated commitment to ensure full implementation of the BICI recommendations engendered high hopes but more than three years on, tensions within the Kingdom remains critically high. The government has introduced reforms but these have been undermined by its imposition and use of other repressive laws and regulations to imprison peaceful critics.

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