FLAWED REFORMS

BAHRAIN FAILS TO ACHIEVE JUSTICE FOR PROTESTERS

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Cover photo: Bahraini anti-government protesters react as riot police throw sound bombs at their feet to disperse them in Qadam, Bahrain, 17 February 2012.
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1. INTRODUCTION

"The Bahraini authorities need to urgently take confidence-building measures including unconditionally releasing those who were convicted in military tribunals or are still awaiting trial for merely exercising their fundamental rights to freedom of expression and assembly."

UN High Commissioner for Human Rights Navanethem (Navi) Pillay, 21 December 2011

The human rights crisis in Bahrain is not over. Despite the authorities' claims to the contrary, state violence against those who oppose the Al Khalifa family rule continues, and in practice, not much has changed in the country since the brutal crackdown on anti-government protesters in February and March 2011.

The King, the Prime Minister and the Crown Prince during the Bahrain Independent Commission of Inquiry's ceremony © Amnesty International

The Bahraini authorities have been vociferous about their intention to introduce reforms and learn lessons from events in February and March 2011. In November 2011, the Bahrain Independent Commission of Inquiry (BICI), set up by King Hamad bin 'Issa Al Khalifa, submitted a report of its investigation into human rights violations committed in connection with the anti-government protests. The report concluded that the authorities had committed gross human rights violations with impunity, including excessive use of force against protesters, widespread torture and other ill-treatment of protesters, unfair trials and unlawful killings.

So far, however, the government's response has only scratched the surface of these issues. Reforms have been piecemeal, perhaps aiming to appease Bahrain's international partners, and have failed to provide real accountability and justice for the victims. Human rights violations are continuing unabated. The government is refusing to release scores of prisoners who are incarcerated because they called for meaningful political reforms, and is failing to address the Shi'a majority's deeply-seated sense of discrimination and political marginalization, which has exacerbated sectarian divides in the country.

In recent months, the Bahraini authorities have become more concerned with re-building their image and investing in public relations than with actually introducing real human rights and political reforms in their country. Indeed, for the authorities, much is at stake. They are keen to portray Bahrain as a stable and secure country in order to stave off international criticism. But as the country is about to host the Formula 1 Grand Prix on 20-22 April, after the event was cancelled last year in response to the instability in the country, daily anti-government protests continue to be violently suppressed by the riot police that use tear gas recklessly and with fatal results. Acts of violence by some protesters against the police have also considerably increased in the last three months.

Holding the Grand Prix in Bahrain in 2012 risks being interpreted by the government of Bahrain as symbolizing a return to business as usual. The international community must not turn a blind eye to the ongoing human rights crisis in the country. The government must understand that its half-hearted measures are not sufficient - sustained progress on real human rights reform remains essential.

FEBRUARY-MARCH 2011 PROTESTS

On 14 February 2011, inspired by the uprisings in Egypt, Tunisia and other countries in the Middle East and North Africa, tens of thousands of Bahrainis took to the streets to voice their demands. The vast majority of protesters were Shi'a Muslims, who despite being the majority of Bahrain's population, have resented being politically marginalized and discriminated against by the ruling Sunni Al Khalifa family which dominate all aspects of political and economic life in Bahrain.

The government's response to the protests was brutal. The security forces used excessive force, including shotguns and live ammunition as well as the reckless use of tear gas, to disperse protesters who mostly camped in the Pearl Roundabout in the capital Manama. Seven protesters were killed by the security forces in the first week alone in February 2011.

As demonstrations continued to grow, negotiations between the opposition, led by Bahrain's largest Shi'a political organization, the al-Wefaq Society, and the royal family, led by Crown Prince Shaikh Salman bin Hamad Al Khalifa, collapsed in early March 2011.[1] The opposition reportedly had demanded that the government resign before negotiations could take place. Al-Wefaq's 18 members of parliament resigned in February 2011 in protest against police brutality.

After the first week of March 2011, anti-government protesters began to organize peaceful marches to key government buildings. Many were openly calling for an end to the monarchy in Bahrain, and for a republican system to be established instead. Thousands went on strike.

With members of the Sunni community going on large pro-government rallies, sectarian relations in the country became extremely tense, and violence ensued. On 12 March 2011, thousands of anti-government protesters marched to the Royal Court in al-Riffa'a. The march turned violent amid reports that government supporters armed with knives and sticks were planning to prevent the demonstrators from approaching the Royal Court. A day later, the two sides violently clashed at Bahrain University.

13 March 2011 brought a further escalation in violence when anti-government protesters sealed off the main roads in Manama and occupied the capital's Financial Harbour area, causing considerable disruption. The anti-government protests were by and large peaceful, but there were a few violent incidents. Some anti-government protesters attacked Asian migrant workers, killing two and injuring others.

Bahrain demonstration, 22 February 2011 © Amnesty International

On 15 March 2011, Saudi Arabia sent at least 1,200 troops to Bahrain across the causeway linking the two states, reportedly at the request of the Bahraini government. The same day, the King of Bahrain declared a three-month state of emergency, known as the State of National Safety, and gave the security forces sweeping powers to arrest and detain protesters

and ban all protests. On 16 March 2011, security forces, backed by helicopters and army tanks, stormed the Pearl Roundabout area and evicted the protesters by force. At least two protesters and two police officers were reported killed and dozens of people were injured. Protesters were also forced out of the nearby Financial Harbour area. The Pearl Monument, which had become a symbol for the pro-reform protesters, was torn down.

Manama's main hospital, the Salmaniya Medical Complex, also became a target. The security forces stormed it and took control of the hospital. Many wounded protesters were subsequently too afraid to go there for treatment. Some of those who did were detained.

In the weeks that followed, hundreds of activists, including opposition leaders, medical workers, teachers, journalists and students were rounded up and detained. Most were arrested at dawn, without arrest warrants, and held incommunicado in police stations or at the Criminal Investigations Directorate (CID) in Manama. Many said that they were tortured or otherwise ill-treated during interrogation. At least five people died in custody as a result of torture. Detainees were forced to sign "confessions", which were then used against them in court. Hundreds of people were later tried by the National Safety Court, a military court established under the state of emergency, and sentenced to prison terms, including life imprisonment, after grossly unfair trials.

At least 35 people died during the February-March protests, including five security officers. More than 4,000 people, among them teachers, students and nurses, were dismissed from their jobs or university positions for taking part in the anti-government protests.

About 38 Shi'a mosques were demolished in the aftermath of the February-March events. The government has argued that these mosques had been built illegally, but the timing of the demolitions led many in the Shi'a community to believe that this mass demolition was collective punishment for the unrest.

PIECEMEAL REFORMS

Keen to pacify the international community about the government's crackdown, particularly over allegations of torture and deaths in custody, the King lifted the state of emergency on 1 June 2011. On 29 June 2011, the King decreed that the National Safety Court, which had also attracted international criticism, would no longer deal with cases linked to the February-March protests. However, the National Safety Court continued to function for felonies considered to be the most serious crimes until early October 2011, when all cases were finally transferred to civilian courts. The National Safety Court closed down after convicting hundreds of people following unfair proceedings.

The King's most noteworthy response to international pressure was setting up the Bahrain Independent Commission of Inquiry (BICI). In an unprecedented step, the authorities appointed five renowned international legal and human rights experts[2] to investigate human rights violations committed in connection with the protests. On 23 November 2011, to much media fanfare, BICI Chairman Professor Mahmoud Cherif Bassiouni, submitted the Commission's report to the King. According to the report, the BICI had examined more than 8,000 complaints; interviewed more than 5,000 people, including detainees; and visited various prisons, detention centres and the Salmaniya Medical Complex in Manama.

The report concluded that dozens of detainees had been tortured by security officials, including by members of the National Security Agency (NSA), who believed they could act with impunity; that police and other security forces had repeatedly used excessive force against protesters, resulting in unlawful killings; and that proceedings before the National Safety Court did not meet international standards for fair trial. The BICI made various important recommendations, including the establishment of an independent human rights body to investigate all torture allegations, deaths in custody as a result of torture, killings of protesters and bystanders during the protests and other human rights violations. It also recommended that all those responsible be brought to account, including high-ranking members of the government, security forces and the army who gave orders to commit such human rights violations. Other recommendations 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. The King accepted the findings of the report, and publicly expressed the government's commitment to implement all its recommendations.

The Bahraini government has so far failed to ensure accountability that guarantees truth, justice and adequate reparation for the victims of arbitrary arrests, torture and unfair trials, as well as for those injured during protests, or the relatives of those killed. In response to the BICI recommendations, the government set up a new investigative unit within the Public Prosecutor's Office (PPO). Lacking independence and impartiality, the new unit is unlikely to deliver real accountability. Only 11 low-ranking police and security officers, including five Pakistanis and a Yemeni national, are currently being tried for their part in specific human rights violations committed during and after the February and March 2011 protests. On 21 March 2012, a day after the King received the report by the BICI, the Public Prosecutor was quoted in the Bahrain News Agency as saying that 50 policemen were being or were about to be tried in connection with torture and other abuses.

Hundreds of protesters are still in prison after being detained, tried unfairly by military courts, and receiving harsh prison sentences. Dozens have been imprisoned for life. Many of them are prisoners of conscience, punished solely for leading or participating in anti-government demonstrations, and did not use or advocate violence. They include 14 leading opposition figures and a prominent trade unionist. Among them is prominent human rights defender 'Abdulhadi Al-Khawaja, who is said to be nearing death as he continues his hunger strike in protest at his imprisonment.

The government's promise to reinstate all those who were dismissed from work or university for participating in protests is yet to be fulfilled. At the time of writing, more than 200 people still have not been allowed to return to their jobs. Many of those who have returned have complained of various administrative sanctions, such as a change of position or loss of increments. Only five out of the at least 38 Shi'a mosques that were demolished by the government last year are being reconstructed.

The government has not taken any steps to tackle discrimination or incitement to hatred, or work towards real reconciliation between the ruling family and the Shi'a population.

There have been some positive institutional and other reforms within the Bahraini police. The government has introduced a new code of conduct, established a new office in the Ministry of Interior, dedicated to investigating complaints against the police, and embarked on human rights training for police officers.

In practice, however, the security forces remain unaffected by these institutional changes. They continue to respond to protesters with unnecessary and excessive force, particularly the reckless use of tear gas which has resulted in several deaths in recent months. Amnesty International is still receiving reports of torture and other ill-treatment. With calls for reforms and social justice continuing, the numbers of deaths had reached at least 60 by April 2012.

The government has taken some potentially positive steps in reviewing, or proposing to review certain provisions in the Criminal Procedure Code and the Penal Code. Such steps are long overdue as many provisions in Bahrain's domestic legislation, including the Penal Code, do not comply with a number of international human rights treaties to which it is state party. These include, the International Covenant on Civil and Political Rights (ICCPR); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the UN Convention on the Rights of the Child (CRC); and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).[3] The Bahraini government is required to honour its obligations under these and other human rights treaties it is a party to. Under these treaties, Bahrain is also required to investigate all alleged violations of international human rights and humanitarian law and prosecute those responsible. In ratifying these treaties, the Bahrain government promised both the people of Bahrain and the wider international community that it would uphold and respect their provisions. Bahrain's international human rights commitments will be put under the spotlight in Geneva in May and June 2012 when the country's rights record is assessed under the Universal Periodic Review of the UN Human Rights Council.

LACK OF POLITICAL WILL

The government has recruited a number of foreign experts in international human rights law, policing and the media, with the ostensible aim of helping it understand and implement the BICI recommendations. Advisors have been hired by several ministries, including the Ministry of Interior and the Ministry of Human Rights and Social Development, as well as the PPO and the Information Affairs Authority. The government has also hired a number of public relations experts to help it re-build its image internationally ahead of this year's Grand Prix.

Such steps will only lead to results if they are matched by the genuine will to reform and real commitment toward human rights. However, so far the signs have not been encouraging. Despite welcoming international media and human rights groups to witness the King receive the BICI report in November 2011, in January 2012, the government began to restrict the access of foreign journalists and human rights delegations. On 29 February 2012, a day after the Minister of Human Rights and Social Development solemnly announced to the UN Human Rights Council that the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment would be visiting Bahrain from 8-17 March 2012, his visit was postponed, at the government's request, until July 2012. Also in February 2012, Amnesty International was left with no choice but to cancel a visit to Bahrain because of new restrictions to the way human rights groups are able to work in the country, only

communicated at the last minute before a scheduled visit by the organization.

The establishment of the BICI was a real breakthrough and raised expectations that things would be different in Bahrain. Yet, nearly five months later, real change has not materialized. People are still waiting for the significant changes that would demonstrate the political will to reform. The piecemeal nature of the reforms, and the persistence of some of the same violations documented in the BICI report, have cast a shadow over the whole process, and raised doubts over the authorities' political will to reform.

This Amnesty International report shows the discrepancy between the Bahraini government's public pronouncements and its failure to make real steps toward accountability for human rights violations. In doing so, the report evaluates the government's implementation of the BICI recommendations and for ease of reference follows the structure of the BICI report. The report highlights patterns of human rights violations committed by Bahraini security forces and provides testimonies of victims of human rights violations who are still awaiting justice. In its conclusion, Amnesty International calls on the Bahraini government to show real political will for reform in the country and makes a series of recommendations to the Bahraini government, key of which are:

- Immediately and unconditionally release all prisoners of conscience who were tried and sentenced by the National Safety Court, or ordinary criminal courts, solely for peacefully exercising their rights to freedom of expression and assembly, including the 14 prominent leaders of the opposition;

- Set up prompt, thorough, impartial independent investigations (by an independent body outside the PPO) 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 all those suspected of torture and unlawful killing, including those with command responsibility, or those who condoned or committed torture, unlawful killings and other human rights violations, regardless of their position or status in the government and ranking in the security and military forces, are held accountable, including in a trial consistent with international fair trial guarantees and without recourse to the death penalty.

ABOUT THIS REPORT

This report is based on individual testimonies, including of victims of human rights violations, lawyers and human rights defenders, gathered by Amnesty International during a fact-finding visit to Bahrain in November 2011. Unfortunately, its scheduled visit to Bahrain in March 2012 was cancelled following a communication by the Ministry of Human Rights and Social Development of new restrictions imposed on international NGOs wishing to visit Bahrain. Considering the late communication of such restrictions, Amnesty International felt unable to go ahead with its planned visit.

The report also relies on official documents published by the government. Amnesty International has been unable to raise some of the concerns articulated in this report directly with the authorities given its cancelled visit. However, the organization has continued to raise

directly its concerns with the Bahraini authorities since the beginning of the human rights crisis in the country. For the purpose of this report Amnesty International has addressed a number of questions to the Ministry of Interior as well as to the Public Prosecutor. Answers provided by the government of Bahrain are reflected in this report. Amnesty International is grateful to all those individuals who met with or provided information to its delegates. Amnesty International also appreciates the time and assistance provided by Bahraini human rights activists and civil society organizations.

2. MECHANISM FOR IMPLEMENTING RECOMMENDATIONS

Significantly, the first recommendation of the BICI report (No.**1715**)[4] calls for an impartial body to drive and oversee the implementation process of its recommendations. A few days after 23 November 2011, when the BICI submitted its report, the King established the National Commission to Follow Up on the Implementation of the Recommendations of BICI (the National Commission) and appointed its members (Royal Orders No.45 and No.48, issued on 26 and 28 November 2011 respectively). The Commission was made up of 19 people, including the current Minister of Justice Shaikh Khaled bin 'Ali Al Khalifa, who is a member of the royal family, and chaired by 'Ali Bin Saleh al-Saleh, President of the Shura Council, the upper house of Bahrain's bicameral national assembly (parliament), whose 40 members are appointed by the King, and a key Shi'a pro-government politician. The National Commission was to study the BICI recommendations and make suggestions on their implementation, as well as on amendments to Bahraini legislation. It was given until the end of February 2012 to complete its work in a "transparent way" and then to publish its conclusions.[5] The Commission set up three working groups: the first to focus on legislative reform, the second to focus on human rights issues and the third to deal with national reconciliation issues.

The lack of transparency in setting up the National Commission angered many in Bahrain, including main-stream opposition political organizations such as the al-Wefaq Society, as well as human rights activists. Reportedly, the government confidentially contacted individuals to invite them to join the National Commission. When two al-Wefaq former members of parliament were contacted in this way, the Society objected. Al-Wefaq then refused to join the National Commission, arguing that the way it was set up went against the content and spirit of BICI recommendation No.1715. Fifteen members of the National Commission are believed to be pro-government and, in addition to the Minister of Justice, they include actual and former members of parliament, businessmen, lawyers and academics.

The National Commission held weekly meetings to discuss its progress and regularly requested information from various ministries on their implementation of relevant recommendations. On 31 December 2011 Chair 'Ali Bin Saleh al-Saleh submitted a letter of resignation to the King in response to attacks in the media. The letter was published in newspapers in Bahrain.

Some pro-government figures had attacked 'Ali Bin Saleh al-Saleh, in the media and during mosque sermons, for helping four members of the Shura Council back into the Council after they were dismissed because of their participation in anti-government protests in February and March 2011.[6] However, 'Ali Bin Saleh al-Saleh's resignation was not accepted and he continued in his position. On 2 March 2012, the King extended the mandate of the National Commission until 20 March 2012 (Royal Order 9 for 2012).[7] The National Commission submitted its report to the King in a ceremony hosted by the King and the Crown Prince and attended by foreign diplomats and the media.

The King invited BICI Chairman Professor Mahmoud Cherif Bassiouni to Bahrain in early February 2012 to prepare a report on how the BICI recommendations had been implemented by the government. Professor Mahmoud Cherif Bassiouni was due to submit his report at the end of March 2012, but as of 10 April 2012 it was not known if he had submitted it or not.

The National Commission's report, submitted on 20 March 2012, includes correspondence between the Head of the Commission and the various government ministries on the implementation of BICI recommendations relevant to their ministries. The report also includes advice and recommendations made by the international human rights experts.

Judging from the report it submitted on 20 March 2012 and from the decree setting it up it appears that the National Commission did not have much power to drive the implementation process. The working methods of the Commission were unknown and its remit did not include receiving individual complaints of human rights violations, or the power to compel officials to follow-up on cases highlighted in the BICI report. Amnesty International regrets that no clear criteria of expertise, independence and impartiality in the selection of members of the Commission were set out from the outset, which opened the door to the actual or perceived politicization of the National Commission. Its mandate and its powers, including the power to summon officials to obtain information and documents, or to compel them to testify, were not spelled out in the decree establishing the National Commission, limiting its effectiveness from the outset.

3. ACCOUNTABILITY FOR VIOLATIONS DURING PROTESTS

"They started punching me on the back of my head. I lost consciousness."

A former detainee who was tortured in police custody, interview by Amnesty International on 4 December 2011

Scores of protestors were tortured by Bahraini security forces, including members of the NSA. Methods of torture included beatings, punching, the use of electric shocks on different parts of the body and threats of rape. Detainees were also verbally abused. At least five detainees died in custody as a result of torture.

In response to the National Commission's request on the government's implementation of Recommendation **1716** [8] regarding accountability for "deaths, torture and mistreatment of civilians", the Bahraini government stated:

"To implement this recommendation, prominent international legal experts were appointed, namely Sir Jeffrey Jowell and Sir Daniel Bethlehem to head the team charged with formulating a method to assess how an independent mechanism can be created, and to commence taking action to ensure independence and neutrality as stated in the recommendation. This team will also help clarify and determine relevant legal criteria to evaluate accountability issues, including special directions on the implementation of international standards on upper leadership accountability in Bahrain…"[9].

Although the Bahraini government ratified the Convention against Torture it did not translate into domestic law the provisions of the Convention. In addition, no independent and impartial investigations have been conducted in allegations of torture, deaths in custody and deaths as a result of excessive use of force. A few other recommendations contained in the BICI report also deal with independent investigations, including **1719**[10] and **1722(a,b)**.[11]

In early January 2012, the government announced that two British lawyers, Sir Daniel Bethlehem KCMG QC, former Legal Advisor to the UK Foreign and Commonwealth Office, and Sir Jeffrey Jowell QC, Emeritus Professor of Public Law at University College of London, were appointed to assist the Bahraini government on issues relating to accountability mechanisms, including "establishing a national watchdog to bring to justice police officers responsible for torture, death or mistreatment of civilians."[12] Several other international experts were hired by the government to help the authorities implement the BICI recommendations.[13]

The government's implementation of BICI recommendation **1716** on setting up an independent and impartial mechanism to determine accountability is inadequate and raises a number of concerns. On 27 February 2012, one day before the end of the original deadline for the implementation of the recommendations, Public Prosecutor 'Ali al-Bou'ainain issued a decree establishing a Special Investigative Unit (SIU) within the PPO to investigate crimes of torture and other ill-treatment, killings and other violations, and to determine the government's accountability for these violations. According to Article 5 of the Decree, the SIU will first focus on all violations that took place during last year's protests and that are included in the BICI report. The Public Prosecutor can refer any other case to the SIU for investigation. The unit is now headed by Nawaf 'Abdallah Hamza, a senior public prosecutor who will be supported by seven prosecutors, as well as criminal investigators and forensic experts.[14] The Public Prosecutor directly supervises and manages the SIU. The government stated that US and German lawyers were expected in Bahrain to train prosecutors in effective investigations.[15]

According to Article 3 of the decree, the SIU will use international standards, in particular the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, commonly known as the Istanbul Protocol, in its investigations. However, the new SIU as a body within the PPO does not meet the "minimum requirements of independence, impartiality and effectiveness" as recommended by the international human rights experts hired by the government.[16]

Indeed, the PPO in Bahrain is not an independent body, contrary to government claims. In fact, serious doubts about the independence and impartiality of the Bahraini judiciary have been cast, including by local human rights defenders. Courts often come under government pressure on sentencing, verdicts and appeals. Judges in Bahrain are appointed by Royal Order (Article 24 of the Law of Judicial Authority), based on the recommendation of the Judicial Supreme Council. Prosecutors are also appointed by Royal Order (Article 58). According to Article 69 of the Law of Judicial Authority, the King chairs the Supreme Judicial Council, which is made up of seven senior judges and the Public Prosecutor.[17] The King may also appoint a representative to head the Supreme Judicial Council.[18]

This lack of independence has also been demonstrated by the fact that the PPO has often failed to investigate allegations of torture and it has used "confessions" by detainees extracted under torture or other ill-treatment to convict them. Such a track record casts a shadow on the ability of the SIU as part of the PPO to deal with the widespread allegations of torture in Bahrain and does not augur well for victims of torture and other abuses.

Trial proceedings against several policemen allegedly implicated in human rights violations started before the establishment of the new unit in the PPO. On 8 December 2011, the Minister of Interior, Shaikh Rashid bin Abdullah Al Khalifa, issued an order to "refer all cases related to deaths, torture and inhuman treatment implicating the police to the Public Prosecutor's Office to implement recommendation No. 1716 of the BICI report."[19] On 25 December 2011, the Public Prosecutor stated that his office had received cases and complaints relating to torture and other ill-treatment from the Ministry of Interior. He added that investigative teams, under his supervision, would start work within a week and that they would summon victims and complainants to hear their testimonies.[20] A number of former detainees, some still on trial, were summoned to the PPO for questioning regarding their

torture allegations. At the end of January 2012, several medical doctors who had been released on bail and who were on trial were interviewed by the Public Prosecution in connection with complaints they had made about their alleged torture.

In a press conference on 22 January 2012, the Public Prosecutor stated that, as of that day, the PPO had received from the Ministry of Interior 113 cases of torture and deaths, which involved 62 suspects from the security forces.[21] As of 10 April 2012, only a handful of low-ranking security and police officers have been put on trial.

However Bahrain's record in providing accountability for human rights violations does not inspire confidence. In fact, impunity has been rampant. No senior member of the security forces, including the Public Security Forces (PSF), NSA, or the Bahrain Defence Force (BDF) have been held to account for their role, either in last year's killings of protesters or for torture of detainees. No members of the extended royal family have been held to account for human rights violations, despite continuing accusations made against at least two members in senior positions in the security forces. Ten years ago, the King sanctioned impunity in Bahrain: Decree No.56 of 2002 granted immunity from investigation or prosecution to government officials alleged to be responsible for torture or other serious human rights abuses committed prior to 2001.[22] A number of senior security officials alleged to have been involved in torture, especially in the 1990s when Bahrain had another human rights crisis, and who are known to Bahraini victims, have been given immunity. Also, a number of security officers, including in the NSA, accused by detainees and former detainees of being responsible for their torture and other ill-treatment during last year's protests, are said to be still in their positions and have reportedly not been investigated. The King removed the head of the NSA, Shaikh Khalifa bin 'Abdallah Al Khalifa from his post, but only to promote him as Secretary General of the Supreme Defence Council and a security advisor to the King.

Under Article 12 of the Convention against Torture, Bahrain is required to initiate "… a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed….". Article 13 states that "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."

DEATHS IN CUSTODY AND KILLING OF CIVILIANS

TTSix cases of deaths, three in custody as result of torture and three during protests, were recently referred to the ordinary criminal courts. On 11 January 2012, the High Criminal Court held its first trial session in the case of two people who died in custody as a result of torture last year. **Zakaraya Rasheed Hassan al-'Asheri**, aged 40, married with two children, died on 9 April 2011 in the Dry Dock Prison. He was arrested for his leading role in the protests from his home in al-Dair on 2 April. The Ministry of Interior attributed Zakaraya Rasheed Hassan al-'Asheri's death to ill-health but at his burial the body reportedly had marks that indicated torture. According to the BICI report a "forensic report confirmed the cause of death and concluded that the deceased had large bruises on his back and thighs and smaller bruises on his face and hands."[23]

'Ali 'Issa Ibrahim al-Saqer, aged 31, also died in custody on 9 April 2011. He was arrested six days earlier in Hamad Town, after he was summoned to a police station during investigations into the killing of a police officer during the March 2011 protests. The Ministry of Interior said 'Ali 'Issa Ibrahim al-Saqer had died while being restrained by police. His body was returned to his family for burial and had visible marks of severe bruises on different parts of his body, suggesting that he had been tortured. A forensic report seen by the BICI "confirmed the cause of death and concluded that the deceased had dark red bruises across the body but mostly around the back of the hands and right eye. His wrists had red flaking marks because of handcuffing and these marks were of recent origin."[24] Five policemen, all Pakistanis, have been charged in connection with the deaths of the two detainees. Two of the five have been charged with "assaulting the detainees and beating them with a plastic hose, which unintentionally led to their deaths". The other three were charged with "failure to report the crimes".

The five policemen had initially been acquitted by a military court. A Military Court of Appeal rejected the verdict and sent the case to a civilian court. The defence lawyers, 15 of them reportedly appointed and paid by the government, called for the case to be dismissed on the basis that the acquittal by the military court was not cancelled by the Military Court of Appeal. According to lawyers acting on behalf of the families of the deceased, investigations carried out by the Military Prosecution did not address who gave the orders for the alleged torture. The court did not summon the investigators in the case, although their names were mentioned in the investigation report. On 26 March 2012 the High Criminal Court decided to refer the case back to the Public Prosecution because the latter had reportedly not investigated the crimes as stipulated for in Article 81 of Bahrain's Criminal Procedure Code which requires the Public Prosecution to investigate all felony cases (cases of serious crime).

'Ali Ahmed 'Abdullah 'Ali al-Momen, aged 23, died in hospital of multiple gunshot wounds. He was one of five protesters shot at the Pearl Roundabout on 17 February 2011.That same day, **'Issa 'Abdulhassan**, aged 60, died instantaneously from a massive head wound caused by a shot fired at close range. An eyewitness told Amnesty International that 'Issa 'Abdulhassan walked over to the police as they were storming the Pearl Roundabout and asked why they were shooting. The witness recalled a policeman putting a gun to 'Issa 'Abdulhassan's head and shooting him. Two policemen, one Yemeni and another Bahraini, are being tried in connection with the two deaths. The Yemeni policeman is charged with shooting 'Isa 'Abdulhassan in the head with a shotgun which "unintentionally" led to his death. The second defendant is charged with shooting 'Ali Ahmed 'Abdullah 'Ali Al-Momen in the leg with a shotgun which led to his "accidental" death. Both defendants have denied the charges against them in court. However, during the investigations by the Military Prosecution, they reportedly confessed that they had shot the victims. The defence witnesses in the case are all policemen. Lawyers acting on behalf of the families of the deceased told the court that there are witnesses for the victims, who should be heard. The representative of the Public Prosecution told the court that the role of lawyers acting on behalf of the families should be confined to seeking compensation only. The lawyers for the families of the victims wanted to call witnesses and on 28 March 2012 the court heard testimonies of four witnesses, including the father of 'Ali Ahmed 'Abdullah Ali Al-Momen, before it adjourned the trial to 17 April 2012.

Hany 'Abdelaziz 'Abdullah Jumaa, aged 32, was shot three times with a shotgun in the village of Bilad al-Qadeem on 19 March 2011. His family did not receive his body until 25 March 2011. A Bahraini policeman has been charged with shooting at Hany 'AbdelAziz Abdullah Jumaa three times, "unintentionally" leading to his death. Lawyers representing the family of the deceased asked the court for maximum sentence and for the charges to be changed to premeditated murder. The defendant has denied the charge. The case is still ongoing at the time of writing.

All eight policemen being tried in the cases above are reportedly still working in the Ministry of Interior and their trials are ongoing as of 10 April 2012. Their lawyers have called for the dismissal of the cases and their acquittal. The policemen should be suspended until the completion of the trial and other disciplinary proceedings that may take place.

On 5 March 2012, the High Criminal Court held its first session in the case of the death of **'Abdelkarim al-Fakhrawi**. Two security officers working in the NSA are charged with assault, resulting in his "accidental" death. The two men have denied the charge. 'Abdelkarim al-Fakhrawi, a 49 year-old businessman, member of al-Wefaq and one of the founders of *al-Wasat* newspaper, was arrested on 3 April 2011. According to the death certificate he was pronounced dead at 1:10pm on 11 April and died of injuries sustained while in the custody of the NSA.[25] The BICI report stated that 'Abdelkarim al-Fakhrawi's death was attributed to "torture while in the custody of the NSA".[26] At the time, the authorities attributed his death to kidney and heart failure. No family members were present at the court hearing on 5 March 2012 – they apparently had not been informed that the hearing was taking place.

The High Criminal Court did not order a new investigation into the case of 'Abdelkarim al-Fakhrawi's death, and has relied on the investigation carried out by the Military Prosecution. During the second court session on 19 March 2012, one of the lawyers acting on behalf of 'Abdelkarim al-Fakhrawi's family asked the court to open a new investigation. He asked for a judge to be sent to interview all security officers who were at the prison and who interrogated 'Abdelkarim al-Fakhrawi to determine their role in his death, including those in senior positions who gave the orders. The lawyer also urged the court to use appropriate provisions contained in the Penal Code, including Article 208 relating to the use of torture by officials[27], rather than provisions selected by the Military Prosecution, which are deemed to be lenient. The trial was adjourned until 9 April 2012 and on that day the court adjourned the trial again until 13 May 2012.

TORTURED IN CUSTODY

Bahrain's 1976 Penal Code criminalizes the use of torture through Article 208, which states that "a prison sentence shall be the penalty for every civil servant or officer entrusted with a public service who uses torture, force or threat, either personally or through a third party, against an accused person, witness or expert to force him to admit having committed a crime or give statements or information in respect thereof." Article 232 of the Code stipulates that "a prison sentence shall be the penalty for any person who uses or threatens to use torture or force, either personally or through a third party, against an accused person, witness or expert to make him admit the commission of a crime or give statements or information in respect thereof. The punishment shall be imprisonment for at least six months if the torture or use of force results in harming the integrity of the body."

In spite of this prohibition and Bahrain being a party to the CAT, torture and other ill-treatment have been routinely used in Bahrain's response to the protests which started in 2011.

On 4 March 2012, a lower criminal court referred the torture allegation made by journalist **Nazeeha al-Saeed** against a policewoman to the PPO, because it involved a felony and not misdemeanour, and so did not fall under the jurisdiction of a lower criminal court.

Nazeeha al-Saeed © Amnesty International

The Public Prosecutor is expected to refer Nazeeha al-Saeed's case to the High Criminal Court. The policewoman, who works in a police station in Western al-Riffa'a in central Bahrain, and who is alleged to have been involved in Nazeeha al-Saeed's torture, has been tried by a military court and found guilty of neglect. She was fined BD400 (just over US$1,000) for physical assault and insults against the victim.

Nazeeha al-Saeed, aged 30, had worked as a correspondent for French television news channel France 24 since June 2009 and for Monte-Carlo TV since 2004. According to the information received by Amnesty International, on the evening of 22 May 2011, she received a phone call from al-Riffa'a police station asking her to go there. She was first questioned by a policeman who told her that she was accused of being a member of a group that wanted to overthrow the monarchy and that she had spoken to some of the leaders of the opposition. She denied the accusation. Nazeeha al-Saeed was then taken to another room, where a group of policemen and policewomen reportedly started beating her with a hose-pipe, punching and kicking her. She was then taken to another room, blindfolded and pulled by her hair into other rooms. She was then reportedly beaten by one policewoman on her back and feet. The policewoman used electric shocks on Nazeeha al-Saeed, who suffered burns on her right arm as a result. The policewoman also made her pretend to be a monkey and forced her to drink an unidentified liquid while she was blindfolded. The police woman pushed Nazeeha al-Saeed's head down a toilet and said, "This water is cleaner than you, you Shi'a". She also accused Nazeeha al-Saeed of fabricating her television reports.

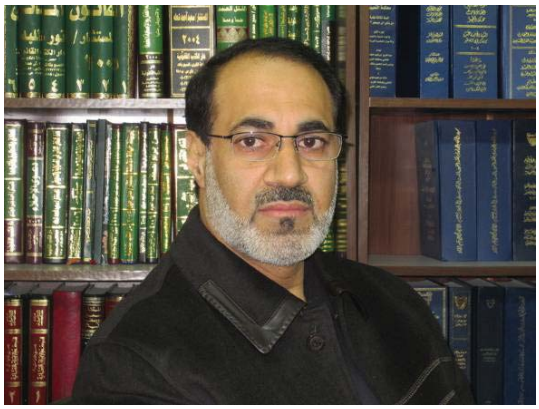
Nazeeha al-Saeed was then questioned again. She was asked who the sources of her media reports on deaths of protestors were. When she replied she had received the information from doctors, her investigators told her that these doctors were lying and that she had fabricated the information. When her blindfold was finally removed, Nazeeha al-Saeed could see there were nurses detained in the room with her. Ten hours after she arrived at the police station, Nazeeha al-Saeed was taken to the officer in charge, who asked her to sign some papers. But she was too afraid to ask to read them before signing. The officer told her, "whatever happens in this police station is my reputation and you don't want to ruin it."

Scores of people were subjected to similar torture or other ill-treatment by the Bahraini security forces, especially at the height of the repression from mid-March 2011 to the end of June 2011. The victims are still waiting for those responsible to be held accountable.

Aayat Alqormozi © Amnesty Internationall

Aayat Alqormozi, a student in a teaching faculty, read out poems critical of the Prime Minister and the King during the February and March 2011 protests. She presented herself to the authorities on 30 March 2011 after masked members of the security forces twice raided her parents' house and threatened to kill her brothers if she did not surrender. Aayat Alqormozi was arrested and held incommunicado for the first 15 days (in the CID and then in a police station in al-Wusta province in central Bahrain). From the date of her arrest and Tuntil she was brought to court for the first time on 2 June 2011, she only had communication with her family via phone calls and her family did not know her place of detention.

She said that during that time she was punched and kicked, given electric shocks to the face, forced to stand for hours, verbally abused and threatened with rape. She could only access her two lawyers in court, not before court sessions. She appeared in court again on 6 June 2011 and then following the third session held on 12 June 2011, the National Safety Court sentenced her to one year in prison after convicting her of participating in “illegal protests”, “disrupting public security” and “inciting hatred towards the regime”. She was conditionally released on 13 July 2011 after pledging not to participate in protests or criticize the government. While in prison, she was coerced to let herself be filmed apologizing for her actions. The footage was broadcast on Bahrain State television. Her case was referred to the High Criminal Court of Appeal, which on 21 November 2011 ruled that the case be suspended but did not clarify her legal status. It took many months before Aayat Alqormozi was finally admitted back to Bahrain University after she was expelled. She returned to university in March but left days later following harassment and abuse by pro-government students. No independent investigation into her torture allegations is known to have been conducted. In July 2011 the Ministry of Interior summoned her and interviewed her in the presence of her lawyer in connection with her allegations. As of 10 April 2012 no security official has been tried in connection with her torture allegations.



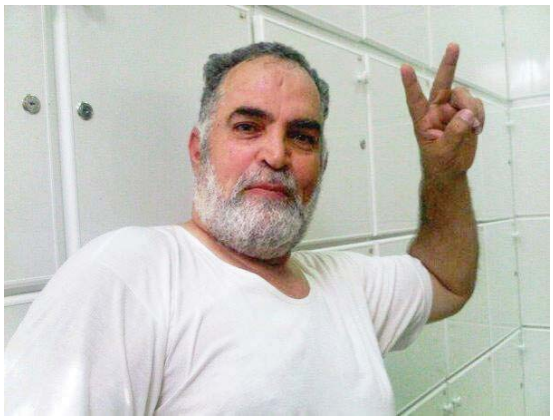
Mohammed al-Tajer © Amnesty International

Mohammed al-Tajer, a prominent human rights lawyer who has defended many cases of opposition and human rights activists, was arrested at his house in Manama on the night of 15 April 2011 and later tortured. According to his wife, over 20 security officers entered their house in the middle of the night. Some were in uniforms, others were in plain clothes. All except one were wearing masks. They searched all the bedrooms and confiscated personal items such as mobile phones, laptops and papers. Following the raid, Mohammed al-Tajer was arrested without any explanation. No arrest order was shown to him or his family. He called his family for two minutes on 17 April 2011 to let them know he was in the CID and wanted them to bring him clothes. He told them that he did not know what the charges against him were. On 12 June 2011, he was brought before the National Safety Court of First Instance and formally charged with offences that included "spreading rumours and malicious news" and "incitement of hatred against the regime". He pleaded not guilty. He was released on 7 August 2011. His trial was then referred to a civilian court. He appeared before a lower criminal court and his trial was adjourned. On 9 April 2012 the trial resumed. His six defence lawyers requested from the court to add a torture complaint made by the defendant against the PPO to his case file. The trial was adjourned to 8 May 2012. He told Amnesty International that he was tortured when he was in detention: "On the first day I was forced to stand opposite a wall, they put a bag on my head and I had to raise my arms up in the air. They started punching me on the back of my head. I lost consciousness. That first torture lasted for about half an hour. I was tortured twice more, each time for about 20 minutes. They told me they arrested me because I was defending traitors."

Mohammad Hassan Jawwad, one of the 14 opposition leaders (see section on unfair trials) was tried and sentenced by a military court. He is in Jaw Prison serving a 15-year-prison sentence. He is reportedly suffering from ill-health and on 3 or 4 April 2012 he was taken to the Military Hospital. He had described his torture after his trial before a military court, in diaries smuggled out of prison, as follows:

"…I am an old man, I am 65 years old and I felt the terrible pains in my pelvis, back, head and bones. They dragged me like an animal again into the Na'aim police station and they ordered me to stand near a wall and it took a bit more than two hours without saying a word to defend myself.

"…later I was surprised to hear that the National Security [Agency] ordered to take me to Al Qalaah, the main office of the Ministry of Interior in Manama. They took me there to torture me! When I got [there] … I was subjected to many insults and vile words …. There was a big number of men thrown sleeping in the hallways waiting for their turn to be tortured



Mohammad Hassan Jawwad © Private

including Shaikh Mohammed Habib Al Meqdad and Shaikh Merza Al Mahroos who I personally know and are accused with me in the same case. I sometimes heard screams of pains of some or witness the torture of others. Their screams are so bad that they go out of breath and you don't know whether they're alive or dead. Their voice goes away and you see their blood spilling and they disappear… Sometimes they hang me, sometimes they hit me, other times they chain me to the ground because I occasionally tried to defend myself out of frustration. In one of the hallways they tried to sexually rape me with a piece of wood, trying to get it into my genitals, out of self defence I pulled one of them and trapped him inside my handcuffed hands, he got stuck inside, I hit him with my knee. As punishment 20 other security men came in and hit me so terribly, they wondered why I would defend myself. Later in prosecution I was accused of resisting security men, for God's sake why wouldn't I defend myself against those trying to abuse my body and my dignity?

"…So I entered the torture room, they asked me to stand with groups of three or four people all masked holding a hose and some other torture tools including an electrocuting machine. They made me hear its sound on purpose so they'd scare me, I was wondering whether they'll use it or not. But after they tied my hands and my legs with a steel cuff I knew they wanted to. They started torturing me from the bottom of my feet and the pain was terrible, it was so bad that I felt my soul was being sucked into a different world…"[28]

4. UNFAIR TRIALS OF POLITICAL ACTIVISTS

"We wrote to the court three times requesting it to bring witnesses to the court so that we cross-examine them, but the court refused… I asked the court to write down what I said about the torture of my client, but the president of the court did not"

A defence lawyer talking to Amnesty International about trials before the National Safety Court, 4 December 2011

Hundreds of protesters, including leading opposition activists who led the protests in February and March 2011, were tried by the National Safety Court. Trial proceedings before this court did not meet international standards for fair trial. The court, headed by a military judge and with two other civilian judges, was located in the headquarters of the Bahrain Defence Force. Prominent opposition activists, health workers, teachers, students and human rights activists appeared before this court on a wide range of charges, including "participation in illegal demonstrations", "attempting to overthrow the regime by force", "inciting hatred against the regime", "propagating false information" and "occupying public places by force". Many of the charges are broad, vaguely worded, and criminalize the exercise of the right to freedom of expression and peaceful assembly.

Most detainees were denied access to their lawyers before the start of their trial. Many told the court that they had been tortured and that "confessions" obtained under torture were used to incriminate them. However, the court did not investigate their allegations of torture or dismiss their "confessions" marred by torture allegations. Nor did they refer defendants for independent medical examination. Some of the defendants were released on bail to await appeals after being sentenced. Lawyers complained that they were told in court that some of the information used by the prosecution to incriminate defendants was deemed confidential and obtained from intelligence sources. The lawyers could not cross-examine those who gathered the information. On many occasions, the court rejected lawyers' requests to call and cross-examine witnesses. Amnesty International categorically opposes the trial of civilians before military courts.

At the end of August 2011, the King issued a decree referring all cases being examined by the National Safety Court to civilian courts and by early October 2011 all such cases were referred to civilian courts.

The BICI recommendations do not explicitly call for the immediate and unconditional release of all protesters who did not use violence or advocate the use of violence. Instead, recommendation **1720**[29] calls for sentences and verdicts issued by the National Safety Court to be reviewed by ordinary courts. Recommendation **1722(h)**[30] also calls on the government to review sentences issued by courts against people who did not use violence.

A month after the BICI report, on 24 December 2011, the Public Prosecutor ordered that all charges related to the right to freedom of expression be dropped.[31] He stated that this would apply to 43 cases and that 334 of those accused would benefit from such a measure.[32] However, in reality, very few detainees have benefited from this measure because the vast majority of people detained for participating in the protests were charged with several offences. One of the most frequent charges is "participation in an illegal gathering of more than five people", which is set out in Article 178 of the Penal Code.

The Penal Code and other Bahraini legislation, including Law 18 (1973) on Public Meetings, Processions and Gatherings (and amendments made through Law 32 of 2006), and the 2005 Political Societies Law severely restrict the right to freedom of expression and assembly. In fact the Penal Code contains an array of articles (for example articles 165-169; 172-174 and 178-182) which are broad, vaguely worded and which impose prison sentences on people violating these articles. Provisions in these articles deal mainly with criticism of the King, the royal family and the government and amount to undue restrictions to the rights to freedom of expression and peaceful assembly as guaranteed in international law.

Under international human rights law and standards Bahrain has a duty to uphold the rights to freedom of assembly and freedom of expression (articles 21 and 19, ICCPR). According to Article 21 of the ICCPR, any restrictions on the right to freedom of assembly must be in accordance with the law and strictly necessary to preserve national security or public safety, public order, public health or morals, or protect the rights and freedoms of others. Any such restrictions must be proportionate to a legitimate purpose and without discrimination, including on grounds of political opinion. Even when a restriction on the right to protest is justifiable under international law, the policing of demonstrations (whether or not they have been prohibited) must be carried out in a manner that ensures full respect for human rights.

On 3 January 2012, the President of the Court of Cassation and Vice President of the Bahrain Supreme Judicial Council Shaikh Khalifa Bin Rashed Al Khalifa stated that a committee made up of a number of judges had been set up to review all final verdicts and sentences issued by the National Safety Court.[33]

On 25 February 2012, the Supreme Judicial Council announced that the new committee had completed its work. It found that the National Safety Court had handed down 165 conviction verdicts, which included the sentencing of 502 people. Many received lengthy prison terms, including life in prison. The committee also noted, "135 verdicts were appealed before and are being processed by ordinary courts according to the law." The committee recommended that charges against only six prisoners were dropped.[34] At the time of writing the identity of

the six people who benefited from this measure had not been made public.

NATIONAL SAFETY COURT CASES

Scores of people who were tried and sentenced by the National Safety Court, and whose sentences were upheld by the National Safety Court of Appeal, also a military court, have appealed before the Court of Cassation, a civilian court.

One of the cases is of 21 prominent opposition figures arrested in March and April 2011. Of the 21, 14 were tried in person and seven were tried in absentia. On 22 June 2011, the military court sentenced seven of the 14 defendants who were present to life in prison. The seven are **Hassan Mshaima'** (leader of the al-Haq Movement, an unauthorized opposition group), **'Abdelwahab Hussain** (leader of the al-Wafa Movement, also unauthorized)[35], **'Abdulhadi Al-Khawaja**, **Dr 'Abdel-Jalil al-Singace**, **Mohammad Habib al-Miqdad**, **Abdel-Jalil al-Miqdad** and **Sa'eed Mirza al-Nuri**. Four people, **Mohammad Hassan Jawwad**, **Mohammad 'Ali Ridha Isma'il**, **Abdullah al-Mahroos** and **'Abdul-Hadi 'Abdullah Hassan al-Mukhodher**, were sentenced to 15 years in prison. **Ebrahim Sharif** and **Salah 'Abdullah Hubail Al-Khawaja**, the brother of 'Abdulhadi Al-Khawaja, were given five-year prison terms. **Al-Hur Yousef al-Somaikh** received a prison sentence of two years.

Clockwise from top left Dr 'Abdel-Jalil al-Singace, Mohammad Hassan Jawwad, Mohammad 'Ali Ridha Isma'il Mohammad Habib al-Miqdad, Al-Hur Yousef al-Somaikh, Hassan Mshaima', 'Abdelwahab Hussain and Sa'eed Mirza al-Nuri. Some of the 14 opposition activists sentenced by a military court in Bahrain in 2011 © Private

Charges against the 21 included "setting up terror groups to topple the royal regime and change the constitution". Some of the 14 prisoners publicly called for an end to the monarchy and its replacement with a republican system. They have not used or advocated violence, and Amnesty International considers them as prisoners of conscience who should be immediately and unconditionally released.

Several were reportedly tortured following their arrest. **'Abdulhadi Al-Khawaja**, a prominent human rights defender and former Protection Co-ordinator for Front Line, an international NGO that works for the protection of human rights defenders, was arrested on 9 April 2011 at his daughter's house. According to his family, he was beaten during the arrest, taken away

barefoot and not allowed to take his medication with him. He was not permitted family visits for weeks.

When 'Abdulhadi Al-Khawaja was admitted to the BDF military hospital in al-Riffa'a in central Bahrain around the end of April 2011, he had cracks on his jaw and skull and black marks on his arms, allegedly caused by torture. He was admitted for six days and had several operations to his head and face. He was then hastily returned to prison where he was reportedly tortured again. During the first session of the trial of the 21 opposition figures on 8 May 2011, 'Abdulhadi Al-Khawaja was not allowed to address the court. On his way out at the end of the session he shouted that he was being tortured in detention. After that, security officers reportedly beat him and threatened him with rape. The court did not investigate his allegation. He later gave an account of his torture to investigators from the BICI and his testimony featured in the BICI report.

'Abdulhadi Al-Khawaja © Private

As of 10 April 2012 'Abdulhadi Al-Khawaja had been on hunger strike for over 60 days protesting against his torture, unfair trial and arbitrary imprisonment. At the end of March 2012 he told his family and his lawyer that he was starting to reduce his glucose intake, which he had been taking along with water to sustain his health. His heath deteriorated significantly. He was admitted to the Military Hospital for two days at the end of March. His weight dropped to 51 kilos, 16 less than before his imprisonment. On 31 March 2012, as his health deteriorated further, he was transferred to the Ministry of Interior Hospital, where he was kept for a few days and then transferred to a military hospital. As of 10 April 2012 he was still being kept there and was not allowed visits by his family and his lawyer. Abdulhadi Al-Khawaja has dual Danish and Bahraini nationality. The Danish government formally requested that he be released and sent to Denmark for treatment. The authorities rejected this request.

On 6 September 2011, the appeal hearing of the 21 defendants took place before the National Safety Court of Appeal.[36] The defence lawyers asked the presiding judge to testify about their torture and other ill-treatment in detention. They also urged the court to withhold its verdict until the publication of the BICI report and for the court to examine the evidence of torture obtained by the BICI. The lawyers also asked to challenge the legality of the royal decrees that provide for civilians to be tried before the National Safety Court. The appeal hearing was postponed until 28 September 2011. Then, in a brief session that lasted only a few minutes, the appeal court decided to uphold all the convictions and sentences imposed on the 21 defendants on 22 June 2011. The defence lawyers later appealed the sentences and the verdict before the Court of Cassation. On 2 April 2012 the Court of Cassation started reviewing the case and then adjourned the hearing until 23 April 2012 when it is expected to issue its verdict. The court refused to release the defendants, as requested by the defence

lawyers. The 14 people, who had been held in al-Gurain Military Prison in central Bahrain under the control of the BDF, were transferred to Jaw Prison on 28 November 2011. Throughout the trial of the 21 defendants, the Military Prosecution failed to provide any evidence that the accused used or advocated violence during last year's protests.

Other opposition activists and religious figures were also tried and sentenced by military courts. On 4 October 2011 the National Safety Court gave its verdict in the trial of the leaders of the Islamic Action Society (Amal), an authorized Shi'a political group whose members are said to be followers of the Najaf-based Ayatollah Hadi al-Mudarrassi, they are also known as "the Shirazi faction". **Shaikh Mohammad 'Ali Al-Mahfoodh**, the Secretary General, **Abdullah Ibrahim Ahmad Al-Saleh**, **Sayed Mahdi Hadi Al-Mossawi**, **Hadi Mohammad al-Muderrassi**, **Jassim Ali Mohammad Yousef Al-Dumistani** and **Talal 'Abdulhameed Mohammad al-Jamri**, received 10 years' imprisonment each. Eight others[37] received five-year prison term each.

Shaikh Mohammed 'Ali A-Mahfoodh © Amnesty International

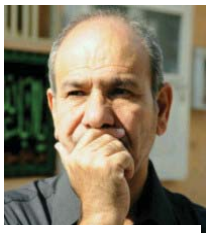
The 14 were charged with, among other things, "attempting to overthrow the regime by illegal means", "incitement to hatred of the regime", "illegal gatherings" and "propagation of false information". The group's lawyers appealed the verdict and sentences before the High Criminal Court of Appeal. In a court session held on 20 February 2012 defence lawyers requested that the BICI report be added to the case file and that allegations of torture be independently investigated. The court agreed to appoint a medical team to examine the defendants and decided to adjourn the trial until 8 April 2012. On that date the trial was adjourned again until 2 May 2012 because the court had not added the BICI report to the case file and defendants had also not been referred for independent forensic examinations.

Younis Ashoori, a 60-year-old administrator in al-Muharraq Maternity Hospital, who is married with children, was arrested on 20 March 2011 at the hospital. He was unwell and staying at home when he received a phone call from his supervisor asking him to return to work because of an emergency. He drove to the hospital but was arrested by a large group of security officers. His wife inquired about him and searched for him in several police stations, with no success. The family later heard that Younis Ashoori was being held in Hid police station, and that his car had been confiscated. When his wife took his medication to the police station, the police denied that he was being held there and refused to take the medicine. Eighteen days later, Younis Ashoori contacted his family by phone for the first time. He did not know where he was being held. Amnesty International considers that he was held in conditions amounting to an enforced disappearance.

During the first two weeks of detention Younis Ashoori was reportedly tortured. Reported methods included beatings with a hosepipe, punches to his face and his stomach,

suspension upside down and electric shocks. He was told that if he did not sign a "confession", his wife and sisters would be brought to the police station and raped in front of him. He was denied medicine for his prostate, kidney problems and migraine. As a result of repeated torture Younis Ashoori signed papers when blindfolded and without knowing what their content was. Later he discovered that he had signed three documents incriminating himself: taking gas cylinders from the hospital to the Financial Harbour (where protesters had erected a camp), replacing political leaders' portraits with those of religious ones, preparing a ward within the hospital for injured protesters and "inciting hatred against the regime."

The Military Prosecution charged him with one formal criminal offence: stealing material from the hospital and dropped the other charges. He was tried by the National Safety Court and on 28 September 2011 he was sentenced to three years in prison. A day later, he was transferred to Jaw Prison. His case was later transferred to the High Criminal Court of Appeal which adjourned the hearing several times. On 25 March 2012, the trial resumed. His lawyer told the court that the defendant had been tortured and requested copies of medical reports issued on behalf of his client. The lawyer told Amnesty International that as of the end of March 2012 Younis Ashoori's "confession", extracted under torture, is still being used as evidence, together with information received from "secret witnesses". The main prosecution witness has not appeared in court. The trial was adjourned until 11 April 2012.


Younis Ashoori © Private

Two leaders of the teachers' association, **Mahdi 'Issa Mahdi Abu Dheeb** and **Jalila al-Salman**, former President and Vice-President of the Bahrain Teachers' Society (BTS), were sentenced on 25 September 2011 by the National Safety Court of First Instance to 10 and three years in prison respectively. They were charged with, among other offences, using their positions within the BTA to call for a strike by teachers during the 2011 unrest, "halting the educational process", "inciting hatred of the regime" and attempting to "overthrow the ruling system by force", "possessing pamphlets and disseminating fabricated stories and information".

Mahdi 'Issa Mahdi Abu Dheeb has been in detention since his arrest on 6 April 2011 after a raid on his uncle's house. Both he and his uncle were detained; his uncle was released 72 days later. Mahdi 'Issa Mahdi Abu Dheeb's family did not know where he was for 24 days. He spent 64 days in solitary confinement during which he says he was tortured. His family and lawyer were only allowed to see him during the first session of the trial on 7 June 2011. He said he was repeatedly beaten on the head, back and legs and was forced to remain standing for prolonged periods of time.

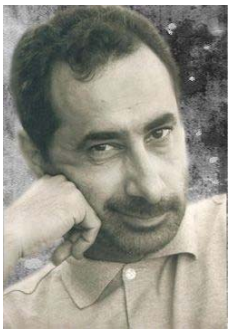
Mahdi 'Issa Mahdi Abu Deeb © Private

Jalila al-Salman was released on bail on 21 August 2011 after spending nearly five months in

detention. Her house in Manama was raided on 29 March 2011 by more than 40 security officers. She was taken to the CID in Manama where she was reportedly ill-treated and verbally abused. She remained there for eight days until she was transferred to a women's detention centre in 'Issa Town and kept there in solitary confinement for 18 days. She was then transferred to a cell with other women within the same facility. She is currently not in jail, although she was briefly arrested and held for several days in late October 2011.

Jalila al-Salman © Private

There is no evidence that Mahdi 'Issa Mahdi Abu Dheeb or Jalila al-Salman used or advocated violence. They were targeted solely for their leadership of the BTS and for peacefully exercising their rights to freedoms of expression, association and assembly, including calling for strikes. The lawyers of the two appealed the verdict and the sentences. The appeal hearing was held in late December 2011, then postponed to 9 February 2012. It was again postponed until 2 April 2012, and then until 2 May 2012.



Mahmood Abdulsaheb © Private

Mahmood AbdulSaheb, an artist and photographer who is married with three children, was arrested at a checkpoint on 15 March 2011 on his way home. For 10 days his family did not know what had happened to him. He then called and asked them to bring clothes to al-Riffa'a police station where he was being held. He was reportedly tortured and burn marks were still visible on his hands when his family saw him for the first time two months later. A month after his arrest, he was transferred to Dry Dock Prison in Manama. He was charged by the Military Prosecution with "illegal assembly" and "fabricating and leaking photos of injured protesters". His trial before the National Safety Court of First Instance started on 12 May 2011, and on 31 May he was

sentenced to five years in prison.

On 15 June, the National Safety Court of Appeal reduced his sentence to three and a half years imprisonment. His lawyer appealed the verdict and the sentence, but on 6 February 2012 the Court of Cassation rejected the appeal. On 19 June 2011 Mahmood AbdulSaheb told his family that he was tortured by eight masked men in al-Qudaibya police station. He was reportedly threatened with rape if he refused to give a video "confession" to be shown on the national television. He recorded the "confession" on 18 June 2011. It was broadcast two days later. Amnesty International considers him to be a prisoner of conscience.

Twenty health workers, including prominent doctors, most of whom working at the Salmaniya Medical Complex in Manama, were arrested in March and April 2011 in connection with the anti-government protests. Charges against them include "possession of unlicensed weapons", "inciting hatred to the regime and insulting it", "instigating hatred against another sect", "occupation of a public building (Salmaniya Medical Complex)", "destroying public property" and "calling for the overthrow of the regime by force". However, the real reasons for their arrest were said to be the fact that most of them had been vocal in giving interviews to foreign media and accusing the government of gross atrocities against protesters. Some of them were reportedly tortured. They were tried before the National Safety Court and sentenced on 29 September 2011. Thirteen of the defendants were sentenced to 15 years in prison. They are **'Ali 'Esa Mansoor al-'Ekri**, **Nader Mohammed Hassan Dewani**, **Ahmed 'Abdulaziz Omran Hassan**, **Mahmood Asghar 'Abdulwahab**, **'Abdulkhaleq 'Ali Hussain al-'Oraibi, Ghassan Ahmed 'Ali Dhaif**, **Bassim Ahmed 'Ali Dhaif**, **Ebrahim 'Abdullah Ebrahim**, **Sayed Marhoon Majid al-Wedaei**, **Roula Jassim Mohammed al-Saffar, Nada Sa'eed 'Abdelnabi Dhaif**, **'Ali Hassan al-Sadadi** and **Qassim Mohammad 'Omran**.

Some of the 20 health professionals outside the High Criminal Court of Appeal in Bahrain after their hearing in November 2011 © Amnesty International

In the same case, **Hassan Mohammed Sa'eed Nasser** and **Sa'eed Mothaher Habib Al Samahiji** were sentenced to 10 years in prison. **Fatima Salman Hassan Haji**, **Dhia Ibrahim**

Ja'far, **Najah Khalil Ibrahim Hassan**, **Zahra Mahdi al-Sammak** and **Mohammed Faeq 'Ali Al Shehab** were sentenced to five years in prison.

All the health workers were released on bail before the verdict was handed down. Their lawyers appealed the verdicts and sentences before the High Criminal Court of Appeal. The prosecution said that all charges relating to freedom of expression had been dropped. However, the medical health workers continue to face serious charges such as "possession of unlicensed weapons", "occupation of a public building" and "calling for the overthrow of the regime by force".

On 28 November 2011, a prosecutor presented some weapons, including knives, chains, swords, two kalashnikov rifles and ammunition as incriminating evidence, but did not explain how those weapons were used or how they were linked to any of the defendants. These weapons were not produced as evidence by the Military Prosecution during the trial before the National Safety Court. The High Criminal Court of Appeal has so far held several sessions: on 9 January 2012, 28 February 2012, and on 4, 8, 15 and 20 March 2012. During the hearings, defence lawyers cross-examined prosecution witnesses, requested that all defendants be examined by independent forensic doctors and that torture reports and forensic examinations contained in the BICI report be added to the case file. Their request to lift the travel ban on the defendants was rejected by the court. Some defendants were referred for forensic examination by a medical team made up of representatives from the PPO, the Ministry of Health and the Gulf University. The defence lawyers have complained about the lack of impartiality of this team, arguing that the PPO and the Ministry of Health are not independent. As of the end of March 2012 the trial is still ongoing.

Since the National Safety Court ended its work in early October 2011, hundreds of people, including teachers, students and sportsmen, have been tried by ordinary criminal courts in connection with their participation in the March and February 2011 protests. Most of the charges are based on "participation in illegal gatherings" and "incitement to hatred of the regime". On 19 March 2012, a lower criminal court handed down its verdict in the trial of students and staff accused of protesting in the University of Bahrain's Sakhir Campus on 13 March 2011. That day, clashes erupted in the university between pro-government students and anti-government protesters. A total of 118 university students and staff were jailed for up to 12 months. They were convicted of taking part in an "illegal gathering" and "inciting hatred against the regime", while some were jailed for "assault", "destroying university property" and "possession of weapons". Twenty Bahrainis were acquitted of all charges. Those convicted have been released temporarily after agreeing to pay BD500 (around US$1300) as bail money. The date for their appeal hearing has not been set.[38]

The cases set out above are examples of how Bahrain has breached its international obligations in relation to the right to fair trial. Under Article 14 of the ICCPR Bahrain is obliged to guarantee all those facing criminal charges "a fair and public hearing by a competent, independent and impartial tribunal established by law" with only strictly limited circumstances in which the press and the public may be excluded. All judgements rendered in criminal cases or in suits at law must be made public, except where the interest of juvenile persons requires otherwise, or the proceedings concern matrimonial disputes or the guardianship of children. A number of rights in relation to determination of criminal offences, to be respected "in full equality", are specifically included in articles 14(2) and (3), among

them: the presumption of innocence; prompt and detailed notification of the accusations against the person; adequate time and facilities to prepare the defence; completely confidential communications and meetings with legal counsel of choice; trial without undue delay; the right to be present at and throughout the trial; the right to legal assistance without payment if the accused cannot afford it; equality of arms, including the right to call witnesses and question them under oath; free interpretation if necessary for the accused to understand or speak during the proceedings; and the right not to be compelled to testify against oneself or to confess guilt. Other subparagraphs of Article 14 guarantee the right to appeal of conviction and sentence, the right of compensation in cases of miscarriage of justice, and the right not to be tried or punished again for an offence for which they have already been finally convicted or acquitted. The Human Rights Committee has also emphasized that trial of civilians by military or other special courts is generally prohibited.[39]

DEATH SENTENCES

The National Safety Court issued five death sentences in total. The sentences and the verdicts were later reviewed by the Court of Cassation and then sent to a civilian court of appeal. BICI recommendation **1722(i)**[40] urges the government to commute death sentences handed down by the National Safety Court.

On 28 April 2011 the National Safety Court sentenced **'Ali 'Abdullah Hassan al-Sankis**, **'Adbulaziz 'Abdulridha Ibrahim Hussain**, **Qassim Hassan Matar** and **Sa'eed 'Abduljalil Sa'eed** to death, and **'Issa 'Abdullah Kadhem 'Ali**, to life in prison after they were convicted of killing two policemen by deliberately running them over during anti-government protests in March 2011. On 22 May 2011, the National Safety Court of Appeal upheld the death sentences of Ali 'Abdullah Hassan al-Sankis, 'Adbulaziz 'Abdulridha Ibrahim Hussain, and the life sentence of 'Issa 'Abdullah Kadhem 'Ali. The other two death sentences were commuted to life. All the sentences and the verdict were submitted to the Court of Cassation for review.

On 28 November 2011, the defence lawyers requested a re-trial on the basis of allegations of widespread torture and other ill-treatment of all those detained in connection with the February and March 2011 protests, as described in the BICI report. The defendants alleged that they were tortured in detention. Their "confessions" were used against them in court. On 9 January 2012 the Court of Cassation quashed the death sentences and referred the case back for an appeal to the High Criminal Court of Appeal. The first session of the appeal took place on 25 March 2012. The defence team found out the date of the re-trial from the media, rather than from the court. The lawyers requested that all defendants should be referred to an independent forensic doctor since their previous "confessions" were extracted under torture. They also requested that the BICI report be added to the case file and for the trial not to progress in the absence of one of the key defendants, who had undergone surgery and was in prison. The trial was adjourned until 25 April 2012.

'Ali Yousef 'Abdelwahab al-Taweel was sentenced to death by the National Safety Court on 29 September 2011 after he was convicted of the premeditated murder of policeman Ahmad Ahmad al-Merissi in Sitra during anti-government protests. Another man, **'Ali 'Atiya Mahdi**, was sentenced to life in prison. According to the court verdict, the two men killed the policeman by deliberately running him over with a car. They were also charged with "illegal gathering in a public place".

Amnesty International opposes the death penalty in all cases without exception, considering that it is inherently inconsistent with respect for the right to life and the prohibition of torture and other cruel, inhuman and degrading punishment. The Human Rights Committee does not interpret the ICCPR to entirely preclude the death penalty, but has emphasized strict limits on its use. Thus, the Committee has said, "any trial leading to the imposition of the death penalty during a state of emergency must conform to the provisions of the Covenant, including all the requirements of article 14."[41]

The UN Safeguards guaranteeing protection of the rights of those facing the death penalty state that: "…Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings".[42]

5. CONTINUING VIOLATIONS BY POLICE IN THE MIDST OF REFORMS

"I fell on the ground but they continued to beat me… stamped on me and kicked me"

An activist describing his encounter with the riot police, interview by Amnesty International 7February 2012

The BICI report made a number of recommendations to reform the police and other security agencies, including NSA. On 28 November 2011, the King issued Decree No.115 of 2011 amending Decree No.14 of 2002 regarding the setting up of the NSA. The amendments stipulate that the NSA specializes in gathering information and monitoring harmful activities relating to espionage, terrorism and spying. Under the amendments the NSA should refer all cases requiring arrest of individuals to the Ministry of Interior to take legal action.[43] On 28 February 2012, the King issued Decree No. 28 of 2012 establishing an independent office of the Inspector General within the NSA. The government also issued a draft law requiring that even in a state of emergency the arrest of people be done in accordance with the Criminal Procedure Code. All this is in line with recommendation **1718**[44] of the BICI report.

Three agencies have been at the core of human rights violations in Bahrain and continue to be so, in spite of the purported reforms of the security apparatus. All were heavily involved in suppressing the February-March 2011 protests. The Public Security Forces (PSF), made up of ordinary police and riot police units, are Bahrain's main forces responsible for maintaining law and order and are under the Ministry of Interior's control. The NSA, set up in 2002, is an internal intelligence agency, which replaced the General Directorate of State Security. It reports directly to the Prime Minister. Royal Decree No. 117 of 2008 gave the NSA power to arrest, detain and interrogate people. The BDF are the armed forces of the country. BDF units were involved in crushing the protests on 17 February 2011 and also in mid-March 2011 and clearing the GCC Roundabout, as well as manning checkpoints.

At the end of December 2011, the Bahraini government recruited John Yates, former London Metropolitan Police Assistant Commissioner, and John Timoney, former Chief of the Miami Police Department, to help reform the Bahraini police. On 13 February 2012, John Timoney said: "we are in a process of revamping the entire internal investigative process. If there is a death in police custody or serious injury, these are seriously being investigated."[45] He added that cameras would be installed in interrogation rooms as part of the police's new conduct. On 8 December, the Minister of Interior ordered that "the required procedures be taken to install cameras to ensure visual and audio recording for all official interviews of detainees."[46] On 22 March 2012 the Public Prosecutor said that 60 "sound-proof rooms will also be equipped with CCTV [Closed-circuit television] cameras to ensure high-quality recording. The

facilities are expected to be operational soon."[47] This means that as of 22 March 2012 detainees were still being interrogated without audio-visual recording, contrary to BICI recommendation **1722(g)**.[48]

On 28 February 2012, the King issued a decree setting up an independent office within the Ministry of Interior to receive and investigate complaints and grievances against the police and other Ministry of Interior officials as recommended in BICI recommendation **1717**.[49] The decree also set up a new Internal Affairs Department within the Ministry of Interior. Its remit is to review internal preliminary disciplinary measures. The Complaints' Office is tasked with dealing with serious allegations made against the police, such as acts of torture or acts leading to death. Both the Complaints' Office and Internal Affairs Department have to inform the PPO if a complaint would constitute a criminal offence and the case is then referred to the PPO.

A new police code of conduct was prepared and officially issued on 1 March 2012. Section 2 of the code (on the responsibilities of police officers) "categorically bans the use [by the police] of torture and other forms of ill-treatment." The police therefore cannot justify the use of torture by saying they have received orders from their superior or that there are exceptional circumstances such as a warfare state or threat to national public security.[50] The police are also obliged to ensure the physical protection of detainees, witnesses and suspects. The new code of conduct was issued in response to BICI recommendation **1722(c)**.[51] In theory the principles contained in the new code are consistent with international standards for policing such as the UN Code of Conduct for Law Enforcement Officials. At the writing of this report it was too soon to assess whether the security forces have been acting according to the new code since it was issued or not. However, the very early signs are not encouraging.

The government stated that at the beginning of 2012 the NSA embarked on "a comprehensive training programme" for its forces. Training courses will be conducted over a period of six consecutive months. The training curriculum reportedly includes lectures on the fundamentals of human rights, professional codes of conduct, and interaction with community members. The Minister of Interior signed an order on 22 December 2011 directing the Head of the PSF to design and conduct a legal training course for public security personnel to help promote the protection of human rights, particularly in the process of maintaining public order, detention and questioning.[52]

A key recommendation made in the BICI report, **1722(e)**[53] aims to address discrimination against Shi'a personnel in the security forces. While Bahraini legislation does not discriminate against the Shi'a majority population, in practice it is rare to find Shi'a Bahrainis in high-ranking positions within the security and armed forces. The Ministry of Interior reportedly recruited 500 people "from all communities" for community policing.

EXCESSIVE USE OF FORCE

Dozens of people were killed in connection with the anti-government protests in 2011 as a result of excessive use of force by Bahrain's security and military forces. Security and military forces used live ammunition, including shotguns, as well as rubber bullets, sound bombs and tear gas to deal with protesters. Towards the end of 2011, shotgun use became less frequent. However, there has been an excessive use of tear gas in the last few months, which has resulted in several deaths.[54] Although tear gas is commonly used by law enforcement

agencies in many countries as a riot control agent, its use must be necessary and proportionate. Its use in enclosed areas or against protesters who are simply exercising their rights to freedoms of expression and peaceful assembly would be inappropriate and inconsistent with the international standards, as laid down in the UN Basic Principles on the Use of Force and Firearms (1990) and the UN Code of Conduct for Law Enforcement Officials (1979).

Amnesty International recognizes that the Bahraini security forces have faced incidents where groups have thrown Molotov cocktails at them and their vehicles, set fire to tyres in the middle of roads or taken other violent actions. However, the security forces must respect international human rights law and standards, in particular relating to the use of force and firearms, in their dealing with crowd control and sporadic acts of violence by some protestors. The use of any force, including tear gas, to control even violent public assemblies must conform to the requirements of necessity and proportionality and firearms should only be used as a last resort to protect life or against serious injury.

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 prohibit the use of force by law enforcement officials unless strictly necessary and to the extent required for the performance of their duty, and require that firearms are only used when strictly unavoidable in order to protect life.

The Bahraini security forces should apply non-violent means before resorting to the use of force (including use of handcuffs or other restraints) which should be used only if non-violent means have proven to be, or are likely not to be, effective (Basic Principles 4). If the use of force is unavoidable, they must always exercise restraint in its use. The use of any force by police should be strictly limited to those situations where it is absolutely *necessary* and *strictly proportional* to the legitimate aim pursued, i.e. deployed only to the degree that force is required for the fulfilment of their duty. In any use of force the police must at all times respect human rights, including the right to life and the prohibition of torture and other ill-treatment. The risk of injury and death should therefore always be minimized.

In line with its international obligations, Bahrain should investigate the particular circumstances in which law enforcement officials used lethal fire, including who gave the order and on what grounds, what instructions were issued to security forces in advance of their deployment, and whether any steps were taken in advance to warn demonstrators and induce them to disperse peacefully. The methods of the investigations should be consistent with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. In particular, the authorities should ensure that victims and families of those killed and their legal representatives have access to and are informed of all information related to the investigation, and should be entitled to present evidence. Any investigation should look at the steps taken by law enforcement officials when using force, including when using non-lethal weapons such as tear gas, to minimize the risks to people not involved in the protests, such as bystanders and residents of areas affected by the protests.

Ahmad Ismail Hassan Moussa, a 23-year-old photographer from Salmabad died in hospital on 31 March 2012 after he had been shot with live ammunition, reportedly by security officers

wearing civilian clothes and driving a car. He was participating in an anti-government protest at night when he was reportedly shot in the lower stomach on the right hand side. According to his family, eyewitnesses recognized the car from where the shooting came and the people in it. The car sped up after the shooting. Ahmed Ismail Hassan Moussa was taken to Bahrain International Hospital in Jid Hafs, just outside Manama, and was later transferred to Salmaniya Medical Complex where he was pronounced dead at around 5am. He had reportedly received threats from the police before because he had photographed the movements of the riot police and sent the photos to foreign journalists and local human rights activists. His family lodged a complaint with the PPO. As of 10 April 2012 the family were refusing to receive the body because the death certificate states that he died of an injury, whereas a medical report issued by a forensic doctor in Salmaniya Medical Complex stated that he died as a result of bullet found in his body. As of 10 April 2012 the PPO was said to be still investigating and had summonsed eye witnesses.

Fadhel Mirza al-Obeidi, aged 22, from al-Deraz village, west of Manama, died in hospital on 10 March 2012 a week after he was hit in the head with a tear gas canister by riot police.He and hundreds of others were taking part in an anti-government evening march on a main street on 3 March 2012 in al-Deraz. Riot police arrived and started using tear gas. Fadhel Mirza al-Obeidi was at the front of the protest and was carrying a Bahraini flag. He was hit in the head with a tear gas canister. One eyewitness told Amnesty International that after Fadhel Mirza al-Obeidi fell on the ground three security men started hitting him with batons. He was bleeding heavily and lost consciousness. After the security officers withdrew from the area, some of Fadhel Mirza al-Obeidi's friends took him to a nearby house. The security forces went to the house and encircled it for about half an hour before they withdrew. Two men, including Fadhel Mirza al-Obeidi's brother, took him by car to the International Hospital of Bahrain in Manama. He had an operation on his head and stayed in intensive care for a week. He died in the early hours of 10 March 2012. According to the eyewitness, the protest was peaceful and the security forces used large amounts of tear gas.

Amnesty International is also concerned at reports of random or abusive use of tear gas by the security forces. Eyewitnesses have told Amnesty International that the Bahraini security forces have intentionally fired tear gas canisters into private homes, often with devastating consequences for those inside. **Fatima Khudair**, a lawyer, described how anti-riot police threw tear gas into her house in Sitra village, south of the capital, on 5 January 2012. She said around 12 women and children were inside her home when about 30 officers burst in and began to beat them. One of the officers threw a tear gas canister into the house before firing another five canisters into an adjacent courtyard. The tear gas seriously affected the lawyer's seven-year-old daughter **Maryam 'Issam Ghanem**, who suffers from asthma. Her condition is still unstable. **Zaynab 'Ali Ghanim**, Fatima Khudair's sister-in-law, was also hospitalized with an eye inflammation caused by the tear gas, among other injuries.

Human rights activists and media reports have in the last few months pointed to several deaths caused by Bahrain security forces using tear gas inside people's homes. **Salma Mohsin Abbas**, aged 81, died a day after a security officer threw a tear gas canister into her home in the village of Barbar on 13 January 2012. According to her son, the canister was hurled into the open door of the house after security forces had already dispersed an earlier protest in the village.

On 20 January 2012, **Yaseen AlAsfoor**, aged 14, died after the security forces fired three tear gas canisters into his house in the village of Ma'ameer, south of Manama. He was suffering from asthma and moved to the intensive care unit at Manama's Salmaniya Medical Complex when his lungs failed. He spent three weeks in hospital before he died.

Sayyed Hashem Saeed, aged 15, was killed when a tear gas canister fired by the security forces hit him at close range during a protest in Sitra, south of Manama, on 31 December 2011. Security forces later also used tear gas to disperse mourners at his funeral.

Amnesty International has called on the US government to suspend transfers of tear gas and other riot control equipment to the Bahraini authorities. US-made tear gas canisters and baton rounds were found in the aftermath of the 17 February 2011 raid by Bahraini riot police on peaceful protests at what was then called the Pearl Roundabout in Manama. In September 2011 the US government decided to renew arms sales to Bahrain, including the sale of spare parts, despite the ongoing human rights violations committed by the Bahraini authorities. Despite assurances by US officials that the items sold could not be used against Bahraini protestors, the fact that no further details of the items being sold were revealed increased the risk that such items might well be used to quell protests. The Brazilian government has reportedly set up an inquiry into reports that Brazilian companies were selling tear gas to the Bahraini government.[55]

ARBITRARY DETENTION AND TORTURE AND OTHER ILL-TREATMENT

As police reforms are being introduced in Bahrain, members of the security forces reportedly continue to torture and otherwise ill-treat detainees. Amnesty International has received reports that torture and other ill-treatment are now being inflicted on detainees outside recognized detention places, in unused government buildings, police vehicles and in open areas outside Shi'a villages. In addition, recently, many detainees were arrested without judicial warrants and did not have immediate access to lawyers. This violates Bahrain's obligations under international human rights law, including Article 9 of the ICCPR which safeguards against arbitrary detention, and ignores BICI recommendation **1722(d)**.[56]

Hassan 'Oun is an 18-year-old student at the Shaikh Khalifa Insitute of Technology in the Busaiteen neighbourhood, north of Manama. He was arrested on 3 January 2012 during vocational training at a garage in the nearby district of 'Arad. Several policemen in civilian clothes reportedly took him in a police car to the Samaheej police station where he was interrogated. He called his family but when family members went to the police station to ask about him, they were told he was not there. The police initially told the family that Hassan 'Oun could be in the PPO in Manama or in prison. When the family said that Hassan had contacted them from the station, the police finally admitted that he was being held there but did not allow the family to see him. The police said that they had an order to arrest him but Hassan 'Oun later told a lawyer that the police did not produce an arrest warrant when he was arrested. On 4 January 2012, Hassan 'Oun was taken to the PPO and was interrogated there in the presence of a lawyer. He told the prosecution that when he was at the police station he was asked about information that he had given to the Bahrain Centre for Human Rights about being tortured and threatened during a previous arrest. His family told Amnesty International that the lawyer and other detainees who were at the PPO saw signs of torture on his body and that his leg was swollen. Hassan 'Oun told the lawyer that he was forced to stand up for about 11 hours and that he was beaten on his feet with a hosepipe and threatened with rape.

The PPO decided to detain Hassan 'Oun for 45 days pending investigation. He has been charged with illegal public gathering. He was previously detained in connection with anti-government protests in 2011.

Ali Feifel Sahad al-Ali, an 18-year-old Kuwaiti national, was arrested on 12 February 2012 outside a family friend's house in the Shi'a village of Beni Jamra, outside Manama. He and his family arrived in Bahrain three days earlier to visit friends, and had intended to leave on the day of his arrest. His family said that as they were having lunch together at a friend's house Ali Feifel Sahad al-Ali went outside to smoke a cigarette and was arrested on the spot. There had been clashes between the police and local youths in the area. His family went to the nearby al-Budaie' police station to look for him after an officer in the street told them he had been taken there. Police officers at the station at first refused to confirm that Ali Feifel Sahad al-Ali was there, but when the family persisted, another officer told them that he was indeed being held there and would be interrogated by a prosecutor from the PPO the following day. The family were not allowed to visit him until after this questioning. Ali Feifel Sahad al-Ali told his family he had been beaten when arrested; they could see marks on his face and hands. He was brought before a lower criminal court on 27 February 2012, charged with "illegal gathering" and "vandalism". His lawyers asked for him to be released on bail, but the judge refused. On 14 March 2012 Ali Feifel Sahad al-Ali was sentenced to one month in prison. He was released from Jaw Prison the same day because he had already spent a month in detention. According to the ruling, he had to leave Bahrain and could not return for three years. Ali Feifel Sahad al-Ali and his family returned to Kuwait on the day of his release.

Amin Jaffar Swar, aged 22, **Mutaher Saeed Taher Ahmed**, aged 18, and **Mohammed Makky**, aged 22, were arrested on 14 February 2012, the first anniversary of the anti-government protests, in their car in the Seif district of Manama. They were driving towards al-Farouq Junction (formerly the Pearl Roundabout). After being questioned at a police station they were taken to Dry Dock Prison in Manama. They were charged with "illegal gathering". Mutaher Saeed Taher Ahmed was released on bail on 21 February 2012 after paying BD200 (around US$530) Amin Jaffar Swar and Mohammed Makky were released on bail on 29 February 2012 after paying the same amount. The charges against them have not been dropped and they may still face trial. Following their release, they told Amnesty International that during their arrest policemen beat them with baton on their heads and backs and that a few also kicked them while they were lying on the floor. The three men said they were also beaten with batons on their necks and backs hours before their interrogation, when they were taken to a tent in one of the police compounds in Manama.

Naji Fateel, a human rights activist working for the Bahrain Youth Society for Human Rights, blogger **Hassen Jaber** and activist **Abdullah Abdulkarim al-Fardan** were also arrested on the first anniversary of the protests on 14 February 2012. They were caught in fumes of tear gas fired by police to break up crowds of people peacefully marching towards the Pearl Roundabout. Hassen Jaber and Abdullah Abdulkarim al-Fardan were transferred to the Dry Dock Prison in Manama after their arrest. Naji Fateel was first sent to a clinic within the Ministry of Interior, where he was questioned by an official of the Public Prosecutor's Office, and then sent to Dry Dock Prison, where the three currently remain. All three were charged with "illegal gathering". On 1 March 2012 the PPO extended their detention for another 30 days pending investigation. The three can now receive family visits and have had some access to a lawyer.

'Ali AlSingace, aged 16, was stopped on his way to school by three men wearing civilian clothes and forced into their car on 21 March 2012 in the Shi'a village of Sanabis. He was reportedly stripped naked and sexually assaulted with a black hose. He was slashed with a razor on different parts of his body and lost consciousness after he was dumped just outside Sanabis. He was found by passers-by who recognized him. His hands were tied behind his back. His father arrived after he received a call from a friend who found 'Ali AlSingace. Amnesty International has spoken to both 'Ali AlSingace and his family, who accuse the security forces of the attack on him.

'Ali AlSingace's father lodged a formal complaint at al-Hurra Police station in Manama. On 22 March 2012 the Public Prosecutor sent an official to take pictures of the place where 'Ali AlSingace was found. During the same day 'Ali AlSingace and his father were summoned to al-Hurra police station. 'Ali AlSingace was shown pictures of young men from the same area who had been involved in anti-government protests and was asked if he could identify anyone of those responsible for his kidnapping and beating. 'Ali AlSingace told the police that the men were not the culprits. On 23 March 2012 the PPO started to investigate the incident. The official carrying out the investigation began questioning the father first and then 'Ali AlSingace. A forensic doctor examined the injuries sustained on 'Ali's body. On the same day, the PPO issued a statement saying that 'Ali AlSingace was accused of making a false crime notification and that he had injured himself for that purpose. His lawyer Fatten al-Haddad told Amnesty International "how could he cut himself so badly while he was found dumped, with his hands tied behind his back?". She requested a second examination by a different forensic expert, but the request was rejected. She then asked for the setting up of an independent medical team to examine 'Ali. As of 10 April 2012 she had not received any answer from the PPO. 'Ali AlSingace had previously been briefly arrested and was reportedly asked to work with the police as informant, which he refused.

Pro-democracy and human rights activists who called for peaceful anti-government protests in recent months have also been targeted for arrest and in some cases ill-treatment. **Nabeel Rajab**, Director of the Bahrain Centre for Human Rights, a leading human rights organization, was punched several times in the face, head and back by a group of riot police who used truncheons on 6 February 2012.

Nabeel Rajab © Private

He was leading the protest. The attack happened near Nabeel Rajab's car, which was parked near where the protest took place, after riot police fired tear gas at protesters marching along Manama's Bab al-Bahrain street calling for the

release of political prisoners. "I fell on the ground but they continued to beat me – they even stamped on me and kicked me," Nabeel Rajab told Amnesty International after being treated for his injuries at the Salmaniya Medical Complex.

Zainab Al-Khawaja, an activist and daughter of prominent human rights defender 'Abdulhadi Al-Khawaja, was arrested on 12 February 2012 during a march toward the Pearl Roundabout . Shortly before her arrest, the security forces attempted to disperse the crowd with tear gas. Zainab Al-Khawaja was arrested on the spot and transferred to al-Nu'aim police station in Manama. She was allowed to contact a lawyer after her arrest and on 13 February 2012 she was taken to the PPO for questioning. She was questioned by an official in the presence of her lawyer and was charged with "illegal gathering of more than five people" and "participating in an illegal march". She was given a seven-day detention order pending investigation. She was released on 20 February.

Zainab Al-Khawaja was previously arrested, alongside **Ma"suma Sayyid Sharaf**, for participating in a public protest on 15 December 2011. Zainab Al-Khawaja was reportedly beaten during the arrest in December 2011. Both women were released but have continued to face charges of "illegal public gathering", "showing contempt for the regime" and "assaulting a police officer". The charges against Zainab Al-Khawaja have reportedly not been dropped.

6. WORKERS AND STUDENTS DISMISSED, PUNISHED

"We had to leave our jobs within 24 hours"

A dismissed worker, 15 March 2012

According to the BICI report, at least 2,000 public-sector workers and at least 2,400 private-sector workers were dismissed from their jobs for supporting or participating in the February and March 2011 anti-government protests. They include university lecturers, school teachers, medical doctors, nurses and local government employees. Dozens of Bahrain students studying abroad had their grants from the government terminated during the height of the government repression. The vast majority of those dismissed were Shi'a Muslims. Investigative committees were formed everywhere: in universities, schools, ministries, companies and other work places to question those who had participated in the protests. For example, in one university, committees were formed to deal with academics, students and administrators. Some were dismissed for absence from work; many others were dismissed solely for exercising their rights to freedom of expression and assembly, despite the fact that they participated in the protests outside of work hours.

A Bahraini academic described the way he was questioned by the committee dealing with academics: "…. I was asked if I was in the University on 13 March 2011 and I said no… because I had to take my son to school. Then they started asking me if I went to the [Pearl] Roundabout or if I spoke to the media. I said yes because I had given an interview to Al Jazeera. They said that I had also spoken to a Lebanese television channel (al-Manar). I said that all these accusations are baseless and all I did was to exercise my constitutional right to freedom of expression. On 17 April I received a letter of suspension. In total 19 academic were suspended from the same university…."

The BICI report also referred to the fact that by November 2011, 1,682 public-sector employees had been reinstated in their jobs. The BICI recommendation **1723 (a,b,c)**[57] calls for all those who had been dismissed for exercising their right to freedom of expression to be reinstated. Most of the students dismissed were allowed back to universities, but only several months after the start of the academic year.

In a speech on 28 August 2011 the King of Bahrain stated that he was pardoning people who were accused of insulting him and called for the reinstatement of all those dismissed because of the unrest. Other senior government officials also made similar calls. The government now says that the vast majority of workers have been reinstated. On 4 March 2012 the Bahraini Minister of Labour, Jamil Mohammad 'Ali Humaidan declared that out of 2,462 workers dismissed from work in the private sector "1,787 people have been reinstated

or completing final procedures for reinstatement." Another 366 workers were moved to other jobs because they asked to be moved. The Minister added that 181 workers were yet to be reinstated, that 20 workers had refused to go back to work and that 45 workers had been dismissed for reasons unrelated to the 2011 unrest.[58] These figures sharply differ from those given by the Secretary General of the General Federation of Bahrain Trade Unions Sayed Salman al-Mahfoudh, who said that 1,444 Bahraini workers have not been reinstated in their jobs in the private sector. In the public sector, 278 people have reportedly not been reinstated as of 5 March 2012.[59]

WAITING TO RETURN TO WORK

Amnesty International has received reports that, as of 10 April 2012, more than 200 people dismissed last year have yet to be fully reinstated. They include people working in the public sector.

Khadija Sayed Habib Ebrahim Musawi (right) and her daughter Zainab al-Khawaja © Amnesty International

Khadija Sayed Habib Ebrahim Musawi, wife of human rights defender 'Abduhadi Al-Khawaja, was dismissed from her post as Head of Guidance at a renowned school, Abdul Rahman Kanoo International School in Manama. On 2 May 2011, she was summoned to the school and was given a letter of dismissal, effective immediately. Ten other people working at the school, all from the Shi'a community, were dismissed for no reason. Khadjia Sayed Habib Ebrahim Musawi's salary was stopped on the day of her dismissal. She complained to the Ministry of Labour but with no success. As of 10 April 2012, she has not been reinstated.

'Ali Jaafar Nusaib, Sayyid Yaser Sayyid 'Abbas, Hussain Ibrahim 'Ali al-Hudhairi and **Huda Sayyid Jaafar Sayyid 'Abdallah**, were all dismissed in April 2011 from their jobs at the Bahrain Bourse (formerly Bahrain Stock Exchange). The first three were dismissed on the same day, 11 April 2011. 'Ali Jaafar Nusaib, from al-Muharraq district of Manama, is aged 32 and married with three daughters. "I was contacted by phone on 11 April and told to go to work on that day", he told Amnesty International. "When I went there they gave me a letter of dismissal signed by the director. They said that me and the other two [Sayyid Yaser Sayyid and 'Abbas Hussain Ibrahim 'Ali al-Hudhairi] were dismissed but they did not give us any reasons. However, the letter said: 'after it was proved that [the three] had insulted the leadership of the country at work, a decision was taken to dismiss [them] starting from the date signed.'"

Huda Sayyid Jaafar Sayyid 'Abdallah was dismissed a week later, on 28 April 2011. Four people questioned her about her five-day absence in March 2011. "The four included the director. They asked me why I took leave", she told Amnesty international. "I said that I was afraid because there were people manning checkpoints leading to the Financial Harbour in Manama [her place of work]. I said that I was also worried about the safety of my children. I told them my leave had been approved."

The four Bahrain Bourse workers have complained to the authorities on numerous occasions about their unfair dismissal. They met and informed investigators from the BICI. They sent letters to the Ministry of Labour and to the management of Bahrain Bourse, but as of 10 April 2012 they have still not been reinstated. They have not been paid since their dismissal.

'Adel Mansour al-Sitri, Sadeq 'Ali Rubai'e', Abdelredha Muhsin Zuhair and **Hussain 'Ali al-'Uraybi** were all dismissed from their jobs in al-Wusta local authority, south of Manama, on 25 April 2011. As of 10 April 2012, they have not been reinstated. 'Adel Mansour al-Sitri told Amnesty International:

"There were nine people in the local authority. We were all elected. Four of us were representing al-Wefaq. There was a vote of no confidence in us. The other five, representing Sunni Muslim groups, voted against us. We had to leave our jobs within 24 hours. We believe we were targeted because we signed a petition sent to the UN Secretary General asking for a UN intervention in Bahrain. They stopped our salaries immediately. We filed a lawsuit before the Court of Urgent Matters at the end of April 2011. There have been monthly hearings but no decision has been taken. We met investigators from the BICI and gave them all relevant information."

Afrah 'Ali al-Kattab Hussain, aged 38 from Karzakan, was teaching Arabic language at Salaheddin al-Ayyubi School in Eastern al-Riffa'a. On 14 November 2011, a letter from the Ministry of Education notified her that she was suspended from work until further notice pending investigation. She was told not to get in touch with the school or the Ministry of Education until she received notification from the Ministry. Months earlier, in June 2011, a committee formed in the school questioned her. At the time, she was asked whether she had hit any children in school. She told Amnesty International that in her seven-year teaching career she had never hit a child and the reason for her suspension was her participation in anti-government protests last year.

Amnesty International has received reports that many of those who returned to work discovered that their jobs had been given to others and they accepted other jobs which offered less responsibilities. In some case those reinstated also had their salaries reduced and they lost increments. Many had to sign papers pledging that they would not go on strike in future or participate in anti-government protests.

Such practices of the Bahraini authorities were in contravention of their international obligations. International human rights law protects the right to work, including the right not to be deprived of work arbitrarily or unfairly, through Article 6 of the ICESCR.[60] The Committee on Economic, Social and Cultural Rights has clarified the content and obligations related to Article 6 in its General Comment No. 18 on "The Right to Work."[61] In this, the Committee notes that states are under the specific obligation to "refrain[…] from denying or

limiting equal access to decent work for all person, especially disadvantaged and marginalized individuals and groups … [and] to take measures to combat discrimination [in access to work.]"[62] The Committee also emphasized "the need to establish a compensation mechanism in the event of loss of employment" and "to avoid any measure that results in discrimination and unequal treatment in the private and public sectors."[63] Further, the Committee stipulated that the right to non-discrimination "is immediately applicable and is neither subject to progressive implementation nor dependent on available resources."[64] The Committee highlighted, as a clear violation of the right to work, "the failure to protect workers against unlawful dismissal."[65]

The right to non-discrimination in access to work and in protections against unlawful dismissal covers discrimination on all grounds, including, specifically, religion and political and other opinion.[66] The Committee on Economic, Social and Cultural Rights noted, in its General Comment No. 20 that such discrimination has occurred, for example, "when persons belonging to a religious minority are denied equal access to … employment … on the basis of their religion."[67]

7. COMPENSATION TO THE VICTIMS

Recommendations **1722 (j)**[68] and **1722 (k)**[69] by the BICI require the government to compensate the families of the deceased victims and victims of torture, ill-treatment or prolonged incommunicado detention. Based on information available to Amnesty International as of 10 April 2012, none of the victims of human rights violations committed in connection with the 2011 anti-government protests have been compensated.

On 21 September 2011, two months before BICI presented its report and recommendations, the King established a national fund for compensating those affected by the events of February and March 2011 and their aftermath, including protesters, members of the security forces and any others affected physically or materially (Decree No. 30 of 2011). The decree put the fund under the auspices of the Ministry of Human Rights and Social Development and made compensation claims subject to a final verdict by a specialized court.[70] On 26 January 2012, another decree (No. 13 of 2012) was issued to amend provisions contained in the first decree. According to the new decree, a committee of five members will manage the fund and will examine and take decisions on applications. The five members consist of two judges, two civil society figures and one government representative. All five have to be nominated by the Minister of Human Rights and Social Development.[71]

On 15 February 2012, the National Commission called for the "establishment of a specialized chamber in civil courts to hear and expedite compensation cases". It also proposed that "the Supreme Judicial Council should oversee the progress in these cases for quick resolution."[72] On 4 March 2012, the Bahraini cabinet approved an out-of-court settlement scheme for victims of human rights violations. Under the scheme, financial compensation will be given to people who opt for the settlement. Those who do, would be required to give up their right to seek civil compensation through the courts, but would maintain their right to press for criminal charges. The government set aside 10 million Bahraini dinars as part of the scheme, which is run by the Ministry of Justice, Islamic Affairs and Endowments. The beneficiaries will reportedly include torture victims, relatives of people who died during the unrest, expatriate workers and police personnel attacked, as well as anyone who suffered property damage. People who lost their cars or whose cars were damaged during the unrest are also said to be included. Anyone wanting to submit a claim has to go to the Ministry and register it.[73]

The decision-making process regarding compensation is unclear at the time of writing. Nor is it clear how long victims will need to wait to receive their compensation. While BICI recommendations were very clear as to who should be compensated, namely victims of human rights violations committed by the security forces, the government has widened the scope of compensation to include businessmen and traders who were affected by the protests. Furthermore, it is not clear how long the compensation process will continue for. Many people have already registered with the scheme. On 19 March 2012, a political group representing pro-government Sunni Muslims (the National Unity Society) said that it submitted to the Ministry of Justice and Islamic Affairs 6,415 claims based on violations committed, according to the association, by protesters against people in the Sunni

community. The submission has been made for the purposes of compensation.[74]

Under international human rights law, Bahrain has an obligation, amongst other rights, to respect the right to life, the prohibition of torture and other cruel, inhuman and degrading treatment, and the prohibition of discrimination. When such rights are violated by agents of the state or persons acting in an official capacity, the state must provide an effective remedy and reparation. Such reparation must also include compensation for physical or mental harm, moral damage, costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

Principle 7 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law sets out: "Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law: (a) Equal and effective access to justice; (b) Adequate, effective and prompt reparation for harm suffered; and (c) Access to relevant information concerning violations and reparation mechanisms."[75]

The Convention against Torture states in Article 14(1): "Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation." According to Article 14(2), "nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law." Article 9(5) of the ICCPR states that "Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation."

8. PROSPECTS FOR RECONCILIATION

"There are also obvious, and very dangerous, examples of hate speech, including at the level of official media, painting entire communities with the same broad brush. This needs to stop and a process of dialogue, including with leaders from different religious and migrant communities, needs to begin."[76]

UN High Commissioner for Human Rights Navanethem (Navi) Pillay, 21 December 2011

After the Bahraini government violently crushed the protests in mid-March 2011, the authorities engaged in systematic repression against all those who were active in the anti-government protests, and orchestrated a collective punishment policy against the Shi'a community. At least 38 Shi'a prayer centres were demolished. The government argued that these centres were illegal makeshift buildings which did not comply with official planning criteria. On 22 April 2011, the Minister of Justice, Islamic Affairs and Endowments Shaikh Khalid bin Ali Al Khalifa said: "what have been demolished are, in fact, unlicensed buildings regardless of any doctrine."[77] He added that the government was guaranteeing religious freedom and protecting houses of worship but would never tolerate any violations of building regulations.[78] However, some of the demolished mosques had existed for many years. The timing of their destruction, and the fact that all mosques destroyed were used by the Shi'a community, point out to the targeting of the Shi'a community.

Bahraini media, including the national state-controlled television channel and pro-government newspapers orchestrated a campaign against the Shi'a community. Those who led and or were active in the protests were labelled as traitors working for Iran. The weekly television programme "Open Dialogue" broadcast "confessions" extracted from detainees under torture and other ill-treatment and threat. Protestors who appeared on television usually apologized and pledged not to protest or get involved in politics. State-controlled media and top government officials mobilized many in the Sunni community, who are loyal to the royal family and the government, against the Shi'a protesters. Some well known pro-government politicians and journalists spoke on Bahraini and other Arab television channels

as if Shi'a Bahrainis were second class citizens. For example, one politician, said on television: "we have paid for their education here and abroad and this is what we get from them". Bahraini society became further polarized along sectarian lines.

The state-controlled media incited and encouraged incitement of hatred towards the Bahraini Shi'a community. In recommendations **1724 (a,b,c)**[79], the BICI urged the government to curb media incitement of hatred and sectarianism and to give opposition groups adequate voice in national media. As of 10 April 2012, political opposition groups still have no access to the media. For example, the al-Wefaq Society wanted to set up its own satellite television channel and submitted an application to do so in early January 2012, but at the time of writing no authorization had yet been granted. Its website has been banned for more than 18 months.

The government announced on 18 January 2012 that it had hired French experts from International Media Consultants Associés (IMCA), to advise it on amending Bahraini information law and practice to make them compatible with international standards.[80] Article 20(2) of the ICCPR requires states to prohibit "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". The BICI recommendation **1723(d)**[81] urged the government to rebuild the Shi'a mosques it had demolished. As of 10 April 2012, the authorities had started to rebuild only five mosques, Um al-Baneen Mosque in Hamad Town, Imam Ali Mosque in Sadad, Imam Ali Mosque in Zayed Town, Imam Hadi Mosque in Hamad Town and al-Sayyida Fatima al-Zahra Mosque in Zayed Town. Individuals have started rebuilding 21 Shi'a mosques in the province of 'Aali, in central Bahrain, using their own private funds. However, the local authority has lodged three lawsuits before the Court of Urgent Matters to stop the rebuilding process, arguing that there are no building permits. On 28 March 2012 the court decided that such lawsuits would not fall under its remit.

The Shi'a community in Bahrain, which represents the majority of the population, have deep-seated grievances. Shi'a Bahrainis feel marginalized politically and discriminated against, especially in employment and housing. In certain ministries, such as the Interior Ministry and the BDF, it is rare to find a high-ranking Shi'a Bahraini amongst its members. Shi'a resent the fact that for many years the government has been recruiting Sunni Muslims from countries such as Yemen, Syria, Jordan and Pakistan to work in the Bahraini security forces and has been giving them Bahraini nationality to try to balance the religious make up of the country. The BICI recommendation **1725 (a,b)**[82] urges the government to initiate educational and other programmes with a view to fostering national reconciliation.

Ebrahim Sharif © Private

The BICI report did not make any recommendations on political reforms because the decree issued by the King in late June 2011, which established the BICI, specifically required it not to be involved in political matters. The Bahraini Shi'a community, including political opposition groups such as the al-Wefaq Society, believe that the root of the crisis is political and without genuine political reforms the political and human rights crisis will remain. They want a genuine constitutional monarchy, an elected parliament with full authority, a government elected by the people, an end to corruption, fair distribution of wealth, fair

electoral constituencies and an end to discrimination. These demands are reflected in the 2011 Manama Document that was endorsed by five main political opposition societies including Waad, a secular group that include people from both communities and is led by Ebrahim Sharif, a Sunni, who is serving a five-year prison sentence (see Section 4 above).

9. INTERNATIONAL HUMAN RIGHTS GROUPS AND FOREIGN JOURNALISTS RESTRICTED

"Much of our work is being conducted in partnership with international agencies and the international community..."

Bahrain Minister of Human Rights and Social Development in her address to the UN Human Rights Council in Geneva, March 2012

On 23 November 2011 when the King received the BICI report, handed to him by Professor Mahmoud Cherif Bassiouni, the palace ceremony was attended by scores of foreign journalists and representatives of international human rights groups, including Amnesty International. A day later, the Minister of Human Rights and Social Development Fatima AlBalooshi met with representatives of the international human rights groups and expressed her Ministry's appreciation for their work and activities. She also said that international human rights groups would always be welcome in Bahrain.

However, from January 2012 the government started to impose restrictions on international human rights groups wishing to visit Bahrain. On 8 January 2012, the Deputy Director of the US-based Physicians for Human Rights, Richard Solomon, was denied entry to Bahrain at the airport despite having a five-year, multiple entry visa. On 19 January 2012, human rights organization Freedom House was told by the government that its delegates, who were about to travel to Bahrain, would not be allowed entry into the country at that time. The government argued in both instances that international human rights organizations should go to Bahrain at the end of February 2012, when the work of the National Commission to implement the BICI recommendations was due to be completed.

In February 2012, a number of international human rights organizations were notified in writing of a new government-imposed five-working day visa limit (effective Sunday to Thursday). The new restrictions also require such organizations to have a sponsor in Bahrain. Amnesty International was informed of the new regulations by the Ministry of Human Rights and Social Development in a letter dated 28 February 2012. Amnesty International had sent a letter to the Minister on 3 February 2012 informing her of a planned visit, scheduled between 2 and 9 March 2012, to assess the government's implementation of the recommendations by the BICI. Two Amnesty International staff members held talks with the Minister and the Bahraini Ambassador to the UK on 1 March 2012 to discuss the new

restrictions. Amnesty International had no choice but to cancel its visit as the restrictions were seriously impeding its work, and the authorities only notified human rights groups at the last minute of the restrictions. The restrictions also marked a departure from the access previously enjoyed, including a de facto ban on groups to be in Bahrain on weekends, when demonstrations usually take place.

The two Bahraini officials told Amnesty International that the new regulations could be reviewed in future, but that at the moment all international organizations must abide by them. They also said that five days should be enough to complete the work.

On 29 February 2012, one day after the Minister of Human Rights and Social Development had solemnly announced to the UN Human Rights Council that the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment would be visiting Bahrain on 8-17 March 2012, his visit was postponed until July 2012. The government said that it was "still undergoing major reforms and wants some important steps, critical to the special rapporteur's mandate, to be in place before he visits so he can assess the progress that Bahrain has made to date."[83]

On 7 March 2012, Médecins Sans Frontieres announced that it was closing its office in Bahrain after two of its staff had been barred from entering the country the previous week.[84]

According to the Minister of Human Rights and Social Development, the new regulations were imposed because many visitors went to Bahrain in recent weeks were applying for tourist visas at the airport, but once inside the country they carried out other activities. She specifically mentioned the case of 12 US nationals who had travelled to Bahrain just before 14 February 2012, the first anniversary of the anti-government protests. The 12 men and women, from the US-based group Witness, participated in anti-government protests before they were arrested and then deported. In early April 2012, Adam Shapiro, Campaigns Director at the Dublin-based Front Line Defenders, was not allowed into Bahrain. He was part of a three-person delegation visiting Bahrain. The other two were allowed in.

A number of journalists were also denied visas to enter the country, especially around the first anniversary of the start of anti-government protests. A few days before the anniversary, the Bahraini authorities denied visas to journalists from *The New York Times*, *The Wall Street Journal*, Christian Science Monitor, Associated Press and Al Jazeera English. The reason cited was "high volume of applications".[85]

10. CONCLUSION AND RECOMMENDATIONS

Important recommendations contained in the BICI report have yet to be fully implemented. These include recommendations dealing with accountability for the human rights violations carried out in connection with anti-government protests in 2011. The reported investigations of allegations of torture and unlawful killings by the security forces have been shrouded in secrecy. So far only nine low-ranking policemen have been put on trial. The new investigative body, placed under the PPO, lacks independence, impartiality and effectiveness. Scores of prisoners, tried unfairly in military courts and sentenced to long-term prison sentences, have not been released although they were convicted solely for leading and participating in anti-government protests without using or advocating violence. Police brutality continues unabated with daily excessive use of force to deal with demonstrators. Reports of torture and other ill-treatment continue to reach Amnesty International.

Hardly any efforts have been made to implement recommendations relating to national reconciliation, ending discrimination against the Shi'a community, especially in the security and armed forces and ending incitement to hatred in the government-controlled media. The government has dedicated significant resources to appoint international experts to investigate human rights violations committed during and after the February and March 2011 anti-government protests and to provide advice on human rights reforms. The BICI report was a breakthrough but if the authorities continue to only partially and superficially implement its recommendations, it will ultimately be judged as nothing more than a public relations exercise, rather than a real move to implement meaningful human rights reform.

The government must now seriously and genuinely implement recommendations contained in the BICI report, including those which deal with tackling the roots of the sectarian divide, otherwise its reform promises will remain hollow.

The Bahraini authorities appear to have taken superficial measures to shield themselves from the real human rights reform they promised the people of Bahrain and the international community in 2011. However, five months after the BICI report, immediate measures that would indicate the political will to implement human rights reform are now urgently needed.

Amnesty International calls on the Bahraini authorities to:

Uphold freedom of expression, association and assembly

- Immediately and unconditionally release all prisoners of conscience who were tried and sentenced by the National Safety Court or other courts and imprisoned solely for peacefully exercising their rights to freedom of expression and assembly, including the 14 prominent leaders of the opposition;

- Repeal or amend, with a view to bringing into conformity with international law, vaguely worded provisions of the Penal Code that criminalize the peaceful exercise of freedom of

expression, association and assembly, including articles 165–169, 172-174,178-182 of the Penal Code;

- Remove restrictions on freedom of expression, association and assembly, including in Law 32 of 2006, in line with Bahrain's obligations under Article 19 of the International Covenant on Civil and Political Rights;

- Undertake a thorough and independent review, in line with Bahrain's commitment under the Universal Periodic Review and with the active participation of civil society, of other Bahraini legislation, especially the 2006 anti-terrorism Law, the 1989 law on non-governmental organizations, the 2002 Press and Publications Law, and the 2005 Political Societies Law, with a view to bringing them into full conformity with international human rights law and standards;

- Respect and protect the right to freedom of association and ensure that all human rights organizations and human rights defenders are able to carry out their work without political interference or hindrance.

Excessive use of force

- Ensure that security forces policing demonstrations or performing other law enforcement duties comply fully with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

- Publish and disseminate in a form that is readily accessible to the public the rules and regulations on the use of force by all security forces, including the armed forces if they are involved in maintaining public order.

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

- Publicly condemn the practice of torture and other ill-treatment and declare unequivocally that such violations will not be tolerated;

- Ensure that any detainee alleging torture or other ill-treatment is promptly examined by an independent doctor, and that all necessary treatment is provided to them.

- Ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Fair trial guarantees

- Ensure that all detainees are informed at the time of arrest of the reasons for their arrest and detention, and promptly informed of any charges against them;

- Ensure that anyone arrested or detained on a criminal charge is brought promptly before

a judge; at the very least uphold provisions of the Bahraini Criminal Procedure Code stipulating that suspects should be brought before the Public Prosecutor's Office within 48 hours;

- Ensure that all detainees have access to legal counsel without delay

- Ensure that detainees are questioned and held only in officially recognized places of detention and that accurate information about their arrest and whereabouts is made immediately available to relatives, lawyers and others;

- Ensure that detainees are allowed regular visits by members of their families promptly after arrest;

- Ensure that anyone convicted and sentenced by the National Safety Court, who are not imprisoned solely for the peaceful exercise of the right to freedom of expression, assembly or association, are retried before ordinary criminal courts in fair proceedings in line with international standards for fair trial and without recourse to the death penalty;

- Ensure that all those being tried for recognizable criminal offences before lower criminal courts and the High Criminal Court receive a fair trial, consistent with Bahrain's obligations under international human rights law and standards, including:

a) the right to be tried before an independent and impartial tribunal;

b) the right to be tried in one's presence, and to defend oneself in person or through legal assistance of one's own choosing; and to have legal assistance at all stages of the proceedings;

c) the right to be presumed innocent until proven guilty according to law;

d) the right to equality of arms between the prosecution and accused, including among other things the right of the accused to examine, or have examined, the witnesses against the person and to obtain the attendance and examination of witnesses on the person's behalf under the same conditions as witnesses against the person;

e) the right not to be compelled to testify against himself or herself or to confess guilt.

f) the right to appeal any conviction and sentence to a higher court, both on the basis of sufficiency of the evidence and of the law;

g) the highest standards for the gathering and assessment of evidence should be followed.

Accountability for human rights violations

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

- Ensure that the investigative body has the powers and authority to gather all information it considers relevant, including the power to compel the production of official documents and records and the attendance of officials and other people as and when necessary;

- Guarantee that no evidence of human rights abuses, including evidence of unlawful killings, is tampered with or destroyed;

- Ensure that the methods of such investigations follow the methods set out in the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, and their findings are made public;

- Ensure that, pending investigation, officials and others about whom there is evidence of serious human rights violations do not remain or are not placed in positions where they could repeat such violations;

- Ensure that all those suspected of torture and unlawful killing, including those with command responsibility, or those who condoned or committed torture, unlawful killings and other human rights violations, regardless of their position or status in the government and ranking in the security and military forces, are held accountable, including in a trial consistent with international fair trial guarantees and without recourse to the death penalty.

Reparation for victims of human rights abuses

- Provide all victims of human rights violations with 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;

- Reinstate all those who were unlawfully or arbitrarily dismissed from their jobs or expelled from universities, including those dismissed for participating in protests or because of their religion, ethnicity, or other prohibited ground of discrimination

- Ensure that those reinstated are not discriminated against in salary, terms and conditions.

Ratification of international human rights instruments

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

ENDNOTES

1 The seven legalized political societies demanded a genuine constitutional monarchy with an elected government, rather than a government appointed by the King. They also demanded a revision of the Constitution by an elected parliament.

2 The five commission members were Sir Nigel Simon Rodley, former UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Professor Mahmoud Cherif Bassiouni, former Chairman and Special Rapporteur on the Gathering and Analysis of Facts, United Nations Commission of Experts Established Pursuant to the Security Council Resolution 780 (1992) to Investigate Violations of International Humanitarian Law in the Former Yugoslavia; Phillipe Kirsch, formerly judge at the International Criminal Court, Dr Mahnoush Arsanjani, a former Executive Council member of the American Society for International Law and Dr Badria al 'Awadhi, an international and Shari'a law expert who is a regional legal consultant at Freedom House Foundation.

3 Other international human rights treaties ratified by Bahrain include the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2002 and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2007.

4 "To establish an independent and impartial national commission consisting of personalities of high standing representing both the GoB [Government of Bahrain], opposition political parties and civil society to follow up and implement the recommendations of this Commission. The newly established national commission should examine the laws and procedures that were applied in the aftermath of the events of February/March 2011 with a view to making recommendations to the legislature for appropriate amendments to existing law and the development of new legislation, in particular with respect to legislative reform as contained in this recommendation."

5 *Al-Jarida al-Rasmiya* (official gazette) No. 3028, 1 December 2011.

6 *Al-Wasat* newspaper, 1 January 2012. http://www.alwasatnews.com/3403/news/print/618944/1.html

7 Bahrain News Agency, 2 March 2012. http://www.bna.bh/portal/en/news/496873?date=2012-03-2

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

9 Website of the National Commission. http://www.biciactions.bh/wps/portal/BICI/

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

11 "a. To conduct effective investigations in accordance with the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions of all the deaths that have been

attributed to the security forces. Likewise, all allegations of torture and similar treatment be investigated by an independent and impartial body, following the Istanbul Principles. The investigation of both types of alleged violation should be capable of leading to the prosecution of the implicated individuals, both direct and at all levels of responsibility, with a view to ensuring that punishment be consistent with the gravity of the offence.

b. To establish a standing independent body to examine all complaints of torture or ill-treatment, excessive use of force or other abuses at the hands of the authorities. The burden of proving that treatment complies with the prohibition of torture and other ill-treatment should be on the State."

12 Bahrain News Agency, 4 January 2012. http://www.bna.bh/portal/en/news/487751

13 They include Professor Adnan Amkhan Bayno, an expert in Arab, Islamic and comparative international law and former Principal Legal Council to the Energy Charter Secretariat, Professor Sarah Cleveland, expert in international human rights law and professor of constitutional and human rights law at Columbia Law School in New York, and David Perry QC, expert in criminal and public order law at the London Bar.

14 *Al-Jarida al-Rasmiya* (official gazette), No 3041, 1 March 2012; Website of the National Commission http://www.biciactions.bh

15 Bloomberg, 28 February 2012. http://www.bloomberg.com/news/2012-02-28/bahrain-forms-unit-to-determine-accountability-for-protests.html

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

17 The seven judges include the President of the Court of Cassation, the President of the High Civil Court of Appeal, the 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 Department) and the President of the High Civil Court.

18 Decree No.42 of 2002 on the Law of Judicial Authority.

19 Bahrain News Agency, 8 December 2011.

20 *Al-Wasat* newspaper, 25 December. http://www.alwasatnews.com/3396/news/read/616844/1.html

21 *Al-Wasat* newspaper, 23 January 2012.

22 Decree No.56 of 2002 issued by His Majesty on 23 October 2002 states that the courts or tribunals in Bahrain will not consider any case brought by any individual accused of crimes before the amnesty decree no.10 of 2001 (February 2001).

[23] Report of the Bahrain Independent Commission of Inquiry, p. 250.

[24] Report of the Bahrain Independent Commission of Inquiry, p. 250.

25 Report of the Bahrain Independent Commission of Inquiry, p. 251.

26 Report of the Bahrain Independent Commission of Inquiry, p. 252.

27 This article states that "any public official who uses torture or force or threat, directly or through a third party, against an accused, or a witness, or an expert, with a view to making him confess to a crime

or statements or information about the crime, is liable to imprisonment. Life imprisonment is the punishment if an act of torture or force results in death." (Unofficial translation)

28 Diaries of Mohammad Hassan Jawad smuggled out of prison sent to Amnesty International by a relative.

29 "To make subject to review in ordinary courts all convictions and sentences rendered by the National Security Courts where fundamental principles of a fair trial, including prompt and full access to legal counsel and inadmissibility of coerced testimony, were not respected be subject to full review in the ordinary courts."

30 "To review convictions and commute sentences of all persons charged with offences involving political expression, not consisting of advocacy of violence, or, as the case may be, to drop outstanding charges against them."

31 *Al-Wasat* newspaper, 25 December 2011.
http://www.alwasatnews.com/3396/news/read/616844/1.html

32 *Al-Wasat* newspaper, 25 December 2011.
http://www.alwasatnews.com/3396/news/read/616844/1.html

33 *Al-Wasat* newspaper, 3 January 2012. http://www.alwasatnews.com/3405news/read/619349/1.html

34 Bahrain News Agency, 25 February 2012. http://www.bna.bh/portal/en/news/495850

35 Both Hassan Mshaimaa' and 'AbdulWahab Hussain served long prison-terms in the 1990s for leading anti-government protests. They joined al-Wefaq when it was established in 2001, but left about five years later to set up their own political groups which are not recognized by the government.

36 Amnesty International observer was present at the appeal session. Observers from the Swedish, Danish and UK embassies in Bahrain were also present.

37 Yasser Abdullah Ibrahim Saleh, Mohammad Ibrahim Hussain, Ali Mashaallah Ali, Jaafar Abdullah Hassan Ali, Idriss Abduhussain Habib, Habib Abdullah Hassan al-Jamri, Abduladheem Gholum Abbas Derwish al-Muhtadi and Mohammad Ali Ali Abdullah.

38 *Gulf Daily News*, 20 March 2012. http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=326233

39 Human Rights Committee, General Comment No. 32, para22: "Trials of civilians by military or special courts should be exceptional, i.e. limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where with regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials."

40 "To commute the death sentence imposed for murder arising out of the events of February/March 2011, in the light of the preference of Article 6 of the ICCPR for the abolition of the death penalty and the concerns regarding the fairness of trials conducted by the National Safety Court."

[41] General Comment No 32 paragraph 6

42 Approved by Economic and Social Council resolution 1984/50 of 25 May 1984.

43 Al-Jarida al-Rasmiya (official gazette), no. 3029, 8 December 2011.

44 "To amend the decree establishing the NSA to ensure that the organisation is an intelligence gathering agency without law enforcement and arrest authorities. The NSA should also have an independent office of inspector general to carry out the same internal ombudsman functions mentioned above with respect to the MoI. Legislation should be adopted to provide that even during the application of a State of National Safety the arrest of persons should be in accordance with the Code of Criminal Procedure."

45 Reuters, 13 February 2012. http://www.reuters.com/assests/print?aid=USTRE81C150201213

46 Bahrain News Agency, 8 December 2011.

47 Bahrain News Agency, 22 March 2012.

48 "There should be audio-visual recording of all official interviews with detained persons."

49 "To place the office of the Inspector General in MoI as a separate entity independent of the Ministry's hierarchical control, whose tasks should include those of an internal ombudsman's office, such as that which exists in many other countries. The new Inspector's General's office should be able to receive individual or organisational complaints, protect the safety and privacy of the complainants, carry out independent investigations and have the authority to conduct disciplinary and criminal proceedings as required by CAT, the ICCPR and the Bahrain Criminal Code to the Prosecutor General. The office should also promulgate and enforce police professional standards and carry out legal and sensitivity training for police officers."

50 *Al-Jarida al-Rasmiya* (official gazette), no. 3041, 1 March 2012.

51 "To implement an extensive program of public order training for the public security forces, the NSA and the BDF, including their private security companies, in accordance with UN best practices. To ensure future compliance with the Code of Conduct for Law Enforcement Officials, 832 [Adopted by General Assembly resolution 34/169 of 17 December 1979] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the security forces should be trained in the human rights dimensions of detention and interrogation, and in particular the obligation to refuse to participate in any actions involving torture and other prohibited ill-treatment."

52 The National Commission website. http://www.biciactions.bh

53 "e. The Commission recommends that the GoB establish urgently, and implement vigorously, a programme for the integration into the security forces of personnel from all the communities in Bahrain."

54 Bahrain's head of the Public Security Major General Tariq al-Hassan said on 21 February 2012: "I am the first to admit that mistakes were made, but many of them have already been identified… considerable progress has been made, but it still remains a major operational and training challenge… water cannons are also being used for controlling crowds and other public security issues… we will always act with restraint, whatever the provocation… we act strictly according to the law and upholding the rule of law is my only brief."

55 Amnesty International has also called for tear gas and other weaponry, munitions and equipment used for law enforcement operations to be included among the conventional arms to be regulated by an international Arms Trade Treaty that is being negotiated later this year.

56 "To avoid detention without prompt access to lawyers and without access to the outside world for

more than two or three days. In any event, all detention should be subject to effective monitoring by an independent body. Moreover, every person arrested should be given a copy of the arrest warrant and no person should be held incommunicado. Arrested persons should have access to their legal counsel and family visits in the same way as any person detained under the Bahrain Code of Criminal Procedure."

57 "a. To ensure that the remaining dismissed employees have not been dismissed because of the exercise of their right to freedom of expression, opinion, association or assembly.

b. To use all its powers to ensure that public corporations and other employers who dismissed employees for failure to appear for work at the time of the demonstrations treat them in a way that is at least equal to that provided by the GoB to civil servants.

c. To reinstate all students who have not been criminally charged with an act of violence and to put in place a procedure whereby students who were expelled on legitimate grounds may apply for reinstatement after a reasonable period of time, and to adopt clear and fair standards for disciplinary measures against students and to ensure that they are applied in a fair and impartial manner."

58 *Al-Wasat* newspaper, 5 March 2012. http://www.alwasatnews.com/3467/news/print/637470/1.html

59 *Al-Wasat* newspaper, 5 March 2012. http://www.alwasatnews.com/3467/news/print/637470/1.html

60 Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states: " (1) The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. (2) The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual".

61 Committee on Economic Social and Cultural Rights, "The Right to Work, General Comment No. 18, Adopted on 24 November 2005, Article 6 of the International Covenant on Economic, Social, and Cultural Rights," E/C.12/GC/18, 6 February 2006.

62 Ibid. para. 23.

63 Ibid., paras. 26 and 31(b).

64 Ibid., para. 33.

65 Ibid., para 35.

66 Article 2 (2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states: "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

67 Committee on Economic Social and Cultural Rights, "General Comment No. 20, Non-discrimination in economic, social, and cultural rights (art.2 para 2 of the International Covenant on Economic, Social, and Cultural Rights)," E/C.12/GC/20, 2 July 2009, para. 22.

68 "To compensate and provide remedies for the families of the deceased victims in a manner that is

commensurate with the gravity of their loss. In this connection, the Commission welcomes the Royal Decree Law N0. 30 of 2011 for the establishment of the National Fund for the Reparation of Victims on 22 September 2011."

69 "To compensate and provide remedies for all victims of torture, ill-treatment or prolonged incommunicado detention. In this connection, the Commission welcomes the Royal Decree Law N0. 30 of 2011 for the establishment of the National Fund for the Reparation of Victims on 22 September 2011."

70 *Al-Jarida al-Rasmiya* (official gazette), 22 September 2011.

71 *Al-Jarida al-Rasmiya* (official gazette), 2 February 2012.

72 *The Gulf Daily News*, 15 February 2012.

73 BBC monitoring service, 20 March 2012.

74 *Al-Wasat* newspaper, 20 March2012. http://www.alwasatnews.com/3482/news/read/644554/1.html

75 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles on the Right to a Remedy and Reparation), adopted and proclaimed by UN General Assembly Resolution 60/147 of 16 December 2005 (UN Doc. A/RES/60/147).

76 Pillay: Bahrain Government must take immediate confidence-building measures, release political prisoners, 21 December 2011.
http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11738&LangID=E

77 Bahrain News Agency, 22 April 2011.

78 Bahrain News Agency, 22 April 2011.

79 "a. To consider relaxing censorship and allowing the opposition greater access to television broadcasts, radio broadcasts and print media. The continuing failure to provide opposition groups with an adequate voice in the national media risks further polarising the political and ethnic divide.

b. To establish professional standards for the media and other forms of publications that contain an ethical code and an enforcement mechanism, designed to uphold ethical and professional standards in order to avoid incitement to hatred, violence and intolerance, without prejudice to internationally protected rights of freedom of expression.

c. To undertake appropriate measures including legislative measures to prevent incitement to violence, hatred, sectarianism and other forms of incitement which lead to the violation of internationally protected human rights, irrespective of whether the source is public or private."

80 *Al-Wasat* newspaper, 18 January 2012.
http://www.alwasatnews.com/3420/news/print/622525/1.html

81 "To follow up on the statement by HM King Hamad to the effect that the GoB will consider rebuilding, at its expense, some of the demolished religious structures in accordance with administrative regulations. The Commission welcomes the GoB addressing this question at the earliest possible time."

82 "a. To develop educational programs at the primary, secondary, high school and university levels to promote religious, political and other forms of tolerance, as well as to promote human rights and the rule of law.

b. In general, the Commission recommends to the GoB the development of a national reconciliation programme that addresses the grievances of groups which are, or perceive themselves, to be deprived of equal political, social and economic rights and benefits across all segments of Bahrain's population."

83 Reuters, 1 March 2012.

84 *Al-Wasat* newspaper, 8 March 2012 at http://alwasatnews.com/3470/news/read/641033/1.htm

85 Reporters without Borders, 13 February 2012.

ANNEX

KINGDOM OF BAHRAIN
MINISTRY OF THE INTERIOR
Inspector General

مملكة البحرين
وزارة الداخلية
المفتش العام

IG/1/2/625

26 March 2012

Hassiba Hadj Sahraoui
Deputy Director
Amnesty International
1 Easton Street
London WC1X 0DW
United Kingdom

Dear Ms Sahraoui,

Thank you for your letter received on 11 March 2012 reference TG MDE 11/2012.018 regarding an update on the implementation of some of the recommendations of the Bahrain Independent Commission of Inquiry.

I have been asked by His Excellency the Minister to respond on behalf of the Ministry. Please find below all of your requests followed by the Ministry's response to each:

Police Code of Conduct

Utilizing the talents of internationally recognized jurists and police officials, a new police officers' Code of Conduct was created. It recently went into effect. The Code is being distributed to all police units/facilities throughout the country and will be issued to every police officer. Additionally, the Code will be used as one of the main documents supporting a revised curriculum at the Royal Police Academy, particularly on how it affects human rights.

I attach a copy of the Code in Arabic as requested, as well as a copy in English.

Police training

You have enquired about human rights training at the Royal Police Academy. Devising and rolling out a new training program is of course a major undertaking. The first step in the process is to ensure that respect for human rights becomes an integral part of the operational police training for all new recruits and officers. For example, many of the criticisms in the BICI report

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concerning the security forces deal with issues surrounding arrests, interrogations and detention. Going forward, training in these areas will be infused with internationally recognized best practices, especially those emanating from United Nations declarations and covenants.

A formal training curriculum is presently being drafted, and will be adopted for the forthcoming Academy class. In the interim, as a short-term solution, training in human rights has already been added to the current program.

As an additional interim measure, the Ministry has retained the services of a New York City judge who is currently in Bahrain. He is leading training sessions to policemen and women on international best practices as they affect a variety of police operations from arrests, investigations and detention to maintaining public order. The Judge is also conducting seminars for high-ranking police officials throughout the force, and human rights training sessions for officers and Academy instructors (to "train the trainers"). This includes emphasizing the notion of superior responsibility.

I attach one of the materials that policemen and women are being trained in. Although it is in English, it is being presented in Arabic during the sessions.

Cameras and audio recording of interviews

A CCTV system is being installed in police stations throughout the country. It is a top-of-the-line, high-definition system that records both audio and video and provides a 360-degree view of each interview room. The interviews will not only be able to be viewed by commanders in the police station, but will also be able to be monitored live at police headquarters by the Inspector-General and other senior commanders. The footage is stored at a secure site, independent of the police stations, and is admissible in a court of law. With regard to the latter, enabling legislation is in the process of being finalized.

The first of the CCTV systems has already gone on-line at one police station and is being rolled out at others where cameras have been installed. The current schedule has an additional six police stations being outfitted with the CCTV system every six weeks. It is expected that installation will be complete by October of this year.

I should also note here that the Ministry is in the process of establishing a central detention centre where prisoners will be lodged as they await their court appearance. This will reduce the necessity of maintaining a holding facility in each police station. The plan is to have only one station per

Recruitment and integration

Your final request is a status update regarding the BICI recommendation to develop a "program for the integration into the security forces of personnel from all the communities." As you can appreciate, this is a long-term project. However, we have begun the process of hiring 500 new police officers drawn from communities across Bahrain. The applications that we have received are now being managed by the Ministry's human resources department to select and prepare this group for the next Royal Police Academy class. As you can also appreciate, this additionally entails significant logistical difficulties in terms of the capacity available to train large numbers of officers. The Ministry is aware that this occurs in any big police organization when a "rush to hire" occurs, and additional new buildings are under construction at the Academy to deal with this. The new buildings should be ready for occupancy by the autumn of 2013.

In the meantime, there is a class of around 500 officers currently at the Academy. They are scheduled to graduate in approximately seven weeks. The next class, the new hires, will enter the Academy for their six-month training course in September. Training classes are not held during the hot summer months of July and August, particularly during Ramadan.

Finally, I should note that the Ministry is receiving expert advice and guidance in connection with this recommendation. It has been made aware of experience elsewhere in the world of unduly rushing the recruitment and selection process, without proper vetting and training, which has commonly led to disastrous results. The Ministry is proceeding to achieve the noble goal of integration with this experience in mind, albeit as quickly as possible.

Yours sincerely,

Major-General Ibrahim Al Ghaith,
Inspector-General,
Ministry of Interior,
Kingdom of Bahrain.

Copy to:-
Dr. Saeed Al Faihani, U/S., for Human Rights & Social Development.

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FLAWED REFORMS
BAHRAIN FAILS TO ACHIEVE JUSTICE FOR PROTESTERS

In November 2011, the Bahrain Independent Commission of Inquiry (BICI) completed its investigation into human rights violations committed following the anti-government protests in February and March that year. The King of Bahrain promised full implementation of BICI's recommendations, and in March 2012 the government announced that implementation was completed.

Amnesty International welcomes various positive steps taken by the government to improve the human rights situation in the country, but notes that some of BICI's key recommendations have not been addressed properly.

Scores of activists continue to be imprisoned after being convicted by a military court in proceedings that fell short of international standards. Investigations into cases of police torture and killing of civilians have not been sufficiently thorough and have targeted only the rank-and-file of the police force; those who gave the orders have not been held accountable.

This report documents these and other failures by the Bahraini authorities to fully implement BICI's recommendations and commit themselves to getting accountability and justice for victims.

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