REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY

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Chapter I — Introduction

A. Establishment of the Independent Commission of Inquiry

1. The Bahrain Independent Commission of Inquiry (the Commission) was established by His Majesty King Hamad bin Isa Al Khalifa (HM King Hamad) in Royal Order No. 28 of 2011, which was issued on 1 July 2011, with immediate force of law.[1] Article 1 states, "An independent Commission of Inquiry is hereby established to investigate and report on the events occurring in Bahrain in February/March 2011, and any subsequent consequences arising out of the aforementioned events, and to make such recommendations as it may deem appropriate."

2. The Commission's mandate, contained in Article 9, is to report on the events in question on the basis of international human rights norms. Article 9 states the report shall contain the following:

a. A complete narrative of the events that occurred during February and March, 2011;

b. The context for these events;

c. Whether during these events there have been violations of international human rights norms by any participants during the events or in the interaction between the public and the government;

d. A description of any acts of violence that have occurred including the nature of the acts, how they occurred, who the actors were and what consequences derived therefrom, in particular at the Salmaniya Hospital and the GCC Roundabout;[2]

e. Instances of alleged police brutality and alleged violence by protestors and/or demonstrators against police and others, including foreigners;

f. The circumstances and appropriateness of arrests and detentions;

g. Examination of allegations of disappearances or torture;

h. Ascertain whether there was any media harassment, whether audiovisual or written, against participants in demonstrations and public protests;

i. Examination of alleged unlawful demolition of religious structures; and

[1] Royal Order No. 28 of 2011 appears in Appendix A.
[2] The GCC Roundabout was located in Manama, and was also known as "Pearl Roundabout".

j. Ascertain any involvement of foreign forces and foreign actors in the events.

Consequently, the Commission is bound by what is included in the above mandate and the investigations reflected in this Report are within the scope of that mandate.

3. His Majesty selected the five members of the Commission and appointed a Chair to whom he entrusted the direction of the work of the Commission. They are: Professor M. Cherif Bassiouni, Chair (USA/Egypt); Judge Philippe Kirsch QC (Belgium/Canada); Professor Sir Nigel Simon Rodley (UK); Dr Mahnoush H. Arsanjani (Iran); and Dr Badria A. Al Awadhi (Kuwait).

4. Royal Order No. 29 of 2011,[3] dated 7 July 2011, which was issued by HM King Hamad, gave the Commissioners and its staff the same "privileges and immunities" as "United Nations Experts on mission", in accordance with the Convention on the Privileges and Immunities of the United Nations dated 13 February 1946.

B. Organisation of the Commission's Staff

5. The Commissioners selected the staff, which consisted of an investigating team headed by a Chief Investigator supported by a staff of investigators, investigative assistants and other administrative support staff.[4] Cumulatively, the staff consisted of 51 persons[5] who worked for various periods of time,[6] including 12 investigators,[7] 12 assistants to the investigators, five administrators, four administrative assistants and 18 technical and scientific consultants. All staff and consultants were under contract with the Commission, and their contracts contain a confidentiality clause. Some of the staff commenced their employment in the first week of July.

C. Overview and Methodology of the Commission's Work

6. The Commission began its investigation on 20 July 2011 and received 8,110 complaints and statements of various human rights abuses relevant to its mandate. These complaints and allegations came in the following forms:

[3] Royal Order No. 28 of 2011 appears in Appendix B.
[4] The Organisational Chart of the Commission appears in Appenix D.
[5] Because of the need to have a bi-lingual staff (Arabic/English), several persons had dual nationality. The citizenship breakdown listed for Bahrain visa purposes is: Egypt (17); USA (13); Bahrain (8); Lebanon (3); Australia (2); Jordan (2); UK (2); Iraq (1); Sudan (1); Sweden (1); and Yemen (1).
[6] All members of the staff and consultants completed their contractual periods except for four. One left the Commission for health reasons (namely a dislocated shoulder requiring surgery), a second terminated his relationship after two weeks claiming personal reasons, the third resigned after being questioned about failure to follow internal procedures, and the fourth left three days before the end of his contractual period.
[7] None of the Investigators were Bahrain citizens. They were selected on the basis of their investigatory and judicial experience.

a. Statements submitted in writing (2,639);

b. Statements submitted in person or electronically (5,188); and

c. Statements submitted by organisations (283).

In addition to these complaints and allegations, the Commission conducted 65 primary site visits (with several follow-up visits) and held 48 primary meetings with various agencies of the Government of Bahrain (GoB) and members of political and civil society (with numerous follow-up visits).

7. The Commission categorised the oral statements, written statements and electronic submissions it received into the following groupings, which were then entered into the Commission's database, namely:

a. Deaths;

b. Detainees;

c. Journalists;

d. Medical Staff;

e. Private Sector Employees;

f. Public Sector Employees;

g. Police Personnel;

h. Students;

i. Teachers/Professors;

j. Sunnis; and

k. Expatriates.

In addition, the Commission received and examined reports from national and international organisations and media agencies, all of which were also entered into the database.

8. Based on the sources of information indicated above, the Commission's database revealed different types of alleged violations. The purpose of the listing below is to show only what was reported without regard to the Commission's analysis of the substance of these reports and complaints. What follows is therefore illustrative of the allegations that the Commission received:[8]

a. Deaths;

b. Torture;

c. Verbal Abuse;

d. Physical Mistreatment;

e. Psychological Abuse;

[8] Some categories of information are potentially overlapping because of the manner in which the reports and complaints were provided to the Commission.

f. Sexual Abuse;

g. Rapes;

h. Misuse of Authority and Excessive Use of Force;

i. Arbitrary Arrests and Detention;

j. Disappearances or Missing Persons;

k. Coerced Statements;

l. Unfair Trial;

m. Denial of Assistance of Legal Counsel;

n. Deprivation of Private Property;

o. Destruction of Private Property;

p. Demolition of Religious Structures;

q. Expulsion of Students;

r. Suspension of Students;

s. Revocation of Student Scholarships;

t. Dismissals from Private Sector Employment;

u. Dismissals from Public Sector Employment;

v. Suspension from Private Sector Employment;

w. Suspension from Public Sector Employment;

x. Other Work Related Complaints;

y. Restriction of Free Speech and Assembly;

z. Media Harassment;

aa. Issuance of Travel Bans; and

bb. Other.

9. As indicated above, the sources of information varied, as did the quality of the information received. This is understandable in so far as there were multiple sources that did not necessarily follow the same approach or describe events and situations in the same manner or style.

10. Reports received from the GoB tended at the beginning, namely the end of July and early August, to be limited and fragmentary. In the course of time, a more steady relationship developed that resulted in receiving more detailed information, and particularly more specific answers to the Commission's follow up questions. The GoB produced hundreds of pages of reports including a comprehensive report prepared on behalf of all government agencies dated 6 October 2011. These reports contained not only factual information but answers to legal questions of a substantive and procedural nature. They also included replies to the Commission's inquiries

as to different questions of alleged violations of international human rights law and Bahrain law.

11. A large volume of information was received from individuals, groups of individuals acting through non-governmental organisations (NGOs), human rights organisations and religious organisations.[9] A number of complainants were included in more than one source. For example, an individual complainant could send a complaint via the Commission's website, make a telephone call and/or come to the Commission's offices for an interview, and the same complaint could also appear in group submissions by political parties, such as Al Wefaq National Islamic Society (Al Wefaq), the Gathering of National Unity, Karama and the National Democratic Action Society (Wa'ad), and NGOs, such as the Bahrain Center for Human Rights (BCHR) the Bahrain Human Rights Society (BHRS) and Bahrain Human Rights Watch Society. Al Wefaq in particular was in almost daily contact with the Commission. The groupings of complaints that Al Wefaq and the BCHR sent to the Commission, and for which the Commission is grateful, frequently contained similar and overlapping information about complainants and events. In many of these communications, the cover letter or memorandum stated that the subject of the communication was to report a certain number of complaints whose range was between 50 and 500, but which seldom contained individual files of complainants. The primary benefit of this information was to identify persons on behalf of whom the respective organisations filed claims.[10]

[9] International Civil Society Organisations: Amnesty International, Association for Prevention of Torture, Committee for Academic Freedom, Doctors Without Borders, Education International, Human Rights Watch, International Federation for Human Rights, No Peace Without Justice, Scholars at Risk; Bahraini Civil Society Organisations: Bahrain Association of Educators, Bahrain Center for Human Rights, Bahrain Human Rights Society, Bahrain Human Rights Watch Society, Bahrain Transparency Society, Bahrain Women's Union, Bahrain Youth Society for Human Rights, Karameh; Bahraini Political Associations: Al Wefaq National Islamic Society, Al-Asalah, Democratic Progressive Tribune, National Democratic Rally Society, The Gathering of National Unity, Waad – National Democratic Action Society; Trade Unions: Aluminum Bahrain, Arab Shipbuilding and Repair Yard, BANAGAS, General Federation of Bahrain Trade Unions Gulf Air; Bahraini Companies: BATELCO, Gulf Aluminium Rolling Mill Company, Gulf Air; Bahraini Government entities: Bahrain Chamber of Commerce and Industry, Bahrain Defense Force, Central Informatics Organization, Civil Service Bureau, Council of Representatives of Bahrain, Information Affairs Authority, Jaafari Awqaf Endowment, Legislation and Legal Opinion Commission, Ministry of Education, Ministry of Health, Ministry of Housing, Ministry of Interior, Ministry of Justice and Islamic Affairs, Ministry of Labor, Ministry of Municipalities Affairs and Urban Planning, Ministry of Social Development and Human Rights, National Security Agency, Office of the Military Prosecution of the Bahrain Defense Forces, Office of the Public Prosecution; Bahraini Universities: Polytechnic University, University of Bahrain.

[10] For example, the Commission received 648 complaints of alleged thefts of personal property in the course of arrests. Many of these included the official seizure of what the GoB considers evidentiary material. Additionally, 788 complaints were received about allegations of torture. However, upon more careful examination of the claims, it appeared that what the complainants considered torture varied enormously from the legal definition of torture under the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment (CAT). Sometimes allegations included verbal abuse or roughness in the way handcuffs were placed. This is not to make light of these matters as they are still violations of a person's human dignity, but it is illustrative of the differences in the way people perceive the situation. After the BCHR is reported to have informed those who came to it to report physical mistreatment

12. The Commission's analysis of all sources of information in respect of allegations of violations of international human rights is contained in the various Chapters and Sections of this Report.[11]

13. The Commission's methodology comprised the following activities: interviewing individual complainants; meeting with GoB officials, civil society organisations, opposition groups, professionals of different categories and religious leaders; and conducting on-site visits to prisons, hospitals, demolished places of worship and other locations.

14. Commission investigators conducted interviews with 5,188 individuals for the purpose of collecting statements from witnesses and complainants regarding allegations of international human rights violations falling within the Commission's mandate. The information obtained was recorded and later entered into the database.

15. Meetings were also conducted with GoB agencies, private sector employers and members of political and civil society organisations. The purpose of these meetings was to seek out information about GoB policies and practices, identify potential relevant witnesses and collect statements and other documentary evidence related to allegations of violations of international human rights. Some follow-up meetings were conducted in order to collect additional information and obtain clarifications, particularly from the GoB agencies. Summaries of these meetings were entered into the database.

16. Meetings were conducted with the following GoB agencies and organs: the office of the Prime Minister; the office of the Deputy Prime Minister; the Ministry of Interior (MoI); the Ministry of Justice and Islamic Affairs (MJIA); the Ministry of Labour (MoL); the Ministry of Municipal Affairs and Urban Planning (MMAUP); the Ministry of Health (MoH); the Ministry of Education (MoE); the Ministry of Social Affairs and Human Rights; the office of the Attorney General; the senior staff of the Bahrain Defence Force (BDF); the office of the Military Attorney General; the Civil Service Commission; the National Guard; and the National Security Agency (NSA). The Commission also met with HRH Prince Salman bin Hamad bin Isa Al Khalifa (HRH the Crown Prince) and his staff. The meetings also resulted in obtaining GoB representations, which were studied by the Commission. Many of these meetings gave rise to additional Commission inquiries and to follow-up meetings to obtain clarifications. The Commission also inquired about certain specific cases and situations and received responses from the GoB. Summaries of these meetings and the contents of the reports and clarifications received were entered into the database. The

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that in order to be considered torture, the physical mistreatment had to be connected to obtaining an statement or confession, subsequent statements by complainants on the subject became more focused in that direction.

[11] There is no numerical correlation between the reports received, as categorised above, and the violations found by the Commission, which are described in this Report. The numbers of reports in the different categories are based solely on what was reported to the Commission, while the Commission's findings with regard to the various categories of violations are based on those allegations that were, upon analysis, deemed sufficiently reliable.

Commission then carefully examined and analysed the information obtained from these meetings and from reports to establish the policies and practices of GoB agencies for the purposes of this Report.

17. The Commission met with leaders of the opposition, leaders of non-governmental and human rights organisations, religious leaders, journalists, business leaders and representatives of civic organisations across the spectrum of Bahraini society to obtain information which was also entered into the database. This helped the Commission to understand events and their contexts, and to assess situations, particularly with regard to the policies and practices of GoB agencies.

18. Meetings were held with private sector employers involved in dismissals and suspensions of employees related to the events of February/March 2011.[12] These meetings were used to inquire into the policies and practices of the employers with regard to dismissing and/or suspending employees during the relevant time period. The Commission also obtained information on subsequent corrective actions taken by the employers, such as reinstatement or compensation.

19. The Commission also met with the Presidents of the University of Bahrain and Bahrain Polytechnic University to discuss the expulsion or suspension of students and the revocation of student scholarships.[13]

20. Throughout the course of its investigation, the Commission undertook site visits in order to collect additional witness statements, conduct forensic examinations of aggrieved individuals and places, observe the manner and methods of law enforcement agencies, examine conditions of detention and injuries sustained by victims, and gain a deeper understanding of events on the ground. Site visits were also instrumental in determining the tactics of the demonstrators, patterns or practices of police during interactions between demonstrators and police, the extent of the use of tear gas, rubber bullets and other riot control methods, and the extent of the use of weapons or other improvised devices by demonstrators to attack police.[14]

21. The Commission's on-site visits included: Salmaniya Medical Complex (SMC); BDF Hospital; MoI Hospital; Dry Dock Detention Centre; Al Qurain Prison; Juw Prison; Isa Town Female Detention Centre; Karana neighbourhood; Sanabis neighbourhood; Diraz neighbourhood; Nuwaidrat village; Budaiya police station; and Al Wusta police station.[15] Several of these locations were visited more than once by the Commission's investigators. During these visits, Commission staff were able to meet privately with detainees and injured persons in the locations described above. The Commission conducted on-site investigations in 30 places of worship that

[12] See Chapter VII, Section B.
[13] See Chapter VII, Section C.
[14] See Chapter V.
[15] See Chapter VI, Section A and Chapter VI, Section D.

had been demolished and also used satellite images of the sites to evaluate pictures and drawings of the demolished structures.[16]

22. The Commission conducted investigations and research into the events that are the subject of its mandate. The specific allegations of violations of international human rights are described contextually in the various Chapters of this Report.

23. All the reports and complaints submitted were admitted into the database. The Commission's aim has been to include in its consideration all types of reports and complaints received from all possible sources.

24. The Commission's work was conducted with full independence and transparency. It did not encounter any governmental interference. Its procedures and methods were established by the Commissioners and posted on its website.

25. Security and confidentiality measures were taken to protect witnesses and complainants and to ensure individual privacy. These measures provided a high level of comfort to witnesses and complainants, and led to receipt of a large number of complaints and reports as well as a large number of individuals willing to provide statements in person at the Commission's office.

26. The Commission received cooperation from all GoB authorities with which it dealt. It also received the cooperation of many political and civil society organisations and in particular from Al Wefaq, whose assistance was particularly useful in connection with the investigation of the demolished religious structures, as well as its cooperation in providing the Commission with numerous reports and lists of persons for the Commission to interview. Other organisations not specifically named herein covering the entire spectrum of political, social and human rights interests, were also instrumental in facilitating the work of the Commission as well as in assisting the Commission in securing individual complaints and oral statements of individuals; in this regard, the BCHR was helpful. This cooperation by the GoB and all interested sectors of Bahraini society has been instrumental in enabling the Commission to carry out its mandate.

27. In order to accurately record reports and complaints, the Commission established its own database. This database enabled the Commissioners and staff to record, examine and categorise evidence, and to identify patterns and similarities among individual cases. The database was located in a secure facility outside Bahrain.

28. The considerable amount of work described above was done in a relatively short period of time by a highly dedicated staff who worked an inordinate amount of time to produce the information reflected in this Report.

29. The Commissioners met in plenary session from 21 to 24 July, 22 to 25 September, 14 to 18 October, 14 to 19 November and 22 to 23 November.

[16] See Chapter VII, Section A.

They were personally involved in all phases of the work of the Commission. The Chair of the Commission worked full time between 1 July and the submission of this Report on 23 November 2011 and is expected to continue in office until completion of the mission on 16 December 2011.[17]

D. Challenges Faced by the Commission

30. The establishment of an independent national Commission consisting of Commissioners who are not nationals of the country under investigation is unprecedented.

31. The scope of the work, including the depth and breadth of the investigation as well as the analysis of the facts, assessment of reports, evaluation of witness statements, allegations of victimisation and analysis of the policies and practices of GoB agencies within a very short period of time posed many logistical and practical problems.

32. The independence of the Commission meant that it could not rely on GoB agencies or officers to provide logistical or other support for its investigative work. The fact that this was not a Commission set up by an international organisation, such as the United Nations, meant that it could not rely on the personnel and general support of such an organisation. Consequently, the Commission had to arrange on its own initiative for its offices, equipment, furniture, database, security, housing and transportation for the staff, as well as all other logistical and human resource matters. The more significant challenge was to find a competent and responsible staff within a relatively short period of time and to conduct investigations into events spanning a period of several months starting with the events that took place in February/March 2011.

E. Commission Finances

33. The Commission enjoyed full financial autonomy from the GoB. This was achieved by the allocation of 1.3 million USD to the Commission's independent bank account, to which it had exclusive access.[18] In addition to this budgeted amount from the Royal Court, the Commission received contributed support in the form of air travel and hotel expenses, ground transport in Bahrain and the use of two villas for its offices. These services were contributed directly to the Commission but their cost was charged to the

[17] This is the date established for the completion of the distribution of the Final Report as well as finalisation of the accounts and the posting on the Commission's website of the audited financial report.

[18] The staff was paid on the basis of the UN scale, ranging from P-2 to D-1, at the lowest step for each level. The Chief Investigator was a D-1 and paid USD 10,000 per month; the Investigators were P-5s and paid USD 8,000 per month; the Chief of Staff and Chief Administrative and Financial Officer were P-4s and paid USD 6,000 per month; the Associate Legal Officer was a P-3 and paid USD 5,000 per month; the Investigative Assistants were P-2s and paid USD 3,500 per month; and, the secretaries and clerks were P-1s and paid between USD 1,800 and USD 2,000 per month. The Commissioners were paid USD 1,000 per day for work done in Bahrain. The Chair was paid on the basis of a USG, which is also equivalent to his last university salary as of 2009, namely USD 22,500 per month.

Royal Court. All other expenses were paid by the Commission and recorded by an independent accounting firm. The Commission's accounts will be audited by a second, independent accounting firm to ensure accuracy and transparency. The report of the Commission's accountant and the subsequent audit will be posted to the Commission's website on 16 December 2011.

34. The Commission will close its offices between 23 November and 1 December 2011. All outstanding invoices will be settled between 1 and 10 December 2011.

F. Commission Records

35. During the course of the investigation, the Commission created an extensive archive of records and materials. All of these records and materials were catalogued and stored in secure safes. In addition, the records were recorded electronically and stored digitally on a highly secured server outside Bahrain.

36. All records and materials obtained by the Commission will be destroyed in order to protect the identity of all persons who gave information and evidence to the Commission. However, the Commission will preserve its database and electronic copies of these records, which will be preserved electronically on a secured hard drive outside Bahrain.[19] The hard drive will be stored in a locked case in a secured facility and will not be accessible wirelessly. The hard drive will be preserved for a period of ten years, after which time it will be destroyed. The records stored on the server will be permanently erased.

G. Publication and Distribution of Report

37. In order to publicise its findings, the Commission developed a multi-faceted approach to distributing its Report. First, the Report is to be published in Arabic and English on the Commission's website on 23 November 2011. Second, more than 2,000 Arabic and English printed editions of the Report will be available for distribution in late November and early December.

H. Specific Interventions by the Commission

38. During the period of the Commission's work, the Commission took steps to address existing situations of human rights violations and particular attention was given to cases of humanitarian concern. This was accomplished by communicating with GoB officials where immediate intervention by GoB agencies was required to alleviate burdens suffered by individuals who were in detention, in hospitals, as well as in situations involving dismissal of private

[19] The Commission is negotiating with the Permanent Court of Arbitration in The Netherlands to house the hard drive containing the electronic records. In the event that the records are not housed at the Permanent Court of Arbitration, the Commissioners will arrange for their storage at an academic institution able to provide the same level of security as the Permanent Court of Arbitration.

and public sector employees and the expulsion of students from universities and the suspension of their scholarships.

39. Subsequently, more than 300 detainees were released by the GoB and special medical attention was provided to injured persons. Hundreds of dismissed public and private sector employees and suspended students were reinstated.

40. The establishment of the Commission resulted in a significant change in the policies and practices of several GoB agencies. The Commission was able to secure visitation rights by relatives of detainees. Following the Commission's efforts, certain criminal charges against certain persons, particularly medical personnel, were dropped.

41. HM King Hamad was kept personally informed by the Commission Chair of the developing situation, and issued a number of Royal Orders as well as directives to alleviate the consequences of reported human rights violations.

Chapter II — Historical Background

A. Basic Information about Bahrain

42. The Kingdom of Bahrain is an archipelago consisting of 33 islands, five of which are inhabited. The largest of these islands are Bahrain, Muharraq, Umm an Nasan and Sitra. Bahrain is one of the most densely populated countries in the world, with a total landmass of 760 square kilometres. To the southeast of Bahrain is the State of Qatar, and to its west lies the Kingdom of Saudi Arabia, with which it is connected by a 25 kilometre causeway. To the north and east of Bahrain lies the Islamic Republic of Iran.

43. The territory of Bahrain is divided for administrative purposes into five governorates: Asimah (which includes the capital, Manama); Janubiyah; Muharraq; Shamaliyah; and Al Wusta. As of 2010, 42% of the population lives in the two largest cities, Manama and Muharraq. According to the 2010 census, the total number of persons residing in Bahrain is 1,234,571. Of these, 568,399 are Bahraini citizens (46%) and 666,172 are expatriates (54%).[20] Of the total population of Bahrain, 70% are Muslim, while the remaining 30% are Christian, Hindu, Sikh, Jewish or followers of other faiths.[21] There are no recent publicly available figures on the exact size of the Sunni and Shia communities of Bahrain. A census undertaken in 1941 prior to Bahrain's independence placed the percentage of Sunnis at 48% and Shia at 52% of the Muslim population.[22] Current unofficial estimates vary between 60-70% Shia and 30-40% Sunni, although these figures, and demographic data in Bahrain generally, are a contentious issue.

B. A Brief History of Bahrain

44. Bahrain was one of the first places to embrace Islam, and remained under Islamic rule until Portuguese forces occupied it from 1521 to 1602.[23] The Safavid Persian Empire displaced the Portuguese and ruled from 1602 to 1783.[24] The family that eventually established the modern ruling dynasty of Bahrain, the Al Khalifa, is a branch of the Bani Utbah, a tribe which settled in Kuwait in 1716. Some 60 years later, the family left Kuwait for the western coast of Qatar. There they inhabited the town of Zubarah where they engaged in the perling trade. In 1783 the Al Khalifa family, led by Sheikh Ahmed bin

[20] GoB 2010 Census, http://www.census2010.gov.bh/results_en.php accessed 16 November 2011.
[21] GoB 2010 Census, http://www.census2010.gov.bh/results_en.php accessed 16 November 2011.
[22] Public Record Office, *Population Census of Bahrain,* FO 371/149151 (31 December 1955) [On file with the Commission].
[23] On the Portuguese presence and influence in Bahrain, see Fawzia el-Habib, *History of Portuguese Influence in Bahrain 1521-1602* (تاريخ النفوذ البرتغالي في البحرين 1521-1602) (2003) (*Arabic Text*).
[24] Nelida Fuccaro, *Histories of City and State in the Persian Gulf: Manama since 1800* (Cambridge University Press 2009) pp 16-17, 26.

Muhammad Al Khalifa, gained control of the territory of Bahrain from the Persians who had been garrisoning the island.[25] This was the beginning of Al Khalifa rule in Bahrain, which continues through the present day.

45. In the early 19th century, the British Empire, as part of a policy to protect the approaches to its imperial possessions on the Indian subcontinent, entered into numerous treaties with States in the Arab Gulf. In 1820, the first of many treaties was concluded between Great Britain and Bahrain.[26] In 1861, the two States entered into a Perpetual Treaty of Peace and Friendship, pursuant to which Bahrain became a British protectorate.[27]

46. Bahrain declared independence on 15 August 1971, following the withdrawal of the British troops stationed on the island.[28] HH Sheikh Isa bin Salman Al Khalifa acceded to the position of Emir of the State of Bahrain, a position he held until his death in 1999. HH Sheikh Hamad bin Isa Al Khalifa then became the Emir until 2002, when a new Constitution was enacted and Bahrain was transformed into a Kingdom and the Emir was declared King of Bahrain.

47. Bahrain joined the United Nations (UN) and the League of Arab States upon independence in 1971. Bahrain is also a founding member of the six-member Cooperation Council for the Arab Gulf States, also known as the Gulf Cooperation Council (GCC). The GCC was established in 1981 as a forum for coordinating policies in various areas, including security and economic development.[29]

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[25] The Al Khalifa family did not immediately extend its full and unrivalled control over Bahrain. Rather, a number of mostly Arab tribes competed with the Al Khalifa family for influence, including the Omani Matarish tribe and Wahhabi forces from what is now Saudi Arabia. By 1811, the Al Khalifa family secured full control over Bahrain. See Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1980) pp 22-27. See also Juan Cole, *Sacred Space and Holy War: The Politics, Culture and History of Shi'ite Islam* (I.B.Tauris 2002) Chapter 3.

[26] General Treaty between the East India Company and the Friendly Arabs (Oman/Bahrain), 8 January 1820, 70 CTS 463; Preliminary Treaty between the East India Company and Bahrain, 5 February 1820, 70 CTS 481.

[27] Convention between Great Britain and Bahrain, 31 May 1861, 124 CTS 163. See generally J. F. Standish, "British Maritime Policy in the Persian Gulf" (1967) 3(4) *Middle Eastern Studies*; Michelle Burgis, *Boundaries of Discourse in the International Court of Justice: Mapping Arguments in Arab Territorial Disputes* (Martinus Nijhoff 2009) p 152.

[28] In March 1970, the Secretary-General of the United Nations, pursuant to a request from the Governments of Iran and the United Kingdom and exercising his good offices, sent a mission to Bahrain headed by his Personal Representative, Mr Vittorio Winspeare Guicciardi. The mission sought to ascertain the wishes of the people of Bahrain regarding their status. The Representative submitted his report, in which he concluded, "My consultations have convinced me that the overwhelming majority of the people of Bahrain wish to gain recognition of their identity in a fully independent and sovereign State free to decide for itself its relations with other States". See UN doc S/9772 (30 April 1970) ¶ 57. The Security Council unanimously endorsed the report of the Personal Representative of the Secretary-General and welcomed the conclusions and the findings of the report. See SC res 278 (1970).

[29] The Member States of the Gulf Cooperation Council are: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

C. Governmental Structure and Legal System

48. According to the Constitution of 2002, Bahrain is a constitutional hereditary monarchy. The King is the Head of State, while the Prime Minister serves as the Head of Government. The Council of Ministers is appointed by the King and presided over by the Prime Minister, a position that has been held by HRH Prince Khalifa bin Salman Al Khalifa since Bahrain's independence.

49. Legislative authority is vested in a bicameral National Assembly (al-Majlis al-Watani). The lower house, the Council of Deputies (Majlis al-Nowab), consists of 40 elected members, while the upper house, the Consultative Council (Majlis al-Shura), is comprised of 40 members appointed by the King.[30] Members of both Councils serve four-year terms. Draft acts of parliament must be approved by the Consultative Council to pass into law, which means that the appointed chamber of the National Assembly exercises a *de facto* veto over the legislative process.[31] Draft acts approved by both houses of the National Assembly pass into law once ratified and promulgated by the King. The King, within six months of receiving an act approved by the National Assembly, may return it to the legislature for reconsideration, in which event it will pass into law only if approved by a two-thirds majority of both houses.[32]

50. The King enjoys broad executive powers, which he exercises both directly and through his ministers,[33] who are appointed and dismissed by Royal Decree.[34] The King is the Supreme Commander of the Bahrain Defence Force (BDF)[35] and presides over the Higher Judicial Council.[36] While the Council of Ministers is collectively accountable to the King,[37] the Council of Deputies may withdraw confidence from any cabinet member by a two-thirds majority.[38] The Constitution stipulates, however, that the Council of Deputies may not withhold confidence from the Prime Minister.[39] Rather, if the Council of Deputies finds, by a two-thirds majority, that it is unable to "cooperate" with the Prime Minister, the matter is referred to the King to adjudge by either dismissing the Prime Minister or disbanding the lower house.[40] Generally, the King has the right to dissolve the Council of Deputies, in which case sessions of the Consultative Council are suspended.[41]

51. The BDF, which includes the army, navy, air force and medical services, employs approximately 12,000 persons including civilian and

[30] Constitution of Bahrain 2002, arts 51-103.
[31] Constitution of Bahrain 2002, art 70.
[32] Constitution of Bahrain 2002, art 35.
[33] Constitution of Bahrain 2002, art 33(c).
[34] Constitution of Bahrain 2002, art 33(d).
[35] Constitution of Bahrain 2002, art 33(g).
[36] Constitution of Bahrain 2002, art 33(h).
[37] Constitution of Bahrain 2002, art 33(c).
[38] Constitution of Bahrain 2002, art 66(c).
[39] Constitution of Bahrain 2002, art 67(a).
[40] Constitution of Bahrain 2002, art 67(d).
[41] Constitution of Bahrain 2002, arts 42(c), 55(b).

administrative personnel. It is estimated that a large number are non-nationals from Iraq, Jordan, Syria, Pakistan and Yemen. The defence policy of Bahrain is overseen by a Supreme Defence Council (SDC), which is also responsible for approving the declaration of a State of National Safety.[42]

52. The legal system of Bahrain is based on a hybrid of Islamic law; Egyptian civil, criminal and commercial codes; local traditional customs; and principles drawn from British common law. The court system of Bahrain includes Civil Courts, Islamic Courts and Military Courts. The judiciary is governed by Decree Law No. 42 of 2002,[43] which stipulates that the Civil Courts shall be divided into four tiers, starting with the Lower Courts, followed by the Higher Civil Courts, the Supreme Civil Court of Appeals and, finally, the Court of Cassation, which is the highest court of the land. These courts hear all civil, criminal and administrative cases, as well as personal status disputes involving non-Muslims. The Islamic Courts (the family and inheritance court) are divided into two jurisdictions: one hears cases according to Sunni jurisprudence while the other applies Shia Jaafari jurisprudence. Military Courts are established pursuant to article 105 of the Constitution, which stipulates that these Courts shall have jurisdiction over crimes committed by members of the BDF, the National Guard and public security officials. The Constitution also permits the extension of Military Court jurisdiction to cases not involving military personnel during the application of martial law. Public Prosecution, which is an integral branch of the judiciary, is the sole authority charged with initiating criminal proceedings, besides overseeing the work of law enforcement officials and administering prison and detention facilities.

D. Economic and Social Issues

53. Bahrain discovered oil in 1931, the first of the Arab States of the Gulf region to do so. It is however oil-poor relative to its neighbours. Bahrain's mainland oil reserves are expected to be depleted within the next 15 years. Current production levels stand at approximately 11,635 barrels per day from the mainland Awali field and 54,741 barrels per day from the offshore Abu Safah field which Bahrain shares with Saudi Arabia.[44] Nonetheless, petroleum production and refining continues to be the country's largest industry, currently accounting for around 79% of Bahrain's exports.[45] The production and export of aluminium is Bahrain's second largest industry. The financial sector, which currently accounts for 26% of growth in gross domestic product (GDP), is among the central pillars of the economy, and

[42] The SDC is presided over by the King, and its membership includes the Heir Apparent, the Commander-in-Chief of the BDF, and the heads of certain government agencies, such as the Minister of Foreign Affairs, Minister of Interior, Minister of Defence and Director of the NSA. See Royal Order No. 2 of 2006. This Order was amended by Royal Order No. 15 or 2008.

[43] Decree Law No. 42 of 2002.

[44] Central Bank of Bahrain, *Economic Indicators, March 2011 – No. 31* (2011), http://www.cbb.gov.bh/assets/E%20I/EI%20Mar2011.pdfp 5, accessed 16 November 2011.

[45] Central Bank of Bahrain, *Economic Indicators, March 2011 – No. 31* (2011) http://www.cbb.gov.bh/assets/E%20I/EI%20Mar2011.pdf p 5, accessed 16 November 2011.

Bahrain is considered an important centre of Islamic banking globally.[46] The real estate and construction sectors, which are closely linked to the financial sector, witnessed a boom over the past decade and currently comprise about 7% of GDP.[47] Major Bahraini companies include Gulf Air, the Gulf Aluminium Rolling Mill Company (GARMCO), Bahrain Petroleum (BAPCO), Aluminium Bahrain (ALBA) and Bahrain Telecommunications Company (Batelco).

54. Bahrain's economy has experienced consistent growth over the past decade; the GDP real growth rate was 3.1% in 2009 and 4% in 2010.[48] GDP per capita has also been steadily increasing and reached USD 20.475 in the first decade of the century.[49] The increase in wealth has not however been equally shared across society. Policies that are seen as economically liberal and friendly to the private sector have focused largely on real estate and financial services, and some Bahrainis see these policies as benefiting only a small segment of the population.[50]

55. The Government of Bahrain (GoB) over the past ten years has embarked on a series of structural reforms. These include the launch of "Bahrain 2030", described by the GoB as an economic vision for the country, which emphasizes expansion of the service, financial, tourism and high-tech sectors. The Economic Development Board (EDB) was created as an independent body chaired by HRH Prince Salman bin Hamad bin Isa Al Khalifa (HRH the Crown Prince) to "draw up the future strategy for economic development" in Bahrain. Mumtalakat, a sovereign wealth fund, was set up as an umbrella holding group for the major companies in Bahrain, including ALBA and Gulf Air. New independent regulatory bodies also have been established in association with the EDB. These include agencies overseeing higher education, labour and telecommunications. International consultancy firms have been actively involved in the establishment and operation of most of these bodies. EDB, Mumtalakat and the associated regulatory bodies are

[46] Bahrain Economic Development Board, "Performance of the Finance Sector", *Annual Economic Review 2010* (2010) http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/Annual%20Economic%20Review.pdf p 36, accessed 16 November 2011.

[47] Bahrain Economic Development Board, "Real Estate Downturn", *Annual Economic Review 2010* (2010), http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/Annual%20Economic%20Review.pdf p 35, accessed 16 November 2011.

[48] Bahrain Economic Development Board, "Economic Overview", *Annual Economic Review 2010* (2010) http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/Annual%20Economic%20Review.pdf , p 4, accessed 16 November 2011.

[49] International Monetary Fund, *World Economic Outlook Database: Bahrain* (April 2011) http://www.imf.org/external/pubs/ft/weo/2011/01/weodata/weorept.aspx?pr.x=61&pr.y=10&sy=2009&ey=2016&scsm=1&ssd=1&sort=country&ds=.&br=1&c=419&s=NGDP_R%2CNGDP_RPCH%2CNGDP%2CNGDPD%2CNGDPDPC&grp=0&a=#cs4 accessed 16 November 2011.

[50] *Widespread Inequality Fanning the Flames in Bahrain*, Deutsche Welle (17 February 2011).

not supervised by or answerable to parliament and are run independently of the cabinet.[51]

56. Reaction to these reforms has varied. Many have welcomed them as indispensable to enhancing Bahrain's competitiveness and attracting foreign investment, important considerations in light of dwindling oil reserves. Some however have criticised what they consider excessive privatisation of publicly owned enterprises, over-reliance on foreign consultancy firms and a disproportionate focus on the financial and the real estate sectors to the detriment of other parts of the economy.[52]

57. Bahrain has signed a number of trade, investment and economic agreements. It joined the World Trade Organization in 1995 and signed a Free Trade Agreement with the United States in 2006.[53] It has adopted bilateral investment treaties with a number of States.[54] Bahrain is also party to the 2001 Economic Agreement between the States of the Cooperation Council, which aims to advance economic integration and investment and trade within the GCC.

58. The latest global financial crisis affected Bahrain, although to a lesser extent than some of its neighbours. The real estate and financial sectors were particularly hard hit. Several major construction projects were delayed or cancelled.[55] The two main corporate banks based in Bahrain, Arab Banking Corporation and Gulf Investment Bank, had to be recapitalised several times by their owners (in both cases a coalition of Arab governments). Some large-scale scandals involving billions of dollars of alleged fraud were reported, and although some cases have been filed, none at the time of this Report had led to a conviction.[56]

59. According to figures produced by the Bahrain Economic Development Board, unemployment rates were below 4% at the beginning of 2011, and subsequently rose to around 4% in the following months.[57]

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[51] Decree No. 9 of 2000 Establishing and Organising the Economic Development Board.

[52] Bahrain does not impose income taxes, which some contest may contribute to the widening gap between the rich and poor in Bahrain. See *Coming Massacre of BAPCO* (مجزرة بابكو القادمة), al-Waqt (24 January 2010)(*Arabic Text*).

[53] *The Bahrain Situation*, 4 (Arab Center for Research and Policy Studies, March 2011). See United States-Bahrain Free Trade Agreement, 11 January 2006, http://www.ustr.gov/trade-agreements/free-trade-agreements/bahrain-fta/final-text accessed 16 November 2011.

[54] For example, with the People's Republic of China (17 June 1999); United Kingdom (30 October 1991); Hashemite Kingdom of Jordan (8 February 2000); Kingdom of Thailand (21 May 2002); France (24 February 2004); Federal Republic of Germany (5 February 2007); and Czech Republic (1 October 2007).

[55] Bahrain Economic Development Board, "Economic Overview", *Annual Economic Review 2010,* http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/Annual%20Economic%20Review.pdf p 34, accessed 16 November 2011. See also Elsa Baxter, "UAE Real Estate Hardest Hit in Region by Global Crisis", *Arabian Business*, 16 September 2009 ("In Bahrain 148 projects are in construction with 54 cancelled or on hold.").

[56] *Saad Boss Facing Criminal Charges in Bahrain*, Reuters (8 March 2011).

[57] Bahrain Economic Development Board, *Bahrain Economic Quarterly – 2011 Second Quarter* (2011)

Although there was job loss during the financial crisis, most notably within the financial and real estate sectors, the labour market for Bahrainis has remained relatively stable. Around 83% of the total workforce is comprised of non-nationals.[58] Some observers of the local labour market have noted that Bahraini citizens are often at a disadvantage when competing for jobs with foreign workers, as the latter tend to accept lower wages and poorer working conditions. More than half the jobs created over the past ten years have been in the construction and services sectors, both of which overwhelmingly rely on expatriate labour.[59] This has been a source of discontent among underprivileged Bahraini citizens, many of whom believe that expatriates take a disproportionate share of the fruits of the national economy. Complaints regarding the size of the expatriate workforce are not new in Bahrain, and incidents of labour unrest have occurred since as early as 1938.[60] The GoB has attempted to reform the employment and migration system, but the number of expatriates in the country has continued to rise.[61]

60. Relations between locals and expatriates are generally cordial. Indeed, Bahrainis take pride in their reputation for hospitality. Nonetheless, some sources of tension exist. Lower-paid foreign workers tend to live either in isolated encampments segregated from the rest of Bahraini society, or in the historic city centres, which have been increasingly vacated by Bahrainis over the past decade.[62] Better paid expatriates tend to live in gated communities, often in developments on reclaimed land that were sea access points for locals. This lack of social integration and the perception of overtaking places historically inhabited by Bahrainis have created occasional tension between nationals and expatriates.

61. According to the United Nations Development Programme Human Development Index, Bahrain ranks above the Arab regional average, and is 39th out of 169 countries for which data was available.[63] Bahrain was the first

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http://www.bahrainedb.com/uploadedFiles/Bahraincom/BahrainForBusiness/BEQ%20Q2%202011(2).pdf accessed 16 November 2011.

[58] According to statistics from the fourth quarter of 2010, the total workforce of Bahrain numbered 452,348. Of those, 77,641 are Bahraini citizens, and 374,707 are foreign nationals. See Labor Market Regulating Authority, *Bahrain Labor Market Indicators*, http://blmi.lmra.bh/2010/12/data/ems/Table_05.pdf accessed 16 November 2011.

[59] Martin Baldwin-Edwards, *Labour Immigration, Labour Markets and Demographics in the GCC Countries: National Patterns and Trends* (Kuwait Program on Development, Governance and Globalization in the Gulf States, London School of Economics, 2011) pp 9, 12.

[60] See Emile Nakhleh, *Bahrain: Political Development in a Modernizing Society* (Lexington Books 1976); Fred H. Lawson, *Bahrain: The Modernization of Autocracy* (Westview Press 1989)

[61] Laurence Louer, "The Political Impact of Labor Migration in Bahrain" (2008) 20 *City & Society* pp 32, 36.

[62] *See* Andrew M. Gardner, City of Strangers: The Transnational Indian Community in Manama, Bahrain (unpublished Master's thesis, University of Arizona, 2005) http://www.openthesis.org/documents/City-Strangers-Transnational-Indian-Community-126736.html accessed 16 November 2011.

[63] UNDP, International Human Development Indicators: Bahrain, http://hdrstats.undp.org/en/countries/profiles/BHR.html accessed 16 November 2011. The Human Development Index (HDI) is a broad definition of well-being and provides a

country in the GCC to introduce formal education in 1919. The literacy rate is nearly 90%. Education is not compulsory, but all levels of education, including higher education, are free to Bahrainis. There are three public universities in the country. In addition, Bahrain has 15 private universities, as well as local branches of foreign universities.

62. The Supreme Council of Women was established in 2001 as an advisory body with the stated goal of empowering women at all levels of Bahraini society. Women were granted suffrage and the right to stand for office under the National Action Charter. In 2006, a woman was elected to the Council of Deputies for the first time in Bahrain. This was the first time a woman was elected to a legislative chamber in the GCC. Currently, the elected chamber of the National Assembly includes four women representatives.[64] However, women make up 27.5% of the Consultative Council appointed by the King. In 2006, Sheikha Haya Rashed Al Khalifa became the third woman to become President of the UN General Assembly. While Bahraini women have made gains in higher education and now comprise 70% of students in tertiary education, leadership positions in both the private and public sector remain solidly male. Female participation in the labour force in 2008 stood at 35%.[65] In addition, the number of women in leadership positions in both public and private sectors is still disproportionately low compared with their qualifications.[66]

63. Access to housing and land distribution are contentious socio-political issues. Bahrainis, particularly those with lower incomes, rely upon state-subsidised housing allocated by the GoB. In recent years, however, many have criticised government housing policies for what they consider to be favouritism and delays in the distribution of housing units. Indeed, one source claims that in August 2010 approximately 53,000 families were on a waiting list for government housing.[67] Furthermore, many Bahraini citizens from underprivileged backgrounds, who live in poorer suburbs and outlying villages and who have access to public housing, complain of inadequate infrastructure and public service, including water and sewage services.[68] The Ministry of Housing denies claims of discrimination, and states that existing backlogs arise solely from population growth, land scarcity and financial limitations.

64. The problem of access to adequate housing has been accentuated by what many claim are unfair government policies regarding land distribution. Land reclamation has been used extensively in Bahrain. It is estimated that

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composite measure of three basic dimensions of human development: health, education and income.

[64] *By-Elections Increase Woman Share in Council of Representatives to 4* (الانتخابات التكميلية ترفع عدد مقاعد المرأة البحرينية في مجلس النواب إلى 4), alarabiya.net (2 October 2011) (*Arabic Text*).

[65] Social Watch, *Social Watch Report 2010* (2010), http://www.socialwatch.org/node/12060 pp 64-5, accessed 16 November 2011.

[66] Social Watch, *Social Watch Report 2010* (2010), http://www.socialwatch.org/node/12060 pp 64-5, accessed 16 November 2011.

[67] *Homes Waiting List Record*, Gulf Daily News (5 August 2010), http://www.gulf-daily-news.com/source/XXXIII/138/pdf/page06.pdf accessed 16 November 2011.

[68] *Bahraini Shi'ites Feel Neglect in Government Housing Crunch*, Reuters (13 October 2010).

more than 70 kilometres of the coast has been reclaimed over the past thirty years, with the landmass of the country growing by more than 10%.[69] More than 90% of the newly created land is estimated to have been transferred to private hands, with more than 90% of the coastline becoming private property.[70] The real estate market went through a speculative phase during the past decade, with land prices increasing considerably. Starting in 2001, Bahrain allowed foreign ownership of land and real estate, further driving up prices. Critics of the GoB argue that most of the land has been divided between wealthy residential neighbourhoods and large-scale private real estate projects that have appeared across the country. A parliamentary investigation in March 2010 established that 65 square kilometres of public land valued at more than USD 40 billion had been transferred to private ventures since 2003 without the proper payment to the public treasury.[71] This led many to claim that senior figures in the ruling political establishment were involved in corrupt practices regarding illegitimate requisitioning of public land. Indeed, today there are few public beaches in Bahrain, and as a result of the commercialisation of coastal land, many of Bahrain's traditionally small family fisheries have lost their livelihood.[72]

E. Religious and Sectarian Composition of the Population

65. Religious, sectarian and ethnic identities are an important aspect of life in Bahrain. For many, Bahrain has been a model of ethnic and inter-sectarian harmony, particularly when compared with neighbouring societies. Others argue, however, that Bahrain suffers from widespread and longstanding sect-based discrimination that has disempowered large segments of the population. As is often the case with questions of social identity, there are different and often opposing narratives and discourses, which usually arise from a mixture of historic, political, religious and economic factors. Given that inter-sectarian discord was among the central features of the disturbances that occurred in Bahrain during February and March 2011, an outline of the religious and sectarian composition of Bahraini society is indispensible to understanding this most recent round of civil unrest.

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[69] Ibrahim Sherif el-Sayed "Territorial and Coastal Usurpation" ((اغتصاب الاراضي و السواحل, The Secretariat and Four Associations Forum, 10 November 2005 (*Arabic Text*).

[70] *State's Property: National Fights Go on until Citizens' Lands Restored* (املاك الدولة: المعارك الوطنية ستستمر حتى تسترجع اراضي المواطنين), Al Wasat News (12 May 2010) http://www.alwasatnews.com/2805/news/read/420213/1.html accessed 17 November 2011 (*Arabic Text*).

[71] *Bahrain Public Lands Sold and Rented to Private Investors*, The National (25 March 2010) http://www.thenational.ae/news/worldwide/middle-east/bahraini-public-lands-sold-and-rented-to-private-investors accessed 16 November 2011.

[72] Sahar Aziz & Abdulla Musalem, *Citizens, Not Subjects: Debunking the Sectarian Narrative of Bahrain's Pro-Democracy Movement* (Institute for Social Policy and Understanding, Washington DC, July 2011) http://ispu.org/pdfs/640_ISPU%20Report_Bahrain_Aziz_Musalem_WEB.pdf p 11, accessed 16 November 2011.

66. Some observers and political commentators have depicted Bahraini society as deeply divided between two monolithic communities, Shia and Sunnis. The existence of inter-sectarian tension in Bahrain is undeniable, but a dichotomous image of Bahraini society is both inaccurate and incomplete. Islam is not the only faith practised in Bahrain. Rather, Bahrain is notable for having both Christian and Jewish communities that have lived in the country for many years.[73] Residents of Bahrain also adhere to various other faiths, including Hinduism and Sikhism, and they are all allowed to practise their religions freely. In addition, there are noticeable and sometimes significant differences within the Shia and Sunni communities of Bahrain in relation to their religious affiliation, political views, economic fortunes and social grievances.[74]

67. Ethnically, Bahraini Shia are composed of two main groups. The majority is Baharna, descended from Arab tribes originally from the Arabian Peninsula. A minority of Shia, called the Ajam, is of Persian descent.[75] While most Shia in Bahrain belong to the Ithna-Ashriya or "Twelver" sect of Shia Islam and follow the Ja'afari School of jurisprudence, they adhere to the teachings of a broad range of religious guides or Marja' al-taqlid, who are eminent Shia scholars who provide guidance and leadership to the community on theological matters.[76] Many follow the guidance of Iran's Grand Ayatollah Ali Khamenei of the Qum School. Politically, the Grand Ayatollah espouses the doctrine of Wilayat al-Faqih, which grants the religious establishment supreme authority over matters of both faith and state.[77] Other Bahraini Shia follow the guidance Ayatollah Ali Al-Sistani of the Najaf School in Iraq, which does not subscribe to the doctrine of Wilayat al-Faqih. Other jurisprudential schools that are followed by some of Bahrain's Shia include that of Imam Mohammed Al Shirazi and Lebanese Ayatollah Mohammad Hussein Fadhlallah, neither of whom calls for the application of Wilayat al Faqih. This is particularly the case among the young, affluent and educated

[73] Nancy Elly Khedouri, From Our Beginning to Present Day (Al Manar Press 2007).

[74] For an official breakdown of the religious composition of Bahraini society (including citizens and expatriates, but not presenting a breakdown on the basis of sect) see GoB 2010 Census, http://www.census2010.gov.bh/results_en.php accessed 16 November 2011.

[75] For a general overview of Shia communities in the Arabian Gulf, see Juan Cole & Nikki Keddie (eds), *Shi'ism and Social Protest* (Yale University Press 1986); Gawdat Bahgat, "Peace in the Persian Gulf, The Shi'is Dimension" (1999) 24 *Peace & Change* 76; Graham E. Fuller & Rend R. Francke, *The Arab Shi'a: The Forgotten Muslims* (Palgrave Macmillan 2000); Juan R. I. Cole, "Rival Empires of Trade and Imami Shiism in Eastern Arabia 1300-1800" (1987) 19 *International Journal of Middle East Studies* 177.

[76] For a general introduction to Shia history, thought, and jurisprudence, see: Cyril Glassé, *The Concise Encyclopaedia of Islam* (Stacey International, 1991); Iftekhar Mahmood, *Shiism: A Religious and Political History of the Shi'i Branch of Islam* (Pine House Publishers 2007); Linda S. Walbridge, *The Most Learned of the Shi'a: The Institution of the Marja' Taqlid* (Oxford University Press 2001); Mahmoud Hamdy Zaqzuq, *Encyclopaedia of Schools in Islam* (2007); Mahmoud Hamdy Zaqzuq, *General Islamic Encyclopaedia* (2001); Salah Aboul-So'ud, Shi'a: *Political Origin and Religious Doctrine Since the Death of the Prophet* (2004); Abdel-Azeem Hanafi, *Encyclopaedia of Islamic Schools and Groups* (1993).

[77] On Wilayat al-Faqih, see Rainer Brunner & Werner Ende (eds), *The Twelver Shia in Modern Times: Religious Culture & Political Culture* (Brill Publishing 2000); Mohamed Salim el-Awwa, *Political Regimes in Islamic States* (1983); Mohamed Abdel-Monem, *Vilayat-e Faqih: Between Theory and Application* (1991).

segments of the Shia community. The main Shia religious figures in Bahrain have a council, Al Majlis Al Ulama'ey, that acts as a mechanism to coordinate religious and theological matters that are of common concern to the various schools of thought adhered to in Bahrain.[78]

68. The Sunni population of Bahrain is mainly composed of Arabs of various tribal backgrounds, including the Najdis who originated from the Najd Province of central Saudi Arabia and the Huwala who originally inhabited the eastern coast of the Arabian Gulf. There are also smaller numbers of Arabs of African backgrounds who are called the Banya.[79] Religiously, the Shafi'i, Maliki and Hanbali schools of Sunni jurisprudence are all followed among the local population. Unlike Shia Islam, however, the Sunni religious establishment is less structured and hierarchical, owing to the absence of a system akin to the Shia Marja' al-taqlid, and religious leaders are generally less influential.[80] Sunni religious thought in Bahrain is dominated by two main currents. One is the Salafi movement, which adopts a literalist and puritanical understanding of Islamic doctrine, and the other is the Muslim Brotherhood, which takes its inspiration from its parent organisation in Egypt. There is also a small minority of Sufis.

69. This brief survey of the religious, sectarian and ethnic composition of the local population illustrates that within each community there are multiple views on religious, theological, political, economic and social questions. Even among those who espouse similar positions, there are divergences as to the tools and policies appropriate to attaining their objectives. Nonetheless, the religious and ideological views of some within the Shia and Sunni communities have undoubtedly had a political impact.[81] On one side, the GoB and many Sunnis have continuously expressed concern at calls by some politically active Shia religious figures, community leaders and groups to replace the existing political order with an Islamic State based on the Wilayat

[78] Despite the fact that there are no resident Marja' al-taqlid in Bahrain, there is a number of highly influential Shiite scholars and thinkers, including: Sheikh Issa Qassim, Sheikh Mohamed Mahfouz, Sheikh Abdulla Ghurayfi.

[79] For an overview of the history and tribal backgrounds of Bahrain see: Abbas el-Murshed, "Bahrain" (2011) 3 Arabian Gazetteer: Arabian Peninsula History Series; Mahmoud Shaker, *Persian Gulf History Encyclopaedia* (2003) ; Mohamed Sulaiman Tayeb, *Arabian Tribes Encyclopaedia: Field and Historical Researches* (994); Jamal Qasim Zakareya, *Modern and Contemporary Persian Gulf History* (1996); Mohamed Hassan Aydarus, *Studies on the Persian Gulf and Arabian Peninsula* (2008) .

[80] On Sunni Islamic jurisprudence and thought, see: C.G. Weeramantry, *Islamic Jurisprudence: An International Perspective* (Macmillan 1988); Majid Khaduri, *Islamic Jurisprudence: Shafii's Risala* (Johns Hopkins Press 1961); Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Islamic Texts Society 2002); Zaki-eddin Shaban, *Principles of Islamic Jurisprudence*; Mahmoud Muhamed Tantawi, *Principles of Islamic Jurisprudence* (1990) , Grand Imam Mohamed Sayed Tantawi, *Jurisprudence: Simplified Edition* (2000) ; Mohamed Abu-Zahra, *Islamic Jurisprudence Encyclopaedia* (1967) ; Mohamed el-Husseini Hanafi, *Introduction to Islamic Jurisprudence Studies* (1970) ; Mohamed Yousef Mosa, *Islamic Jurisprudence History* (1964) ; Grand Imama Jad-el-Haq Ali Jad-el-Haq, *Islamic Jurisprudence Flexibility* (2005).

[81] Kenneth Katzman, *Bahrain: Reform, Security, and U.S. Policy* (Congressional Research Service, 2 March 2011) http://fpc.state.gov/documents/organization/158480.pdf pp 6-7, accessed 16 November 2011.

al Faqih system analogous to the Islamic Republic of Iran. On the other hand, many Shia have been troubled when Sunnis have expressed doubts as to their loyalty to Bahrain; the Shia insist that following the teachings of a religious Marja' al-taqlid does not entail an allegiance to a foreign state.

70. Sectarian relations in Bahrain are not solely affected by questions of theology. Socio-economic factors exert an influence as well. For example, many Shia claim to be victims of systematic discrimination on religious grounds. This, they argue, is evident in the limited numbers of Shia who serve in important government agencies, such as the BDF, the NSA and the police. Discontent among Shia is further heightened by the large number of expatriates who are employed by these agencies, which generates the impression among many that this policy reflects governmental mistrust of Shia who believe that, as Bahraini citizens, they ought to staff these positions.[82] Furthermore, many Shia argue that sectarian discrimination also exists in the economic sphere and claim that poverty levels among Shia are far higher than among Sunnis. This, they believe, is evidence of structural limitations designed to limit their influence in both the economic and political spheres.[83] In addition, Shia have pointed to many incidences of what they consider incitement to sectarian discord and hatred by certain segments of the Sunni community, particularly radical Salafi clerics whose writings and sermons equate Shiism with heresy. Moreover, while Islamic studies are mandatory in all public schools, the current curriculum is based solely on the Maliki school of Sunni Islam. Proposals to include units on Ja'afari jurisprudence have yet to materialise.[84] However, the observance of Shia holidays and public celebrations is allowed in Bahrain. Some Shia complain that approvals to construct new mosques are not granted as readily as Sunni mosques, while the GoB contends that the number of existing Shia mosques and shrines surpasses that of Sunni places of worship in the country.[85] Overall, the number of licensed Sunni mosques as of 2008 is 360, while the number of licensed Shia places of worship stands at 863 mosques and 589

[82] Omar Al-Shehabi, *Demography and Bahrain's Unrest* (Arab Reform Bulletin, 16 March 2011) http://carnegieendowment.org/2011/03/16/demography-and-bahrain-s-unrest/6b7y accessed 16 November 2011. In 2003, the Bahrain Center for Human Rights (BCHR) conducted a study of discrimination in government employment policies that included an analysis of 32 ministries and educational institutions, and found the following: "[O]ut of 572 high-ranking public posts, Shiite citizens hold 101 jobs only, representing 18% of the total. When the research was conducted, there were 47 individuals with the rank of minister and undersecretary. Of these, there were ten Shiites, comprising 21% of the total. These do not include the critical ministries of Interior, Foreign [Affairs], Defence, Security and Justice." BCHR, *Discrimination in Bahrain: The Unwritten Law* (2003) p 10.

[83] *The Real Story of Bahrain's Divided Society*, The Guardian (3 March 2011) http://www.guardian.co.uk/commentisfree/2011/mar/03/bahrain-sunnis-shia-divided-society accessed 16 November 2011.

[84] United States Department of State, Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2007: Bahrain* (2007) http://www.state.gov/g/drl/rls/irf/2007/90208.htm accessed 16 November 2011.

[85] United States Department of State, Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2007: Bahrain* (2007) http://www.state.gov/g/drl/rls/irf/2007/90208.htm accessed 16 November 2011.

ma'atams.[86] Requests made to the Ministry of Interior (MoI) to allow live broadcasts of Friday sermons from Shia mosques (currently national television only broadcasts from Sunni mosques) have so far not been granted.

71. On the other hand, many in the Sunni community reject Shia claims of discrimination and point, for example, to what they argue are exclusively Shia spheres of influence within certain government ministries.[87] They also claim that the existence of many affluent Shia families with thriving businesses in various sectors evidences the absence of a purposeful governmental policy of economic discrimination against Shia. Furthermore, they assert that poverty is not a uniquely Shia phenomenon, and that many Sunnis also suffer from economic disempowerment. Some Sunnis also claim that the GoB has adopted a policy of appeasement towards Shia, particularly in the past decade, while it has not been as attentive to Sunni concerns and grievances. For example, Sunnis contend that a disproportionate number of naturalised citizens are settled in predominantly Sunni areas, which occasionally causes clashes between locals and their naturalised neighbours.[88]

72. The relationship between the ruling family and the sects and ethnicities of Bahrain is complex. Although Shia have expressed varying degrees of criticism of the current political system, there are influential Shia families who have been known for their close relationship to the Royal Family.[89] Similarly, although many Sunnis are strongly supportive of the Royal Family, some Sunni families have a history of political activism and include leading figures from the opposition movements of the twentieth century that share the grievances expressed by their Shia compatriots.[90] Overall, some analysts have depicted the Royal Family as seeking to perform the role of the ultimate and benevolent arbiter between the various religious, sectarian and ethnic groups of Bahraini society by periodically recognising and fulfilling the demands of the various groups while maintaining a delicate balance between them.[91]

73. In conclusion, in Bahrain, religious background, sectarian affiliation and ethnic origin are closely intertwined with political views and economic

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[86] *Justice Minister: Regulating Places of Warship Constitutional, Licensing Maintains Inviolability* (وزير العدل: تنظيم دور العبادة دستوري و الترخيص يحفظ حرمتها), al-Waqt (12 December 2008)(*Arabic Text*)

[87] *Supreme Organ for Ministerial Employments, al-Obeidali Stance towards Iran Intervention* (هيئة عليا للتوظيف في الوزارات و موقف العبيدلي من التدخل الإيراني!!), al-Watan, (27 April 2011)(*Arabic Text*). A 2005 report by the International Crisis Group noted that Shia did indeed "dominate" certain government ministries, such as the Ministry of Health and the Ministry of Industry. According to the report, over 50% of the senior posts in the latter ministry are staffed by Shiites. See International Crisis Group, *Bahrain's Sectarian Challenge* (6 May 2005) http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/Bahrains%20Sectarian%20Challenge.pdf accessed 16 November 2011.

[88] Omar Al-Shehabi, *Demography and Bahrain's Unrest* (Arab Reform Bulletin, 16 March 2011) http://carnegieendowment.org/2011/03/16/demography-and-bahrain-s-unrest/6b7y accessed 16 November 2011.

[89] Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 41-49.

[90] Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 199-200.

[91] Abdulhadi Khalaf, *The King's Dilemma: Obstacles to Political Reform in Bahrain* (Fourth Mediterranean Social and Political Research Meeting, March 2003).

empowerment. Claims of sectarian discrimination and favouritism are a common accusation levied by each group against the other within the country. Furthermore, perceptions of social reality and narratives of political events in Bahrain are often laden with sectarian intonations and shaped by historical grievances. Yet Bahraini society is not divided into two monolithic sects. Within the Shia and Sunni communities, there exists a diversity of religious views and political opinions. Broad generalisations about the positions or allegiances of either sect misrepresent the social reality of Bahrain.

F. Political Activity

74. Historically, religiously driven or sect-based movements were not the sole forms of political activity in Bahrain.[92] Indeed, for most of the 20th century, political opposition derived from secular and nationalist forces that crossed religious, sectarian and ethnic lines, and opposition leadership originated in both Sunni and Shia families.[93]

75. Movements calling for greater popular political representation in Bahrain can be traced to 1938, when a group of activists from both the Shia and Sunni communities presented the local rulers and the British governor with demands for a wider margin of local autonomy and self-rule, including the formation of an elected legislative council and a labour union, and called for restrictions on the admission of expatriates to the country. The movement was not successful and its leaders were either imprisoned or exiled.[94] Thereafter, Bahrain witnessed a succession of organised political movements and episodes of political unrest. The most significant organised political movement of this period was the Higher Executive Council (HEC), which was established in 1954 and functioned as a central forum for political coordination among the active Bahraini political forces. HEC was composed of Shia and Sunnis, and sought to mobilise support for an elected national legislative council, legalisation of labour unions, legislative and regulatory reform and establishment of a Supreme Court. The HEC was able to obtain official recognition from the ruling authorities, and subsequently established a general labour and trade union and contributed to the drafting of Bahrain's first labour code (the Labour Code of 1957). The HEC was disbanded when its leaders were imprisoned and exiled after unrest broke out in Bahrain following the 1956 Suez Canal crisis.[95]

76. The following years witnessed the emergence of secular, nationalist and leftist movements inspired by the Pan-Arabist and Nasserist thought in ascendancy during this period. These movements endeavoured to end the British presence in Bahrain and throughout the Arabian Gulf, and in some

[92] Abdulhadi Khalaf, *Contentious Politics in Bahrain: From Ethnic to National and Vice Versa* (4th Nordic Conference on Middle East Studies, 1998) http://www.smi.uib.no/pao/khalaf.html accessed 16 November 2011.
[93] Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 199-200.
[94] Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 197-198.
[95] Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 197-214. See also Ahmed Hemeidan, *Bahrain National Union: New Life for New National Movement* (2004)(*Arabic Text*).

cases sought to depose the local governing authority and replace it with a republic. These included the Movement of Arab Nationalists (MAN), the National Liberation Front (NLF), which adopted communist ideology, and the Popular Front for the Liberation of Oman and the Occupied Arabian Gulf (PFLOAG), which succeeded MAN and espoused Marxist-Leninist thought. These groups drew their support mainly from the urban centres, with their cadres cutting across sectarian and ethnic lines.[96]

77. This period also witnessed several rounds of labour-related unrest, the most significant of which was the "March 1965 uprising", which followed the termination of the contracts of several hundred workers employed by the local oil company BAPCO. The unrest lasted for several weeks during which six protesters were killed.[97] This was followed by a series of strikes in the late 1960s, culminating in a nationwide labour strike in March 1972, which was called for by a Constitutive Committee organised by workers to demand the establishment of a general labour and trade union in Bahrain. This was the first serious round of civil unrest after the independence of the State of Bahrain, and marked the first time that the BDF was deployed to contain local unrest.[98]

78. Following the withdrawal of British troops from Bahrain in 1971 and the proclamation of independence on 15 August 1971, HH Emir Isa Al Khalifa in 1973 promulgated the nation's first Constitution. This document vested legislative authority in a single-chamber National Assembly that was composed of 30 directly elected representatives and the members of the Council of Ministers. The legislature enjoyed the power to direct questions to cabinet ministers and to withdraw confidence from them, but it could not vote on withdrawing confidence from the Prime Minister. The first National Assembly elected in 1973 had a significant presence of leftists, pan-Arabists, nationalists, Shia clerics and independent political figures.[99]

79. The National Assembly opposed the policies adopted by the executive branch on a number of issues, including the proposed State Security Law which permitted, *inter alia*, the arrest and detention of persons for up to three years without trial. In response, on 25 August 1975, HH Emir Isa Al Khalifa dissolved the National Assembly, suspended those articles of the constitution that vested legislative authority in it, and issued a Royal Decree passing the State Security Law.[100] A State Security Court was established the same year, and remained in force until 2001. Mass arrests of individuals from the opposition followed, with wide allegations of torture and violations of international standards for due process.[101] For many, the suspension of the

[96] Falah Al Mudairis, *Derasa Hawl Al Harakat wal Jama'at al Seyaseya fil Bahrain*, Part 3, Serialised in Al Tali'ah, Issue No. 1533 (29 June 2002).
[97] Hussain Mousa, *Al Bahrain: Al Ne'dal al Wa'tani wal Demokrati* (1987) pp 62-90 (*Arabic Text*).
[98] See Abdulla Mutaiwi', *Safa'hat min Tareekh al 'Haraka al 'Ummaliyya Al Ba'hrainiyya* (Dar Al-Kunooz Al-Adabiya, 2006) (*Arabic Text*).
[99] Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 228-230.
[100] Fuad Khouri, *Tribe and State in Bahrain* (University of Chicago Press 1981) pp 230-233.
[101] In 1977, the Government of Bahrain claims to have foiled an attempted *coup d'état* led by a group of BDF officers who were associated with the Popular Front for the Liberation of Oman

Constitution and the dissolution of this first elected parliament was a defining moment which continued to undermine trust between the GoB and the opposition, and led some to question the legitimacy of a ruling authority that effectively governed Bahrain extra-constitutionally until a new Constitution was promulgated in 2002.[102]

80. A further factor in the internal politics of Bahrain was the Iranian revolution of 1979. The revolution inspired politically-active Islamic movements which sought to emulate it in a number of countries.[103] The revolution particularly affected Bahrain for a number of reasons. First, as an island with a relatively small population, Bahrain felt more vulnerable to external threats than some of its larger Arab neighbours. These fears were exacerbated with the eruption of the Iraq-Iran War that lasted from 1980-1988 and witnessed naval confrontations between Iran and the United States, which had a large naval presence in Bahrain.[104] Second, many in Government and among the Sunni community feared that elements among the Shia majority of Bahrain might sympathise with attempts to overthrow the existing regime and establish an Islamic republic. Third, Iran had historical claims of sovereignty over Bahrain,[105] which it had only renounced in 1970 following Security Council resolution 278 (1970), by which the Security Council had welcomed the findings of the report of the Personal Representative of the Secretary-General, in particular that "the overwhelming majority of the people of Bahrain wish to gain recognition of their identity in a fully independent and sovereign State free to decide for itself its relations with other States."[106] Many Bahrainis feared, however, that the newly established regime in Tehran might renew its claims over Bahrain.

81. Locally, the Islamic revolution in Iran contributed to a perceptible shift on the Bahraini political scene. The leftist, secular and nationalist groups that had spearheaded the opposition to the British presence and then led the calls for constitutional and political reform were overtaken by Islamist

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and the Arabian Gulf. See: Ali Rabei'a, *Experience Infanticide: Democratic Life in Bahrain* (التجربة الموؤودة: الحياة الديمقراطية في البحرين)(2010)(*Arabic Text*).

[102] International Crisis Group, *Bahrain's Sectarian Challenge* (6 May 2005) http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/Bahrains%20Sectarian%20Challenge.pdf.

[103] On the effects of the Iranian revolution on Middle East politics, see: R.K. Ramazani, "Iran's Foreign Policy: Contending Orientations" (1989) 43 *Middle East Journal* 202; Eva Rakel, "Iranian Foreign Policy since the Iranian Islamic Revolution: 1979-2006" (2007) 6 *Perspectives on Global Development and Technology* 159. See also Christin Marschall, *Iran's Persian Gulf Policy: From Khomeini to Khatami* (Routledge Curzon 2003); Frauke Heard-Bey, *Die arabischen Golfstaaten im Zeichen der islamischen Revolution* (Vertrieb 1983).

[104] Thomas Naff, *Gulf Security and the Iran-Iraq War* (Middle East Research Institute1985).

[105] Husain Al-Baharna, The Fact-finding Mission of the United Nations Secretary-General and the Settlement of the Bahrain-Iran Dispute (1973) 22 *International & Comparative Law Quarterly* 541. See also Erik Jensen, "The Secretary-General's Use of Good Offices and the Question of Bahrain" (1985) 14 Millennium: *Journal of International Studies* 335; Rouhollah Ramazani, "The Settlement of the Bahrain Dispute" (1972) 12 *Indian Journal of International Law* 1.

[106] SC res 278 (1970) ("The question of Bahrain"), 12 May 1970. See also Edward Gordon, "The Resolution of the Bahrain Dispute" (1971) 65 *American Journal of International Law* 560, pp 560-61.

movements as the leading opposition force in Bahrain.[107] Increasingly, religious clerics, particularly Shia scholars, became politically active and started employing religious discourse and, in some cases, utilising places of worship to mobilise public support for demands of social justice and political reform.[108]

82. The first major manifestation of civil unrest in Bahrain following the Iranian revolution occurred on 16 December 1981 when the Islamic Front for the Liberation of Bahrain, which was established in 1979 by the Shia cleric Abdulhadi Almadrasy,[109] attempted to overthrow the regime by force.[110] The GoB continues to assert that Iran supported this failed *coup d'état* financially and politically.[111] In the years that followed, other Islamist organisations entered the scene. Some of these limited their demands to incremental or moderate change, such as reactivating the 1973 Constitution, re-establishing the National Assembly or addressing inequality between Shia and Sunnis. Others, however, avowed overthrowing the regime and establishing an Islamic republic. Most of these organisations were led by Shia figures and clerics, and adopted a variety of means to pursue their objectives, which in some cases included the resort to violence. The most notable of these entities was the Bahrain Islamic Freedom Movement.[112]

83. A segment of the Sunni community shared some of the grievances and demands expressed by these organisations, especially those relating to political and economic reform. Most Sunnis, however, did not support the overthrow of the ruling family or establishment of an Islamic Republic.

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[107] According to the International Crisis Group, this shift in the political scene in Bahrain was profound: "Prior to 1979, the government did not pursue a specifically sectarian agenda, since it viewed the most serious threat as emanating from radical leftist organizations." International Crisis Group, *Bahrain's Sectarian Challenge* (6 May 2005) http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/Bahrains%20Sectarian%20Challenge.pdf accessed 16 November 2011.

[108] Louay Bahry, "The Socioeconomic Foundations of the Shiite Opposition in Bahrain" (2000) 11 *Mediterranean Quarterly* 129.

[109] Abdulhadi Almadrasy was a prominent Shia figure in Iraq who lived in exile in Kuwait. He was granted Bahraini citizenship and became a well-known religious figure in Bahrain. He was accused of being behind unrest in Bahrain after the Islamic revolution in Iran, including the coup attempt in 1981. His Bahraini citizenship was revoked and he was deported from the country.

[110] The Islamic Front for the Liberation of Bahrain, also known as al-Jabhah al-Islamiyyah li Tahrir al-Bahrain, was founded in 1976. The available information indicates that the front is based in Damascus but has offices in London and Tehran. The organisation is led by Muhammad Ali al Khadhari and Abd al-Hamid al-Radhi, who headed its London office. The Front advocates more radical changes in Bahrain, calling for the application of Sharia law and the replacement of the Ruling Family. See Louay Bahry, "The Opposition in Bahrain: A Bellwether for the Gulf?" (1997) 5(2) *Middle East Policy* 42.

[111] Kenneth Pollack, *The Persian Puzzle: The Conflict Between Iran and America* (Random House 2004) 281.

[112] The leaders of this movement, also called Harakat Ahrar al Bahrayn al-Islamiyyah, include Saeed Alshehabi and Mansour Aljamri. According to some sources, this organisation has relatively moderate Islamic views, especially when compared with more radical Shia groups. Generally, it does not demand the application of Sharia law, but would be satisfied with the application of the 1973 constitution and a better distribution of wealth among Bahrainis. Louay Bahry, "The Opposition in Bahrain: A Bellwether for the Gulf?" (1997) 5(2) *Middle East Policy* 42.

84. The 1990s witnessed a new round of political unrest in Bahrain. The first major incident occurred in late 1994, when a petition was circulated and signed by thousands of citizens urging the GoB to undertake political reform and address the socio-economic challenges facing many Bahraini people. This movement was driven by Shia community leaders who alleged widespread anti-Shia discrimination, deprivation of civil and political rights, rampant corruption, lack of economic opportunities and rising unemployment levels. They also expressed discontent at the policy of recruiting foreign nationals to serve in Bahrain's security services while Shia were under-represented in these agencies. By late 1994, many of the leaders that led the campaign to gather support for the petition had been either imprisoned or forced into exile, which caused demonstrations to erupt calling for their release.[113] Despite the fact that the majority of protestors during these disturbances were Shia, many Sunnis supported calls for political reform, in particular reinstatement of the 1973 Constitution and election of a new National Assembly.[114]

85. In 1996 the Government of Bahrain claimed that an organisation funded and assisted by Iran called the Bahraini Hezbollah had planned and executed a terrorist operation that included assaulting and murdering a number of expatriates of South Asian origin, and attacking hotels, shopping centres, and restaurants in the suburb of Sitra.[115] The authorities responded forcefully to maintain order and brought the leaders and many members of the organisation to trial before State Security Courts on charges of conspiracy to overthrow the regime, colluding with a foreign state and plotting to establish an Islamic republic in Bahrain.[116]

86. Following these attacks, and until the late 1990s, Bahrain witnessed occasional outbursts of social unrest, most of which were led by Shia opposition groups that continued to call for political, economic and social reform.[117] During this period, almost 40 people were reported to have been killed in disturbances that included obstructing roads, burning tyres and attacking police patrols. Most of these clashes occurred in less affluent Shia villages where allegations of arbitrary arrests, police brutality and even torture

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[113] Human Rights Watch, *Widespread Arrests of Pro-Democracy Activists in Bahrain* (19 December 1994), cited in F. Gregory Gause III, "The Gulf Conundrum: Economic Change, Population Growth, and Political Stability in the GCC State" (1997) 20(1) *The Washington Quarterly* 142.

[114] Louay Bahry, "The Socioeconomic Foundations of the Shiite Opposition in Bahrain" (2000) 11(3) *Mediterranean Quarterly* 129.

[115] Louay Bahry, "The Socioeconomic Foundations of the Shiite Opposition in Bahrain" (2000) 11(3) *Mediterranean Quarterly* 129

[116] The GoB claimed that the leaders of this organisation included Saeed Alshehabi, Mansour Aljamri, Ali Salman Ahmed Salman and Hamza Kathem Aldiri. See also F. Gregory Gause III, "The Gulf Conundrum: Economic Change, Population Growth, and Political Stability in the GCC State" (1997) 20(1) *The Washington Quarterly* 142, p 145.

[117] Munira Fakhro, "The Uprising in Bahrain: An Assessment" in Gary G. Sick & Lawrence G. Potter (eds), *The Persian Gulf at the Millennium: Essays in Politics, Economy, Security, and Religion* (St Martin's Press 1997). See also Ute Meinel, *Die Intifada im Ölscheichtum Bahrain: Hintergründe des Aufbegehrens von 1994-1998* (Münster, 2003); Karen Dabrowska, *Bahrain Briefing: The Struggle for Democracy, December 1994-December 1996* (Colourmast 1997).

were widespread.[118] Low-intensity civil unrest continued until 1999, when, following the death of HH Emir Isa bin Salman Al Khalifa, HH Sheikh Hamad Bin Isa AlKhalifa became Emir of the State of Bahrain on 6 March 1999.

G. A New Era of Promises and Challenges

87. By all accounts, the ascension to power of the current monarch, HM King Hamad, ushered in an era of hope, with optimism that the political, economic and social sources of discontent among Bahrainis would be addressed. This optimism was founded on the numerous steps that the country's new ruler undertook to ameliorate many of the grievances that had caused civil unrest in Bahrain during the previous decade.[119] The reforms introduced by the monarch put Bahrain, according to a leading international think tank, "at the cutting edge of regional liberalization".[120]

88. Among the first steps to be taken was the release of hundreds of prisoners and detained individuals who had participated in the disturbances of the mid-1990s[121] and the pardoning of the major opposition figure Sheikh Abdel Amir Al-Jamri.[122] This was followed by a pledge announced on 16 December 1999 to hold municipal elections in which, for the first time, women would be granted the right to vote. Then, on 27 September 2000, HH Emir Hamad issued a decree revisiting the composition of Majlis Al-Shura by appointing members of Christian, Jewish and South Asian backgrounds and increasing the total number of Shia members to nineteen.[123]

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[118] Human Rights Watch, *Routine Abuse, Routine Denial: Civil Rights and the Political Crisis in Bahrain* (1997). See also Joe Stork, "Bahrain's Crisis Worsens" (1997) 204 (Winter) *Middle East Report* 33, pp 33-34.

[119] David Ransom, "Bahrain: New Emir, New Vision" (2001) 16(3) *Middle East Insight* 35, pp 35-36.

[120] International Crisis Group, *Bahrain's Sectarian Challenge* (6 May 2005) http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/Bahrains%20Sectarian%20Challenge.pdf accessed 16 November 2011.

[121] According to Amnesty International: "On 6 June 1999, the Emir ordered the release of 320 people held without charge or trial in connection with anti-government protests and 41 political prisoners serving prison terms. On 17 November 1999 he ordered the release of another 200 political prisoners and detainees. On the occasion of Bahrain's national day, 16 December, 195 political detainees and prisoners were released following a pardon from the Emir. Another 37 prisoners and detainees were released during the second half of March 2000 following an amnesty by the Emir to mark the religious Islamic holiday of Eid al-Adha (Feast of the Sacrifice). To mark the Islamic New Year on 5 April 2000 the Emir also ordered the release of 43 detainees held for involvement in anti-government protests. Most of those released were held without charge or trial, some for up to five years." Amnesty International, *Bahrain: Human Rights Developments and Amnesty International's Continuing Concerns*, MDE 11/003/2000 (21 November 2000) http://www.unhcr.org/refworld/docid/3b83b6dc0.html accessed 16 November 2011.

[122] Sheikh Al-Jamri had been detained in connection with his leadership of the movement to mobilise support for the petition that was circulated in late-1994 calling on the GoB to undertake political reform. He had been sentenced to ten years imprisonment when he was pardoned by HH Emir Hamad. *See* International Commission of Jurists, *Attacks on Justice – Bahrain*, 11th Edition (2002) http://www.icj.org/download/database/pdf/bahrain.pdf accessed 16 November 2011.

[123] Emir Decree No. 29 of 2000.

89. The most significant step towards political reform was announced on 23 November 2000 when HH Emir Hamad appointed a Supreme Committee for the National Charter to prepare a National Action Charter (NAC) that would provide a general framework for constitutional, legislative, judicial, political and economic reform in Bahrain.[124]

90. The NAC was put to a popular referendum on 14 and 15 February 2001 in which 192,262 of the 217,000 Bahraini citizens who were eligible to vote took part. The result was the overwhelming approval of the NAC with 98.4% voting in favour.[125] Thereafter, the Heir Apparent His Highness Sheikh Salman bin Hamad Al Khalifa was appointed as head of the committee responsible for implementing the NAC.[126]

91. In the days following the adoption of the NAC, further steps were undertaken to strengthen trust between the GoB and opposition forces, including the pardoning of numerous prisoners who had led the protest movement in past years and the inviting of exiled Shia religious figures, political leaders and activists to return to Bahrain. Among those who returned from exile were Sheikh Isa Qassim and Sheikh Haydar Al-Sitri, who are among the most prominent Shia clerics in Bahrain.[127]

92. On 18 February 2001, the Prime Minister HH Sheikh Khalifa bin Salman Al Khalifa announced the repeal of the State Security Law and the abolition of the State Security Courts, thereby removing one of the most contentious issues in Bahraini politics since the dismissal of the National Assembly in 1975.[128] Then on 14 February 2002, HH Emir Hamad declared Bahrain a Kingdom and ascended to its throne. This was followed by the promulgation and entry into force of the amended Constitution.

93. Public reception of the constitutional amendments was mixed. Many in the opposition had expected that broad political consultations would be held before the draft constitution was adopted. They criticised the decision to promulgate the Constitution without submitting it to either public discussion

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[124] J.E. Peterson, "Bahrain: Reform, Promise, and Reality" in Joshua Teitelbaum (ed) *Political Liberalization in the Persian Gulf* (Columbia University Press 2009). After the first meetings of the Supreme Committee for the National Charter, five of its members resigned to protest what they claimed to be the predetermined results of their work. Indeed, according to one account, the meetings of the committee commenced on 3 December 2000 and were scheduled to end on 16 December 2000, by which time the members were supposed to have reviewed and approved a previously prepared draft of the NAC.

[125] Emiri Decree No. 6 of 2001 on the Announcement of the Results of the Referendum on the National Action Plan. The National Action Charter was ratified by HH Emir Hamad pursuant to Emiri Decree No. 17 of 2001.

[126] J.E. Peterson, "Bahrain: Reform, Promise, and Reality" in Joshua Teitelbaum (ed) *Political Liberalization in the Persian Gulf* (Columbia University Press 2009), pp162-3.

[127] J.E. Peterson, "Bahrain: Reform, Promise, and Reality" in Joshua Teitelbaum (ed) *Political Liberalization in the Persian Gulf* (Columbia University Press 2009), pp162-3.

[128] *Bahrain Lifts Key Security Law*, BBC (18 February 2011) http://news.bbc.co.uk/2/hi/middle_east/1177690.stm%20%20accessed%2016%20Nov%20201 1; *Bahrain: State Security Law and Court Lifted* (البحرين: إلغاء قانون أمن الدولة ومحكمة أمن الدولة), al-Wasat (18 February 2011)(*Arabic Text*).

or a popular referendum.[129] Furthermore, criticism was directed at the content of the adopted amendments. Of particular concern was what many perceived to be an excess of executive power relative to the legislature. Specifically, while Bahrainis consented in the NAC to the principle of a bicameral legislature, many Shia and Sunnis felt that the powers enjoyed by Majlis Al-Shura (Consultative Council) went beyond the consultative role to which they had expected it would be confined. To them, the fact that legislation could not pass into law without the approval of this unelected body gave the executive branch inordinate influence over the legislative process. Moreover, the requirement that constitutional amendments be approved by a two-thirds majority of the combined houses of the National Assembly excluded the possibility of revising these provisions without the consent of the King.[130] Some politically-active figures also considered the broad executive powers granted to the King to be inconsistent with the principles of a constitutional monarchy in which the monarch reigns but does not rule.[131]

94. The amended Constitution was not the sole source of discontent. Opposition forces believed that electoral districts were designed to favour pro-government candidates, and this contributed to the decision of groups, including the Al Wefaq National Islamic Society (Al Wefaq), to boycott the 2002 legislative elections.[132] Furthermore, a series of Decree Laws issued by HM King Hamad in the months preceding the convening of the first National Assembly after the promulgation of the amended Constitution drew criticism from opposition groups. These included Decree Law No. 56 of 2002, which effectively pardoned security personnel who had been implicated in human rights violations during the civil unrest of the mid 1990s, and Decree Law No. 47 of 2002 on the Regulation of the Press and Publishing Activities, which

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[129] International Crisis Group, *Popular Protests in North Africa and the Middle East (III): The Bahrain Revolt* (6 April 2011) http://www.crisisgroup.org/~/media/files/middle%20east%20north%20africa/iran%20gulf/bahrain/105-%20popular%20protests%20in%20north%20africa%20and%20the%20middle%20east%20-iii-the%20bahrain%20revolt.pdf p 3, accessed 16 November 2011.

[130] See Michael Herb, "Princes and Parliaments in the Arab World" (2004) 56 *Middle East Journal* 367, p 372.

[131] Critics refer to art 33(c) of the Bahrain Constitution 2002, which states that the King shall exercise his powers directly and through his ministers. In their view, this is incompatible with the principle that the sovereign in a constitutional monarchy reigns but does not rule. The opposition also criticises art 35 of the Constitution, including the authority of the King to object to draft laws within six months and the stipulation that those draft laws be approved by a two-thirds majority of the National Assembly to pass into law, as well the King's right to declare a State of National Safety or Martial Law for three months without requiring the approval of the National Assembly.

[132] A report prepared by the National Democratic Institute on the 2002 elections observed the following: "This allocation system diluted the voting power of the Shia majority, and in fact may exacerbate the sectarian divide; as there has never been an explanation as to how these decisions were taken, it is widely assumed that the government drew these borders to ensure that the Sunnis remain the dominant force even in Bahrain's newly elected bodies." The National Democratic Institute for International Affairs, *Bahrain's October 24 and 31, 2002 Legislative Elections* (2002) http://www.ndi.org/files/2392_bh_electionsreport_engpdf_09252008.pdf p 4, accessed 16 November 2011. See also *South (6) Runner Ties with 21 Runners in North (1)* (ناخب سادسة الجنوبية يعادل ٢١ ناخبا في أولى الشمالية), al-Wasat (27 August 2011)(*Arabic Text*).

was considered by many to be overly restrictive.[133] Decree Law No. 16 of 2002, which established a National Audit Court, was also criticised for removing legislative oversight of government financial affairs by stipulating that this agency would report exclusively to the King.

95. On the other hand, supporters of the reform measures undertaken since 2002 argued that the political environment in Bahrain witnessed a palpable improvement, especially when compared with the years immediately preceding HM King Hamad's accession to the throne. Proponents of this view argue that repealing the State Security Law contributed to improving Bahrain's human rights record. They also underline the fact that, for the first time in Bahrain's history, women were granted the right to vote and run for public office.[134] Furthermore, they contend that the margin of freedom of expression expanded, as evidenced by the fact that around 1,150 demonstrations and sit-ins were approved by government authorities in the past decade.[135] In addition, the number of civil society organisations increased from 275 in 2001 to 452 in 2010.[136] Human rights societies were officially allowed to register, although some, like the Bahrain Center for Human Rights (BCHR), were later disbanded.

96. In 2006, the "Al-Bandar Report" scandal broke out and contributed to increasing political mistrust between the GoB and the opposition.[137] Salah Al-Bandar, a British citizen of Sudanese origin, had been hired as a consultant by the GoB. He reportedly leaked documents alleging the existence of a systematic government plan to limit the influence of Shia opposition groups and create a counterweight Sunni bloc. The documents reportedly included plans to rig the elections in favour of candidates from Sunni minority groups, create pro-government human rights organisations and fund specific newspapers and online social media tools and forums.[138] He further alleged that government officials were complicit in maintaining unlawful surveillance

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[133] Amnesty International, *Crackdown in Bahrain, Human Rights at the Crossroads* (2011) http://www.amnesty.org/en/library/asset/MDE11/001/2011/en/cb766afa-fba0-4218-95ec-f4648b85e620/mde110012011en.pdf accessed 16 November 2011. In particular, Decree Law No. 47 of 2002 was criticised for its provisions that criminalise any "calls in writing for overthrowing or changing the regime" and criticism against the King or blaming His Majesty for any government action.

[134] Even leading opposition figures agreed that the GoB had taken positive, albeit in their view insufficient, measures towards political reform. For an interview on this matter with Sheikh Ali Salman of Al-Wefaq, see J.E. Peterson, "Bahrain: Reform, Promise, and Reality" in Joshua Teitelbaum (ed) *Political Liberalization in the Persian Gulf* (Columbia University Press 2009).

[135] Omar Al-Hassan et al, *Bahrain's Decade of Development: Democracy, Human Rights and Social Change* (Gulf Centre for Strategic Studies 2011) p 55.

[136] Omar Al-Hassan et al, *Bahrain's Decade of Development: Democracy, Human Rights and Social Change* (Gulf Centre for Strategic Studies 2011) p 55.

[137] Gulf Center for Democratic Development, *Bahrain: The Democratic Option and Exclusion Mechanisms* (2011)
The Al-Bandar Report is available at the following address: www.bahrainrights.org/node/528 accessed 16 November 2011. This website is inaccessible from Bahrain.

[138] See Hassan Fatah, *Report Cites Bid by Sunnis in Bahrain to Rig Elections*, New York Times (2 October 2006); Lauren Frayer, *Al-Bandar Ejection Exposes Bahrain Split*, Washington Post (2 October 2006); Alain Gresh, *"Bandargate" et Tensions Confessionnelles*, Le Monde Diplomatique (19 October 2006).

programmes directed against opposition political parties and civil organisations. News of the report led to limited public demonstrations, with some protesters blocking public roads and attacking security forces. Some protesters were detained following these demonstrations, but many were ultimately pardoned by HM King Hamad.[139]

97. More broadly, many in the political opposition, especially those of Shia background, have criticised what they consider to be a lack of progress in addressing the socioeconomic grievances underlying popular discontent among many Bahrainis. These include, as previously mentioned, the high levels of unemployment among Shia,[140] government naturalisation policies that are allegedly designed to alter the demographic balance, and the continued hiring of foreigners to serve in the security apparatus. For many, the hope and promise of political, economic and social reform that prevailed at the turn of the century had been frustrated, and doubts began to appear as to the ability and commitment of the GoB to address the grievances that contributed to the recurring rounds of civil unrest.[141]

98. Dissatisfaction with the pace of reforms carried over to the 2010 election. As in the 2006 election, the Shia opposition challenged the GoB's drawing of voting districts to their disadvantage. Calls were made to boycott the election. Al Wefaq did not boycott the election but other opposition groups, such as the Al-Haq movement, opted for a boycott. In the period immediately before the election, the GoB cracked down on Shia activists, in particular those who had supported the boycott, and arrested a number of Shia leaders.[142] It was reported that the tensions resulted in a bombing that damaged four police cars on 15 September 2010.[143]

99. Starting in late January 2011, political activists in Bahrain were inspired by popular movements demanding political, economic and social reform in the Arab World. Shortly thereafter, calls for demonstrations to be held on 14 February were circulated to coincide with the 10th anniversary of the National Action Charter. A narrative of the events of February and March 2011 is set out in Chapter IV.

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[139] Amnesty International, *Crackdown in Bahrain, Human Rights at the Crossroads* (2011) http://www.amnesty.org/en/library/asset/MDE11/001/2011/en/cb766afa-fba0-4218-95ec-f4648b85e620/mde110012011en.pdf accessed 16 November 2011.

[140] *See* Steven Wright, *Fixing the Kingdom: Political Evolution and Socio-Economic Challenges in Bahrain*, Qatar Occasional Papers No.3, Georgetown University Center for International and Regional Studies (2010) p 9.

[141] See International Crisis Group, *Popular Protests in North Africa and the Middle East (III): The Bahrain Revolt* (6 April 2011) http://www.crisisgroup.org/~/media/files/middle%20east%20north%20africa/iran%20gulf/bahrain/105-%20popular%20protests%20in%20north%20africa%20and%20the%20middle%20east%20-iii-the%20bahrain%20revolt.pdf p 3, accessed 16 November 2011.

[142] Kenneth Katzman, *Bahrain: Reform, Security, and U.S. Policy* (Congressional Research Service, 2 March 2011) http://fpc.state.gov/documents/organization/158480.pdf p 4, accessed 16 November 2011.

[143] Kenneth Katzman, *Bahrain: Reform, Security, and U.S. Policy* (Congressional Research Service, 2 March 2011) http://fpc.state.gov/documents/organization/158480.pdf p 4, accessed 16 November 2011.

Chapter III — Relevant Aspects of the Legal System and Description of the Enforcement Structures

A. Introduction

100. The legal system of Bahrain is a hybrid system deriving from a number of jurisprudential traditions, including Islamic *Sharia*,[144] Egyptian civil, criminal and commercial law (the Egyptian system itself deriving from the French Napoleonic code, local tradition and custom)[145] and English common law.[146] The first Penal Code of Bahrain was promulgated in 1955 and amended by Decree Law No. 15 of 1976. The Penal Code continues in force today.[147] The Bahrain Civil Code, replacing various ordinances regulating civil transactions, was promulgated on 3 May 2001.[148]

101. Islamic *Sharia* courts were Bahrain's first judicial bodies. The *Sharia* courts were the only judicial bodies until 16 February 1922, when the first civil courts were established.[149] The judicial system of Bahrain is divided into Ordinary Courts, which include Civil[150] and Islamic Courts,[151] Bahrain

[144] Article 2 of the Constitution of Bahrain states: "Islamic *Sharia* is a principle source of legislation." Islamic courts in Bahrain apply both Sunni and *Jaffari* jurisprudence, depending on the sect of the plaintiff at the time the case was filed.

[145] Article 1 of the Bahrain Civil Code, which was promulgated pursuant to Decree Law No. 19 of 2001, stipulates that the primary source of law is legislation, and that in cases where legislation is silent, judges may rule on the bases of custom. If customary rules are unavailable, then judges should resort to the most appropriate juristic opinions of Islamic *Sharia* in light of the realities of the country. If Islamic *Sharia* is silent on the matter, then judges may rule on bases of natural law and equity.

[146] During the period of British protectorate rule, the British authorities held the power to adjudicate all civil cases. The judicial system at the time was based on a dual court system. The local courts had jurisdiction to adjudicate disputes between Bahrainis and between Bahrainis and foreign non-British nationals. British nationals, however, appeared before British magistrates in accordance with the terms of the Convention between Great Britain and Bahrain of 31 May 1861: 124 CTS 163.

[147] Seven amendments have been made to the Penal Code currently in force. These amendments were promulgated pursuant to the following Decree Laws: No. 21 of 1999; No. 21 of 2000; No. 65 of 2006; No. 8 of 2008; No. 14 of 2008; No. 16 of 2010; and No. 24 of 2010.

[148] The promulgation of Decree Law No. 19 of 2001 automatically repealed the Contracts Code, the Code of Civil Contraventions and the Buildings and Apartments Ownership Code.

[149] See Kingdom of Bahrain, Ministry of Justice and Islamic Affairs, *A Study on the Legal and Judicial System of the Kingdom of Bahrain* (July 2011) p 2 [on file with the Commission].

[150] The Judicial Authority Code divides Civil Courts into four tiers, the first of which is the Lower Courts, followed by the Higher Civil Courts, then the Higher Appellate Civil Court. The Court of Cassation is the highest civil court in Bahrain. These courts adjudicate civil, criminal and administrative law cases, in addition to disputes relating to personal status between non-Muslims.

[151] Islamic Courts are divided into three tiers: the Lower Islamic Court, followed by the Higher Islamic Court and finally the Supreme Appellate Islamic Court. Each of these courts is composed of two chambers for both Sunni and *Jaffari* jurisprudence. These courts adjudicate personal status disputes between Muslims, with the exception of matters relating to estates, which fall under the jurisdiction of the Civil Courts.

Defence Force Military Courts[152] and the Military Courts of the Ministry of Interior.[153] Unlike Egypt and other Arab countries, Bahrain does not have a specialised administrative court system.[154] The Supreme Council of the Judiciary is the highest judicial authority, which is responsible for ensuring the proper administration of the courts and their supporting organs.[155] The Court of Cassation is the highest court in Bahrain, and ensures that the law is applied uniformly by all lower courts. Following the entry into force of the 2002 Constitution, a Supreme Constitutional Court was established to review the constitutionality of legislation.[156]

102. The following sections will consider aspects of the legal and judicial system of Bahrain relevant to the work and investigations of the Commission. These include the relevant provisions of the Code of Criminal Procedure, the jurisdiction of the criminal courts, the powers of both the Public Prosecution and law enforcement agencies and applicable international legal obligations. This section will then examine the scope and content of Royal Decree No. 18 of 2011 on the Declaration of a State of National Safety in Bahrain and outline how the decree was applied in practice by organs of the Government of Bahrain.

B. The International Human Rights Obligations of Bahrain

103. Bahrain is party to a number of the main international human rights treaties. These include the International Covenant on Civil and Political Rights

[152] Pursuant to article 105 of the Constitution of Bahrain, the Military Courts exercise jurisdiction over "military crimes" committed by members of the Bahrain Defence Force, the National Guard and the Public Security Forces. These courts may not exercise jurisdiction over non-military personnel except when Martial Law is in force. According to article 35 of the Military Penal Code, which was promulgated pursuant to Decree Law No. 34 of 2002, the Military Courts are divided into four levels. The lowest courts are the Special Military Courts, followed by the Lower Military Courts, the Higher Military Courts and finally the Supreme Military Appellate Court, which is the highest Military Court in Bahrain.

[153] See articles 80-90 of Decree Law 3 of 1982 on the Public Security Forces.

[154] The Bahrain judicial system does not have a specialised administrative courts system like those in France and Egypt. Nonetheless, article 7 of the Judicial Authority Code, which was promulgated by Decree Law No. 42 of 2002, stipulates: "The High Civil Courts shall convene in an Administrative Chamber to adjudicate administrative disputes." Such disputes include those relating to administrative decisions, administrative contracts, nationality, passports and immigration.

[155] The Supreme Council of the Judiciary was established by Decree Law No. 19 of 2000. The Judicial Authority Code also includes a chapter on the Supreme Council of the Judiciary. In accordance with article 33(h) of the Constitution of Bahrain, the King presides over the Supreme Council of the Judiciary.

[156] Pursuant to article 106 of the 2002 Constitution, the Supreme Constitutional Court was established by Decree Law No. 17 of 2002 as an independent judicial body specialising in the review of the constitutionality of legislation and administrative regulations. The Supreme Constitutional Court exercises *a priori* constitutional review of legislation upon request by the King. *A posteriori* judicial review is exercised upon the request of the Prime Minister or the President of the Consultative Council or the President of the Council of Representatives; or upon an *ex propio motu request from any court, or upon a request of any of the parties to a case brought before any court.*

(ICCPR),[157] the International Covenant on Economic, Social, and Cultural Rights (ICESCR),[158] the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD),[159] the Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT),[160] the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),[161] and the Convention on the Rights of the Child (CRC).[162] Bahrain is also party to a number of the fundamental conventions of the International Labour Organization (ILO).[163] At the regional level, Bahrain is a party to the Arab Charter on Human Rights.[164]

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[157] 999 UNTS 171, 16 December 1966. Bahrain acceded to the ICCPR on 20 September 2006 upon promulgation of Decree Law No. 56 of 2006 passing the ICCPR into national legislation. Bahrain has deposited reservations in respect of the following articles of the ICCPR: art 3; art 9(5); art 14(7); art 18; and art 23. The ICCPR is applicable law in respect of events addressed in the following sections of this Report: Chapter VI, Section A on Deaths Arising out of the Events; Chapter VI, Section D on the Treatment of Persons in Custody; Chapter VI, Section B on the Use of Force by Government Actors; Chapter VI, Section F on Allegations of Enforced Disappearances; Chapter VI, Section C on the Manner of Arrests; and Chapter VII, Section A on the Demolition of Religious Structures.

[158] 993 UNTS 3, 16 December 1966. Bahrain acceded to the ICESCR on 27 September 2007 upon promulgation of Decree Law No. 10 of 2007 passing the ICESCR into national legislation. Bahrain has deposited a reservation in respect of article 8(1)d of the ICESCR (right to strike). The ICESCR is applicable law in respect of events addressed in the following sections of this Report: Chapter VII, Section B on the Terminations of Employment; and Chapter VII, Section C on Student Dismissals and Suspensions of Scholarships.

[159] 660 UNTS 195, 7 March 1966. Bahrain acceded to the ICERD on 27 March 1990 upon promulgation of Decree Law No. 8 of 1990 passing the ICERD into national legislation. The ICERD is applicable law in respect of events addressed in Chapter VII, Section B on Terminations of Employment.

[160] 1465 UNTS 85, 10 December 1984. Bahrain acceded to the CAT on 6 March 1998 upon promulgation of Decree Law No. 4 of 1998 passing the CAT into national legislation. Bahrain has deposited a reservation in respect of article 30(1) of the CAT. The CAT is applicable law in respect of events addressed in Chapter VI, Section D on the Treatment of Individuals in Custody.

[161] 1249 UNTS 13, 18 December 1979. Bahrain acceded to the CEDAW on 18 June 2002 upon promulgation of Decree Law No. 5 of 2002 passing the CEDAW into national legislation. Bahrain deposited reservations in respect of the following articles of the CEDAW: art 2; art 9(2); art 15(4); art 16; and art 29(1). CEDAW is applicable law in respect of events addressed in Chapter VI, Section C on the Manner of Arrests.

[162] 1577 UNTS 3, 20 November 1989. Bahrain acceded to the CRC on 13 February 1990 upon promulgation of Decree Law No. 16 of 1990 passing the CRC into national legislation. Bahrain also has acceded to the two CRC Optional Protocols (date of accession: 21 September 2004). The CRC is applicable law in respect of events addressed in Chapter VI, Section C on the Manner of Arrests.

[163] Bahrain is a party to the following ILO conventions: International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. These ILO conventions are applicable law in respect of events addressed in Chapter VII, Section B on Terminations of Employment.

[164] Decree Law No. 7 of 2006 was promulgated to pass the Arab Charter on Human Rights into national legislation.

104. As a State party to these treaties, the Kingdom of Bahrain is obliged to respect, protect, promote and fulfil the human rights of all persons within its jurisdiction. This includes the obligation to provide an effective remedy (including the provision of reparations) to individuals whose rights have been violated. Bahrain is also obliged to undertake genuine investigations into allegations of human rights violations and to hold the perpetrators of those violations accountable.[165]

105. On 15 March 2011, the Government of Bahrain declared a State of National Safety, which is one of two categories of states of emergency provided for under the Constitution of Bahrain.[166] Bahrain is bound by article 4 of the ICCPR, which permits derogations from obligations "in time of public emergency, which threatens the life of the nation". However, derogations from the provisions of the ICCPR are only permissible to the extent strictly required by the exigencies of the situation.[167] The GoB deposited a derogation from articles 9, 12, 13, 17, 19, 21 and 22 of the ICCPR with the UN Secretary-General on 28 April 2011, although the State of National Safety was declared on 15 March 2001.[168]

106. According to article 37 of the Constitution of Bahrain, international treaties are concluded by the King who then informs the Consultative Council and the Chamber of Deputies of these treaties. International treaties come into force once ratified and published in the official gazette, after which they have legal force equivalent to national legislation.[169]

C. The Criminal Justice System and the Role of the Public Prosecution in Bahrain

107. The criminal justice system of Bahrain is predicated on a two-tiered court system. The criminal court of first instance in Bahrain, the Lower Criminal Court, exercises jurisdiction over contraventions and misdemeanours. The Higher Criminal Court hears appeals from judgments of the Lower Criminal Court; it exercises first instance jurisdiction over cases

[165] See Human Rights Committee, General Comment 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant (2004) paras 15-19. See also 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, GA res 60/147, 16 December 2005.

[166] See below, this Chapter, "The Scope and Content of Royal Decree 18 (2011) on the Declaration of a State of National Safety."

[167] See Human Rights Committee, General Comment No. 29: Article 4 (2001).

[168] Bahrain: Notification under Article 4(3), Depositary Notification, UN Doc. C.N.261.2011.TREATIES-5, 28 April 2011, treaties.un.org/doc/Publication/CN/2011/CN.261.2011-Eng.pdf accessed 19 November 2011.

[169] Article 37 of the Constitution of Bahrain identifies those treaties that are not self-executing and require the adoption of national legislation to become directly applicable under national law. These include treaties of peace and alliance, trade, navigation and residency, and treaties affecting the territory of the State, its natural resources, sovereign rights, the budget of the state and the public and private rights of citizens.

involving felonies. The Supreme Appellate Criminal Court reviews the judgments of the Higher Criminal Court.[170]

108. The Court of Cassation receives appeals from judgments rendered by all criminal courts exercising appellate jurisdiction.[171] In addition, all death sentences are automatically subject to review by the Technical Bureau of the Court of Cassation.[172]

109. According to the Judicial Authority Code, the Public Prosecution, which is headed by the Attorney-General, is an integral division of the judiciary. It is responsible for undertaking pre-trial investigations in all criminal cases and indicting individuals on criminal charges. According to the Code of Criminal Procedure, the Public Prosecution holds the primary authority to initiate criminal trial proceedings[173] and the exclusive authority to undertake the prosecution during criminal trials.[174] The Public Prosecution is also responsible for overseeing the administration of all facilities designated for the execution of sentences rendered in criminal cases, including prisons.[175]

D. Overview of Procedural Guarantees in the Criminal Justice System of Bahrain

110. The Constitution of Bahrain contains a number of provisions designed to ensure the proper administration of criminal justice. These include provisions regulating arrest, detention, searches of persons and places and restrictions on personal liberty and the freedom of movement.[176] The Constitution also proscribes the subjection of any individual to physical or mental torture, undignified treatment or inducements.[177] All statements and confessions that are proven to have been extracted under the threat or use of any of these practices are considered invalid.[178] The Constitution also enshrines the presumption of innocence, the right to access a lawyer and the right to litigate before a court of law.[179] Entry and search of private residences is also proscribed except in accordance with the applicable law[180] and the confidentiality of private correspondences is considered inviolable.[181]

111. The Code of Criminal Procedure, which was promulgated pursuant to Decree Law No. 46 of 2002, outlines the guarantees applicable at the various

[170] See Code of Criminal Procedure, art 181.
[171] See Decree Law No. 8 of 1989 on the Court of Cassation, art 27.
[172] See Decree Law No. 8 of 1989 on the Court of Cassation, art 40.
[173] While the Public Prosecution enjoys primary responsibility for initiating criminal trial procedures, there are other categories of crimes in which criminal proceedings can be initiated by the plaintiff directly, such as in cases of libel.
[174] The Public Prosecution was established pursuant to Decree Law No. 46 of 2002 on the Code of Criminal Procedure. Prior to that, the powers of the Public Prosecution were exercised by the Prosecution Department at the Ministry of Interior.
[175] See Judicial Authority Code, arts 49, 50 and 56.
[176] Constitution of Bahrain, arts 19(a) and 19(b).
[177] Constitution of Bahrain, art 19(d).
[178] Constitution of Bahrain, art 19(d).
[179] Constitution of Bahrain, art 20.
[180] Constitution of Bahrain, art 25.
[181] Constitution of Bahrain, art 26.

stages of criminal proceedings, including during the evidence gathering process, the pre-trial investigations that are undertaken by either the Public Prosecution or the Investigating Judge, appeals against judgments rendered by criminal courts and the execution of sentences. The provisions of the Code of Criminal Procedure are generally applicable[182] and there is no rule providing for their total suspension under either a State of National Safety or Martial Law. The guarantees enshrined in the Code of Criminal Procedure may not be infringed, except pursuant to a special or exceptional statute,[183] such as the Military Penal Code[184] or the Martial Law Decree.[185]

E. Law Enforcement Authorities and Oversight of Law Enforcement Activities

112. A number of Bahrain statutes identify the organs and officials having the authority to exercise law enforcement powers. The statutes outline the mechanisms for supervising the work of law enforcement officials and prescribe the disciplinary and criminal procedures for holding officials accountable for violations committed during the execution of their responsibilities. These statutes are the Code of Criminal Procedure, the Military Penal Code, the Public Security Forces Law and the Decree Establishing the National Safety Agency.

113. All of these laws were in force during the period under investigation by the Commission.

1. The Code of Criminal Procedure

114. Article 45 of the Code of Criminal Procedure grants certain officials the authority to exercise law enforcement powers. These officials are divided into the following three categories:

a. Law enforcement officials enjoying general subject-matter jurisdiction in specific territorial locations. These are Public Prosecutors, Public Security Officers, Border Control Officers, Customs Officers and Governors.

b. Law enforcement officials exercising limited subject-matter jurisdiction throughout the territory of Bahrain. Officials falling within this category are granted law enforcement powers pursuant to a decree issued by the Minister of Justice.

c. GoB personnel to whom specific statutes, decrees or administrative orders have extended law enforcement powers. In respect of such personnel, the Code of Criminal Procedure stipulates that the instruments extending law enforcement

[182] See Decree Law No. 46 of 2002 Promulgating the Code of Criminal Procedure, art 1.
[183] For instance, the rights and guarantees enshrined in the Code of Criminal Procedure pursuant to a decree or any other administrative act shall not be infringed.
[184] See Military Penal Code promulgated pursuant to Decree Law No. 34 of 2002, art 1.
[185] See Martial Law Act promulgated pursuant to Decree Law No. 27 of 1981, art 10.

powers shall be equivalent to a decree by the Minister of Justice.

115. The Code of Criminal Procedure also stipulates that, in executing their responsibilities, all the law enforcement officials considered above shall be subject to the oversight of the Attorney-General.[186] In the case of Public Prosecutors, the Attorney-General also exercises full administrative control over the execution of their law enforcement powers. In the case of other law enforcement officials, administrative control is exercised by their respective government agencies. In cases where the Public Prosecution identifies violations of the Code of Criminal Procedure committed by law enforcement officials, the Attorney-General may inform the relevant agency to investigate the matter and take the appropriate disciplinary action in accordance with the applicable statute. The Attorney-General continues, however, to enjoy the authority to initiate criminal trial proceedings against any law enforcement official violating the Code of Criminal Procedure.[187] Thus, the Attorney-General exercises both administrative control and oversight authority over members of the Public Prosecution. In relation to other law enforcement officials, the Attorney-General exercises oversight authority but not administrative control.

116. Article 63 of the Code of Criminal Procedure identifies the authorities in charge of overseeing the administration of prisons.[188] These are the President of the Supreme Civil Appellate Court, the President of the High Civil Court, the judge responsible for executing sentences and Public Prosecutors. All of these judicial officers have the right to inspect prisons at any time to ensure that there are no wrongfully detained persons, to review prison records, arrest warrants and detention orders and to contact any detained individual to receive their complaints.

2. The Military Penal Code

117. The Military Penal Code, promulgated pursuant to Decree Law No. 34 of 2002, identifies in article 31 five categories of BDF personnel who hold law enforcement powers. These are the following: (1) the Military Prosecution; (2) the Military Police; (3) BDF Intelligence and Military Security officers and personnel; (4) officers authorised by the BDF Commander-in-Chief to undertake law enforcement powers; and (5) BDF personnel granted law enforcement powers pursuant to other statutes or decisions.

118. Article 32 of the Military Penal Code stipulates that the powers of these law enforcement officials are identical to those prescribed in the law, unless otherwise indicated in the Military Penal Code. Article 32 is understood to require that military personnel executing law enforcement

[186] Code of Criminal Procedure, art 44.
[187] Code of Criminal Procedure, art 44.
[188] The term "prisons" in article 63 of the Code of Criminal Procedure is used to denote any place where individuals are held pursuant to arrest warrants or for purposes of detention, incarceration or to execute a sentence.

functions do so in accordance with the Code of Criminal Procedure, the generally applicable law in matters of criminal justice. Article 21 further stipulates that "in applying this law, the Military Prosecution shall perform the duties and enjoy the powers of the Public Prosecution and the Investigating Judge, in addition to any further competencies granted to it." This means that in executing their powers, BDF law enforcement officials remain under the supervision of the Military Prosecution, which also enjoys the right to oversee the administration of military detention facilities and to inspect individuals arrested or detained pursuant to the Military Penal Code.

119. Pursuant to article 105, the Military Courts have jurisdiction over charges of "military crimes" brought against officers of the BDF, the National Guard and the Public Security Forces. It is proscribed for civilians to be brought before these courts, except during the application of martial law. According to the Military Penal Code, jurisdiction *ratione materiae* of BDF Military Courts extends to all crimes proscribed by Military Penal Code and crimes proscribed by any other statutes when committed by individuals subject to the Military Penal Code.[189] Jurisdiction *ratione persone* is limited to BDF military personnel, BDF civilian employees, reservists, BDF personnel studying abroad, prisoners of war and foreign troops based in Bahrain.[190]

3. The Public Security Forces Law

120. As noted above, article 44 of the Code of Criminal Procedure confers law enforcement powers on members of the Public Security Forces (PSF). According to Chapter 4 of the PSF Law, promulgated by Decree Law No. 3 of 1982 and amended by Decree Law No. 37 of 2002, the authority to take criminal and disciplinary action against the PSF for violations committed during the execution of their law enforcement powers is vested in the Legal Affairs and Military Courts Department at the Ministry of Interior.[191] The latter exercises its oversight powers in three categories of cases. The first category includes violations of the PSF Law or of orders issued by either the Minister of Interior or the Commander of the PSF. The second category is military crimes as defined in the Military Penal Code, while the third category encompasses all crimes proscribed pursuant to the Penal Code or any other law when committed by members of the PSF during the execution of their official duties or when in uniform.

121. Procedurally, the Legal Affairs and Military Courts Department commences criminal investigations and disciplinary action against members of the PSF upon the request of the Minister of Interior or the relevant superior officer. Once an investigation by the department is concluded, a recommendation including the proposed criminal or disciplinary action is referred to either the Minister of Interior or the Undersecretary of the Ministry of Interior to take appropriate action. Action may include referring the PSF

[189] See Military Penal Code, arts 13 and 46.
[190] Royal Decree Law No. 34 of 2002, art 12.
[191] See PSC Code on the jurisdiction and procedures of the Disciplinary Courts, art 88.

member to a Court Martial, taking disciplinary action against the PSF member or dismissing the case.[192]

122. Chapter 4 of the PSF Law also stipulates that the Legal Affairs and Military Courts Department at the Ministry of Interior is responsible for overseeing the administration of detention centres and penitentiaries.[193] The text of the PSF Law is not conclusive, however, on whether this supervisory power is limited to facilities where members of the PSF are held in custody or whether it also extends to other corrections institutions administered by the Ministry of Interior, which according to the Code of Criminal Procedure are supposed to be under the supervision of the Public Prosecution. More importantly, it is unclear from the text of either the PSF Law or the Code of Criminal Procedure whether, ultimately, authority to oversee detention facilities and to hold law enforcement officials accountable for violations committed during the execution of their duties lies with the Legal Affairs and Military Courts Department of the Ministry of Interior or with the Attorney-General and the Public Prosecution.

123. Information received by the Commission indicates that in practice the Attorney-General and the Public Prosecution have the authority to oversee both the exercise of law enforcement powers by the PSF and the administration of detention facilities. If, however, members of the PSF are found to have committed violations during the exercise of their law enforcement powers, including in the administration of detention facilities, it is the Legal Affairs and Military Courts Department that investigates those violations and takes criminal or disciplinary action against PSF personnel.

4. The Decree Establishing the National Security Agency

124. Decree No. 14 of 2002 established the National Security Agency (NSA) to replace the General Directorate of State Security that was formerly under the authority of the Ministry of Interior.[194] A 2008 legislative amendment expanded the authority of the NSA by conferring law enforcement powers on the Agency's officers and personnel.[195] NSA personnel are subject to the same administrative oversight as set out in regulations under the PSF Law.[196] The Legal Affairs Department of the NSA was also granted the oversight and regulatory role stipulated in the PSF Law. This is an anomaly when compared to other intelligence agencies, whose functions are limited to information gathering and analysis and do not extend to arrest powers. In the events described below in Section G of this Chapter and in Chapter V, the NSA exercised its arrest powers as a domestic law enforcement agency. This implicated the NSA in the arrest, detention and interrogation of individuals charged with crimes under the Penal Code and the National Safety Decree.

[192] See PSF Law, arts 86 and 88.
[193] PSF Law, Ch 4.
[194] See below on the mandate of the NSA.
[195] See Decree No. 117 of 2008.
[196] Decree No. 117 of 2008, art 1.

5. Conclusions

125. The above review of the legal framework of Bahrain leads to the following conclusions:

a. There exists in Bahrain a multiplicity of organs holding law enforcement powers. The authority that they exercise derives from a number of statutes, including the Code of Criminal Procedure, the Military Penal Code, the PSF Law and the Decree Establishing the NSA.

b. The Code of Criminal Procedure remains the generally applicable law during the execution of law enforcement powers, unless otherwise indicated in other statutes.

c. Administrative control of law enforcement officers during the execution of their duties is exercised by their respective agencies.

d. There is a duplication of responsibility for the conduct of law enforcement officials. According to the Code of Criminal Procedure, the Attorney-General is responsible for overseeing law enforcement officials and investigating allegations of violations committed during the execution of their duties. However, according to the Military Penal Code, the PSF Law and the Decree Establishing the NSA, each organ is also required to oversee the execution of law enforcement powers by its officers, to investigate allegations of violations arising out of the exercise of law enforcement powers and to take criminal and disciplinary action against those law enforcement officials under its administration and control who are found to have violated an applicable law or procedure.

e. A similar duplication exists regarding the responsibility to oversee the administration of detention facilities. According to the Code of Criminal Procedure, these facilities are subject to judicial oversight. Other statutes, however, particularly the PSF Law, grant executive organs the authority to oversee the administration of detention facilities, and more importantly, vest these organs with the authority to hold their own law enforcement officials accountable for violations committed during the execution of their powers.

f. In the case of the PSF Law, which also applies to the NSA, the decision to initiate criminal or disciplinary procedures against law enforcement officials ultimately lies with the Minister of Interior and the NSA Director in relation to their respective agencies, and not with the judiciary or the legal affairs departments of those agencies.

F. The Scope and Content of Royal Decree No. 18 of 2011 on the Declaration of a State of National Safety

126. Royal Decree No. 18 of 2011 was issued on 15 March 2011 to declare a State of National Safety in the Kingdom of Bahrain pursuant to article 36(b) of the Constitution of Bahrain. The decision was taken upon the recommendation of the Supreme Defence Council and with the approval of the Prime Minister. The State of National Safety applied throughout the territory of Bahrain and was declared for three months. The State of National Safety was lifted on 1 June 2011 pursuant to Royal Decree No. 39 of 2011 issued on 8 May 2011.

127. On 28 April 2011, the Permanent Mission of the Kingdom of Bahrain to the United Nations in New York informed the UN Secretary General, in his capacity as depositary for the International Covenant on Civil and Political Rights, that a State of National Safety had been declared. On 13 June 2011, Bahrain notified the UN Secretary General of the decision to terminate the State of National Safety.

128. The Commander-in-Chief of the Bahrain Defence Force (BDF) was authorised "to maintain the integrity of the country aimed at ensuring public safety of individuals with full respect for their rights and to quickly secure control of the situation."[197] The exercise of BDF authority was to be through "written orders" and could be delegated to other officials under specified conditions and constraints.[198] The BDF Commander-in-Chief proceeded to delegate the authority to issue arrest, search and seizure warrants to the Military Attorney-General.[199]

129. Article 5 of Royal Decree No. 18 of 2011 listed the measures that authorities empowered to implement the decree were permitted to undertake. These measures were as follows:

(1) Evacuate or isolate certain areas to maintain security and public order;

(2) Regulate and ban public gatherings if they are deemed to be a threat to public order or national safety;

(3) Regulate traffic and movement, impose curfews and places limits on travel outside the Kingdom whenever this is for the benefit of the citizens;

(4) Temporarily regulate access to certain areas whenever it is in the public interest;

[197] Royal Decree No. 18 of 2011, art 4.
[198] Royal Decree No. 18 of 2011, art 4.
[199] Decision No. 8 of 2011, issued 17 March 2011 on Authorising the Military Attorney-General to Issue Arrest Warrants [on file with the Commission] and Decision No. 9 of 17 March 2011 on Authorising the Military Attorney-General to Issue Warrants to Search Persons and Places [on file with the Commission].

(5) Organise opening and closing times for shops and public places whenever required by the public interest;

(6) "Search persons and places when suspicions exist of a violation of the provisions of this Decree or the decision or orders issued by the authority responsible for its implementation";

(7) If an alien is deemed a threat to public security and safety or citizen, they may be deported or prohibited from entering the Kingdom;

(8) If evidence arises that an association, club, union or other legal person is undertaking activity that disturbs public order, or working in the interest of a foreign State, or spreading a spirit of disunity among the citizens to cause disorder or disobedience in the Kingdom, its activity may be suspended;

(9) If it appears that some of the printed, audio or visual media or informational networks would prejudice national security or undermine the Constitution, social or economic order of the Kingdom, it may be seized and denied publication or broadcast;

(10) Regulate means of transport by land, sea and air and use them temporarily, provided that the owners and users of these means of transport are fairly compensated;

(11) "Arrest and detain suspects and persons deemed threatening to the security of citizens"; and

(12) Withdraw Bahraini citizenship from all those whose presence is deemed to be a risk to public order and security and expel them from the country or detain them at secure locations.

130. Royal Decree No. 18 of 2011 created a two-tiered National Safety Court. The lower court is called the Primary Court of National Safety.[200] The National Safety Appellate Court receives appeals filed by both convicted persons and the Military Prosecution against the judgments of the Primary Court of National Safety.[201] Both these courts are composed of a presiding military judge and two civilian judges.[202] The Military Prosecution was charged with undertaking pre-trial investigations and administering trial procedures before the National Security Courts.[203]

131. Pursuant to article 7 of Royal Decree No. 18 of 2011, the National Safety Courts were granted jurisdiction over the following three categories of crimes:

[200] Royal Decree No. 18 of 2011, art 8.
[201] Royal Decree No. 18 of 2011, art 9.
[202] Memorandum on the National Safety Courts submitted to the Commission by the Public Prosecution [on file with the Commission].
[203] Royal Decree No. 18 of 2011, art 7.

a. Crimes that led to the declaration of a State of National Safety

This category includes those acts committed prior to the declaration of a State of National Safety and related directly to the reasons and circumstances that compelled the Government of Bahrain to declare a State of National Safety.[204]

b. Crimes committed in violation of the decisions and orders issued by the authority charged with implementing the national safety measures

This category includes any acts committed in violation of the orders of the authorities charged with implementing the national safety measures listed in article 5 of Royal Decree 18 (2011).[205]

c. Crimes transferred to the National Safety Courts

The BDF Commander-in-Chief issued a directive to transfer the following crimes to the jurisdiction of the National Safety Courts:

i. Crimes stipulated in articles 220, 221, 333 and from 336 to 340 of the Bahrain Penal Code if the assault is against a public official or those acting in that capacity and if such assault occurs while the person is on duty;

ii. Crimes committed in violation of the Explosives, Weapons and Ordnances Code;

iii. Crimes committed in violation of the Code on the Protection of Society from Terrorism;

iv. Crimes committed in violation of the Code Regulating Public Gatherings, Assemblies and Marches; and

v. Crimes committed in violation of the Penal Code that relate to the foreign or local security of the State.

132. According to article 10 of Royal Decree No. 18 of 2011, the Code of Criminal Procedure shall govern the process of gathering evidence and shall apply during pre-trial investigations, at the initiation of trials, the notifications of trials, during trial procedures and the execution of sentences. This article states, however, that the Code of Criminal Procedure shall be applied "without prejudice to the provisions" of Royal Decree No. 18 of 2011.

133. Article 11 of Royal Decree No. 18 of 2011 stipulated that the judgments of the National Safety Courts are final and shall not be subject to appeal. In the following months, however, a number of Royal Decrees were issued to allow for the appeal from judgments of the National Safety Courts.

[204] A review of the charges made against defendants brought before the National Safety Courts reveals that this category includes crimes that affect the foreign and local security of the State and crimes of murder, kidnapping, terrorism, assault against the bodily integrity of others and crimes involving the use of explosives and ordnances.

[205] An example of these crimes is violating the terms of the curfew imposed by the Government of Bahrain on certain areas of Manama after 15 March 2011.

First, Royal Decree No. 48 of 2011 obligated the Court of Cassation to review all death sentences issued by the National Security Courts. If the Court of Cassation decides to repeal the judgment it automatically reviews the entire case *de novo*. Subsequently, Royal Decree No. 62 of 2011 was issued to transfer all cases and appeals that had not yet been adjudicated by the National Safety Courts to the ordinary courts.

134. On 18 August 2011, however, Royal Decree Law No. 28 of 2011 revised Royal Decree No. 62 of 2011 by stipulating that the National Safety Courts shall continue to hear cases involving felonies in which proceedings had already begun.[206] Royal Decree Law No. 28 also affirmed the transfer to ordinary courts of cases involving misdemeanours that the National Safety Courts had not yet adjudicated.[207] In addition, Decree Law No. 28 allowed convicted persons and the Public Prosecution to appeal judgments adopted by the National Safety Appellate Court to the Court of Cassation. If the Court of Cassation repeals the judgement of the National Safety Appellate Court and if the case concerns a felony charge, then the case is re-examined by the Supreme Criminal Court of Appeals. For misdemeanours, the case is re-examined by the High Criminal Court.[208]

G. Agencies of the Government of Bahrain Responsible for the Implementation of Royal Decree No. 18 of 2011

135. Four government organs were primarily involved in implementing the various measures stipulated in Royal Decree No. 18 of 2011. These are the BDF, the Ministry of Interior (MoI), the National Security Agency (NSA) and the National Guard. Each of these organs was given responsibility for particular tasks.

136. In order to understand the events of February and March 2011, it is therefore necessary to understand the organisational structure of these agencies, their command and control systems and their *modus operandi* applied during the implementation of the measures undertaken during the application of the State of National Safety.

1. The Bahrain Defence Force (BDF)

137. The BDF is the principal armed force in Bahrain. It is composed of three main branches: the army, air force and navy. In addition, the BDF Royal Medical Corps provides medical services to military personnel and civilians.

138. The BDF is governed by Royal Decree Law No. 32 of 2002, which outlines its organisational structure, mandate and command and control mechanisms. The King is the Commander-in-Chief of the BDF and has authority to order the BDF to undertake operations inside and outside Bahrain.[209] The Commander-in-Chief of the BDF, a position currently held

[206] Royal Decree Law No. 62 of 2011, art 2.
[207] Royal Decree Law No. 62 of 2011, art 1.
[208] Royal Decree Law No. 62 of 2011, art 3.
[209] Royal Decree Law No. 32 of 2002, art 3.

by Field Marshal Sheikh Khalifa bin Ahmed Al Khalifa, is the officer in charge of executing orders issued by the King and implementing the policies and strategies of the BDF. The BDF Commander-in-Chief reports directly to the King.[210]

139. According to article 16 of Royal Decree Law No. 32 of 2002, the BDF is mandated to defend Bahrain against foreign aggression, to aid in protecting the legitimate ruling authority and the supremacy of the Constitution and to assist the Public Security Forces and the National Guard in maintaining security, order and the rule of law.

140. Defence policy in Bahrain is determined by the Supreme Defence Council, an organ established pursuant to Emiri Decree No. 24 of 1973. The composition of the Supreme Defence Council has been amended on a number of occasions.[211]

141. In 2002, the Military Penal Code was promulgated pursuant to Royal Decree Law No. 34 of 2002.[212] According to article 6 of the Military Penal Code, the Military Justice Corps is composed of the Military Courts and the Military Prosecution. The Military Prosecution is headed by the Military Attorney-General, an office currently held by Colonel Dr Yusuf Rashed Felaifel, and is responsible for initiating and undertaking trial procedures before Military Courts, in addition to overseeing the administration of military detention facilities.

142. The BDF was one of the main organs involved in the implementation of Royal Decree No. 18 of 2011 pursuant to which the State of National Safety was declared in Bahrain. As noted above, the BDF Commander-in-Chief was authorised by the King to oversee the implementation of this decree by all the agencies of the Government of Bahrain. BDF operations during the State of National Safety can be divided into two main categories. The first of these included a broad range of field operations executed by military units, such as assisting MoI forces during the first clearing of the GCC Roundabout, overseeing the second clearing operation of the roundabout, enforcing a curfew in certain areas of Manama, protecting vital locations and manning security checkpoints.

143. The second category of missions that the BDF executed related to certain legal and judicial aspects of the implementation of Royal Decree No. 18 of 2011. Specifically, as discussed above, the Military Prosecution was responsible for issuing arrest, search and seizure warrants for individuals suspected of committing crimes related to the events in Bahrain during the application of the State of National Safety. While most of these arrest warrants were executed by either the MoI or the NSA, BDF units holding law enforcement powers executed arrest warrants against some individuals, including doctors employed by the Salmaniya Medical Complex (SMC) and former parliamentarians. In addition to those individuals, BDF field units

[210] Royal Decree Law No. 32 of 2002, art 6.
[211] See Royal Order No. 2 of 2006, and Royal Order No. 26 of 2008.
[212] See Chapter III(E)(2) on the Military Penal Code.

arrested a number of people at military checkpoints. A total of 100 persons were arrested by BDF personnel. The Military Prosecution was responsible for investigating and questioning suspects arrested pursuant to Royal Decree No. 18 of 2011 and for initiating criminal proceedings before the National Safety Courts. The Military Prosecution is also responsible for overseeing the appropriateness of the circumstances of detention in the Military Corrections Facility in Al Qurain.

2. The Ministry of Interior

144. The MoI is the main organ responsible for the maintenance of order and security in Bahrain. The MoI is governed by a number of laws and regulations, the most important of which is Emiri Decree Law No. 3 of 1982 on the Organisation of the Public Security Forces. According to Decree Law No. 3, the Public Security Forces are a "regular armed service within the Ministry of Interior that is responsible for the maintenance of public order, security and morals inside Bahrain, and the protection of lives, persons and property."[213]

145. The organisational structure of the MoI has been revised on a number of occasions. The current structure is based on Royal Decree No. 69 of 2004, which was amended a number of times thereafter. According to Emiri Decree Law No. 3 of 1982, Royal Decree No. 69 of 2004 and other applicable legislation, the MoI is headed by the Minister of Interior, an office currently held by Lieutenant General Sheikh Rashed bin Abdulla Al Khalifa. A number of division chiefs report directly to the Minister of Interior, the most important of whom is the Commander of the Public Security Forces. The Public Security Forces, as noted above, are the principal law enforcement arm of the MoI. The other MoI divisions that report to the Minister of Interior are the General Directorate of Criminal Investigations and Forensic Evidence (CID), the General Directorate for Nationality, Passports and Residency, the Customs Directorate, the Inspector General and the Undersecretary of the Ministry of Interior.

146. Of the various MoI divisions, two are particularly relevant to the events of February and March 2011. These are the Public Security Forces (PSF) and the CID. The PSF are commanded by General Tarek Mubarak bin Dayna and include all MoI field units responsible for maintaining order and security in Bahrain. The following units and departments are among those that report directly to the PSF command: (1) the police departments of the five governorates of Bahrain (Manama, Muharraq, Shamaliyah, Janubiyah and Wusta); the Special Forces Department; the Special Protections Department; the Counter Terrorism Centre; the Traffic Police; the Operations Department; and the Coast Guard.

147. Units of the PSF were involved to a significant extent in the events of February and March 2011. Specifically, PSF units undertook riot control operations throughout Bahrain. Most PSF personnel were equipped with body

[213] Emiri Decree Law No. 3 of 1982, art 1.

armour, shields, batons, sound bombs, tear gas and shotguns. On a number of occasions, riot control units also deployed water cannons mounted on armoured vehicles. PSF units took the lead in executing both the first and second clearing operations at the GCC Roundabout and confronted demonstrators in various locations in the vicinity of the roundabout, such as the Bahrain Financial Harbour. Arrests, searches and seizures under MoI authority were also executed by the PSF. In addition, PSF units undertook patrol missions in all areas of Bahrain. Persons who were detained by PSF units were usually transferred either to the local police departments, which as noted also report to the PSF commander.

148. It has been established that the PSF, including both riot control units and special forces, took part in joint arrest, search and seizure operations with other government agencies. In most of these joint operations, PSF units were ordered to assist NSA agents as they executed arrest warrants issued by the BDF Military Prosecutor. The role performed by PSF units was usually to provide perimeter security to the NSA agents and to assist them in the event that the suspect resisted arrest or attempted to escape. In some instances, BDF units also participated in these operations.

149. The other significant MoI department as relevant to the present Report is the CID. The CID includes a number of units that specialise in operations against specific criminal activity, such as narcotics and economic crimes. The CID contains a Criminal Investigations Unit and a Forensic Evidence Department, both of which were active during the events of February and March 2011. The latter was responsible for evaluating evidence from crime scenes, while the former was involved in gathering information on demonstrations and protests and in questioning detainees about their participation in these and other events. The Commission received a significant number of allegations of mistreatment during interrogation by the CID.

3. The National Security Agency

150. The NSA was established by Royal Decree No. 14 of 2002, which amended Emiri Decree No. 29 of 1996 on the Organisation of the MoI. Pursuant to Royal Decree No. 14, the General Directorate of State Security, which operated under the MoI, was replaced by the NSA.[214] The NSA is headed by a director, currently Sheikh Khalifa bin Abdulla Al Khalifa, whose rank is equivalent to a cabinet minister.[215] According to its governing law, the NSA reports to the Prime Minister, HRH Prince Khalifa bin Salman Al Khalifa.[216]

151. The NSA is essentially an internal intelligence and counter-espionage agency. According to its mandate, the agency is required "to detect and uncover all activities that undermine the national security of the Kingdom, its institutions and its regime, or that threaten the security and stability of the

[214] Royal Decree No. 14 of 2002, art 1.
[215] Royal Decree No. 14 of 2002, art 3.
[216] Royal Decree No. 14 of 2002, art 2.

nation, or its interests or accomplishments. The agency may also prepare the requisite security plans to face any security threats in normal and exceptional circumstances in cooperation with other government agencies."[217]

152. In 2008, Royal Decree No. 117 of 2008 was issued to amend and expand the mandate and powers of the NSA. Specifically, article 5 of Royal Decree No. 117 granted NSA agents law enforcement powers in relation to crimes within the jurisdiction of the agency, which meant that NSA operations expanded beyond the bounds of an intelligence and information gathering agency. Under Royal Decree No. 117 of 2008, the NSA can carry out arrest, search and seizure operations, and it has power to detain and question suspects.

153. During the events of February and March 2011, the NSA performed a variety of roles. Available information indicates that prior to the declaration of the State of National Safety, the NSA was responsible for gathering intelligence information and analysing the unfolding situation in Bahrain. The NSA also monitored the activities of individuals and groups thought to constitute a threat to national security, in addition to evaluating threats of foreign intervention in Bahrain and proposing responses to any such threats. The NSA did not arrest any individuals during the period 14 February - 15 March 2011.

154. After the promulgation of Royal Decree No. 18 of 2011, the NSA expanded its operations to include the execution of arrest, search and seizure warrants issued by the BDF Military Prosecutor. The NSA arrested 179 individuals pursuant to arrest warrants issued by the BDF Military Prosecutor. The persons arrested, who included leading political opposition figures and individuals allegedly implicated in espionage activities on behalf of a foreign country, were questioned by NSA agents. During the execution of most of these arrest warrants, NSA agents were accompanied by PSF units and at times BDF personnel for the purposes of perimeter security and to protect the NSA agents. These armed units also assisted NSA agents in cases where the suspect resisted arrest.

155. In addition, under their law enforcement powers, NSA agents arrested 42 individuals pursuant to articles 55, 56 and 57 of the Code of Criminal Procedure, which allow for the arrest of individuals without a warrant for 48 hours in certain circumstances.[218]

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[217] Royal Decree No. 14 of 2002, art 4.

[218] Article 55 of the Bahrain Code of Criminal Procedure provides as follows: "Law enforcement officials may arrest individuals who are caught *in flagrante delicto* committing a felony or misdemeanour punishable by over three months imprisonment if sufficient evidence is available to press charges against that individual."

Article 56 of the Bahrain Code of Criminal Procedure provides as follows: "In situations not covered by the previous provision, if sufficient evidence is available to charge a person with committing a felony, or the misdemeanours of theft, fraud, aggravated assault or the possession of narcotics in a manner not sanctioned by the law, law enforcement officials may arrest that person."

Article 57 of the Bahrain Code of Criminal Procedure provides as follows: "Law enforcement officials must immediately hear the testimony of arrested individuals. If the arrested

156. Commission investigations also indicated that plain clothed NSA agents were active during the first and second clearing operations at the GCC Roundabout.

4. The National Guard

157. The National Guard was established in 1997 pursuant to Emiri Order No. 1 of 1997 and is governed by Emiri Decree Law No. 20 of 2000. According to Emiri Decree Law No. 20, the National Guard is a regular independent military armed force, which "acts as a strategic military depth to the Bahrain Defence Force and a security shield to the Public Security Forces to defend the nation and protect its security, stability and territory."[219]

158. The National Guard is composed of three brigades, each of which comprises around 400 personnel. Given the relatively smaller size of the National Guard compared to other armed services, its role in normal times is limited to securing certain important facilities and patrolling specific areas, most of which are situated in the south of Bahrain.

159. In the weeks preceding the outbreak of demonstrations in Bahrain, the National Guard was ordered to undertake additional tasks, most of which related to providing security to a number of important sites and locations. For example, the National Guard provided perimeter security to the Juw and Al-Hid Prisons in February 2011. National Guard units were also ordered to assist in the protection of the premises of both the Council of Representatives and the Council of Ministers at various times after the beginning of demonstrations on 14 February 2011.

160. Following the declaration of the State of National Safety on 15 March 2011, the National Guard was ordered to expand its operation to include protecting the premises of various government agencies and important locations throughout Bahrain. Among other tasks, it secured and sealed the GCC Roundabout, which was renamed Farouk Juncture after the events of February and March 2011, and providing perimeter security to SMC. One National Guard brigade also provided rear protection to the MoI and BDF units executing the second clearing operation at the GCC Roundabout.

161. The National Guard was not ordered to execute any arrest, search or seizure operations. National Guard units manning field checkpoints did, however, arrest 103 individuals who violated the terms of the curfew imposed in parts of Manama following the declaration of the State of National Safety. Those individuals were transferred to the closest police station upon arrest.

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individual fails to refute the charges made, that person must be transferred to the Public Prosecution within 48 hours. The Public Prosecution must question that individual within 24 hours, after which it must either order that the person be detained or released."

[219] Emiri Decree Law No. 20 of 2000, art 2.

H. The Interpretation and Implementation of Royal Decree No. 18 of 2011

162. The present Section considers how Royal Decree No. 18 of 2011 was applied in practice. This includes examining how the various government agencies involved in implementing the measures stipulated in the decree coordinated their activities, how law enforcement authorities interpreted relevant provisions of the decree and how operations undertaken by government organs during the State of National Safety were conducted.

1. The Interpretation of Royal Decree No. 18 of 2011

163. According to the Constitution of Bahrain, the King may resort to two categories of exceptional measures in times of emergency. The first option is to declare a State of National Safety, while the second is to apply Martial Law.[220] The resort to either of these measures must be through a Royal Decree and does not require the consent of the National Assembly, except to extend the application of either of those measures beyond an initial period of three months.[221]

164. The text of the Constitution does not stipulate the circumstances in which the Government can declare a State of National Safety. Furthermore, the Constitution is silent on the exact measures that may be taken by the GoB during a declared State of National Safety. The explanatory memorandum attached to the Constitution does, however, clarify some of the powers enjoyed by the King during times of National Safety. The memorandum states that measures can be taken "within the limits of what is necessary to face the exceptional circumstances" and that restrictions "on individual rights and freedoms must be less than those applied in cases of Martial Law." The memorandum also states that the King may "issue, pursuant to a Royal Decree, orders that may be necessary under the circumstances for the purposes of defending the Kingdom, even if those orders violate applicable laws."

165. Outside these general statements, there is no statute that identifies the measures that may be taken by the Government during a declared State of National Safety. Conversely, the declaration and application of Martial Law is governed by Emiri Decree Law No. 28 of 1981, which details the measures that may be implemented in these situations.

166. Therefore, once the King had declared a State of National Safety on 15 March 2011, the agencies charged with implementing the provisions of Royal Decree No. 18 of 2011 were faced with a legislative lacuna. In the absence of any codes governing the application of the State of National Safety, these government bodies were compelled to develop interpretations of Royal Decree No. 18 of 2011 and to identify and ascertain the powers that they possess pursuant to that decree. Commission investigations and

[220] Constitution of Bahrain, art 36(b).
[221] Constitution of Bahrain, art 36(b).

discussions with the government agencies revealed that a variety of laws were either applied or referred to during the State of National Safety. The result was that a number of legal frameworks were developed which were simultaneously applicable during the period in which Royal Decree No. 18 of 2011 was in force.

167. An examination of the procedures governing arrests and detention periods provides an illustrative and illuminating clarification as to how the Government interpreted and applied Royal Decree No. 18 of 2011.[222] As discussed above, during the application of the State of National Safety, the Military Prosecution was charged with issuing arrest warrants for individuals who were deemed to pose a threat to public order or suspected of violating the provisions of the Royal Decree. Therefore, warrants were issued which permitted the NSA to arrest certain individuals, many of whom were high-profile political figures. Despite the fact that this was the procedure governing arrests, the NSA and other agencies continued to exercise their powers pursuant to articles 55, 56 and 57 of the Code of Criminal Procedure. In other words, although Royal Decree No. 18 of 2011 required law enforcement agencies to arrest individuals pursuant to arrest warrants issued by the Military Prosecution, in reality these agencies continued concurrently to exercise their powers pursuant to other laws, such as the Code of Criminal Procedure.

168. The question of extending detention periods for the purpose of interrogation further reveals the methods of operation of Bahrain security organs during the application of the State of National Safety.[223] Article 10 of Royal Decree No. 18 of 2011 states that the Code of Criminal Procedure shall be applicable during pre-trial investigations, prosecutorial investigations and trial procedures. Commission investigations revealed, however, that the periods spent by detainees under interrogation by security agencies exceeded the limits stipulated by the Code of Criminal Procedure. The pertinent government agencies, particularly the Military Prosecution and the NSA, justified this by contending that article 5(11) of Royal Decree No. 18 of 2011 did not prescribe any temporal limits on detention periods.[224] Therefore, according to the Government, individuals may be detained without referral to a judicial authority for unlimited periods of time as long as the State of National Safety was in force.

169. The effect of this interpretation of Royal Decree No. 18 of 2011 is that the Code of Criminal Procedure was effectively deactivated insofar as it relates to limitations on detention periods. The Code of Criminal Procedure was reactivated only once detainees were transferred to the Military Prosecution for investigation. Furthermore, despite the fact that the explanatory memorandum attached to the Constitution states that measures undertaken pursuant to a State of National Safety must be less restrictive than those implemented during the application of Martial Law, in reality Royal Decree No. 18 of 2011 was interpreted in a manner that granted government

[222] See Chapter VI, Section C on the Manner of Arrests.
[223] See Chapter VI, Section C on the Manner of Arrests.
[224] Article 5(11) states that the authorities implementing Royal Decree No. 18 of 2011 may "[a]rrest and detain suspects and persons deemed threatening to the security of citizens."

agencies powers that exceed those stipulated in Emiri Decree No. 27 of 1981 on the Application of Martial Law. This was particularly evident in relation to the authority to indefinitely detain individuals without recourse to a judicial authority.[225]

2. The Implementation of Royal Decree No. 18 of 2011

170. Upon the promulgation of Royal Decree No. 18 of 2011, a National Safety Council (NSC) was established to oversee the implementation of the measures stipulated therein. The BDF Commander-in-Chief presided over this body in his capacity as the officer assigned the responsibility of maintaining order in Bahrain pursuant to Royal Decree No. 18 of 2011.

171. The NSC was composed of the following officials:

a. The Minister of Interior;

b. The Deputy Prime Minister Sheikh Khaled bin Abdulla Al Khalifa;

c. The Minister of State for Defence;

d. The Director of the NSA;

e. The Commander of the National Guard; and

f. The BDF Chief of Staff.

In addition, advisers to these officials and officers from various government agencies participated in meetings held by the NSC.

172. Throughout the period during which a State of National Safety was in force, the NSC acted as a forum for information-sharing and coordination between the agencies involved in implementing the measures prescribed in Royal Decree No. 18 of 2011. The NSC held a total of 12 meetings between 16 March and 30 May 2011. During these meetings, which usually convened on a weekly basis, each of the participating agencies presented its evaluation of the unfolding situation in Bahrain, briefed the other agencies on the measures it had undertaken and outlined its proposals regarding future measures that should be taken to restore order in the country. At the conclusion of these NSC meetings, specific tasks and missions were assigned for execution by these agencies either unilaterally or jointly with other government bodies.

[225] For example, article 5 of Emiri Decree No. 27 of 1981 obligates the government agency executing arrests to refer detainees to the Lower State Security Court within 10 days of arrest. The judge may order the release of the detainee on bail, or may extend detention periods indefinitely. This article also grants individuals detained pursuant to a judicial order the right to appeal their detention before a judicial authority 30 days after the beginning of detention. If that appeal is rejected, the detainee enjoys the right to resubmit further appeals every 30 days. None of these procedural guarantees, especially the right to appear before a judicial authority, are included in Royal Decree No. 18 of 2011 pursuant to which a State of National Safety was declared in Bahrain.

173. One example of a mission that was executed by each of these agencies independently was the setting up and manning of field checkpoints in various areas of Bahrain. These checkpoints, particularly those operated by BDF units, were the scene of a number of killings that occurred during the period under investigation by the Commission. These cases are discussed in detail in the present Report under Chapter VI, Section A on Deaths Arising out of the Events. In addition, many individuals were arrested at these checkpoints on charges that included violating a curfew, undermining public order and entering a prohibited area. The information provided by the MoI, BDF and National Guard confirms that there was no unified system of command and control of the checkpoints and that each checkpoint therefore remained under the separate command and control of the respective government agency.

174. The Commission also identified cases of arrest operations that were executed unilaterally by some security agencies, including the NSA and the BDF. For example, the BDF undertook unilateral arrests of individuals, including former members of the Council of Representatives and SMC medical staff.

175. There were numerous cases of operations undertaken jointly by the agencies tasked with implementing national safety measures. For example, the second clearing of the GCC Roundabout, which occurred on 16 March 2011, was a joint operation in which units from the MoI, BDF and National Guard were involved, albeit in different roles. This operation was executed under the direction and supervision of the BDF Commander-in-Chief.

176. Another example of these joint operations is the joint arrest, search and seizure operations that were undertaken by security agencies and military units of the Government. While a detailed description of these operations and an analysis of their legality is included in Chapter VI, Section C on the Manner of Arrests, it should be noted here that during most of these operations armed units from the MoI and BDF escorted teams from the NSA to execute arrest warrants. In most cases, these armed units were deployed to provide perimeter security while NSA teams arrested the suspects. During some of these operations, the armed security and military units dispatched to support the NSA personnel participated in entering and searching residences and seizing the suspects. The Commission was unable to identify the existence of any unified rules of engagement, standard operating procedures or standing orders that were issued to govern the execution of these operations and that applied to all the participating agencies. It is likely that these operations were undertaken after security and/or intelligence agencies identified persons suspected of constituting a threat to national security. Consequently, warrants were issued either by the BDF Commander-in-Chief or the Military Attorney-General to arrest such persons. Thereafter, a determination was made as to the nature of the units that were needed to undertake the arrest. In some cases, units from one agency, such as the MoI, NSA or BDF, were dispatched to execute the arrest. In other cases, where a determination was made that a greater armed presence was necessary, joint units were deployed to provide greater security.

177. The information available to the Commission indicates that each of the government agencies participating in the implementation of Royal Decree No. 18 of 2011 maintained control over units under its command. Situation evaluations and operational plans were prepared by each agency independently and then shared with other agencies for coordination and consultation purposes. It is evident that the general contours of the missions, tasks and operations to be undertaken by the various government agencies were discussed and agreed at the NSC. However, the deployment orders were issued to the units and personnel of the various agencies from their commanding officers, who also oversaw the execution of those orders and reported to the heads of their respective agencies. The heads of those agencies would then brief other members on the implementation of the tasks assigned to their agencies during the weekly NSC meetings. Day-to-day coordination also occurred between these government agencies at the operational level, especially during the execution of joint/multi-agency operations. Nonetheless, the armed units and security agents of the BDF, MoI, NSA and National Guard remained under the direct control of the heads of those agencies and the field commanders overseeing operations. There is little evidence to suggest that there existed a unified command and control structure that encompassed and unified the relevant agencies of the Government.

3. Challenges to the Constitutionality of Royal Decree No. 18 of 2011

178. A significant number of defendants appearing before the National Safety Courts raised questions challenging the constitutionality of Royal Decree No. 18 of 2011. The National Safety Courts refused all requests to refer this decree to the Supreme Constitutional Court for review. The present Section summarises the constitutional arguments and concludes with the observations of the Commission on this matter.

179. According to the Constitution of Bahrain, the King exercises his powers and prerogatives through four legal mechanisms. These are Special Royal Decrees of a Constitutional Nature,[226] Royal Decree Laws,[227] Decrees[228] and Royal Orders.[229]

[226] Special Royal Decrees of a Constitutional Nature may only be issued to address the regulations governing the process of succession to the Throne of the Kingdom of Bahrain.

[227] Royal Decree Laws can be issued in two circumstances. The first, identified in Article 38 of the Constitution of Bahrain, allows the King to issue Decree Laws when circumstances requiring immediate action arise when the legislature is not in session or when the Chamber of Deputies is disbanded. According to article 87 of the Constitution, Royal Decree Laws can also be issued when the two chambers of the National Assembly are unable to reach a decision within 15 days on an urgent matter relating to economic or fiscal issues.

[228] The King is authorised to take the following measure by a Decree: appointing and dismissing ministers (art 33); declaring a defensive war (art 36); declaring a State of National Safety (art 36); concluding international treaties (art 37), issuing statutory and administrative regulations (art 39) and repealing and mitigating court sentences (art 41).

[229] Matters that may be regulated by a Royal Order include appointing the Prime Minister, members of the Consultative Council and judges (art 33). In addition, Royal Orders may be issued to regulate the operations of the Royal Court, open and close the sessions of the

180. A State of National Safety was declared in Bahrain pursuant to Royal Decree No. 18 of 2011 of 15 March 2011. This was undertaken in accordance with article 36(b) of the Constitution of Bahrain, which provides that in order to declare a State of National Safety, there must be issued a Royal Decree, which, as a matter of law, carries lesser value than a law passed by the National Assembly or a Royal Decree Law.[230]

181. Article 31 of the Constitution places a blanket obligation on the GoB not to regulate the practice of any of the basic human rights or fundamental freedoms enshrined in the Constitution except by means of a law. In addition, many other provisions relating to a variety of civil and political rights forbid placing any restriction on the enjoyment of these rights except by means of a law.

182. Defendants have referred to constitutional provisions, including article 31, in arguing that despite being of lesser legal value than an act of law, Royal Decree No. 18 of 2011 allowed certain measures to be taken that imposed restrictions on the enjoyment of basic human rights and fundamental freedoms. The measures under Royal Decree No. 18 of 2011 to which the defendants drew attention are as follows:

a. Searching individuals and places upon suspicion of violating the provisions of Royal Decree No. 18 of 2011 on the Declaration of a State of National Safety.[231] This was argued to contravene articles 19(b) and 25 of the Constitution, which respectively prohibit the searching of individuals and the entry and search of private homes except in accordance with an act of law.

b. Arresting and detaining suspects and individuals deemed to be a threat to the security of citizens.[232] This was also argued to contravene article 19(b) of the Constitution prohibiting the arrest, detention or restriction of liberty of individuals except in accordance with the law and under judicial supervision.

c. Article 5(12) of Royal Decree No. 18 of 2011 allowing authorities to revoke Bahraini citizenship from any individual deemed a threat to public order and security, to exile them from the country or to detain them in a secure location. This was argued to violate article 17 of the Constitution, which provides: "Bahraini nationality shall be determined by law. A

National Assembly (art 42) and disband and reconstitute the Chamber of Deputies (arts 42 and 64).

[230] The explanatory memorandum appended to the Constitution states that when declaring a State of National Safety, the King may issue orders contravening laws in force. This power is not prescribed in the text of the Constitution, but only appears in the appended memorandum. A question arises whether it is proper for an interpretative memorandum to bestow such an authority on the King, as it would appear to amend, alter or add to the provisions of the Constitution itself. On the legal value of the appended memorandum, see Introductory Note by HM King Hamad bin Issa Al Khalifa to the 2002 constitutional amendments.

[231] Royal Decree No. 18 of 2011, art 5(6).

[232] Royal Decree No. 18 of 2011, art 5(11).

person inherently enjoying his Bahraini nationality cannot be stripped of his nationality except in case of treason and other cases as prescribed by law."

d. The criminalisation, pursuant to article 6 of Royal Decree No. 18 of 2011, of any breaches of the orders issued by the authorities charged with implementing the Royal Decree. This was said to contravene article 20(a) of the Constitution, which enshrines the principle that there can be no crime committed, and no punishment, unless there was a violation of the law as it existed at the time of the alleged offence (*nullum crimen, nulla poena sine lege*), one of the central tenets of criminal justice.

e. The establishment of the National Safety Courts and the appointment of judges to those courts by the BDF Commander-in-Chief.[233] This was said to violate article 105 of the Constitution, which provides that the regulation of courts and their jurisdiction shall be pursuant to a law.

f. The expropriation of private property used in the commission of crimes.[234] This was said to violate article 9(d) of the Constitution, which provides that "public expropriation of property is prohibited, and private expropriation shall be a penalty only by a judicial ruling in the cases prescribed by law."

183. Questions have also been raised as to whether Royal Decree No. 18 of 2011 conforms to the spirit of the Constitution insofar as the latter envisions that measures undertaken during a State of National Safety would be less restrictive than those under Martial Law.[235] Individuals advancing this argument have pointed to provisions of Royal Decree No. 18 of 2011 that mirror the measures stipulated in Emiri Decree Law No. 27 of 1982 on the Application of Martial Law,[236] and other provisions that appear to grant

[233] Royal Decree No. 18 of 2011, arts 7, 8 and 9.

[234] Royal Decree No. 18 of 2011, art 14.

[235] The is affirmed by the text of the explanatory memorandum appended to the Constitution, which states that the principal difference between Martial Law and a State of National Safety is that during the latter, restrictions "on individual rights and freedoms must be less than those applied in cases of Martial Law."

[236] Examples of the similarities between Royal Decree No. 18 of 2011 and Emiri Decree Law No. 27 of 1982 include the following:

1. The 12 measures prescribed in article 5 of Royal Decree No. 18 of 2011 are almost identical to those stipulated in article 3 of Emiri Decree Law No. 27 of 1981. The only measure included in the latter statute but not prescribed in Royal Decree No. 18 of 2011 is the authority to subject individuals to forced labour.
2. The authorities charged with implementing Royal Decree No. 18 of 2011 are identical to those responsible for enforcing a State of Martial Law, namely the BDF and PSF.

government authorities powers and prerogatives even greater than those granted under the Martial Law decree.[237]

184. In light of the above, the Commission recommends that the constitutionality of Royal Decree No. 18 of 2011 on the Declaration of a State of National Safety be reviewed by the Supreme Constitutional Court.

185. The Commission also recommends that the legislative lacuna caused by the absence of a statute stipulating and regulating the measures to be undertaken during the application of a State of National Safety be addressed by the passing of a statute on the matter, provided that such a statute remains within the bounds of the Constitution and the international legal obligations of Bahrain.

[237] The powers set out under Royal Decree No. 18 of 2011 that exceed the powers granted pursuant to Emiri Decree Law No. 27 of 1981 are as follows:

1. The State Security Courts referred to in Emiri Decree Law No. 27 of 1981 are composed of judges from ordinary courts. In exceptional cases, the authorities responsible for enforcing martial law may appoint military judges to serve on these State Security Courts, which continue to be presided over by a civilian judge. The appointment of these judges is by consultation between the Ministers of Defence and Justice. The National Safety Courts, however, are presided over by a military judge, and their composition is decided by the BDF Commander-in-Chief without consultation with any civilian authorities.
2. Royal Decree No. 18 of 2011 assigned responsibility for initiating and overseeing criminal proceedings at the National Safety Courts to the Military Prosecution. There is no similar stipulation in Emiri Decree Law No. 27 of 1981.
3. Article 11 of Royal Decree No. 18 of 2011 states that the judgments of the National Safety Courts are final and may not be appealed. This is unlike article 12 of Emiri Decree Law No. 27 of 1981, which provides for the establishment of a specialised bureau that is headed by a Supreme Civil Appellate Court judge and includes a number of lawyers to review the judgments of the State Security Courts, ensure the proper administration of justice by these courts, and prepare a memorandum on these matters to the authorities charged with enforcing martial law before the judgments of these courts are ratified.

Chapter IV — Narrative of Events of February and March 2011

A. Introduction

186. Chapter IV provides a narrative of the events that occurred in Bahrain in February and March 2011, including the events that occurred at the GCC Roundabout. The Chapter is organised into daily accounts. Subsequent consequences arising from these events are covered in the remaining Chapters. Events that occurred at Salmaniya Medical Complex (SMC) are covered in Chapter V, for they raise issues related to a specific place with a unique public service status. In recounting the events, this Chapter also provides the broader context within which the events took place. There are, however, descriptions of events and analysis of context in other Chapters that are more specific and relevant to issues discussed therein.

B. Narrative of Events that Occurred in Bahrain in February and March 2011

January 2011

187. Starting in late January 2011, ideas began to circulate on a number of online forums and social networking platforms, such as Facebook and Twitter, which included calls for demonstrations to demand political, economic and social reform in Bahrain. These protests were designed to emulate the popular uprisings that had erupted first in Tunisia and then in Egypt, which ultimately led to the ousting of Presidents Zine El Abidine Ben Ali and Hosni Mubarak.

Early February 2011

188. A Facebook page called "February 14th Revolution in Bahrain" was established to call for mass protests throughout Bahrain on 14 February 2011. The page quickly gained popularity and several thousand people joined it. The date for the proposed demonstrations was chosen to coincide with both the tenth anniversary of the referendum on the National Action Charter, which was held on 14-15 February 2001, and the ninth anniversary of the day on which the current Constitution was promulgated and Bahrain was declared a constitutional monarchy.

189. A group calling itself "The Youth of the February 14th Revolution" issued a statement outlining a list of steps that, in their view, were necessary to achieve "change and radical reforms in the system of government and the management of Bahrain, the absence of which [had] caused continuous unease in the relationship between the people and the regime." The authors of this statement claimed to be unaffiliated with any political movement or organisation, and disavowed any religious, sectarian or ideological bases for their demands. They also emphasised that the demonstrations they intended to organise would be peaceful. The statement included the following demands:

a. Disband the National Assembly.

b. Abrogate the current Constitution and form a Constituent Assembly to draft a new constitution, which should stipulate the following:

   i. Legislative authority is vested in a parliament all the members of which must be elected;

   ii. Executive authority is exercised by an elected Prime Minister; and

   iii. Bahrain is a constitutional monarchy ruled by the Al Khalifa family. However, members of the Royal Family are barred from holding top positions in the three branches of government.

c. Release all political prisoners and human rights activists, and establish a national commission to investigate allegations of torture and harassment of those people and to hold the perpetrators accountable.

d. Guarantee freedom of expression, refrain from harassing journalists and bloggers, ensure freedom of the internet and State television, and end the intervention of government security agencies in the work of the media.

e. Ensure the independence and depoliticisation of the judiciary.

f. Establish a national commission to investigate claims of politically motivated naturalisation, and revoke the Bahraini citizenship of anyone who acquired it either for political purposes or in violation of the applicable laws.

190. Other statements outlining similar demands appeared on the internet and were circulated among Bahrainis. Unrecognised political movements, including Haq and the Bahrain Islamic Freedom Movement, issued statements in support of the planned protests. Later, on 13 February, the officially recognised political association Wa'ad issued a statement supporting the principle of the right of the youth to demonstrate peacefully. None of the other officially recognised political societies issued a statement explicitly calling for the protests.

Friday, 4 February 2011

191. During his Friday prayer sermon, which by some estimates was attended by 5,000 people, the Secretary General of the Al Wefaq National Islamic Society (Al Wefaq), Sheikh Ali Salman, is reported to have commented on the popular uprisings in Tunisia and Egypt. Sheikh Ali Salman affirmed that the people of the Arabian Gulf were as determined as the Tunisians and Egyptians to achieve change, and called for political reform that would ensure the stability of the constitutional monarchy in Bahrain while allowing for peaceful competition over executive power. These reforms, he said, would contribute to affirming the human dignity of every Bahraini.

Sheikh Ali Salman concluded his sermon by requesting that those intending to participate in a planned demonstration at the Egyptian Embassy should remain peaceful and refrain from attacking police.

192. The demonstration at the Egyptian Embassy was held to express support for the ongoing popular uprisings in Egypt, which eventually led to the ousting of President Hosni Mubarak on 11 February 2011.

193. The calls to organise demonstrations starting on 14 February and the ongoing popular protests in other Arab countries led the Ministry of Interior (MoI) to take precautionary measures in anticipation of any protests that might be organised in Bahrain. These steps included the following: increasing the preparedness of police units; deploying more patrols in various neighbourhoods; and heightening security at important locations such as government offices, diplomatic premises, banks, religious sites and public works facilities.

Friday, 11 February 2011

194. Leading Shia cleric Sheikh Issa Qassim delivered a Friday prayer sermon in which he reportedly discussed the ongoing popular unrest in Tunisia and Egypt and stated that the winds of change in the Arab world were unstoppable. In relation to Bahrain, Sheikh Issa Qassim reaffirmed the call to redraft the Constitution in accordance with the principles of a constitutional monarchy in which the government is elected by the people. He also called for efforts to combat crime, release political prisoners and end practices like torture, religious discrimination and harassment of activists.

195. Similarly, Sheikh Ali Salman dedicated his Friday prayer sermon at the Al-Sadek Mosque to discussing regional developments and their relevance to Bahrain. The sermon expressed the view that Bahrainis had voted in favour of the National Action Charter in 2001 because they aspired to establish a true constitutional monarchy in Bahrain. This aspiration, according to Sheikh Ali Salman, had not yet been achieved. This was seen, for example, in the reality that unlike other constitutional monarchies, the Prime Minister of Bahrain was from the Ruling Family. Sheikh Ali Salman also criticised the broad legislative powers granted to the unelected Majlis Al-Shura. These and other aspects of the Constitution were seen as contradicting the spirit of the National Action Charter. Sheikh Ali Salman declared that Al Wefaq's position regarding the call for popular protests on 14 February was that the right to demonstrate was legally guaranteed and should be exercised peacefully.

Saturday, 12 February 2011

196. Several limited incidents of unrest were reported in various parts of Bahrain. These included an attack against a police patrol in Al Dair, a small fire in Sahel Al-Bahr and an assault on a private vehicle in East Riffa.

197. His Majesty King Hamad bin Isa Al Khalifa issued a Royal Decree granting each Bahraini family a Royal bequest of 1,000 BD on the occasion of the tenth anniversary of the approval of the National Action Charter.

Sunday, 13 February 2011

198. Limited demonstrations were reported in a number of districts in Manama and in neighbouring villages. These included a rally of over 100 people in the Sabah Al Salem area and a similar gathering in the Karzakan neighbourhood. Some clashes occurred between riot control forces and protesters in various locations, including Sitra, Bani Jamra and Tashan, which led to minor injuries among both police and protesters. Among those injured in these confrontations was one person who sustained an injury caused by a rubber bullet.

199. No applications were made to obtain authorisation for any demonstrations as required by Emiri Decree Law No. 18 of 1973 on the Organisation of Public Meetings, Rallies and Assemblies.

Monday, 14 February 2011

200. Demonstrations and political rallies erupted throughout Bahrain. No applications were made for permission to demonstrate on 14 February. Nonetheless, police were deployed in various areas of Manama and neighbouring villages in anticipation of demonstrations. These protests varied in size and political orientation. Some were confined to specific locations in Manama and other cities, while others took the form of street marches and rallies that began in certain neighbourhoods and moved towards the main roads near those areas. The numbers of people participating in these protests ranged from tens of persons to over 1,000 persons. The total number of protesters participating in demonstrations throughout the country that day was estimated to be over 6,000. The slogans raised during these demonstrations varied, with some focusing on political grievances and others adopting socio-economic demands.

201. In anticipation of the potential injuries that could arise out of these demonstrations, the SMC administration declared a state of emergency in the hospital.

202. The earliest recorded demonstration began at 05:30 in Nuwaidrat. It was reported to have started at the Sheikh Ahmad Mosque and moved towards the main road. As the demonstration proceeded, the number of participants reached around 300. At this point, upon determining that the demonstration was unauthorised, riot police began taking measures to disperse the demonstrators. A number of demonstrators were wounded and one was hospitalised.

203. Meanwhile, around 30 people gathered at a roundabout in Nuwaidrat with posters calling for constitutional and political reform. Police did not confront these demonstrators.

204. As the day proceeded, protests increased in size and spread to various parts of Bahrain. Police continued to confront unauthorised demonstrations and attempted to disperse them. These included a gathering of around 150 people in Al Diraz, which clashed with police leading to the hospitalisation of three demonstrators. Similarly, one demonstrator was wounded when police blocked a rally of around 200 demonstrators in Sanabis. Demonstrations of varying sizes were also reported in other villages and neighbourhoods. These

included the following: 200 demonstrators in Sheikh Ali Salman Street; 40 demonstrators in Maqsha; 100 demonstrators in the vicinity of Jidhafs; 150 demonstrators in Karbabad; and 140 demonstrators in Abu-Saiba. Later in the afternoon, more demonstrations were reported in numerous areas of Bahrain, some of which witnessed limited incidents of violence. For example, at 16:00 police dispersed a demonstration of around 400 demonstrators in Nabi Saleh after garbage dumpsters were set on fire. Similarly, when police units blocked a protest of around 1,000 people in Sitra, demonstrators started throwing rocks and other objects at police vehicles and personnel.

205. By sunset, demonstrations had spread to other neighbourhoods that had been calm earlier in the day. These included the areas of Al-Balad Al-Qadeem, Al-Ekr Al-Gharby, A'Ali Roundabout, Hamad Town, Barbar, Al Hajar, Malkiyya, Bani Hamza and Bab Al Bahrain. The sizes of these gatherings ranged from 10-20 to 500-700 demonstrators. No serious injuries requiring hospitalisation were reported during these demonstrations.

206. At around 20:00, Mr Ali Abdulhadi Almeshaima was fatally shot while police were attempting to disperse a demonstration in Daih.[238] This was the first death to be recorded during the events of February/March. Accounts of the circumstances leading to the death of Mr Almeshaima varied. According to investigations undertaken by the MoI, Mr Almeshaima was participating in an unauthorised demonstration of around 800 people, which attacked a police patrol of eight police officers, using rocks and metal rods. When the demonstrators came within a few metres of the police unit, which had exhausted its supply of tear gas and rubber bullets, police resorted to firing one shotgun round and struck Mr Almeshaima in the back. The family of the victim contested this account of events. They denied that there were any demonstrations in the area and claimed that Mr Almeshaima left his residence at 20:00 and was shot by a police patrol shortly thereafter for no apparent reason. The victim was taken to SMC where, despite attempts to resuscitate him, he was pronounced dead at 20:20. On 15 February, the MoI ordered an internal investigation into this incident.

207. On the evening of 14 February, several hundred individuals gathered at SMC. Most of those stood in the car park adjacent to the Emergency Section. Others, including some protesters and journalists, entered the recovery room in the Emergency Section where they reportedly took photographs of injured individuals and interviewed the family of Mr Ali Almeshaima.

208. Further demonstrations were recorded later that night, including gatherings of around 200 demonstrators in Karzakan and around 300 in Damistan. The first gathering at SMC was reported at approximately 21:00 involving around 200 demonstrators. Meanwhile, at 23:20 a rally marched down the Salmaniya and King Faisal Roads towards the GCC Roundabout, where numerous police had been deployed. When protesters refused to halt their procession, police arrested 24 individuals.

[238] The facts of this case are discussed in detail in Chapter VI, Section A.

209. According to one estimate, a total of 55 protests of various sizes took place in Bahrain on 14 February. As noted above, some of the demands expressed during these demonstrations included revising the Constitution, undertaking political reform and achieving greater socio-economic justice. In addition to the death of Ali Almeshaima and injuries suffered by other protesters, noted above, there were reported attacks by protesters against police personnel, vehicles and security patrols that had been dispatched to disperse unauthorised demonstrations.

Tuesday, 15 February 2011

210. Early in the morning of 15 February, small gatherings were reported in a number of neighbourhoods, including Al Diraz and Ras Ruman. Reports indicated that garbage dumpsters and one private vehicle were set on fire.

211. The funeral procession of Mr Ali Almeshaima was held later in the morning and attracted the largest number of persons of any gathering on this day in Bahrain. People began to gather at the SMC morgue at 06:30 in anticipation of the release of the victim's body. The number of people continued to increase until it reached over 1,000 by 08:30, when Mr Almeshaima's body was released to his family. The procession departed from the SMC morgue and headed towards the Jidhafs cemetery, where Mr Almeshaima was laid to rest. According to some reports, the number of mourners reached 2,500 by the time the procession reached the cemetery.

212. As the procession moved down the Salmaniya Road, some of the mourners noticed two police patrol cars parked beside the Sana Department Store. The first of these vehicles had broken down, while the second had been dispatched to secure the location while police prepared the first vehicle to be towed away. At 08:47, a group of mourners, reported to be around 400 people, approached the police and started assaulting them, at first verbally and then by throwing rocks and metal rods. Some of the police suffered minor injuries, and a patrol car and tow truck were slightly damaged.

213. As the situation worsened, the seven police personnel at the location began responding to the mourners using sound bombs, tear gas and rubber bullets. Then, according to MoI reports, the mourners became more aggressive and came within metres of the police patrol to the extent that they managed to seize and destroy one of the police's tear gas launchers. At this point, and after all other ammunition had been exhausted, police are reported to have fired two shotgun rounds at the mourners, after which they evacuated the location.

214. Fadel Salman Ali Salman Matrouk was struck in the back by one shotgun round at very close range, estimated to be one metre.[239] He was immediately taken to SMC, where attempts to resuscitate him failed and he was pronounced dead at 09:30. He was the second fatality of the February/March events. The MoI ordered an investigation soon after.

[239] The facts of this case are discussed in detail in Chapter VI, Section A.

215. This second death further increased public anger. Demonstrators began to gather at the SMC morgue and at various locations in Manama and neighbouring villages, including Shahrakkan, Bani Hamza and Sitra. Meanwhile, after the funeral procession of Mr Ali Almeshaima, more people joined the demonstrators and moved towards the GCC Roundabout, where they arrived at around 15:00. By 15:15, demonstrators began to set up tents at the roundabout, and later in the day a projector screen was installed. Among these was a tent erected by members of the SMC medical staff. There were also a number of demonstrators obstructing traffic in the roundabout overpass. By nightfall, the number of demonstrators had reached several thousand. The roundabout and its immediate vicinity were congested with protesters and private vehicles. Police in the area neither engaged the demonstrators nor did they attempt to disperse them. King Hamad had ordered that members of the procession be allowed to occupy the GCC Roundabout to express their sadness.

216. As the day proceeded, more protests and limited incidents of violence were reported in various places, including A'Ali and Sahla Al-Janubiyah, where some tyres were burned to obstruct traffic. Meanwhile, shop owners in the Sheikh Abdulla Street in the Manama market stated that unidentified masked individuals entered their property and demanded that they close their shops.

217. That night, King Hamad gave a televised address to the nation on the occasion of Al-Mawled Al-Nabawy (the Islamic celebration of Prophet Mohamed's – PBUH – birth). The King expressed his condolences for the two deaths and announced the establishment of a committee headed by Deputy Prime Minister Jawad Salem Al Orrayed to identify the reasons for the events of the previous two days. The King also reaffirmed the right of Bahrainis to exercise their freedom of expression and assembly in accordance with the law.

218. Meanwhile, the Al Wefaq members of the Council of Representatives (Majlis al-Nawab) announced that they would suspend their participation in the Council's sessions, and the General Federation of Bahrain Trade Unions (GFBTU) announced calls for a general strike on 17 February. Later, SMS messages from unidentified senders were circulated to encourage people to join the strike.

Wednesday, 16 February 2011

219. The death of Mr Matrouk the previous day and the numerous clashes that had occurred between demonstrators and police in various parts of Bahrain heightened public discontent and triggered the organisation of further demonstrations. The GCC Roundabout remained under the control of demonstrators, whose numbers fluctuated throughout the early hours of the day.

220. At 07:40, the first major gathering of the day was recorded at the SMC morgue, where protesters were preparing for the funeral procession of Mr Matrouk. The number of mourners continued to increase until it reached

around 800 by 08:30. At that point, the victim's body was released to his family and the funeral procession started at SMC and marched towards the Um Al-Hasm cemetery. The procession gradually increased in size until it included approximately 1,500 people. No confrontations between police and mourners were recorded.

221. At around 13:00, a gathering of people was reported near the Al-Fateh mosque in the Juffair neighbourhood of Manama. This gathering quickly turned into a procession of about 100 vehicles expressing their support for HM King Hamad. There was no recorded attempt by police to block or disperse this rally.

222. The Prime Minister, HRH Prince Khalifa bin Salman Al Khalifa, and the Minister of Justice gave separate press conferences in which they expressed regret for the two deaths that had occurred during the previous two days and reaffirmed that Bahrain was governed on the basis of the rule of law. They also emphasised that dialogue was the solution to the unrest in Bahrain and that such dialogue should happen in the National Assembly.

223. Meanwhile, the number of protesters at the GCC Roundabout increased and reached around 6,000 by 16:00, according to some estimates. The participants in the demonstrations represented, according to many accounts, a cross-section of Bahraini society, and their demands and slogans varied. Some participants called for revision of the Constitution, some demanded democratic reforms and some expressed grievances relating to economic and social disempowerment. Some eyewitness accounts described the mood at the roundabout as "festive" with tea, coffee and food being passed out to protesters as they exchanged views on the situation in Bahrain.

224. Political figures and prominent personalities are reported to have visited the roundabout, some of whom gave statements and made speeches outlining their views on the situation in Bahrain and their demands for political and economic reform. These included the leader of the Al Wafa' opposition movement, Abdulwahab Hussein, and the Al Wefaq Secretary General, Sheikh Ali Salman.

225. Despite the large number of demonstrators in the vicinity of the roundabout during the afternoon, they did not yet completely obstruct the flow of traffic. On the nearby Sheikh Ali Salman overpass, however, there were reports of unidentified individuals impeding traffic. Some of these people were seen distributing leaflets and posters, while others were reported to have been stopping private vehicles and removing any pro-government posters placed on them. Traffic was also obstructed or diverted in various parts of Manama, including at the King Faisal juncture in Al Budaiya, the Dar Kulaib club in Dar Kulaib and Mahmoud Al-Elwi Street in Al Suwaifiya.

226. At the political level, a meeting was held between the Crown Prince, HRH Prince Salman bin Hamad bin Isa Al Khalifa and representatives of the Al Wefaq, including its Secretary General Sheikh Ali Salman. According to the latter's account, this meeting was held on the basis of an understanding that the Crown Prince was prepared to consider the significant demands for

reform being expressed in demonstrations. During these discussions, which reportedly lasted for three hours, Al Wefaq voiced its reservations about the existing Constitution, expressed discontent with aspects of the GoB's performance, its composition and powers, and asked that demonstrators at the GCC Roundabout be allowed to remain there. According to Al Wefaq's account of the meeting, despite having previously agreed to consider the significant reform demands, the Crown Prince stated that he was not mandated to reach an agreement on these issues. The Crown Prince suggested that demonstrators move to a more secure location because the GoB was concerned for their safety from possible attacks by vigilantes.

227. That evening, Sheikh Ali Salman visited the GCC Roundabout for the first time, and gave a short statement in which he expressed support for the protest movement and the demands being expressed in the demonstrations.

228. The number of protesters at the GCC Roundabout continued to increase until it reportedly reached over 12,000 by 23:00.

Thursday, 17 February 2011

229. At around 03:00, orders were issued to police to regain control of the GCC Roundabout and clear the area of all demonstrators, who were estimated to number around 1,500 individuals who had stayed in the tents. According to MoI reports, four battalions, totalling over 1,000 people, were dispatched to participate in the operation. These police were armed with sticks, shields, sound bombs, tear gas launchers and shotguns. Police also carried standard side arms. In addition, personnel from the National Security Agency (NSA), the MoI Criminal Investigations Department (CID) and BDF Intelligence were onsite. Reports from some opposition political parties have claimed that the units executing the operation were BDF units dressed in police uniform. Conversely, government reports have asserted that BDF personnel were not involved in this operation, and that military units in the area remained on standby to provide assistance to the police forces if needed.

230. The operation began with instructions broadcasted for a period of five minutes on a megaphone ordering the demonstrators to leave. According to some accounts, demonstrators did not hear these instructions because they were issued from above the overpass adjacent to the roundabout. Police reports, however, indicated that these instructions were heard because some demonstrators replied with statements described as defiant and refused to comply.

231. Three of the four police battalions at the location then entered the roundabout from various points and cleared it of demonstrators. These forces also removed all the tents that had been placed in the roundabout, including the tent erected by members of the SMC medical staff. The fourth battalion remained at the adjacent overpass to secure the rear of the advancing forces. According to police reports, two roads were left open to provide an exit for people leaving the roundabout. Some protesters refused to leave and began resisting and assaulting the police, using stones, rocks, metal rods, swords, and other sharp objects. Reports also indicate that a number of protestors

attempted to run over police officers with their cars. The police responded by firing tear gas, rubber bullets and shotgun rounds. The operation lasted 20-30 minutes, after which all protesters had been evacuated and dispersed to neighbouring streets and alleys.

232. It was subsequently discovered that police had fatally shot the following three individuals: Mr Mahmood Maki Ahmed Abutaki; Mr Ali Mansoor Ahmed Ahmed Khudair; and Mr Ali Ahmed Abdulla Ahmed. They had all sustained fatal wounds caused by shotgun pellets fired at close range. According to MoI reports and investigations, these three victims had been among those who refused to evacuate the GCC Roundabout and participated, in conjunction with others, in assaulting police who were then compelled to fire shotgun rounds at them in self-defence.[240]

233. Investigations undertaken by the MoI following the clearing operation revealed that over 50 demonstrators had sustained various types of injuries, while 47 police were wounded, some severely, during the confrontations. Post-operation searches of the roundabout found four pistols and bullets as well as large quantities of knives, daggers, swords and other sharp objects in the area. While there were no reports of police sustaining gunshot wounds, many were injured by sharp objects similar to those found at the roundabout. Some police officers sustained wounds when protestors attempted to run them over with their vehicles.

234. At 04:20 a group of protesters gathered on the King Faisal Highway and began to march towards the GCC Roundabout, which was now under the complete control of government security services. According to MoI reports, those protesters assaulted a security patrol on duty in the Gufool area by throwing rocks and Molotov cocktails at the patrol, and attempted to seize a weapon carried by one of its personnel. The police fired at the protesters, leading to the death of Mr Issa Abdul Hussein Ali Hassan who sustained injuries caused by a shotgun round fired at his head from very close proximity (estimated to be a few centimetres). This raised the total number of civilian fatalities during the events that occurred in Bahrain to six cases up to this time.

235. Around 500 protesters later gathered in the Naim neighbourhood and attempted to re-enter the GCC Roundabout, but police confronted and dispersed the group. By 17:45, eight armoured vehicles from the Bahrain National Guard were deployed in the vicinity of the roundabout in the direction of the Seef district to provide support for police units stationed in the area. In addition, the BDF announced that some of its units would be dispatched to heighten security at vital locations in the capital.

236. That afternoon, an MoI spokesperson delivered a presentation on Bahrain Television about the events at the GCC Roundabout. The presentation was accompanied by footage taken during the operation to evacuate the roundabout. The spokesperson explained that the demonstration at the roundabout had been unauthorised and that security forces had

[240] The facts of these cases are discussed in detail in Chapter VI, Section A.

commenced the clearing operation by instructing the demonstrators using megaphones. He then stated that women and children had been evacuated first and provided with transportation out of the area, after which the operation had begun using sticks and tear gas. The spokesperson stated that shotguns had only been used for self-defence. He also showed examples of the injuries that police personnel had sustained during the operation, which included the cutting of the fingers of one police officer, and displayed the weapons found at the roundabout after the operation.

237. At 15:00, the BDF General Command issued a statement announcing that armed BDF units had been deployed to Manama in an effort to ensure the safety and security of citizens and foreign residents and their property. The statement affirmed that the BDF was prepared to take punitive action to restore stability, and called on all individuals to avoid gathering at vital locations in the centre of the capital.

238. In response, Al Wefaq issued a statement rejecting the narrative presented by the MoI and refuting the claim that demonstrators at the roundabout had been armed. A coalition of seven political societies subsequently issued a joint statement condemning what they described as "the heinous massacre" perpetrated by police while clearing the GCC Roundabout of demonstrators. The statement called for members of the Council of Ministers to submit their resignation and demanded the formation of a national salvation cabinet to oversee the drafting of a new constitution and enable the country to overcome the existing political crisis. The statement also warned that if the GoB continued to adopt policies that violated human rights, confrontations would occur leading to "unending bloodbaths". The statement was signed by Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assemblage, the Nationalist Democratic Society, the Al Ikha' National Society and the Al Menbar Progressive Democratic Society.

239. The Al Wefaq members of the Council of Representatives announced their withdrawal from the Council later that night.

240. Throughout the day, numerous incidents of violence against police, security patrols and MoI installations were recorded in various areas, including in the vicinity of the fire department headquarters on the King Faisal Highway and at the Manama police headquarters. Later in the evening, incidents of violence and limited fires were reported in Karbabad, Tubli and Jid Ali.

241. At SMC, medical staff and other individuals began demonstrating in the car park adjacent to the emergency department. Many of those demonstrating were protesting the decision to clear the GCC Roundabout, and were expressing anger at a rumour that had circulated that the SMC administration was preventing ambulances from going to recover persons injured at the roundabout. By 21:00, the number of people gathered at SMC exceeded 2,500 persons.[241] Meanwhile, the Bahrain Teachers' Society issued

[241] See Chapter V.

a call to teachers to participate in a strike outside school premises on 20 February.

242. Following a meeting held in Manama, the GCC Ministers of Foreign Affairs expressed their solidarity with the Kingdom of Bahrain and their support for the measures announced in HM King Hamad's speech of 15 February.

Friday, 18 February 2011

243. The level of violence and the intensity of confrontations between security forces and protesters increased and spread to more parts of Bahrain on 18 February. This was fuelled by heightened public anger over the fatalities of the previous day.

244. The earliest recorded acts of violence on this day occurred at 04:00 in A'Ali, where unidentified persons set fire to lamp posts on the Sheikh Zayed Road. Later in the day, barricades made of garbage dumpsters and rocks reportedly blocked numerous streets and alleyways in Al Diraz. Tyres were burned and used to block traffic on the King Faisal Highway in the vicinity of the Diplomat Hotel, and around 30 individuals set up checkpoints close to the Dairy Queen restaurant in the Gufool district. Similar incidents were reported on the King Abdulaziz and Budaiya Roads.

245. Earlier that morning, mourners had gathered at the SMC morgue in preparation for the release of the bodies of the individuals killed the previous day. The bodies were released to the families of the victims at 08:20. Later that day, a gathering of almost 1,500 people was reported in Daih to commemorate the first fatality of the events, Mr Ali Almeshaima. Around 1,000 of those individuals subsequently marched to the Jidhafs cemetery where Mr Almeshaima is buried.

246. At around 09:30, a close associate and adviser to HRH the Crown Prince, Mr Zayed Al-Zayani, met representatives of Al Wefaq including Sheikh Ali Salman in a bid to calm the situation. Mr Zayani informed the Al Wefaq leadership that his aim was to reduce tensions on the streets and to commence discussions with the political parties in the country. He also encouraged Al Wefaq to suspend its calls for a major demonstration scheduled for the next day in order to avoid confrontations with security forces. Sheikh Ali Salman outlined the demands of Al Wefaq relating to the political situation. These demands included organising a meeting between the Crown Prince and the largest opposition political societies with which Al Wefaq was coordinating its positions, including the Wa'ad society. Sheikh Ali Salman also demanded that the Constitution be redrafted to grant the Council of Representatives greater power and that the GoB and opposition agree on a roadmap for solving other political, economic and social problems in Bahrain. He added that Al Wefaq wanted to discuss the modalities of the peaceful transfer of power that would eventually lead to an elected Prime Minister within 12-16 years.

247. Meanwhile, the leading Shia cleric in Bahrain, Sheikh Issa Qassim, gave his Friday prayer sermon focusing on the events of the previous day. He

condemned the operation to clear the GCC Roundabout and described it as a "premeditated massacre" against "peaceful" demonstrators demanding political reform. Sheikh Issa Qassim declared that the purpose of the operation had been to teach those who were demonstrating a "harsh lesson" and to ensure that the existing political order would not be challenged nor would the Constitution, which had been "forced" upon the people, be revisited. He also rejected the calls of those he described as "loyalist", who had been encouraging the people to wait for gradual change and reform, and asserted that the state of freedom of expression, social justice and popular participation in government was worsening. He added that the GoB continued to ignore calls for dialogue and he condemned what he considered to be governmental media incitement of sectarian hatred, which he called on the people not to accept.

248. At 11:30, the Crown Prince was briefed about the meeting that had taken place that morning between Mr Al-Zayani and Sheikh Ali Salman. Mr Al-Zayani subsequently contacted Al Wefaq, upon the request of the Crown Prince, to arrange a meeting between the Crown Prince and Sheikh Ali Salman. At 14:30, Mr Al-Zayani received a call from an Al Wefaq representative informing him that they had decided to call off the demonstration that was planned for the next day.

249. That afternoon, protesters marched towards the GCC Roundabout and approached a police barricade that was blocking the King Faisal Highway. A BDF armoured unit was deployed behind the police units to block the entry to the roundabout. Many of those participating in the march had been among the mourners in the funeral processions held earlier that morning. Estimates of the number of people at the march varied between 600 and 1,600. Reports also indicated that around seven ambulances accompanied the demonstrators and were driving behind them as they proceeded down the King Faisal Highway towards the GCC Roundabout.

250. By 16:30, a large number of demonstrators began confronting the police units blocking the King Faisal Highway, and this forced the police to withdraw and surrender the location. The demonstrators then removed the police barricades and proceeded towards the BDF units deployed at the entry of the GCC Roundabout. According to government reports, the military personnel deployed in the area were armed with M16 assault rifles, Dilmun rifles and Browning .50 calibre machine guns mounted on top of armoured vehicles.

251. The protesters approached the BDF barricade at approximately 17:00 and demanded access to the roundabout. According to subsequent BDF investigations, the protesters began to verbally abuse the military personnel deployed in the area and to shout anti-government slogans. Reports also indicated that certain individuals among the demonstrators smeared their bodies with red liquid to feign injuries that could be recorded and subsequently aired on the internet and on satellite news channels. Some government reports claimed that this liquid was blood acquired by demonstrators from the SMC blood bank.

252. The distance between the BDF unit and the demonstrators was estimated to be around 80 metres, at which point the military personnel used a megaphone to instruct the protesters to vacate the area. When the protesters refused to leave, the BDF unit claimed to have fired warning shots in the air using their M16 rifles, Dilmun rifles and Browning .50 calibre machine guns. Demonstrators dispersed for a short period but then regrouped in front of the BDF unit. This sequence of events was repeated at least three times for almost 90 minutes, with BDF units first using a megaphone to instruct the demonstrators to leave and then firing warning shots to disperse the crowd. Thereafter, police were dispatched to the scene to assist the BDF units in clearing the area of demonstrators. Available evidence suggests that police used tear gas and shotguns to disperse the crowd.

253. It was later discovered that one person, Mr Abdul Reda Mohamed Hassan, had sustained a serious gunshot wound to his head during these confrontations. He was immediately taken to SMC for treatment, but was pronounced dead at 13:20 on 21 February.[242] A number of other demonstrators were also severely injured at the scene. According to medical reports, at least one person sustained gunshot wounds to his chest, while others were injured by shotgun pellets in various parts of their bodies. Some individuals also reported being injured by tear gas canisters.

254. That night, HRH the Crown Prince gave an impromptu interview on national television in which he discussed recent developments and stated the following:

a. He extends his condolences to the families of those who lost their lives during the confrontations of the previous days.

b. This is a time for self-restraint to be exercised by the armed forces, police and citizens.

c. He cares for the dignity of Bahrainis and believes that immediate steps must be taken to rebuild confidence among citizens to avoid slipping into chaos.

d. He believes that the pace of reform in Bahrain is slow and that this was the cause of the events of the past days.

e. Dialogue is the best tool to find a solution to the current crisis, and this requires the beginning of an immediate period of calm.

f. Many countries slipped into civil war because moderates did not stand up and protect stability and social cohesion. "Today Bahrain is split", and this must be remedied immediately because it is not acceptable for Bahrainis to confront each other.

g. The problems that Bahrain is facing are the product of many years and cannot be solved overnight. Therefore, the solution

[242] The facts of this case are discussed in detail in Chapter VI, Section A.

is for Bahrainis of all backgrounds to unite and enter into an immediate dialogue.

255. In a sermon broadcasted that night on the Ahlul bayt television channel, the influential Bahraini Shia cleric and figure Sheikh Hadi Almadrassi, who lives in exile in Iraq, described the ongoing demonstrations in Bahrain as an opportunity for the people to remove a corrupt, oppressive and backward ruling family that had been forcefully ruling Bahrain for almost 250 years. He then outlined the following demands and advice to the people of Bahrain:

a. Demonstrators should remain steadfast and insist on the removal of the ruling family.

b. The people should not believe promises from the GoB and should reject HRH the Crown Prince's call for dialogue because the 250-year history of the ruling Al Khalifa family has proven the futility of dialogue.

c. The military units controlling the GCC Roundabout should withdraw immediately.

d. The GoB should release the bodies of 35 people who [allegedly] died during the clearing of roundabout.

e. The only way to achieve the demands of the protesters is to violently confront the ruling family and the GoB because that is the only language that they understand.

f. The martyrs that have fallen are with the martyrs of the historical Islamic battles of Badr, Ohoud and Karbala [he described the situation in Bahrain as a second Karbala].

256. Later in the evening, HM King Hamad asked HRH the Crown Prince to initiate a dialogue with all political parties in Bahrain. A statement released by the Royal Palace announced that HM the King had granted HRH the Crown Prince "all the powers to fulfil the hopes and aspirations of all the gracious citizens of Bahrain." In response, Mr Abdul Jalil Khalil Ibrahim, a leading Al Wefaq member, announced that before accepting any offer of dialogue the GoB must withdraw its troops from the GCC Roundabout and the Council of Ministers must resign.

257. The Bahrain Teachers' Society issued a statement to reaffirm its intention to organise a strike in front of schools on 20 February and to call on parents not to send their children to schools to avoid students being hurt if security forces decided to confront the planned strike.

258. Throughout the night, incidents of assault by unidentified individuals against private citizens were recorded. Cases of vandalism were also reported in numerous neighbourhoods of Manama and surrounding villages. For example, at 19:30 a group of people entered the Crepes Café on Al Budaiya Road in the Babar district, threatening the customers and ordering them all to leave. Similarly, at 20:00 there were reports that some 40 individuals carrying

Molotov cocktails had gathered at the Al-Sater market in the Al Janubiyah district.

259. Meanwhile, a large number of people, estimated to have reached 1,000, gathered at SMC. Many of these individuals had either participated in the earlier march at the GCC Roundabout or were protesting against the use of force against the demonstrators. Many political and societal leaders congregated in the parking area adjacent to the Accident and Emergency Department at the SMC Emergency Section, where statements were being given about the events of the previous days.[243]

260. According to government reports, the contacts that Mr Zayed Al-Zayani had initiated with Al Wefaq earlier that day to arrange a meeting between the Crown Prince and Sheikh Ali Salman continued throughout the day and into the night. Information received by the Crown Prince's advisers indicated that there were ongoing consultations between Al Wefaq and other political societies about whether Sheikh Ali Salman should accept the offer to meet with the Crown Prince, and that some of these societies were objecting to the meeting.

261. At around 23:00, the Crown Prince arrived at the residence of a close associate from where contacts between his advisers and Al Wefaq were ongoing. At 01:00, Mr Al-Zayani proposed to Sheikh Ali Salman that the suggested meeting with the Crown Prince be followed by a Fajr prayer held at roundabout. It was suggested that Sheikh Ali Salman would lead the prayer and the Crown Prince would participate.

262. At around 03:00, a senior Al Wefaq representative met with the Crown Prince and his advisers to request that demonstrators be allowed to return safely to the GCC Roundabout. Despite advice to the contrary, the Crown Prince arranged for troops deployed in the area to be withdrawn and for demonstrators to have access to the roundabout, where they would be allowed to stay. This decision was to be in exchange for Al Wefaq agreeing to enter into a dialogue with the GoB. The Crown Prince again reiterated his belief that the GCC Roundabout was not a safe location and that demonstrators should consider moving elsewhere, but he stated that they would nonetheless be granted access to the roundabout. Despite the decision to reopen the roundabout to demonstrators, at 04:00 HRH the Crown Prince was informed that Sheikh Ali Salman had retired for the night and would therefore be unable to meet with him.

263. Opposition sources have, however, provided a slightly different account of the political discussions with HRH the Crown Prince. According to this account, Sheikh Ali Salman would only participate in a proposed televised meeting with the Crown Prince on two conditions. The first was that the other opposition societies consent to this meeting, and the second was that HRH the Crown Prince reveal the extent to which he was capable of discussing and agreeing on reform measures. Al Wefaq confirmed that a meeting took place with HRH the Crown Prince and other senior officials

[243] See Chapter V.

during the night of 18 February and the early hours of the next day, but noted that HRH the Crown Prince was not prepared to disclose the ceiling of measures that would be proposed in any future political discussions. According to this account, HRH the Crown Prince suggested that the demonstrators be moved to a location other than the GCC Roundabout, after which the reform demands could be considered gradually.

Saturday, 19 February 2011

264. Bahrain witnessed a relatively calm day in comparison to the previous week. Confrontations between protesters and government security forces were less violent, the GCC Roundabout was reopened to demonstrators and the BDF units deployed in area were withdrawn.

265. SMC was one of the main centres of activity throughout the day. Demonstrators began to assemble at SMC at 07:30 and continued to gather in the car park adjacent to the emergency section until they reached around 1,700 people by 10:30. Protesters raised various political slogans and expressed numerous demands during the demonstrations at SMC. Some of these demands related to political and constitutional reform, while others adopted more radical objectives like overthrowing the regime. Furthermore, a number of marches proceeded to and from the GCC Roundabout at various times during the day. In one of these demonstrations, which took place at 21:30, medical staff organised and participated in a march from the GCC Roundabout to SMC. A new medical tent was set up in the roundabout by members of the SMC medical staff.[244]

266. Meanwhile, by the early afternoon, a gathering of around 100 people was recorded in the vicinity of the Dana Roundabout in the Sanabis District. The size of this demonstration continued to increase as people from Daih and Jidhafs arrived in Sanabis until it reached around 250 demonstrators.

267. Similarly, a demonstration of around 600 people was recorded on Suwaifiya Road, which leads to the Manama police headquarters. Police confronted these protesters and dispersed them using the standard procedures of firing tear gas and rubber bullets. A smaller gathering of approximately 200 people was also recorded in the Dar Kulaib district in the area adjacent to the University of Bahrain. Many of these demonstrations and gatherings were organised via internet-based social networking websites such as Twitter and Facebook. In addition, text messages were sent via mobile phone to encourage people to join demonstrations.

268. The main development of the day was the return of demonstrators to the GCC Roundabout. Starting at noon, small groups began approaching the roundabout from various directions in an attempt to re-enter the area, which was still under the control of government security forces. As the numbers of protesters increased, the BDF units deployed at the roundabout were ordered to withdraw. Later, after initially attempting to disperse the growing crowds with tear gas, the remaining police in the area also withdrew, thereby

[244] See Chapter V.

relinquishing control of the roundabout to demonstrators. By 17:00, there were approximately 15,000 demonstrators at the roundabout.

269. The mood inside the roundabout was celebratory. Demonstrators dismantled the barricades and barbed wire fences left by the security forces while also erecting tents and hanging signs outlining their demands. Many people considered the reopening of the GCC Roundabout to be a victory for the protest movement and a demonstration of their ability to compel the GoB to alter its behaviour. People of various political and ideological leanings congregated at the roundabout to express their views on the unfolding situation in Bahrain and the possible solutions to the unrest that the country was witnessing. Most demonstrators vowed to remain at the roundabout until their demands were met.

270. At 16:00, the BDF General Command issued a statement announcing that its armed units that had been deployed in the capital had successfully executed their missions, and that they had been ordered to return to their bases.

271. Meanwhile, at the political level, groups of prominent Sunni figures and business people met with HRH the Crown Prince to share their views about the unfolding situation. Some expressed the view that much ground had been ceded to the demands of the Shia, and that HRH the Crown Prince should take a tougher line with the opposition. Meanwhile, advisers to HRH the Crown Prince were informed that a meeting had been held between the seven main opposition political societies, in which it was decided that no agreement should be reached with the GoB except if unanimously endorsed by all of them. Information also indicated that at least two of those seven opposition groups, Wa'ad and the Shirazi group, had expressed reservations about reaching an agreement with HRH the Crown Prince.

272. The Crown Prince gave an address on Bahrain Television later that evening. He stated that there was a ray of hope on the horizon and expressed his gratitude for those "sage and wise individuals" who had responded positively to the call for calm and national unity that he had issued the night before. He announced that a new era was beginning in which all issues and problems would be discussed openly and honestly. He also reaffirmed the importance of maintaining calm, which was indispensible if all parties were going to present their views in a productive and constructive manner

273. The Crown Prince also declared that HM King Hamad had issued a decree authorising him to head the national dialogue. Later that night, HRH the Crown Prince assembled a negotiating team, in which he was careful to include Shia, Sunnis and a member of the ruling family.

274. At 21:30, the Secretary General of Al Wefaq, Sheikh Ali Salman, gave a speech at the GCC Roundabout in which he reaffirmed the peaceful nature of the protests and demanded that the GoB prove its commitment to refrain from clearing out the area by force again. He added that the various political opposition forces and the youth at the roundabout would be prepared to enter into a dialogue with the GoB when the latter had proved its goodwill.

Numerous other political figures and community leaders were also present at the roundabout and gave speeches outlining their views about the situation in Bahrain.

275. The GFBTU issued a statement calling for a general strike in Bahrain unless the military was withdrawn and people were allowed to exercise their right to freedom of expression. Later, the GFBTU Assistant Secretary announced that despite the withdrawal of BDF forces from the GCC Roundabout, the union was still proceeding with the planned strike to pressure the GoB into ensuring that demonstrators at the roundabout would not be attacked.

276. Later in the night, HRH the Crown Prince gave an interview on CNN in which he expressed his condolences to the families of those who had lost loved ones. He stated that HM King Hamad had authorised him to lead a national dialogue with all political parties and that he was working to diffuse the situation and rebuild trust between all sides. HRH the Crown Prince noted that the steps taken earlier that day, such as the withdrawal of military units and the reopening of the GCC Roundabout, had been intended to establish trust and confidence between all parties, and he gave his assurance that demonstrators would be allowed to remain at the roundabout. He stated that he considered those protesters to be "a very significant proportion of our society", but that there were also other forces in society and it would be necessary to build trust between the moderates in order to transcend the crisis. Finally, he expressed his view that the reforms undertaken during the previous ten years were not enough and pledged to undertake greater reform in the future.

Sunday, 20 February 2011

277. The most significant events of the day were the widespread strikes and demonstrations organised by employees in both the public and private sectors. These strikes went ahead despite the announcement by the GFBTU that it had decided to suspend the strike it had called for in light of the GoB's decision to withdraw the BDF from the streets and reopen the roundabout.

278. While accurate statistics are not available, estimates have suggested that around 80-85% of employees in Bahrain went on strike on 20 February. The first recorded strikes of the day occurred in schools throughout the country. Starting at 07:30, teachers refused to go to work and gathered in front of their school gates. The number of schools witnessing strikes varied in the different governorates. In Muharraq, four schools reported striking teachers. That number rose to eight in Manama, nine in Wusta, and 24 in Shamaliyah.

279. Large numbers of lawyers also went on strike early that morning. They first gathered at the Ministry of Justice and then moved to the GCC Roundabout by noon. At 13:30, a number of employees of the Bahrain Aluminium Company (ALBA) organised a demonstration on company grounds. Their slogans included calls for constitutional reform, calls to ensure national unity and reject sectarianism, condemnations of the protesters' deaths

and, in some case, calls for the removal of the royal family. Later that night, at around 21:00, a march of about 80 people carrying Bahraini flags organised by the Bahrain Engineers' Society proceeded down the Sheikh Ali Salman Road towards the GCC Roundabout.

280. Meanwhile, on the political level, Al Wefaq issued a statement extending its condolences to the families of the victims and condemning what it considered to be the excessive use of force by security forces. The statement also expressed Al Wefaq's full support for the "demands of the people", which included the following:

a. Establishing a constitutional monarchy in Bahrain and redrafting a "contractual" constitution that vests power in the people.

b. Ensuring that the GoB is freely and directly elected by the people.

c. Holding those implicated in the injuring or killing of innocent protesters accountable.

d. Resolving contentious political and social problems that have been the subject of popular demands for over 10 years, primary among which is the demand to establish a fully empowered parliament, vesting municipal councils with greater powers, redistributing electoral districts, halting embezzlement of public funds and returning money that has been misappropriated.

281. Later that day, a coalition of seven opposition political societies issued a joint statement outlining their demands. These societies were: Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assembly, the Nationalist Democratic Society, the Al Ikha' National Society and the Al Menbar Progressive Democratic Society. The statement included the following:

a. Saluting the steadfastness of the youth of 14 February in confronting the "massacres" committed by security forces at the GCC Roundabout.

b. Extending condolences to the families and loved ones of the martyrs who lost their lives in the previous days.

c. Calling on the GoB to take more positive measures that are necessary for the commencement of national dialogue.

d. Demanding the cessation of "incitement to sectarian hatred" in the official government media.

e. Calling for the immediate release of all political detainees.

f. Reaffirming commitment to consulting with all political parties and forces that are active on the political scene,

including the youth movements that led the 14 February movement.

282. At SMC, members of the medical staff and other individuals participated in a march on the hospital grounds. Their slogans included demands for constitutional reform, social justice and economic equality, and expressions of support for the demands of the 14 February movement.[245] Three tents were erected and a podium was set up from which speeches were given about the ongoing situation in Bahrain. At around 15:20, around 700 people marched from the hospital grounds towards the GCC Roundabout.

283. Demonstrations and gatherings of people were recorded throughout the day in various parts of Bahrain. Many of those demonstrations proceeded towards the GCC Roundabout. For example, at 16:40 a demonstration of around 100 people began in the Al-Mekhraka district and advanced towards the roundabout. A smaller demonstration, estimated to be around 70 people, proceeded at 21:50 from Imam Hussein Street to the roundabout. It is estimated that the number of demonstrators at the roundabout reached 15,000 during the day.

284. The views expressed at the GCC Roundabout were varied and reflected the range of positions and opinions on the Bahrain political spectrum. Leaders of diverse ideological backgrounds and political affiliations participated in these protests and articulated different demands and measures to solve the unfolding crisis. For some, the demonstrations aimed to apply pressure on the GoB to take bolder steps towards constitutional reform that would open the door for greater popular participation in the governance of the country. Others expressed grievances of a socio-economic nature such as income disparities, lack of employment opportunities, claims of sect-based discrimination in hiring policies, the unavailability and inadequacy of government housing and the lack of access to public land. Some expressed more radical views. Many raised the slogan "the people want to remove the regime", which had been a prominent rallying call during the mass uprisings in Tunisia and Egypt. Others went further and specifically named the ruling family, raising slogans such as "death to Al Khalifa" or "down with Al Khalifa".

285. Despite the generally peaceful nature of most demonstrations and the limited number of clashes with security forces on this day, acts of violence were reported at a number of locations. For example, reports indicated that unidentified individuals assaulted bystanders in the vicinity Al-Dawar Al-'Awal in Hamad Town. Later that night, one National Guard soldier was reported to have been assaulted in Dar Kulaib, while a civilian claimed to have sustained a head injury due to a rock thrown at him in the vicinity of the GCC Roundabout.

[245] See Chapter V.

Monday, 21 February 2011

286. Demonstrations and protests continued throughout this day in various parts of Bahrain, including at the GCC Roundabout. The most distinctive feature of the day's events was the organisation of a mass rally in support of the ruling family.

287. The earliest recorded demonstrations were in Sanabis, where 100 people gathered at the Dana Roundabout at 10:30 and marched down Road 28 towards the GCC Roundabout, by which time the group had grown to around 500 people. Later that day, also at the Dana Roundabout, a group of around 150 sportsmen gathered to participate in the demonstrations. A smaller group of protesters gathered at the Manama Municipal Council building. Meanwhile, a group of around 100 seamen gathered at the Ajam Grand Ma'tam at 15:30 and then marched, first towards the fish market where an address was delivered, and then onwards to the GCC Roundabout. Later in the afternoon, a large group of around 2,000 people marched to the Sitra cemetery to commemorate those who had lost their lives during the confrontations of the earlier days, while at 16:30 a smaller group of protesters gathered at the main roundabout in Karzakan.

288. At SMC, protesters erected tents and platforms in the parking lot adjacent to the emergency department. Political figures, opposition leaders and members of the medical staff gave speeches from the platform at different times during the day. By 15:00, the number of people at SMC was estimated to have reached 300.[246]

289. By the early evening, a number of protest marches left from various parts of Manama and headed towards the GCC Roundabout. One march with around 100 people left the vicinity of Al-Sadeq mosque at 18:40, while a much larger march with almost 3,000 protesters left the Daih district at 19:30.

290. By late afternoon, groups of protesters began to gather at the Al-Fateh Mosque in a large demonstration that attempted to provide an alternative forum to the GCC Roundabout, and to elaborate a relatively moderate set of reform demands. The number of people was reported to have exceeded 100,000 by 19:30. According to MoI and some media, by 20:30 the number of people participating in this demonstration increased to 400,000, although many other estimates place the number at below 120,000, some of whom were non-residents of Bahrain.

291. The demonstration began with a prayer led by Sheikh Abdullatif Al-Mahmood, who then announced the establishment of an unofficial group called the "The Gathering of National Unity". He read out the group's first communiqué, which included the following:

a. The Gathering of National Unity was established by a group of religious and public figures to provide a platform for those in society who have no political or institutional affiliation to express their opinion.

[246] See Chapter V.

b. It affirms the legitimacy of the existing regime and considers that the maintenance of stability in the country is not negotiable.

c. It expresses its deep sorrow and regret at the deaths that occurred during the previous days.

d. It calls on all people to maintain calm and affirms that demands for reform can only be implemented on the basis of a national consensus.

e. It calls on the people of Bahrain to beware of civil discord.

f. To the Shia of Bahrain, including those demonstrating at the GCC Roundabout, the Gathering affirms the unity of the Bahraini people who share the same grievances, problems and challenges. The Gathering also "extends its hand" to those at the roundabout to cooperate in the pursuit of virtue.

g. To the Sunnis of Bahrain, the Gathering affirms that it will respond to those espousing opposing views with logic and reason.

h. To the leadership of the country, the Gathering asserts that the Bahraini people are demanding their rights, in particular that authority should be vested in the people in reality and not only as a façade, and that rights enshrined in the Constitution should not be ignored. The Gathering also calls on the country's leadership to remove all forms of ethnic, sectarian, familial or class-based discrimination, and to ensure that responsibilities are given to those in society who are uncorrupted and have the requisite expertise, since much wealth has already been misappropriated. The Gathering also encourages the leadership to undertake fundamental and balanced revisions of the Constitution to ensure that the people are the sources of authority under the kind custodianship of the King.

292. Despite the fact that this gathering was not authorised, there was no record of attempts by the police or government security services to disperse the crowds gathered at the Al-Fateh Mosque. Later, small rallies described as supportive of the King and the GoB were reported in the Sheikh Isa bin Salman Road and the King Faisal Highway. No information is available regarding any attempts to confront or disperse these unauthorised demonstrations.

293. Later that night, the Bahrain International Circuit announced that the Bahrain Formula One Grand Prix race, which was scheduled for 13 March 2011, would not be held due to the unrest in Bahrain.

294. HRH the Crown Prince received representatives from civil society in his efforts to calm the situation. These meetings also aimed at preparing the ground for the proposed national dialogue.

Tuesday, 22 February 2011

295. The most significant event of the day was the organisation of a mass rally dubbed the "Martyrs' March" in honour of the victims who had lost their lives in the protests. The first people to attend this demonstration started gathering at 07:40 to join the funeral procession of Mr Abdul Reda Hassan, who had been severely injured on 18 February and pronounced dead on 21 February. Some reports stated that the number of people participating in the funeral procession exceeded 9,000. The mourners were divided into two groups; the first was in the vicinity of Roundabout 13 in Hamad Town, while the second was adjacent to the Om Albaneen Mosque in the Al Malikiyah district.

296. The number of demonstrators participating in the Martyrs' March continued to grow, until by many accounts more than 100,000 people were marching down Sheikh Khalifa bin Salman Road towards the GCC Roundabout. During the demonstration, many protesters chanted, "The people demand the removal of the regime", and asserted their unwavering commitment to achieving the objectives for which the martyrs had given their lives. Some protesters also called for the resignation of the Prime Minister, the rewriting of the Constitution, radical social and economic reforms and efforts to hold those implicated in the killing of protesters accountable. Demonstrators also chanted slogans rejecting sectarianism, affirming national unity and avowing their loyalty to Bahrain.

297. It is estimated that the number of demonstrators at the GCC Roundabout reached its highest level on this day, especially after the Martyrs' March entered the area. Estimates place the number of people present at more than 150,000.

298. During the day, small numbers of police and employees of other government services, including the fire department, joined the demonstrators at the GCC Roundabout in their official uniforms. Some of these government employees gave short speeches at the roundabout expressing their support for the demands raised by the demonstrators.

299. Throughout the day, HRH the Crown Prince held political discussions about the ongoing situation in Bahrain, including meeting with a delegation of Kuwaiti figures who were considered to be possible mediators between the GoB and the opposition because of their experience in dealing with the Shia opposition in Kuwait. HRH the Crown Prince also met with various cabinet ministers and Members of Parliament. In a bid to build confidence between the GoB and the opposition, HRH the Crown Prince made the following two recommendations to HM King Hamad: that a pardon be granted to a group of high profile political leaders who had been accused of attempting to overthrow the regime in 2010; and that a number of cabinet ministers who had been subject to criticism by the opposition be replaced.

300. During subsequent discussions, Al Wefaq was asked to reciprocate these gestures of goodwill that the GoB had made towards the opposition. Al

Wefaq's leadership declined, however, to make any political concessions, citing their inability to control the streets.

301. Later that night, it was announced that HM King Hamad had pardoned 308 individuals who had been convicted of various crimes relating to state security. Among those pardoned were leading opposition figures, including the Secretary General of the Al-Haq Movement for Liberty and Democracy, Mr Hassan Meshima, who had been living in London. The royal pardon allowed him to return to Bahrain. Among the other political figures released were Dr Abduljalil Alsankis and Sheikh Mohamed Habib Alsafaf (also known as Almekdad).

Wednesday, 23 February 2011

302. Demonstrations continued at the GCC Roundabout on 23 February. Early in the morning, many of the political opposition leaders who had been released by royal pardon the previous day went to the roundabout to celebrate their release and express their support of the ongoing demonstrations. They gave speeches at the roundabout in which they outlined their positions and views regarding the unfolding situation in Bahrain.

303. Meanwhile, a large demonstration was organised at the headquarters of the CID to demand the release of other prisoners who had not been included in the royal pardon. The demonstrators, among whom was Sheikh Mohamed Habib Alsafaf, raised slogans including, "The people demand the removal of the regime", "Step down Hamad", and, "Down with the GoB". They also expressed their rejection of calls for dialogue before the regime was removed. Many of the protesters also demanded an end to impunity, and specifically called for the prosecution of those responsible for the killing of protesters and of security personnel who were alleged to have engaged in torture during the civil disturbances of the mid-1990s. At the end of the demonstration, the protesters marched towards the GCC Roundabout.

304. Smaller demonstrations and gatherings were recorded in other areas of Manama, most of which proceeded towards the GCC Roundabout. For example, at 10:20 a group of demonstrators, mostly students, reportedly gathered on Road 28 in the Sanabis district and then marched to roundabout. Later in the day, a procession of more than 2,000 people was reported to have begun in the vicinity of the Al-Jamal mosque in the Al-Balad Al-Qadeem district and moved towards the GCC Roundabout at 15:00.

305. As the number of protesters at the roundabout increased, many of the leading opposition figures gave speeches. For example, Mr Abdulwahab Hussein gave a speech in which he identified two main demands of the protesters; the first was the removal of the regime, while the second was the establishment of a constitutional monarchy. He affirmed that the removal of the regime was an attainable goal, and that establishing a constitutional monarchy would remain impossible without first removing the regime. Mr. Hussein also stated that if political societies entered into a dialogue with the GoB, this would undermine the existing "revolutionary momentum" and would allow the GoB to impose its will on the people by using tools like the

military, the National Guard and the police. He warned against pro-government political forces that would work to moderate the demands of the opposition if a dialogue were held. Mr Hussein concluded his statement by calling for national unity and rejecting sectarianism. Other figures and leaders who gave statements at the roundabout during the day included Dr Abduljalil Alsankis, Mr Sami Siyadi of the Wa'ad movement, Mr Abdulla Saleh of the Islamic Action Society and Mr Mohamed Habib Alsafaf.

Thursday, 24 February 2011

306. Demonstrations continued at the GCC Roundabout and other areas of Bahrain throughout the day. One of the earliest recorded protests of the day was at 09:00 when a group of 150-200 people gathered at the gates of the Municipalities Ministry and then moved to the roundabout. Later in the day, a rally of around 150 women began at the Dana Roundabout and proceeded towards the GCC Roundabout. At 20:16, a group of postal workers gathered in the vicinity of the Lulu Centre and marched towards the GCC Roundabout.

307. At SMC, people continued to gather in the parking area adjacent to the Emergency Section. At 15:30, a march departed from SMC towards the GCC Roundabout which included some medical personnel and other individuals.

308. In a bid to support the ongoing political discussions between the GoB and opposition parties, the Bureau of the Council of Representatives encouraged the Al Wefaq members of Parliament to withdraw their resignations from the National Assembly.

309. Meanwhile, the Bahrain Teachers' Society announced that it was suspending the strike it had called for in Bahraini schools.

310. The Royal Court announced that the next day, Friday 25 February, would be a day of mourning for those who had lost their lives during the events of the past weeks in Bahrain.

311. Al Wefaq Secretary General Sheikh Ali Salman gave a speech at the GCC Roundabout that night in which he mentioned the following points:

a. When we elect our government, we will respect the GCC member States, other neighbouring countries, and we will uphold all of Bahrain's international treaty obligations.

b. We are prepared to stay for another week, month, two months, or even three, until we are granted the right to choose our own government.

c. We reject sectarianism, and reaffirm that Shia and Sunnis are united in the demands of this movement. We will also rise above those who are trying to personalise the issues. We will remain peaceful in our protests, because we have learnt from Jesus Christ that love defeats hatred, and we will continue until we are granted the right to elect and dismiss our own government.

Friday, 25 February 2011

312. A day of national mourning was declared by the GoB in remembrance of those who had died during the confrontations.

313. As is generally the case on Fridays, more protests were organised on 25 February than on previous days, and the protests were generally more widely dispersed in the various parts of Manama and its surrounding villages. Although demonstrations on Fridays usually begin after Friday prayers, groups of people were reported to have gathered outside the emergency department of SMC at 07:00.

314. During his Friday prayer sermon, Sheikh Ali Salman, the Secretary General of Al Wefaq, commended the people of Bahrain for maintaining the peaceful nature of their protests and avoiding confrontations with police forces. He also encouraged demonstrators to remain peaceful and stated that this would bring them closer to achieving their aspiration of a democratic and civil society in which the people are vested with authority.

315. Large numbers of demonstrators emerged from Friday prayers and immediately joined protest marches, many of which headed to the GCC Roundabout. One of the largest of these marches proceeded down the King Faisal Highway in the direction of the roundabout. Demonstrators chanted various slogans, including, "The people demand the removal of the regime", and, "*Erhal…erhal*" ("Leave…leave"), which was usually directed at either the regime or the monarch. Some demonstrators also chanted, "The people demand the removal of the King". There were also banners rejecting any form of dialogue. In addition, some demonstrators denounced Bahrain Television for airing what they considered to be inflammatory programmes that incite to sectarianism.

316. Other demonstrations were reported in various parts of Manama and neighbouring villages. One of these demonstrations began at 14:00 and included around 1,200 individuals who proceeded towards the Hawaj Stores in the Gufool district. Meanwhile, over 1,500 protesters joined a march in the areas of Mahooz and Saqya. At 16:30, a number of police participated in a march that was heading down the Sheikh Khalifa bin Salman Road towards the GCC Roundabout.

317. Throughout the day and into the evening, people of various political affiliations and social background flocked to the GCC Roundabout, where community leaders and political figures were giving speeches from the stages that had been erected. Among the prominent figures who gave speeches were Dr Abduljalil Alsankis and Mr Mohamed Habib Alsafaf.

318. Four political societies (the Constitutional Rally Society, the Islamic Unity Society, the National Action Charter Society and the National Free Thought Society) met at the National Action Charter Society's headquarters. These groups decided to form the "National Coalition" which, among other things, declared its support for HRH the Crown Prince's initiative for dialogue. The National Coalition called for everyone to participate in these discussions and asked that no group be excluded.

319. Isolated incidents of violence were reported in various areas of Manama, including in the Sheikh Hamad Street where a tyre was burned and placed in the middle of the street. A group of unidentified individuals disrupted traffic in the Sheikh Khalifa bin Salman Road in Manama, while another group set up a checkpoint in the area adjacent to the City Centre Mall and on top of the overpass adjacent to the GCC Roundabout.

320. The Bahrain Teachers' Society issued a statement expressing gratitude to the teachers who had participated in what was described as the "largest and most daring" strike in Bahrain's history, which had "paralysed the Ministry of Education" and aimed at supporting the demonstrators who were protesting the "barbaric practices of the authorities". The Society also thanked teachers for their return to their jobs at the end of the strike, which undercut attempts by the Ministry of Education to take retributive measures against them. The statement condemned the decision of the Ministry to hire temporary teachers to replace those who went on strike, and denounced plans to offer permanent contracts to some of those teachers even though they were unqualified.

321. A limited government reshuffle was announced later that afternoon. The following four cabinet ministers, who were generally disfavoured by the opposition, were replaced: the Minister of Health; the Minister for Housing; the Minister for Electricity and Water Affairs; and the Minister for the Council of Ministers' Affairs. The latter minister, Sheikh Ahmed Al Khalifa, had come under particularly strong criticism in recent years since the "Bandar Report" scandal broke out in 2006.

Saturday, 26 February 2011

322. Two significant events marked this day. First, the prominent opposition figure and Secretary General of the Haq movement, Mr Hassan Almeshaima, returned from exile. Second, there was a major rally in the vicinity of the Council of Ministers.

323. The day began with limited protests recorded in various parts of Manama, including a procession of around 50 motorcycles that began in the Abu Saiba District and then headed towards the GCC Roundabout.

324. At 15:00, Mr Hassan Almeshaima arrived at the Bahrain International Airport coming from Beirut. He was received by family members, journalists and news correspondents. Reports at the time claimed that Mr Almeshaima had flown from London to Beirut to pay his respects to the family of a deceased friend. According to subsequent government reports, however, the purpose of this visit was to consult with the Hezbollah leadership in Lebanon about the situation in Bahrain.

325. Meanwhile, a large demonstration headed from the GCC Roundabout down the King Faisal Highway and reached the building housing the Council of Ministers. Among the leaders of the demonstration was Mr Mohamed Habib Alsafaf, who was joined by Shia clerics and other political opposition figures. The protest then continued down the King Faisal Highway until it reached Bab Al Bahrain.

326. The protesters' demands had increased significantly since earlier demonstrations, especially those organised before the clearing of the GCC Roundabout on 17 February. Many demonstrators were no longer demanding mere changes to the Constitution, increased powers for Parliament or greater social and economic equality. Rather, the protesters were now almost unified in chanting, "The people demand the removal of the regime", which had been a prominent cry in other Arab countries that experienced mass protests, such as Tunisia, Egypt, Yemen and Syria. Many protesters also directed their chants and slogans at HM King Hamad by chanting, "Down…down…Hamad", and, "Leave…leave", in reference to the monarch. In addition, while they were demonstrating outside the office of the Council of Ministers, many protesters rejected the limited cabinet reshuffle that had been announced the day before and which they considered insufficient and designed merely to placate public anger. The demonstrators openly demanded the resignation of the Prime Minister and the entire cabinet, and threatened further escalation by marching towards other areas of the capital. Other protesters lifted pictures of the martyrs who had died in clashes with security forces, and expressed their resolve to achieve the objectives for which the martyrs had died. A few of the demonstrators carried pictures of Mr Hassan Almeshaima, who was known to be arriving that day in Bahrain.

327. Many of the protesters carried flowers as a symbol of their peacefulness. This practice continued in many of the demonstrations during the following weeks.

328. As the afternoon proceeded, demonstrators returned to the GCC Roundabout where speeches were being given by political leaders of various affiliations. Among those speaking that day were Sheikh Ali Salman, Sheikh Hassan Aldehiey and Mr Mohamed Habib Alsafaf. Others present included Dr Abduljalil Alsankis, Mr Hussein Alakraf and Sheikh Saeed Alnoury.

329. Meanwhile, the GoB and Al Wefaq continued to discuss the modalities of the national dialogue and the steps needed to initiate it. Mr Zayed Al-Zayani, an adviser to HRH the Crown Prince, held a meeting with Sheikh Ali Salman during which the latter offered the following points as a framework for dialogue: (i) a democratic system that would guarantee that neither sect would oppress the other; (ii) an elected and fully empowered government which reflected the principle that the people were the source of authority; and (iii) an elected parliament with full legislative powers. According to the representatives of HRH the Crown Prince, when Al Wefaq was asked what it was willing to concede in return for government concessions on these issues, Sheikh Ali Salman asserted that Al Wefaq could clear 90% of the GCC Roundabout and that they could change the slogans chanted in demonstrations from "down with the regime" to "reform the regime". This came as a surprise to the representatives of HRH the Crown Prince, since Al Wefaq had claimed during earlier discussions that they had lost control of the streets.

330. During these discussions, Al Wefaq expressed discontent with what they considered to be the biased coverage of the unfolding situation by

Bahrain Television. Mr Al-Zayani agreed, but noted that other channels on which Al Wefaq members appeared, such as Al-Manar, Al-Alam and PressTV, were also one-sided. In response, Sheikh Ali Salman noted that Al Wefaq members had resorted to those channels because they were not granted access to Bahrain Television.

331. At 22:00, Mr Hassan Almeshaima arrived at the GCC Roundabout where he was enthusiastically welcomed by the demonstrators. He gave a short speech in which he commended the protesters for having mastered the techniques of peaceful civil disobedience and encouraged them to learn from the Egyptian experience how to escalate their demonstrations to increase pressure on the GoB. Mr Almeshaima told protesters that they should exploit the international media spotlight that was focused on Bahrain, and congratulated them for their perseverance for the cause of freedom, which had earned them the respect of international public opinion. He also encouraged them to take further escalatory steps as long as they remained peaceful in nature. Mr Almeshaima concluded his statement by reaffirming the importance of maintaining national unity and rejecting calls for sectarianism and civil discord because, in his view, the entire people of Bahrain were in "one trench" against an oppressive regime.

Sunday, 27 February 2011

332. Demonstrations of various sizes continued throughout the day. The most notable developments were the participation of large numbers of school students in protests and a demonstration using a convoy of trucks on one of the main highways of Manama.

333. Early in the morning, large numbers of students were reported to have organised processions in the vicinity of their schools. According to some estimates, 10 students demonstrated in the Al-Hokoma Road and around 40 students protested in Road 28 in Sanabis. Simultaneously, a larger gathering of around 100 students from the Al-Naim High School in the Salmaniya district was reported. At around noon, approximately 150 students from the Sar Girls' High School were reported to have organised a demonstration on school grounds.

334. At around 16:00, a large demonstration of over 2,000 people moved from the GCC Roundabout towards the King Faisal Highway. A number of political figures attended the demonstration, which, like the demonstrations of the previous day, was dominated by calls for the removal of the regime. Demonstrators held large banners, one of which stated, "Shocking! The army kills the citizens", while another stated, "The square of martyrdom is the symbol of bravery and pride". Other demonstrators demanded the immediate release of political prisoners, the resignation of the Prime Minister and the cabinet, rejection of calls for political dialogue and a promise of further escalation until the regime was removed.

335. Starting in the early afternoon, a large number of trucks of various sizes began to gather in the Salmabad district. These trucks then drove as a convoy towards the GCC Roundabout and its vicinity. By 17:00, the convoy

had reached parts of the diplomatic area, passed by the offices of the Council of Ministers and driven down the Khalifa bin Salman Road. Estimates placed the number of trucks participating in this demonstration at over 100.

336. At SMC, a demonstration of over 100 people, including some members of the medical staff, was organised. It proceeded towards the GCC Roundabout.

337. The 18 Al Wefaq members of the Council of Representatives submitted a joint "final" resignation to the President of the Council, Mr Khalifa Ahmed Al-Dhahrani.

338. Meanwhile, following discussions concerning the biased coverage of the ongoing events by Bahraini Television, the President of the Information Affairs Authority, Sheikh Fawaz bin Mohamed Al Khalifa, agreed to air a programme that would host Al Wefaq representatives. However, Al Wefaq declined this opportunity. Later that day, 40 political societies, community leaders and social organisations were invited to attend the national dialogue initiated by HRH the Crown Prince. Official letters were sent to organisations, while individual figures were invited by telephone. All parties and individuals invited accepted the invitation during the next three to five days. The response from six of the major opposition political societies, including Al Wefaq, arrived on 3 March 2011 (see below).

339. No invitations were extended to unregistered political societies such as the Haq and Wafa'a opposition movements.

340. Throughout the day, HRH the Crown Prince held consultative meetings with groups and prominent Bahrainis, including business persons and civil society leaders. During these meetings, participants, especially from civil society, called for reforms to ensure that employment policies were based on merit rather than nepotism and that steps were undertaken to make the political system more just. Demands were also made to form a committee to amend the Constitution. Representatives of the Shia Ajam community held a meeting with HRH the Crown Prince to reaffirm their loyalty to the monarchy and to urge that they be represented in future parliaments.

341. Later that evening, a senior Al Wefaq member met with HRH the Crown Prince at HRH the Crown Prince's Court. During the meeting, Al Wefaq was encouraged to join the national dialogue.

Monday, 28 February 2011

342. In a continuation of the previous day's demonstrations, hundreds of students participated in protests in various parts of Bahrain. Another convoy of heavy vehicles was organised as part of the ongoing protests.

343. Between 07:30 and 08:30, around 400 students left their schools in different areas and marched through the main access roads in their neighbourhoods. Among the schools in which students participating in these protests were enrolled were the Ahmed Alomran Commercial High School for Boys, the Jidhafs Industrial High School for Boys and the Al-Jabreya Industrial High School for Boys. Later in the morning, at around 10:20,

approximately 400-500 University of Bahrain students joined students from the Abdulla bin Issa School in a demonstration in the vicinity of the Ministry of Education. More people subsequently joined this protest, including teachers and parents who demanded the removal of the Minister of Education for what they considered to be the poor quality of education in Bahrain. Many teachers also protested the hiring of temporary teachers during the strike that had been called for by the Bahrain Teachers' Society. In addition to these demands, which specifically related to the educational sector, many demonstrators raised slogans similar to those in other areas of Bahrain, such as demands for the removal of the regime and condemnation of the use of force against peaceful protesters. Later that night, another demonstration of over 100 school students took place at the GCC Roundabout.

344. One of the important developments of this day was the holding of a demonstration in front of the Bahrain National Assembly. At 09:00, demonstrators used large buses and some trucks to move from the GCC Roundabout towards the National Assembly in the Gudaibiya district. By 09:30, almost 1,000 people had gathered at the Bahraini legislature, where they repeated many of the slogans and demands that had been raised in different parts of the country during the previous days, such as calling for the removal of the regime and rejecting any political dialogue before the regime was removed. Other protesters accused HM King Hamad of violating the basic human rights of Bahrainis and ordering the killing of innocent demonstrators. Later, some of the demonstrators formed a human chain around the legislature.

345. It was reported that at 10:00 a convoy of buses was being driven towards the Sheikh Khalifa bin Salman road. The convoy stopped in the vicinity of the Burger Land overpass and then continued towards Manama. This "slowdown" convoy was composed of over 200 buses.

346. This day also witnessed a demonstration by a group of journalists and other persons working in the media. This protest began at the King Faisal Highway and then headed to the GCC Roundabout, where demonstrators expressed their support for and solidarity with the demonstrators at the roundabout, and rejected government attempts to restrict and control coverage of the events in Bahrain. The participants in this protest also denounced any form of harassment or arrest of journalists. Some of the protesting journalists criticised the performance of Bahraini television, which they considered biased and unprofessional.

347. The President of the Council of Representatives, Mr Khalifa Al-Dahrani, invited Al Wefaq members of the Council to attend a meeting to discuss the question of their resignations. Al Wefaq declined the invitation.

348. Later that day, senior Al Wefaq members briefed Mr Zayed Al-Zayani, the representative of HRH the Crown Prince, on discussions that had taken place among the society's leadership. A senior Shia cleric also attended the meeting. The Al Wefaq leaders, who included Secretary General Sheikh Ali Salman, reported that they had agreed upon the following demands: (i) that the Constitution be rewritten by a specially elected committee; (ii) that

employment be based on merit rather than personal connections; (iii) that steps be taken to establish a more just political system; and (iv) that religion play no role in politics. The Al Wefaq leaders explained that the expectations of the youth had risen, which meant that the ceiling for demands had risen. Therefore, Al Wefaq would now call for the drafting of a new constitution and not just amendment of the 2002 Constitution.

349. That night, at around 20:30, the Bahrain Medical Society held a meeting at which a representative of the Wa'ad political society gave a statement and proposed calling for a nationwide civil disobedience campaign.

Tuesday, 1 March 2011

350. There were two major developments on this day. First, larger student demonstrations were reported throughout the day, many of which headed towards the GCC Roundabout. Second, the protests extended from the roundabout to the nearby Financial Harbour of Bahrain.

351. Starting at 07:00 and continuing until the early afternoon, students in numerous neighbourhoods left their schools and organised marches many of which ended up at the GCC Roundabout. By 08:00, no fewer than 1000 students had joined these demonstrations in areas including Issa Town, Hamad Town, Naim, Bu Ghazal, Jabalat Habshi and Manama. Meanwhile, another group of over 800 students headed towards the Ministry of Education where they organised a sit-in at the gates of the Ministry.

352. The demands expressed at these student demonstrations echoed those raised during earlier student protests. Many participants called for the removal of the Minister of Education, while others chanted more political slogans, including the call to remove the regime and the demand that the Prime Minister resign from office. Many protesters also rejected sectarianism and affirmed their commitment to national unity.

353. Starting at 14:00, a large march began in the Qofool district, organised by the following major opposition political societies: Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assembly, the Nationalist Democratic Society, Al-Ikha' National Society and the Al-Menbar Progressive Democratic Society. The march headed towards the GCC Roundabout and continued to grow until the number of participants was estimated to have exceeded 12,000. A procession of disabled persons also joined the demonstration to express their support for the protesters at the GCC Roundabout. The demands expressed during this demonstration were similar to those seen in the protests of the previous days. People called for the removal of the regime, rejected any political dialogue with the GoB before the regime was removed, condemned the use of force against protesters and demanded the release of political prisoners who were still detained, including Mr Mohamed Al-Buflasa. Many participants also denounced what they considered to be the biased and pro-government coverage of the unfolding events by Bahrain Television. After the demonstration, the organising political societies issued a joint statement expressing gratitude to the people

who had participated and announcing that they would hold a mass rally the following Friday under the title "Down with the GoB".

354. Later that evening, at around 18:00, Mr Hassan Almeshaima participated in a protest in the car park adjacent to the entrance to the Emergency Section at SMC. Participants erected a number of tents offering refreshments and set up a stage from which Mr Almeshaima and others, including Mr Abduljalil Khalil, gave statements about the ongoing situation in Bahrain.

355. At 21:00, groups of protesters began to move from the GCC Roundabout towards the nearby Bahrain Financial Harbour, which includes a number of modern high-rise buildings that house international consulting companies and financial services firms. Protesters set up small tents in the vicinity of the harbour and began demonstrating at traffic junctures in the area. Political leaders, including Dr Abduljalil Alsankis, joined the protesters at the harbour later in the evening. By midnight, however, Sheikh Mohamed Habib Alsafaf met with the protesters and convinced them to vacate the area and to return to the GCC Roundabout.

356. During the day, Al Wefaq issued a paper entitled, "A Vision for the Political Crisis in Bahrain". The document included the following points:

a. The ongoing crisis is a political conflict, and not a sectarian conflict. It has no relation to religion, sect or ethnicity. It is a conflict between those who want to monopolise power and those who want the people to participate in governance by deciding the nature of the government and choosing their Prime Minister, which would allow the people to hold those in government accountable.

b. The ruling authority is using sectarianism to protect its political interests.

c. The other problems relating to economic life, human rights and living standards all stem from the original political problems.

d. Al Wefaq does not aspire to create a theocracy, but aims to establish a civil State in Bahrain in which the people are able to freely choose their government.

e. The roadmap to a solution should be based on the abrogation of the 2002 Constitution, the cancellation of the electoral system and the election of a Constituent Assembly on the basis of a single electoral district that encompasses the entire country. These elections should be held under the supervision of a national commission and in the presence of international observers.

f. The basic principles of this solution are as follows:

i. Electoral districts should not be designed in a manner that disadvantages one particular group.

ii. The interests of all parties should be taken into consideration so that the new constitutional order satisfies the aspirations of the people of Bahrain to have an elected government and a fully empowered parliament. The elected house of parliament should enjoy exclusive legislative and oversight powers, and should not share those powers with either the executive or an unelected chamber of parliament.

iii. The family should not be allowed, as is currently the case, to monopolise the affairs of the State, nor should the Shia or the Sunnis. The new constitutional order should be based on a consensus, requiring a majority of votes for approval.

iv. This is not a solution for today or tomorrow, but a long-term solution that can achieve true stability so that the country does not relapse into a crisis.

v. Any solution must be based on the principles of justice, equity, equality and responsible government, within an environment of a free media and the freedom of association.

vi. Al Wefaq will reject any solution that does not satisfy the aspirations of the Sunnis. Similarly, Al Wefaq will reject any solution that does not satisfy the aspirations of the Shia. What is needed is a Bahrain in which all people can live in harmony and tolerance, and the human dignity of all Bahrainis is respected.

357. Opposition sources have indicated that another document was also issued outlining the opposition's proposals for a solution to the unfolding situation in Bahrain. This document, which was entitled "The Roadmap for the Constitutional Exist from the Political Crisis", included the following points:

a. The roadmap is a constitutional exit from the political crisis within the framework of a national dialogue, without engaging in other political affairs, which represents a suitable ground for dialogue.

b. The King is to issue a constitutional proclamation by a Royal Order. This proclamation should stipulate the following:

i. The cancellation of the 2002 Constitution.

ii. The cancellation of the electoral districts law.

iii. The formation of a transitional government composed of representatives from across the political spectrum

and technocrats who enjoy the confidence and acceptance of the people, and who are known for being free from corruption and unstained by the blood of the people.

iv. The constitutional proclamation should stipulate that a Constituent Assembly should be elected within 45 days. To ensure that it fairly represents the people, the members of this assembly should be chosen by an election for which all of Bahrain is a single electoral district.

v. This assembly shall draft a new constitution, which shall be adopted in its entirety by a 3/5 majority of the assembly. The constitution shall include the following principles:

1. The King shall be from the Al Khalifa family, who shall reign but not rule over a genuine democratic constitutional monarchy.
2. Governance is by the people, and shall be exercised through a democratically elected government.
3. A freely elected legislative council shall have exclusive legislative, financial and oversight powers.
4. The judicial branch of government shall be fully independent from all other authorities.

vi. The Constituent Assembly shall also adopt the Political Rights Law and the provisions governing the electoral process.

vii. The Constituent Assembly shall draft the constitution and other laws that are necessary for constitutional life within four months.

viii. The constitution shall be applicable once approved by the Constituent Assembly. The branches of government shall be restructured in accordance with the new constitution within 9 months.

ix. During the transition period, no laws or decree laws shall be issued, except if necessary. The Constituent Assembly shall determine with a 2/3 majority that this situation necessitates the issuing of such laws or decree laws.

x. The elections for the Constituent Assembly shall be held in accordance with the Political Rights Law, and in a manner that does not prejudice this proclamation.

This election shall be overseen by an electoral commission that includes judges and three public figures who have no political affiliation. Local and international monitoring of these elections shall be allowed.

xi. The principles of public rights and freedoms enshrined in international agreements to which Bahrain is party shall be applied, and shall have value equivalent to that of the new constitution.

xii. The dialogue shall be through the Constituent Assembly, under the sponsorship of a neutral international party that guarantees its genuineness and will ensure the implementation of its results.

358. Opposition sources also indicated that it was proposed that the new constitution would be put to a popular referendum, and that it would require a 60% majority to be adopted.

359. Starting on this day, HRH the Crown Prince commenced a two-day visit to a number of neighbouring GCC countries (Kuwait, the United Arab Emirates, Qatar and Saudi Arabia) to consult with their leaders on the ongoing situation in Bahrain.

Wednesday, 2 March 2011

360. Larger student protests were recorded in many parts of Bahrain during this day. Thousands of students left their schools and organised marches and demonstrations, many of which headed towards the major access roads in their neighbourhoods, while others proceeded either to the GCC Roundabout or the Ministry of Education.

361. Starting in the early hours of the morning, hundreds of students across Bahrain began protesting near their schools. Students of both genders who were enrolled in high schools, middle schools and technical institutions participated in large numbers. Most of these protests were limited to marching in the areas adjacent to their schools and gathering at the major roads and roundabouts in those neighbourhoods. Some of the demonstrations headed towards the GCC Roundabout by going through major roads of Manama.

362. Limited incidents of violence were reported during these student protests. One such incident occurred at 08:15 when students attempted to enter the Madinet Hamad Middle School for Girls with the purpose of assaulting the Headmistress. Some eyewitness accounts also reported that a number of students enrolled in the Madinet Hamad School for Boys were carrying knives during the protests. At 11:30, a report was filed by a group of female students who claimed to have been assaulted by a group of female students in Hamad Town.

363. Some of these demonstrators proceeded towards the Ministry of Education, where they repeated slogans and expressed demands similar to

those of the previous days, including the removal of the Minister of Education and the termination of contracts with temporary teachers. In addition, as in other demonstrations, banners called for the removal of the regime and denounced the use of force against peaceful protesters. At 10:00, there was a small protest outside the premises of the Ministry of Information by students criticising the biased coverage by Bahrain Television of the unfolding situation in the country.

364. Later that afternoon, a joint statement was issued by seven political societies (Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assembly, the Nationalist Democratic Society, Al-Ikha' National Society and the Al-Menbar Progressive Democratic Society) to address the participation of students in mass protests. The statement called on teachers and students to ensure the continued functioning of the education system and to avoid disruptions to school schedules. The statement also encouraged teachers and parents to avoid the politicisation of schools, which should remain academic and should focus exclusively on providing the highest quality education. The political societies issuing this statement also called on the Ministry of Education to reverse the measures that it had taken against students and teachers who participated in protests in support of the legitimate demands of the people, as well as the hiring of temporary teachers, as these measures had heightened tension and apprehension among school staff. The statement also reaffirmed the right of students to express their opinions and join demonstrations after school hours.

365. Meanwhile, at 13:00 a march proceeded from the GCC Roundabout towards the MoI Headquarters (known as "The Citadel"). The demonstration continued to increase in size until the number of participants exceeded 12,000. Again the demonstrators called for the removal of the regime, chanting, "*Erhalo…erhalo Al Khalifa*", to demand the departure of the royal family, and carried signs reading, "Down…down with the Crown". In addition, the protesters rejected calls for political dialogue before the removal of the regime, and demanded the release of all remaining political detainees. Demonstrators also expressed their discontent with the limited cabinet reshuffle of the previous Friday, which they considered insufficient, and demanded the resignation of the Prime Minister and the entire cabinet. Some participants in the march also denounced the policy of hiring foreign citizens to serve in the BDF and the local security services. During the demonstration, one protester attempted to climb the walls of "The Citadel" while another tried to remove the MoI Coat of Arms at the entrance to the compound, both of whom were prevented by the other protesters.

366. Meanwhile, the second demonstration organised by "The Gathering of National Unity" was held at the Al-Fateh Mosque in Juffair, starting at 16:20. Among those addressing the crowds was Sheikh Abdullatif Al-Mahmood, who stated the following:

a. The importance of dialogue with the GoB, which should commence without any preconditions.

b. Bahrain's safety and security are of paramount concern.

c. The Gathering of National Unity affirms the continued legitimacy of both the existing political regime and the ruling Al Khalifa family under the leadership of HM King Hamad.

d. The Gathering rejects calls for the resignation of the cabinet, which would bring destruction to Bahrain.

e. The Gathering calls for those who have disrupted public services, particularly teachers who have interfered with work at schools and prevented temporary teachers from performing their duties, to be held accountable.

f. HM King Hamad should take the necessary measures to enforce the laws governing public demonstrations because the ongoing protests are disrupting the lives of people in Bahrain.

367. The mood at the gathering was festive, with most people carrying flags of Bahrain and reaffirming their allegiance to the Kingdom. Participants also expressed their discontent with the coverage by foreign news channels of the events in the country, which they considered incomplete, biased and overly focused on protests at the GCC Roundabout. According to MoI and some media around 450,000 people attended this rally. Other reports, however, indicated that the number of demonstrators did not exceed 100,000, some of whom were non-residents of Bahrain and citizens of other GCC States.

Thursday, 3 March 2011

368. Large numbers of students from schools across the country organised marches and demonstrations in many neighbourhoods. These protests began early in the morning when the first classes of the day were scheduled to begin. The exact number of students participating in these demonstrations is difficult to determine, but it was certainly in the thousands. Among the districts that witnessed student demonstrations were Al-Jabriya, Khola, Sitra, Sanabis, Issa Town, Hamad Town, Jidhafs and Muharraq.

369. Some of the student demonstrations took the form of marches on the main roads and roundabouts of the neighbourhoods in which the demonstrators' schools were situated. Others marched towards the Ministry of Education (MoE), while yet others proceeded to the GCC Roundabout. In many cases, these demonstrations passed important government buildings, such as the premises of the Council of Ministers.

370. At the Ministry of Education, the demonstrating students were joined by teachers and representatives of the Teachers' Society who were protesting what they considered to be the deteriorating standards of education in Bahrain. Many of those participating in the protest, the size of which exceeded 2,000 individuals, called for the resignation of the Minister of Education and denounced the policy of hiring temporary teachers to replace those who were participating in the protests. According to some reports, buses were used to transport students to the various locations of the demonstrations.

371. At around 11:30, groups of students accompanied by some teachers gathered at the gates of the University of Bahrain. They reiterated some of the demands that had been expressed in other demonstrations throughout the country, including the call for the removal of the regime. The number of participants in this demonstration was around 200 individuals, most of who came from the nearby Hamad Town.

372. Demonstrations were also reported in the vicinity of some diplomatic missions in Bahrain, including the offices of the local UN Mission and the embassies of the Republic of Yemen and the Islamic Republic of Pakistan.

373. Continuing the practice of using convoys of vehicles as a protest tool, around 90 private cars gathered at the roundabout on the King Faisal Highway at around 15:30 and proceeded in a convoy towards the diplomatic area. As the convoy proceeded, more cars joined the protest until the number of participating vehicles exceeded 200. Meanwhile, another gathering of cars, estimated to be 70 vehicles, was reported in the Sheikh Issa bin Salman Road and then drove towards the GCC Roundabout. At 16:00, a smaller convoy of 60 cars was reported in the Jiyan district. At 17:10, the convoy that had started earlier that afternoon at the Sheikh Issa bin Salman Road was reported to have driven towards the US Embassy in Manama. Later that evening, another convoy, this time of around 200 buses, was reported to have departed from the Al-Janbeyya Road to the Sheikh Khalifa bin Salman Road.

374. In the early hours of the evening, a number of gatherings were reported in the vicinity of large shopping malls including City Centre, which was close to the GCC Roundabout, and the Hawaj Stores in the Al Gufool area.

375. At 20:00, a march of over 100 people was organised by students from the University of Bahrain. The protest departed from the King Faisal Highway and walked to the GCC Roundabout. The participating students expressed numerous demands relating to the unfolding political situation and criticised the administration of the education system in Bahrain. Specifically, the students announced their support for the demonstrators at the GCC Roundabout and agreed with their call to remove the regime. Many of them also denounced the ruling Al Khalifa family and alleged that it was the reason for the grievances that Bahrainis were voicing. The protesting students raised signs stating that they were rejecting the calls of HRH the Crown Prince for calm because government forces had killed peaceful protesters. The students denounced sectarianism, affirmed national unity and demanded the release of all remaining political prisoners, including Mr Mohamed Al-Buflasa.

376. Meanwhile, a large number of people began gathering in the parking area at SMC adjacent to the emergency department. At around 20:45, these people marched from SMC towards the GCC Roundabout in a candlelight vigil to commemorate those who had lost their lives in confrontations with government security forces. By 21:00, when the march reached the roundabout, the number of people participating had grown to around 8,000, including a large number of SMC medical staff.

377. During a press conference held by the main political opposition groups, the Secretary General of Al Wefaq, Sheikh Ali Salman, revealed documents that, according to him, proved that the land on which the Bahrain Financial Harbour was built had been sold to the Prime Minister for one Bahraini Dinar, which he considered a blatant example of government corruption and nepotism. This claim later became one of the reasons that led to a large demonstration at the Financial Harbour.

378. Six opposition political societies submitted their response to HRH the Crown Prince regarding their participation in the national dialogue. Those societies were Al Wefaq, Wa'ad, the National Democratic Assemblage, the Nationalist Democratic Society, Al Ikha' National Society and the Al Menbar Progressive Democratic Society. Their response included the following statements:

a. As a condition for a successful dialogue, the GoB must take the following positive measures:

    i. Allow protesters to remain at the GCC Roundabout and ensure their safety and security throughout the duration of the national dialogue and the negotiations;

    ii. Immediately release all political detainees and drop any charges made against them;

    iii. Ensure that State television and radio become neutral, and ensure that they become forums for the professional and unbiased expression of opinion by all citizens of all backgrounds, which will ease the sectarian tension;

    iv. Immediately investigate all deaths that occurred since 14 February 2011 and hold all those responsible accountable; and

    v. Dismiss the GoB.

b. The State needs to accept the following principles at the beginning of the dialogue, and before delving into the details:

    i. The abrogation of the 2002 Constitution and the election of a Constituent Assembly on a one-person-one-vote basis to draft the new constitution;

    ii. The right of the people to elect, on a one-person-one-vote basis, a Council of Representatives that exclusively enjoys full legislative authority;

    iii. The right of the people to elect the government; and

    iv. The provision of guarantees that the results of the dialogue will be implemented.

c. There must be agreement on a relatively short timeframe for negotiations to find solutions to the political and

constitutional problems facing Bahrain. This will contribute to achieving stability and allow for the beginning of a true process of development and democracy.

379. The opposition parties also prepared a document that was relayed to HRH the Crown Prince in which it identified a series of questions about the scope, content and modalities of the proposed dialogue. This document began by noting that the GoB proposed to enter into a dialogue, but that it had not clarified many central questions about this process. This was a cause for concern and raised questions about the seriousness of the GoB in finding a genuine political solution that satisfied the demands for political reform and accorded with internationally agreed human rights. The document included the following points and questions:

a. Who are the parties to the dialogue? What was the basis for choosing those parties? Who has the right to issue invitations?

b. Will all parties be invited? Why would some societies, figures and civil society institutions be invited and others not invited?

c. What percentage of the Bahraini people do these parties represent? And on what basis was that percentage decided?

d. What is the agenda of the dialogue? Who decides the agenda? To whom do the participants in the dialogue turn in case of a dispute about the agenda and the priorities?

e. What are the terms of reference of the dialogue?

f. What is the timeline of the dialogue?

g. What will be done with the results of the dialogue? And what are the guarantees that those results will be implemented?

h. More importantly, how are the disputes that will inevitably emerge during the dialogue to be resolved?

i. These questions arise because the dialogue is like a maze from which an exit is not known. So is this maze deliberately built by the regime to dilute the popular demands or lower the ceiling of these demands?

j. The opposition and the people have lost faith in the regime because over many decades it made promises and then circumvented them. It is therefore necessary for an international party to be present to oversee the process and guarantee the implementation of the results of the dialogue. The United Nations or the European Union could be suitable parties to undertake this task.

k. There is no logical reason for the regime's rejection of the opposition's proposal to elect a Constituent Assembly in

which the national dialogue could be held. This proposal would eliminate all the negative aspects of other proposals and would provide the following positive features:

i. A dialogue on political reform should be undertaken in a constitutional institution that is governed by rules of procedure, mechanisms and specific deadlines and timelines, and not in the form of a workshop, which is not a legal structure and which is incapable of producing a result of a legal nature that achieves the desired constitutional reform.

ii. An elected Constituent Assembly would reflect the true weight of each party in society.

iii. A Constituent Assembly would be a forum for national dialogue that would not be based on sectarianism.

iv. Differences in opinion are normal, but there would be a way to find common ground through a Constituent Assembly, especially since the election campaigns held before the elections would give the parties an opportunity to outline their views on the political system of the country.

v. The Constituent Assembly would protect the dialogue from developments that could lead to its failure, such as foreign intervention or the withdrawal of any parties.

vi. HRH the Crown Prince, within the current constitutional structure, does not have a mandate to conduct this dialogue. Even the mandate issued for him to conduct the dialogue did not come in a form stipulated in the constitution. Therefore, there is no constitutional basis for HRH the Crown Prince to conduct this dialogue or to implement its results.

vii. This proposal would deflate public anger and direct attention towards the Constituent Assembly.

viii. Electing a Constituent Assembly has been the preferred option of many other countries that experienced similar events.

ix. If this proposal is not adopted, there is nothing that can guarantee that the ceiling of demands will not rise further. At that point, the Constituent Assembly may no longer be an acceptable solution.

x. The result of the dialogue must be the adoption of a new constitution that comes into force upon adoption.

The dialogue must not reach general recommendations that would then need an implementing mechanism.

xi. By having a Constituent Assembly, the GoB would not be able to renege on the commitments that it makes during the dialogue.

380. Later that evening, Bahrain witnessed the first major sectarian clashes between Shia and Sunnis in Hamad Town, which has a mixed population of both sects. The exact sequence of events and the circumstances that led to that outbreak of sectarian violence remain unclear. The available information indicates that the spark for the confrontation was a fight that broke out between Shia students who had been participating in demonstrations during the day and teenagers from naturalised Sunni families residing in Hamad Town. The situation quickly escalated, and by 21:30 a street battle broke out between Shia and Sunnis wielding sticks, knives, swords and metal rods. Most of the confrontations occurred in the vicinity of Roundabout 7 in Hamad Town, although reports indicated that clashes also spilled over into neighbouring streets and alleys. At this point, the MoI dispatched riot police who intervened to stop the clashes and dispersed the crowds. Eleven people, including three police, were injured during these clashes.[247]

381. At 22:15, violence erupted again in Hamad Town, during which around 100 individuals were reported to have clashed with police deployed in the area. Reports indicated that vehicles, buses and pickup trucks from other areas of Bahrain, including Zallaq, Riffa and the GCC Roundabout, began transporting hundreds of people to Hamad Town in an attempt to provide reinforcements to those involved in the confrontations. Many were armed with knives and other similar objects. As the night proceeded, more cars and individuals headed towards Roundabout 7 from the surrounding areas and roundabouts. For example, at 23:30 groups of individuals carrying knives, swords and other similar weapons marched from Block 1208 in Hamad Town towards Roundabout 7. Isolated incidents, involving the harassment of people in their residences, were also recorded in the vicinity of Roundabout 7.

382. Later that night, Al Wefaq issued a statement calling for restraint and encouraging residents of Hamad Town to reject any attempts to provoke sectarian discord in Bahrain.

383. In light of the deteriorating situation in Bahrain, the Fitch Ratings Agency announced that it was downgrading Bahrain's investment-grade credit rating, and said that the outlook was negative due to recent economic and political uncertainty.

Friday, 4 March 2011

384. Throughout the early hours of the day, more confrontations occurred in areas surrounding Roundabout 7 in Hamad Town. Reports indicated that unidentified individuals had damaged private vehicles parked in the area, especially targeting vehicles that had pictures of the political leadership of

[247] See Chapter VIII, Section B.

Bahrain or posters supporting the GoB. Later that morning, individuals bearing knives and wooden planks were seen attempting to reach Roundabout 7, but police prevented them from accessing the area.

385. Several incidents of assault on persons and destruction of private and public property were reported. For example, at 04:30 a complaint was filed alleging that four armed individuals had assaulted a person in the Al-Takheem area of the Al-Sokheir district. Later, at 06:30, a car parked at the Oma Khayyam Hotel in the Gudaibiya district was attacked. Then at 07:30, unidentified individuals damaged a traffic surveillance camera in the Sheikh Khalifa bin Salman Road in the Buri area. The situation in Hamad Town remained tense throughout the day, especially in the vicinity of Roundabout 7. At 15:30, a group of almost 200 individuals was reportedly roaming the area and damaging private property. This deterioration in the security situation led residents in the area to begin bearing arms to defend themselves. Later that night, reports indicated that four individuals had been severely wounded and hospitalised after being assaulted by groups of unidentified individuals in the area.

386. After Friday prayers, a number of demonstrations were organised to protest against the coverage by Bahrain Television of the unfolding events in the country. The first demonstration began at 14:30 at the Ministry of Labour and marched towards the Information Affairs Authority, which administers Bahrain State Television. The second began at the Central Informatics Organisation and then joined the first demonstration at the Information Affairs Authority. By 16:00, the total number of demonstrators exceeded 10,000. They were led by political and religious figures, including Sheikh Mohamed Habib Alsafaf and Mr Hassan Almeshaima. The latter made a brief speech in which he highlighted that the opposition political forces had been calling for a dialogue with the GoB before "the situation gets complicated and explodes". The GoB, he claimed, had not reacted positively, and this had led to the current situation.

387. Most of those participating in the demonstrations denounced Bahrain Television for what they considered to be its biased coverage of developments in the country. Many also claimed that programming on national television was inciting sectarianism and contributing to civil discord. In addition, many protesters raised political slogans similar to those in previous demonstrations, including calls to remove the regime, reject sectarianism and affirm commitment to national unity.

388. The other major demonstration of the day, which was dubbed "Down with the GoB", was organised by the seven opposition political societies (Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assemblage, the Nationalist Democratic Society, Al-Ikha' National Society and the Al-Menbar Progressive Democratic Society). The Haq and Wafa'a opposition movements joined in organising the protest, and representatives of the GFBTU also participated. The organisers issued a press release before the protest stating that they were demanding the appointment of a transitional government of people who were known not to be corrupt and who were

uninvolved in the killing of protesters, and that this new government should pave the way for a new era of true reform. The press release then outlined the following reasons for the organisers' call to remove the GoB:

a. Prime Minister HRH Prince Khalifa bin Salman Al Khalifa bears the political responsibility for the faults of the GoB – its excesses, its failures and the violations of human rights it has committed throughout the past 40 years.

b. The Minister of Defence and the Minister of Interior are responsible for the deaths that have occurred since 14 February 2011, and the Director of the NSA is responsible for the torture of detainees throughout the past years.

c. The GoB has failed to provide an adequate standard of living despite the high price of oil in recent years, which has brought the GoB large revenues. The GoB has also failed to solve the housing problems of Bahrain, as evidenced by the growth of the waitlist of people waiting to be assigned government housing from 32,000 to 52,000 in the past decade.

d. There have been serious cases of the unjust enrichment of senior government officials through illegal commissions and the misappropriation of public land.

e. The Minister of Finance and the GoB at large have failed to disclose the financial affairs of the Royal Court and other bodies relating to the royal family.

f. The GoB's deliberate policy of political naturalisation, which allowed almost 60,000 foreigners to be granted Bahrain citizenship between 2001 and 2007, has had a "disastrous social and economic effect".

g. The ruling family monopolises half of the cabinet positions, including the Premiership, two of his deputies and the Ministers of Defence, Interior and Foreign Affairs.

h. The GoB deliberately promotes sectarianism, tribalism and nepotism.

389. The protest, which was held at the premises of the Council of Ministers, began at around 15:00 with approximately 5,000 participants, and continued to grow until according to government reports the number of demonstrators exceeded 10,000. Other accounts, however, claimed that around 100,000 people joined the demonstration. Most of the demands expressed during the protests centred on the resignation of HRH the Prime Minister and the entire cabinet. Some protesters also raised one Bahraini Dinar notes as a symbol of the allegations previously made by Sheikh Ali Salman that HRH the Prime Minister had acquired the land on which the Financial Harbour was based for one dinar. Demonstrators repeated many of the chants that had been heard in other demonstrations, including the call for

removing the regime, the rejection of sectarianism, the affirmation of national unity and denouncing the death of peaceful protesters.

390. Sheikh Ali Salman gave a short statement at the event. His speech was not scheduled to be given at the demonstration, but seemed to have been prepared to address the sectarian clashes of the previous night in Hamad Town. He lauded the peacefulness of the demonstrators, denounced attempts to cause a sectarian rift between Bahrainis, affirmed that the safety of every Sunni household was the responsibility of the Shia, and vice-versa, and condemned any assaults on Bahrain citizens or foreign residents.

391. Similar to earlier demonstrations, the protest at the Council of Ministers seemed to have been well organised. The chants heard during the protest were read out by one person and were aired on a mobile speaker system that had loud speakers placed on poles carried by the demonstrators. Many of the participants carried Bahraini flags and walked in a relatively orderly procession to the Council of Ministers and back to the GCC Roundabout.

392. As part of his ongoing preparatory consultations for the national dialogue, HRH the Crown Prince held two important meetings during the day. The first was with Sheikh Abdullatif Al-Mahmood and other members of the Gathering of National Unity. The second meeting was with Sheikh Ali Salman, during which the Crown Prince urged Al Wefaq to reconsider the preconditions it had placed on its participation in the national dialogue, as such preconditions could undermine the entire reform process. Sheikh Ali Salman suggested that Al Wefaq could abandon the demand for the resignation of the GoB, but that it could not present any further concessions on the remainder of the demands presented in the 3 March document.

Saturday, 5 March 2011

393. The most significant event of the day was the organisation of a human chain between the Al-Fateh Mosque in Juffair and the GCC Roundabout as a display of national unity. The former had been the site of relatively pro-government demonstrations, while the latter was the centre of opposition activity and protests.

394. People first started to gather at the Al-Fateh mosque in the early afternoon. By 15:15, buses were reported to be transporting individuals to the area to begin forming a human chain that would extend to the GCC Roundabout. As the number of people participating increased, the human chain began to grow into neighbouring areas. By 16:00, it had reached the vicinity of the Bahrain National Museum, and from there it arrived at the Sheikh Issa bin Salman Bridge and then proceeded to the King Faisal Highway. By 17:00, participants in the human chain reached the GCC Roundabout.

395. As noted above, the purpose of the demonstration was to display the unity of the Bahraini people. Participants, who included both women and men, lined up along the street carrying signs denouncing sectarianism and reaffirming their commitment to coexistence and harmony between Shia and

Sunnis. Many of the protesters carried Bahraini flags and posters avowing their loyalty to Bahrain. A few of the protesters waved one dinar notes as a reference to the allegations that the Financial Harbour land was acquired by the Prime Minister for one dinar.

396. The other notable events of the day were isolated incidents of violence and disruption of the daily lives of some individuals. For example, at 11:30 a report was filed of an assault on a female owner of a store in the Naim shopping centre. Later that evening, seven unidentified individuals assaulted and robbed an Arab expatriate resident of Bahrain in the Burhama district of Manama. Meanwhile, the ongoing demonstrations and the human chain caused traffic disruptions in various parts of the capital.

397. At the political level, a meeting was held between representatives of HRH the Crown Prince and the Secretary General of Al Wefaq, Sheikh Ali Salman. According to representatives of HRH the Crown Prince, Sheikh Salman stated that the only possible solution at that stage was to accept the demands of the opposition. In particular, he put forward the following demands: the abrogation of the current Constitution; the drafting of a new constitution by an elected Constituent Assembly; that the new government be entirely elected; that the entire prerogatives of parliament be vested in the elected chamber; and that all government officials be held accountable.

Sunday, 6 March 2011

398. School students again participated in demonstrations that took place during the day, albeit in lower numbers than the previous week. Starting in the early morning hours, groups of students left their schools and marched either in their neighbourhoods or at the GCC Roundabout.

399. The most significant protest of the day was organised at the Gudaibiya Palace, where the weekly cabinet meeting was due to be held. Demonstrators started gathering at 08:30 and continued to increase until, by 11:30, the number of participants exceeded 10,000. The focus of the demonstration, like the protest of Friday 4 March, was the demand that the Prime Minister and entire cabinet should resign. Protesters also rejected offers to undertake a political dialogue with the GoB before the resignation of the cabinet. Some participants expressed discontent with the fact that the Prime Minister had held that office for over 40 years, and demanded that the GoB be democratically elected by the people.

400. During the demonstration, the Al Wefaq Secretary General, Sheikh Ali Salman, gave a short address in which he read *Surat Alfateha* (a Sura from the Holy Quran) for all those martyrs who had lost their lives for the cause of liberty in the Arab world, including in Tunisia, Egypt, Libya, Yemen and Bahrain. Sheikh Ali Salman then stated the following:

a. The problem in Bahrain is of a political nature, and the purpose of today's demonstration is to express the desire that the government be freely elected by the people, and that no government should remain in power for 40 years.

b. The peacefulness of the protests is laudable and has garnered the respect of the international community. He urges the demonstrators to remain peaceful and not to allow themselves to be provoked into resorting to violence.

c. He denounces attempts to incite sectarianism and undermine national unity, and encourages every Shia to go to their Sunni neighbour and reassure them that their safety and security is of paramount importance.

d. The purpose of the demonstrations is not "to end the dictatorship of the Al Khalifa family to establish a Shia dictatorship" in its place. Rather, the objective is to establish a polity that will respect the rights of all citizens on the basis of equality.

401. Among the other political leaders participating in the demonstration were Mr Hassan Almeshaima, former Member of the Council of Representatives Mr Jawad Fayrouz, Mr Ibrahim Sharif from the Wa'ad movement, and Abdulla Saleh from the Amal political society.

402. Later that afternoon, demonstrations in various neighbourhoods proceeded towards the GCC Roundabout. One of these protests started at SMC at 17:15 and involved around 100 demonstrators, including a number of medical personnel. Another demonstration took the form of a convoy of 50 vehicles that departed from the A'Ali district and headed towards the GCC Roundabout. At 16:00, a procession of horses went from the Seef district to the GCC Roundabout. Another demonstration, reported to have included 200 students and unemployed individuals, began at the Dana Roundabout and then proceeded to the GCC Roundabout.

403. At the GCC Roundabout, political figures, community leaders, human rights activists and representatives of professional syndicates and trade unions addressed the demonstrators and shared their views about the situation in Bahrain. Some of the speeches were delivered from the stage set up at the roundabout. The range of views expressed reflected the diversity of positions among the various opposition forces and civil society organisations. Some speakers reiterated the call to remove the regime, some focused on the need for the Prime Minister and the cabinet to resign, while others discussed the developments relating to the ongoing dialogue between opposition parties and HRH the Crown Prince and whether this dialogue should proceed without conditions. Many speakers also underlined the necessity of rewriting the Constitution to limit the powers of the King and increase legislative oversight of the executive. Meanwhile, some activists demanded accountability for those implicated in the killings of peaceful protests and those responsible for the mistreatment of detainees, both during the ongoing crisis and in previous years. Many protesters also voiced allegations of corrupt practices by senior government officials, including the Prime Minister. People would gather around the tents of the various political and civil society groups to participate in discussions about the unfolding situation.

404. In the early evening, protesters at the GCC Roundabout began moving towards the Bahrain Financial Harbour. At first, a small number of people took blankets and sat at the entrance to the harbour. They were later joined by more protesters from the roundabout who carried Bahraini flags, political posters, blankets and a few tents which were subsequently set up. By 23:30, the number of demonstrators gathered at the harbour exceeded 100. Dr Abduljalil Alsankis was among the political figures participating in this protest.

405. That evening, HRH the Crown Prince gave an interview on Bahrain Television in which he reiterated his call to all political societies to engage in a dialogue, which he said was better than conflict and stubbornness. HRH the Crown Prince affirmed his belief that the will of the people should be the basis for future reform, that the only way forward for Bahrain was a national dialogue, and that the entire country agreed on 70-80% of the demands presented by the parties. He also warned against escalating tensions in the country.

Monday, 7 March 2011

406. A number of important developments occurred during the day, the most significant of which was the establishment of a coalition to create a republic in Bahrain by a group of opposition factions. The other notable event was a significant increase in the presence of protesters in the Bahrain Financial Harbour and surrounding streets; this was considered an important escalation in the pressure on the GoB by disrupting work in an important economic district.

407. The movement of protesters from the GCC Roundabout to the Financial Harbour began in the early hours of the day. At 01:30, individuals were seen transporting blankets, posters, signs and small tents from the roundabout to the area surrounding the harbour. By midday, at least four tents had been set up at the location. As the day proceeded, the number of people gathered at the site increased until it reached around 200. Many of the protesters held up one dinar notes in reference to accusations that the land of the harbour had been sold to the Prime Minister for one dinar.

408. Reports indicated that individuals gathered at the harbour began to interfere with traffic on the King Faisal Highway. At around 17:00, a car driven by a Sunni woman was blocked by what appeared to be a checkpoint that was stopping vehicles on which there were signs or posters expressing support for the political leadership of Bahrain and the ruling Al Khalifa family. Gradually the car was surrounded by large numbers of demonstrators, who began pounding on the vehicle and chanting anti-government slogans. Fearing for the safety of the woman, other demonstrators and some police officers intervened to push back the crowd and allow the car to pass. As some space was cleared, the car began to drive away. As it gained speed, however, it struck and injured one of the protesters, who was subsequently hospitalised.

409. This incident caused mass anger among the demonstrators who vowed to retaliate against the woman and her family. Later that evening, the

woman's address was circulated via SMS messages and on internet social media platforms such as Twitter and Facebook, and there were calls for people to attack her residence. In response, hundreds of Sunni men wielding swords, knives, sticks and other weapons assembled at the woman's house to protect her from any possible assault by Shia groups. This incident intensified sectarian tensions and contributed to a heightened sense of a deterioration of security in Bahrain. The residents of some neighbourhoods also began to consider the formation of "popular committees" to defend their homes against attacks by armed groups that were reported to be assaulting private residences.

410. During the day, HRH the Crown Prince dispatched Mr Zayed Al-Zayani to the GCC Roundabout to discuss ongoing developments with those leading the demonstrations and overseeing the activities taking place in the tents that had been set up at the roundabout. The purpose of this visit was, *inter alia*, to reach out directly to protesters and to bypass Al Wefaq, which HRH the Crown Prince now suspected was being intransigent and unwilling to compromise.

411. Other demonstrations were recorded throughout the day, including at the Ministry of Health in Juffair and at the Ministry of Industry and Trade in the Seef district. Later, a group of demonstrators headed to the US Embassy in Manama. By 10:30, the size of that demonstration reached almost 100 individuals.

412. Meanwhile starting at 15:00, large groups of people began to march towards the headquarters of the CID. The number of people participating in this protest reached around 3,000 by 16:30. The demands expressed were similar to those at previous demonstrations throughout the country. They included the rejection of political dialogue with the GoB before the regime was removed, the call for the Prime Minister to resign and the demand to release all political prisoners. Many people also called for prosecuting those responsible for the death of peaceful protesters and for holding accountable government officials and security personnel against whom there were allegations of torture from the mid-1990s. Among the political figures present at this demonstration was Sheikh Mohamed Habib Alsafaf.

413. The most important development of the day, however, was the announcement by a group of opposition political groups of the establishment of a coalition for the founding of a republic in Bahrain. The leader of the Haq movement, Mr Hassan Almeshaima, announced the establishment of this coalition in a speech at the GCC Roundabout, during which he highlighted the following points:

a. The Haq, Wafa'a and Free Bahraini Movements have established "The Coalition for the Republic", which endeavours to topple the monarchy in Bahrain and establish a republic. This has become necessary in light of the "oppressive and corrupt" rule of the Al Khalifa family.

b. The Coalition will strive to establish the republic using peaceful means, including civil disobedience and peaceful resistance.

c. The Coalition will gradually escalate its pressure on the GoB using peaceful means. The measures undertaken will be decided and executed in a decentralised manner, which has proven to be more successful than the centralised control of the protests.

d. The royal regime has failed to quell the revolution forcefully, and is now trying to undermine it by political manoeuvres and incitement to sectarianism.

e. The final decision on whether to establish the republic is up to the people of Bahrain, and the Coalition is willing to relinquish this demand if the people so prefer. The Coalition warns, however, that another opportunity to establish a democratic republic in Bahrain might not arise, and a failure to remove the monarchy might lead to very negative consequences. The Coalition also calls for continued coordination among the opposition parties and forces.

414. In a subsequent press interview, Mr Almeshaima clarified that one of the reasons that had compelled the coalition to issue this statement and to openly call for the establishment of a republic was that the popular demand to remove the regime had given rise to different interpretations. Some, he said, understood this as meaning the removal of the cabinet, while others interpreted it as meaning the establishment of a constitutional monarchy. For the coalition, however, the removal of the regime meant establishing a republic. He also noted that the call to establish a republic did not necessarily contradict the more moderate demands advanced by other opposition parties, like Al Wefaq. Mr Almeshaima emphasised that he had no faith in the possibility of dialogue with a regime that, in his view, was inciting sectarianism and detaining individuals. Mr Almeshaima also denied any relations between the coalition and Iran, and affirmed that the coalition's purpose was to establish a democratic republic not a theocracy.

415. That day, the GCC Council of Foreign Ministers convened in the United Arab Emirates to discuss the unfolding situation in Bahrain. The GCC member States praised HM King Hamad for authorising HRH the Crown Prince to initiate a dialogue with the opposition, which represented an opportunity to undertake reforms that would satisfy the needs of the Bahraini people in accordance with the National Action Charter of 2001. The Foreign Ministers also reaffirmed that they would support Bahrain politically and economically, and pledged to defend it, as the security of the GCC member States was indivisible.

Tuesday, 8 March 2011

416. Demonstrations continued throughout the day at both the GCC Roundabout and the Bahrain Financial Harbour. Other smaller

demonstrations were also recorded in various neighbourhoods in Manama and nearby villages. In addition, incidents of assault against citizens and resident expatriate workers were reported.

417. The number of demonstrators at the Financial Harbour continued to grow. The demands expressed during these protests mirrored those in other locations. Most of those present called for the removal of the regime and the resignation of the cabinet. They criticised what they described as government corruption, and raised one Bahraini dinar notes as a symbol of the allegation that the land on which the harbour was built was sold to HRH the Prime Minister for one dinar. Intermittently during the day, demonstrators were reported to have disrupted traffic on the King Faisal Highway adjacent to the harbour.

418. At 15:00, a group of around 150 women marched from the Bahrain Financial Harbour down the King Faisal Highway towards the GCC Roundabout. The women raised slogans similar to those heard in other demonstrations, including the demand to remove the regime, the call for HRH the Prime Minister and the Cabinet to resign, and the chants, "*Erhal…erhal Al Khalifa*" (a call to the ruling family to leave), and, "Down with Hamad" (in reference to the King). The demonstrators also reaffirmed their rejection of attempts to drive a wedge between Shia and Sunnis, and expressed their commitment to national unity. Some protesters criticised the government policy of political naturalisation, which aimed to affect the demographic balance in Bahrain. Later that night, at approximately 20:20, another march of around 500 women was reported to have proceeded from the GCC Roundabout and walked down the King Faisal Highway, causing some disruption of traffic in the area.

419. Meanwhile, a number of prominent individuals gave speeches at the GCC Roundabout. Some of the speakers were political figures, religious clerics, journalists, civil society leaders, human rights activists and lawyers. Among those who spoke was Ms Ayat Al-Qurmezi, a 20-year-old University of Bahrain student and poet, who delivered a number of poems during the protests at the GCC Roundabout. Some of these poems were deeply critical of HM King Hamad, the Prime Minister and the ruling family. In her poems, Ms Al-Qurmezi expressed her views relating to the political situation in Bahrain, including what she considered to be the undemocratic policies of the regime and the corrupt practices of senior government officials.

420. Other speakers at the roundabout, including prominent journalists, addressed what they perceived to be a deliberate policy of the GoB to incite sectarianism and undermine social harmony. Speakers urged the demonstrators to remain peaceful and not to respond to provocations, especially those from pro-government media outlets, and to reach out to the Sunni community to reassure them that the purpose of the ongoing demonstrations was not to create a regime that would oppress them.

421. On the political front, some political societies demanded guarantees that the GoB would respect the measures agreed upon during the national dialogue. Representatives of HRH the Crown Prince proposed two options.

The first would guarantee that HM King Hamad would not object to the measures agreed upon during the national dialogue. The second option was to submit the results of the national dialogue to a popular referendum. Eventually, the latter option was adopted by HRH the Crown Prince and his team.

Wednesday, 9 March 2011

422. Three major demonstrations took place during the day at the University of Bahrain, the Information Affairs Authority and the General Directorate of Nationality, Passports and Residency. Demonstrations also continued at the GCC Roundabout and the Bahrain Financial Harbour.

423. The day began with some schools reporting cases of absenteeism among their student body. These included the Cordoba Middle School in Bilad Al-Qadeem, Ahmed Al-Omran High School in Al Hoora and the Sheikh Abdulla bin Issa Industrial High School. Around 100 students marched from this latter school towards the University of Bahrain at 09:00, where they were joined by demonstrators from other areas. Reports indicated that at 11:00 some of these demonstrators attempted to enter the university campus but were prevented by university security.

424. Meanwhile, hundreds of people, including students majoring in media studies at the University of Bahrain, began gathering at the Information Affairs Authority to protest against the policies and programming of Bahrain Television. Many of the demonstrators demanded the resignation of the Minister of Information and denounced Bahrain Television for what they considered to be its incitement of sectarianism. Protesters also called on Bahrain Television to represent the situation in the country accurately and objectively, and to stop concealing information about violations committed by the GoB against demonstrators.

425. The third major protest, which was held at the General Directorate of Nationality, Passports and Residency, began in the early afternoon and continued until 17:00. Thousands of individuals demonstrated against the naturalisation policies of the GoB, which they claimed were designed to alter the demographic balance in favour of the Sunni population. Many protesters also denounced the policy of hiring expatriates to work in the security services and described those expatriates as "mercenaries". In addition, the demonstrators expressed political demands similar to those heard in other protests, such as the slogan "the people demand the removal of the regime". Among those leading the demonstration was Sheikh Mohamed Habib Alsafaf.

426. Demonstrations also continued at both the Bahrain Financial Harbour and at the GCC Roundabout. At 20:00, a march was reported to have departed from the harbour to the roundabout, where various activities were being organised in the tents. Political figures, journalists and community leaders gave speeches, and at around 20:30 a play was performed.

427. Later that evening, some political leaders sought to organise a march towards the Riffa district, where the Royal Palace and the residences of the senior political leadership were located. The information was circulated

among the residents of Riffa who then prepared to confront the proposed march.

Thursday, 10 March 2011

428. The most significant developments on this day were the large numbers of school students who demonstrated in many neighbourhoods and villages across Bahrain and the clashes that occurred in some of those schools between supporters of the government and anti-government protesters.

429. Starting in the early hours of the morning, students began to leave their schools in numerous districts including Jad Hafs, Issa Town, A'Ali, Sanad, Adliya, Diraz, Bou Ghazal, Naim and Hamad Town. Many of these demonstrations took the form of marches that remained in the school neighbourhoods, while in others the demonstrating students marched towards one of the main protest centres in the country including the GCC Roundabout, SMC and the Financial Harbour. The total number of absent students was estimated to have exceeded 3,000.

430. Other groups of students proceeded to the Ministry of Education, where they were joined by representatives of the teachers' society. By 11:00, the number of protesters at the Ministry had exceeded 300, most of whom were demanding the resignation of the Minister of Education and criticising the policy of hiring temporary teachers to replace those who had gone on strike during the earlier days of the demonstrations. Later in the day, small groups of individuals reportedly gathered at the residence of the Minister of Education to protect it against possible attacks by demonstrators.

431. Meanwhile, one of the most notable incidents of violence in Bahraini schools was reported when clashes occurred at the Saar High School for Girls. While the exact sequence of events remains unclear, reports indicated that at 09:00 some of the students began chanting anti-government slogans and demanding to be let out of the school. Thereafter, arguments broke out between those students and pro-government students, which quickly led to clashes between both sides. By 10:00, parents and family members who had heard of these incidents began to converge on the school. This led to confrontations among parents and between some parents and students.

432. As matters deteriorated, students and some parents began to threaten the school Headmistress and some of the staff, which compelled them to flee their offices and hide in the registration building inside the school. Later, students surrounded that building and started attacking it with stones, breaking windows and threatening those hiding inside. As the situation worsened, the MoI dispatched riot control forces to disperse the gathering crowds. The Governor of the Shamaliyah Governorate, members of Al Wefaq and other community leaders also arrived on the scene to try to contain the situation. By 15:30, most of those present at the school had vacated the area and the staff had been safely evacuated. In total, eight students were injured and received medical care at SMC. It was decided in the aftermath of this incident to suspend classes at the school indefinitely.

433. Other schools, including the Al-'ahd Al-Zakher High School for Girls and the Yathreb Elementary School for Girls, reported incidents of violence between students, albeit on a smaller scale than at the Saar High School. Later in the day, it was announced that in light of the deteriorating situation and the large number of absent students, all schools in Hamad Town had suspended classes until further notice.

434. The University of Bahrain also witnessed its first major demonstration. At 09:30, around 300 students and some university staff began to gather in the main yard of the Sakhir Campus in the area between the administrative buildings and the library. The demonstration took the form of a march followed by a silent sit-in. The participants declared their solidarity with the protesters at the GCC Roundabout, denounced the killing of peaceful protesters, affirmed their commitment to national unity and rejected sectarianism. The march ended at around 11:30 after senior university administrators met with the students and listened to their demands.

435. As the day proceeded, more demonstrations were reported in various parts of Bahrain. One of these was organised during the afternoon at the premises of the UN offices in Manama, in which over 3,000 individuals participated. Most of the demands expressed at that protest mirrored those heard in other demonstrations, including calls for the removal of the regime and departure of the royal family ("*erhalo Al Khalifa*"), the rejection of sectarianism and the denunciation of the killing of peaceful protesters. Some of the demonstrators also accused the UN of adopting double standards by not intervening in Bahrain to halt what the protesters considered to be violations of human rights.

436. As a result of the visit of HRH the Crown Prince to Saudi Arabia, the United Arab Emirates, Kuwait and Qatar on 1 and 2 March, it was announced that the GCC would present $10 billion to Bahrain and Oman for developmental purposes.

437. At 16:40, the Gathering of National Unity organised an event in the Al-Haneneya district, where speeches were given about the unfolding situation. Later, a large gathering of individuals was reported at the headquarters of the Al-Asala political society in Al-Beseteen, where some speeches were made that were generally supportive of the GoB. At 22:00, the leader of the Gathering of National Unity, Sheikh Abdullatif Al-Mahmood, joined those gathered at the premises of Al-Asala, where he gave a speech.

438. Opposition leaders congregated at the GCC Roundabout and the Bahrain Financial Harbour, where representatives of all the major opposition groups addressed the demonstrators. It was reported that some of the political figures encouraged demonstrators to join a march towards the Royal Palace in the Riffa district that was planned for the next day.

439. That night, the seven main opposition political societies issued a joint communiqué about the events planned for the following day. Those societies were Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assemblage, the Nationalist Democratic Society, Al Ikha' National Society

and the Al Menbar Progressive Democratic Society. The communiqué included the following statements:

a. The youth of the 14 February movement are invited to attend a march titled "Down with the 2002 Constitution" at 4:00 p.m. the next day, which will begin in the Seef district and proceed towards the GCC Roundabout.

b. The youth are applauded for not consenting to the calls that were issued to organise a march on the Royal Palace in Riffa the next day at the same time as the "Down with the 2002 Constitution" demonstration.

c. The prudence of the youth is also applauded for not agreeing to march to the Riffa district, because the situation would have certainly descended into sectarian clashes.

d. Everyone in Bahrain is urged not to allow the situation to slip into a confrontation on sectarian grounds, and any attempts to provoke such clashes must be resisted.

Friday, 11 March 2011

440. Two major demonstrations were held after Friday prayers. The first began in the Seef district and proceeded towards the GCC Roundabout. This protest focused on the demand to abrogate the 2002 Constitution. The other demonstration, which was significantly smaller, attempted to enter the Riffa district.

441. The early hours of the day witnessed several incidents of vandalism and assaults on individuals and private property. Some of these incidents were reported in the Al-Riffa Al-Gharby and East Riffa neighbourhoods, which are within close proximity of the Royal Palace. Other areas affected by these incidents included the Ma'ameer industrial district, the Zayed neighbourhood, A'Ali and Salamabad.

442. Despite the call by the major opposition political societies not to march toward the Royal Palace, people began to gather in the areas and neighbourhoods surrounding Riffa after Friday prayers. The largest of these gatherings was at the Sheikh Issa mosque where 400 individuals began walking towards the Sa'aa Roundabout in Riffa, which is in the immediate vicinity of the Royal Palace and the Court of HRH the Crown Prince. Gradually, more people joined the demonstration from neighbouring districts, particularly from A'Ali where by 15:20 around 2,500 individuals began marching from the A'Ali driving school towards the Sa'aa Roundabout.

443. Between 15:30 and 15:40, the protesters had reached the barricades that the MoI had set up on the Sheikh Khalifa bin Salman Road to deny people access to the Sa'aa Roundabout. The number of protesters exceeded 3,000, and many had begun to leave the road to bypass the MoI barricade by walking through the areas adjacent to the road. To pre-empt this, the MoI had placed a barbed wire fence across the empty land adjacent to the road.

444. Multiple attempts to dissuade the demonstrators and convince them to turn back failed. A senior police officer warned the demonstrators to retreat, explaining that large numbers of predominantly Sunni residents of Riffa had gathered behind the police barricade, and therefore allowing the protesters through would lead to violent confrontations. At 15:30, the President of the Council of Representatives arrived to attempt to convince the protesters to depart. The total number of people on both sides of the barricade was estimated to exceed 8,000.

445. Most of the demonstrators chanted the slogan, "The people demand the removal of the regime", while many others chanted, "*Yaskot ... yaskot Hamad*" ("Down … down Hamad"). The demonstrators also criticised the Prime Minister and demanded his resignation.

446. At 17:00, when attempts to persuade the demonstrators to vacate the area had failed, and after many of them had managed to break through the barbed wire fence, police began dispersing them using tear gas. By 17:30, the area had been cleared of all demonstrators.

447. Later that evening, pro-government demonstrators gathered in the vicinity of the Prime Minister's residence to voice their support of the GoB.

448. Meanwhile, a much larger demonstration was organised in the Seef district to call for the abrogation of the 2002 Constitution. Tens of thousands of individuals participated in this march, which was called for by Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assemblage, the Nationalist Democratic Society, Al Ikha' National Society and the Al Menbar Progressive Democratic Society. The demonstrators demanded that the Constitution be rewritten and called on the Prime Minister to resign. Some of the participants also demanded the removal of the regime and accountability for those responsible for killing peaceful protesters.

449. Following the event, the political opposition groups leading the demonstration issued a statement in which they announced that the protest had proved that the people of Bahrain had rejected the 2002 Constitution. They also called for the election of a Constituent Assembly to draft a new constitution that would provide for a fully elected and empowered legislature, a government freely elected by the people, the peaceful transfer of power, equality before the law, respect for human rights and fundamental freedoms, and free and fair elections. The statement also denounced the 2002 Constitution because it was "concocted in the dark behind the backs of the people" and because it contradicted the National Action Charter, especially as related to the requirement that legislative functions be within the exclusive purview of the elected chamber of Parliament.

450. At the GCC Roundabout, protests, events and discussions continued much the same as in the previous days. Community leaders and political figures of various backgrounds gave speeches. At 19:00, a march that had departed from SMC arrived at the roundabout, and later in the evening another candle light vigil left from the roundabout to the UN offices.

451. Political consultations continued throughout the day between HRH the Crown Prince and opposition leaders. Among those who presented their visions on the proposed national dialogue was Sheikh Abdulla Al-Ghuraifi, who sent a document to HRH the Crown Prince which included the following demands:

a. The establishment of a constitutional monarchy;

b. The establishment of a fully empowered parliament;

c. Ensuring an elected and fully representative government; and

d. A fair electoral district system.

452. During earlier discussions between representatives of HRH the Crown Prince and members of Al Wefaq, the latter expressed unease about entering into a national dialogue in which other stakeholders would be present. Their preference was to conduct a direct one-to-one dialogue with HRH the Crown Prince. HRH the Crown Prince's negotiating team felt that this would complicate the process of launching the national dialogue because of the necessity of including the Gathering of National Unity. When the representatives of HRH the Crown Prince discussed the matter with Sheikh Abdullatif Al-Mahmood, the latter also mentioned that he was willing to accept a dialogue that was set up in a way that did not require that they negotiate face-to-face with Al Wefaq, so as to avoid a confrontation.

Saturday, 12 March 2011

453. For the second consecutive day, protests were organised at locations directly affiliated with the Royal Palace. At around 14:30, individuals began to gather at the Malkeya District Roundabout, after which they began to march towards the Safriyya Palace. By 15:00, persons from Dar Kulaib and Sadad joined the demonstration, increasing the number of participants to almost 2,000. By 16:00, the march reached the main gates of the Safriyya Palace and by that time had over 12,000 participants. Among the political figures leading the demonstration were Mr Hassan Almeshaima, Sheikh Mohamed Habib Elsafaf and Dr Abduljalil El-Sankis.

454. Similar to previous demonstrations, the protesters called for the removal of the regime, the resignation of the GoB and the abrogation of the Constitution. Many of the demonstrators also criticised the King and repeated the slogan, "Down … Down Hamad", which by now was being frequently heard in Bahrain. Many of the protesters also criticised the Prime Minister and demanded his resignation. Among the notable features of this demonstration was that many of the protesters wore white garments as a symbol of their preparedness to die to achieve their objectives.

455. Unlike the demonstration of the previous day at the Sa'aa Roundabout in Riffa, there was no police presence during this demonstration and no confrontations between demonstrators and security personnel were reported.

456. Meanwhile, a small flotilla consisting of 30 fishing vessels sailed from the Juffair harbour and arrived at 16:00 at the Bahrain Financial Harbour as a sign of support for the demonstrators camped there.

457. Throughout the day, numerous cases of vandalism were reported in various areas of Bahrain. These were generally attributable to the gradually deteriorating security situation and the breakdown of law and order in the country. For example, a checkpoint was set up in the vicinity of Roundabout 13 in Hamad Town at which numerous incidents of harassment were reported. Moreover, at 22:30 reports indicated that unidentified individuals forced shop owners in the Manama Market to close their stores and threatened to destroy them if they were not closed. Later, a police officer reported being assaulted by a group of persons carrying knives.

458. Many of the attacks reported during the day were against expatriates residing in Bahrain, especially those of Asian descent. At 21:50, for example, reports were filed by a person of Asian descent that a large group of people was assaulting foreign workers in the areas surrounding the Bahrain Hotel. Similarly, groups of unidentified individuals bearing sticks, wooden planks and metal rods set up a road block in the vicinity of the Manama Police Department and attacked a person of Asian descent.

459. In an attempt to reach a compromise, HRH the Crown Prince prepared a document outlining seven core principles on which the national dialogue should be based. These principles were partially drawn from the documents presented by the opposition political societies, including Al Wefaq, and from other documents. The seven principles were:

a. The Council of Representatives should be fully empowered.

b. The GoB should reflect the will of the people.

c. Electoral districting should be just.

d. Naturalisation policies should be discussed.

e. Governmental and financial corruption should be combatted.

f. National assets should be protected.

g. Sectarian tensions should be addressed.

460. It was the view of HRH the Crown Prince and his team that these principles were a crystallisation of what had always been communicated to the opposition as being open for discussion during the national dialogue. This was best reflected, in the view of the negotiating team, in the reality that the GoB was willing to discuss making the office of the Prime Minister accountable to Parliament and reducing the powers of the Shura Council by modelling it along the lines of the British House of Lords.

461. Later that day, these principles were used to prepare a Memorandum of Understanding (MoU) which outlined the mechanism for dialogue and reform. HRH the Crown Prince met HM King Hamad that night and received His Majesty's approval of this document and consented to undertaking

consultations with the opposition on this basis. The MoU included the following points:

a. The dialogue should be about undertaking constitutional amendments to the political system in the Kingdom.

b. Each side can assemble support teams composed of any persons deemed appropriate for the negotiations.

c. A consensus during the dialogue should lead to an agreement on amending the Constitution. After this consensus is reached, the proposed constitutional amendments should be presented to the people in a popular referendum. The results of the referendum would come into force once they were announced, on the condition that at least 70% of eligible voters participated and that two-thirds of those voting approved the proposed amendments. Both sides may consult with active forces in Bahraini society to reach a national consensus on the proposed amendments.

d. The GoB may not unilaterally present the agreements reached at the national dialogue to a referendum without first consulting with the opposition.

e. In case any issues are not agreed upon during the national dialogue, the disputed matters shall be put to the people in a referendum, to which the provisions of article (c) above shall apply.

f. The national dialogue should begin immediately following the agreement on these principles, and the referendum on the results shall be held within three months of the beginning of the dialogue.

g. The referendum shall be undertaken under full judicial supervision.

462. In light of the provisions of the 2002 Constitution, the implementation of these proposals required an amendment to the Constitution to allow the results of the national dialogue to be placed before the Bahraini people in a popular referendum. Therefore, the legal advisers of the Crown Prince prepared a draft amendment to the Constitution which would allow for the implementation of the agreement.

463. The MoU was shown to the leading Shia cleric Sheikh Abdulla Al-Ghuraifi, who endorsed it. Representatives of HRH the Crown Prince also called prominent individuals in the business community to consult on the content of the MoU, especially regarding the questions of turning Bahrain into a single electoral district and the election of HRH the Prime Minister. The position of all those contacted was that they rejected the idea of an elected Prime Minister. In addition, some recommended that a State of National Safety be declared.

464. At 01:00 the next day, HRH the Crown Prince agreed to have the MoU presented to Sheikh Issa Qassim later in the morning for approval so that Al Wefaq could begin the dialogue.

Sunday, 13 March 2011

465. This day was an important turning point in the sequence of events in Bahrain. The general level of security and law and order deteriorated significantly throughout the country as more cases of assault against individuals and against private and public property and incidents of sectarian clashes were reported. There were also confrontations between security forces and demonstrators camped at the Bahrain Financial Harbour who, early in the day, had fully obstructed traffic on the King Faisal Highway. The University of Bahrain witnessed its most violent clashes, which left many people injured and led to the suspension of classes.

466. From the early hours of the day, residents of various neighbourhoods reported that groups of unidentified individuals carrying knives, swords and wooden planks were roaming the streets and threatening passers-by, attacking vehicles and destroying public property. In A'Ali, for example, masked individuals were seen at 02:00 assaulting and verbally abusing persons in the vicinity of Roads 36 and 38. Similarly, groups of individuals were reported to have blocked Road 2 adjacent to the Dana Shopping Centre. Later that morning, individuals carrying swords and sticks were seen walking towards Roundabout 22 in Dar Kulaib where they were recorded to have damaged public property and private vehicles. In Hamad Town, large gatherings of unidentified individuals brandishing swords, knives and other sharp objects blocked the Al-Zallaq Road. At 17:30, a number of persons carrying wooden planks were seen proceeding down Kuwait Road toward Om Al-Hasm where they obstructed traffic and verbally insulted passers-by. That night, a group of individuals was attacked by an unidentified person using a Molotov cocktail in Busaiteen.

467. Later in the evening, unidentified persons were reported to have attacked shops in a number of areas, including Ma'atam Bin Saloum, Sa'sa'a Road and Sheikh Abdulla Street in Manama. Other stores were either vandalised or forced to close in the districts of Al-Baseeten and Jad Ali. By 17:30, most shops and commercial establishments had been closed in Hamad Town.

468. The occurrence of these and other incidents throughout the day, and the spread of information about the presence of armed gangs and groups of vandals in many areas of Bahrain, caused a wave of fear among families for their safety and security. This prompted residents of various neighbourhoods and villages to organise "popular committees" to protect their lives and property. For example, in Safara groups of individuals gathered in the vicinity of the National Guard facility in the area to deter against attacks by individuals and vandals. Similarly, residents of Al-Muharraq set up a roadblock across the Sheikh Issa and Sheikh Hamad Bridges to stop unidentified individuals from entering the area. Starting at 14:00, residents of Al-Riffa gathered in the Al-Mo'askar Street and the Al-Sa'aa Roundabout to

check the identities of people driving through the neighbourhood. Citizens from various neighbourhoods also gathered at the Bahrain International Airport to protect it against possible attacks by vandals and armed gangs.

469. Besides the palpable deterioration of security and law and order in many parts of Bahrain, one of the significant events of the day was a confrontation between protesters camped at the Bahrain Financial Harbour and security forces. Starting at 05:00, demonstrators began obstructing traffic across the King Faisal Highway, one of the main thoroughfares of Manama. Protesters used plastic traffic barriers, metal barricades, lamp posts, garbage dumpsters and other large objects to block traffic. Later, a group of protesters numbering over 100 began standing behind these barricades to prevent their removal by the police.

470. Police armed only with batons began arriving at the scene at around 07:00. A senior police officer used a megaphone to encourage protesters to vacate the area, remove the barricades and reopen the King Faisal Highway to traffic. Reports indicated that the protesters refused to leave the area, at which time more police units were dispatched to the area. As the standoff continued, some of the protesters broke through the barricades and charged at the police units. Given that they were unarmed and outnumbered, the police lines broke and the personnel retreated in a disorganised manner. Some of the protesters pursued the police units as they withdrew, attacking and injuring a number of police officers and damaging police vehicles.

471. By 08:30, the police units in the area had regrouped and reinforcements were dispatched to assist in reopening the King Faisal Highway and clearing the tents set up by demonstrators at the Financial Harbour. The MoI deployed riot police armed with tear gas, rubber bullets, sound bombs and a water cannon mounted on an armoured vehicle. In the following hours, skirmishes continued between police and protesters, whose numbers increased when they were joined by individuals from the GCC Roundabout and other areas of Manama. Some of the protesters were reported to have attacked police units with rocks, metal rods and sharp objects. The scope of these confrontations expanded from the immediate vicinity of the harbour to the overpass adjacent to the GCC Roundabout and then to the Sheikh Khalifa bin Salman Road. During these clashes, which continued throughout the morning, numerous protesters were beaten, while others sustained rubber bullet wounds and some suffered from choking caused by tear gas. According to an MoI statement issued later in the day, 14 police officers were wounded during the events at the Financial Harbour, including one who was struck by a civilian car reportedly driven by one of the demonstrators.

472. Despite attempts by security forces to reopen the main thoroughfares and roads surrounding the GCC Roundabout, the King Faisal Highway and the Sheikh Khalifa bin Salaman Road remained blocked. Throughout the day, protesters brought more plastic barricades and metal barriers to obstruct traffic. They also used heavy machinery to transport rubble, cement bars and

large metal tubes from nearby construction sites, as well as rocks, mounds of sand and lamp posts, to block these roads.

473. As news of the confrontations at the Financial Harbour spread, students at the University of Bahrain organised a demonstration at the Sakhir campus to denounce the use of force against protesters. Reports also indicate that some students from Bahrain Polytechnic participated in these protests. While there are conflicting accounts of the events at the university, it is undisputed that the first gatherings of students began at 08:30. Those students first marched to the food court area and then moved on towards colleges and other facilities on the campus.

474. There are two different accounts of what then occurred. Some reports claimed that pro-government students began to physically attack and verbally harass the protesting students. Pro-opposition students alleged that unidentified individuals who were not students and who were armed with knives, swords and other sharp objects were allowed onto the campus to confront the protesting students, and that university security did nothing to stop those individuals.

475. Conversely, other reports claimed that the number of protesting students gradually increased until it reached around 500. It was claimed that those demonstrators entered a number of colleges, including the Teachers' College, the Business College and the College of Arts, where they called for the removal of the King and the regime, as well as the resignation of the Prime Minister and the cabinet, and expressed their support for protesters at the GCC Roundabout and the Financial Harbour. At this point, clashes began to occur between pro-government and pro-opposition students at a number of colleges and at the central library. Knives, swords, wooden planks, rocks and other objects were used during these confrontations, in which a number of private vehicles were destroyed. There were no reports of firearms being used by either side.

476. According to pro-government reports, unidentified individuals were transported from various parts of Bahrain, including the GCC Roundabout, to assist the pro-opposition students. It was claimed that those persons stormed the eastern entrance of the university and attacked university security personnel. As clashes continued, a number of pro-government students and staff members gathered in the English Language Centre (Building S-20) to seek refuge. It was alleged that pro-opposition demonstrators then surrounded the building and began to break its windows and doors. This compelled the students to move to the second floor of the building to avoid injury. Thereafter, reports indicated that the demonstrating students set fire to a classroom on the ground floor to compel the students on the second floor to leave the building.[248]

477. As demonstrations and clashes continued at various areas of the University of Bahrain's Al-Sukheir campus, riot police and firefighters were dispatched to disperse the demonstrators and extinguish the fire in Building S-

[248] See Chapter VII, Section C.

20. Police units used tear gas, rubber bullets and sound bombs to confront the demonstrators.

478. Later in the day, members of the "Students First" list announced their resignation from the University of Bahrain Student Council to protest what they claimed was the "breaking into the university campus by armed vandals (*baltageyya*) with the acquiescence of the government security forces".[249]

479. In light of the events of the day, the administration of the University of Bahrain announced the suspension of classes until further notice.

480. Meanwhile, Al Wefaq issued a statement commenting on the developments that had occurred during the day. The statement claimed that "security was no longer available in Bahrain due to the presence of armed groups and militias throughout the country who were attacking people, their neighbourhoods and educational institutions using sharp objects and similar weapons." The statement also asserted that Bahrain was witnessing a "security void" that was imputable to the "disappearance of the institutions of the State that were supposed to protect citizens." Al Wefaq claimed that these armed groups were associated with the government security agencies, since the latter took no measures to confront the armed groups that were blocking roads and setting up roadblocks and checkpoints.

481. In another response to the developments of the day, the GFBTU issued a statement calling for a general strike in Bahrain.

482. Among the other significant events of the day was the increase in both the number and intensity of attacks against foreign expatriate workers, particularly those of South Asian origin. Late in the evening, a group of individuals entered a residential building in Manama that was mostly inhabited by Asian workers. Those individuals began attacking residents, among whom was a Pakistani citizen named Mr Abdul Malik Gholam Rasul, who was violently beaten to death. Later, Mr Farid Maqbul was attacked and sustained severe injuries from which he subsequently died. As the night proceeded, more cases of attacks against Asian expatriates were recorded. A Pakistani *Muethini,* Sheikh Orfan Mohamed Ahmed, was attacked by a group of individuals who violently assaulted him causing severe injuries, including deep lacerations to his tongue.[250]

483. Allegations were made that when some of these Asian expatriate workers were taken to SMC they were denied medical treatment, were verbally and physically abused and called mercenaries by some of the protesters gathered at the car park adjacent to the emergency department and allegedly also by some medical staff. Many of those individuals were later transferred to BDF Hospital for treatment.

484. That night, as the security situation and law and order in Bahrain continued to deteriorate, the Gathering of National Unity and the seven opposition political societies (Al Wefaq, Wa'ad, the Islamic Action Society,

[249] See Chapter VII, Section C.
[250] See Chapter VIII, Section A.

the National Democratic Assemblage, the Nationalist Democratic Society, Al-Ikha' National Society and the Al-Menbar Progressive Democratic Society) held a meeting at the headquarters of Al Wefaq. At the conclusion of the meeting, which lasted for five hours, a short statement was issued in which the participants condemned the inter-communal clashes that had occurred throughout the day in Bahrain, called on the people not to confront their fellow citizens and warned against the dangers of sectarianism.

485. That day, HRH the Crown Prince issued a statement in which he outlined the principles that should govern the proposed political dialogue. The statement was issued in light of what HRH the Crown Prince considered to be the shifting positions of the opposition parties. This statement included the following:

a. The safety and security of the people of Bahrain comes above any other consideration, and the "legitimacy of demands must not come at the expense of security and stability".

b. Considerable efforts have been exerted to create "effective links between all the various parties and national groups to understand their opinions and views in regard to national matters", and this reflects the commitment to starting a comprehensive national dialogue.

c. HRH the Crown Prince accepts the following principles within the dialogue:

    i. A parliament with full authority;

    ii. A government that represents the will of the people;

    iii. Naturalisation;

    iv. Fair voting districts;

    v. Combating corruption;

    vi. State property; and

    vii. Addressing sectarian tension.

    These are in addition to other principles and approaches for national dialogue.

d. HRH the Crown Prince stresses the importance of the immediate acceptance of the national dialogue and confirms that "there is no objection to presenting what will be agreed upon in the dialogue in a special referendum reflecting the united will of the people".

486. That afternoon, HRH the Crown Prince and two of his representatives consulted with Sheikh Issa Qassim, a leading Shia cleric, on the 12 March MoU and obtained his endorsement of that document as a basis for the proposed national dialogue. As HRH the Crown Prince and his associates set off to the meeting, they were contacted and advised that HRH the Crown

Prince should not attend the meeting. Therefore, HRH the Crown Prince's representatives proceeded alone to the meeting, which was held at the residence of Sheikh Abdulla Al-Ghurafi. During the meeting, the representatives of HRH the Crown Prince explained that they were seeking Sheikh Issa Qassim's blessing of the 12 March MoU so that Al Wefaq could join the national dialogue on that basis. Sheikh Issa Qassim seemed unaware of the existence of the MoU or the seven principles announced by HRH the Crown Prince, and stated that he did not have control over the streets. Sheikh Issa Qassim affirmed that while his role was religious rather than political, it was his view that the solution to the ongoing crisis should be the election of a Constituent Assembly to draft a new constitution.

487. After this meeting, the representative of HRH the Crown Prince met with Al Wefaq Secretary General Sheikh Ali Salman to urge him to endorse the 12 March MoU and accept the seven principles included in HRH the Crown Prince's statement. Sheikh Ali Salman reiterated that there was no need to enter into a dialogue with the GoB, and that the election of a Constituent Assembly to draft a new constitution was the only solution to the unfolding crisis. Later that evening, HRH the Crown Prince called Sheikh Ali Salman to persuade him to reconsider his position. Sheikh Salamn reiterated the views he had expressed earlier that day.

488. At that point, HRH the Crown Prince and his team concluded that the opposition was not interested in engaging in a dialogue with the GoB. In the view of HRH the Crown Prince and his team, the insistence by the opposition on the drafting of a new constitution by an elected Constituent Assembly would allow the opposition, which espoused a more conservative and religious outlook, to dominate the Constituent Assembly. The view of HRH the Crown Prince was that a constitution drafted by this assembly would alienate other members of Bahraini society. Therefore, the position adopted by Sheikh Issa Qassim and Sheikh Ali Salman was unacceptable to HM the King and HRH the Crown Prince.

489. A group of independent members of the Council of Representatives issued a statement calling on HM King Hamad to declare a State of Martial Law and to order the intervention of the BDF to maintain security and stability in Bahrain, protect private and public property and confront any illegal acts that incite violence, terrorism, harassment of individuals, sectarianism, disruption of social order, harming the national economy or threatening the national interest of Bahrain. The statement urged HM the King to impose a curfew to be enforced by the BDF. It also urged the King to intervene "at this critical juncture after the opposition rejected the calls to maintain calm and the invitations to enter into a dialogue, and instead resorted to escalation and sectarian incitement, which threatened the breakdown of security." The statement warned against the continuation of "provocative" unauthorised daily demonstrations and rallies, which were threatening to lead to a "civil war". This, according to the statement, necessitated the immediate intervention of the BDF to contain the situation and maintain law and order in Bahrain.

490. That night, HM King Hamad concluded that Bahrain required the assistance of military forces from neighbouring GCC countries. This decision was taken, *inter alia*, due to the general breakdown of security and law and order that Bahrain had suffered during the previous days, especially on 13 March, the increasing intensity and frequency of attacks against citizens, foreign nationals and private and public property, and the expanding scope of demonstrations and protests which, in the view of the authorities, were obstructing vital services and facilities. In addition, the GoB considered that the presence of these GCC forces would deter against what it believed could be a possible intervention in the internal affairs of Bahrain by the Islamic Republic of Iran.

Monday, 14 March 2011

491. The state of security and law and order in Bahrain further deteriorated throughout the day. Groups of vandals and gangs of individuals armed with knives, swords and other weapons were reported in many of Bahrain's cities and villages. A number of assaults against expatriate workers were also recorded, as well as several attacks against police officers. Fearing for their lives and property, more citizens organised checkpoints to monitor activity and traffic in their neighbourhoods.

492. Groups of unidentified individuals carrying light weapons of various types, such as knives, swords, metal rods and wooden planks, were reported in many parts of Bahrain during the day. For example, early in the morning, a small bus that had been seized from an Asian expatriate worker and a truck were used to block the Sheikh Jaber Al-Sabah Street in Sitra. Similarly, in A'Ali a number of streets, including Road 36, were blocked using trucks and other vehicles, while in other parts of that neighbourhood, such as the Sheikh Zayed Street, gangs of armed vandals were reported to have been roaming the streets and harassing passers-by. In Hamad Town, checkpoints were set up near Roundabout 22 where it was alleged that armed individuals had attacked and harassed persons thought to be Sunni. Also in Hamad Town, a large gathering of persons near Roundabout 5 set up a checkpoint and reportedly attacked and assaulted passers-by who they thought were Sunni.

493. Meanwhile, starting from the early hours of the morning, checkpoints were reported in various areas of the predominantly Sunni district of Al-Riffa, where the Royal Palace and the residences of Bahrain's senior leadership are located. Some of these checkpoints, especially in the vicinity of the Sa'aa roundabout were monitoring traffic and denying access to the neighbourhood to persons who were not residents or thought to be Shia. As the day progressed, unidentified armed individuals also manned checkpoints in Al-Riffa and other Sunni-majority neighbourhoods. In some cases, these checkpoints witnessed sectarian confrontations. For example, reports indicated that at 23:20, around 150 residents of Al-Riffa armed with knives, swords, and similar weapons clashed with a group of individuals from the Sanad district in the vicinity of the Elwy Complex. Meanwhile, more clashes between groups of Sunni and Shia individuals were recorded in other places, including in the vicinity of the Issa Town Medical Centre, Nowedirat, Al Dair,

and Samaheej. The level of violence recorded in these sectarian clashes varied depending on the number of individuals involved. In most cases, injuries such as knife cuts, stabs, and bruises were reported.

494. On a number of occasions during the day, gangs of armed individuals prevented government and private sector employees from entering their workplaces. For example, reports indicated that at 08:15 a group of armed individuals had prevented employees of the Bahrain and Kuwait Bank from entering the bank. Unidentified persons prevented employees from leaving the premises of the Ministry of Justice at 11:15.

495. Many commercial establishments were attacked during the day. For example, starting at 11:40, groups of unidentified individuals harassed shop owners in the Sheikh Mohamed Road in Manama and compelled them to close their shops. Similarly, in Al-Riffa, a popular coffee shop was vandalised and a small fire was lit in a convenience store.

496. During the day, a number of cases of assault against unarmed police were recorded. Among these was an attack at 10:00 by approximately 10 individuals on a police officer in Motanaby Street in the vicinity of the NSA headquarters. A similar incident was reported at the same time when unidentified individuals attacked a police officer on patrol in the Salmaniya district. The victims of both these attacks were hospitalised. At 16:28, a police patrol reported being attacked in Sahla by a group of individuals armed with knives and swords, injuring at least one police officer. Another police patrol was attacked later that night by individuals manning a checkpoint in Issa Town. Furthermore, a number of police officers and employees of security agencies reported that their homes had been the target of attacks and incidents of vandalism. Examples of these incidents include a report filed by an NSA employee claiming to have been under siege in his home in Issa Town, and a claim by a police lieutenant to have been harassed at his residence in Sanad.

497. As a sign of the further deterioration of security in Bahrain, inmates in the Hawd Al-Jaf (Dry Dock) Detention Centre began to cause disturbances and managed to break out of the facility. It is unclear whether confrontations occurred between the prison security and the inmates. In total, 109 inmates escaped from the prison. Reports indicated that some of those attempted to escape by sea, but were later captured by Coast Guard units. Other inmates attempted to leave the area using a small bus, while some hid in the buildings of a nearby company. By 17:30, security forces had apprehended most of the inmates who had escaped.

498. These and similar incidents were reported throughout the day by the news media and further disseminated by internet social networking sites. This exacerbated an already heightened sense of insecurity among Bahrainis and foreign nationals. Developments of the previous days, particularly the crippling of traffic in Manama due to the blocking of the King Faisal Highway, the presence of gangs of armed vandals throughout Bahrain, the inability and, according to some claims, the unwillingness of the police to impose order and confront these armed groups, and the targeting of expatriate

workers, inevitably led to a sense of complete loss of security in the country. Residents in many neighbourhoods, including those of mixed composition and those having either Shia or Sunni majorities, were compelled to fend for themselves and organise committees to maintain security. This led Bahrainis and foreign residents to feel that the GoB was no longer capable of ensuring their safety and that Bahrain was on the verge of a total breakdown of law and order.

499. Reports from the GCC Roundabout and its immediate vicinity indicated that certain individuals were fortifying the barricades placed to block traffic on the main thoroughfares of the area and on the roads leading to the roundabout. Palm trees, lamp posts, plastic barriers, rubble, rocks and mounds of sand from nearby construction sites were placed across the King Faisal Highway and the Sheikh Khalifa bin Salman Road to obstruct traffic. In some areas, trenches were also dug to prevent vehicles from entering the area. Roadblocks were also reported in the vicinity of the premises of the Council of Ministers and the nearby streets. Furthermore, reports suggested that certain individuals were using electrical wiring to create booby-traps on the overpass adjacent to the GCC Roundabout and in the vicinity of the Bahrain Financial Harbour. The total number of protesters reported to have been at the GCC Roundabout during the day exceeded 10,000.

500. At 17:30, Gulf Air announced that it was suspending its flights to Iran and Iraq. No reasons were given publicly for this decision.

501. The GCC Jazeera Shield Forces (GCC-JSF) arrived in Bahrain that evening. The first formations to enter Bahrain were units from the Saudi Arabian Royal Guard, which crossed into Bahrain from the King Fahd Causeway at 18:20. More units from the United Arab Emirates and the State of Qatar arrived in the following days. The GCC-JSF was ordered to assist Bahraini units in the protection of vital installations and sites in various parts of the country, particularly the oil fields in the south. These forces were also instructed to be prepared to assist in the defence of Bahrain against any foreign intervention. Later in the week, naval formations from the State of Kuwait executed reconnaissance and patrolling missions off the coast of Bahrain.

502. On learning of the arrival of the GCC-JSF, the former First Deputy President of the Council of Representatives and Al Wefaq member Mr Khalil Al-Marzouq issued a statement expressing the view that the use of GCC forces to "confront popular demands was illegitimate and devoid of legal bases." The statement added that the invitation extended to foreign forces was "only explainable as a sign that the governing authority of Bahrain considers itself to have lost all legitimacy and to be unrecognised to an extent that it was unable to address the internal situation, which compelled it to request Gulf assistance."

503. Meanwhile, it was reported that during a meeting with the Gathering for National Unity, the Al Wefaq Secretary General, Sheikh Ali Salman, reacted to the news by saying that he would request Iranian assistance. Later in the day, Sheikh Ali Salman issued a press release affirming that the

statements attributed to him were fallacious and baseless. Sheikh Ali Salman also rejected all forms of foreign intervention in the internal affairs of Bahrain. He later explained that during the meeting he had expressed the view that inviting the GCC-JSF was a "strategic mistake" because it internationalised an internal crisis and provided the Islamic Republic of Iran with a pretext to intervene in Bahrain.

504. The 14 February Youth Group issued a statement, which it circulated on internet social networking websites such as Facebook and Twitter, to announce that the main roads and highways in the vicinity of the GCC Roundabout would be opened. This included the King Faisal Highway and the Sheikh Khalifa bin Salman Road. The statement noted that these youth groups "were aware of the extent of the deliberate misrepresentation and tarnishing that was occurring against their peaceful movement, which had impressed the world with its civility". The statement also noted that measures to threaten civilians and undermine their interests were not among the objectives or activities of the 14 February Youth.

505. Early that evening, the leader of the Gathering of National Unity, Sheikh Abdullatif Al-Mahmoud, held a press conference in which he outlined his views on the recent developments in Bahrain and on the political negotiations between HRH the Crown Prince and opposition parties. Sheikh Al-Mahmoud's remarks included the following points:

a. There is no need to declare a State of Martial Law, as some political figures have suggested. The GoB is capable of regaining control of the situation in Bahrain and restoring order.

b. Bahrain is part of the GCC community, and any intervention from outside that community is unacceptable.

c. The situation in Bahrain is alarming, especially in light of the clashes that are occurring in the various cities and villages.

d. The meeting between the Gathering of National Unity and the opposition parties that was held yesterday at the headquarters of Al Wefaq reached a "dead-end". The principal difference between the participants is that the opposition insists on the election of a Constituent Assembly that would not include any representatives of the regime. The Gathering of National Unity, on the other hand, considers the representation of the regime indispensible in any Constituent Assembly.

e. The Gathering of National Unity also differs from the opposition in that the latter insists on discussing the pre-conditions and principles of the proposed national dialogue, and favours an immediate beginning of the dialogue the results of which should be presented to the people for approval through a popular referendum.

f. The Gathering of National Unity considers Al Wefaq responsible for what was occurring in Bahrain, especially since Al Wefaq has the ability to calm the people because the majority of teachers and the Secretary General of the GFBTU are among its members.

g. It is the view of the Gathering of National Unity that the following matters should be the subject of debate during the proposed national dialogue:

   i. The concept of a "constitutional monarchy";

   ii. Revision of the 2002 Constitution;

   iii. The bi-cameral legislature:

      1. The powers of the Council of Representatives;

      2. The powers of the Consultative Council;

      3. The relationship between the Council of Representatives and the Consultative Council;

      4. Electoral districts;

      5. Electoral systems and the representation of Sunnis; and

      6. The entity empowered to draft the internal regulations of the Council of Representatives and the Consultative Council;

   iv. The executive branch of government:

      1. Nominating the Prime Minister;

      2. Nominating Cabinet Ministers;

      3. Conditions required for nomination to the Office of Prime Minister and Cabinet Minister;

      4. The relationship between the King and the legislature, and the approval of the government program;

      5. Holding the Prime Minister accountable; and

      6. Holding Cabinet Ministers accountable;

   v. The judicial branch of government:

      1. The relationship between the judiciary and the Ministry of Justice;

      2. The composition of the Supreme Council of the Judiciary and its Chairperson; and

      3. Prerequisites for the appointment of judges;

vi. The relationship between the ruling family and the State;

vii. Financial and administrative oversight;

viii. Naturalisation;

ix. Enforcing the Financial Statements Law on employees of the executive and legislative branches of government and those in senior positions;

x. Civil liberties and religious freedoms;

xi. National income;

xii. State properties;

xiii. Preserving national wealth;

xiv. The relationship between municipalities and governorates;

xv. Increasing wages and pensions;

xvi. Housing;

xvii. Social security;

xviii. Employment policies and addressing unemployment;

xix. Moral, financial and administrative corruption;

xx. Addressing sectarianism; and

xxi. Addressing sectarian tension.

506. The Coalition for the Republic issued a statement that included the following:

a. What the regime has announced so far in the name of dialogue is nothing but empty declarations in a desperate attempt to respond to, protract and stall the revolution. Ironically, this attempt coincides with the regime's escalation of suppression and use of armed government thugs against peaceful citizens, including women and children, and the use of foreign military forces to engage governments of neighbouring countries in the losing battle to keep their thrones propping oppressive monarchies. Thus, the false call for dialogue using empty rhetoric does not change the reality of the situation and will not tempt any of the people or the opposition parties to abandon the people's demands for real and complete change.

b. The involvement of military forces of the Kingdom of Saudi Arabia and neighbouring countries to contribute to the suppression of a peaceful and popular revolution is an interference in the internal affairs of Bahrain and has no legal justification, as the military defence agreement for the GCC is

to repel external aggression and not to suppress the peoples of these countries who demand freedom and democracy. This contradicts the philosophy of the Council to promote cooperation between the peoples of the GCC countries and not to fuel sectarianism, which invites the interference of other forces in the region. Therefore, any presence of GCC military forces in Bahrain is an illegal occupation that aims to suppress the will of the people, and troops should be withdrawn immediately. Experience has shown that the security and military options will not succeed in breaking the will of the people in Bahrain or in ending their peaceful revolution.

c. The GoB holds complete responsibility for the horrific crimes committed by the armed government thugs rampaging and reigning terror from the east to the west of Bahrain using guns, rifles, swords, knives and other sharp objects, which have resulted in tens of serious injuries. These severe violations of human rights will be among the crimes for which this GoB will be prosecuted. The use of government thugs has not convinced anyone that there are sectarian clashes as the regime intended to show, nor has it provoked people into abandoning their peaceful movement which has so far made them victorious over military and security forces and will also, god-willing, make them victorious over government thugs. We have seen how the attacks of these thugs have led to an initiative of forming popular committees and safety patrols in different areas and villages across the country to protect the population, while being peaceful and civilised as is now the trademark of this revolution and its revolutionaries. This is an important step towards the collapse of the regime and the transfer of power to the people.

d. These latest developments, from acts of repression in recent days as well as foreign military intervention, coincided with the visit of US Secretary of Defence Robert Gates to Bahrain. This raises many questions about America's role in the current situation and makes it a partner in what is going on from violations of human rights to denying the Bahraini people their legitimate right to democracy and freedom.

e. The Alliance for the Republic demands that the United Nations, the international community and international organisations assume their responsibility in monitoring what is happening in Bahrain and supporting the peaceful popular movement and its rightful demands. Furthermore, all measures must be taken to record and document the violations of the regime, the intended absence of law and order and the legality of the Saudi invasion of Bahrain. The international community must condemn in clear language the actions of

this regime, and it must send fact-finding missions to investigate what is happening on the ground.

f. The Coalition supports the popular and open strikes by students, workers and professionals. Moreover, the Coalition supports acts of organised and peaceful civil disobedience announced by 14 February youth groups. These strikes and acts of civil disobedience are the way to achieve major demands for which the people have already made sacrifices.

Tuesday, 15 March 2011

507. In light of the general deterioration of the state of security throughout Bahrain, HM King Hamad issued Royal Decree No. 18 of 2011 declaring a State of National Safety for three months throughout the territory of the Kingdom of Bahrain.[251] In accordance with this decree, Bahraini authorities and law enforcement agencies began to adopt a more forceful approach towards both demonstrators and individuals partaking in acts of vandalism or causing disorder.

508. During the day, violent clashes were reported between police and individuals in various areas of Bahrain. A number of civilian and police fatalities were recorded, in addition to large numbers of injuries on both sides. The day was also marked by the continued blocking of main roads in many neighbourhoods, the setting up of checkpoints at the entries to a number of districts, and the reporting of numerous assaults on passers-by and civilians in various areas.

509. Shortly after midnight, residents of Issa Town apprehended a number of individuals who were attempting to overturn a garbage dumpster and set its contents on fire in the vicinity of Complex 816. In Al-Budaiya, reports indicated that, at around 03:30, an unidentified individual fired gunshots in the air and attempted to run over passers-by with his car. Around the same time, a police patrol that was attempting to open blocked roads in the same area was attacked by unidentified individuals with Molotov cocktails.

510. At around 01:00, the headquarters of the Al-Wasat newspaper were vandalised by unidentified individuals and a number of its employees were assaulted.

511. Reports indicated that, starting in the early hours of the day and continuing throughout the morning, roadblocks were set up by individuals in many areas of Manama and other cities and neighbourhoods. For example, starting at 02:00, a number of persons armed with sticks and metal rods manned a checkpoint in Dar Kulaib. At around 02:45, a police patrol was dispatched to remove this checkpoint and arrest the individuals responsible for setting it up. During the operation, at least one police officer was injured when his patrol car collided with the fence of a nearby house as they chased the individuals at the checkpoint. Similarly, a group of persons blocked Al-

[251] See Chapter III, Sections F, G and H for an overview and analysis of Royal Decree 18 of 2011 on the Declaration of a State of National Safety in the Kingdom of Bahrain.

Qasr Street at the entry to Ras Ruman at around 03:00. A few hours later, reports indicated that a large truck was used to deny entry to the Buri District. Meanwhile, it was reported that two buses were used at 07:20 to block the entry into Road 1 in Sitra. Later that morning, a group of around 30 persons was reported to have blocked the roads in the vicinity of the Ibn Sina Medical Centre in Ras Ruman and assaulted passers-by.

512. Reports indicated that by noon groups of unidentified individuals were stopping and searching cars at a checkpoint at the entry to the Al-Ma'ameer district. Meanwhile, in Al-Muharraq a roadblock was set up near Akher Forsa to search cars and individuals attempting to enter the area. In A'Ali, a checkpoint was set up by individuals at around 12:30 in the vicinity of the A'Aali residential complex. Two other checkpoints were reported at the entry to the Saar District and on the Zeid bin 'Emira Road at the entrance to the Al Malikiya District.

513. At various points during the day, trucks and other vehicles were reported to have been seen transporting what appeared to be gas cylinders to the vicinity of the GCC Roundabout and the Bahrain Financial Harbour. Otherwise, protesters continued to flock to the GCC Roundabout, where many denounced the invitation extended to the GCC-JSF and continued to call for the removal of the regime. The total number of protesters at the roundabout during the day reached around 15,000.

514. Throughout the morning and afternoon hours, clashes occurred between individuals and police units in Sitra. Civilians, mainly young men and teenagers, gathered in various areas of Sitra to either organise anti-government rallies or set up checkpoints and roadblocks to deny police patrols access to that district. Police patrols were dispatched to the area to clear roads, disperse demonstrators and restore law and order to the area. Police used sound bombs, tear gas and shotgun rounds during these clashes.

515. At 13:00, a large group of individuals was reported to be blocking traffic and searching vehicles in the area adjacent to the Development Bank on Sheikh Jaber Al-Sabah Road. Later, persons from neighbouring areas, including Al-Ekr Al-Sharky and Al-Ma'ameer, joined the individuals gathered in Sitra. Police were ordered to disperse these demonstrators. During this operation, police officer Ahmed Rashid Al-Murisi was attacked and run over by two men driving a private vehicle. Mr Al-Murisi was severely injured and was pronounced dead later that afternoon at BDF Hospital.[252] Two other police officers sustained severe injuries when they were run over by a private vehicle. Later, at 15:15, another police officer was injured when he was hit by a car on Road 1 in Sitra.

516. As police continued to disperse demonstrators and to clear roadblocks and checkpoints set up in the vicinity of Road 1 in Sitra, clashes occurred between police and a number of individuals. These clashes led to the death of Mr Ahmed Farhan Al-Farhan. While the exact circumstances of this case are the subject of an ongoing investigation by the MoI, police reports claimed that

[252] See Chapter VI Section A.

at around 15:20 the deceased was shot while driving a white vehicle and attempting to run over a police officer deployed in the area. Conversely, witness statements indicate that the victim was participating in a peaceful demonstration, which MoI units were dispersing, and he was running away from police when he sustained fatal injuries to his head, legs and back caused by shotgun pellets.[253]

517. As clashes between MoI units and protesters subsided, at around 21:00, a police patrol was ordered to transport three individuals who had been detained during the day to Al Wusta police station. By 21:30, the assigned police patrol had executed its orders and delivered those three individuals to the police station. Among those detained was Mr Isa Radhi Abdali Ahmed Alradhi, who according to MoI reports had sustained head injuries. The next day, Mr Alradhi was pronounced dead at BDF Hospital due to injuries to his head and skull and an internal brain haemorrhage.[254]

518. During the day, reports from other areas indicated that unidentified individuals had attempted to run over and attack police. For example, an MoI Special Forces Unit was attacked at around 19:00 by a bus on Road 38 in A'Ali. One police officer was killed and 16 injured during the day in Sitra. Three other police officers were injured in Nuwaidrat and in the vicinity of Roundabout 22, bringing the total number of injured police to 19.

519. As the security situation continued to deteriorate throughout the day, and attacks by unidentified persons on civilians were reported by the official media and then circulated by social networking websites, residents of many neighbourhoods resorted to setting up checkpoints and roadblocks at the entrances to their neighbourhoods. These areas included Roundabouts 10 and 20 in Hamad Town, Al Diraz and the entry to Bani Jamra. The heightened sense of apprehension and general insecurity that Bahrainis and foreign workers felt led to clashes at many of these checkpoints as residents denied people who did not appear to reside in the neighbourhood and who were suspected to be vandals access to their neighbourhoods.

520. It was reported that two mosques were attacked at around 15:50. These were the Majbal and the Befrij Al-Fadel Mosques in Manama.

521. As in previous days, a number of expatriate workers, most of whom were of South Asian origin, were attacked and harassed by groups of unidentified individuals. At approximately midday, a Bangladeshi national named Mr Mohammad Ikhlas Tozzomul Ali was killed when he was run over by a car in Sitra. Three other Bangladeshi workers were also injured in that incident.

522. Starting at 15:15, a rally of over 8,000 individuals proceeded down the King Faisal Highway towards the Embassy of the Kingdom of Saudi Arabia in the Diplomatic Area. The demonstrators were protesting against the deployment of the GCC-JSF that had arrived in Bahrain the previous day.

[253] See Chapter VI Section A.
[254] See Chapter VI Section A.

523. Meanwhile, in Tehran, the Official Spokesperson of the Ministry of Foreign Affairs of Iran stated, "The presence of foreign forces and the interference in Bahrain's internal affairs is unacceptable, and will further complicate the issue." The Spokesperson added, "The people of Bahrain have demands that are legitimate and are being expressed peacefully."

524. Four members of the Consultative Council announced their resignation from the Council. These resignations were later withdrawn.

525. As part of its mediation efforts between the GoB of Bahrain and the seven main opposition parties, the United States dispatched Ambassador Jeffery D. Feltman, the Assistant Secretary of State for Near Eastern Affairs, to Manama to examine the potential for reaching an agreement between the two sides. The consultations that were undertaken led to the drafting of a document entitled, "Code of Conduct – To be Sponsored by a Regional Leader, with the US GoB Acting as Observer". The document included the following points:

a. Al Wefaq and its National Coalition allies will immediately orchestrate the removal of barricades and protesters from all highways and from all roads in Manama. Protesters will maintain a peaceful and orderly presence at the GCC Roundabout.

b. The BDF and MoI will implement an operation to ensure that all highways are fully accessible to the general public.

c. The BDF and MoI will immediately implement an operation to terminate all "vigilante" activity, followed by the dismantling of all illegal roadblocks and checkpoints.

d. The BDF Commander and ranking GCC Forces Commander will issue a statement clarifying the deployment of army units (i.e. to sensitive locations only), as well as rules of engagement.

e. Al Wefaq and its National Coalition allies agree:

    i. To join immediately a genuine and credible national dialogue process that addresses the concerns and aspirations of all Bahraini citizens; and

    ii. To orchestrate the full withdrawal of protesters from the GCC Roundabout within four weeks or once the National Coalition declares that discernable progress is being made in the national dialogue process, whichever is sooner.

f. The GoB of Bahrain announces:

    i. The right for peaceful and orderly protests to continue;

    ii. The temporary shuttering of Bahrain Television;

    iii. The release of all remaining "political prisoners"; and

iv. The intent to form an interim government within 60 days.

g. The "Public Safety" Decree will be annulled and the GCC Forces will withdraw from Bahrain if there are no violent incidents.

526. According to opposition sources, Al Wefaq and the other political societies accepted this US proposal, while the GoB did not respond to this initiative.

527. According to opposition sources, it was suggested that the Prime Minister and Minister of Foreign Affairs of the State of Qatar, HE Sheikh Hamad Bin Jassim Bin Jabr Al-Thani, could act as the sponsor of the proposed United States initiative. Opposition sources also indicated that the Emir of the State of Qatar, HH Sheikh Hamad bin Khalifa Al-Thani, attempted to mediate between the GoB and opposition parties in the following days, and that this initiative was accepted by the opposition but rejected by the GoB.

Wednesday, 16 March 2011

528. During the day, the GoB of Bahrain took active steps to address the general state of insecurity and the breakdown of law and order that had existed for several days throughout Bahrain. In addition, measures were taken to put down the demonstrations and political protests that had been taking place in various areas of Manama and neighbouring cities and villages.

529. The most significant events of the day were the second clearing operation at the GCC Roundabout and the clearing of protesters from both the Bahrain Financial Harbour and SMC. At 05:00, the BDF Commander-in-Chief, Field Marshal Sheikh Khalifa bin Ahmed Al Khalifa, arrived at the staging area that had been prepared for the operation to the north east of the GCC Roundabout. The BDF Commander-in-Chief oversaw the overall operation, which had been divided into three phases and was executed primarily by police. In addition, units from the National Guard were deployed to provide assistance and support the police. The BDF deployed a number of its armed units to provide general theatre protection for the advancing forces. The BDF units were also ordered to be prepared to defend against any possible foreign intervention. These units remained under the operational control of each of their respective field commanders and agency heads. The total number of personnel deployed for the operation exceeded 5,000. The Royal Bahraini Air Force deployed two Bell AH-1 Cobra attack helicopters and two Bell 212 Twin Huey helicopters. These aircraft were neither involved in any assaults nor did they fire any of their weapons during the operation.

530. The first phase of the operation, which commenced at 05:30, began with the use of a megaphone to order the protesters camped at the GCC Roundabout to vacate the area. Most of the demonstrators left the roundabout, but one group of protesters decided to stay. Therefore, police began approaching the roundabout from several directions, including from underneath the overpass adjacent to the roundabout and from the direction of

the Geant Shopping Mall. The operation was planned so as to leave three exit routes open through which protesters could leave the roundabout. As in other operations, police were armed with sticks, shields, tear gas, sound bombs and shotguns. The BDF Commander-in-Chief ordered the police not to use firearms during the operation. The police were also accompanied by a number of armoured personnel carriers and two armoured trucks equipped with water cannons.

531. The advancing police first cleared a series of roadblocks that demonstrators had set up using lampposts, mounds of sand and rubble, palm trees, garbage dumpsters, plastic traffic barriers and metal barricades. As the police entered the GCC Roundabout, they used tear gas and sound bombs to compel the remaining protesters to vacate the area. At this point a number of Molotov cocktails were thrown at the advancing police forces. In addition, some of the protesters set fire to the tents and canopies that had been set up at the roundabout. These fires were put out first by the MoI water-cannons and then by fire trucks that were dispatched to the area. Meanwhile, formations from the BDF and the National Guard fanned out to secure the flanks of the advancing police and secure the entry points to the roundabout. BDF engineers and armoured units also advanced down the King Faisal Highway and the Sheikh Khalifa bin Salman Road to remove booby-traps that were feared to have been placed there during the previous days and to clear roadblocks and other objects obstructing traffic. By 07:46, the roundabout was under the full control of government forces.

532. Upon entering the GCC Roundabout and the adjacent areas, units from all three armed services participating in the operation (police, BDF and National Guard) began searching for booby-traps, explosives and other weapons that were left in the area. This search uncovered large numbers of Molotov cocktails, metal rods, knives, and other sharp objects.

533. As police continued to search the GCC Roundabout and the surrounding areas, two police officers, Mr ‘Asheq Ahmed Mansour and Mr Mohamed Farouk Abdulsamad, were run over multiple times at 08:00 by an SUV in the open area to the west of the roundabout. Both police officers died onsite.

534. Following the clearing of the GCC Roundabout, phase two of the operation began, which aimed to clear the Bahrain Financial Harbour and the nearby roads of demonstrators and roadblocks. Like the first phase, this part of the operation was executed primarily by police supported and flanked by BDF and National Guard units. As these forces proceeded, some of the protesters in the area exploded gas cylinders in an attempt to hinder the advance of these units. Nonetheless, the number of protesters remaining in that area was significantly less than at the GCC Roundabout, and consequently the location was cleared of protesters relatively quickly. No servicemen were injured during this phase of the operation.

535. Phase three of the operation involved clearing SMC of protesters and persons camped in the parking area adjacent to the Emergency Section. The objective was to regain control of the facility. This operation, which began at

09:20, was undertaken by police with assistance from the BDF and National Guard. The participating units proceeded from the GCC Roundabout, which by now was under the control of the BDF and National Guard, towards SMC. Upon their arrival at SMC, police and military personnel entered the facility, while National Guard units secured the perimeter. The parking area was cleared and then police entered SMC buildings, beginning with the Emergency Section. The security units that entered the SMC buildings were armed with sticks, shields, handguns and, in some cases, assault rifles.

536. MoI reports indicate that Molotov cocktails and weapons such as knives, swords, and metal rods were found at the entrances to SMC. These reports also indicate that a detachment of police and military personal that was searching the car park adjacent to the Accident and Emergency Department were assaulted by a group of individuals. Five of those individuals were arrested.

537. At 13:00, the BDF General Command issued a statement announcing that units from the Public Security Forces and the National Guard had, with assistance from the BDF, removed from the GCC Roundabout, the Bahrain Financial Harbour and SMC outlaws who had terrorised citizens and undermined the national economy. This operation, according to the statement, was executed with professionalism. The BDF General Command congratulated all citizens for the beginning of the return to normality, and affirmed that it would take all necessary measures to enforce security and public order in order to protect the nation and its citizens.

538. At 16:00, the BDF General Command issued its second statement of the day, in which it announced the imposition of a curfew from 16:00 to 04:00 for an indefinite period in the area between the Al-Seef Overpass and the Sheikh Issa bin Salman Al Khalifa Bridge. An area of 400 metres on both sides of this zone was also included in the curfew. In addition, all gatherings, assemblies, rallies, sit-ins and demonstrations were prohibited throughout Bahrain.

539. As these operations were being undertaken, clashes were reported between security forces and groups of individuals in many parts of Bahrain. Police units were deployed in many areas in an attempt to restore order, end protests and remove checkpoints and roadblocks that had been set up by the residents of many neighbourhoods. Among the areas that witnessed confrontations between police and individuals were Hamad Town, where clashes occurred in the vicinity of Sheikh Hamad Road, Al-Ferdan Mosque and Roundabout 4. Clashes were also reported in Al-Deer, Samaheeg, Ras Ruman, Issa Town, A'Ali, Sheikh Issa Road in Athari, Sitra and Sanabis. In many of these locations, Molotov cocktails, rocks, metal rods and other objects were thrown at police. Many people also set fire to garbage dumpsters and placed barriers on the main roads of these neighbourhoods. Police patrols deployed to these areas used tear gas, rubber bullets, sound bombs and at times shotgun rounds to disperse crowds and to gain control of the situation.

540. Throughout the day, a number of police stations came under attack by unidentified individuals. These included the Al-Khamis, Al-Naeem and Al-

Shamaleyya police stations. At certain points during these attacks, Molotov cocktails were thrown at the police buildings.

541. Incidents of arson were also recorded during the day. The first, reported at 10:20, occurred when unidentified individuals entered and set fire to a farm in Karzakan belonging to the Royal Court. Shortly thereafter, it was reported that unidentified vandals had set fire to a wooden warehouse in the vicinity of the Al-Naeem cemetery. At around 13:40, another fire was reported in a furniture warehouse in Karzakan.

542. During the day, a number of civilian fatalities were reported. Some of these cases were imputable to BDF units, while in other cases police were implicated in the deaths. Due to the lack of security that Bahrain suffered during this period, the circumstances leading to these deaths remains unclear.

543. At 08:30, Mr Jaafar Mohamed Abdali Salman was pronounced dead due to a gunshot wound to the chest. The exact sequence of events causing this fatality is unclear. Some reports indicated that Mr Salman was shot in the vicinity of the Dana Mall, which is adjacent to the GCC Roundabout. He had gone to the area to photograph the ongoing events. Other reports, however, claimed that the deceased attempted to attack police in the area. Persons in the area transported the victim to the Jidhafs hospital, where he was pronounced dead.[255]

544. Another civilian fatality that occurred during the day was Mr Ahmed Abdulla Hassan Ali. According to some reports, Mr Ali died of shotgun wounds that he had sustained at the GCC Roundabout. Other accounts, however, claimed that he was killed in confrontations with police at Roundabout 7 in Hamad Town.[256]

545. Meanwhile, at a BDF checkpoint that was set up near the overpass between the Al-Sahla district and Issa Town, another incident occurred that led to the death of an MoI employee named Mr Jawad Ali Kadhem. Available information indicates that the victim approached the BDF checkpoint in his vehicle, which he refused to stop despite being requested to do so over a megaphone by the military personnel onsite. When his vehicle came within 80 metres of the BDF armoured vehicle stationed at the checkpoint, BDF personnel fired rounds from a .50 Browning machine gun to disable the car. It later appeared that the shots had punctured the body of the vehicle and fatally injured the victim.[257]

546. At 18:00, Mr Jaafar Abdulla Ali Hasan Mayoof was pronounced dead due to injuries sustained from gunshot and shotgun wounds. The exact circumstances of this fatality are unclear. According to some reports, the victim was injured by police dispersing demonstrations that were taking place in either the Magaba or the Al-Hajar districts. Other accounts claimed that Mr Mayoof was at the GCC Roundabout during the clearing operation, and that he had been shot but managed to reach the vicinity of the Sanabis

[255] See Chapter VI, Section A.
[256] See Chapter VI, Section A.
[257] See Chapter VI, Section A.

neighbourhood, after which he was taken to a number of places, including Jidhafs and Ibn Nafees. His family retrieved his body the next day from the SMC morgue.[258]

547. At around 19:15, Mr Stephen Abraham, an Indian citizen, who worked as a guard at the Awal Dairy Factory in the Al Budaiya district, was fatally shot. Investigations subsequently revealed that he was shot in the lower chest by a bullet that was identical to that used by a BDF unit stationed in the area.[259]

548. At around 21:00, two BDF armoured vehicles on which .50 Browning machine guns were mounted were manning two checkpoints located above and below an overpass in the vicinity of the Burgerland restaurant in the Al Budaiya district. When an SUV began approaching the checkpoint, the BDF unit used a megaphone to demand that the vehicle stop, and when it did not respond they used blinkers on their armoured vehicle to stop the advancing SUV. When this failed, the unit fired at the wheels of the advancing vehicle, bringing it to a halt. The passengers of the vehicle sustained light injuries. The BDF personnel at the scene noticed that another vehicle facing the opposite direction had stopped on the other side of the road. The unit approached it and found an injured woman in the driver's seat who had sustained severe injuries to the head. The victim, Mrs Baheya Abdelrasoul Al-Arady, was pronounced dead at BDF Hospital later that night.[260]

549. Reports indicated that, later in the evening, unidentified persons were painting (X) marks on the entrances of residences of BDF personnel. This was presumed to be a threat that the homes of these servicemen would be attacked by vandals.

550. Bahraini Minister of Housing, Mr Majeed Al-Alawi, announced on this day that he would be boycotting the GoB in light of the way it had handled recent events.

551. The Ministry of Foreign Affairs of Iran summoned the Ambassador of the Kingdom of Saudi Arabia and the Bahraini *Chargé d'Affaires* to present a formal protest against the deployment of the GCC-JSF in Bahrain. In addition, the Minister of Foreign Affairs of Iran discussed the unfolding situation in Bahrain with the UN Secretary General, and called on the UN to take an active role regarding these developments.

Thursday, 17 March 2011

552. Starting on this day, the GoB began arresting many of the opposition figures who had led demonstrations during the past weeks. In the early hours of the day, the first group of these political and religious leaders was arrested pursuant to arrest warrants issued either by the BDF Commander-in-Chief or the Military Prosecutor General. Those arrested included Mr Hassan Almeshaima, Mr Ibrahim Sherif, Dr Abduljalil AlSankis, Mr Abdulwahab

[258] See Chapter VI, Section A.
[259] See Chapter VI, Section A.
[260] See Chapter VI, Section A.

Hussein, Sheikh Saeed Merza Ahmed Al-Nouri, Sheikh Abdulhadi Abdulla Al-Makhdour and Mr Al-Hor Youssef Al-Semeekh. These individuals remained in the custody of the NSA until they were transferred to the Military Prosecution on 29 March 2011. Many of these individuals alleged that they were subjected to mistreatment during interrogation at the NSA detention facilities.[261]

553. Other political leaders were arrested by the NSA in the coming days and weeks, including Mr Mohamed Hassan Jawad, Mr Mohamed Reda Ismail, Sheikh Abduljalil Al-Mekdad, Mr Salah Abdulla Al-Khawaja, Sheikh Mohamed Habib Al-Safaf, Mr Merza Al-Mahrous and Mr Abdulhadi Al-Khawaja. All these individuals were arrested and interrogated by the NSA and remained in its custody for periods ranging between one and three weeks.

554. These arrests, many of which occurred in the early hours of the morning between 01:00 and 03:00, were mostly executed by teams of masked men at the homes of the arrested individuals. On a number of occasions, armed units from the MoI and the BDF accompanied these teams of security agents to provide perimeter security. In many cases, the arresting units forcefully entered the homes of these individuals, destroyed personal property, including cars, failed either to identify themselves or to inform the arrested individual of the reasons for arrest or to show arrest warrants, and acted in an aggressive and, at times, terrorising manner towards members of the household, including women and children.[262]

555. During the day, government security agencies intensified their efforts to restore law and order in Bahrain. Extensive security operations were conducted to remove roadblocks and checkpoints and to reopen the major thoroughfares in Manama and neighbouring cities and villages. The MoI also intensified its riot control efforts in an attempt to end all forms of demonstrations and protests that were continuing in various areas of Bahrain. Police units dispatched to undertake these operations used their standard techniques and weapons, including tear gas, sound bombs, rubber bullets and shotgun rounds.

556. At 12:30, the BDF General Command issued a statement declaring that the curfew hours announced the previous day were reduced to the hours of 20:00 to 04:00. At 13:30, the BDF General Command issued another statement in which it announced the following:

> In accordance with the authority granted to it pursuant to Royal Decree No. 18 of 2011 on the Declaration of a State of National Safety, a group of the leaders of discord who called for the removal of the regime and conspired on behalf of foreign countries have been arrested. These individuals have also incited during the recent events to the killing of citizens and the destruction of private and public property, which has undermined social peace and led to deaths among innocent citizens and

[261] See Chapter VI, Section D.
[262] See Chapter VI, Section C.

> residents. The BDF General Command will take all necessary legal measures in relation to these arrested individuals in accordance with the National Safety Decree and the laws applicable in the Kingdom.

557. Among the areas in which confrontations occurred between police and civilians were Dar Kulaib, Sitra, Al-Diah, Bilad Al-Qadeem, Al-Zeng, Abdel Karim Roundabout, Al Malikiya, Al-Ekr, Salamabad, Al-Khamis, Bani Jamra, Damistan and Hamad Town.

558. Many BDF and police personnel continued to report finding markings painted on the entrances to their residences, which were considered threats of retribution against them and their families.

559. MoI reports indicated that earlier that morning security forces arrested individuals alleged to have been vandals who had been disguised as patients in rooms 51, 52, 54, 55 and 56 of Ward 11. A team of journalists, allegedly working for the Al-Manar Channel, were arrested in rooms 63 and 64 on the sixth floor of SMC. Another group of individuals who were allegedly disguised as doctors was also arrested in rooms 307, 408 and 411 in the SMC Maternity Ward. At around 16:00, BDF personnel arrested Dr Ali Al-Ekri at SMC.

560. The seven main opposition parties (Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assemblage, the Nationalist Democratic Society, Al Ikha' National Society and the Al Menbar Progressive Democratic Society) held a joint press conference in which they announced the following:

a. All mediation efforts between the opposition and the GoB, including those undertaken by both Bahraini and non-Bahraini parties, have been suspended in light of the declaration of a State of National Safety and the clearing of the GCC Roundabout.

b. The opposition reiterates its call to form a Constituent Assembly before the commencement of the national dialogue. The opposition maintains its insistence on this demand, despite the GoB's resort to the language of "arms, bullets, tanks and rifles".

c. The opposition rejects the "internationalisation" of the crisis in Bahrain.

d. The "militarisation" of the situation in Bahrain must cease, and a neutral party must be allowed to investigate the events that occurred in Bahrain since 14 February 2011.

e. Advisers to HRH the Crown Prince have made clear during the meeting held with the opposition parties on 13 March 2011 that "Bahrain will enter a new phase, and that the future will be dark, unless the opposition immediately enters into the dialogue".

f. The total number of disappearances during the past two days has reached 85. As of this day, 65 persons continue to be unaccounted for.

561. The Minister of Health, Nizar Baharna, resigned from the GoB.

Friday, 18 March 2011

562. The GoB continued to ban demonstrations and protests throughout Bahrain. GoB security forces continued to work to restore order in many areas of Bahrain and to reopen roads and streets that had been blocked by protesters.

563. Security checkpoints were established in various areas of Bahrain, most of which were manned by police personnel. At many of these checkpoints, individuals were stopped and searched to determine whether they had participated in anti-government demonstrations. Many persons were arrested at these checkpoints for possessing articles such as political posters, signs and pictures of political leaders, or for listening to anti-government songs or recordings on their car radios. In some instances, drivers were stopped, searched and detained for beeping their car horns in a manner that replicated the slogan, "Down … down Hamad", which had become popular among protesters during the demonstrations of the past weeks. On a number of occasions, drivers and passers-by were detained because anti-government material, such as SMS messages or videos, was saved on their cellular phones, which were routinely confiscated and examined at these checkpoints.

564. People stopped at these checkpoints were subjected to various forms of mistreatment, such as pushing, shoving, kicking and beating with batons. Shia individuals, stopped at these checkpoints, were verbally abused because of their religious and sectarian beliefs.

565. A number of individuals were also arrested at SMC. One of those was arrested at 11:00 for carrying a knife in the vicinity of Gate 6 of SMC. Another was detained at 13:00 for carrying anti-government posters and leaflets.

566. The pearl monument at the centre of the GCC Roundabout was demolished and the roundabout was transformed into a juncture. The GoB announced that this change was to improve the flow of traffic in the area. One foreign worker was killed when one of the beams carrying the pearl at the top of the monument fell on the crane he was operating.

567. Clashes between police units and civilians were recorded in numerous areas as protesters attempted to organise demonstrations and rallies from their neighbourhoods. Protests and confrontations with police units were reported in areas including Karzakan, Bilad Al-Qadeem, Nuwaidrat, Ras Ruman, Al-Mukharaqa, Juffair, Sanabis, Sitra, Bani Jamra, Hamad Town, Issa Town, Bouri, and Al-Mahooz.

568. Large numbers of people were arrested in many of the neighbourhoods that witnessed clashes between protesters and police units. Most of those arrested were youth below the age of 30 who were detained

while police units were dispersing protesters and gatherings of individuals. Arrested individuals were generally handcuffed behind their backs, blindfolded and transported to the closest police station where they were subjected to various forms of mistreatment the most common of which were beating, kicking, slapping, lashing with rubber hoses and verbal insults directed in particular at Shia religious beliefs and symbols.[263]

569. Other individuals were arrested by BDF and National Guard units that were stationed at various checkpoints in Manama and were enforcing the curfews imposed in the vicinity of the GCC Roundabout. Any persons arrested by these armed units were transferred to the custody of the closest police station.

570. The Speaker of the National Consultative Council of the Islamic Republic of Iran, Mr Ali Larijani, stated that "the treason of the Saudi regime and its massacres against the Muslim people of Bahrain will never be forgotten." In addition, the Assistant to the Commander of the Iranian Air Force described events occurring in Bahrain as a "massacre", and affirmed that "the Saudi Arabian army will regret its perpetration of these massacres."

571. That evening, the Minister of Foreign Affairs of Bahrain, Sheikh Khalid bin Ahmed Al Khalifa, held a press conference in which he made the following observations:

a. The GoB will not tolerate any acts of violence or vandalism or any threats to the lives of security personnel or BDF or National Guard officers, who are necessary for the country to return to normality and to resume plans for reform and development.

b. Bahrain has restored order and security after being subjected to a "terrorist plot" that sought to undermine its security and stability. This terrorist plot has clear foreign connections and has been replicated in other parts of the region.

c. HRH the Crown Prince has issued an unconditional invitation to engage in a national dialogue with all civil and political parties, in which all demands and proposals are open for discussion. HM King Hamad has taken a number of steps to pave the way for the success of HRH the Crown Prince's initiative, including pardoning convicted political leaders, allowing peaceful demonstrations and sit-ins, and withdrawing military and security forces from the streets.

d. HRH the Crown Prince has consulted with all parties and invited them to submit their proposals and ideas for the national dialogue, which will be added to the agenda of that dialogue. All issues are open for discussion in this national dialogue. Most parties accepted the invitation for a dialogue,

[263] See Chapter VI, Section C.

except the seven political opposition societies which placed preconditions and obstacles before this sincere initiative.

e. Groups that do not recognise the legitimate political system in the Kingdom of Bahrain began to cause chaos and terrorise innocent civilians by blocking roads, assaulting passers-by, attacking students in schools and universities, setting up checkpoints and bearing weapons and using them against people and security personnel.

f. This situation led to the declaration of a State of National Safety in order to restore order in Bahrain. In addition, the GCC-JSF was invited to protect vital locations in Bahrain and to fulfil its role according to GCC joint defence treaties. These units are not involved in any internal security operations.

g. The statements issued by Iranian officials are a flagrant intervention in the internal affairs of Bahrain. Iran is invited to revisit its policy towards Bahrain, in particular as it relates to Iranian calls on international organisations to intervene in Bahrain.

Saturday, 19 March 2011

572. Levels of general violence decreased in Bahrain. There were fewer reports of clashes between protesters and police and fewer reported incidents of violence and vandalism compared with previous days.

573. Police continued to operate checkpoints on many roads in Bahrain, where drivers were stopped, searched and arrested if they were found to be carrying any anti-government material. The practice of seizing and examining mobile phones and arresting persons who were found to have anti-government SMS messages or videos recorded on their phones continued.

574. Patterns of mistreatment of arrested persons continued, especially at police stations. Large numbers of people were arrested for participating in demonstrations in the various cities and villages of Bahrain. Individuals continued to be blindfolded and handcuffed behind their backs upon arrest, after which they were transported to police stations where they were subjected to various forms of mistreatment, including beatings, kicking, lashing with rubber hoses and verbal insults.[264]

575. Riot police continued to be deployed in many neighbourhoods of Bahrain to ensure that no further demonstrations were organised. In some cases, clashes occurred between these units and persons who either tried to organise protests or tried to attack police patrols.

576. Some of the neighbourhoods in which confrontations with police took place included Al-Khamis, Issa Town, Hamad Town, Sitra, Sanabis, Jidhafs and Karbabad.

[264] See Chapter VI, Section D.

577. Searches and arrests continued to be undertaken at SMC throughout the day. At 01:00, while searching the corridors of the facility, security forces reported finding two Kalashnikov rifles and three ammunition caches. A number of persons were also arrested for disguising themselves as patients. During the day, the security services deployed at SMC moved all patients who had been involved in the protests of the previous weeks to a ward on the sixth floor of SMC. Allegations later emerge that those patients were subjected to various forms of mistreatment, including beatings, kicking, slapping, and being dragged in the corridors of the sixth floor.[265]

578. That evening, while riot police were dispersing a group of demonstrators in Al-Khamis, Mr Hani Abdulaziz Abdulla Jumma was fatally injured. He was pronounced dead at 23:30. Reports indicate that he had sustained gunshot wounds and was pursued by police into an empty apartment building where he was severely beaten. He was later taken to the Bahrain International Hospital and was then transferred to BDF Hospital, where he died. His body was released to his family on 25 March.[266]

579. At 19:00, the BDF issued a detailed statement including instructions for pedestrians and drivers when approaching BDF checkpoints and roadblocks. The statement also included details of traffic diversions for drivers to avoid areas of Manama that had been cordoned off by the BDF.

580. The BDF announced the establishment of a closed maritime zone off the coast of Bahrain in which all forms of navigation and shipping were prohibited. The BDF issued a statement identifying the exact coordinates of this zone. During the following days, BDF naval patrols arrested a number of individuals who entered the zone.

Sunday, 20 March 2011

581. Bahraini security services continued their operations aimed at restoring order, reopening roads and ending all forms of demonstrations that were reported in various areas of Bahrain.

582. Throughout the day, police patrols and checkpoints stopped and searched individuals and vehicles. Many of those found to be carrying anti-government material were arrested and transferred to the nearest police station. Cars were searched for posters, leaflets, flags and other objects indicating that an individual sympathised with protesters. Personal property, such as laptop computers and mobile phones, was routinely confiscated. Earlier patterns of mistreatment at these checkpoints continued, including insulting the religious and sectarian beliefs of persons believed to be Shia.

583. Police and riot control units continued to cordon off neighbourhoods and districts in which demonstrations were reported, such as Sitra, Sanabis, Nuwaidrat and Karzakan. These units continued to use tear gas, sound bombs, rubber bullets and occasionally shotgun rounds to disperse crowds.

[265] See Chapter V.
[266] See Chapter VI, Section A.

584. A number of expatriate workers reported being harassed and, in some cases, assaulted by unidentified individuals. Ras Ruman and Al-Lozy were among the neighbourhoods in which these incidents were recorded.

585. Despite the MoI operations that were ongoing in various areas of Bahrain and the reports of attacks on individuals in a number of locations, life gradually began to return to normality in Bahrain. Many roads were cleared of roadblocks and debris, and most government ministries, offices and businesses reopened.

586. At 06:30, the body of Mr Abdulrasoul Hassan Ali Mohamed Al-Hujjairi was found in the vicinity of al-Askar Road in the Awali district. He was taken to BDF Hospital where he was pronounced dead. While the exact circumstances leading to this fatality are unclear, reports indicated that the deceased had gone missing around sunset the previous day. He suffered severe injuries all over his body and to his head caused by beatings.

587. During the day, security forces continued to search the floors and wards of SMC. Eleven megaphones and three sound systems were reported to have been found during these searches. A Kalashnikov rifle was also reported to have been found in the vicinity of the entrance to the Accident and Emergency Department.

588. The seven main opposition parties (Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assemblage, the Nationalist Democratic Society, Al Ikha' National Society and the Al Menbar Progressive Democratic Society) held a joint press conference in which they announced the following:

a. They do not place any preconditions on the commencement of a national dialogue. Rather, they identify principles that should govern the dialogue.

b. They call upon the international community to stop the human rights violations being perpetrated in Bahrain.

c. They deny either receiving or rejecting mediation initiatives from Turkey, Qatar or any other country.

d. Bahrain needs the army to return to its barracks and the GCC-JSF to be withdrawn. An investigation must be undertaken into what happened in Bahrain, and all detainees must be released.

e. When the circumstances are right for a dialogue, the opposition parties will be the first to engage in a dialogue. Indeed, they were among the first to present their views on the dialogue to HRH the Crown Prince's Court. They also affirmed to representatives of HRH the Crown Prince on 15 March their readiness to engage in a dialogue. However, any dialogue will fail if it does not commence in the right circumstances and on bases that would put the country on the right track towards democratic rule.

f. Expatriate workers are considered guests who have always been respectful towards the people and who will always be treated with respect.

589. The GFBTU announced that it would indefinitely extend a general strike that it had called for in previous weeks. The Secretary General of the union announced, "Workers are scared to go out to work as there are checkpoints everywhere and in some cases they are questioned unnecessarily by authorities."

Monday, 21 March 2011

590. Many aspects of life in Bahrain continued to return to normality. Many businesses were now operating, students were returning to schools and universities, and ordinary traffic flows resumed except in areas where confrontations continued between riot police and demonstrations.

591. Police at checkpoints continued to search vehicles and persons in many areas of Bahrain, and continued to arrest individuals carrying anti-government material. Public security forces also continued to arrest individuals who were participating in gatherings or protests in a number of villages, such as Sitra, Sanabis, Karbabad, Karzakan, Issa Town and Hamad Town. Many of the arrested individuals were under the age of 30, including children under the age of 18 and some under the age of 15. As in previous days, these persons were taken to and detained at nearby police stations, where they were subjected to various forms of mistreatment, including beating, slapping, kicking, lashing with rubber hoses and verbal abuse directed in particular against religious and sectarian beliefs of Shia.

592. A number of employees of security services reported being harassed, and at times assaulted, by unidentified individuals. Some MoI and BDF personnel also reported findings markings on the entrances to their residences as a threat of retribution for the ongoing operations by governmental security services.

593. The *Valieh Faghih* of Iran and the Supreme Leader of the Iranian Revolution, Grand Ayatollah Ali Khamenei, stated that the "victory of the people of Bahrain was inevitable", and expressed the view that the ongoing events in Bahrain were similar to developments in Tunisia, Egypt, Libya and Yemen. The Supreme Leader rejected accusations that Iran was "supporting the people of Bahrain because they are Shia", and affirmed that the policy of the "Islamic Republic of Iran is predicated on defending the people and their rights against all dictatorial and egotistical rulers without distinguishing between Sunnis and Shia." Grand Ayatollah Khamenei added, "Saudi Arabia committed a mistake by sending its forces into Bahrain because this enrages the Islamic nations."

594. The Ministry of Foreign Affairs of Iran also summoned the *Chargé d'Affaires* at the Bahraini embassy in Tehran to request the departure of one of the embassy's diplomatic officers in response to Bahrain's decision to declare a member of the Iranian embassy in Manama *persona non grata*.

Tuesday, 22 March 2011

595. The MoI continued its efforts to restore order in Bahrain. Police patrols were deployed to a number of neighbourhoods to disperse protests, reopen roads and remove checkpoints. These police continued to surround and seal the entries into districts and neighbourhoods like Sitra, Sanabis, Al-Khamis, Karbabad and many parts of Hamad Town and Issa Town.

596. Police continued to operate checkpoints on many of the main roads, where cars and individuals were searched. Personal property, such as laptop computers, mobile phones and cameras, continued to be seized and searched for anti-government material. Individuals arrested at these checkpoints were transferred to the nearest police stations, where they were detained and subjected to forms of mistreatment similar to those reported in earlier days.

597. The GFBTU announced the suspension of the general strike it had called for earlier. A statement issued by the union clarified that it had made the decision on the basis of assurances from senior official sources that assaults against workers would cease, and that their harassment in the workplace would not be allowed.

598. The Permanent Representative of the Kingdom of Bahrain to the United Nations in New York submitted a letter of protest to the United Nations Secretary General concerning Iranian intervention in the internal affairs of Bahrain. The Consul-General of Bahrain in Jeddah also submitted a similar letter to the Secretary General of the Organisation of Islamic Cooperation.

Wednesday, 23 March 2011

599. The overall security situation in Bahrain continued to improve as more roads were opened and public services at most government offices and private business activity returned to normal.

600. A number of isolated acts of violence were reported in some areas. Examples of these incidents included small fires lit in garbage dumpsters in an effort to block roads, Molotov cocktails thrown at some buildings and acts of vandalism against public and private property. During the day, a number of individuals reported receiving threats to their lives from unidentified persons. Many of these threats were directed at Bahraini and foreign employees of government security agencies, including the MoI and the BDF.

601. Meanwhile, police patrols continued to enforce the ban on protests in the various cities and villages of Bahrain. Riot police dispersed groups of individuals believed to be participating in protests in a number of locations, including Al-Khamis, Damistan, Sanabis, Al-Ekr Al-Sharky, Sitra and Bani Jamra. Police checkpoints also continued to search persons and vehicles for anti-government material.

602. Mr Bassem Al-Hamer was appointed Minister of Housing and Social Development, while Minister Dr Fatima Al-Baloushi was appointed acting Minister of Health.

603. The Ministry of Education announced that it established committees to investigate and hold accountable those responsible for the disruption of classes in schools during the events of the previous weeks. These committees also examined violations of the civil service regulations committed by employees of the Ministry of Education.

604. The BDF announced a further reduction of the curfew hours it had imposed in certain areas of Manama. The curfew now began at 22:00 and ended at 04:00.

605. That night, it was announced that five Lebanese resident workers had been arrested on suspicion of links with Hezbollah. Gulf Air and Bahrain Air also suspended flights to Beirut.

Thursday, 24 March 2011

606. Demonstrations were reported in a number of areas of Bahrain during the day, including Al-Mukharaqa, A'Ali, Bilad Al-Qadeem, Al Diraz, Ras Ruman, Nuwaidrat, Al-Sahla, Sitra, Sanabis and Juffair. The size of these demonstrations ranged from tens of individuals to almost 300 individuals. These protests were generally confronted by riot police who used tear gas, sound bombs, rubber bullets and shotguns to disperse the protesters.

607. Workers at various businesses reported being subjected to harassment by anti-government colleagues who were calling for civil disobedience to protest government measures to end demonstrations in Bahrain.

608. A number of employees of government security services also reported being the target of retributive assaults by unidentified individuals.

609. Shia residents of Al-Beseeten reported that markings were put on their houses by unidentified individuals in what seemed to be threats of attacks.

610. The Minister of Foreign Affairs of Bahrain, Sheikh Khalid bin Ahmed Al Khalifa, gave a televised interview to the Al-Arabiya news channel in which he focused on claims of the involvement of Hezbollah in the situation in Bahrain. The Foreign Minister made the following observations:

a. The decision to halt flights between Manama and Beirut was not aimed at the people of Lebanon, but was due to the threats directed at Bahrain from certain Lebanese elements that are calling for violence and sectarianism in Bahrain.

b. There is no crisis between the governments of Bahrain and Lebanon. Rather, Bahrain presented an official memorandum to the Government of Lebanon to call on it to bear its responsibility in light of the threats directed at Bahrain from Lebanon.

c. The claims made by the Secretary General of Hezbollah about the role of the GCC-JSF are "full of lies". Bahrain considers that the Government of Lebanon, as the sovereign authority in that country, bears the responsibility for these statements.

d. This situation will not affect the relations between the peoples of Bahrain and Lebanon. The Lebanese expatriate community in Bahrain will remain an integral part of Bahraini society.

e. There has been a constant involvement by a "terrorist organisation" from Lebanon in the affairs of Lebanon. Bahrain has been monitoring this for many years. Indeed, contacts were ongoing, and agents were being trained by that organisation. In addition, one of the leaders of the "discord" that occurred in Bahrain stopped in Beirut on his way back from London, and "we are aware of where he went and with whom he met". What is coming to Bahrain from Lebanon is "evil, which Bahrain can no longer tolerate". There are individuals who come to Bahrain from Lebanon who are considered to constitute a terrorist threat against Bahrain.

f. If the Government of Lebanon does not address this situation, and if the threats of terror continue to emanate from Lebanon, Bahrain may be compelled to raise the matter at international organisations.

g. The invitation issued by HRH the Crown Prince to enter into a national dialogue was sincere. Once order and security are restored to Bahrain, everything will be open for discussion and deliberation.

Friday, 25 March 2011

611. A larger number of demonstrations were recorded during the day. Starting after Friday prayers, protests were reported in Sitra, Al-Ekr Al-Sharky, Dar Kulaib, Bani Jamra, Al-Diah, Nuwaidrat, Al-Khamis, A'Ali, Al-Nabih Saleh, Toubli, Jidhafs, Karbabad, Damistan, Shahrakan, Sanabis and Karzakan. The sizes of these protests varied greatly, with some involving small groups of youth while others attracted over 500 individuals.

612. In most of these situations, riot police blocked entry and exit points in the relevant neighbourhoods to contain the protests within these localities. Police used tear gas, sound bombs, rubber bullets and shotgun rounds to disperse the protesters.

613. Persons arrested during these demonstrations were transferred to the nearest police station, where they were mistreated in a manner similar to that reported on previous days. Those detained were handcuffed behind their backs, blindfolded, beaten, slapped, kicked and subjected to verbal insults directed in particular at Shia religious and sectarian symbols and beliefs. Police at checkpoints intensified their searches of persons and vehicles, and continued to arrest individuals found to have anti-government material either in their cars or saved on electronic devices such as laptops, mobile phones and cameras.

614. Isolated cases of attacks against police personnel, BDF and National Guard officers were recorded. In some cases, unidentified individuals

attempted to crash into security checkpoints and roadblocks. In a number of other incidents, individual officers were attacked in acts of retribution for the measures taken by the GoB to end protests on previous days.

615. There were also some reports of attacks against foreign workers in Bahrain.

616. The Ministry of Education announced the suspension of the government-funded scholarships of 40 students. The number of revoked scholarships later increased to 97 students.

Saturday, 26 March 2011

617. There were fewer protests recorded on 26 March than on the previous day. Demonstrations were recorded in A'Ali, Al Deraz, Al-Mekasha', Karzakan, Bani Jamra and Sitra. The sizes of these protests, most of which did not exceed 200 individuals, were also considerably smaller than those of the previous day. Again, riot police confronted these protests, blocked exit routes from these neighbourhoods and used tear gas, sound bombs, rubber bullets and shotgun rounds to disperse the crowds.

618. In many cases, demonstrators set up roadblocks and barricades behind which they hid and threw stones, rocks and other objects at the police patrols and riot police units deployed in the area. Protesters also overturned garbage dumpsters and burned rubber tyres to deny police patrols entry into these neighbourhoods.

619. Earlier in the day, reports indicated that the Al-Sagha Mosque in Al-Muharraq was attacked with Molotov cocktails, which caused slight damage. A number of acts of vandalism were also recorded, including in Souk Al-Thahab.

620. A complaint was filed that the names and addresses of temporary and volunteer teachers who had been employed by the Ministry of Education during the previous weeks had been posted on the internet. It was feared that this would lead to retribution against those individuals by teachers who had been replaced.

621. As in previous days, individuals and vehicles were stopped and searched at police checkpoints. Persons continued to be detained if they were found to possess anti-government posters, leaflets, flags or any similar material. Police personnel also seized and examined personal electronic devices, and arrested persons who were found to have anti-government messages or images on those devices. Police patrols continued to arrest individuals who honked their car horns in a way that mimicked the chant, "Down … down Hamad."

622. Minister of Foreign Affairs Sheikh Khalid bin Ahmed Al Khalifa met with Indian, Pakistani and Bangladeshi diplomats and members of those communities in Bahrain. During the meeting it was announced that a plan had been prepared to provide shelter and protection for those expatriates that had been forced to leave their homes, many of whom had sought refuge in the Pakistani School in Issa Town and the Pakistani Club in Manama. The

Foreign Minister also affirmed that the families of foreign workers killed during the previous weeks would be supported by the GoB, and asserted that a zero-tolerance policy would be implemented against those attacking expatriate workers.

Sunday, 27 March 2011

623. A similar pattern of protests was recorded during the day. Groups of protesters gathered in a number of neighbourhoods and clashed with riot police who were dispatched to disperse these groups. The sizes of these demonstrations varied, but generally did not exceed 200 persons.

624. HRH the Prime Minister Prince Khalifa bin Salman Al Khalifa ordered that government ministries and departments strictly apply the Civil Service Bureau (CSB) regulation, particularly in relation to absenteeism, tardiness and overall performance. All government departments were also required to submit reports about their employees' compliance with the CSB regulations.

625. The University of Bahrain established three investigative committees into the events that occurred on campus during the past weeks leading to the suspension of classes and the closure of the university.

Monday, 28 March 2011

626. Limited protests were reported during the day. Small groups of individuals were reported to have gathered in places including Arad, Samaheej, Karzakan, Al-Diah, Al-Ekr Al-Gharby, Al Dair and Bani Jamra. In some of these areas, protesters set fire to tyres and garbage dumpsters and attempted to obstruct traffic. Police patrols clashed with these protesters and blocked off exit routes from these areas.

627. On a number of occasions, unidentified individuals attempted to attack police patrols or security checkpoints, including by throwing rocks or Molotov cocktails. Meanwhile, police continued to arrest pedestrians and drivers who were found carrying anti-government material. As on previous days, detained individuals were transferred to the closest police stations, where they were subjected to the same forms of mistreatment.

628. Assaults against security personnel also continued to be reported. For example, at 19:30, a National Guard officer reported being attacked while driving his private car in Arad. He suffered slight injuries to his head, back and chest.

629. Acting Minister of Health Dr Fatima Al-Baloushi ordered the establishment of a committee to investigate violations of applicable codes of ethics by employees of SMC.

Tuesday, 29 March 2011

630. Limited demonstrations were reported during the day. Small gatherings were recorded in Al-Ekr Al-Sharky, Babar, Al-Berhama, Al-Maa'ameer, Sitra, Karzakan and Al-Noueidrat.

631. The Chamber of Deputies accepted the resignations submitted by 11 Al Wefaq Members of Parliament. The Chamber postponed consideration of the seven remaining resignations.

Wednesday, 30 March 2011

632. A higher number of demonstrations were reported during the day, many of which were attended by around 100 protesters. Among the neighbourhoods where demonstrations took place were Sanabis, Saar, Nuwaidrat, Al-Ma'ameer, Jidhafs, Bilad Al-Qadeem, Sitra, Al Diraz, Al Dair, Bani Jamra, Al-Zeng, Karana and Bouri.

633. The MoI deployed riot police to confront and disperse these demonstrations. As in earlier days, tear gas, sound bombs, rubber bullets and shotgun rounds were used to disperse the crowds. Security forces and protesters also blocked the entries and exits of these neighbourhoods.

634. At 18:30, a 15-year-old boy, Mr Sayed Ahmed Saeed Shams, was pronounced dead at the American Mission Hospital. Reports indicate that he was fatally injured when struck in the head by a tear gas canister shot at close range by a riot control unit deployed in Saar. According to eyewitness testimony, he fell to the ground upon being struck by the canister, after which police continued to beat and kick him.

Thursday, 31 March 2011

635. An attack using Molotov cocktails against the Sayeda Zeinab Mosque in Hamad Town was reported.

636. Fewer demonstrations were reported than on previous days. Groups of demonstrators ranging in size between 10 and 40 persons gathered in various locations in Manama and neighbouring villages, and confrontations occurred between riot police and demonstrators. Many demonstrators placed barricades in the middle of roads to stop police from advancing towards them.

637. Individuals were also reported to have gathered in a number of Ma'tams to commemorate the passage of 40 days since the death of some of the victims who had died since the beginning of the events of February/March.

638. Police continued to remove roadblocks erected by protesters in various neighbourhoods and villages throughout Bahrain. Police checkpoints also continued to search and seize individuals found to possess anti-government posters, leaflets or other similar material. Those individuals arrested by police, either on the streets while participating in protests or at checkpoints, were all handcuffed behind their backs, blindfolded and then transferred to police stations, where they were beaten, slapped, kicked and verbally insulted and abused.

639. The Minister of Foreign Affairs, Sheikh Khalid bin Ahmed Al Khalifa, met with the Prime Minister of Bangladesh to reassure her that the GoB would ensure the safety and security of the expatriate Bangladeshi community.

C. Concluding Observations

640. Chapter II, in presenting a brief historical review of Bahrain, identified some of the sources of popular discontent over the years. Many of the demands for political and socio-economic reforms voiced in February and March 2011 were not new.

641. In the present globalised context, events in different parts of the world sometimes impact each other. Thus, understanding one event may require a broader view of the larger context. Some regions of the world, however, have more significant strategic and economic weight than others. Thus, what occurs within them has a greater impact on certain parts of the world and even on the world as a whole. Bahrain is in an important strategic region. As an Arab and Muslim country, Bahrain is necessarily a part of developments in these two groups of countries and maybe more so with respect to the Arab world to which it is more closely connected. Thus, what is generally called the Arab spring also had its impact in Bahrain. Though each Arab country has reacted differently, the Arab spring has stimulated pent up popular reactions and grievances in many Arab States, including Bahrain. Unlike earlier manifestations of unrest, the initial protests that began on 14 February were not orchestrated by institutionalised political opposition groups, but were triggered and led by networks of discontented and politically unaffiliated youth. Like their counterparts in other Arab countries, they used modern technology, including social media networks to call for demonstrations and publicise their demands. Furthermore, the demands raised during the protests that began on 14 February enjoyed, at least initially, a large degree of popular support that crossed religious, sectarian and ethnic lines.

642. The roots of what started on 14 February go back to the 1970s, 1980s and 1990s. During each of these decades, even before the appearance of social media, people demonstrated for what they believed to be their political, economic and social rights. During the beginning of the events in Bahrain, as during the past decades, the demand was for reforms, not for regime change. This was the same in the early stages of the demonstrations and protests in Tunisia, Egypt, Syria and Yemen. But as experience shows, when demands for reforms are rebuffed, the demands become for regime change. In the end, the society becomes both polarised and radicalised. This situation leaves little room for a centre that could bring together people from all ethnic and sectarian groups and from all social and economic strata to work for reforms based on well established principals and processes of democracy, good governance and respect for internationally protected human rights.

1. The Progression of the Protest Movement

643. It is not the task of the Commission to determine which side is responsible for which outcomes, but it is necessary in order to understand the evolution of events to look at the facts and their underlying causes. In this respect, there is no doubt that what occurred in February and March and subsequent related events was the result of an escalating process and that both

the GoB and the opposition have their share of responsibility in letting events unfold as they have.

644. Reviewing the progression of the protest movement in Bahrain from its inception on 14 February 2011 provides a number of insights. The demands expressed during the earlier demonstrations related mainly to political and constitutional reform, which was to pave the way for greater popular participation in governance, equal access to socio-economic opportunities and development, action against corruption, and termination of the alleged practice of political naturalisation. These demands were supported across the board, and did not reflect sectarian or ethnic characteristics. Few of the protestors who took to the streets on 14 February called for changing the ruling regime in Bahrain, or directed criticism at HM King Hamad or the ruling family.

645. The size and breadth of these initial demonstrations was relatively limited. However, the death of two protestors on 14 and 15 February caused the number of persons participating in protests throughout Bahrain to increase significantly. In addition, a discernible shift in the nature of demands being called for in these protests took place after the first clearance of the GCC Roundabout on 17 February 2011 and the deaths that occurred in confrontations between protestors and security forces. Popular discontent was further heightened by what many considered to be the lack of both adequate and timely government responses to the protestors' demands and measures to address grievances. For example, the limited cabinet reshuffle of 25 February was viewed by many demonstrators as inadequate. This led demonstrators to escalate their demands and call for the resignation of HRH the Prime Minister and the entire Cabinet.

646. As the protests continued, more criticism and allegations of corruption were directed at HRH the Prime Minister. Later, many demonstrators began to call for changing the ruling regime in Bahrain, and gradually, the chant "the people demand the removal of the regime", which was borrowed from other Arab countries that had witnessed similar mass uprisings, became one of the protestors' slogans.

647. The meaning of the call to remove the regime that was chanted by many Bahrainis was, at least initially, not identical to that chanted in other Arab countries. For most political opposition groups, including Al Wefaq, removal of the regime did not mean establishing a republic in Bahrain and removing the ruling Al Khalifa family from power, but rather securing the resignation of HRH the Prime Minister and the Cabinet to be followed by constitutional reform that would allow for an elected Prime Minister, responsible government and a fully empowered and democratically elected legislature.

648. Another notable feature of the demonstrations that occurred after the reopening of the GCC Roundabout, on 19 February, was the extension of protests to other important locations in Manama. This started with the organisation of mass rallies in the main thoroughfares leading to the GCC Roundabout, such as the Martyr's March of 22 February. Demonstrations also

started taking place at other locations such as the premises of the Council of Ministers, the Ministries of Interior, Information and Education, and later the Bahrain Financial Harbour.

649. The participation of students, at secondary, high school and university levels, in the demonstrations was significant for a number of reasons. First, it meant that the number of protestors increased dramatically as thousands of students participated in marches that usually began at their schools in the early hours of the morning. Secondly, the geographical extent of demonstrations in Bahrain expanded considerably due to the fact that students from schools in different areas were participating. Thirdly, the inclusion of students in the protest movement raised concerns among parents and families for their safety because it threatened to cause confrontations between students who either held different political views or hailed from different backgrounds. The clashes that occurred at the University of Bahrain on 10 and 13 March further contributed to the heightened sense of insecurity in Bahrain.

650. Despite escalating their demands and expanding the locations of their demonstrations, the protestors remained peaceful. In addition, as mentioned above, since the reopening of the GCC Roundabout on 19 February, police personnel were exercising considerable self-restraint. No confrontations with protestors, including those demonstrating at government facilities, were reported, and no restrictions were placed on access to the GCC Roundabout. Even though the protestors had not obtained authorisation to hold protests, their peaceful demonstrations were tolerated by the GoB.

651. Starting in early March, however, a series of events changed the nature of the protest movement and contributed to the decision of the GoB to take forceful measures to end demonstrations. The first of these was the clashes that occurred in Hamad Town on 3 March. This marked the first major confrontation between Shia and Sunnis. Sectarian tensions increased when, on 7 March, threats were circulated on internet social media networks, such as Twitter and Facebook, against a Sunni woman who injured a demonstrator at the Bahrain Financial Harbor as she left the area after her car was stopped by demonstrators and she was harassed. In response to the threats of retaliation made against her, large groups of Sunni men gathered at her residence to protect her. These and other incidents led to a sense that the GoB was no longer capable of providing protection, and that Bahrainis would have to fend for themselves by creating popular committees and neighbourhood checkpoints. This sense of insecurity was heightened as groups of armed vandals attacked foreign workers, threatened private homes and destroyed private property in various neighbourhoods. The protests seemed to enter a different phase.

652. Also on 7 March, three opposition groups proclaimed the Coalition for the Republic, which called for the establishment of a democratic republic in Bahrain. This further heightened fears among some in the Sunni community that the protest movement was adopting maximalist and radical positions. Clashes such as those that occurred on 10 March at the Saar High School for Girls and the violence that took place at the University of Bahrain

on 13 March contributed to the growing impression, particularly among Sunnis, that the protest movement was no longer peaceful. Some opposition groups have claimed in discussions with the Commission that these events, especially the clashes that occurred at the university, were orchestrated, or at least condoned, by the GoB. The Commission has not been able to verify these claims, but the heightened sense of fear and the sense of breakdown of law and order that developed among some Bahrainis and many Sunnis due to these events was patent.

653. The situation was further exacerbated by the march organised on 11 March 2011 to Al-Riffa, where the Royal Court is situated. Despite the fact that the major opposition parties, including Al Wefaq, did not condone this march and organised a parallel rally in the vicinity of the GCC Roundabout, the march on Al-Riffa led many in the GoB and among the Sunni community to conclude that because of the radical demands of the protestors the room for compromise had been diminished.

654. The final turning point took place when, starting in the early morning of 13 March 2011, demonstrators at the Bahrain Financial Harbour obstructed traffic along the King Faisal Highway. This escalation by protestors, which essentially partitioned Manama, coincided with the failure of talks between HRH the Crown Prince and opposition parties. These developments and the gravely deteriorated state of law and order in Bahrain led the GoB to take forceful measures to end demonstrations and restore order, beginning with the arrival of the GCC-JSF on 14 March, the declaration of a State of National Safety on 15 March, and the second clearance of the GCC Roundabout on 16 March.

2. Government Policy During the Events of February and March 2011

655. The response by the GoB between 14 February and 31 March 2011 to the unfolding situation may be divided to three stages. The first stage began on 14 February and ended on 19 February with the reopening of the GCC Roundabout to protestors. The second stage extended from 19 February till 14 March when the GCC-JSF arrived in Bahrain. The third and final stage was during the period 14-31 March 2011.

656. The first stage began with the outbreak of demonstrations on the morning of 14 February and ended with the reopening of the GCC Roundabout on 19 February on the initiative of HRH the Crown Prince. Starting on 14 February, the GoB resorted to a heavy deployment of its Public Security Forces to disperse protestors. The practice of these security forces units seemed to have been to surround towns and villages in which demonstrations occurred and to block the exits from these locations so as to contain demonstrations within those areas.

657. Inevitably, there were clashes between protestors and police when the latter began to disperse the protestors. These clashes usually ended when police used riot control techniques, such as firing tear gas, sound bombs,

rubber bullets, and at times, shotgun rounds. In most cases, protestors dispersed into the smaller streets and alleyways of their neighbourhoods. The protestors were sometimes pursued by police personnel, either in patrol cars or on foot. On some occasions, protestors threw stones, metal rods, Molotov cocktails and other objects at the police. They also made roadblocks with rocks, trees and garbage dumpsters that were occasionally overturned and set afire.

658. The forceful confrontation and dispersion of protestors led to the first two fatalities on 14 and 15 February. These two deaths caused a significant increase in the number of persons participating in protests. Many were angered at the use of force against protestors, and, therefore, participated in the funerals of these victims, which then were transformed into marches and rallies raising political demands. By 15 February, the GCC Roundabout had become the epicentre of demonstrations and the primary destination for marches coming from other parts of Manama and neighbouring villages.

659. To restore order, the GoB decided to clear the GCC Roundabout of all protestors on 17 February. During that operation four individuals were fatally wounded by the police, which brought the total number of deaths to six. The GoB then deployed BDF units to secure the GCC Roundabout and to deny demonstrators access to it. The next day, as groups of protestors attempted to re-enter the GCC Roundabout, another person was fatally wounded in the vicinity of a BDF roadblock. The deaths caused by the police and the implication of the military in the shooting of a civilian exacerbated public anger towards the GoB.

660. The available evidence and the progression of events during these days do not indicate that orders were issued to the police to use lethal force against demonstrators. However, as discussed in Chapter VI, Section B, the Commission has found that police units used force against civilians in a manner that was both unnecessary and disproportionate. This was due, at least partially, to inadequate training of field units, ineffectual command and control systems and, at times, insufficient numbers of police to handle demonstrators.

661. Police confrontations with the demonstrators and the apparent unwillingness of the GoB to address popular demands, added to the anger on the streets and resulted in more violent confrontations between demonstrators and security forces.

662. At this stage, with the approval of HM the King, HRH the Crown Prince took the initiative to engage with the leaders of the demonstrators and the opposition in search of a negotiated resolution of concerns about constitutional and socio-economic reforms. In the following days, HRH the Crown Prince was instrumental in securing the withdrawal of the BDF from the streets of Manama, reopening the GCC Roundabout to demonstrators and launching discussions with the opposition on resolving the unfolding crisis.

663. This marked the beginning of the second stage in the evolution of the policy of the GoB in dealing with the developments in Bahrain. During this

stage, the GoB took a number of measures designed to placate public anger and engaged, through HRH the Crown Prince, in negotiations with groups from across the political spectrum in an attempt to reach a solution to the ongoing crisis. Among the measures undertaken by the GoB was granting protestors unfettered access to the GCC Roundabout, dismissing four Cabinet Ministers, pardoning large numbers of individuals convicted in political cases and allowing exiled political leaders to return to Bahrain. The GoB also allowed demonstrations and marches to be held throughout Bahrain and ensured that the Public Security Forces exercised considerable self-restraint and did not disperse these protests. No fatalities were recorded during the period from 18 February to 15 March 2011.

664. While efforts to find a negotiated solution to the ongoing crisis in Bahrain were underway, other aspects of government policy seem to have exacerbated public discontent. For example, government media outlets, especially Bahrain Television, provoked criticism for what many considered to be biased coverage of the unfolding events promoting sectarianism.

665. As the weeks passed, there were a number of important developments. The most significant were the sectarian clashes, the disruption of classes in many schools as students participated in political marches, the violent clashes at the University of Bahrain, the attacks against expatriates, the blocking of major thoroughfares in Manama, the creation of "popular committees" and the setting up of checkpoints in many neighbourhoods to defend against vandals.

666. By 12-13 March, the general state of law and order in Bahrain had significantly deteriorated. This, coupled with the failure of political negotiations between HRH the Crown Prince and the opposition, led the GoB to take steps to restore order and maintain security. The GoB requested assistance from GCC-JSF which arrived on 14 March followed by the issuance of Royal Decree No. 18 of 2011 pursuant to which a State of National Safety was declared in Bahrain. The GCC-JSF did not participate in any riot control operations and did not engage with any civilians.

667. In the following weeks, the GoB forcefully confronted all forms of demonstrations in Bahrain. Public Security Forces were dispatched to the various villages and neighbourhoods to disperse demonstrations. The BDF was deployed to the centre of Manama, where the GCC Roundabout was cordoned-off and later removed. The GoB also arrested many of the political leaders of the protest movement and set up checkpoints throughout Bahrain where people found to have either participated in demonstrations or sympathised with the demonstrators were arrested. Many of those arrested were subjected to mistreatment at police stations. This situation continued until 31 March 2011.

3. Political Negotiations Between HRH the Crown Prince and Political Parties

668. The Commission, for the purposes of clarity, finds it useful to summarise the positions adopted by the relevant parties in the initiative undertaken by HRH the Crown Prince and present a brief overview of the reasons for the failure of the negotiations.

669. The proposals advanced by HRH the Crown Prince and his negotiating team were based on discussions held with a wide array of political parties, business leaders, and societal figures. The results of these consultations, which extended from 16 February until 12 March 2011, and was accepted by the Gathering of National Unity, appeared in a statement that was released to the public by HRH the Crown Prince on 13 March 2011. It identified the principles on which the proposed national dialogue would proceed, namely:

a. A parliament with full authority;

b. A government that represents the will of the people;

c. Naturalisation;

d. Fair voting districts;

e. Combating corruption;

f. State property; and

g. Addressing sectarian tension.

670. As an indication of the seriousness of these proposals, HRH the Crown Prince proposed a mechanism that would ensure that the results of the proposed national dialogue were implemented. This mechanism, which was recorded in a Memorandum of Understanding dated 12 March, envisioned that the national dialogue should aim to amend the Constitution and that its results would be submitted to a popular referendum for approval.

671. The positions adopted by the opposition, however, varied as the protest movement progressed. During early discussions between advisers of HRH the Crown Prince and opposition representatives, particularly Al Wefaq, the latter presented demands that included amending the Constitution to grant the Chamber of Deputies greater powers and to make the GoB answerable to parliament. However, as the situation in Bahrain evolved and as the protest movement gained momentum, the opposition revisited its positions and articulated additional demands. Specifically, the opposition's primary demand was the election of a Constituent Assembly to rewrite the Constitution of Bahrain. In addition, the opposition placed preconditions to entering into a national dialogue, which included the resignation of HRH the Prime Minister and the entire government. By 13 March, however, the opposition, particularly Al Wefaq, further amended its position by seemingly dismissing the option of entering into a national dialogue in favour of electing a Constituent Assembly in which all constitutional and political matters could

be discussed. This proposal was not accepted by the GoB, and ultimately, the negotiations ended.

672. If HRH the Crown Prince's initiative to hold a national dialogue at the time had been accepted, it could have paved the way for significant constitutional and political reform in Bahrain.

673. The reluctance of the opposition to accept the initiative of HRH the Crown Prince seems to have been due to a number of factors. Primarily, it seems that some in the opposition parties, particularly Al Wefaq, were unwilling to accept proposals presented by HRH the Crown Prince in light of what seems to have been a belief in their ability to achieve greater political gains given the momentum and strength of the protest movement. Second, it has been indicated to the Commission by some members of opposition parties, particularly Al Wefaq, that they doubted the willingness of some within the political establishment to accept any substantial alteration of the governance system in Bahrain. Third, the reluctance of the opposition to conclude an agreement with HRH the Crown Prince and to enter a national dialogue before certain preconditions were met, such as dismissing the government, and without previously agreed principles, parameters, and implementation mechanisms is also imputable to the general mistrust that the opposition harboured towards the GoB. The most salient reason for this lack of trust is what has been described to the Commission as a sense of betrayal that was felt towards the GoB in the months and years following the adoption of the National Action Charter in 2001. Repeatedly, opposition figures have voiced to the Commission their belief that the reform pledges made in the National Action Charter were yet to be fulfilled in significant part. This "trust deficit" based on previously unfulfilled government promises was an important factor in the opposition's lack enthusiasm for engaging in the dialogue and the insistence on electing a Constituent Assembly that would rewrite the whole constitution and examine all other political issues.

Chapter V — Events at Salmaniya Medical Complex

A. Factual Background

1. Chronology of Events

674. Located about two kilometres from the GCC Roundabout in the Salmaniya district of the capital Manama, Salmaniya Medical Complex (SMC) is the only full-service public hospital in Bahrain. Opened in 1979, it has a capacity of approximately 1,200 beds[267] and receives approximately 900-1,000 patients per day.[268] In 2009, SMC employed 710 and 1,775 nurses, as well as other staff.[269] SMC also houses the main morgue in the country.

675. On 14 February 2011, based on Ministry of Interior (MoI) and intelligence reports that extensive protests would take place in Bahrain, a state of emergency was declared by SMC administration in anticipation of injuries that might result from any potential clashes between security forces and protesters. A state of emergency is typically declared during periods of anticipated crisis. SMC also declared a state of emergency on 15 and 17 February and 13 and 16 March 2011. During the evening of 14 February, injured individuals began to gather in the parking lot[270] in front of the SMC Emergency Section.[271] At around 20:45, Mr Ali Mushaima died at SMC due to police shotgun pellet wounds sustained earlier during protests.[272] A group of several hundred individuals gathered at SMC. Some of these individuals, including journalists, entered the recovery room of the Emergency Section and took photographs of the admitted cases. Media interviews were conducted with the family of the deceased and other individuals. Anti-government chants were heard. According to Ministry of Health (MoH) records, on 14 February 2011, 26 emergency crisis patients presented at SMC and 117 patients were admitted, with four of these admissions being related to the protest.[273]

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[267] *Mechanisms to Reduce Waiting Lists at SMC,* Al Wasat News (16 February 2010), http://www.scdbh.net/vb/archive/index.php/t-10150.html accessed 3 November 2011 (*Arabic Text*).

[268] *The ER of SMC Receives 900 Patients daily,* Al Wasat News (30 October 2008), http://www.alwasatnews.com/2246/news/read/21484/1.html accessed 3 November 2011 (*Arabic Text*).

[269] Ministry of Health, http://www.moh.gov.bh/PDF/Publications/Statistics/HS2009/PDF/CH01-summary_2009.pdf p 10 accessed 3 November 2011.

[270] Unless otherwise indicated, subsequent references to gatherings at SMC indicate gatherings in the parking lot in front of the Emergency Section.

[271] Statement of Witness No. 2 in Case No. 191 of 2011.

[272] MoI events log for February and March 2011 p 7.

[273] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011". An emergency crisis patient refers to a patient whose injuries were connected to the events of February/March 2011.

676. On 15 February 2011, several hundred individuals gathered at SMC.[274] A funeral procession for Mr Ali Almeshaima moved from SMC towards Jidhafs cemetery and clashes occurred between police and members of the procession. Crowds gathered at SMC and anti-government slogans were heard again. In the afternoon, persons participating in the march to Jidhafs cemetery proceeded towards the GCC Roundabout, which was soon overtaken by protesters. A medical tent was set up at the GCC Roundabout on 15 February 2011. It was run by SMC medical personnel. According to MoH records, on 15 February, 35 emergency crisis patients presented at SMC and 97 patients were admitted, with seven of these admissions being related to the protests.[275]

677. On 16 February 2011, crowds gathered at SMC and marched towards Um Al Hasam cemetery for the funeral of Mr Fadhel Al Matrook. According to MoH records, on 16 February, seven emergency crisis patients presented at SMC and 133 patients were admitted, with two of these admissions being related to the protests.[276]

678. Early in the morning of 17 February 2011, security forces started the first clearance of the GCC Roundabout. Police dismantled a medical tent that had been set up at the roundabout. Protesters, including persons injured during the clearance of the roundabout, headed towards SMC. Several hundred individuals gathered at SMC and chanted anti-government slogans. The MoH prevented ambulances from going to the roundabout, for the reasons discussed later in this section.[277] Protesters and family members of the injured gathered outside SMC. A group of protesters attempted to head back towards the GCC Roundabout but was stopped by security forces, resulting in several casualties and the death of two protesters.[278] An impromptu demonstration occurred in the SMC car park, with some medical personnel and doctors participating. The protesters criticised the Minister of Health, as detailed later in this section.[279]

679. The Bahrain Medical Society issued a statement condemning the use of violence against "peaceful protesters" and the prevention of medical workers from carrying out their duties, "which also resulted in injuries to members of the medical team". In the afternoon a march organised by medical personnel took place at SMC, calling for the removal of the Minister of Health due to his failure to prevent attacks on medical personnel.[280] Protesters attempted to retake the GCC Roundabout but were confronted by

[274] MoI events log for February and March 2011 p 9.
[275] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[276] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[277] See "Februaru 2011 Disaster Report" in file presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[278] MoI events log for February and March 2011 p 20.
[279] Statement of Witness No. 2 in Case No. 191 of 2011; Interview with the Commission, 2 August 2011.
[280] MoI events log for February and March 2011.

the police and several were injured and taken to SMC. Meanwhile, gatherings continued at SMC.

680. The Minister of Health, Dr Faisal Al Hammar, appeared on Bahrain Television the same night, stating that the situation at SMC was calm and orderly, and that there had been seven minor injuries. The Bahrain Medical Society and the Bahrain Dentists' Society issued a statement condemning the use of violence against "peaceful protesters" and announced that a committee would be formed to document injuries and alleged crimes committed against doctors and medical personnel. They criticised the Minister of Health for his inaccurate statement regarding the number of injuries and called for his resignation.[281] Approximately 2,500 people gathered at SMC.[282] According to SMC records, on 17 February 2011, 131 emergency crisis patients presented at SMC and 89 patients were admitted, with 41 of these admissions being related to the protests.[283]

681. According to SMC records, on 18 February 2011, 61 emergency crisis patients presented at SMC and 66 patients were admitted, with 11 of these admissions being related to the protests.[284]

682. Crowds continued to congregate at SMC on 19 February 2011. Among the crowds were media personnel, who continued to have easy access to the Emergency Section and freely filmed footage of the arrival of the injured and conducted interviews throughout. Protesters marched towards the GCC Roundabout, where they were joined by a group of medical personnel. A new medical tent was set up at the roundabout, run by doctors and other medical personnel many of whom worked at SMC. Security forces withdrew from the roundabout. According to SMC records, on 19 February, 64 emergency crisis patients presented at the Emergency Section and 44 patients were admitted, with one of these admissions being related to the protests.[285] Official records for the period from 14 to 19 February 2011 showed that there were 114 cases of gas inhalation, 103 cases of soft tissue injury, 11 cases of muscular skeletal injury, one injury by gunshot wound, 53 injuries caused by shotgun wounds and 27 other cases, amounting to a total of 309 cases.[286]

683. On 20 February 2011, a march organised by medical personnel and comprising several hundred people left from SMC and headed to the GCC

[281] *The Second Announcement: the Bahrain Medical Society and the Bahrain Dentists Society*, Al Wasat News (19 February 2011), http://www.alwasatnews.com/3088/news/read/528059/1.html accessed 3 November 2011 (*Arabic Text*).
[282] MoI events log for February and March 2011 p 20.
[283] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[284] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[285] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[286] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".

Roundabout.[287] Three tents and a podium for speeches were set up in the SMC car park, near the entrance to the Emergency Section.[288]

684. On 26 February 2011, a ministerial change was announced, with the previous Minister of Health, Dr Faisal Al Hamar, replaced by Dr Nezar Al Baharna. Protesters remained in the SMC car park, and erected tents and a podium.

685. On 11 March 2011, injured protesters and government supporters were sent to SMC and other health centres across Bahrain. According to SMC records, on 11 March, 173 emergency crisis patients presented at SMC and 73 patients were admitted, with five of these admissions being related to the protests.

686. On 13 March 2011, King Faisal Causeway was blocked by demonstrators and was then cleared by security forces.[289] The injured were sent to SMC. Clashes also occurred at the University of Bahrain between pro-government and anti-government protesters, with many of the injured sent to SMC.[290] In other parts of the country, clashes occurred between protesters and expatriates, with some of those injured sent to SMC. Footage shows some injured expatriates arriving at SMC with their hands tied, and medical staff escorting them out of the ambulance and seemingly pushing and pulling them into the Emergency Section.[291] According to SMC records, on 13 March, 1,074 emergency crisis patients presented at the Emergency Section and 105 patients were admitted, with 40 of these admissions being related to the protests.[292]

687. Also on 14 March 2011, according to MoH records, 54 emergency crisis patients presented at SMC and 71 patients were admitted, with eight of these admissions being related to the protests.[293]

688. On 15 March 2011, HM King Hamad declared a three month "State of National Safety". Security operations took place in various parts of the country, particularly in Sitra.[294] Many of those injured as a result of these operations were taken to SMC. According to MoH records, on 15 March, 35 emergency crisis patients presented at SMC and 139 patients were admitted, with 71 of these admissions being related to the protests.[295]

[287] MoI events log for February and March 2011 p 27.
[288] MoI events log for February and March 2011 p 31.
[289] MoI events log for February and March 2011 p116.
[290] MoI events log for February and March 2011 p 120.
[291] YouTube, http://www.youtube.com/user/TrueBahrainTube?blend=4&ob=5#p/u/0/nDIU1IYKNiI accessed 3 November 2011.
[292] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[293] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[294] MoI events log for February and March 2011 pp144-160.
[295] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".

689. On 16 March 2011, security forces began the second evacuation of the GCC Roundabout. Many of the injured were taken to SMC. BDF forces also began to take control of SMC, and arrested several individuals within the complex. According to MoH records, on 16 March, 89 crisis patients presented at SMC and 37 patients were admitted, with 22 of these admissions being related to the protests.[296]

690. Until 16 March 2011, when SMC was cleared by the GoB, the crowd of protesters at SMC varied in size between approximately 50 and 3,000 people. The three tents and the podium were used by protesters, with political speeches occurring throughout this period. The medical tent at the GCC Roundabout continued to operate until the second clearance of the roundabout by security forces on 16 March. Marches involving medical personnel also took place periodically after working hours.

691. The security operation continued on 17 March 2011. Several medical personnel were arrested and detained. Reports emerged of the detention of injured individuals, particularly on the sixth floor of SMC. According to MoH records, on 17 March, one emergency crisis patient presented at SMC and 31 patients were admitted, with one of these admissions being related to the protests.

692. In total, between 14 February and 17 March 2011, 2,034 emergency crisis patients presented at SMC and 3,328 patients were admitted, with 226 of these admissions being related to the protests.[297] Eight people died at SMC between 14 February and 17 March as a result of injuries arising from the protests occurring in Bahrain at this time.[298] According to MoH records, between 11 and 16 March, 1,437 emergency crisis patients presented at SMC and 518 patients were admitted, with 147 of these admissions being related to the protests.[299] No corresponding information was provided by the MoH for the period from 21 to 24 March 2011.

693. On 23 March 2011, a Royal Decree was issued instating Dr Fatima Al Balushi as Acting Minister of Health in place of Dr Nezar Al Baharna.[300]

694. Between 16 March and the end of May 2011, a total of 64 medical professionals were detained or charged in relation to the events of February/March 2011 in Bahrain. Of these persons, 62 have been detained at

[296] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[297] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[298] Deaths occurred on the following dates: 14 February (1); 15 February (1); 17 February (3); 21 February (1), 16 March (1), and 19 March (1). See file presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011", which includes official death certificates for these individuals.
[299] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[300] *New Ministerial Appointments Pursuant to Two Royal Decrees: Al Homr for Housing and Al Baloushi for Health*, Al Wasat News (24 March 2011), http://www.alwasatnews.com/3121/news/read/533865/1.html accessed 3 November 2011 (*Arabic Text*).

some point, while the remaining two persons have so far remained at large. Of the total of 64 individuals, 13 were subsequently released without charge, while 51 have had cases brought against them. Three individuals have been convicted and are serving jail sentences.

695. On 6 June 2011, 48 medical professionals appeared before the National Safety Court. Of these persons, 28 doctors and medical professionals were charged with misdemeanours (Case No. 191 of 2011) and 20 others were charged with felonies (Case No. 282 of 2011).[301] After a court hearing on 7 September 2011, all of the medical personnel still in detention were released pending final verdicts. On 29 September, the verdicts in the case involving the 20 medical personnel accused of felonies were announced. All were found guilty, and they were sentenced to the following terms: 13 individuals were sentenced to 15 years imprisonment; two individuals were sentenced to 10 years imprisonment; and five individuals were sentenced to five years imprisonment. However, all of these individuals remain free pending the outcome of an appeal now before the Higher Appellate Civil Court.[302] At the first hearing on 23 October 2011, the Attorney General withdrew charges against the medical personnel arising out of articles 165, 168 and 169 of the Bahrain Penal Code.

696. Pursuant to Decree Law No. 28 of 2011, all cases of misdemeanours not yet adjudicated by the National Safety Court were transferred to the ordinary civilian courts. Case No. 191 of 2011, involving the 28 medical professionals charged with misdemeanours, is currently pending before the Lower Criminal Court.

2. Allegations

697. The events at SMC from 14 February to 16 March 2011 form the main basis for the GoB's allegations against certain medical staff at SMC. The allegations that need to be investigated by the Commission fall into the following categories:

a. Control and management of SMC;

b. Spreading false rumours and information;

c. Granting access to media;

[301] The distinction between misdemeanours and felonies under Bahrain law is based on the penalty for a particular criminal offence. Misdemeanours are offences punishable by a term of imprisonment of less than three years and felonies are offences punishable by a term of imprisonment of three years or amore. Felonies charged included: (1) possession of firearms and ammunition; (2) attempting to take over a government building and controlling access to it; and (3) attempting to overthrow the regime by advocating for change of the political system. Misdemeanours charged included: (i) disseminating false reports, statements or rumours aiming or seeking to damage the public security and which terrorise the population or cause damage to the public interest; (ii) publishing untrue reports and/or falsified documents undermining the public peace or causing damage; (iii) intimidating co-workers into not following the law; (iv) participating in unauthorised gatherings of more than five people; and (v) intentionally vandalising government property.

[302] There have only been appeals with respect to 18 of the 20 convicted medical staff as two of those convicted remain at large and have not lodged appeals.

d. Unauthorised marches and gatherings by medical personnel;

e. Discrimination based on ethnicity or sect;

f. Illegal acquisition and use of medicine and medical facilities;

g. Unlawful detention of patients; and

h. Possession of firearms and weapons.

698. The GoB's account of events is based on the accounts of the MoI investigators who conducted the interrogations of the doctors. Witness No. 1 in Case No. 191 of 2011 gave a comprehensive summary of the GoB's version of events:

> The witness states that there is information he has received from his secret sources that shows the complicity of a large group of employees from SMC, and others in the medical field, headed by [one of the accused doctors]. [This accused doctor] was in charge of forming this group in solidarity with the illegitimate demands of the saboteurs, who call for the fall of the regime, with the aim of spreading chaos and fear in Bahrain. The aim was to support them materially and morally by placing all the hospital's capabilities at their disposal and making it the main centre for conducting their illegal works. There is an organisational relationship between them (the medical group) and those who attended the GCC Roundabout. They imposed their total control on the sections of the hospital, and threatened doctors and other officials who objected to their methods. They set up tents for protesters in the parking lot of the hospital. They also set up a medical tent at the roundabout and supervised it and provided it with medicine from the hospital and other medical facilities. This included beds, stretchers and blood bags for protesters to use to stain their clothes to provide a false picture to the local and international media that they were injured during standoffs with security personnel.
>
> They also went out in several unlicensed demonstrations in solidarity with the other protesters calling for the fall of the regime. They also organised numerous sit-ins at the hospital and used ambulance cars to carry protesters and their weapons, as well as hostages from Asian backgrounds to and from the hospital after abducting them and holding them in custody and assaulting them and transporting some of them as detainees to the GCC Roundabout. They directed ambulance cars in a haphazard manner throughout the Kingdom with the purpose of spreading terror among citizens and exciting the general public. This was intended to convey an untrue picture about injuries to protesters in order to pressure the Kingdom to hasten the achievement of their illegitimate aims and goals. They also seized knives and firearms with the intention of resisting security personnel if the latter tried to enter Salmaniya Hospital. They used a large group of

> individuals from the roundabout armed with knives to guard all entrances and exits of the hospital with the intention of controlling those entering and exiting, and spreading terror among nationals and expatriates. The exits and entries of the hospital were blocked by ambulance cars and other vehicles. They also spread false and inaccurate information regarding the number of injured to tarnish the reputation of the Kingdom in the international media.
>
> They performed unneeded surgical operations with the aim of aggravating any existing wounds that patients may have incurred, and filmed and broadcast these injuries to the international media. They planned and executed this with a terrorist motive, the aim of which was to subject the Kingdom to danger and to spread fear among its residents in solidarity with achieving the illegitimate aims of the roundabout protesters using force and threats.

699. The accused medical personnel, as well as denying the above allegations, have made their own allegations against the GoB and its supporters in relation to their conduct during the events of February/March 2011.[303] These allegations relate to the following:

a. Mismanagement at SMC and lack of preparation to deal with events;

b. Spreading of false rumours and accounts of what was happening at SMC during the protests;

c. Attacks on medical staff at the GCC Roundabout;

d. Refusal to send ambulances to assist the injured;

e. Unlawful arrests and mistreatment of medical personnel by the authorities;

f. Lack of access to medical care; and

g. A media campaign against the accused medical personnel by Bahrain Television and government officials.

700. The first allegation is dealt with in Subsection (1) below, while the second allegation is dealt with in Subsection (2). The third, fourth, fifth, sixth and seventh allegations are dealt with in separate Subsections (9), (10), (11), (12) and (13), respectively.

(1) Control and management of SMC

701. All reports indicated that there were protests, and indeed chaos, in the SMC Emergency Section and the adjoining car park during February and

[303] These allegations are based on their own version of events. A variety of other documents support these allegations including statements of more than 30 defence witnesses in Case No. 191 of 2011, statements provided to the Commission, documents (e.g. receipts and minutes of meetings) presented to the Commission as proof, files from their lawyers and local human rights societies, and reports by international organisations.

March 2011.[304] During this period, certain members of the medical staff at SMC allegedly gained control over the SMC's car park and Emergency Section and managed SMC without the permission of the authorities.

702. The GoB's grievances against the accused medical personnel focus on the three following allegations: (i) hundreds of protesters supported by the accused doctors took over the SMC car park and Emergency Section between 14 February and 16 March 2011; (ii) medical personnel and SMC administrators attempted to gain control over the administration of SMC; and (iii) medical personnel colluded with protesters, the Al Wefaq National Islamic Society (Al Wefaq) and other opposition and religious leaders in setting up tents and gaining control over SMC.

703. The Commission has received contradictory statements from the GoB and the accused medical personnel. Some witnesses stated that the accused doctors "hijacked" SMC and violated the rights of patients,[305] while others stated that this never happened.[306]

704. There seems to be general recognition that SMC was not controlled by protesters, with the exception of certain limited areas, and that SMC generally continued to function normally. On the side of the GoB, an Undersecretary of the MoH, claimed that protesters were not in control of any part of the building, with the exception of the Emergency Section on the day of the second evacuation of the GCC Roundabout (16 March 2011). SMC was otherwise under the control of the administrators.[307] He further stated that the exit and entrance into SMC were normal except in periods of emergency. On 9 March 2011, Bahrain Television aired a segment showing Dr Nezar Al Bahrana, the then Minister of Health, visiting SMC. The segment also included statements by him, medical personnel and patients of diverse backgrounds stating that the situation was calm and normal at SMC, and asking for individuals not to believe rumours regarding SMC.[308]

705. With respect to the operation of SMC, and some reorganisation measures that were being undertaken at the time, the Head of the Emergency Section stated that meetings occurred on 19 and 20 February 2011 between some of the accused doctors and the Assistant Undersecretary for Hospital Services, in order to discuss the management of SMC in a time of crisis.[309] The Assistant Undersecretary for Hospital Services was representing the Minister, who was out of the country. Subsequently, the Assistant Undersecretary for Hospital Services suggested that he could assign specific tasks to some doctors in order to regulate the situation in the Emergency Section. This suggestion was accepted and put into action, with overall authority remaining with him. The circumstances, however, were not entirely

[304] Between 14 February 2011 and 28 March 2011, 226 patients were admitted to SMC for injuries related to the protests.
[305] See Minutes of Commission meeting at SMC, 30 August 2011.
[306] See witness statements given to the Commission, 2 August 2011, and witnesses mentioned below.
[307] Interview with the Commission, 30 July 2011.
[308] YouTube, http://www.youtube.com/watch?v=ILi3COUIULI accessed 3 November 2011.
[309] Minutes of court hearing on 20 June 2011 in Case No. 191 of 2011.

clear. The Head of Administrative Services at SMC[310] and the Assistant Undersecretary for Primary Healthcare[311] stated that these meetings occurred but added that the general atmosphere at SMC was very tense and that during these two meetings SMC administrators were pressured and, at times, felt threatened. The Commission has seen video footage of medical personnel chanting aggressively and gesticulating outside the room where the meeting was apparently taking place.

706. Similarly, the Head of the Emergency Section, the Deputy Chief of Medical Staff and a BDF doctor stated that the accused doctors were part of a "parallel" programme or plan that aimed to "hijack" the hospital and its administrative systems.[312] For example, it was alleged that there was a plan to take over the hospital paging system used to communicate between members of staff. It was suggested that one of the reasons that the protesters and their supporters among the medical staff wanted to take over the facility was because there was an agreement that SMC was immune from police intervention, and that security agencies were not allowed to enter the facility or use any force in its surroundings. The BDF doctor suggested that the decision to take over SMC would have been taken when the protesters and the political forces behind them felt that they had achieved their "political" purposes and wanted to follow through and capitalise on their success and control a high value site. The Deputy Chief of Medical Staff stated that in the meetings on 19 and 20 February, it seemed that some doctors were trying to take over the administration of SMC and to replace the department heads. This move was rejected, which led them to try and control the entry and exit of patients in the Emergency Section.

707. The Military Attorney General stated in the official indictment that one of the accused doctors led a group of doctors and nurses to rally at the GCC Roundabout, chant anti-regime slogans and occupy Bahrain's largest hospital in order to further their goal of toppling the regime. He alleged that this group met on 17 February 2011 in the vicinity of the SMC Emergency Section. The following morning, they gathered at the house of one of the accused doctors for a meeting chaired by the leader of the accused doctors. At these meetings, they exchanged statements and discussed developments at the GCC Roundabout. The Military Attorney General alleged that they agreed to draft a statement calling for the sacking of the Minister of Health, while Al Wefaq would file an international complaint in this regard against Bahrain. According to the Military Attorney General the group then staged a silent vigil in the SMC courtyard, whilst on duty, in response to a call made by the doctor in whose house they had met. They read the statement they had drafted, urging the disruption of Bahrain's security and stability. It was also alleged that on 19 February, the leader of the accused doctors and another accused doctor met at the SMC Radiology Department. They were later joined by a number of the other accused medical personnel. They agreed to meet the following day at 08:00 at the clinic of the leader of the accused doctors in

[310] Minutes of court hearing on 20 June 2011 in Case No. 191 of 2011.
[311] Interview with the Commission, 30 July 2011.
[312] Interview with the Commission, 28 August 2011.

order to form committees aimed at mobilising support for the anti-regime protests taking place at the GCC Roundabout. They proceeded by distributing roles among themselves.

708. The GoB alleged that the accused medical personnel were in active collusion with protesters and opposition groups, as well as foreign powers. This included helping protesters to set up tents and a second base at SMC. The GoB's version of events is mainly based on witness statements. For example, the Deputy Chief of Medical Staff stated that when she asked one of the accused doctors why he was supporting the demonstrators, and why he was helping in the takeover of the hospital, he said that "'they' had received promises from the US Embassy to take over the country".[313] She added that a large meeting was held during which the doctors supporting the opposition made plans to take over SMC. This meeting was held despite the chaos at SMC and the fact that SMC needed the help of these doctors. However, these doctors were more interested in organising the takeover of SMC. This meeting was attended by a number of the accused medical personnel. She added that she had not previously known of the political affiliation of these doctors, but that once the events began they started to announce that they were "Wefaqis".

709. The Head of Administrative Services at SMC stated that tents were set up at SMC with the knowledge of one of the accused medical doctors.[314] According to the individual alleged to have been the leader of the accused doctors, this accused doctor cooperated with the protesters in setting up the tents, but that none of the other doctors did so.[315]

710. On 13 September 2011, the group of 20 medical personnel who were convicted of various felonies submitted the following statement regarding their version of events:[316]

> We sat together for a coffee on 18 February giving support to each other for what happened on 17 February. Then we started thinking how we could assist the MoH. We decided that we would not do anything without the approval of the MoH. Therefore, the following day there was a meeting with [the Assistant Undersecretary for Hospital Services] to inform him that we as health team members would assist in anyway with his approval and supervision.
>
> A meeting was held on Saturday 19 February in response to the events that had happened two days previously. A group of doctors, among them… [the] Assistant Undersecretary for Hospital Services (AUS), attended the meeting. This occurred at around 08:30 on the third floor in the paediatric conference room. The number of doctors exceeded 40 including various consultants.

[313] Interview with the Commission, 28 August 2011.
[314] Minutes of court hearing on 20 June 2011 in Case No. 191 of 2011 (Military Prosecution Witness).
[315] Interview with the Commission, 27 July 2011.
[316] Email sent to the Commission on 13 September 2011.

> Among them were the chairmen of departments including ICU [Intensive Care Unit], paediatric and OBS/GYN [Obstetrics and Gynaecology].
>
> It was stated very clearly that the main goal of this meeting was to decide how to supplement and facilitate the role of the departments in case of a crisis that necessitates the presence of extra doctors, nurses and sources like operation theatres, anaesthesia and others. It was also clearly stated that this was not going to interfere with the functions of doctors on call in all departments. Their role was that of a liaison. In fact some doctors who were assigned these tasks were already chairmen of departments like ICU, OBS/GYN and paediatrics. [One of the accused doctors] for example was given responsibility for the operation theatre. Immediately after the meeting he called [the Chairman of Surgery] and [the Chairman of the Orthopaedic Department], and informed them about this. He emphasised that his role was just a facilitator and both actually had welcomed that. Luckily enough, no emergency happened until 13 March 2011. At the end of the meeting, [the Assistant Undersecretary for Hospital Services] approved everything and when asked if it was an official meeting, he clearly stated, yes approved by AUS. That was his exact remark.

711. One of the accused doctors stated that on 19 February 2011 she went to her department to ensure that the activation of the disaster plan was going well.[317] Everything seemed normal. She stated that she eventually heard a call for a meeting on the third floor for all doctors and she stated that the individual alleged to have been the leader of the accused doctors was responsible for that call. When she went to the meeting hall, it was closed and one of the workers from the operations room was not allowing people to enter. When people were allowed to enter the room, she saw that the individuals present in the closed meeting included the individual alleged to have been the leader of the accused doctors and several other doctors. She stated that it was unclear what had happened in the closed meeting.

712. One of the accused doctors told the Commission that a second meeting, which was open and attended by many more doctors, was convened by the individual alleged to have been the leader of the accused doctors. She observed that this doctor was nervous and in a bad mental state due to the uncertainty of the situation. He began by giving a presentation explaining that the meeting was being conducted in cooperation with the Assistant Undersecretary for Hospital Services, in light of the events of 17 February 2011, and that it had been agreed with him that another team would be activated in the Emergency Section. During this presentation, the Assistant Undersecretary for Hospital Services entered and commented on the present. There was an awkward scene when the convenor of the meeting asked everyone to clap for the Assistant Undersecretary for Hospital Services. It

[317] Witness statement provided to the Commission, 4 August 2011.

seemed that both of them had agreed on an allocation of responsibilities on the following basis: (i) one doctor would be responsible for the emergency team, given his experience with the Formula One; (ii) the convenor of the meeting would act as liaison between the protesters and SMC administrators; (ii) another one of the accused doctors was to be in charge of the operating theatre; and (iv) one of the accused doctors would be in charge of the ICU. They hoped that everyone would cooperate. The Deputy Chief of Medical Staff called the witness after the meeting to inform her about the meeting and about the team composed of the Assistant Undersecretary for Hospital Services and the doctor who had convened the meeting

713. One of the accused doctors reported that on 20 February 2011 she was informed that there was another meeting with an Undersecretary of the MoH. Most of the heads of sections were there, including the Head of the Emergency Section, and others. The current situation at SMC was discussed and the attendees were informed of what had been agreed with regard to the disaster team by the Assistant Undersecretary for Hospital Services and the doctor who had convened the meeting the day before. Each head of section then presented their part of the disaster team updates, and a circular on the situation was issued.[318]

714. Regarding the crisis plans, the same accused doctor presented the Commission with a copy of the "disaster preparedness program" presentation given at the MoH on 7 February. The Chief of Medical Staff at SMC stated that in the Emergency Section there were a total of 56 doctors divided over three shifts, and during "disaster" mode more doctors were asked to join the Emergency Section team, especially on 14, 15 and 17 February 2011. Disaster mode was declared for about six hours each time.[319]

715. A number of accused medical personnel stated that they felt that there were shortcomings in the emergency plan and the handling of the situation after the first clearance of the GCC Roundabout. They believe that the shortcomings of the MoH in preparing for and handling the events were the main reason for the chaos at SMC. They felt that they needed to offer their services on a voluntary basis at the GCC Roundabout medical tent in order to deal with the crisis.

716. The accused doctor who was given responsibility for the operating theatre stated that it was not true that he and the other accused doctors "hijacked" the hospital. He considered that it would be impossible to hijack a hospital for 30 days without the GoB intervening, and that it would be impossible for so few doctors to hijack the only public hospital in the country for so long. He stated that there were no administrative orders issued by hospital staff except senior SMC administration. Any hospital orders had to be signed by the Assistant Undersecretary for SMC or the Chief of Medical Staff. Concerned department heads carried out all administrative responsibilities. In practice, orders to doctors were solely from department heads, the Chief of Medical Staff and the Assistant Undersecretary. From an

[318] This circular was provided to the Commission.
[319] Interview with the Commission, 28 August 2011.

administrative point of view, SMC was operating as normal, meetings were being held and staff were instructed in accordance with the disaster plan. Although the families of the injured protesters gathered in the parking area outside the Emergency Section, this did not obstruct the entrance. The accused doctor further stated that hospital staff were busy treating casualties without interfering with the other events.[320] He stated that at the end of the day the doctors' responsibility was to deal with the injured and that any security concerns were the responsibility of security and administration.[321] This position was supported by an MoH security guard who stated that security personnel have an agreement with the MoI that during crisis mode they would take over the administration of the SMC Emergency Section and that they would be responsible for the exits and entrances of the hospital, and that they would take orders from the management of SMC and not the doctors.[322]

717. The accused medical personnel deny that they had any relationship with the protesters. Their version of events was supported by statements from Prosecution witnesses in these trials. For example, the Head of Administrative Services at SMC stated that the Assistant Undersecretary for Hospital Services had agreed that one of the accused doctors would deal with the demonstrators as he had obvious influence over them.[323]

718. One of the accused doctors stated that on 19 February 2011, two other accused doctors asked the protesters to leave the Emergency Section.[324] There was an official meeting on 19 February, during which the Assistant Undersecretary for Financial Affairs asked the doctors to request the protesters to leave the Emergency Section. He further stated that none of the accused doctors were colluding with the protesters camped in tents at SMC, nor did the doctors order the protesters to stay there.

719. The medical personnel who were convicted of felonies submitted a joint statement to the Commission in which they asserted the following:

> There was no relationship between doctors and protesters. Doctors were only involve[d] in the treatment of injured patients according to the nature of their injury. Hospital premises were under the total control of hospital administration.[325]
>
> … There were two types of tents put outside the hospital at the car park in front of the emergency department: the medical tent was set by the hospital administration to accommodate anticipated floods of patients in case of disaster. This tent was authorised and

[320] Statement provided to the Commission by the Ministry of Health entitled "Salmaniya Medical Complex", 10 September 2011.
[321] Witness statement provided to the Commission, 2 August 2011.
[322] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[323] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011.
[324] Interview with the Commission, 27 July 2011.
[325] The medical personnel provided a copy of a press report in which the Assistant Undersecretary for Hospital Services made a statement to the same effect.

> supervised by hospital administration. The other tents were set by the protesters and doctors have nothing to do with them. [326]

720. An engineer at the MoH, stated that the engineering administration from the MoH set up the big tent in the car park based on orders from the hospital administration.[327]

721. A lawyer for several of the accused doctors, provided a copy of an email sent on 21 February 2011 by the Assistant Undersecretary for Primary Healthcare to all personnel working in healthcare. The email thanked the healthcare personnel for providing their services in a complete manner during the events.

722. According to the statement submitted by the accused medical personnel to the Commission:

> Though a few doctors are members of Al Wefaq which is an official Bahraini society operating legally under Bahrain law, it had no influence on them while they were performing their duties as professionals… Some other doctors are members of other political societies. We can confirm that doctors didn't give free room to religious scholars and Alwefaq MPs inside SMC, as the hospital was under the responsibility of SMC administration at all times.[328]

723. The authorities deny the allegations made against them by the accused medical personnel concerning the mismanagement of SMC. The GoB claims that the chaos and disorder was due to protesters and the accused medical staff. The SMC administration stated that in the two meetings that took place on 19 February, they were threatened and forced to allow the accused doctors to run the hospital. They therefore agreed to relocate some of those in charge of various sections, allowing the accused doctors to take control.

(2) Spreading false rumours and information

724. According to article 168 of the Bahrain Penal Code, as amended by Decree Law No. 9 of 1982, it is a violation of the law to deliberately disseminate false or malicious news, reports, statements or rumours, or produce any publicity, which disturbs public security.[329] The authorities have alleged that the medical staff at SMC intentionally spread false rumours and information about the events taking place at SMC during the protests. Accusations have also been made that medical staff helped to stage certain events.

[326] Email sent to the Commission on 13 September 2011 (original English text).
[327] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[328] Email sent to the Commission on 13 September 2011 (original English text).
[329] See Findings and Conclusions to this Chapter.

725. More specifically, the allegations are as follows: (i) medical staff provided false information to the media; (ii) medical staff provided blood to protesters, allowing them to spread blood on themselves in order to incriminate security forces; and (iii) medical staff gave atropine to some individuals in order to simulate nerve gas injuries.

726. An Al Jazeera video screened on 15 March 2011, showing a patient in a state of convulsions, was presented to the Commission as supporting the accusations regarding the administration of atropine.[330] The accusation is that the atropine was used to create similar symptoms (a state of convulsions) to those displayed by an individual who has been exposed to nerve gas, in order to incriminate the security forces. One doctor stated that there was an order from two of the accused doctors to give atropine to patients.[331] An employee at SMC stated that he saw one doctor administer atropine to patients.[332]

727. The accusations regarding protesters pouring blood on themselves in order to appear injured refer mainly to witness statements and video footage. An ambulance driver stated that during the protests at the Financial Harbour, which took place from 6 to 11 March 2011, he saw protesters throw blood on their clothes and bodies in order to appear injured.[333] Commission investigators also received video footage showing protesters pouring blood from blood bags onto their clothes.

728. Claims regarding the provision of false information to the media are based on eyewitness accounts, videos and the understanding that some have drawn from the statements made in these videos. The GoB alleged that some of the medical personnel exaggerated the extent of injuries. On the other hand, the medical personnel claim that government officials deliberately understated the number of injured persons. The Deputy Chief of Medical Staff stated that on 17 February 2011, one of the accused doctors was not making any effort to assist victims but was instead running around with an Al Jazeera crew.[334] The next day, this doctor gave a statement that there were countless casualties lying all over the floor at SMC, despite the fact that the total number of people at SMC that day was actually less than the day before. According to the Deputy Chief of Medical Staff and other doctors, this doctor knew the real numbers and intentionally gave false statements to the media.

729. The GoB also accused protesters of impersonating medical staff. SMC administration presented a video that shows an individual falsely impersonating a doctor while giving an interview by telephone to an unidentified news channel.[335] The hospital administration confirmed that the individual was not a staff member at SMC. There is no evidence indicating that the individual had any relationship with any of the accused medical

[330] YouTube, http://www.youtube.com/watch?v=IIJIPEdsDCo accessed 6 November 2011.
[331] Interview with the Commission, 30 July 2011.
[332] Minutes of court hearing on 30 June in Case No. 191 of 2011 (Military Prosecution witness statements).
[333] Interview with the Commission, 30 July 2011.
[334] Interview with the Commission, 28 August 2011.
[335] Video received from MoH.

personnel. The Commission has no record of medical staff responding to this allegation.

730. All the above allegations by the GoB have been denied by accused medical personnel. In response to the allegation that medical staff used atropine on patients in order to simulate nerve gas injuries, one doctor stated that on 13 March 2011 the medical crew at SMC witnessed strange injuries to protesters which involved spasms and convulsions that they were unable to identify clearly. They suspected that the injuries might be the result of a type of phosphorus or nerve gas. They subsequently dealt with the protesters in accordance with the symptoms using atropine, cortisone and oxygen. He further stated that it was a hectic day with many patients on the floor of the hospital and in the car park, including many cases of gas inhalation.

731. In relation to the allegation that protesters poured blood on themselves, the response of the accused medical personnel is based on Defence witness statements presented in Case No. 191 of 2011. These statements claim that any blood had to be signed for by a doctor and the person in charge of the blood bank, and that this would have made it extremely difficult, if not impossible, for doctors to obtain large quantities of blood without it being signed for.[336]

732. The accused medical personnel stated that interviews were given to foreign media, but deny that these contained any intentional false statements. The doctor referred to in paragraph 728 stated that he gave interviews to international media, such as Al Jazeera, regarding the incidents involving the hospital and the numbers of injured being treated at the hospital.[337] On 18 February 2011, he gave an interview to Al Jazeera stating that there were hundreds of injured persons at SMC. He thought it was his duty to give a true and unaltered picture of what was going on inside the hospital. He considered that the information that the MoH was giving to the public and international media was simply incorrect. The number of injured persons was understated. He stated that the Minister of Health gave a statement that was completely inaccurate in relation to both the numbers of injured and incidents involving SMC. The Minister of Health had previously stated on television that there were only seven patients with minor injuries.[338]

(3) Granting access to the media

733. This allegation relates to: (i) facilitating media access to SMC; (ii) giving interviews to the media; and (iii) compromising patient confidentiality.

734. Video footage shows that the media was able to conduct interviews and obtain footage from within SMC. The accused medical personnel have confirmed that they conducted interviews with the media inside the

[336] Minutes of court hearing on 20 June in Case No. 191 of 2011.
[337] Witness statement provided to the Commission, 2 August 2011.
[338] *The second announcement: the Bahrain Medical Society and the Bahrain Dentists Society,* Al Wasat News (19 February 2011), http://www.alwasatnews.com/3088/news/read/528059/1.html accessed 4 November 2011 (*Arabic Text*).

hospital.[339] Both foreign media and Bahrain Television seem to have obtained footage from inside SMC, including footage of injured persons inside the hospital.

735. The GoB's view of events is that the accused medical personnel actively assisted the media, in particular international outlets, in gaining access to SMC. The Assistant Undersecretary for Primary Healthcare stated that media roamed freely inside the hospital.[340] The Head of the Emergency Section stated that this occurred with the help of several doctors.[341] The Chief Resident Doctor stated that he was operating on the protester Mr Fadhel Matrook (the second protester who died on 16 February 2011) when he was surprised by media suddenly entering the room, turning it into a media showroom.[342] An ambulance driver stated that he witnessed foreign reporters being allowed to use computers in order to send pictures, videos and medical reports.[343]

736. The accused medical personnel stated that while interviews were given to foreign media, the media were not allowed unfettered access to SMC. A different perspective was provided by one doctor who stated that as far as he was aware no orders were given by the hospital administration forbidding media access to SMC. Another doctor made a similar observation.[344]

(4) Unauthorised marches and gatherings by medical personnel

737. According to government accounts, medical personnel organised illegal marches and demonstrations, both inside and outside SMC. The Commission received several videos that show medical personnel involved in political chants inside SMC on 17 February 2011. Two videos of the same events show nurses and non-medical personnel chanting, "The people want the fall of the regime".[345] Another video the same day shows some medical personnel calling for the fall of the Minister of Health.[346] There is also footage of a pro-government rally being held by some medical personnel within SMC, which was broadcast on Bahrain Television on 11 May 2011.[347]

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[339] Statement provided to the Commission, 2 August 2011. See also Al Jazeera video coverage, YouTube, http://www.youtube.com/watch?v=4-5Ecwo3tgk and http://www.youtube.com/watch?v=IIJIPEdsDCo accessed 4 November 2011.
[340] Interview with the Commission, 30 July 2011.
[341] Interview with the Commission, 30 July 2011.
[342] Interview with the Commission, 30 July 2011.
[343] Interview with the Commission, 30 July 2011.
[344] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[345] See YouTube, http://www.youtube.com/watch?v=QrT_2HFlCFY&feature=related and http://www.youtube.com/watch?v=KEGnByITVCo accessed 4 November 2011.
[346] YouTube, http://www.youtube.com/watch?v=X101UunCFAU&feature=related accessed 4 November 2011.
[347] YouTube, http://www.youtube.com/watch?v=AfUCEot6BgQ accessed 4 November 2011.

738. The Commission received video footage recording protesters at SMC chanting discriminatory slogans such as, "Naturalised citizens get out". Other video footage records protesters chanting, "Death to Al Khalifa" outside the emergency room.[348]

739. Regarding demonstrations by the accused medical personnel, an SMC employee stated that one of the accused doctors was in charge of demonstrations by medical personnel and that he had a close relationship with the demonstrators.[349] This doctor and others encouraged medical personnel to participate in demonstrations. An SMC surgeon and two ambulance drivers provided similar accounts.[350] A clerk at SMC stated that several of the accused doctors wore badges saying, "Sit-in until the regime falls". One SMC employee stated that he heard several doctors call for the fall of the regime.

740. One of the accused medical personnel stated that although medical personnel did participate in demonstrations, this occurred after working hours.[351] Another one of the accused doctors stated that a protest was organised by the medical team on 18 February 2011 to protest attacks on the medical personnel at the GCC Roundabout and the stoppage of ambulance services during the first clearance of the GCC Roundabout, but that this protest took place outside working hours.[352] He confirmed that other protests did occur, but always outside working hours, except for the spontaneous protest on 17 February immediately after the first clearance of the GCC Roundabout amid the rumours that ambulance drivers were prevented from accessing it. There are several videos of the protests in question, which seem to indicate that the protests occurred in the SMC car park area and in the area in front of the Emergency Section.[353]

741. According to the statement submitted by the accused medical personnel on 13 September 2011:

> The nature of the marches was completely professional and focused on the poor management of the disaster by administration team on February 17, 2011. [T]hese marches were spontaneously evolved by the presenting medics at the hospital following the attack on the Feb. 17 morning as a result of the medical responsibility following the immediate stoppage of the ambulance services by the administration and the attack [on] paramedics and drivers trying to evacuate the victims. [T]wo marches took place in front of the hospital, the first on Feb. 18th and the 2nd was on

[348] Video footage received from BCHR.
[349] Minutes of court hearing on 20 June in Case No. 191 of 2011 (Military Prosecution witness statements).
[350] Report from the MoI entitled "Samples of some complaints by nationals against doctors and officials in Salmaniya Hospital regarding withholding treatment"; Interview with the Commission, 30 July 2011.
[351] Interview with the Commission, 30 July 2011.
[352] Interview with the Commission, 27 July 2011.
[353] See, for example, the video of a protest by medical personnel on 18 February 2011. YouTube, http://www.youtube.com/watch?v=YkufTYgKtTQ and http://www.youtube.com/watch?v=4SD-FP4BqWM&feature=related accessed 19 November 2011.

> Feb. 20th. [B]oth were outside the working hours and not interfering with patient care or obstructing the hospital gates.[354]

(5) Discrimination based on ethnicity or sect

742. The authorities alleged that during the events of February/March 2011, certain members of the medical staff violated the Bahrain Medical Society Charter of Medical Ethics and discriminated against patients based on their ethnicity or sect. Such discriminatory acts against patients took the form of mistreatment, harassment, unlawful detention and denial of medical care. These allegations are based on, first, specific incidents surrounding the treatment of naturalised Bahrainis and expatriates on 13 March 2011 and, second, the overall drop in the number of patients attending SMC due to the security risk.

743. On 13 March 2011, clashes occurred between anti-government and pro-government protesters. These clashes resulted in injuries to expatriates and naturalised Bahrainis, some of whom were sent to SMC. Government accounts are based on first hand witness statements. An SMC surgeon testified in court that on 13 March 2011 he witnessed two individuals, one Bahraini and one naturalised Bahraini of Syrian descent, being taken to the Emergency Section with severe head injuries, apparently suffered during protests at the University of Bahrain.[355] He said he heard one accused doctor shout, "Get these mercenaries away and throw them out and let BDF Hospital treat them". Another accused doctor intervened and tried to calm him down and told him to keep his voice down. Another doctor then came and treated the patients, who were subsequently taken to BDF Hospital.

744. The SMC surgeon further stated that later that night he saw a Bahraini Shia security guard beating a Pakistani man in a wheel chair, so he went up to him and said, "If you do that again I will cut your hand off". Nurses then intervened to calm the situation. Minutes later he went to the Emergency Section and saw three of the accused doctors with a Shia cleric talking in a low voice to an Asian man on a bed, which he thought was very suspicious. The Chief Resident Doctor stated that on 13 March 2011 he witnessed two Pakistanis, who had been brought in ambulances and who had their hands tied, being attacked by protesters.[356] He stated that the doctor referred to in the preceding paragraph attacked one of the patients, pulling him violently, and asked the Chief Resident Doctor not to "release the handcuffs of the animal". He also witnessed this doctor attack other injured patients.

745. It was alleged that the accused medical staff discriminated against expatriates and did not give them similar treatment to that received by Shia patients. The Commission received video footage showing an interview given by one of the accused doctors to the media in which he stated that not all patients were protesters, but that some were expatriates who worked for the security forces. He shows a table housing the identification of patients,

[354] Email sent to the Commission on 13 September 2011 (original English text).
[355] See Case No. 191 of 2011.
[356] Interview with the Commission, 30 July 2011.

making no attempt to hide the identities of the patients. Other video footage depicts an SMC nurse treating a patient of Asian origin. While treating the patient she was asking him why he was hurting the Bahraini people.[357]

746. One account of a patient unable to reach SMC was provided by a woman who was three months pregnant at the time.[358] She reported that due to road closures and protesters on the street, it took her approximately three or four hours to drive to her routine appointment at BDF Hospital. Once there, her physician noticed that she had uterine bleeding. He told her that she should go home and rest, but that if the bleeding continued she should call an ambulance or go to a hospital immediately. On 15 and 16 March 2011, she continued to bleed but was unable to go to a hospital because of road closures and chaos on the streets. She did not go to SMC because she had heard television reports that armed opposition protesters had occupied the hospital. She stated that she felt she could not go to SMC because, being Sunni, she did not think she would be safe or receive proper medical treatment there. On 17 March, she miscarried. She called BDF Hospital for an ambulance but they were unable to send an ambulance because of the security situation. Her husband drove her to a private clinic but after being admitted she found that she would not be able to afford treatment there and so she left. She was eventually admitted to Muharraq Hospital, where the attending physician told her that she had lost her baby and that this was because she had been unable to receive medical treatment during the two days of bleeding.

747. Bahrain Human Rights Watch Society presented a file to the Commission that included cases of three individuals who claimed that they were refused treatment or were verbally abused by medical staff at SMC because they were Pakistani.[359]

748. One doctor stated that one accused doctor gave her attention to injured Shia patients rather than Sunnis.[360]

749. The Commission received several complaints alleging discrimination against Sunni patients by medical staff at SMC. These included accusations of medical negligence and denial of medical care. The Commission received video footage of a man carrying a young child and attempting to enter SMC.[361] The video shows three medical personnel who prevent him from gaining access to SMC. He states that if he were Shia he would not have been denied access.

750. The accused medical personnel rely on statements by Prosecution witnesses, as well as the video clips presented above. An Undersecretary of

[357] Video footage received from the MoI.
[358] Witness statement provided to the Commission, 9 September 2011.
[359] File on abuses against expatriate workers provided to the Commission by Bahrain Human Rights Watch Society.
[360] Interview with the Commission, 30 July 2011; Minutes of court hearing on 30 June in Case No. 191 of 2011 (Military Prosecution witness statement).
[361] Video footage received from the MoI.

the MoH, stated that he did not witness discrimination in the treatment of patients by doctors.[362]

751. The doctor referred to in paragraphs 743 and 744 denied the allegations either that he mishandled the patients or that he ordered their transfer to BDF hospital. A resident dentist stated that he worked under the authority of this doctor and that the doctor never asked him not to treat a particular patient and that he never saw him discriminate against any patients.[363] An SMC surgeon gave a statement to similar effect. He further stated that he saw this doctor treat a Bahraini police officer of Syrian descent. Another doctor stated that he received a call from the parents of the police officer, at which point he went to see him in the Emergency Section and reviewed the related medical reports. The doctor stated that the police officer's health was stable and he told him that his parents had been asking about him.[364]

752. A resident trainee doctor at SMC stated that she did not witness any discrimination against patients.[365] She stated that protesters were extremely angry at the expatriates brought in on 13 March 2011 because expatriates were attacking protesters and perhaps working for the national security forces. The doctors were trying to protect the wounded expatriates and keep the protesters away from them. There is a video of an injured person of Asian background with a head wound being brought into SMC on 13 March, which shows him being treated by medical personnel.[366]

753. According to the statement submitted to the Commission by the accused medical personnel:

> On 13 March 2011, all patients who came to A&E were treated by the doctors present regardless of their sect or nationality. This is witnessed by doctors involved in the treatment as well as staff nurses present at the hospital on that day. We would also like to bring to the attention of the Commission the testimony before the court of [the Head of the Emergency Section] delivered while under the oath. [It is important] to note that [the Head of the Emergency Section] was called as a prosecution [witness].[367]

754. The Head of the Emergency Section testified that on that day 16 expatriates were transferred from SMC to BDF hospital to receive the necessary treatment and that none of these individuals were held at SMC against their will. In addition, there was one expatriate who had suffered a fracture of the right shoulder and was operated upon by one of the accused doctors and another doctor.

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[362] Interview with the Commission, 30 July 2011.
[363] Minutes of court hearing on 7 September 2011in Case No. 191 of 2011 (Defence witness statements).
[364] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[365] Statement provided to the Commission, 10 August 2011.
[366] YouTube, http://www.youtube.com/watch?v=b1NiB2MR57c accessed 4 November 2011.
[367] Email sent to the Commission on 13 September 2011 (original English text).

755. The Head of Nursing at one SMC ward stated that she was with one of the accused doctors on 14 March 2011 when he treated two naturalised Bahrainis, and that one of them required an operation but the patient's father did not agree to have the operation performed.[368]

756. The GoB has suggested that the overall drop in the number of patients treated at SMC during February and March 2011 indicates that discrimination occurred at SMC. It is claimed that this proves that patients were too afraid to attend SMC due to the events occurring there. The Head of the Emergency Section at SMC stated that the number of individuals admitted daily dropped from approximately 1000 to approximately 400 during the events, showing that the events were preventing or scaring patients from reaching SMC.[369] He further stated that people were afraid of entering the hospital, even in the regular and outpatient clinics. An X-ray specialist stated that while nobody was denied treatment by doctors, many Sunnis were afraid to come to SMC due to the protests in the car park.[370]

757. The accused medical personnel have a different interpretation of the drop in the number of admissions. One SMC doctor, who was also a Defence witness, stated that patient numbers dropped during the period in question because minor injuries were no longer accepted.[371]

758. One accused doctor presented a file to the Commission that includes a copy of a memorandum sent by her and the Chairman of Surgery on 20 February 2011 requesting the official reduction of inpatient major and minor elective cases in order to make more beds available for any emergencies.[372] The memorandum was also sent to the Chief of Staff.

759. One of the accused doctors submitted a written statement in which he stated:

> [T]he number of patients during the February-March period was comparatively less compared to previous months but this is self-explanatory in view of what the country went through during that period. For example, 1580[373] surgeries were performed during the month of February 2011, which is comparative to the number of surgeries performed in February 2010; which is equal to 1808. On the contrary 1169 surgeries were performed in March 2011, while 2245 surgeries were performed in March 2010.[374]

760. He also stated that with the exception of 14, 17 and 18 February and 13-16 March 2011, when work was partially disrupted due to the events:

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[368] Minutes of court hearing of 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[369] Interview with the Commission, 30 July 2011.
[370] Interview with the Commission, 30 July 2011.
[371] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[372] Witness statement provided to the Commission, 4 August 2011.
[373] See also file presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[374] Statement provided to the Commission, 10 September 2011.

> [A]ll clinics and the operating rooms were running and functioning normally. Hospital staff were attending the clinics, doing their usual jobs. The operating theatres were active and all elective surgeries were carried on as normal. Consultants and residents were attending theatres and performing surgeries within all different specialties.
>
> The in-patients hospital visitors were able to attend and leave the hospital without being obstructed.[375]

761. He further stated that on the above-mentioned days of partial disruption:

> [T]here were various kinds of injuries, which required the use of manpower, and various facilities like the Accident and Emergency cubicles, the outpatient clinics and operating rooms in order to cope with the large number of casualties. These alterations were verbally ordered by [the Undersecretary for the Ministry of Health], [Assistant Undersecretary for Hospitals], [the Assistant Undersecretary for Hospital Services] and the Chief of Medical Staff... This was witnessed by the hospital staff that were present at the hospital during the events. Furthermore, there were circulars which directed the chairpersons to instruct the hospital staff to reduce the number of admitted patients for elective surgery and cut down the operating list to 30% of the workload in case the operating rooms were needed to deal with emergency cases.[376]

(6) Illegal acquisition and use of medicine and medical facilities

762. It is alleged that medical personnel illegally acquired and used medicine and medical facilities, first, by providing equipment to the tent at the GCC Roundabout and, secondly, by allowing ambulances to carry protesters illegally.

763. The GoB claims that some of the medical equipment in the GCC Roundabout tent was taken from SMC illegally. Statements provided by senior SMC and government officials support such allegations. On 11 April 2011, the Assistant Undersecretary for Primary Healthcare stated on Bahrain Television that there were cases of medical equipment and medicine missing from SMC.[377] On 3 May, the Minister of Justice in Bahrain, Shaikh Khalid bin Ali Al Khalifa, and the acting Minister of Health, Dr Fatima Al Balushi, held a press conference in which they claimed that large quantities of medical equipment and medicine had been stolen from SMC and taken to the GCC

[375] Statement provided to the Commission, 10 September 2011.
[376] Statement provided to the Commission, 10 September 2011.
[377] YouTube, http://www.youtube.com/watch?v=BCO-BL_6swU accessed 4 November 2011.

Roundabout during the events of February and March.[378] These allegations are repeated in Case No. 191 of 2011.

764. The medical personnel deny such accusations, contending that all equipment sent to the tents was done so officially and legally. Their version of events relies on receipts, minutes of meetings and statements. The accused medical personnel allege that the GCC Roundabout tent was approved and supported by SMC officials.[379] This included offering overtime pay for those involved in setting up tents, an offer that the medics refused. Minutes of official meetings approving the tent, emails regarding the tent and receipts of equipment sent to the tent have been provided to the Commission. A consultant doctor, who is the wife of one of the accused doctors, stated that no medical equipment was stolen from SMC.[380]

765. The same doctor stated that the administration at SMC knew about the tent at the GCC Roundabout and they had agreed to provide medical items to the tent through the Assistant Undersecretary for Hospital Services and the Undersecretary for Primary Healthcare. The administration also agreed to send an ambulance to be on stand-by in front of the tent from 19 February 2011. They stated that this action was taken and approved by the CEO of SMC and the Administrator of Health Services at SMC, and was facilitated by the Chief of Ambulance Services. Many telephone calls took place between two of the accused doctors, the Undersecretary for Primary Healthcare and the Assistant Undersecretary for Hospital Services regarding the establishment of the tent. These calls took place after 18 February.[381] Means of facilitating the tent were also discussed in a meeting chaired by the Head of Primary Healthcare Services on 20 February.[382] The decision was taken at that meeting to provide the equipment and medications necessary to deliver the required medical treatment. One of the accused doctors was asked to follow up and execute that decision. The decision was followed by an official email from the Head of Pharmacy at SMC to one of the accused doctors on 20 February, which was copied to the Undersecretary for Primary Healthcare. On 22 February, the Chief of Medical Staff sent a letter to the CEO of SMC regarding the provision of medical items and equipment to the medical tent at the GCC Roundabout. A copy of this letter was provided to the Minister of Health and the Assistant Undersecretary for Hospital Services. The accused doctors claim that on the basis of the evidence mentioned above, there was a formal approval of the medical tent at the GCC Roundabout.

766. A lawyer for several of the accused doctors provided the Commission with copies of three official documents and emails showing signed approvals

[378] YouTube, http://www.youtube.com/watch?v=waGPqSAviiQ accessed 4 November 2011.
[379] Email sent to the Commission on 13 September 2011.
[380] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[381] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[382] A copy of the minutes of the meeting in question was provided to the National Safety Court in Case No. 191 of 2011.

for medical equipment to be sent to the tent at the GCC Roundabout.[383] One accused drew attention to the fact that the Gathering of National Unity, a pro-government political group, claimed publicly in the Al Watan Newspaper on 13 August that they had organised a voluntary committee in Muharraq in February.[384] This committee took medicine and equipment from, and liaised with, MoH officials. He considered this to be proof that voluntary medical committees were allowed to be set up by parties other than those at the GCC Roundabout, and that they were allowed access to MoH medicine and equipment, but they were not charged and arrested.

767. Regarding the accusation that medical personnel used ambulances for illegal purposes, the University of Bahrain has submitted a report in which it claimed that ambulances were used to transport armed protesters in the clashes that occurred at its campus on 13 March 2011.[385] One ambulance driver stated that a doctor asked him to transport an individual who was not hurt at all.[386] An ambulance paramedic stated that he did not receive any orders from any of the accused medical personnel regarding ambulance movement between 14 February and 17 March 2011, except from the Head of Ambulance Services.[387] A supervisor in the ambulance section, a paramedic and an assistant paramedic gave similar accounts.[388]

768. There is also some controversy as to whether the ambulances were used to support the activities of the demonstrators by transporting them from the GCC Roundabout to the University of Bahrain. According to the statement submitted to the Commission by the accused medical personnel, medical personnel did not facilitate the use of ambulances by protesters:

> All ambulances [in] the period from 14th February till 16th March 2011 were operated in accordance with the rules and regulations set by MoH and led by the assigned staff. They were staffed by paramedics appointed by SMC. There were no breaches of these regulations.[389]

(7) Unlawful detention of patients

769. The main allegations regarding unlawful detention relate to the events that took place on 13 March, following clashes between protesters and expatriates. A video shows three injured expatriates of Asian background, with their hands tied, being pushed into SMC by medical personnel.[390] The

[383] Files provided to the Commission by lawyer for some of the accused medical personnel.
[384] Interview with the Commission, 30 July 2011.
[385] Report prepared by the University of Bahrain entitled "Actions Taken by the University of Bahrain in connection with the Events that Took Place in February and March 2011".
[386] Interview with the Commission, 30 July 2011.
[387] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[388] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[389] Email sent to the Commission on 13 September 2011 (original English text).
[390] YouTube, http://www.youtube.com/watch?v=sgsMF8q7KAY accessed 4 November 2011.

video shows medical personnel standing between the protesters and the injured individuals, with some of the gathered crowd trying to shove and kick the injured expatriates. The role of the medical personnel is disputed. The GoB's account of events is based on witness statements. One doctor reported that on 13 March he saw two Pakistanis who had been brought to SMC in ambulances with their hands tied behind their backs being attacked by protesters.[391] The doctor referred to in paragraphs 743 and 744 was attacking one of the patients and pulling him violently and he asked the doctor not to "release the handcuffs of the animal". The doctor also reported seeing him attack other injured patients.

770. One doctor stated that injured Indians and Pakistanis were brought in ambulances to SMC against their will on 13 March.[392] He claimed that he was forced to stop helping the wounded by the accused medical staff. He was told not to remove the ties on their hands. He further reported seeing one of the accused doctors holding Asian patients by their necks. He then took their CPRs[393] and mobile phones from them and asked them where they worked. They replied that they were workers, but then he forced them to say that they worked with the police and that they had taken 20 dinars from the GoB to harm the protesters. He further threatened the patients by telling them that the accused doctors would call their family and that the accused doctors would kill them.

771. A news clip by Al Jazeera shows identification cards for some of the injured who had been brought in to SMC, purportedly identifying them as expatriates who worked for the MoI and other security agencies. [394]

772. The Head of the Emergency Section stated that on 13 March 2011 patients of Asian origin were treated by doctors in the Emergency Section and then transferred to BDF Hospital. The transfer took place after the person in charge of security informed him that the patients were in danger, so he coordinated with SMC to have them transferred to BDF Hospital. [395]

773. A number of witnesses gave statements to the Commission in which they denied these allegations. According to the statement submitted to the Commission by the accused medical personnel on 13 September 2011:

> The injured patients of Asian origin brought to SMC on March 13, 2011 were involved in violent clashes with the protesters in Manama. Some of these were actually thugs in civilian dress that attacked civilians using sticks, iron rods and stones. The protesters tried to defend themselves so they caught some of them and tied their hands. The ambulance took the injured people from both sides for treatment at SMC. These were so violent and were screaming at the medical staff who prevented them from untying

[391] Interview with the Commission, 30 July 2011.
[392] Interview with the Commission, 30 July 2011; Minutes of court hearing on 30 June in Case No. 191 of 2011 (Military Prosecution witness statements).
[393] Central Population Registration. This is an identification card.
[394] YouTube, http://www.youtube.com/watch?v=IIJIPEdsDCo accessed 5 November 2011.
[395] Interview with the Commission, 30 July 2011.

> their hands in the ambulance. The medical staff was actually trying to protect these thugs from the [outraged] protesters and calm them. Several of the medical staff surrounded them during their transport from the ambulance into the resuscitation room where they got the required medical treatment.
>
> There was no maltreatment or abuse of them, as a matter of fact they had the treatment given to them by Senior Consultants after their formal hospital admission and obtaining the necessary consent for surgical treatment. According to [the Head of the Emergency Section's] court testimony, he mentioned that 16 individuals were not held against their will and were transferred to BDF hospital to receive the necessary treatment.
>
> In addition, there was one patient who sustained a fracture of [the] right shoulder and was operated upon by [one of the accused doctors] and [another doctor]. Next day, he was reviewed by the team.[396]

774. An MoH security guard stated that he was present during the arrival of the Asian patients at SMC on 13 March 2011.[397] He stated that the doctor referred to in paragraph 769 and the accused doctor referred to in paragraph 770 did not assault the patients in question but that they were among the doctors who treated them. A consultant at SMC, who is a member of the crisis team, stated that one of the accused doctors personally put his life in danger on 14 March to make sure that one of the injured expatriates was not attacked by the angry crowd at SMC.[398]

775. On 14 March 2011, Dr Nazar Al Baharna, the Minister of Health at the time, stated on Bahrain Television that there were no hostages at SMC, and that there was no discrimination in treatment based on sect or ethnicity.[399]

(8) Possession of firearms and weapons

776. The GoB's allegations regarding the possession of firearms and weapons by medical personnel are based on statements made by government authorities. On 13 March 2011, the MoI received a report that some of the medical personnel at SMC were distributing swords and firearms to protesters and ambulance personnel.[400] Later that day, there was a further report to the same effect. The MoI reported finding knives inside the medical tents at the GCC Roundabout during the clearance operation on 16 March.[401]

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[396] Email sent to the Commission on 13 September 2011 (original English text).
[397] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[398] Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).
[399] YouTube, http://www.youtube.com/watch?v=Dj5SrHavx-k accessed 5 November 2011.
[400] MoI events log for February and March 2011, p 118.
[401] MoI events log for February and March 2011, p 166. Pictures of confiscated weapons were presented to the Commission by the NSA.

777. An MoI officer who interrogated the accused medical personnel stated that two Kalashnikovs were found at SMC.[402] He stated that the doctors wanted to use them in case security forces entered SMC. The Military Attorney General stated that the accused medical personnel hid weapons and live ammunition provided by two of the accused doctors in the following places: (i) the supplies store near the Medical College; (ii) the suspended ceiling of one of the offices on the northeast side of SMC; and (iii) refrigeration room number 4117 located in Wards 45 and 46 on the fourth floor of the old building. Indeed, white weapons, including iron rods, a sword with a golden handle and metal blades, machetes and knives were found in the first location. Two Kalashnikovs were discovered in the second location.[403]

(9) Attacks on medical staff at the GCC Roundabout

778. A number of the accused medical personnel allege that they were attacked by security forces on 17 February 2011 during the first clearance of the GCC Roundabout. Other medical staff deny that this was the case. An Undersecretary of the MoH stated that one of the accused medical personnel and a former Al Wefaq MP started the false rumours that paramedics were attacked at the GCC Roundabout.[404] The Head of the Emergency Section stated that one of the accused doctors encouraged the rumours.[405]

779. The Commission received evidence that supports the allegations of attacks on medical staff. Several statements and ambulance logs support the claim that some medical personnel were assaulted by security forces in the first clearance of the GCC Roundabout on 17 February 2011. At least two of the accused doctors were present in the medical tent at the GCC Roundabout at this time. Both claim that they were attacked and beaten although wearing clothing clearly identifying them as doctors. A video shows one of the accused doctors lying on a hospital bed claiming that he was attacked with sticks and beaten severely.[406]

780. The Chief of Ambulance Services at SMC stated that he and his colleagues were physically abused at checkpoints established by security forces.[407]

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[402] Minutes of court hearing on 20 June in Case No. 191 of 2011 (Prosecution witness cross-examination).

[403] *Military Public Prosecutor: National Safety Court Rulings in the Case against Doctors*, Bahrain News Agency (30 September 2011), http://www.bna.bh/portal/en/news/474815#.ToY7UxWB8EA.twitter accessed 5 November 2001.

[404] Interview with the Commission, 30 July 2011.

[405] Interview with the Commission, 30 July 2011.

[406] YouTube, http://www.youtube.com/watch?v=4-5Ecwo3tgk accessed 4 November 2011. See also *Blood Runs Through the Streets of Bahrain*, The New York Times (17 February 2011), http://www.nytimes.com/2011/02/18/opinion/18kristof.html accessed 4 November 2011.

[407] Witness statement provided to the Commission, 2 August 2011.

781. According to witness statements, patients were brought to SMC between 03:15 and 06:15. At 06:45, a call was received stating that an ambulance driver had been pulled out of an ambulance by police and assaulted, and then ordered to walk back to SMC. At 07:30, another ambulance driver was beaten and two paramedics were threatened with being shot if they returned to the GCC Roundabout. One paramedic stated that he was one of the paramedics who went to the GCC Roundabout at the time of the first clearance on 17 February 2011, and that he and other paramedics were severely beaten by police. He provided a copy of an official medical report issued to him on that day, which indicates that he suffered severe head injuries, as well as a copy of a newspaper article reporting on his case and attacks on other paramedics that day. [408] The article includes a picture of his injuries.

782. The Commission received video footage that shows an injured paramedic being questioned by his colleagues upon arriving at SMC.[409] He states that he was injured near the GCC Roundabout, and when asked by whom he states that he was attacked by members of the hospital administration.

(10) Refusal to send ambulances

783. The accused medical staff alleged that the authorities prevented ambulances from attending the GCC Roundabout on 17 February 2011.

784. One of the accused doctors[410] and another doctor[411] both stated that they were stopped at a checkpoint and prevented from reaching the GCC Roundabout. According to the statement submitted to the Commission by the accused medical personnel:

> On February 17 2011, ambulances were prevented from going to the pearl [GCC] roundabout at around 8:45 am. Thereafter, the injured patients were brought into the hospital by civilian cars. [The Assistant Undersecretary for Hospital Services] ordered [the Chief of Hospital Services] not to send any ambulances unless he received orders directly from him. The Chief of Ambulance Services was advised to mobilize ambulance cars away from SMC and not send them to pearl roundabout unless he [got] further instructions.[412]

785. The Chief of Ambulance Services at SMC stated that at 03:11 the ambulance dispatch room at SMC received a telephone call from police headquarters reporting injured protesters at the GCC Roundabout. The first ambulance arrived at the roundabout at 03:15. However, he was later prevented from reaching the injured at the GCC Roundabout and was ordered

[408] Witness statement provided to the Commission, 22 August 2011.
[409] Video received from the MoI.
[410] Witness statement provided to the Commission, 4 August 2011.
[411] Witness statement provided to the Commission, 23 August 2011.
[412] Email sent to the Commission on 13 September 2011 (original English text).

to stay at the hospital.[413] When the ambulance drivers were finally allowed to leave SMC, they were stopped at checkpoints and some of them were abused. He stated that when he arrived at the roundabout, many of the injured had been moved. Later, the hospital's administration ordered ambulance drivers to move their ambulances away from SMC. He claimed that the dispatch logs did not record this instruction nor did they record that ambulance services were stopped on 17 February.[414]

786. The clearance of the roundabout was accomplished in approximately one hour. The GoB stated that ambulances were denied access to the roundabout due to the security risk. By the time the decision was taken to prevent ambulances from accessing the GCC Roundabout, there were no injured protesters at the roundabout. The Head of the Emergency Section stated that the police prevented ambulance drivers from entering the roundabout after it had been emptied of protesters and the injured persons, as the roundabout was declared a "crime scene" and therefore access was prevented for the safety of the medical team.[415]

787. The authorities also claimed that ambulances were moved to Ebrahim Khalil Kanoo Medical Centre due to the large number of people gathered in front of the Emergency Section at SMC and the tension in the area, which made it difficult for ambulance services to enter and exit SMC. Two ambulance drivers gave statements to similar effect.[416]

(11) Unlawful arrests and mistreatment conducted by the authorities

788. Medical staff alleged that the authorities violated the rights of patients at SMC during March 2011. Several arrests were conducted while patients were admitted at the hospital. In addition, several incidents of mistreatment and physical abuse were reported.

789. The allegations against the GoB are supported by witness statements and three reports by non-governmental organisations (NGOs): Physicians for Human Rights; Médecins Sans Frontières; and Human Rights Watch. These reports claim to be based on eyewitness accounts. It is alleged that on 16 March 2011, dozens of armed riot police, soldiers in military gear and armed individuals, presumably from security services or police, entered SMC and began detaining hospital patients on the sixth floor, specifically in Ward 63. According to these claims, the entry of doctors and nurses into Ward 63 was restricted from 16 March for an undetermined period (certainly for at least a week). In addition to preventing access to, and interfering with, patients, it was alleged that military officers also physically abused patients, detained them within the sixth floor and forcibly moved some patients to police stations, detention centres and BDF Hospital. Allegedly, some patients who

[413] Witness statement provided to the Commission, 2 August 2011.
[414] See "February 2011 Disaster Report" in file presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".
[415] Interview with the Commission, 30 July 2011.
[416] Interviews with the Commission, 30 July 2011.

voluntarily attempted to leave the hospital at this time were arrested at a checkpoint erected by the army at the entrance to the Emergency Section of SMC. It is also alleged that persons in need of medical attention were prevented from accessing SMC or were too scared to go there due to the ongoing clearance operation.

790. One individual was admitted to SMC on 17 February 2011 after sustaining injuries from birdshot in the eye and face. He claimed that on 17 March 2011 he felt it was no longer safe to remain in the hospital as he had seen soldiers in military fatigues entering the hospital.[417] He decided to leave the hospital even though he had not yet completed treatment. He alleged that at the exit of the Emergency Section a masked police officer in a blue uniform stopped him and demanded to see his medical records and hospital discharge forms. This individual was then arrested and taken by police car to Naim police station, where he was detained.

791. One doctor stated that on 16 March 2011 she was on call and she saw men in military uniform, blue police uniforms and individuals in civilian clothes physically abuse a nurse and a number of civilians.[418]

792. Human Rights Watch reported that patients arriving at SMC with injuries resulting from the use of force by police (e.g. injuries caused by birdshot, sound bombs, tear gas and live ammunition) were detained and/or interrogated:

> On March 28 Human Rights Watch entered the SMC's emergency room building after going through several checkpoints in an ambulance that was transferring from a private hospital to SMC a patient who had sustained pellet-gun injuries. Once inside, Human Rights Watch noticed groups of security and military officers, many of them walking around the halls of SMC with guns and black balaclava masks covering their faces. The several dozen security and military officers there at that time appeared to outnumber the patients then in and near the emergency building. As soon as the patient was transferred to an emergency room bed, Human Rights Watch witnessed at least five security and military personnel surround the patient and question him regarding the circumstances of his injury. Human Rights Watch has been unable to obtain information about his subsequent well-being or whereabouts.[419]

793. One individual stated that he was taken to SMC on 14 March 2011 with an open gunshot wound in his lower abdomen/pelvic area.[420] He claimed that on 18 March, a number of masked men in military fatigues and police dogs entered his hospital room late at night and began to interrogate him. They asked him how he had sustained his injury and began to hit him in his

[417] Statement provided to the Commission, 9 September 2011.
[418] Interview with the Commission, 29 July 2011.
[419] Human Rights Watch, *Targets of Retribution: Attacks against Medics, Injured Protesters and Health Facilities* (2011) p 28.
[420] Statement provided to the Commission, 27 August 2011.

lower abdomen and pelvis, where he was wounded. The next day he was taken to the sixth floor of the hospital and told that he was under arrest.

794. Another individual stated that he was taken to SMC after sustaining injuries from an automobile accident.[421] On 18 March 2011, he was interrogated by a number of military and security officers about the nature of his injuries. He claimed that officers asked each patient about their injuries and how they had sustained them. The patient in the bed next to him replied that he had sustained his injuries from birdshot, and officers immediately began to shout, curse and beat him. The individual alleged that the officers made all of the patients in the room get out of their beds and move into the hallway, where they were forced to stand against the wall for nearly four hours. He claimed that the officers slapped and beat the patients. At midnight the patients were allowed to go back to their hospital beds. He stated that he was then interrogated by police officers for approximately two hours. On 20 March 2011, the individual left SMC even though he had not completed treatment, because he was afraid of arrest or further abuse.

795. One doctor working at SMC during the events of February/March 2011, alleged that at 09:30 on 16 March 2011 she witnessed 20-30 armed and masked men in blue uniforms enter SMC through the entrance to the Emergency Section.[422] On 17 March, she was doing her rounds of the hospital when a masked police officer prevented her from entering an area of the sixth floor of SMC. She claimed that officers were checking identification and allowing only a limited number of physicians and nurses (only those who had patients in those wards and were on call at the time) past a security point on the sixth floor.

796. A GoB spokeswoman stated that on 24 March 2011 police and military forces had to surround, enter and take over SMC because:

> Salmaniya was effectively being used as a co-ordination centre by protesters and had been overrun by political and sectarian activity… This includes the spreading of malicious propaganda by several senior members of the medical staff and the blocking of medical care, severely interrupting and endangering lives.[423]

797. The BDF did not deny that detention and interrogations occurred within SMC and that some of the patients were transferred to the sixth floor, where they were under the direct control of the BDF.

798. The BDF stated that at no point was live ammunition fired within the complex by the military or by helicopters monitoring the situation from above. The BDF also stated that no patients or staff members were prevented from

[421] Statement provided to the Commission, 11 September 2011.
[422] Statement provided to the Commission, 6 September 2011.
[423] *Clamp Restores Hospital Order*, Gulf Daily News (24 March 2011), http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=302433 accessed 5 November 2011.

accessing the hospital, no checks were carried out on those entering the hospital and no patients were prevented from receiving treatment.[424]

(12) Lack of access to medical care

799. It was alleged that injured persons avoided going to SMC during the protests due to the presence of security forces and the risk of arrest and mistreatment.

800. MSF prepared a public briefing paper entitled, "Health Services Paralyzed: Bahrain's Military Crackdown on Patients" (April 2011). Médecins Sans Frontières (MSF) stated that many people in Bahrain were unable to access medical care at SMC during the events of mid-March:

> Hospitals and health clinics are no longer places to go for the sick or injured, but are rather places to be feared. As the military cracks down on protesters and medical personnel Médecins Sans Frontières/Doctors without Borders (MSF) has witnessed patients with critical and life-threatening injuries refusing to go to the hospital due to high levels of fear...
>
> Salmaniya Hospital is the public referral hospital for the whole of Bahrain. However, when MSF visited the hospital on 21 March, it was virtually empty. This is a direct result of the way in which the hospital has been used in the clashes between the military and opposition protesters.[425]

801. The human rights advocacy group Physicians for Human Rights, which was also present in Bahrain during the events in March, stated that:

> Physicians for Human Rights interviewed ten patients who had been wounded by gunshot and needed follow-up medical care. All reported that they were too afraid to seek medical care at Salmaniya Hospital for fear of detention and mistreatment by security forces there. Hashem, a 12-year-old boy from Sitra, sustained shrapnel injury while demonstrating. He did not seek medical help for fear of arrest. PHR investigators reviewed photographs taken near the time of injury and also interviewed and examined the victim on 3 April 2011.[426]

802. One accused doctor reported her experiences working at a medical centre and the difficulties she experienced when calling for an ambulance. She stated that the centre received patients who had been injured by live

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[424] *Clamp Restores Hospital Order*, Gulf Daily News (24 March 2011), http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=302433 accessed 5 November 2011.

[425] Médecins Sans Frontières, *Health Services Paralyzed: Bahrain's Military Crackdown on Patients* (2011) http://www.doctorswithoutborders.org/publications/reports/2011/Bahrain_BP_Final_06042011_2106_FR-EN%20LOGO.pdf accessed 5 November 2011.

[426] Physicians for Human Rights, *DO NO HARM: A Call for Bahrain to End Systematic Attacks on Doctors and Physicians* (2011) https://s3.amazonaws.com/PHR_Reports/bahrain-do-no-harm-2011.pdf accessed 5 November 2011.

bullets and shotgun pellets. She recalled one particularly bad case of an individual who she suspected had a lung injury. The doctor tried to call an ambulance to take the patient to SMC, but to no avail. The patient's relatives tried to take him to private care but she later heard that they were arrested. Two pregnant women about to give birth also arrived at the centre, but the centre was not able to deal with them. The doctor telephoned Dr Nezar Al Baharna, the then Minister of Health, but he was unable to provide an ambulance, medicine or blood to the centre. One of the pregnant women had gestational diabetes and a large baby, and required a Caesarean section. Although it was hazardous to perform a Caesarean section in such a small centre, the doctor had to perform the operation and fortunately it went well. Another case involved a male with an amputated thumb and index finger, who she heard was later detained by police. A man in his forties with shotgun injuries in several parts of his body came to the centre and was transferred to SMC the next day. The doctor had to stay at the clinic because of this man and the woman who required a Caesarean section, and also because the clinic was surrounded by police. She called the Assistant Undersecretary for Hospitals and the Assistant Undersecretary for Primary Healthcare about the situation, and she was told that it was best for her to stay at the clinic as they could not guarantee her safety.

(13) Bahrain Television and other government officials media campaign against the accused medical personnel

803. The accused doctors alleged that Bahrain Television and government officials conducted a sustained media campaign against them.

804. On 29 March 2011, Bahrain Television aired a recording of three security policemen recounting the circumstances of their kidnapping by protesters. One of them stated that he recognised half of his attackers as medical staff from Ibn Sina Medical Centre, as he and his family used to frequent the medical centre for treatment.[427] He also stated that they wanted to kill him. Another policeman alleged that one of the accused doctors considered him as a prisoner of war and would not allow the other doctors to release him. All three policemen speaking on the programme had their faces blacked out while recounting their stories. The narrative of the programme went on to conclude that this doctor was the leader of a "murderous group" at SMC.[428] This doctor's wife condemned this "slander" against her husband, which was broadcast on State television while he awaited trial.[429]

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[427] YouTube, http://www.youtube.com/watch?v=wFqGTdWnNts at 1:53, accessed 5 November 2011.

[428] YouTube, http://www.youtube.com/watch?v=WTmBRa38veU at 4:27, accessed 5 November 2011.

[429] *Al Ekri's wife: The Media Convicted My Husband Before His Trial,* Al Wasat News (31 March 2011), http://www.alwasatnews.com/3128/news/read/535102/1.html accessed 5 November 2011 (*Arabic Text*).

805. On 11 April 2011, an episode of the Al Rased show concerning SMC aired on Bahrain Television.[430] Several pictures and videos of accused doctors were aired on the show, and the Assistant Undersecretary for Primary Healthcare also talked about missing medicine and medical equipment. The programme also aired claims that blood bags had been stolen in order to exaggerate injuries and that Asian workers had been targeted.[431] Rumours circulated that protesters had poured blood stolen from SMC on themselves in order to appear injured to the media.

806. Earlier the same day the acting Minister of Health held a press conference to give an update on the status of the MoH.[432] She mentioned that one doctor was leading a group of doctors that aimed to damage Bahrain's image within the international community by fabricating facts about injured protesters. She also claimed that this doctor asked other doctors to exaggerate injuries. A number of the accused doctors were arrested that day. A follow-up episode of the same show featured the head of the Bahrain Medical Society, who had recently been appointed by the GoB. He repeated the allegations against the doctors.[433]

807. On Saeed Al Hamad's Bahrain Television programme, aired on 30 May 2011, three of the accused doctors were identified as leaders of a terrorist cell.[434] Two of the accused doctors confessed on the same programme that they had provided false statements to the media.[435]

808. In a press conference held on 3 May 2011 by the Minister of Health and the Minister of Justice, the Minister of Justice stated that the GoB possessed strong evidence confirming that doctors had fabricated injuries.[436] He discussed the case of one individual who died:

> He was admitted into the Salmaniya Medical Complex on 17 February 2011 after he sustained an injury to his thigh. He underwent a surgery in the presence of the media in the operating theatre. However, for the sake of media drama, the surgeon added several wounds to the patient's body. The injured area was deliberately expanded, which caused a haemorrhage that could not be controlled.[437]

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[430] YouTube, http://www.youtube.com/watch?v=BCO-BL_6swU at 33:00 and 52:00 accessed 5 November 2011.
[431] See Chapter VIII, Section A on Attacks on Expatriates.
[432] YouTube, http://www.youtube.com/watch?v=dE2RucjbpOM at 6:33, accessed 5 November 2011.
[433] YouTube, http://www.youtube.com/watch?v=WPMASLO4QHc accessed 5 November 2011.
[434] YouTube, http://www.youtube.com/watch?v=bEDC_H_2C7Q at 9:00 and 23:49, accessed 5 November 2011.
[435] YouTube, http://www.youtube.com/watch?v=V4qloZdvQqk&feature=related accessed 5 November 2011.
[436] YouTube, http://www.youtube.com/watch?v=waGPqSAviiQ at 26:10, accessed 5 November 2011.
[437] *Justice and Health Ministers Reveal Doctors' Crimes During Recent Unrest*, Bahrain News Agency (3 May 2011), http://www.bna.bh/portal/en/news/455193 accessed 5 November 2011.

809. Two months later, military personnel were identified and charged with manslaughter in the same case, and these allegations against the medical personnel were dropped.[438] Another point raised during the press conference regarded the large quantities of medication and medical equipment that were stolen and taken to the GCC Roundabout.

B. Applicable Law

1. International Law

810. Article 19(2) of the ICCPR concerns the right to freedom of expression and provides:

> Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

811. However, article 19(3) provides:

> The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
>
> (a) For respect of the rights or reputations of others;
>
> (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

812. Article 21, concerning the right to assembly, provides:

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

813. Article 32 of the Arab Charter of Human Rights (the Arab Charter) also enshrines the right to freedom of expression:

> 1. The present Charter guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries.

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[438] *Doctors Found innocent concerning the killing of Al Moomen after the trial of a military officer being charged with his death*, Al Wasat News (13 August 2011), http://www.alwasatnews.com/3262/news/read/583122/1.html accessed 5 November 2011 (*Arabic Text*).

> 2. Such rights and freedoms shall be exercised in conformity with the fundamental values of society and shall be subject only to such limitations as are required to ensure respect for the rights or reputation of others or the protection of national security, public order and public health or morals.

2. National Law

814. With regard to freedom of expression under domestic law, article 23 of the Constitution of Bahrain 2002 provides:

> Freedom of opinion and freedom to carry out scientific research shall be guaranteed. Every person shall have the right to express and propagate his opinion in words or writing or by any other means, in accordance with the conditions and procedure specified by the law.

815. However, article 68 of Law No. 47 of 2002 on the Press and Publications prescribes a prison sentence for "anyone who calls in writing for overthrowing or changing the regime". Article 168 of the Bahrain Penal Code, as amended by Decree Law No. 9 of 1982, provides:

> Imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty, shall be the punishment for any person who deliberately disseminates false reports, statements or malicious rumours, or produces any publicity seeking to damage public security, terrorise the population or cause damage to the public interest.

816. The Constitution guarantees the right to freedom of association in several instances. Article 1(e) provides:

> All citizens shall have the right to participate in the public affairs of the state and shall enjoy all political rights, starting with the right to vote, in accordance with this Constitution and the conditions and situations prescribed by law.

817. Article 27 provides:

> Freedom to form associations and trade unions on a national basis and for lawful objectives and by peaceful means shall be guaranteed in accordance with the conditions and procedures prescribed by the law. No one shall be compelled to join or remain in any association or union."

818. Article 31 states:

> Public rights and liberties laid down in this Constitution shall neither be regulated nor defined except by a law or in accordance therewith. Such regulation or definition shall not affect the essence of the right to liberty.

819. Law No. 32 of 2006 requires the organisers of any public meeting to notify the head of Public Security at least three days in advance, and

authorises that official to determine whether a meeting warrants police presence on the basis of "its subject... or any other circumstance." This law also stipulates that meeting organisers are responsible for "forbidding any speech or discussion infringing on public order or morals", but does not define "public order or morals".

820. Article 5(2) of Law No. 18 of 1973 on common meetings, processions and gatherings, as amended by Law No. 32 of 2006, provides:

> In all cases, it is not allowed to hold public meetings before seven o'clock in the morning, or to continue after eleven thirty at night, unless by special permission from the head of the public security or his deputy.

821. Article 11(a) states:

> It is not allowed to set up marches, gatherings or demonstrations, or the continuation thereof, before the sunrise or after sunset, unless by special written permission, from the head of public security, or his deputy.

And article 11(b) states:

> It is not allowed to organise marches, gatherings or demonstrations, which are set up near hospitals, airports, commercial complexes or places of a security nature, provided that the Ministry of Interior shall specify these places and announce them.

822. Concerning illegal protest, the Bahrain Penal Code regulates demonstrations and riots in the country. Articles 178, 179, 180, 181 and 182 provide as follows:

> Article 178
>
> Every person who takes part in a demonstration in a public place where at least five persons are assembled with the aim of committing crimes or acts intended to prepare or facilitate the commission of such crimes or aimed at undermining public security, even though for the realisation of a legitimate objective, shall be liable for imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty.
>
> Article 179
>
> If one demonstrator or several demonstrators attempt to use violence for the realisation of the purpose for which they have assembled, their action shall be deemed a riot. The penalty for each person who knowingly takes part in such riot shall be a prison sentence and a fine not exceeding BD500, or either penalty.
>
> Article 180
>
> (1) If one of the public authority officers finds that five persons or more have demonstrated with the intent to cause a riot, he may in

> such capacity order them to disperse. Thereafter, he shall be empowered to take the necessary measures for dispersing those who have not complied with the order by arresting them and may use force within reasonable limits against any person resisting the said order. He may not use firearms except in extreme necessity or when someone's life is threatened.
>
> (2) Persons still demonstrating after the issue of the order to disperse while being aware of such order shall be liable for imprisonment and a fine not exceeding BD300, or either penalty.
>
> Article 181
>
> Every person who prevents or obstructs the issue of the order to disperse referred to in the preceding article shall be liable for imprisonment for a period not exceeding five years. The prevention of the issue of the order to disperse or obstructing it with the use of force shall not bar the taking of measures set forth in the first paragraph of the preceding article.
>
> Article 182
>
> Every person who knowingly continues to demonstrate after the prevention [of implementation] of the order to disperse or obstructs it with the use of force shall be liable for imprisonment or a fine not exceeding BD500 or both penalties.

823. Article 28(b) of the Constitution provides that:

> Public meetings, parades and assemblies are permitted under the rules and conditions laid down by law, but the purposes and means of the meeting must be peaceful and must not be prejudicial to public decency.

824. The rules and conditions for the exercise of the right of public assembly are laid down in article 3 of Decree Law No. 18 of 1973 on the Organisation of Public Meetings, Rallies and Assemblies, as amended by Law No. 32 of 2006, which provides:

> The law obliges anyone who organises a public meeting to serve a notice in writing to the head of the public security regarding the proposed meeting, as provided for by article 2 of the law. It is obliged to serve a notice no less than three days prior to the meeting, reduced to 24 hours if the meeting is electoral. The notice shall incorporate the time, venue and subject matter of the meeting and whether the purpose of the meeting is for a lecture or general discussion.

825. With regard to the accusations levied against certain members of the medical staff regarding discrimination against individuals due to their sect or ethnicity, article 172 of the Bahrain Penal Code provides:

> A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty, shall be

> imposed upon any person who incites others by any method of publication to hate or show contempt for a certain faction, if such incitement undermines the public peace.

826. Moreover, article 18 of the Constitution states that: "People are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion or creed."

827. Many of the accusations brought against the medical staff at SMC concern violations of the Bahrain Medical Society Charter of Medical Ethics (200), which requires doctors to maintain the medical profession as an ethical and scientific profession, respect human dignity in all circumstances and situations, and be an example to others.[439] The Charter of Medical Ethics also emphasises the duty not to discriminate when dispensing treatment to patients, either by giving preferential or purposely sub-standard care. Articles 6-8 stipulate that the doctor should not be affected by religious, sectarian, ethnic or gender differences when treating patients. The Charter of Medical Ethics states that a doctor owes a duty of confidentiality to patients, unless a crime may have occurred.[440] Finally, the Charter of Medical Ethics makes it clear that if a doctor violates the terms of the code, he may be subject to legal procedures as provided by law.[441]

C. Findings and Conclusions

828. The following findings and conclusions are based on evidence obtained by the Commission, as described above. Because of the many controversial aspects of the events at SMC, which led to contradictory and different narratives, the Commission will distinguish in the ensuing findings and conclusions between matters on which it could make actual findings and other matters on which it could not make a definitive finding.

829. Even though the events at SMC are connected with those at the GCC Roundabout, as well as the general situation in the country, it is nonetheless important to distinguish between these different but related events. In particular, it is important to distinguish events that occurred inside the hospital and which primarily involved some of SMC's medical personnel.

830. It is not within the mandate of the Commission to comment on ongoing judicial matters in so far as the merits of these cases are concerned. The Commission has taken positions on questions of due process and the use of confessions obtained under torture or other forms of cruel, inhuman or degrading treatment.[442] This Report addresses the conduct of the medical personnel. At the time of delivery of this Report, cases relating to the criminal responsibility of some of these medical personnel are before the Bahraini courts. The Commission is unwilling to comment on the merits of these cases.

[439] Bahrain Medical Society Charter of Medical Ethics, art 2.
[440] Bahrain Medical Society Charter of Medical Ethics, art 13.
[441] Bahrain Medical Society Charter of Medical Ethics, art 78.
[442] See Chapter VI, Section D.

As noted above, at the session on 23 October 2011 before the High Appellate Civil Court, the Attorney General withdrew charges against the medical personnel arising out of articles 165,[443] 168[444] and 169[445] of the Bahrain Penal Code and also withdrew the defendants' confessions, which were claimed to have been obtained under duress or by torture.[446]

831. The Commission will not make a judgment as to whether the administrators of SMC were effective and whether some of the medical personnel were justified in becoming involved in the administration of SMC or taking over that role. The Commission notes, however, that there was a disagreement between some of the medical personnel at SMC and the MoH, as well as hospital administrators, as to whether the hospital was capable of handling the anticipated emergencies. This conflicting situation began on 14 February 2011. Hospital administrators and officials of the MoH, many of whom are also medical doctors, have an entirely different assessment of the disagreement with the group of doctors and medical personnel who sought to take over management control of SMC. The former believe that the motivation for the takeover was political and not professional.

832. There were allegations that the two medical tents established respectively at the roundabout and in the parking lot of SMC were not authorised by officials in the MoH or any senior SMC administrator. The Commission has evidence to the effect that the tent erected at the GCC Roundabout was officially authorised and supplied by the MoH. It should also be noted that there is no claim that what was performed in these two tents was not within the intended purpose of providing assistance to injured persons.

833. During the period from 14 February to 16 March 2011, protesters gathered at the entry and exit of SMC. The Commission received video footage showing a Shia cleric calling on strong young men to control the entrance and exit of SMC. Some of the medical personnel controlled the Emergency Section, the ICU and most of SMC's ground level.

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[443] Article 165: Any person who incites with the use of one of the publication methods to develop hatred of the ruling regime or show contempt towards it.

[444] Article 168: A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD 200, or either penalty, shall be imposed upon any person who wilfully broadcasts any false or malicious news reports, statements or rumours or spreads adverse publicity, if such conduct results in disturbing public security, terrorising people or causing damage to public interest.

The same penalty shall be imposed upon any person who possesses, either personally or through others, any documents or publications containing anything provided for in the preceding paragraph, if they are intended for distribution or reading by others, and upon any person who possesses any publishing, recording or promotion device intended, even on a temporary basis, for the printing, recording or broadcast of any of the above.

[445] Article 169: A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty, shall be imposed upon any person who publishes by any method of publication untrue reports, falsified or forged documents or documents falsely attributed to another person, should they undermine the public peace or cause damage to the country's supreme interest or to the State's creditworthiness. If such publication undermines public peace or causes damage to the country's supreme interest or to the State's creditworthiness, the punishment shall be a prison sentence.

[446] See Chapter VI, Section D.

834. Among the medical personnel who stated concerns about SMC's capabilities to face what they considered to be a developing medical crisis, some had political ties with the opposition and pursued a political agenda. Among them were some who were seen leading demonstrations and chants against the regime both outside and inside SMC. These persons moved in and out of their roles as political activists and medical personnel, the latter being expected to carry out their professional, ethical and legal duties and responsibilities.

835. Concerning the GoB's claims that the accused medical staff intentionally spread false rumours and information about the events at SMC, there is evidence supporting these claims with respect to some, but not all, of the medical personnel.[447] In relation to the allegation that a member of the medical staff gave false statements to the media concerning the number of injured at SMC, records show that during mid-February when the statement was given, hundreds of crisis patients did indeed visit SMC as a result of clashes between protesters and security forces.[448] The allegation that medical staff used atropine on patients to incriminate security forces could not be established by the Commission. Concerning individuals impersonating medical staff, the Commission could establish that at least one individual impersonated an SMC medical staff member. Video footage was received showing an individual who was not a staff member at SMC giving false information to an unknown news agency.

836. Concerning whether the accused medical staff granted media access to SMC, article 13 of the Bahrain Charter of Medical Ethics needs to be taken into consideration. Article 13 provides that a doctor owes a duty of confidentiality to patients, unless a crime has occurred. The presence of media at SMC during the events of February/March 2011 is shown in a large number of video clips and photographs showing media personnel freely moving inside the Emergency Section. The Commission was unable to establish whether the media was given access to SMC by medical staff, by others, or whether the media simply pushed its way inside the hospital without the help of an insider. The medical staff, however, did not attempt to prevent the media from filming inside the Emergency Section and on the ground floor of SMC in general, thus contravening the Code of Ethics in terms of patient confidentiality.[449]

837. The Commission concluded that unauthorised marches and protests did take place inside and outside SMC. The allegations faced by the medical staff concerning the participation and organisation of marches on the premises

[447] For reasons mentioned above, the Commission will not comment on the validity of legal charges concerning spreading of false rumours or any matters arising out of the application of article 168 of the Bahrain Penal Code. Nevertheless, it is important to note that, at the hearing before the Court of Appeals of 23 October 2011, the Attorney General withdrew charges against the medical personnel arising out of article 168. He also withdrew charges arising out of articles 165 and 169.

[448] See paragraph 681.

[449] One of the doctors interviewed by the media showed the ID cards of patients allegedly working for the security forces, thus breaching the confidentiality requirement of the Charter of Medical Ethics.

of SMC are based on witness statements and footage from the premises. Photographs received by the Commission show protesters, including some medical staff, participating in protests inside and outside SMC. Several aspects of the marches and protests near SMC are controversial. The accused medical staff allege that protests took place after work hours and that the organised tents and podiums where approved by the MoH. The Bahrain Code of Medical Ethics does not permit protests or marches to take place during work hours.[450] The Commission could not confirm whether accused medical staff took part in protests during work hours. The organisers of any public meeting are required under Bahraini law to notify the head of Public Security at least three days in advance and there is no indication that such requests were submitted or granted.[451] In addition, according to Bahrain law, protests are for security and public order reasons not allowed to be organised close to a hospital.[452] Yet as mentioned above, photographs and video clips show protests taking place both inside and outside the hospital.

838. The evidence presented to the Commission reveals that a number of injured expatriates who were brought to SMC were first attacked by protesters in different locations in the city and that they were also assaulted by the protesters in front of the Emergency Section. Video tapes and witness statements show cases of mistreatment against patients because they were Sunni expatriate workers and thought to be part of the security forces. Such conduct, which is on tape and supported by the statements is in contravention of the Bahrain Code of Medical Ethics. Further, statements by witnesses suggest that the manner in which some of the doctors treated some injured expatriate persons rises to a level of human insensitivity and professional disregard for medical ethics.

839. As a result of the general situation in Bahrain as well as the specific events at the GCC Roundabout, and also as a result of the seizure of the external part of SMC by the protesters who controlled access to the hospital, particularly on 14 and 15 of March 2011, the number of external patients accessing the hospital was significantly reduced. Statistics on admissions show a reduction in the number of admitted patients of approximately 50% and also a 30% reduction in the number of non-emergency surgeries.[453] Thereafter, the clearance of the hospital by military and security personnel on 16 March may have also contributed to the reduction in the number of patients admitted to SMC for a certain period of time.

840. The Commission did not deem it part of its mandate to make an inventory of medical supplies at SMC or to determine whether these supplies were used in the hospital or at the tent at the GCC Roundabout. However, there is no evidence to support the allegation that medical personnel misappropriated medical supplies. In relation to the claim by the GoB that protesters used ambulances to transport protesters between the roundabout and

[450] Bahrain Medical Society Charter of Medical Ethics,
[451] Decree Law No. 18 of 1973 as amended by Law No. 32 of 2006, art 3.
[452] Decree Law No. 18 of 1973 as amended by Law No. 32 of 2006, art 11(b).
[453] File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".

the University of Bahrain where demonstrations were taking place on 13 March 2011, there is reason to believe that this occurred.[454] Overall, however, ambulances did perform their functions of carrying patients from all over Bahrain to SMC, and this included injured expatriate Sunni workers and injured Sunni students from the university.

841. The Commission finds the allegations that medical personnel assisted the demonstrators in the form of supplying them with weapons to be unfounded. The only evidence presented to the Commission supporting such allegations consists of pictures provided by the GoB showing two Kalashnikovs on the floor of SMC. These photographs, whose sources cannot be authenticated, do not connect the two weapons to the medical personnel. There were other allegations that medical personnel took scalpels from the inventory and had them transferred to the roundabout. The Commission is unable to verify the veracity of these claims, but it notes that it has received no accounts of anyone using scalpels as a weapon at the roundabout or anywhere else.

842. With respect to the allegation of unlawful arrest of patients from SMC after 16 March 2011, the Commission found that several patients were arrested in SMC beginning from 16 March. The Commission received several witness statements from medical staff and patients alleging that injured persons were arrested in SMC by security forces. The Commission found that certain patients were arrested as a result of injuries sustained at the GCC Roundabout, taken to a police station, interrogated and then released or transferred to detention.

843. The Commission could establish that medical staff members were attacked on their way to and from the GCC Roundabout. The Commission could establish that such attacks were carried out by security forces. However, the identity of some of the attackers could not be ascertained. Commission investigators inquired about the attacks on medical staff, and the MoI responded that as there were thousands of people at the GCC Roundabout the security forces could not distinguish the medical staff from the protesters. The Minister of Health denied the allegation that the SMC administration was behind the attacks on ambulance crews.

844. With respect to the use of ambulances, it is confirmed that there were restrictions on access imposed by different actors such as the authorities, the police and the SMC administration. Whether such restrictions were designed to limit access to the crime scene or secure the wellbeing of the ambulance staff, or whether there were other reasons, is the subject of different accounts which cannot be reconciled. The disputed facts are:

a. Whether protesters attacked the ambulances at some point in time;

[454] Video footage received by the Commission.

b. Whether the GoB intentionally prevented ambulances from reaching areas at the GCC Roundabout where they were required;[455] and

c. Whether ambulances were used to transport protesters from the roundabout to the University of Bahrain, where demonstrations were taking place.

845. With respect to the allegation against the GoB that it launched a media campaign against the accused doctors, this allegation is dealt with in Chapter X.

846. With respect to the claims made by the GoB and other sources that Sunni patients were denied treatment at SMC, the Commission received one video recording showing a Sunni carrying an infant and being denied access to SMC by three medical staff. In the video, he alleges that this was because of his sect. Several witness statements presented to the Commission also support allegations of discrimination and denial of medical care. However, it must also be noted that these were very turbulent days and access to SMC was difficult. The SMC entrance and exit were controlled by protesters, as were the inside open spaces of the complex, and it is quite possible that some persons may have been denied access to the hospital. There was general information publicised by the media to the effect that the hospital was under the control of the opposition. This deterred some people from going to SMC.

847. As a general overall conclusion, despite conflicting narratives of certain events, it appears that SMC continued to function throughout the events of February and March. Nevertheless, those events caused considerable disruption to its operations. It is well established that the open areas outside the SMC buildings were occupied by protesters, who controlled the entrances and exits. The Commission finds that the occupation and control of the area by protesters hampered general access to the hospital and created a perception of an unsecure environment for those requiring medical care. Some Sunni patients seeking to gain access to SMC for medical treatment were turned away. Most of SMC's ground floor level, including the Emergency Section, the ICU and the administrative section, were taken over and controlled by medical personnel, resulting in difficulties for the Emergency Section. The Commission cannot conclude that the flow of outsiders, or the obtrusive presence of the media, was positively authorised by the medical personnel in charge. However, no attempts were made to prevent their presence or actions, thereby violating patient confidentiality. The Commission was not provided with undisputed evidence that any of the medical personnel inside the hospital refused treatment to any injured or sick person on the basis of their sect, but some cases of discrimination against patients were documented. More generally, the Commission considers that the involvement of some doctors and medical personnel in various political activities on and around the SMC premises was clearly difficult to reconcile with the full exercise of their medical responsibilities and highly disruptive to

[455] This relates to the Minister of Health's decision not to allow ambulances to go to the roundabout. That decision was subsequently reversed.

the optimum operation of an important medical facility in a time of crisis. On the other hand, security services executed unlawful arrests on SMC premises, and attacked and mistreated some individuals, including medical personnel. Finally, it is established that on 16 March 2011, the BDF took control of the entire complex and placed some injured persons, whom it sought to keep under its control, on the sixth floor of SMC.

Chapter VI — Allegations of Human Rights Violations Against the Person

Section A – Deaths Arising Out of the Events

Part 1 – Deaths Arising out of the Events

a) *Factual Background*[456]

848. Between 14 February and 15 April 2011, there were 35 deaths that were linked to the unrest in Bahrain during that period.[457] The circumstances that resulted in the deaths of these 35 individuals can be summarised as follows:

a. *Civilian deaths attributed to security forces*

A total of 13 civilians[458] died during the relevant period and these deaths are attributable to Security Forces. Of these deaths, 10 are attributable to the Ministry of Interior (MoI),[459] two are attributable to the Bahrain Defence Force (BDF),[460] and there is one death which is attributable to security forces but which the Commission is unable to attribute to a specific GoB agency.[461]

b. Deaths attributed to torture

Five persons allegedly died as a result of torture.[462] Three of these deaths occurred while the deceased persons were in the custody of the MoI at Dry Dock Detention Centre.[463] One death occurred at the BDF Hospital after the deceased had been transferred from the custody of the National Security Agency (NSA).[464] One death occurred four days after the individual was released from the custody of the MoI at Dry Dock Detention Centre.[465]

c. *Civilian deaths not attributable to a perpetrator*

Eight civilians died during the relevant period and these deaths are not attributable to a perpetrator.[466]

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[456] This Section has been prepared based on information received up to and including 18 November 2011.
[457] Case Nos. 1 to 35. These case Nos. are references to the case-by-case analysis outlined in Part 2 to this Section and Annex A.
[458] Case Nos. 1 to 13.
[459] Case Nos. 1 to 7, Case No. 9, Case No. 11.
[460] Case Nos. 8 and 12.
[461] Case No. 10.
[462] Case Nos. 22 to 26.
[463] Case Nos. 22 to 24.
[464] Case No. 25.
[465] Case No. 26.
[466] Case Nos. 14 to 21.

d. Deaths of expatriate workers

Four expatriate workers died during the relevant period.[467] Two of these deaths are attributable to civilians.[468] One death is attributable to the BDF.[469] The Commission has been unable to attribute the death of one individual to a perpetrator.[470]

e. Deaths of police officers and BDF personnel

Four police officers[471] and one BDF officer[472] died during the relevant period. The deaths of three police officers are attributable to demonstrators.[473] The death of one police officer is attributable to the BDF.[474] The Commission has been unable to attribute the death of one BDF officer to a perpatrator.[475]

849. In addition to these 35 deaths which occurred within the relevant period, there were a further 11 deaths that are potentially linked to the events in February/March 2011.[476] These 11 deaths are examined independently in Part 2 of this Section.

850. The Commission's investigators met with the families of deceased individuals and documented their statements. The investigators collated photographic and video evidence from the families, witnesses, the GoB and from publically available sources. In addition, information relevant to these deaths was received from political parties,[477] NGOs[478] and from the legal representatives of the families of the deceased. The Commission investigators also reviewed the information submitted by the MoI, Attorney General and the Military Attorney General.

b) *Applicable law*

(1) International Law

851. The following provisions of international legal instruments are relevant to the considerations contained within this chapter. Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR)[479] provides:

[467] Case Nos. 27 to 30.
[468] Case Nos. 27 and 30.
[469] Case No. 29.
[470] Case No. 30.
[471] Case Nos. 31 to 34.
[472] Case No. 34.
[473] Case Nos. 31 to 33.
[474] Case No. 35.
[475] Case No. 35.
[476] Case Nos. 36 to 46.
[477] For example, Al Wefaq National Islamic Society.
[478] For example, The Bahrain Center for Human Rights (BCHR), Bahrain Human Rights Society (BHRS), Bahrain Human Rights Watch Society (BHRWS).
[479] International Covenant on Civil and Political Rights 1966, entered into force 23 March 1976.

> Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.[480]

852. Article 7 of the ICCPR provides:

> No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

853. The Arab Charter on Human Rights (Arab Charter) is also relevant to a consideration of the deaths during the relevant period.[481] Articles 5 and 8 of the Arab Charter mirror Articles 6 and 7 of the ICCPR set out above.

854. Other relevant international instruments include the Code of Conduct for Law Enforcement Officials,[482] the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[483] the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions[484] and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

(2) National Law

855. Relevant national laws include the Bahrain Penal Code, the Code of Criminal Procedure and the Public Security Forces Law. The deaths attributable to military forces are subject to the Bahrain Military Penal Code. Chapter III(E)(2) contains a detailed discussion of these laws.

856. The majority of deaths of protesters identified in paragraph 848 are attributable to the excessive use of force. An analysis of the applicable law governing excessive use of force in the context of demonstrations is contained in Chapter VI, Section B.

857. A number of the deaths that occurred in connection with the events of February/March 2011 may constitute homicidal offences under Bahrain criminal law. Article 333 of the Bahrain Penal Code provides for the punishment of anyone who wilfully kills another individual. Article 342 provides for the punishment of anyone who unintentionally causes the death of another person. Articles 22 and 23 set out the principle of causation.

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[480] The obligation to protect life includes the obligation to investigate plausible allegations of unlawful deprivation of life, to carry out a prompt, effective and impartial investigation of arbitrary or unlawful deprivation of life and to bring to justice those who may be responsible for such deprivation. It also requires the relevant agencies to ensure that their personnel are sufficiently trained and their operations sufficiently planned such that they can ensure compliance with the prohibition on arbitrary deprivation of life. See ECHR *McCann and Others v United Kingdom* Series A, No 324, Application No. 18984/91(1995); Human Rights Committee *Amirov v Russian Federation* UN Doc. CCPR/C/95/D/1447/2006 2 April 2006.

[481] Arab Charter on Human Rights 2004, adopted by the Council of the League of Arab States on 22 May 2004, UN Doc. CHR/NONE/2004/40/Rev.1, entered into force 15 March 2008.

[482] Adopted by GA res 34/169 (1979), 17 December 1979.

[483] Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

[484] Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, E.S.C. res. 1989/65, Annex, 1989 UN ESCOR Supp. (No. 1) at 52, UN Doc. E/1989/89 (1989).

858. Articles 17 to 20 of the Bahrain Penal Code provide for the right of self-defence and state:

> Article 17
>
> The right of self-defence commences when the following factors are present:
>
> > if the person is in imminent danger of a threat to his own person or property or if he reasonably believes in the imminence of such danger.
> >
> > if there is no time to have recourse to the protection of the public authorities.
>
> In the latter event, the imminent danger threatened against the person or property shall be deemed to have been so even in the case of the person or property of third parties.
>
> Article 18
>
> In the exercise of the right of self-defence, no person may inflict more harm than necessary for the purpose of defence.
>
> Article 19
>
> If any authorised officer exceeds the limit in the performance of his duties by causing a threat which entitles one to the right of self-defence, the said threat may not be repelled unless the said officer acted in bad faith or if it was reasonably apprehended that the said threat would endanger one.
>
> Article 20
>
> Murder in self-defence or in defence of property shall not be justified except in the following cases:
>
> > An act from which death or serious injury is feared.
> >
> > An act of rape, assault or attack against personal freedom.
> >
> > An act of setting fire, causing damage or theft.
> >
> > An act of breaking into an inhabited house or appurtenances thereof.

859. Officers of the Public Security Forces, which are part of the MoI, are bound by the Public Security Forces Law, promulgated by Decree Law No. 3 of 1982, as amended by Decree Law No. 37 of 2002. The Public Security Forces Law provides for criminal and disciplinary action against security forces for violations committed in the execution of their law enforcement powers. This includes any disproportionate use of force.

860. Officers of the BDF are bound by the Military Penal Code, which was promulgated pursuant to Decree Law No. 34 of 2002.

c) *Findings and Conclusions*

861. The following findings and conclusions are based upon the case-by-case analysis contained within Part 2 of this Section.[485]

(1) Civilian deaths attributed to security forces

862. The Commission finds that 13 civilians[486] died during the relevant period and these deaths have been attributed to Security Forces. Ten of these deaths are attributable to the MoI.[487] Two are attributable to the BDF.[488] There was one death which is attributable to security forces but which the Commission was unable to attribute to a specific government agency.[489]

863. The causes of death for the 13 individuals identified above include the following:

a. Death from the use of a shotgun (seven);[490]

b. Death from the use of another type of firearm (five);[491]

c. Death from physical injuries, i.e. beatings (one).[492]

864. The Commission finds that there were nine deaths which are attributable to the MoI and which resulted from the use of excessive and unnecessary lethal force.[493] There is one case which is attributable to the MoI but in which the available evidence is not sufficient to conclude that the death resulted from excessive use of force.[494]

865. The Commission has been provided with evidence of investigations in all nine cases.[495] Three of these investigations have resulted in the criminal prosecution of the responsible police officers.[496] Five investigations are pending and the Commission has not received any indications as to when conclusions may be achieved.[497]

866. The Commission acknowledges that there were periods during which the police exercised restraint and no deaths or injuries occurred. At other times, there were a limited number of deaths or injuries, which, if viewed in the context of a chaotic and potentially violent crowd control situation, could

[485] This Section has been prepared based on information received up to and including 18 November 2011.
[486] Case Nos. 1 to 13.
[487] Case Nos. 1 to 7, 9 and 11.
[488] Case Nos. 8 and 12.
[489] Case No. 10.
[490] Case Nos. 1 to 7.
[491] Case Nos. 8 to 12.
[492] Case No. 13.
[493] Case Nos. 1 to 7, 11 and 13.
[494] Case No. 9.
[495] Case Nos. 1 to 7, 9 and 11.
[496] Case Nos. 1, 5 and 6.
[497] Case Nos. 2 to 4, 9 and 11,

arise from a reasonable use of force producing unintended consequences. In addition, there were instances where government forces were ordered to restrain forcefully the crowd or to remove the crowd from the GCC Roundabout, and in these situations excessive force was used, as evidenced by some of the deaths described in Part 2 of this Section.

867. The Commission was unable to establish whether the deaths that have been categorised as intentional killings were carried out by individual police officers, acting on their own initiative, or whether they were the result of a policy of lethal use of force against demonstrators.

868. The Commission is unable to reach conclusions in relation to the adequacy and effectiveness of the individual MoI investigations. However the Commission considers that the totality of the evidence, presented by the MoI, indicates a lack of impartiality, independence and integrity resulting in findings that are, in many cases, flawed and biased in its favour.

869. The Commission finds that the death of Mr Abdulredha Buhamaid may be attributable to the BDF and may have resulted from the use of excessive and unnecessary lethal force.[498] The Military Attorney General purports to have conducted an effective investigation, which found that although the BDF did fire warning shots at the time, the calibre and trajectory of the lethal bullet meant that it could not have been fired by the BDF. The investigation concluded that the BDF personnel appear to have acted in accordance with the law.

870. The Commission finds that the death of Ms Bahiya Alaradi is attributable to the BDF and may have resulted from the use of excessive and unnecessary force.[499] The Military Prosecution again purports to have conducted an effective investigation, which concluded that the death was the unintended consequence of a legitimate use of force.

871. The Commission concludes that in general the BDF did not use excessive force. The BDF did not have a policy of the arbitrary deprivation of life and, on the whole, it complied with the rules of engagement by using minimal force in dealing with civilians. The Commission concludes that the Military Attorney General's investigations were not effective, did not satisfy international standards and consequently they were not in compliance with international law. This conclusion was reached on the basis that the Military Prosecution investigators failed to interview civilian personnel outside of the BDF, for example civilian witnesses to the shootings.

872. The Commission finds that the death of Jaafar Abdulla Ali Mayoof is attributable to security forces but the Commission is unable to attribute it to a specific government agency.[500] The MoI has initiated an investigation into the circumstances surrounding Mr Mayoof's death. The investigation is pending

[498] Case No. 8.
[499] Case No. 12.
[500] Case No. 10.

and the Commission has not received any indication as to when it might conclude.[501]

(2) Deaths attributed to torture

873. The Commission finds that five persons died as a result of torture.[502] Three of these deaths occurred while the deceased persons were in the custody of the MoI at Dry Dock Detention Centre.[503] The MoI conducted investigations into the circumstances surrounding all three of these deaths. The Commission concludes that all three deaths are attributable to mistreatment while in custody.

874. The MoI investigation into the death of Hasan Jassim Mohamed Maki concluded that his death was caused by medical negligence.[504] A prosecution was initiated against one doctor involved in Mr Maki's case. The Commission concludes that this death can be attributed to his mistreatment whilst in custody.

875. The MoI investigation into the death of Ali Isa Ibrahim Saqer has resulted in the prosecution of five individuals.[505] On 25 May 2011, the MoI referred charges of manslaughter against two MoI personnel to a military court. A further three MoI personnel have been charged with failing to report this crime. The Commission concludes that this death is attributable to Mr Saqar's mistreatment while in custody.

876. The MoI investigation into the death of Zakariya Rashid Hassan Al Asheri has resulted in the prosecution of five individuals. The Commission concludes that Mr Al Asheri's death is attributable to his mistreatment while in custody.[506]

877. The death of Abdulkarim Ali Ahmed Fakhrawi occurred at the BDF Hospital after he had been transferred from the custody of the NSA.[507] The NSA conducted an investigation into the physical abuse of Mr Fakhrawi but not into his death. The NSA investigation resulted in the prosecution of two individuals for physical abuse. The Commission considers that the NSA failed to conduct an effective investigation into Mr Fakhrawi's death, which would satisfy the relevant obligations under international law.

878. The death of Jaber Ebrahim Yousif Mohamed Alawiyat occurred four days after he was released from the custody at the MoI Dry Dock Detention Centre.[508] The MoI failed to conduct an investigation into the death of Mr Alawiyat, and consequently has not complied with international law.

[501] Case No. 10.
[502] Case Nos. 22 to 26.
[503] Case Nos. 22 to 24.
[504] Case No. 22.
[505] Case No. 23.
[506] Case No. 24.
[507] Case No. 25.
[508] Case No. 26.

(3) Civilian deaths not attributable to a perpetrator

879. The Commission finds that eight civilians died during the relevant period and it was not able to attribute these deaths to a perpetrator.[509] In five cases the Commission was unable to determine the exact circumstances surrounding the death. The Commission finds that in three cases the deaths can be classified as intentional killings. The Commission is, however, unable to attribute responsibility for these deaths to specific persons. In two cases there have been no investigations into the circumstances surrounding the deaths and consequently has not complied with international law.[510]

880. As has already been stated, the Commission is of the view that the totality of the evidence, presented by the MoI, indicates that the investigations lacked impartiality, independence and integrity resulting in findings that were, in many cases, flawed and biased in its favour.

(4) Deaths of expatriate workers

881. The Commission finds that four expatriate workers died during the relevant period in connection with the events.[511] Two of these deaths are attributable to civilians and are categorised as intentional killings.[512] The MoI has initiated two investigations into the circumstances surrounding these deaths. One of these investigations has resulted in 11 individuals being charged with the murder of Mr Abdul Malik Ghulam Rasool. The MoI conducted an investigation into the death of Mr Farid Maqbul and this concluded that Mr Maqbul's death was attributable to unknown perpetrators.

882. The death of Stephen Abraham is attributable to the BDF.[513] The Military Attorney General's investigation found that the calibre and trajectory of the lethal bullet meant that it could not have been fired by the BDF. The investigation concluded that the BDF personnel appeared to have acted in accordance with the law. As has already been stated, the Commission concludes that the Military Prosecution investigations were not effective and consequently they have not complied with international law.

883. The Commission has been unable to attribute the deliberate killing of Mohamed Ikhlas Tozzumul Ali to specific persons or agencies.[514] The Commission considers that it is likely that Mr Ali was run over by a vehicle. The MoI has initiated an investigation into this death. The investigation has not resulted in the prosecution of any individual.

[509] Case Nos. 14 to 21.
[510] Case No. 18, Case No. 20.
[511] Cases Nos. 27 to 30.
[512] Case No. 27 and 28.
[513] Case No. 29.
[514] Case No 30.

(5) Deaths of police officers and BDF personnel

884. Four police officers[515] and one BDF officer[516] died during the relevant period. The deaths of three police officers are attributable to demonstrators.[517]

885. Police officer Ahmed Rashid Al Muraysi was run over by a vehicle at the GCC Roundabout on 15 March 2011.[518] Two individuals have been convicted of this murder. A trial took place before the National Safety Court. One individual received a life sentence while the other received the death sentence.

886. Police officers Kashif Ahmed Mandour[519] and Mohamed Farooq Abdul Samad[520] were run over by a vehicle near the GCC Roundabout on 16 March 2011. Seven individuals have been charged with these murders. Three of the accused have allegedly confessed to the crime.

887. The death of police officer Jawad Mohamed Ali Kadhem Shamlan is attributable to the BDF. [521] The Military Attorney General's investigation found that the death resulted from the deflection of a bullet fired in legitimate circumstances. The investigation therefore concluded that the BDF personnel acted in accordance with the law. As has already been stated, the Commission concludes that, the Military Prosecution investigations were not effective and consequently that it was not in compliance with international law.

888. The Commission has been unable to attribute the death of Lieutenant Aziz Jumaa Ali Ayyad to specific persons or agencies.[522] The exact circumstances of Lieutenant Ayyad's death are unknown. Consequently the Commission is unable to attribute his death to a particular agency or group of persons. The BDF has not initiated an investigation into the circumstances surrounding this death and consequently there has not been compliance with international law.

889. The number of deaths described above raises many issues about a widespread practice of excessive use of force, failure to conduct effective investigations and failure of those in the higher levels of the command structure to prevent and repress the excessive use of force through effective command and control of their subordinates in the field.

[515] Case Nos. 31 to 34.
[516] Case No. 35.
[517] Case Nos. 31 to 34.
[518] Case No. 31.
[519] Case No. 32.
[520] Case No. 33.
[521] Case No. 34.
[522] Case No. 35.

d) *Recommendations*

890. In accordance with the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, the GoB should conduct effective investigations into all the deaths that have been attributed to the security forces. These investigations should be capable of leading to the prosecution of those implicated, both directly and at all levels of responsibility, if the conclusion is that there was a breach of the law.

891. The appropriate prosecutions should be initiated with a view to ensuring punishment consistent with the gravity of the offence

892. There should be a standing independent body to examine all complaints of torture, mistreatment, excessive use of force or other abuses at the hands of the authorities.

893. The families of the victims should be entitled to compensation that is commensurate with the gravity of their loss. In this connection, the Commission welcomes Royal Decree No. 30 of 2011 establishing the National Fund for the Reparation of Victims on 22 September 2011.

894. The GoB should implement an extensive program of public order training for the public security forces, the NSA and the BDF. This training should include training on the use of force and should be consistent with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

895. In the light of the preference of article 6 of the ICCPR for the abolition of the death penalty and in light of the concerns identified by the Commission in regard to the fairness of trials conducted by the National Safety Court, the Commission recommends that the death sentence for murder arising out of the events of February/March 2011 be commuted. [523]

Part 2 – Case-by-Case Analysis

a) *Deaths Attributed to Security Forces*

Deaths caused by the use of a shotgun

Case No. 1 - Ali Abdulhadi Saleh Jaafar Almeshaima

896. At 20:20 on 14 February 2011, Mr Ali Abdulhadi Saleh Jaafar Almeshaima was pronounced dead. The death certificate states that the cause of death was shotgun injuries to the back.

897. A forensic report determined the cause of death to be from a single shot, which was fired from behind at a distance of approximately two to five

[523] See Human Rights Committee, *General Comment No. 6: The Right to Life (article 6),* 30 April 1982, para 6. Article 6 "refers generally to abolition in terms which strongly suggest… that abolition is desirable. The Committee concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life."

metres. The shotgun round penetrated the left side of the chest area damaging the left lung and the heart, which resulted in bleeding within the chest.

898. The Commission received information that Mr Almeshaima left his home in Daih at approximately 19:00. At that time the police had already dispersed all of the protests in the area. The deceased was seen walking with security officers who were pointing their guns at him. He turned around to leave and was shot in the back. He ran home, collapsing several times before he arrived. He died on the way to the hospital. It was alleged that the deceased's medical file, which was held at SMC, disappeared when the hospital was taken over by the military. Al Wefaq National Islamic Society (Al Wefaq) submitted a report to the Commission, which supported the account provided above.

899. The MoI conducted an investigation into this case. It found that six police officers were surrounded and attacked by approximately 500 demonstrators. The police officers used rubber bullets and tear gas in an attempt to disperse the crowd. The demonstrators were aggressive and they were throwing rocks towards the police officers. The police officers exhausted their supply of rubber bullets and tear gas. They then resorted to the use of shotguns. Police managed to disperse the crowds between 18:00 and 18:30, and then went on foot patrol. At 19:00, the time that the deceased allegedly sustained the fatal injuries, there were no clashes reported. None of the officers reported seeing any injured protesters or hearing any shots fired during the foot patrol period.

900. The death of Mr Almeshaima can be attributed to the use of excessive force by police officers. At the time of the shooting, there were no reports of any disturbances in the Daih area. Furthermore, the fact that Mr Almeshaima was shot in the back at close range indicates that there was no justification for the use of lethal force.

Case No. 2 - Fadhel Salman Ali Salman Ali Matrook

901. At 09:30 on 15 February 2011, Mr Fadhel Salman Ali Salman Ali Matrook was pronounced dead. The death certificate states that the cause of death was shotgun injuries to vital organs resulting in internal bleeding.

902. A forensic report determined the cause of death to be gunshot wounds to the back, chest and right armpit. The report was not able to determine whether all the bullets had originated from the same weapon. The injuries suggested that the shotgun was fired from a distance that was greater than one metre. The shotgun round caused severe damage to the deceased's vital organs and resulted in internal bleeding.

903. The Commission received information that Mr Matrook died during the funeral of Mr Almeshaima. He was shot in the chest and back, and died approximately ten minutes later. A relative of the deceased believes that the deceased was shot from a distance of less than two metres. Another relative informed the Commission that the police were firing tear gas at the funeral procession and that this caused the collapse of one person. The deceased went

to help this person and was shot in the back as he leaned down. The nearby people attempted to take him to SMC but he died almost instantly. Al Wefaq submitted a report to the Commission, which supported the account provided above.

904. The MoI conducted an investigation into this case. It found that during the funeral procession, one police vehicle broke down and was then isolated and attacked. The MoI estimated that the number of people within the procession was between 400 and 900. The MoI investigations concluded that the protesters attacked the police and tried to steal their weapons. The police officers responded by using rubber bullets and tear gas. The police officers exhausted their supply of rubber bullets and tear gas. They then fired warning shots with shotguns into the air. One police officer admitted that he fired a shot randomly in the direction of protesters at the approximate time that the deceased was shot.

905. The death of Mr Matrook can be attributed to the use of excessive force by police officers. One police officer has admitted that he fired a shotgun round in the direction of the demonstrators. The MoI has initiated an investigation into this case. The Commission has not received any information on the recent progress of this investigation.

Case 3 - Mahmood Maki Ahmed Ali Abutaki

906. At 03:30 on 17 February 2011, Mahmood Maki Ahmed Ali Abutaki was pronounced dead. The death certificate states that the cause of death was shotgun injuries to the chest, back and neck causing internal bleeding.

907. A forensic report confirmed the cause of death and stated that it was possible that there were two gunshots.

908. The Commission received information that the deceased died at 03:00 on 17 February 2011. He was sleeping inside a tent at the GCC Roundabout when security forces began firing sound bombs, tear gas and rubber bullets at the demonstrators. The deceased woke up and attempted to help those in the nearby tents to find a path to safety. While he was doing this, he was hit by a shotgun round fired by police officers. He was taken to SMC where he died. His body was examined by the coroner at the MoI, who concluded that his death was caused by a shotgun injury which resulted in internal bleeding. A relative of the deceased alleged that he had received telephone threats from unknown sources, warning him against speaking to the media about the deceased. Another relative stated that she spoke to the media about the death of the deceased and she was taken into custody for a six-hour interrogation at Al Hura police station. Al Wefaq submitted a report to the Commission, which supported the account provided above.

909. The MoI conducted an investigation into this case. It was concluded that police officers initially utilised batons and that they only resorted to using firearms in response to the use of sticks and swords by protesters. While most of the officers did not have shotguns, some stated that they had them but did not use them.

910. The death of Mr Abutaki can be attributed to the use of excessive force by police officers. The Commission has not seen any evidence to suggest that the demonstrators were armed with weapons. Furthermore, the fact that the deceased was shot in the back at close range indicates that there was no justification for the use of lethal force. The MoI initiated an investigation into this incident. The Commission has not received any information on the recent progress of this investigation.

Case No. 4 - Ali Mansoor Ahmed Ahmed Khudair

911. At 03:45 on 16 February 2011, Mr Ali Mansoor Ahmed Ahmed Khudair was pronounced dead. The death certificate states that the cause of death was shotgun injuries to the back and chest, which caused broken ribs and internal bleeding.

912. A forensic report confirmed the cause of death and concluded that the shots were fired from a distance of five to ten metres. The number of shots was not determined.

913. The Commission received information that at approximately 03:00 on 17 February 2011 the police force conducted an operation to clear the GCC Roundabout. The deceased was asleep at the time of the operation. He woke up and went to help women and children. As he was doing this, he was shot in the chest. He died at approximately 03:45 while being transported to SMC. Al Wefaq submitted a report to the Commission, which supported the account provided above.

914. The MoI conducted an investigation into this case. A member of the National Guard saw the deceased fall to the ground after he had been shot in the chest area. The investigations concluded that approximately 20 to 30 protesters attacked the police officers using weapons, including planks of wood, metal bars and a dagger, which was allegedly used to stab a soldier.

915. The death of Mr Khudair can be attributed to the use of excessive force by police officers. The Commission has not seen any evidence to suggest that the demonstrators were armed with weapons. Furthermore, the fact that the deceased was shot in the back at close range indicates that there was no justification for the use of lethal force. The MoI initiated an investigation into this incident. The Commission has not received any information on the recent progress of this investigation.

Case No. 5 - Isa Abdulhasan Ali Hussain

916. At 09:00 on 17 February 2011, Mr Isa Abdulhasan Ali Hussain was pronounced dead. The death certificate states that the cause of death was a shotgun injury to the head causing a fractured skull and laceration of the brain.

917. A forensic report confirmed the cause of death and concluded that the deceased was standing when he was shot and that the shot was fired from a very close distance, possibly as close as a few centimetres.

918. The Commission received information from a witness that at 07:30 on 17 February 2011, she was driving from SMC to her home and that the roads

around the GCC Roundabout were closed. She was on a side street when she saw youths coming out of an area behind parked cars. She stated that the youths were involved in a protest and that police officers were firing rubber bullets and tear gas at them. The witness stated that she was afraid of being hit by stray bullets and she ducked down in the car. She saw a youth and an older man in front of two police officers. The youth fell to the ground and the second policeman pointed his gun at the older man from a distance of less than a metre. She heard a loud shot and saw the man's head explode. Another witness reported that the police did not allow a nearby ambulance to assist him. The relatives of the deceased were not permitted to see him in the morgue, as the injury was too extensive. Al Wefaq submitted a report to the Commission, which supported the account provided above.

919. The MoI conducted an investigation into this case. MOI personnel alleged that the deceased and others attacked police personnel using metal rods, swords and other weapons. Two officers said they witnessed an attack on another officer, but it was unclear whether or not orders were given to shoot. On 6 July 2011, the MoI referred two police officers to the Military Court for prosecution for the wrongful killing of Mr Hussain. One of the defendants has failed to attend court on two occasions. The trial is still pending as of the date of the publication of this Report.

920. The death of Mr Hussain can be attributed to the use of excessive force by police officers. The fact that the deceased was unarmed and was shot at close range in the head indicates that there was no justification for the use of lethal force. Furthermore, the MoI initiated an investigation into this incident and concluded that the evidence amounted to a wrongful killing.

Case No. 6 - Ali Ahmed Abdulla Moumen

921. At 09:20 on 17 February 2011, Ali Ahmed Abdulla Moumen was pronounced dead. The death certificate states that the cause of death was a shotgun injury to the thighs resulting in damage to blood vessels.

922. A forensic report confirmed the cause of death and concluded that the deceased's injuries were caused by at least three shots fired from a distance of between one and five metres.

923. The MoI conducted an investigation into this case. The police officers alleged that they were attacked by demonstrators and that one of the police officers was grabbed. The police officers first fired tear gas and rubber bullets. A warning shot was then fired into the air. A second shot was fired towards the ground, which resulted in one protester being shot from a distance of about five metres. The commanding officer recalled giving the order to shoot and recognised that the deceased had been shot by one of his officers. The officers claimed that no order to shoot was given.

924. The death of Mr Moumen can be attributed to the use of excessive force by police officers. The fact that the deceased was unarmed and was shot at close range in the thigh indicates that there was no justification for the use of lethal force. Furthermore, the MoI initiated an investigation into this

incident and concluded that the evidence amounted to a wrongful killing and a police officer is being prosecuted for this offence.

Case No. 7 - Ahmed Farhan Ali Farhan

925. At 14:40 on 15 March 2011, Mr Ahmed Farhan Ali Farhan was pronounced dead. The death certificate states that the cause of death was a shotgun injury to the head causing a fracture of the skull.

926. A forensic report confirmed the cause of death and concluded that the fatal shot was fired from a distance of less than four metres. There were also numerous shotgun pellet wounds along the right side of the back and the back of the right leg. The shots that caused these wounds were fired from a distance of approximately eight metres.

927. The Commission received information that on 15 March 2011 there was a peaceful protest in Sitra. Witnesses reported that the police officers started to attack the demonstrators. The deceased was hit by shotgun pellets in his right leg. He attempted to escape but was shot in the head from point blank range while he was lying on the ground.

928. The MoI conducted an investigation into this case. The police officers alleged that vehicles attempted to run them over and that shots were fired at these vehicles. None of the police officers confessed to having shot the deceased. One police officer claimed that the police were unarmed during this incident.

929. The death of Mr Farhan can be attributed to the use of excessive force by police officers. The fact that the deceased was unarmed and had already been shot in the right leg before being shot at close range in the head indicates that there was no justification for the use of lethal force. The MoI initiated an investigation into this incident. The Commission has not received any information on the recent progress of this investigation.

Deaths caused by the use of a firearm

Case No. 08 - Abdul Redha Mohamed Hasan Buhamaid

930. At 13:20 on 21 February 2011, Mr Abdul Redha Mohamed Hasan Buhamaid was pronounced dead. The death certificate states that the cause of death was a gunshot injury to the head.

931. A forensic report confirmed the cause of death and concluded that the deceased suffered a severe head injury with destruction of the left carotid artery.

932. The Commission received information that on 18 February 2011, after the funeral of Mr Almeshaima, a group of mourners walked towards the GCC Roundabout. The military were present and as the mourners reached a distance of approximately 200 metres the BDF fired on the group with live bullets, without warning. One witness stated that three mourners fell to the ground, including the deceased. The witness stated that the deceased was hit in the head and that blood was rushing from his head. Several minutes after

the deceased collapsed, the witness heard the army issuing a warning to the protesters not to approach. Later that day, a relative of the deceased received a telephone call informing her that the deceased had been injured and had been taken to SMC. The relative attended SMC and saw the deceased being taken out of the ambulance. There was blood pouring from his head and he was unconscious. On 21 February 2011, Mr Abdul R. Buhamaid died.

933. The Military Prosecution conducted an investigation into the case and it was referred to the Public Prosecution office. The investigation concluded that there were between 1,000 and 1,500 demonstrators who were approaching a series of barricades manned by the MoI and BDF. It was alleged that behind the demonstrators was a line of ambulances. The BDF was armed with a .50 Browning gun and was located behind an MoI formation. The demonstrators and the barricades were separated by a 100 metre stretch of road. After a period of confrontations between the MoI forces and the demonstrators, whose number had fallen to a few hundred, the MoI forces retreated and left their positions. The demonstrators then began provoking BDF personnel by directing profanities at them. They also used blood bags from the ambulances to feign that they had been injured. When the demonstrators started to move beyond the MoI barricade and approach the BDF unit, the latter began to issue verbal warnings using a megaphone. This behaviour was repeated a number of times over a period of 15-20 minutes. When the demonstrators refused to retreat, warning shots were fired into the air. At this point, most demonstrators dispersed, but a number of them fell to the ground. Among them was the deceased. The ordnance expert was unable to determine the type or calibre of the weapon used, but insisted that the angle of the entry and exit wounds showed that the weapon was fired from a high elevation. This, according to the expert, excluded the possibility that the bullet could have come from the BDF. The BDF investigation concluded that BDF personnel had conducted themselves in accordance with the applicable laws and regulations and that there were no grounds to press charges.

934. The death of Mr Abdulredha Buhamaid may be attributed to the BDF and may have resulted from the use of excessive and unnecessary lethal force. The Military AG purports to have conducted an effective investigation, which found that the BDF did fire warning shots but that the calibre and trajectory of the lethal bullet meant that it could not have been fired by the BDF. The investigation concluded that the BDF personnel appeared to have acted in accordance with the law.

Case No. 09 - Jaafar Mohamed Abdali Salman

935. At 08:30 on 16 March 2011, Mr Jaafar Mohamed Abdali Salman was pronounced dead. The death certificate states that the cause of death was a gunshot injury to the chest, which caused injuries internal organs and internal bleeding.

936. A forensic report confirmed the cause of death and concluded that there were also shotgun wounds to the front of the right arm and one to the right side of the chest.

937. The Commission received information that Mr Salman left his home at approximately 06:00 on 16 March 2011. He was going to the GCC Roundabout to take photographs. He was near the Dana Mall when he was shot on the left side of his body. People in the vicinity took him to Jidhafs Hospital and then to the International Hospital. The family of the deceased learned about his death through media sources. Witnesses stated that they did not see the deceased being shot but that they saw him repeatedly trying to walk and falling down.

938. The MoI conducted an investigation into this case. The investigation concluded that the deceased was among the protesters at the GCC Roundabout and that he tried to attack police officers using a sword.

939. The Commission is able to establish that Mr Salman was shot by police officers. However, the available evidence it is not sufficient to conclude that the death resulted from an excessive use of force.

Case No. 10 - Jaafar Abdulla Ali Hasan Mayoof

940. At 18:06 on 16 March 2011, Jaafar Abdulla Ali Hasan Mayoof was pronounced dead. The death certificate states that the cause of death was a gunshot injury to the back and chest area, which caused multiple rib fractures and damage to vital organs.

941. A forensic report confirmed the cause of death and concluded that there may have been more than one bullet and that the gunshot to the deceased's back was fired from a distance of approximately one metre. The deceased was also shot with shotgun pellets in the thigh; this shot could have been fired from a distance greater than one metre.

942. The Commission received information that on 16 March 2011 the deceased was at the GCC Roundabout where he was shot with birdshot by security forces. The deceased allegedly escaped to an area between Sanabis and Daih, where he stopped to rest. The security forces then shot him in the back. He was transported to a number of hospitals before being taken to Ibn Nafees, where he died. The following day the deceased's family collected his body from SMC.

943. The MoI conducted an investigation into this case. The investigation is ongoing but found that there were no reports of clashes in Magabah on 16 March 2011.

944. The Commission is able to establish that Mr Mayoof was shot by security forces. However, the available evidence it is not sufficient to conclude that the death resulted from an excessive use of force.

Case No. 11 - Hani Abdulaziz Abdulla Jumaa

945. At 23:15 on 19 March 2011, Mr Hani Abdulaziz Abdulla Jumaa was pronounced dead. The death certificate states that the cause of death was gunshot injuries to the right leg, left leg and left arm.

946. A forensic report confirmed the cause of death and concluded that the wounds were caused by three or more shots at a distance of no more than one

metre. The deceased also had many bruises on his head, face, chest and shoulders, although these injuries were not causative of death.

947. The Commission received information that the deceased left his home at approximately 17:00 on 19 March 2011. The deceased was seen in Al Khamis running towards a building with approximately 15 riot police following him. The police shot the deceased in the hands and legs. He was severely beaten and was left lying in a pool of blood. His family received a telephone call informing them that the deceased had been taken to the International Hospital. At approximately 22:22 he was taken by ambulance to BDF Hospital where he died later that day.

948. The MoI conducted an investigation into this case. It was alleged that the deceased was the leader of the demonstrators. The police officers stated that the deceased entered a building that was under construction. One officer stated that he shot the deceased in one leg to stop him and when the deceased kept running the officer shot him in the other leg. Another officer stated that a warning shot was fired before the deceased was shot. The MoI questioned over 40 witnesses in relation to this death. The officer who shot the deceased was identified and subsequently suspended.

949. The death of Mr Jumaa can be attributed to the use of excessive force by police. The fact that the deceased was unarmed and was shot three times while running away indicates that there was no justification for the use of lethal force. The MoI investigation has identified the officer responsible for the death.

Case No. 12 - Bahiya Abdelrasool Alaradi

950. At 06:45 on 21 March 2011, Ms Bahiya Abdelrasool Alaradi was pronounced dead. The death certificate states that the cause of death was a gunshot injury to the head.

951. A forensic report confirmed the cause of death and concluded that the deceased was shot from behind from range of 50 to 75 metres. The forensic medical report was unable to determine the calibre of the projectile that caused the injury due to the deformation of the bullet.

952. The Commission received information that the deceased was shot while driving on Al Budaiya Street. She was allegedly shot by a sniper situated on the top of a nearby building. The family believes that the sniper was a Saudi member of the GCC Forces and that the deceased was shot because she was a woman driving a vehicle.

953. The BDF conducted an investigation into this case. The investigation concluded that the deceased was hit with the shrapnel of a bullet that had been shot in a different direction. Two BDF vehicles were manning two checkpoints above and below the overpass in the Al Budaiya district. The BDF soldiers were armed with M16 assault rifles. The soldiers manning the checkpoint underneath the overpass saw an SUV vehicle approaching the checkpoint, and the soldiers used a megaphone to demand that the vehicle stop. When the vehicle did not stop they used the indicators on their vehicle

to signal the SUV. The vehicle failed to stop and the soldier manning the machine gun fired at the front and the wheels of the SUV. The vehicle then stopped and the BDF unit advanced and ordered the passengers to disembark. The passengers were Western citizens and were intoxicated. The soldiers noticed that another vehicle was facing the opposite direction on the other side of the road. The unit approached the vehicle and found an injured woman in the driver's seat bleeding from the head. She was transferred to a hospital and was pronounced dead. An ordnance report was conducted which concluded that the deceased was killed by parts of a .50 calibre bullet. The report concluded that it is not possible that the deceased was the target of the shooting because the calibre of the gun used by the BDF unit would have caused far more extensive damage due to the velocity and calibre of the bullet. In addition, the material uncovered from the deceased's head during the autopsy was of damaged parts of the bullet. Those parts confirm that the bullet had hit a hard surface at high speed, splintered upon impact and subsequently entered the head of the deceased. The BDF investigation concluded that the BDF personnel acted in accordance with the applicable laws and regulations and that there was no indication of a criminal offence.

954. The death of Ms Alaradi is attributable to BDF. However, the available evidence is not sufficient to conclude that the death resulted from an excessive use of force. The Commission has found no evidence to support the family's belief that the deceased was shot by a sniper.

Death Caused by Physical Injury

Case No. 13 - Isa Radhi Abdali Ahmed Alradhi

955. At 18:00 on 16 March 2011, Mr Isa Radhi Abdali Ahmed Alradhi was pronounced dead. The death certificate states that the cause of death was a fractured skull and internal bleeding in the brain caused by head trauma. The death certificate also states that respiratory and circulatory failure contributed to the death.

956. A forensic report confirmed the cause of death and concluded that bruises and wounds consistent with impact were evident on the face, head, legs, left arm, chest, stomach, torso and back of the deceased.

957. The Commission received information that on 15 March 2011 a large operation by plain clothes police and military personnel was launched in Sitra. The operation began between 10:00 and 11:00, and lasted until after the evening prayers. There were clashes between residents of the area and security forces throughout the day. At some point during these operations, the deceased disappeared. On 17 March, the deceased's family began to actively look for him. They visited Sitra police station and Isa Town police station and submitted a complaint about his disappearance. A relative of the deceased received a telephone call from the police on 19 March asking him to identify the body of the deceased at the hospital. Another witness stated that on 15 March he saw the deceased being beaten by 15 police officers for approximately 20 minutes.

958. The MoI conducted an investigation into this case. Three reports filed at the Sitra police station on 16 March 2011 state that the deceased sustained a minor head injury when he was arrested but that he was otherwise in good health. He was taken to the hospital where he was pronounced dead. A fourth report, dated 12 April 2011, states that the deceased was brought to the hospital at around 23:00 with head, nose and mouth injuries.

959. The death of Mr Alradhi can be attributed to the use of excessive force by police. The fact that the deceased sustained multiple injuries consistent with impacts or beatings indicates that there was no justification for the use of lethal force. The MoI initiated an investigation into this incident. The Commission has not received any information on the recent progress of this investigation.

b) *Deaths Not Attributable to Specific Perpetrators*

Case No. 14 - Ahmed Abdulla Hasan Ali Hasan

960. At 09:00 on 16 March 2011, Mr Ahmed Abdulla Hasan Ali Hasan was pronounced dead. The death certificate states that the cause of death was a shotgun injury to the back, which caused damage to internal organs and bleeding.

961. A forensic report confirmed the cause of death and concluded that the injuries were consistent with a shotgun fired from one or more guns directly at the deceased's back from an estimated distance of one metre.

962. The MoI conducted an investigation into this case. A report from Hamad Town southern police station dated 5 March 2011 states that a fight took place at Roundabout 7 in Hamad Town and that the deceased was one of four passengers in a car that was attacked by civilians.

963. The death of Mr Hasan can be attributed to the use of excessive force by unknown persons. The fact that the deceased was shot three times in the back indicates that there was no justification for the use of lethal force. The Commission is unable to attribute this death to a particular agency or group of civilians.

Case No. 15 - Majeed Ahmed Mohamed Ali Abdulaal

964. At 20:30 on 30 June 2011, Mr Majeed Ahmed Mohamed Ali Abdulaal was pronounced dead. The death certificate states that the cause of death was a shotgun injury to the right side of the head.

965. The BDF Hospital medical report indicated that the deceased was admitted to SMC at approximately 21:00 on 14 March 2011 with a gunshot wound to the right side of the head. He was transferred to BDF Hospital on 7 April. The deceased underwent an operation on 29 June 2011 and died the following morning.

966. The Commission received information that on 14 March 2011 the deceased left his home at 20:30 and headed to the bakery, which is

approximately 300 metres from his home. A few minutes after he left his home, the family heard the sound of five shots. They called the deceased's name and he did not respond. One hour later, the family contacted SMC and they were informed that the deceased had been injured and had shotgun pellets in his head. The family of the deceased was unable to visit him the following day as a result of the military presence at SMC. On 2 July 2011, the family contacted Riffa police station and was informed of the deceased's death at BDF Hospital and requested to collect the body of the deceased from SMC.

967. The MoI conducted an investigation into this case. On 29 June 2011, the MoI visited the deceased in BDF Hospital. The deceased had just undergone an operation and was unable to talk or explain what had happened to him.

968. The exact circumstances of this death are unknown. Consequently, the Commission is unable to determine that there was an excessive use of force or to attribute this death to a particular agency or group of civilians.

Case No. 16 - Sayed Ahmed Saeed Shams[524]

969. On 30 March 2011, Mr Sayed Ahmed Saeed Shams was pronounced dead. No autopsy was conducted and no formal cause of death has been recorded.

970. The Commission received information that on 30 March 2011 the deceased died after being hit with a tear gas canister fired by riot police in Saar. The relatives of the deceased alleged that the deceased and his family were visiting the house of a relative in Saar. At approximately 17:00 they witnessed three police personnel, two of them masked, shooting sound bombs and shotguns at civilians. The deceased was allegedly hit in the head by a tear gas canister. He fell to the ground, at which point the police approached him and physically assaulted him. The deceased's father took him to the American Mission Hospital in Saar. The deceased died before he reached the hospital. The doctor diagnosed the cause of death as a broken neck.

971. The MoI has failed to conduct an effective investigation into the circumstances surrounding this death. The available evidence is not sufficient to establish the responsible persons or whether the death resulted from an excessive use of force.

Case No. 17 - Isa Mohamed Ali Abdulla

972. On 25 March 2011, Mr Isa Mohamed Ali Abdulla was pronounced dead. No autopsy was conducted and no formal cause of death has been recorded.

973. The MoI has failed to conduct any investigation into circumstances surrounding this death. The available evidence is not sufficient to establish the responsible persons or whether the death resulted from an excessive use of force.

Case No. 18 - Khadija Merza Abbas Yusuf Abdulhai

[524] One statement provided to the Commission.

974. At 20:15 on 5 April 2011, Ms Khadija Merza Abbas Yusuf Abdulhai was pronounced dead. The death certificate states that the cause of death was bilateral modular diseases and acute pneumonitis caused by severe septic shock.

975. The Commission received information that on 15 March 2011 Ms Abdulhai inhaled large quantities of tear gas after it was released in the open yard of her home. Her family took her to SMC but was advised to bring her back the following day. The family was unable to access the appropriate hospital facilities until 20 March 2011, at which point the deceased was hospitalised and treated for a five-day period. The deceased's condition progressively worsened. Her heart stopped on 5 April 2011 and she was taken to the Intensive Care Unit where she died later that day.

976. The exact circumstances of this death are unknown. Consequently, the Commission is unable to determine whether there was an excessive use of force or to attribute this death to a particular agency.

Case No. 19 - Alsayed Hameed Mahfoudh Ibrahim Mahfoudh

977. On 6 April 2011, Mr Alsayed Hameed Mahfoudh Ibrahim Mahfoudh was pronounced dead. The death certificate states that the cause of death was respiratory and circulatory failure.

978. A forensic report confirmed the cause of death and concluded that the body of the deceased was found on Al Budaiya Road behind Al Aziziya Complex.

979. The Commission received information that the deceased left his home at approximately 20:30 on 6 April 2011. After several hours, a relative called the deceased on his mobile phone to ask about his whereabouts, but the deceased did not answer. The relative then left the house to search for the deceased. The deceased's relative stated that the next morning, the family went to Al Budaiya police station. The relative stated that they saw the car of the deceased inside the police station and that one of the family members attempted to approach the vehicle but was stopped by police. They continued to look for the deceased and at about 20:30 they found his body close to Al Aziziya complex on Al Budaiya Road. The car of the deceased had been moved from inside the police station to the parking lot of a nearby coffee shop. Relatives of the deceased stated that the body was found inside a large black plastic bag and that the police refused to examine the body for some time. The body had evidence of physical assault and they believe that the cause of his death was suffocation.

980. The Commission considers that the death of Mr Mahfoudh was an unlawful killing. The fact that the deceased was found inside a plastic bag and the evidence of suffocation are indicative of an unlawful killing. The Commission is unable to attribute this death to a particular agency or group of civilians.

Case No. 20 - Jaafar Hasan Yusuf

981. On 18 September 2011, Mr Jaafar Hasan Yusuf was pronounced dead. No autopsy was conducted and no formal cause of death has been recorded.

982. The Commission received information that, on two occasions in March 2011, security forces came into the deceased's home searching for his brother. Witnesses stated that the deceased was physically attacked on both occasions, causing severe bruising to his body. He was then admitted to SMC for approximately three days. Thereafter, he went to receive treatment in Jordan where he was diagnosed with Hepatitis and a bowel perforation. He subsequently returned to SMC. The deceased's health began to deteriorate and he was admitted to the Intensive Care Unit of SMC on 8 August, where he remained until 18 September 2011 when he died.

983. The exact circumstances of this death are unknown, and consequently the Commission is unable to determine whether there was an excessive use of force or to attribute this death to a particular agency or group of civilians.

Case No. 21 - Abdulrasool Hasan Ali Mohamed Hujair

984. On 20 March 2011, Abdulrasool Hasan Ali Mohamed Hujair was pronounced dead. The death certificate states that the cause of death was traumatic injuries to the chest, stomach, back and limbs, which led to bleeding and shock.

985. The Commission received information that at approximately 19:00 on 19 March 2011 the deceased was expected to return home after the Maghreb prayer. His relatives heard shots being fired and knew that most roads were closed. They stated that when the deceased did not return home after two hours, they called his mobile phone three times. His relatives attended the nearby police station to lodge a missing person complaint, but were told that they could not do so until he had been missing for 24 hours. The following day, another relative called the family and told them that the body of the deceased was at the SMC morgue. They were told that the body had been found in Awali, a sparsely populated area north of Riffa. The relatives stated that there were marks all over the deceased's body and a fracture of his skull.

986. The death of Mr Hujair can be attributed to the use of excessive force by unknown persons. The fact that the deceased sustained multiple traumatic injuries indicates that there was no justification for the use of lethal force. The Commission is unable to attribute this death to a particular agency or group of civilians.

c) *Deaths Caused by Torture*

Case No. 22 - Hasan Jassim Mohamed Maki[525]

987. At approximately 10:30 on 3 April, Mr Hasan Jassim Mohamed Maki was pronounced dead. The death certificate states that the cause of death was heart failure and cessation of breathing due to sickle cell anaemia.

[525] One statement provided to the Commission.

988. A forensic report confirmed the cause of death and concluded that on 3 April 2011 the deceased was detained at Dry Dock Detention Centre and collapsed twice within one and a half hours. A doctor was called on the first occasion and provided medical assistance. The doctor was then called a second time, and on arrival he discovered that the deceased had died. The forensic medical report notes that the deceased had cylindrical bruises and a head wound, which had become infected.

989. The Commission received information that the deceased was arrested at his home on 28 March 2011. He was taken to the CID after one day and then to Juw Prison. On 3 April 2011, relatives saw that his name was posted online as deceased. They went to the morgue and were only allowed to see his face. SMC did not provide a medical report. Médecins Sans Frontières (MSF) and Amnesty International examined the body and confirmed to the family that the deceased had been attacked with sharp objects. A witness who had been detained with the deceased in the same cell overheard him being told by prison personnel that since he had sickle cell anaemia, they would shower him and turn on the air conditioning in his cell and that he would not be allowed any medical treatment.

990. The MoI conducted an investigation into this case. The prison doctor stated that he had information that a detainee was suffering from sickle cell anaemia and needed medication. He asked the detainee if he was feeling any pain and the detainee replied in the negative. He was in a normal state and asked to have his infected head wound treated. The doctor gave him medicine and treated his wound. The doctor subsequently received a telephone call informing him that the deceased needed immediate attendance, but when the doctor arrived he saw the deceased being carried away. The doctor stated that he did not notice any injuries and that the medicine that he had prescribed could not have had any side effects. A fellow detainee claimed that the deceased called for the police telling them that he suffered from sickle cell anaemia and that he was feeling tired, so the police came and took him to the clinic and later returned him. An hour later, the deceased called for the police again and said he was feeling tired again. Another detainee stated that the deceased was calling saying that he suffered from sickle cell anaemia and that he was experiencing back pain and difficulty breathing. According to that detainee, the police officer came and took the deceased to the doctor. An internal investigation is in progress to determine whether medical negligence was involved in this death.[526]

991. The death of Mr Maki is attributed to torture at Dry Dock Detention Centre. Mr Maki was in the custody of the MoI at the time of his death.

Case No. 23 - Ali Isa Ibrahim Saqer[527]

992. At 11:15 on 9 April 2011, Mr Ali Isa Ibrahim Saqer was pronounced dead. The death certificate states that the cause of death was hypovolemic shock resulting from several traumas.

[526] MoI file 2011/831; PP file 2011/237.
[527] One statement provided to the Commission.

993. A forensic report 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.

994. The Commission received information that the deceased was subjected to torture. A witness alleged that the deceased handed himself to the police on 5 April 2011 after the police had raided his house several times searching for him. After the deceased's death, Bahrain TV broadcasted a confession that he had made.

995. The MoI conducted an investigation into this case. On 25 May 2011, the MoI referred charges against five personnel to the military court. Two of the accused are charged with manslaughter, while the other three are charged with failing to report a crime. All five are charged with engaging in action contrary to military dignity.

996. The death of Mr Ali is attributed to torture at the Dry Dock Detention Centre. Mr Ali was in the custody of the MoI at the time of his death.

Case No. 24 - Zakariya Rashid Hassan Al Asheri[528]

997. At 09:00 on 9 April 2011, Zakariya Rashid Hassan Al Asheri was pronounced dead. The death certificate states that the cause of death was severe heart failure and cessation of breathing following complications from sickle cell anaemia.

998. 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.

999. The Commission received information that the deceased was arrested on 2 April 2011 by security forces who entered his family home by breaking down the door. The deceased was allegedly tortured at the CID. On 9 April 2011, he was transferred to Dry Dock Detention Centre. He was subjected to torture between 6 and 9 April 2011, and died from torture in Room Number 1. Relatives learned about his death from the MoI website on 9 April. After this, relatives attempted to contact the police station close to their village but received no answer. They then contacted the MoI who told them that the deceased had passed away in his sleep as a result of sickle cell anaemia. The deceased's relatives stated that the deceased had never suffered from that disease. The Commission also received a statement from a witness who was detained in the same cell as the deceased. The witness stated that all the detainees in the same cell were blindfolded and handcuffed, and forced to lie on their stomachs. On one of the mornings, the deceased began to experience hallucinations or confusion, whereby he began banging on the door shouting his name. The prison guards shouted at him to be quiet and when he did not comply, they entered his cell. The witness heard the deceased being beaten and he heard him scream after each beating. The witness then heard a shuffling noise after which the deceased's shouts became muffled. The

[528] One statement provided to the Commission.

witness then heard a Pakistani say in Urdu, "He is dead." After about one minute, the detainees were all moved to a different cell where they remained for the rest of the day. They were not allowed to leave their new cell. The witness reported that the following day, the detainees' blindfolds and handcuffs were removed and their general treatment improved.

1000. The death of Mr Asheri is attributed to torture at the Dry Dock Detention Centre. Mr Asheri was in the custody of the MoI at the time of his death.

Case No. 25 - Abdulkarim Ali Ahmed Fakhrawi

1001. At 13:10 on 11 April 2011, Abdulkarim Ali Ahmed Fakhrawi was pronounced dead. The death certificate states that the cause of death was injuries sustained while in the custody of the NSA.

1002. The Commission received information that the deceased was a businessman and founder of Bahrain's first educational bookstore. The bookstore had expanded into a publishing house and acted as the main supplier of books to the University of Bahrain. The deceased was also one of the main founders of Al Wasat newspaper and he owned the construction company that built the Iraqi Embassy in Bahrain. On the evening of 2 April 2011, the deceased was visiting a relative in Karbabad. At approximately 23:30, police surrounded his relative's home. The deceased presented himself at the police station the following morning in order to resolve the matter. Later that day, relatives went to Sanabis police station and inquired about the deceased. The officers informed them that there was nobody with such a name in detention. On 4 April, relatives went to the Public Prosecution and asked about the deceased. An officer informed them that he could not provide any information regarding the deceased's arrest. On 12 April at 14:30, the deceased's secretary received a call from an unknown person who instructed the family to go to the Emergency Section of SMC. A relative met with a policewoman who informed the relative that the deceased had arrived at the police station in poor health. The relative was told that the deceased had died as a result of kidney failure. The following day, two other relatives went to collect the deceased's body, which showed clear marks of torture. The family was threatened that if they took photographs of the body they would "end up like him".

1003. Commission investigators also received a number of verbal and written statements from persons alleging that they had witnessed the deceased being tortured in detention. In these statements, the witnesses claimed that they had heard him screaming, "*Allahu Akbar*" (God is great) after every blow he received, and that all of a sudden he stopped. The witnesses stated that after the deceased stopped screaming, they heard one person say to another, "You killed him."

1004. The NSA conducted an investigation into this death. The investigation found that the deceased attacked two police officers at the NSA. The first statement to this effect was provided by an NSA officer who stated that at 15:00 on 7 April 2011, he heard loud fighting near the toilets of one of

the cell blocks. He rushed to the scene from his office and witnessed a brawl between the detainee and two officers. The NSA officer stated that he intervened to break up the fight and was able to control the two parties. He observed that the deceased had sustained injuries during the brawl, evidenced by blood on the floor of the toilet area. Another officer was subsequently questioned and initially denied that any attack took place. This officer later changed his statement, saying that he and the first officer were attacked by the detainee and sustained injuries as shown in the medical report. The first officer also initially denied that he was attacked, but then changed his statement to say that he had a heated verbal exchange with the deceased and was insulted by him, and that the deceased subsequently attacked him with the lid of the toilet seat. He stated that the deceased sustained injuries including broken teeth and injuries to the face. The NSA investigation states that following the incident, the deceased complained of stomach pains. The deceased was initially admitted to the NSA Hospital where preliminary examinations were performed. The medical records were verified by an NSA doctor, who stated that the detainee suffered both kidney failure and heart failure. The kidney failure resulted from muscle tears and blood poisoning following the injuries that the deceased had sustained in prison. However, the kidney problem could have been resolved had the deceased received correct medical attention, including kidney dialysis. The investigation adds that the cases of the two police officers will be transferred to the military court.

1005. The Commission concludes that the death of Mr Fakhrawi is attributed to torture while in the custody of the NSA.

Case No. 26 - Jaber Ebrahim Yousif Mohamed Alawiyat[529]

1006. At 9:30am on 12 June 2011, Mr Jaber Ebrahim Yousif Mohamed Alawiyat was pronounced dead. The death certificate states that the cause of death was injuries sustained while in the custody of the MoI.

1007. According to statements provided to the Commission, on 29 April 2011, the deceased was beaten by approximately six police officers while in his home. On 30 April, at approximately 10:30, he was arrested on his way to a bakery. At approximately 01:30 the next morning, an individual from the Khamis police station called asking for a relative to bring the deceased's Central Population Registration (CPR) card. However, his family was not permitted to see him. For three days, they tried calling the police station to check on him but were informed that he was not there. Other prisoners who were detained with him stated that the deceased was tortured. Four to five days after his arrest, his family called the CID in Adliya who informed them that he was not there. After 15 days, an individual from the CID called his family to ask them to send the deceased's clothing. After 20 days, his family was finally allowed to visit him. They saw that he had bruises on his face, head and left hand (which he was unable to move). On 9 June, he was released from custody and dropped off at the front door of SMC. The deceased called his relatives who later collected him. He did not let anyone

[529] One statement provided to the Commission.

take photographs of him because he was afraid of the consequences. He complained about pains in his stomach for two to three days and then he died on 12 June 2011.

1008. The death of Mr Alawiyat is attributed to the MoI. The evidence received by the Commission confirms that Mr Jaber was in MoI custody before his death.

d) *Deaths of Expatriate Workers*

Expatriate workers killed by Mobs

Case No. 27 - Abdul Malik Ghulam Rasool

1009. On 13 March 2011, Abdul Malik Ghulam Rasool, a Pakistani national, was pronounced dead. The death certificate states that the cause of death was a severe chest contusion leading to cardiac laceration, caused by cardiac tamponade, which resulted in acute heart failure.

1010. A forensic report confirmed the cause of death and concluded that the deceased sustained cuts and bruises to his shoulder, hand, left knee, left leg, right eye, back and head.

1011. The MoI conducted an investigation into this case. The investigation found that a gang carrying metal bars and knives attacked a group of Pakistanis living in a building in Naeem. One group surrounded the entrance to the building, while a second group broke down the door, entered the building and assaulted the residents. The residents who managed to escape the building were met by the group waiting at the entrance to the building. This group beat the deceased to death.

1012. Eleven persons have confessed to their involvement in this attack. These eleven persons have been charged along with four others with criminal offences, including murder, relating to this attack.

1013. The death of Mr Rasool can be classified as an intentional killing. An investigation was conducted by the MoI, which resulted in the prosecution of fifteen individuals for crimes, including murder, relating to this attack.

Case No. 28 - Fareed Maqbul

1014. On 19 March 2011, Fareed Maqbul, a Bangladeshi national, was pronounced dead. The death certificate states that the cause of death was multiple trauma injuries to the head and face.

1015. A forensic report confirmed the cause of death and concluded that the deceased received several fractures to the skull and face, which caused bleeding to the brain. In addition, the deceased suffered broken bones, the loss of some teeth, and a number of scrapes and bruises on the arms, the shoulder, the back and the knees.

1016. The MoI conducted an investigation into this case. One witness stated that the deceased was walking alone in Manama when he was attacked

by a group of individuals carrying wooden planks and sharp objects. The witness stated that while trying to escape, the deceased was struck by a vehicle. No one has been charged with a crime relating to this death.

1017. The death of Mr Maqbul can be classified as an intentional killing. An investigation was conducted by the MoI, which failed to identify the person responsible for this death.

Expatriate workers killed by security forces

Case No. 29 - Stephen Abraham[530]

1018. On 16 March 2011, Mr Stephen Abraham, an Indian national, was pronounced dead. The death certificate states that the cause of death was a gunshot injury to the right side of the chest.

1019. A forensic report confirmed the cause of death and concluded that the deceased died from one gunshot wound. The bullet was fired from an unspecified distance. The deceased was shot while in a standing position.

1020. The MoI conducted an investigation into this case. The investigation found that the deceased was discovered with a gunshot wound in the right side of his chest. The investigators also found a 3cm hole in the window of the kitchen of the factory room where the deceased was shot. The investigation concluded that the BDF were responsible for this death. The BDF unit implicated in this incident is the same unit implicated in the case of Ms Bahiya A. Alaradi.

1021. BDF investigations show that the deceased was shot in the lower chest region by a .50 Browning Gun bullet, which is identical to the weapon used by the BDF unit stationed near the restaurant where the deceased worked. The BDF personnel stated that none of them fired at the deceased. During their deployment to the area, there were only two incidents in which they resorted to the use of force: once to disperse a group of protesters and another at an approaching SUV (leading to the death of Ms Alaradi). An ordnance expert noted that the velocity of the weapon and the angle of the entry wound indicates that the bullet was shot from above the deceased. It was therefore impossible for the bullet to have come from the BDF unit given the position of the BDF unit relative to the deceased. This type of bullet can be fired from three types of rifles used by snipers. On the basis of this information, the Military Prosecution concluded that BDF personnel conducted themselves in accordance with the applicable laws and regulations, and there were no grounds to press charges. The BDF referred the case to the (civilian) Public Prosecution to continue its investigations.

1022. The death of Stephen Abraham is attributable to the BDF. The Military AG purports to have conducted an effective investigation. The investigation found that the calibre and trajectory of the lethal bullet meant that it could not have been fired by the BDF. The investigation concluded that the BDF personnel appeared to have acted in accordance with the law.

[530] No statements provided to the Commission.

Unattributed deaths

Case No. 30 - Mohammad Ikhlas Tozzumul Ali

1023. On 15 March 2011, Mohammad Ikhlas Tozzumul Ali, a Bangladeshi national, was pronounced dead. The death certificate states that the cause of death was trauma to the body, which resulted in internal bleeding.

1024. A forensic report confirmed the cause of death and concluded that the deceased died due to physical injuries sustained while he was in Sitra. The deceased suffered skull fractures in the waist, left thigh, left leg and a finger. He also suffered cuts to the right side of the face, forehead, nose, abdomen, thigh, right elbow and right hand.

1025. The Commission received evidence that the deceased was protecting a group of women and children being attacked by security forces when he was shot in the head.

1026. The MoI conducted an investigation into this case. The investigation reported that two witnesses stated that the deceased was run over by a car driven by protesters.[531] The witnesses also stated that three other persons were injured in the same incident but have since returned to Bangladesh. In a separate set of statements received by the Commission, witnesses to the event stated that the deceased and the other injured persons were hit by vehicles, which did not bear licence plates. The vehicles were driven by unknown persons, one of whom was masked and was associated with government forces. According to witnesses, a number of unmarked police vehicles were seen in Sitra during that time, and were actively engaged in confronting the demonstrators, including with the use of shotguns.

1027. The death of Mr Ali can be classified as an intentional killing. An MoI investigation has not resulted in the prosecution of any individuals.

e) *Deaths of Police Officers and BDF Personnel*

Police officers and BDF personnel killed by demonstrators

Case No. 31 - Ahmed Rashid Al Muraysi

1028. On 15 March 2011, Ahmed Rashid Al Muraysi was pronounced dead. The death certificate states that the cause of death was the breaking of the spinal cord and torso, together with extensive loss of blood.

1029. The forensic medical report describes scrapes and bruises to the deceased's forehead, right side of his head, nose, cheekbone and right ear, as well as loss of hair and scalp. However, no skull fractures were reported. The deceased's neck was broken and he suffered bruises and scrapes to the back of his neck. He also had bruises and scrapes on his right arm and hand, on the left side of his chest and across the left side of his back. Both of the deceased's legs were broken.

[531] MoI file 2011/472; PP file 182.

1030. The Commission received information indicating that the deceased sustained injuries when he was struck by a car driven by protesters in Sitra. A relative of the deceased stated that she received a telephone call at 13:45 on 15 March 2011 from a friend who had heard of the deceased's death. The relative immediately went to BDF Hospital where that information was confirmed.

1031. The MoI conducted an investigation into this case. Two individuals, Ali Atteya Mahdi Shamlool and Ali Yusuf Al Taweel, were subsequently charged with murder. The two accused were convicted and sentenced to life imprisonment and death, respectively.[532]

1032. The death of Mr Al Muraysi can be classified as an intentional killing. An MoI investigation led to the prosecution and conviction of two individuals for murder.

Case No. 32 - Kashif Ahmed Mandhour

1033. On 16 March 2011, Kashif Ahmed Mandhour was pronounced dead. The death certificate states that the cause of death was head and chest trauma, damage to internal organs and internal bleeding, as well as a fracture to the left leg.

1034. The Commission received information that the deceased was searching cars at the GCC Roundabout, along with 15 other police officers, when he and a colleague were struck by a car. The father of the deceased went to BDF Hospital and spoke with a doctor, who informed him that his son was dead.

1035. The MoI conducted a joint investigation into this case and that of Police Officer Samad, who was killed in the same incident.[533] It found that seven individuals were involved in this attack.[534] Seven people have been charged with pre-meditated murder. Three of these individuals confessed that they were in the car that ran over the deceased. One claimed to have stolen the weapons of the officer after he had been run over. Another claimed to have stated his intention of killing police officers, while another claimed to have wanted to kill a police officer out of retribution for the death of a relative at the hands of police.

1036. The death of Police Officer Mandhour can be classified as an intentional killing. An MoI investigation led to the prosecution of seven individuals for murder.

[532] See MoI file 66/2011 and PP file 2011/169. Commission investigators visited these two individuals in Al Qurain Prison. Both individuals claimed that they had been tortured and were forced to sign confessions while blindfolded. They showed the investigators marks alleged to be the result of treatment received while in detention.
[533] See Case No. 33, below.
[534] PP file 2011/173.

Case No. 33 - Mohamed Farooq Abdulsamad

1037. At 08:35 on 16 March 2011, Mohamed Farooq Abdul Samad was pronounced dead. The death certificate states that the cause of death was a severe head injury and hypovolemic shock.

1038. The Public Prosecution forensic medical report states that Mohammed Farooq Abdulsamad died of a head injury causing severe damage to the brain and other injuries across his body. The deceased also had several scrapes and bruises all over his body. X-rays showed that his lower jaw, waist and right femur were fractured.

1039. The Commission received information that the deceased was searching cars at the GCC Roundabout, along with 15 other police officers, when he and a colleague were struck by a car. A relative stated that she received a telephone call from the MoI informing her that the deceased had died on the way to hospital.

1040. The MoI conducted a joint investigation into this case and that of Police Officer Mandhour, who was killed in the same incident. This led to the prosecution of seven individuals for murder, as noted above.[535]

1041. The death of Police Officer Abdulsamad can be classified as an intentional killing. An MoI investigation led to the prosecution and conviction of seven individuals for murder.

Killed by the security forces

Case No. 34 - Jawad Ali Kadhem Shamlan[536]

1042. On 16 March 2011, Jawad Ali Kadhem Shamlan was pronounced dead. The death certificate states that the cause of death was a gunshot wound to his abdomen, which resulted in severe damage to his internal organs and internal bleeding.

1043. The Public Prosecution's forensic medical report states that the deceased's left thigh and abdomen injuries indicate that the gunshot was fired from one gun from a frontal direction.

1044. The Commission received information that the deceased left his family's home, as usual, to go to Khamis police station where he worked as a police officer. A State of National Safety had been declared and the deceased had received direct orders from his superior to come into work. While the deceased usually contacted his family several times a day from work, he failed to do so on that particular day. The deceased's family tried to contact him several times on his mobile telephone without receiving a response. They were worried so they called Khamis police station and were informed that he had not reported for duty. Another relative, who had previously worked at the same police station, placed a second call to the station's "counter" to enquire about the accused. He was informed that the station did not know of the

[535] See Case No. 32, above.
[536] One statement provided to the Commission.

deceased's whereabouts. The family placed several other calls, first to an officer at the same station and then to the head of the police station. The family was then informed that the accused was on a special mission and could not answer his telephone. After further questions, the family was informed that the accused had entered into a brawl with the army and that they were keeping him and his car until the next morning. That same evening, a relative of the deceased called Khamis police station and was informed that she could file a missing persons report the next day. That evening, she and another relative went to Hamad Town police station (at Roundabout 17) in order to enquire about the deceased. They were instructed to file a complaint at Manama police station, but after some debate they were allowed to file it at the same police station as the security situation rendered it risky for the family to drive into Manama at that hour. The family members returned to their home and telephoned the deceased's phone. The person who answered stated that they had killed the deceased and then made sexual threats towards the deceased's female relative. She screamed and hung up the telephone but the person on the other line called back and continued to harass her. The family continued receiving calls from the same phone; in one instance, the person at the other end of the line claimed to be the deceased, but the family insisted that they would have recognised the voice of the deceased. Later that evening, a colleague and friend of the deceased called the family and informed them that he had heard rumours of the deceased's death. He helped the family by looking for the deceased at SMC and at BDF Hospital. On 20 March 2011, the family received news from a relative who had visited the SMC morgue who confirmed he had seen the body of the deceased at the morgue. The next day, at 11:00, the deceased's body was returned to the family. The family has not received the deceased's car or his two mobile phones and has no further information about his death. They stated that Khamis police station and the MoI have not cooperated in helping them gather details related to the circumstances of his death.

1045. The Military Prosecution interrogated six military personnel, two medics and police personnel. The investigation concluded that the deceased was at a barricade manned by a BDF unit. The purpose of the barricade was to stop entry to and exit from Al Sihla district due to the situation on the ground. Two vehicles approached the barricade and were ordered to turn back. One vehicle complied, and the other gained speed and rammed into the barricade. The car then began to drive towards the unit, which prompted the personnel manning the BDF vehicle to fire a warning shot, followed by shot at the front and tires of the approaching vehicle. This stopped the car and injured the driver. The BDF personnel opened the car and found that the driver had been severely injured with a .50 Browning bullet, which had entered his body above the knee and exited from his lower abdomen. The ordnances report established that the bullet had been fired at the body of the vehicle and not at the victim, and that it had been deflected off the body of the vehicle and the tyres to enter into the victim's body. The BDF also questioned the paramedics who had been dispatched to the scene, and they corroborated the story of the BDF personnel. The BDF-JAG concluded that BDF personnel

had conducted themselves in accordance with the applicable laws and regulations, and that there were no grounds to press charges.

Unattributed Deaths

Case No. 35 - Aziz Jumaa Ali Ayyad

1046. On 17 March 2011 Lieutenant Aziz Jumaa Ali Ayyad was pronounced dead. The death certificate states that the cause of death was a heart attack.

1047. The Commission received information that a relative of the deceased telephoned him at approximately 01:30 on 16 March 2011 and again at around 03:00. A colleague of the deceased answered the telephone and informed the relative that the deceased was busy and that everything was fine and he would call her once he had finished work. At approximately 23:30 on 24 March, an unknown person called the deceased's house and informed the family that the deceased had passed away. On 25 March 2011, the family collected the body of the deceased and noted that there were signs of electric shocks on the body. Although there were marks on his hands, chest and stomach (including a piercing), BDF Hospital indicated that he had died due to a heart attack.

1048. The exact circumstances of the death are unknown, and consequently the Commission is unable to determine whether there was an excessive use of force or to attribute this death to a particular agency or group of civilians.

f) *Deaths That Took Place Outside The Commission's Temporal Mandate*

1049. There were 11 deaths that took place outside the Commission's temporal mandate. The Commission has nevertheless considered these deaths.

Case No. 36 - Zainab Ali Ahmed[537]

1050. At 17:30 on 2 June 2011, Zainab Ali Ahmed was pronounced dead. The death certificate states that the cause of death was a sharp decline in circulation and respiration. The certificate also states that the deceased suffered from asthma.

1051. The Commission received information that at approximately 16:30 on 2 June 2011, police began firing tear gas and sound bombs in Sanabis. The deceased was standing outside telling her relative to enter the house when tear gas was fired extensively in the surrounding area. A relative stated that the deceased inhaled the tear gas and fell over. An ambulance was called and arrived after 25 minutes. Another relative stated that he accompanied the deceased in the ambulance, but they experienced delays at checkpoints where he was questioned and insulted. The relative stated that the ambulance driver was also questioned and that this occurred at two checkpoints, delaying their arrival at SMC. The ambulance driver was providing treatment to help Ms

[537] One statement provided to the Commission.

Ahmed breathe, but at each checkpoint the ambulance was stopped and the paramedic was questioned. The relative was also harassed at the front door of SMC, and the deceased was pronounced dead shortly after.

Case No. 37 - Salman Isa Abuidrees[538]

1052. At 01:32 on 3 June 2011, Salman Isa Abuidrees was pronounced dead. The death certificate states that the cause of death was a heart attack caused by heightened blood pressure. The certificate also states that the deceased suffered from diabetes.

1053. The Commission received information that the deceased and another person were driving to his sister's house in Salmaniya when police stopped them in Gufool on 13 March 2011. He was driving his Caprice (1998 model), on the mirror of which was a photo of Hassan Nasrallah. When the police stopped them, they dragged the deceased out of the car and were enraged when they saw the photo. They threw him on the floor and beat him before taking him to an unknown location. Later, the deceased's relative received a call from a nurse at Al Naim Hospital who knew the family and informed them that the deceased was in hospital. Another relative spoke to the deceased, who told him that police had destroyed his car and stolen his wallet, which contained BD 500. The deceased was then transferred to SMC. The following day, a relative came to see him and noticed that his injuries had not been treated. The deceased's relative tried to have the deceased discharged from the hospital but was not permitted to do so. After a period of time [it is not clear how long], the deceased's family was informed that he was undergoing surgery to treat his wounds. Following the surgery, he was transferred to intensive care. The deceased's relative heard of his death via email and then visited the SMC morgue on 3 June 2011 and was told that he had passed away. The deceased's relative stated that he was in poor health before being attacked by the police.

Case No. 38 - Alsayed Adnan Alsayed Hasan Almusawi

1054. On 23 June 2011, Alsayed Adnan Alsayed Hasan was pronounced dead.

1055. The Commission received information indicating that the deceased's death may have been caused by suffocation following tear gas inhalation in Duraz.

Case No. 39 - Zainab Hasan Ahmed Jumaa

1056. At 18:30 on 15 July 2011, Zainab Hasan Ahmed Jumaa was pronounced dead. The death certificate does not identify a cause of death. Medical documents cite cardio-pulmonary arrest as the cause of death.

1057. A forensic report did not indicate any external injuries or signs of tear gas inhalation.

1058. The Commission received information that at around 17:45 on 15 July 2011, there were confrontations in Sitra between security forces and

[538] One statement provided to the Commission.

protesters near the deceased's home. Three tear gas canisters were thrown outside the house. The deceased was in her room and the tear gas entered through the air conditioning vents. She could not move because she had a physical disability, namely paraplegia, so a relative carried her out of the room. The relative called SMC for an ambulance and was told that there were only three ambulances and that he should call back in 20 minutes. He called back four times but was told that there were still no ambulances available. At around 19:30, a person from SMC called and said that there was an ambulance on the way. The ambulance arrived at about 19:50, at which point the medical staff informed the family that the deceased had passed away.

Case No. 40 - Isa Ahmed Altaweel[539]

1059. On 31 July 2011, Isa Ahmed Altaweel was pronounced dead.

1060. The Commission received information indicating that his death may have been caused by suffocation from tear gas inhalation after riot police fired tear gas in Sitra.

Case No. 41 - Sayed Jawad Ahmed Hashim Marhoon[540]

1061. At 18:45 on 14 September 2011, Sayed Jawad Ahmed Hashim Marhoon was pronounced dead. The death certificate states that the cause of death was acute chest syndrome as a consequence of sickle cell anaemia. The certificate also states that the deceased suffered from pneumonia.

1062. The Commission received information that at 21:45 on 10 September 2011, protests were taking place around the deceased's house. Tear gas entered the house and then the room of the deceased. His relatives stated that the deceased began suffocating and experiencing head and chest pains. They took him to the second floor and he started shouting that he wanted to breathe. On 13 September 2011, his family called an ambulance after he was unable to breathe and was experiencing pains, and he died in the hospital the next day. Relatives of the deceased stated that he did not suffer from sickle cell anaemia.

Case No. 42 - Jaafar Lutf Allah[541]

1063. On 30 September 2011, Jaafar Lutf Allah was pronounced dead.

1064. The Bahrain Centre for Human Rights provided information to the Commission indicating that the deceased may have died from suffocation after inhaling tear gas fired by riot police in Abu Saiba. According to the Bahrain Centre for Human Rights, the deceased had a physical disability, namely paraplegia.

[539] No statements provided to the Commission.
[540] Two statements provided to the Commission.
[541] No statements provided to the Commission.

Case No. 43 - Ahmed Jaber Al Qattan[542]

1065. On 6 October 2011, Mr Ahmed Jaber Al Qattan was pronounced dead. The death certificate states that the cause of death was shotgun injuries to the chest area, which resulted in shotgun pellets entering his heart and lungs.

1066. The MoI has stated that there were no police in the area during the time of the incident and that the projectiles used are not of a type used by riot police.

Case No. 44 - Ali Jawad Alsheikh[543]

1067. On the morning of 31 August 2011, Mr Ali Jawad Alsheikh was pronounced dead. The death certificate states that the cause of death was a fractured spine, internal bleeding and shock.

1068. The forensic report of the Commission found that the deceased's injuries were consistent with the deceased being struck by an unexploded tear gas canister fired at short range. The report concluded that the injuries were more consistent with a strike from a canister than from beatings.

1069. The MoI conducted an autopsy on the basis of which they compiled a forensic report.[544] According to the MoI report, the deceased died as a result of a serious blow to the back of the neck (blunt trauma), which resulted in a blood clot forming in the brain. The report indicates that the markings on the deceased's neck are not consistent with being hit by a tear gas canister or rubber bullet; the markings were too large and suggest that he was hit with a larger object. The MoI report also states that there was no evidence of tear gas inhalation.

1070. The Commission received information that the deceased went to prayers at around 08:30 on the Eid holiday. He then went to Street No. 1, where he began protesting with a number of other persons. Witnesses stated that they saw a police officer standing out of the top window of the jeep, holding a tear gas gun, about 100 metres away. The protesters were then chased and ran in different directions. One individual was hit with a tear gas canister. Witnesses stated that they heard three shots and they believe that one of these shots hit the deceased. Another witness who was in a nearby cemetery stated that he saw a boy being chased by a police jeep with a police officer standing out of the top window of the vehicle. The witness then lost sight of the vehicle and heard shots being fired. The deceased was taken to Sitra hospital but was refused treatment and subsequently died.

1071. The MoI stated that there were no police in the area at the time of the shooting and therefore that the MoI was treating the shooting as a criminal

[542] No statements provided to the Commission. Commission investigators visited SMC and were present during the forensic examination.
[543] Seven statements provided to the Commission.
[544] Commission investigators and forensic experts were present during the autopsy and compiled an independent report. On file with the Commission.

investigation. The MoI offered a reward of BD 10,000 for any information relating to the death of the deceased. No progress has been made in the case.

Case No. 45 - Mohamed Abdulhusain Farhan[545]

1072. On 30 April 2011, Mohamed Abdulhusain Farhan was pronounced dead. The deceased was six years old.

1073. The Bahrain Center for Human Rights (BCHR) presented information to the Commission indicating that the deceased died from suffocation after inhaling tear gas fired by riot police outside his home in Sitra.

Case No. 46 - Aziza Hasan Khamis[546]

1074. On 16 April 2011, Aziza Hasan Khamis was pronounced dead. The death certificate states that the cause of death was cardiac arrest and the cessation of breathing.

1075. The Commission received information that on 16 April 2011 security forces entered the home of the deceased's family by breaking down the door. They also surrounded the premises. They were looking for the son of the deceased's neighbour, who five minutes prior had jumped over the neighbour's fence onto the property of the deceased's family in an attempt to escape arrest. The security forces found the neighbour's son hiding under a bed and began kicking him and beating him with batons. They also held the deceased's brother by his neck until he began to choke. The deceased witnessed this physical abuse and heard security forces verbally insulting her family, and this caused her extreme stress. She began to turn yellow and died shortly thereafter. A medical report dated 4 November 2010 states that the deceased suffered from Type 1 Diabetes and required insulin. This condition rendered her extremely vulnerable to psychological stress.

[545] No statements provided to the Commission.
[546] One statement provided to the Commission.

Section B – Use of Force by Government Actors

1. Factual Background

1076. This purpose of this section is to present a general overview of the policies and practices of the GoB agencies and to examine whether force was used by these agencies in a manner that violates the international and national legal obligations of Bahrain governing the use of force by law enforcement officials.

1077. Four Bahraini government agencies undertook law enforcement and security operations in Bahrain during February and March 2011, and related subsequent events. These were the MoI, the BDF, the National Guard and the NSA.[547]

1078. As described in Chapter IV on the Narrative of Events of February and March 2011, demonstrations demanding constitutional, political, economic and social reform broke out in many parts of Bahrain, starting on 14 February 2011.[548] These demonstrations quickly evolved into a mass protest movement in which, at times, tens of thousands of individuals participated. While the epicentre for these demonstrations was the GCC Roundabout, protests were held in many areas of the capital city Manama, such as at the Bahrain Financial Harbour, at SMC,[549] on the King Faisal Highway, along the Sheikh Khalifa bin Salman Road, and in the vicinity of the premises of the Council of Ministers. Protests were also organised in many towns and villages outside Manama, some of which took the form of marches towards the GCC Roundabout.

1079. None of the demonstrations that occurred during the period under investigation by the Commission were approved by the relevant authorities in accordance with Decree Law No. 18 of 1973 on the Organisation of Public Meetings, Rallies and Assemblies.

1080. During February and March 2011, clashes between the Shia and Sunni residents of a number of neighbourhoods occurred, and incidents of violence were reported at the Al-Sakhir Campus of the University of Bahrain on 13 March 2011. Acts of violence and assaults were also recorded against tens of expatriate workers, mostly of south Asian origin. In addition, as the

[547] On the composition and mandate of each of these agencies see Chapter III. Starting 14 March 2011, units from the Gulf Cooperation Council-Jazeera Shield Forces (GCC-JSF) were deployed to undertake specific missions in various parts of Bahrain. On the role of these forces and the allegations of human rights violations committed by them see Chapter IX. In that chapter it is noted that despite allegations in the news media of widespread human rights violations committed by the GCC-JSF units that were deployed in Bahrain, the Commission has only received one claim of a human rights violation committed by these units. The GCC-JSF were not involved in any riot control operations, and did not engage with or confront any civilians during their presence in Bahrain. Their role was limited to securing certain vital locations and being prepared to assist in the defence of Bahrain against any potential foreign armed intervention.
[548] See Chapter IV.
[549] See Chapter V.

overall security situation in Bahrain deteriorated, the residents of many neighbourhoods set up checkpoints and roadblocks to search cars and individuals in those areas. Many incidents of violence occurred at these checkpoints.

1081. The security and armed services of the GoB executed two operations to clear the GCC Roundabout of demonstrators. The first took place on 17 February 2011 and the second took place on 16 March 2011.

a) *The Use of Force by MoI units*

1082. Within the MoI, the Public Security Forces (PSF) is the main armed force that is assigned the primary responsibility of maintaining order, peace, and security in Bahrain.[550] These forces operate under the direction of the Commander of the Public Security Forces, who reports directly to the Minister of Interior.

1083. During the events of February/March 2011, the PSF was the government agency that was the most involved in confrontations with demonstrators and in responding to incidents of violence committed by individuals. For purposes of clarity, the operations carried out by the PSF will be divided into three categories. The first category includes the two clearing operations of the GCC Roundabout that were undertaken on 17 February and 16 March 2011. The second category relates to riot control operations undertaken in various parts of Bahrain. The third category includes the manning and operation of checkpoints in many areas of Bahrain after the declaration of a State of National Safety on 15 March 2011.

(1) The clearing operations of the GCC Roundabout

1084. This first clearing operation of the GCC Roundabout commenced at 03:00 on 17 February 2011. Four PSF battalions were deployed during the operation with a total manpower of around 1,000 persons. Three of these battalions participated directly in the clearing operation, while the fourth provided rear protection to the advancing forces. These PSF units were armed with batons, shields, tear gas, sound bombs, rubber bullets and shotguns. There are no reports of the use of any assault rifles or handguns by the PSF personnel during these operations. BDF units were on alert during the operation in case the PSF requested assistance, but they did not participate in the execution of the operation. MoI investigations indicated that plain-clothed personnel from other agencies, particularly from the NSA, were present during the operation, but did not use force against protesters. According to MoI investigations, the total number of protesters in the GCC Roundabout was approximately 1,200-1,500 persons.

1085. At the beginning of the operation, a senior MoI officer used a megaphone to order the protesters camped in the GCC Roundabout to vacate

[550] Decree Law No. 3 of 1982 on the Public Security Forces, art 1.

the area. Many protesters left the area, while others remained. The PSF units then fired numerous rounds of tear gas to disperse the remaining protesters. They then descended the ramp of the overpass adjacent to the GCC Roundabout and engaged the demonstrators. As a result of the operation, four protesters died after sustaining wounds caused by shotgun rounds, and almost 50 protesters were injured.[551]

1086. MoI investigations found that the four victims who were fatally wounded during the clearing operation had been involved in attacking or assaulting police personnel, and that shotguns were used in self-defence.[552] In this regard, the MoI indicated that a number of protesters assaulted police officers using rocks, sticks, metal rods, swords, knives and other sharp objects. As a result, over 40 police officers sustained various types of injuries, including severe cuts to limbs and fingers. The MoI also claimed that post-operation searches of the GCC Roundabout uncovered a number of handguns. However, no gunshot wounds were sustained by police personnel. The MoI also informed the Commission that a number of protesters attempted to run over police personnel with their cars.

1087. Reports submitted to the Commission by the families and friends of victims and by political societies, including Al Wefaq, claim that the PSF used excessive force and, at times, intentionally used lethal force against protesters at the GCC Roundabout. These reports claim that many of the protesters were asleep when the clearing operation began and that they could not have heard the warning issued by the PSF before the beginning of the operation. These reports also highlighted that some of those killed during the operation were killed by shotgun rounds fired from a very short range, less than one metre in some instances, which, according to these reports, indicates that the use of force by police personnel was excessive.

1088. The second clearing operation began at 05:30 on 16 March 2011. This operation included three stages, the first of which aimed at clearing the GCC Roundabout of protesters. In the second stage, security forces cleared the Bahrain Financial Harbour and the King Faisal Highway of protesters, while in the third stage the security forces established control over SMC. The BDF Commander-in-Chief oversaw the operation, which was executed primarily by the PSF. These PSF units remained, however, under the operational command and control of the MoI. National Guard units were deployed also and performed a supporting role. BDF armoured units were onsite to provide assistance if requested, but did not engage with any demonstrators. Two BDF assault helicopters were also hovering over the GCC Roundabout but did not use any of their weapons. During the operation, PSF units entered the GCC Roundabout from under the adjacent overpass, as opposed to using the ramp, as was the case during the first clearing operation. The PSF first used a water cannon to disperse protesters. This was followed by the use of tear gas, sound bombs, rubber bullets and shotgun rounds.[553]

[551] See Chapter IV.
[552] See Chapter VI, Section A.
[553] See Chapter IV.

1089. No fatalities are attributable to the government armed units who carried out the clearing operation. During the day, however, a number of individuals were fatally shot by security forces. While some of those individuals were shot in the vicinity of the GCC Roundabout, the information available to the Commission indicates that none of them were at the roundabout during the operation.[554] Reports about the number of injuries have varied. According to the MoI reports, a number of police personnel were killed and injured during the operation. This included two police officers who were killed when they were run over by a vehicle in the vicinity of the GCC Roundabout.[555]

(2) Riot Control operations

1090. Throughout the events of February/March 2011, the GoB deployed PSF units to undertake riot control operations. Most of these operations were conducted in towns and villages outside Manama. As described in Chapter IV on the Narrative of Events of February and March 2011, the intensity of these riot control operations varied during the period under investigation by the Commission. From 14 to 19 February 2011, the MoI deployed large numbers of troops to confront and disperse the demonstrations that took place in various areas of Bahrain. However, after the reopening of the GCC Roundabout to demonstrators on 19 February 2011, PSF units exercised considerable self-restraint and the confrontations with protesters were limited. This is evidenced by the fact that no fatalities were recorded until a State of National Safety was declared in Bahrain on 15 March 2011. After that date, PSF units were again deployed in large numbers and were ordered to forcefully disperse protesters in the various towns and villages of Bahrain.

1091. The information collected by the Commission from MoI investigations, human rights organisations, witness statements, site visits undertaken by Commission investigators and videos submitted by individuals indicate that PSF riot control operations followed a discernible pattern. Once protests were reported to be taking place at a certain town or village, the PSF would deploy riot control units, which usually arrived in SUVs or buses. These units were usually armed with batons, shields, tear gas, sound bombs, rubber bullets and shotguns. The PSF personnel would first block the main entryways into the villages or neighbourhoods in which a protest were taking place. This was to prevent protesters from leaving these neighbourhoods and joining other demonstrations that might be occurring elsewhere. Police personnel would then begin engaging protesters using tear gas and sound bombs. The usual practice of PSF units was to use excessive amounts of tear gas to disperse protesters. On a number of occasions, PSF units fired tear gas canisters at and into residences. If protesters did not disperse, police personnel would usually begin approaching the protesters and firing rubber bullets and, in some cases, shotgun rounds.

[554] See Chapter VI, Section A.
[555] See Chapter VI, Section A.

1092. The MoI submitted to the Commission that shotguns were used only in cases of self-defence, when other means for repelling an assault against police personnel had been exhausted. The MoI presented evidence that in many instances protesters, who on some occasions outnumbered police personnel, forcefully resisted PSF units. In some cases, protesters placed obstacles to impede the advance of PSF units. For example, they overturned and, at times, set fire to garbage dumpsters, and placed tree trunks, rocks, stones and other objects along roads. Protesters also threw rocks, stones, metal rods, paint-bombs and other objects at police units. In a limited number of instances, Molotov cocktails were thrown at PSF personnel. No cases of the use of firearms by protesters was reported.

1093. Statements by victims, their families and friends, and evidence gathered by the Commission, contradict information submitted by the MoI in a number of respects. On a number of occasions, civilians participating in demonstrations that were confronted by PSF units sustained various types of injuries. The most serious of these injuries, which in some cases led to the death of the victim, were caused by the use of shotguns. In many cases, victims sustained shotgun wounds to the back, eyes, face, limbs and chest.[556] The distance from which these shotgun rounds were fired ranged from less than one metre to over 10 metres. Statements indicate that shotgun rounds were, in some cases, used as a weapon of first resort against protesters as they escaped from PSF units. This means that some of the individuals who sustained shotgun wounds did not pose a threat to the PSF personnel. Victims have also stated that PSF personnel did not fire warning shots and that, on some occasions, they did not fire their shotguns with a view to disabling individuals but rather to fatally injure.

1094. Rubber bullets were used frequently by PSF units. Statements and evidence submitted to the Commission indicate that on some occasions police personnel fired rubber bullets at close range, which caused serious injuries to a number of victims, including to their eyes, and in some cases resulted in partial or total loss of sight.

1095. Witness statements and evidence gathered by the Commission also indicates that PSF units used amounts of tear gas that were disproportionate to the objective of dispersing protesters. In some incidents, which were witnessed by Commission investigators on 29 August 2011, tear gas was fired directly at or into houses, in circumstances where there was no threat to PSF personnel. Commission investigators witnessed one instance in which 16 tear gas canisters were fired during a period of less than four minutes in a highly populated area. In another incident witnessed by Commission investigators in Janusan, at least four tear gas canisters (each containing six projectiles) were fired from a short range into the kitchen and living room of a home. Such use of tear gas rendered these homes uninhabitable.

[556] See Chapter VI, Section A.

(3) Checkpoints

1096. Following the declaration of a State of National Safety on 15 March 2011, PSF units set up many checkpoints on various roads in Manama and neighbouring towns and villages. The primary purpose of these checkpoints was to search persons and vehicles and arrest individuals who were considered to pose a threat to public order.

1097. Evidence gathered by the Commission indicates that the PSF units manning these checkpoints did not use their firearms. However, witness statements and information presented to the Commission indicates that PSF personnel used excessive force when searching vehicles and individuals at these checkpoints. Police personnel routinely physically assaulted individuals stopped at these checkpoints if there was any evidence that they had participated in or supported the protests that had been ongoing in Bahrain. The forms of physical abuse include beating, kicking (including when the person was already lying on the ground) and pushing individuals against cars.

1098. In most cases, this physical abuse occurred despite the fact that victims did not resist arrest and did not pose any threat to PSF units.

b) *The Use of Force by BDF Units*

1099. BDF units were deployed by the GoB on a number of occasions during the events of February/March 2011. The first instance of deployment of BDF units was on the morning of 17 February 2011 during the first clearing of the GCC Roundabout. BDF personnel and armoured personnel carriers were deployed to secure the GCC Roundabout and to deny protesters access to the area. These units set up roadblocks on the main roads leading into the roundabout.

1100. The BDF withdrew from the GCC Roundabout and neighbouring streets on 19 February 2011, upon the initiative of HRH the Crown Prince. BDF units were redeployed during the second clearing operation of the GCC Roundabout, which began at 05:30 on 16 March 2011. On that occasion, the BDF dispatched a larger force that included main battlefield tanks, armoured personnel carriers and two assault helicopters. Large numbers of BDF troops were also involved in clearing protesters from the grounds and buildings of SMC. BDF engineers searched the Bahrain Financial Harbour area and the King Faisal Highway for booby-traps that might have been placed there by protesters.

1101. Following the clearing operation, BDF units enforced a curfew in some areas of Manama and manned roadblocks, denying individuals and vehicles entry into a restricted zone that included the GCC Roundabout and neighbouring roads. These roadblocks were manned by units armed with standard sidearms, M16 assault rifles and .50 Browning machineguns mounted on armoured personnel carriers.

1102. The BDF was not involved in any riot control operations during February or March 2011, or subsequent events.

1103. The allegations of excessive use of force by BDF units relate to four cases of death that occurred during the events of February/March 2011. All of these cases occurred at or in the vicinity of BDF units that were manning roadblocks. Investigations that were undertaken by the Military Prosecution into these cases concluded that the BDF personnel involved in these incidents complied with the applicable rules of engagement.[557]

1104. BDF units also arrested individuals who had violated the terms of the maritime curfew that was imposed in certain areas of Bahrain's territorial sea. No claims of excessive use of force have been reported in these cases.

c) *The Use of Force by NSA Units*

1105. NSA personnel were not involved in any riot control operations. The only field operations conducted by NSA units related to the execution of arrest warrants issued by the Military Attorney General. This subject is dealt with in Chapter VI, Section C on Manner of Arrests.[558]

d) *The Use of Force by National Guard Units*

1106. No allegations of human rights violations committed by National Guard units were submitted to the Commission.

2. Applicable Law

a) *International Law*

1107. The ICCPR and the Arab Charter are relevant to the use of force by law enforcement officials during the execution of their duties. Specifically, these international instruments protect the rights to life, liberty and security of person.[559] These instruments also guarantee the enjoyment of the freedoms of opinion, expression, and assembly.[560]

1108. Overall, the use of force by law enforcement officials is governed by the principles of necessity and proportionality, which, in the case of Bahrain, are reflected in article 13 of the Public Security Forces Law. An assessment of whether the use of force by law enforcement officials is necessary and proportionate can be informed by principles found in international instruments such as the Code of Conduct for Law Enforcement Officials,[561] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.[562]

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[557] See Chapter VI, Section A. These are the cases of: (i) Abdulredha Mohamed Hasan Buhamaid; (ii) Bahiya Abdelrasool Alaradi; (iii) Stephen Abraham; and (iv) Jawad Ali Kadhem Shamlan.

[558] See Chapter VI, Section C.

[559] ICCPR, arts 7 and 9; Arab Charter, arts 5 and 14. See also Universal Declaration of Human Rights, art 3.

[560] ICCPR arts 19 and 21; Arab Charter, arts 24(6) and 32. See also Universal Declaration of Human Rights, art 20,

[561] Code of Conduct for Law Enforcement Officials adopted by GA res 34/169 (1979) 17 December 1979. Article 3 of the Code of Conduct states:

> Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

The commentary to this article clarifies that:

> (a) This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.
>
> (b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.
>
> (c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

[562] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. Article 4 states:

> Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

Article 5 of the Basic Principles states:

> Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:
>
> (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
>
> (b) Minimize damage and injury, and respect and preserve human life;
>
> (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
>
> (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

Article 9 of the Basic Principles further clarifies the rules governing the use of force by law enforcement officials:

> Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

Article 14 provides:

In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.Article 16

> Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

b) *National Law*

1109. There are a number of Bahraini laws that relate to and regulate the use of force by law enforcement officials. These include the Constitution of Bahrain, which protects the rights to liberty,[563] and human dignity,[564] and upholds the freedoms of opinion, expression,[565] and assembly.[566] The Bahrain Penal Code also includes provisions regulating the use of force by law enforcement officials. The most relevant of these provisions is article 180, which governs the use of force in riot control operations. This provision obligates law enforcement officials to "take measures against those refusing to comply with an order to disperse, including arresting them, and using force within reasonable limits against those refusing to comply". This provision also stipulates that "the use of firearms is prohibited except in situations of extreme necessity or when a person's life is endangered".

1110. The use of force by the PSF, which was the primary governmental agency involved in confrontations with civilians during February/March 2011 and subsequent events, is governed by article 13 of the Public Security Forces Law, which states that:

> Public Security Forces may bear arms and ammunition provided to them pursuant to orders from the Minister of Interior. These arms may not be used, except in the circumstances and in accordance with the conditions outlined below:
>
> 1. To arrest:
>
> a. Any person convicted of a felony or sentenced to more than 3 months imprisonment if that person resists arrest;
>
> b. Every person charged with committing a felony or found committing a misdemeanor, and resists arrest;
>
> 2. To protect detainees:
>
> Firearms may be used by prison wardens and PSF personnel against prisoners in the following cases:
>
> a. Confronting an attack or any forceful resistance if no other means are available;
>
> b. Stopping prisoners from escaping, if no other means are available
>
> 3. Dispersing rallies, assemblies, demonstrations, riots, according to the provisions of Section Three of Chapter One of the Penal Code;
>
> 4. Lawful self-defence of life, person, property, and the lives of others, their persons, and their property.

[563] Constitution of Bahrain, art 19.
[564] Constitution of Bahrain, art 18.
[565] Constitution of Bahrain, art 23.
[566] Constitution of Bahrain, art 28.

> In all aforementioned circumstances, the use of force must be necessary and proportionate with an impending danger, and to be the sole available means of confronting this danger, the existence of which must be ascertained. Force must also be used to disable the source of attack or resistance, and must be preceded with a warning that firearms will be used, and targeting must – whenever possible – be non-lethal.
>
> The Minister of Interior shall decide pursuant to a directive issued by him on the basis of a recommendation by the Undersecretary of the Ministry of Interior and after the approval of the Cabinet which officials shall have the authority to order the use of firearms and the methods of executing that order.[567]

1111. On 10 February 2011, the Minister of Interior issued Operations Directive No. 1 of 2011, which identified the missions assigned to the various MoI divisions and departments, including the PSF. According to that directive, police personnel were ordered to use force and resort to firearms in accordance with the relevant provisions of the Public Security Forces Law.

3. Findings and Conclusions

1112. An examination of the evidence presented to the Commission has revealed that PSF units involved in the events of February/March 2011 and subsequent events in many situations violated the principles of necessity and proportionality, which are the generally applicable legal principles in matters relating to the use of force by law enforcement officials. This is evident in both the choice of weapons that were used by these forces during confrontations with civilians and the manner in which these weapons were used. The following paragraphs address the issue of necessity and proportionality with respect to the use of shotguns, tear gas, rubber bullets and the conduct of security forces at checkpoints.

1113. The Commission has found that PSF units used shotguns in many situations when this was not necessary. Overall, PSF units fired shotguns on civilians in situations where police personnel were not subjected to an "imminent threat of death or serious injury".[568] In situations where PSF units were attacked by civilians, the nature and intensity of these attacks in most cases did not warrant the use of shotguns against civilians. PSF personnel should have resorted to less lethal means of confronting civilians, in accordance with their obligation to minimise injury to civilians and to respect and preserve human life.[569]

1114. In many situations, PSF units that used shotguns during the execution of their duties did not respect the obligation enshrined in Bahraini and

[567] Decree Law No. 3 of 1982 on the Public Security Forces Law.
[568] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, art 9.
[569] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, art 5(b).

international law to use firearms in a manner that was proportionate to the seriousness of the danger presented.

1115. The Commission has also found that in the use of shotguns, PSF units did not, at all times, strictly comply with their legal obligation to target the individuals in a manner that would disable or incapacitate the individual. The available evidence, including forensic and ordnance reports, indicates that on a number of occasions PSF personnel fired their weapons without taking due care to ensure that individuals were not fatally injured.

1116. Similarly, the Commission has found that PSF units fired rubber bullets in a manner that did not aim to cause minimal injuries to civilians.

1117. The Commission has found that PSF units resorted to the disproportionate use of tear gas for the dispersion of protesters. On many occasions, the number of tear gas canisters fired at protesters was disproportionate to the size of the demonstration and the number of participants. In a number of situations, tear gas canisters were fired at private homes, in a manner that was unnecessary and indiscriminate.

1118. The Commission has found that excessive force was used by PSF units at the checkpoints that were set up on various roads in many areas of Bahrain. PSF personnel beat, kicked and physically harassed individuals who were suspected of having participated in or sympathised with the protests that occurred in Bahrain.

1119. In light of the aforementioned, the Commission concludes that while it has not found evidence establishing a purposeful practice of the use of *lethal* force by PSF units during the performance of their duties, the PSF have, on many occasions, used force and firearms in situations where this was unnecessary and in a manner that was disproportionate.

1120. The Commission has not found evidence establishing a purposeful practice of excessive use of force by BDF units that undertook field operations or that manned checkpoints in parts of Manama and other towns.

1121. The Commission has not found any evidence establishing the excessive use of force by either National Guard or NSA units.

1122. Overall, as described in Chapter IV, the level of force used against civilians by the GoB during February and March 2011 fluctuated. In the period between 14 and 19 February 2011, the security services of the GoB, particularly the PSF, used, on many occasions, unnecessary and disproportionate force to confront and disperse demonstrations. This led to a total of seven deaths and tens of injuries among civilians. Following the initiative of HRH the Crown Prince to reopen the GCC Roundabout to protesters on 19 February 2011, the Bahraini security services exercised considerable self-restraint, and used minimal force against civilians. This is best evidenced by the fact that no fatalities were recorded until 15 March 2011, when a State of National Safety was declared in Bahrain. Thereafter, the security services of Bahrain, particularly the PSF, used force to clear the GCC Roundabout of protesters, regain control of some of the major

thoroughfares of Bahrain that had been blocked by protesters and disperse demonstrations that were being organised in various villages. During these operations, especially riot control operations that were carried out by PSF units, force and firearms were used in an excessive manner that was, on many occasions, unnecessary, disproportionate, and indiscriminate.

Section C – Manner of Arrests

1. Factual Background

1123. This Section describes the method and manner in which the MoI and NSA conducted domiciliary arrests during the period from 17 March to 15 April 2011. The question of the legality of the arrests is not discussed in this Section, except for a brief consideration of the applicable law of arrest which follows.

1124. The events that took place in Bahrain during February and March 2011 resulted in a number of arrests during the course of demonstrations and at the scene of protests including, but not limited to, such locations as the GCC Roundabout, the University of Bahrain and SMC. There were also arrests of demonstrators and protesters in different Shia neighbourhoods and villages. Described below are the arrests conducted at the residences of a number of persons and the manner in which these arrests were carried out. These arrests evidence a pattern of behaviour by the involved agencies that was designed to inspire terror in the arrested persons, members of the family and inhabitants of the household. Moreover, this pattern also evidences a practice of destruction and seizure of private property.

1125. The agencies involved in these arrests are the NSA and the MoI, in particular the CID and PSF, which include riot police. One hundred individuals were arrested by the BDF, most of whom were detained for violating the terms of the curfew imposed in parts of Manama or for entering prohibited zones. The BDF also arrested two medical personnel at SMC and two former members of the Chamber of Deputies, one of whom was arrested in the street. The National Guard indicated orally to the Commission's investigators that it performed 103 arrests, all of which were performed in public places, and that the persons arrested were immediately turned over to the custody of the closest police station.

1126. The pattern of domiciliary arrests reveals the following:

a. The houses were surrounded by security forces: the MoI, NSA, or at times a combination of both. These forces secured the perimeter.[570]

b. NSA records indicate that it conducted 179 domiciliary arrests, including 42 arrests of persons caught in the act of committing an offence, relating to the events of February/March 2011. With respect to the 179 domiciliary arrests, NSA records indicate that the agency conducted the arrests by itself and that it took the individuals into custody in the NSA basement detention facility. These persons remained in detention for various periods of time ranging from two days to three weeks.

[570] There are also reported cases of BDF involvement in securing the external perimeter.

c. MoI records indicate that it conducted 1,950 arrests relating to the events of February/March 2011. In effecting these arrests, the MoI acted either without the involvement of the NSA or, in some cases, with NSA involvement but under the lead of the MoI. The persons arrested were then transferred to one of three facilities and were detained for periods ranging from days to months.

d. The arrested individuals were subject to proceedings begun either by the Military Attorney General, if the charge was brought under the National Security Decree, or the Attorney General, if it was under the Bahrain Penal Code. Regardless of the legal grounds for the arrest, the manner of execution of arrest was the same, and the pattern of mistreatment in the MoI facilities was the same as described in Chapter VI, Section D on Treatment of Persons in Custody.

e. In all reported cases, the individuals performing the arrest wore black hoods covering their heads.[571]

f. The behaviour of the hooded security forces indicates a common practice, which suggests that they received the same type of training.

g. In all reported cases, the hooded security forces broke into the houses and through internal closed doors, thus terrorising the inhabitants, including women and children.

h. Many of these arrests were reported to have occurred between 01:00 and 03:00.

i. The hooded security forces were armed and the display of their weapons added to the terrorising effect on the inhabitants of the household.

j. The women in the household were asked to stand in their sleeping garments and were not permitted to cover their bodies. These women were embarrassed and degraded, particularly in light of their religious beliefs.

k. Children were forced out of their beds screaming and crying and were frequently forced apart from their mothers, which further caused psychological trauma to both the children and their mothers.

[571] The Commission received statements from individuals who were mistakenly identified as relatives of members of the security forces. One individual reported that she and her friend were kidnapped by a group of demonstrators near her home because the kidnappers believed that she had relatives in the military. She alleged that the kidnappers threatened her and her friend with a knife and told them they would be set on fire. She believed that this was in retaliation for the arrest of a poet affiliated with the demonstrations. She stated that when her kidnappers realised they had to pass through a security checkpoint, they released her and her friend and left them on the side of the road, but told her that they would return to kill her. She reported that she and her family were forced to move from their home out of fear.

l. Security forces conducted searches by breaking into closets and drawers and then seizing personal property, including electronic equipment such as computers, mobile phones and other objects.

m. Many instances were reported of security forces seizing personal property such as money, jewellery and perfume.

n. The arrested persons were blindfolded and handcuffed behind their backs before being removed.

o. Many of the security forces directed verbal abuse and insults at both the arrested individuals and members of their family. With few exceptions, all of the arrested individuals were Shia. The verbal abuse generally involved insulting religious and sectarian beliefs and symbols.

1127. The Commission received 640 complaints alleging the seizure and theft of personal property and the destruction of personal property in the course of these arrests. This included the seizure of cars and, in some cases, wilful damage done to cars that were not seized.

1128. Many complainants indicated that, as of 31 October 2011, property seized at the scene of arrests, including cars, had not been returned to them.

1129. Responses from the two government agencies involved in these arrests, namely the MoI and the NSA, indicate that the property seized was only in the nature of computers and mobile phones, which were deemed necessary as evidence of the crimes. They deny any seizure of other personal property such as money, jewellery or perfume, which would otherwise constitute theft. They also deny any wilful destruction of property inside the houses or damage to cars outside the houses, other than that caused by the use of force necessary to execute searches and arrests. These agencies also stated that the security forces were hooded in order to protect them from being identified for fear of retaliation against them and their families.

1130. A number of arrested persons have also complained that in the course of their arrests they were manhandled, mistreated and insulted. These agencies responded that any claimed mistreatment at the time of arrest was due to resistance by the persons arrested, an allegation that was denied by those arrested persons interviewed by Commission investigators.

a) *The Treatment of Women and Children Present During Arrests*

1131. Witnesses' descriptions of confrontations with the agencies in question reflect a common pattern. Security forces broke down the door and conducted a violent search for the suspect until he was apprehended, generally in the presence of women and children. Once the suspect was identified, security forces immediately restrained his movement by throwing him on the floor face-down and tying his hands extremely tightly behind his back using

plastic handcuffs, which caused a loss of sensation in many cases.[572] The security forces then typically beat the suspect (usually using kicks and punches, and on some occasions striking the suspect with their firearms) in front of his family.

1132. A number of women who provided statements to the Commission said that at the time of the arrest, they were in bed wearing a nightgown and were not allowed to cover themselves when security forces raided the house and searched the rooms. Two women stated that they were instructed to keep their hands down when they attempted to cover their chest.

1133. Many witnesses also reported that security forces interrogated family members with regard to the whereabouts of suspects who were not present in the house, sometimes threatening to take their sons, daughters, brothers or others present in the house in order to lead them to the suspect's location. In a few cases, male witnesses stated that security forces threatened to sexually abuse the women until the men provided information on the whereabouts of the suspect.

1134. In most instances, it was alleged that security forces deliberately terrorised all family members, including women and children, and told them to stay away from the suspect. Security forces sometimes instructed children to go inside bedrooms while threatening to kill other members of the household.

1135. One woman whose husband was arrested by security forces reported as follows:

> It was 01:30 in the morning. Around six to eight men broke into the house, all hooded. One stayed in the living room because one of my children was sleeping on the couch. The others entered the bedroom. I was wearing a nightgown and they wouldn't let me get dressed or even cover my chest with my hands. At least four men jumped on my husband and pushed him to the ground. They dragged him to the living room and started beating him. They also pushed one of my children to the ground and pointed a gun at him, demanding that he provide the names of other suspected persons. They broke several items in the house, including pictures of religious leaders and a framed picture of my grandfather, which was of great sentimental value to me. They took all our mobile phones, a camera, portable DVD player and 1,800 Bahraini Dinars, and then they left with my husband. While they were leaving I noticed a large number of riot police surrounding the house. I knew that they were riot police because I recognised their uniforms.

[572] The Commission received a forensic report which indicated that four victims suffered nerve injuries from handcuffs. The report also identified numbness in the radial and ulnar nerve distributions (thumb and fifth finger).

1136. This description of events is typical of the numerous complaints that the Commission received in regard to arrests.

1137. One man testified that he was arrested at Bahrain International Airport in front of his wife and their three children. He was blindfolded, handcuffed and dragged to a nearby office, where he was beaten and interrogated. His statement is detailed in Annex B in regard to allegations of torture and other cruel, inhuman and degrading treatment. His wife described the incident in the following manner:

> My children were terrified. The security forces took my husband and me to the CID where we were interrogated for one hour. I kept asking about my children and eventually I was taken to them in a separate office at the CID. They were terrified and crying. I sat with them for a short time before I was taken again and interrogated further. Eventually I was taken home from the CID and I found my children there with their uncle. The following night the house was raided by a number of hooded men in civilian clothes. They searched and ransacked the house looking for laptops, mobile phones, CDs and DVDs. They took a number of personal items including jewellery and 6000 Bahraini Dinars, and they broke several items in the house. They arrested me in front of my children in an extremely aggressive manner.

1138. Commission investigators witnessed one incident in which children under the age of 15 were arrested and detained at Al-Budaie police station. Commission investigators arrived at the police station at around 01:40 in the morning of 1 August 2011 and found a number of teenage boys standing blindfolded and handcuffed. They had all been beaten and one boy, who was 14 years old, had cigarettes burns on his chest. The boys told the investigators that they had been arrested while they were sitting at a *ma'atam* learning the Quran from one of the Imams in the neighbourhood. They stated that when they were arrested, security forces ransacked the *ma'atam* and took all of the books and CDs as well as a cassette player and a DVD player. Security forces told Commission investigators that the boys had been arrested for throwing stones at two police cars. The Commission investigators examined the police cars and noted that the damage to them was extremely minor. Upon the intermediation of the investigators, the security forces released the boys. The following day, following a report of the Commission investigators, the MoI suspended the officer in charge of the police station as well as eight additional security personnel.

b) *Destruction of Property*

1139. Most witnesses stated that security forces broke down the front door and, in some cases, the back door of the house in the course of the arrest. While this was frequently the home of the individual being arrested, there were also instances in which the individual being arrested was in the home of a relative or a friend. A small number of witnesses recalled that the security

forces also rang the doorbell. In a small minority of cases, witnesses reported that security forces entered through windows.

1140. Investigators received photographs of broken doors, windows, furniture (beds, closets, drawers, cabinets, etc) and personal items. The destruction documented in these photographs was not limited to a single room and included living rooms, kitchens, bedrooms and hallways.

1141. Personal items included those of both financial and sentimental value. Many witnesses stated that security forces deliberately broke the *turba* (stone used for prayer amongst Shia) as well as pictures of religious and political leaders. Commission investigators received photographs of some of these destroyed items.

1142. Additionally, investigators interviewed 264 detainees at detention centres and prisons. Most of those detainees alleged that during the arrest security forces intentionally destroyed doors, furniture and other household items. In some instances, these allegations were corroborated by relatives who also provided statements to the Commission.

1143. Some witnesses complained of damage to cars that were parked outside houses. Commission investigators received several videos showing security forces destroying cars outside houses, but those videos were not taken during the period of arrests described in this Section.

1144. A number of complainants reported that their cars were seized in the context of arrests and that they have not been able to recover the cars. The MoI has confirmed that the cars seized in connection with arrests as well as other cars seized in connection with the events of February/March 2011 have all been placed in a stockyard in an area outside the city. A Commission investigator has verified that such a location exists and that it is full of cars, most of which have been damaged, presumably during the seizure and transportation to this location, and that they have been further damaged by having been kept there for periods of up to six months. This form of seizure of personal property is confiscatory and deprives persons of their right to property.

c) *Theft of Property*

1145. The Commission received 16 complaints that members of the security forces stole property from inside the house in the course of the arrest. The stolen property included electronic equipment such as mobile phones, computers and laptops, as well as personal items such as jewellery, perfume and money. The MoI told Commission investigators that the electronic equipment was seized as evidence against the arrested persons.[573]

1146. Some of the stolen items were subsequently returned to the owners. However, a large majority of those who attempted to retrieve their property were told that security forces had no records of the property having been

[573] Minutes of meeting between Commission investigators, the Minister of Information and the Head of Legal Affairs, 9 September 2011.

taken. In other cases, detainees stated that they had seen their property in court being used as evidence against them. Some of the witnesses alleged that when they asked about their items, they were told that they were "spoils of war".

1147. The Minister of Interior assured the Commissioners that security forces always respected the laws of Bahrain. However, he admitted that they had investigated three cases of police misconduct and that the offenders had received harsh penalties.

1148. The NSA denied that any of their personnel had ever stolen anything. However, they indicated that they had heard of some cases of police misconduct, but they had no details to share with the Commission.

2. Applicable Law

1149. This section outlines the international and national legal obligations relating to arrest and detention. In particular, the Commission notes that Bahrain is a State party to the ICCPR[574] and the revised Arab Charter on Human Rights (Arab Charter).[575] Furthermore, inhuman treatment is forbidden under the Constitution of Bahrain, the Bahrain Penal Code and the Code of Criminal Procedure. Entering homes and searching for persons are activities covered by the Bahrain Code of Criminal Procedure (2002). The Constitution of Bahrain also states that dwellings are inviolate.

a) *International Law*

1150. Article 9(1) of the ICCPR provides: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." Article 9(5) provides: "Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation." Article 10(1) further provides: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

1151. In regard to the inviolability of the home, article 17(1) of the ICCPR provides: "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation." Article 17(2) provides: "Everyone has the right to the protection of the law against such interference or attacks."

1152. Article 14(1) of Arab Charter on Human Rights provides: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest, search or detention without a legal warrant." In regard to the inviolability of the home, article 21 of the Arab Charter mirrors article 17 of the ICCPR.

[574] International Covenant on Civil and Political Rights 1966.
[575] Arab Charter on Human Rights, adopted by the Council of the League of Arab States on 22 May 2004, UN Doc. CHR/NONE/2004/40/Rev.1, entered into force 15 March 2008.

b) *National Law*

The Constitution of Bahrain

1153. Article 25 of the Constitution provides: "Dwellings are inviolate. They cannot be entered or searched without the permission of their occupants except in cases of maximum necessity as laid down and in the manner provided by law".

1154. Article 19 (d) provides: "No person shall be subjected to physical or mental torture, or inducement, or undignified treatment". Further, article 19 (d) provides that a person accused of a crime may not be harmed physically or mentally.

The Bahrain Penal Code

1155. Article 207 of the Penal Code provides for a prison sentence "for every civil servant or officer entrusted with a public service who knowingly searches a person, his residence or premises against his will or in cases other than those provided for or stipulated in the Law".[576]

1156. Article 309 provides for a punishment of imprisonment for a period not exceeding one year or a fine not exceeding BD 100 for offending one of the religious sects or ridiculing the rituals thereof. Article 311 provides for a punishment of imprisonment for a period not exceeding one year or a fine not exceeding BD 100 for "any person who destroys, damages or desecrates a place of worship for a recognised sect or a symbol or other things having a religious inviolability".

1157. Relating to women, article 344 provides that life imprisonment shall be the penalty for any person who has sexual intercourse with a female without her consent.

1158. Relating to theft, article 373 defines theft as "dishonest appropriation of movable property belonging to another with the intent of permanently depriving the other thereof". In addition, article 374 provides that theft shall be punishable by life imprisonment in the following circumstances:

a. If committed at night;

b. If one of the offenders is carrying a weapon;

c. If committed at residential premises or at premises intended for residential purposes, or annexes thereof, where entry is gained by trespass, break-in or use of original or duplicate keys against the will of their owner, or by assuming a false identity or by alleging to be a public servant or by such other illegal means.

1159. Article 380 provides that a prison sentence of no less than three months shall be adopted if a theft is committed at any of the following designated places: a place intended for worship, residential premises, premises

[576] Based on a translation provided by the MJIA.

intended for residential premises or premises intended for residential purposes, or annexes thereof.

Bahrain Code of Criminal Procedure

1160. The Bahrain Code of Criminal Procedure is based on the Egyptian Code of Criminal Procedure, which in turn is derived from French criminal procedure. The Bahrain Code of Criminal Procedure prescribes the legal procedures applicable to authorities when conducting a search of a home or person. It also prescribes the legal procedures applicable to police arrests of persons caught in the act of committing an offence. Such arrests are based on the arresting officer's belief that a crime has been committed in his presence or on the basis of objective evidence to his knowledge.

1161. In relation to searches of a home or person, article 65 provides: "Members of the public authority shall not enter any inhabited premises except in the circumstances indicated in the Law or in case of seeking assistance from inside the premises, fire, drowning or such similar events." Article 66 provides: "In circumstances where it is legally admissible to arrest the accused, the judicial arrest officer may search him." If the accused is female, the search must be conducted by a female.

1162. In the event of an arrest, article 67 provides: "In case of felonies and misdemeanours involving persons caught in the act, and punishable by imprisonment for a period exceeding three months, the judicial arrest officer shall be empowered to search the accused's home and to apprehend therein the items and documents that help reveal the truth if it is clear to him that there are strong indications that they are available therein." In addition, article 69 allows for the seizure of objects related to the crime for the purposes of an investigation and this, according to article 70, must be done in the presence of the accused or a representative acting on his behalf.

1163. Article 73 also states that the judicial arrest officers "shall be empowered to seize the documents, weapons, machinery and everything that is likely to have been used in committing [the offence]… Such items shall be shown to the accused who shall be requested to make his comments thereon and a statement to that effect shall be drawn up to be signed by the accused. Where the latter refuses to sign, this fact shall be indicated in the statement".

1164. Chapter Five of the Code of Criminal Procedure outlines the role of the Public Prosecution after the collection of evidence and the procedures for the safekeeping or release of those items or documents. Section Two of Chapter Five relates to the inspection, search and seizure of objects related to the crime. Article 90 empowers the Public Prosecution to issue a search warrant to search the house of the accused upon an indictment against him for items that may have been used in the commission of the crime.

1165. Article 57 provides that an individual arrested pursuant to the Code of Criminal Procedure must be interrogated immediately by the arresting authority and cannot be kept in detention for more than 48 hours, after which time the detainee must either be released or transferred to the relevant judicial authority for questioning. This judicial authority, which in ordinary

circumstances in Bahrain is the Public Prosecution, is responsible for ensuring that the arrest was in conformity with the Code. The Public Prosecution is required to question the detainee within 24 hours, and the detainee has the right to the assistance of legal counsel during this questioning period. After this initial 24-hour period, the Public Prosecution issues a formal order of detention based on the charges proffered.[577]

1166. According to article 147 of the Code of Criminal Procedure, the Public Prosecution may extend the detention period for the purposes of further questioning for seven days. If the Public Prosecution requires further extension, the arrested individual must be brought before a judge, who may authorise further extensions of detention for a period that does not exceed a total of 45 days. Article 148 states that if the Public Prosecution believes that further questioning is required, the arrested individual must be brought before the Higher Criminal Court to decide whether to extend detention for additional periods, each period not exceeding a total of 45 days. Generally, the Code of Criminal Procedure proscribes the temporary detention of individuals for over six months.

Law No. 58 of 2006 on the Protection of Society from Acts of Terrorism

1167. Law No. 58 of 2006 on the Protection of Society from Acts of Terrorism allows the Public Prosecution to extend detention for an additonal period of 60 days. This law also extends the period during which law enforcement officials may detain individuals suspected of committing acts proscribed pursuant to this law to five days, instead of the 48-hour period prescribed in the Code of Criminal Procedure. This period can be extended another 10 days upon the approval of the Public Prosecution.[578]

Emiri Decree Law No. 3 of 1982 on the Public Security Forces[579]

1168. Article 1 of Emiri Decree Law No. 3 of 1982 on the Organisation of the Public Security Forces provides that the Public Security Forces are a "regular armed service within the Ministry of Interior that is responsible for the maintenance of public order, security and morals inside Bahrain, and the protection of lives, persons and property."

1169. Article 13 of this Decree Law provides:

> Public security forces may bear arms and ammunition provided to them pursuant to orders from the Minister of Interior. These arms may not be used except in the cases and according to the conditions outlined below:

[577] Before a person is submitted to the Public Prosecutor that person can be detained for up to 48 hours by the arresting law enforcement agency. Bahrain Criminal Procedure distinguishes between arrest and detention. Law enforcement agencies can arrest an individual for up to 48 hours, but must transfer the person to the Prosecutor after that period of time. The Prosecutor must, within 24 hours, issue a decision to place the person under preventive detention or release him/ her.
[578] See Law No. 58 of 2006, arts 26-29.
[579] Based on a translation by the Commission.

1. To arrest:
    a. Any person convicted of a felony or sentenced to more than three months imprisonment if that person resists arrest;
    b. Any person charged with committing a felony or found committing a misdemeanour, and resists arrest.
2. To protect detainees:

Firearms may be used against detained persons in the following cases:

a. Confronting an attack or any forceful resistance if no other means are available;
b. Stopping prisoners from escaping, if no other means are available.

3. Dispersing rallies, assemblies, demonstrations and riots, according to the provisions of Section Three of Chapter One of the Penal Code.
4. Lawful self-defence of life, body, property and the lives of others, their bodies and property.

In all aforementioned circumstances, the use of force must be necessary and proportionate to an impending danger, and must be the sole available means of confronting this danger, the existence of which must be ascertained. Force must also be used to disable the source of attack or resistance, and must be preceded with a warning, whenever possible, that firearms will be used, and targeting must not be lethal.

The Minister of Interior shall decide, pursuant to a directive issued by him on the basis of a recommendation by the Undersecretary of the Ministry of Interior and after the approval of the Cabinet, which officials shall have the authority to order the use of firearms and the methods of executing that order.

Royal Decree No. 18 of 2011 on the Declaration of a State of National Safety

1170. Royal Decree No. 18 of 2011 on the Declaration of a State of National Safety was issued on 15 March 2011 to declare a State of National Safety in Bahrain pursuant to article 36(b) of the Constitution of Bahrain. The State of National Safety was lifted on 1 June 2011 pursuant to Royal Decree No. 39 of 2011 issued on 8 May 2011. Royal Decree No. 18 of 2011 was discussed in detail in Chapter III concerning the applicable legal framework.

1171. Four government agencies were primarily responsible for the implementation of Royal Decree No. 18 of 2011. These are the BDF, the MoI, the NSA and the National Guard. Article 5 of Royal Decree No. 18 of 2011 provides that these authorities are empowered to undertake a range of measures to implement the Decree, including:

a. Searching persons and places when suspicions exist of a violation of the provisions of this Decree or the decision or orders issued by the authority responsible for its implementation; and

b. Arresting and detaining suspects and persons deemed threatening to the security of citizens.

3. Findings and Conclusions

1172. Between 21 March and 15 April 2011, Bahrain security forces systematically raided houses in order to arrest individuals, and in so doing terrified the occupants. The security forces intentionally broke down doors, forcibly entered and sometimes ransacked the houses. This practice was often accompanied by sectarian insults and verbal abuse. Women and children and other family members frequently witnessed these events. In many of the reported cases, the women were asked to stand in their sleeping clothes, which did not adequately cover their bodies, thus humiliating the women, the children and their arrested spouses or relatives. This practice also constitutes a violation of Muslim and in particular Shia religious practices.

1173. When the MoI was asked about its role in these arrests, it stated that it was merely assisting the NSA and that no joint operations were carried out. However, the witness statements provided to the Commission indicate that the MoI did in fact take part in these raids.

1174. Most of the arrests described in this section were based on Royal Decree No. 18 of 2011 on the Declaration of a State of National Safety, which gives the authority to the Military Attorney General to issue arrest warrants for an indefinite period of time, without having to state the evidentiary basis supporting the arrest and without having to secure any judicial authorisation. The assumption under this Decree is that the Military Attorney General is a judicial officer. Based on this reasoning, the National Safety Decree did not provide for any judicial oversight. In addition, the National Safety Decree does not require the arresting officer to produce an arrest warrant issued by the Military Attorney General, nor is there any requirement for obtaining a search warrant to search the premises of the person arrested. On its face, this type of arrest constitutes arbitrary arrest under article 9 of the ICCPR. In all of the cases in which arrests and incidental searches of residential premises and seizures of property were made, no arrest or search warrant was shown to the person arrested or the person whose premises were searched. As discussed in Chapter III, the constitutionality of Royal Decree No. 18 of 2011 has been challenged by every defendant who has been charged under it, and the Commission recommends that the constitutionality of this Decree be reviewed by the Supreme Constitutional Court.[580]

1175. While most of the arrests described in this Section were conducted on the basis of the National Safety Decree, some were conducted on the basis of the Code of Criminal Procedure. Neither the Attorney General nor the

[580] See Chapter III on Legal System and Enforcement Structures.

Military Attorney General have been able to provide an explanation as to why some persons were arrested pursuant to the National Safety Decree and others pursuant to the Code of Criminal Procedure. The 179 cases of arrest officially performed by the NSA were all conducted pursuant to the National Safety Decree.

1176. With respect to arrests performed by the MoI pursuant to the Code of Criminal Procedure, the records provided to the Commission reveal that arrest warrants were contained in the judicial records of the persons who subsequent to their arrest were charged with crimes. However, in none of the cases investigated were these warrants shown to the arrested persons, nor is there any record that security forces followed the requirements of the Code of Criminal Procedure subsequent to the first 48 hours of arrest, as described above.

1177. The MoI and NSA advised the Commission that that they had appropriate procedures in place to deal with arrests, including situations where family members are present in the course of an arrest. The Commission was not given a copy of these procedures. Assuming that such procedures existed, and in the light of the overwhelming evidence of abuse that was inflicted, it is clear that they were not followed.

1178. In conclusion, the Commission finds that a substantial number of the arrests made pursuant to the pattern described above violated international human rights law and Bahrain law. In particular, security forces carried out the arrests without presenting an arrest or search warrant. The Commission finds that in many cases, the manner in which the arrest was performed involved unnecessary excessive force, accompanied by terror-inspiring behaviour on the part of the security forces in addition to unnecessary damage to property. All of these factors reveal a failure to follow the appropriate procedures identified by the MoI and NSA. In regard to the seizure of items in connection to arrest, the agencies involved did not provide any records of the seized items. The Commission investigators were also not informed of any investigation commenced by the respective agencies on the basis of complaints by the persons arrested or members of their families. This evidences a pattern of disregard for violations of any procedures that may have existed as well as disregard for Bahrain law and international human rights law pertaining to fairness and due process in connection with arrests.

1179. Furthermore, the very fact that a systematic pattern of behaviour existed indicates that this is how these security forces were trained and how they were expected to act. This could not have happened without the knowledge of higher echelons of the command structure of the MoI and NSA.

1180. The failure to investigate these practices effectively, and the failure to take adequate measures to prevent violations by security forces, could constitute the basis for superior responsibility.

Section D – Treatment of Persons in Custody

1. Factual Background

1181. This Section examines allegations of torture and mistreatment arising out of the events of February/March 2011 in Bahrain. The Commission received 559 complaints concerning the treatment of persons in State custody. These 559 complainants included individuals who had been released from detention and individuals who remained in custody at the time of the Commission investigations. For the purposes of this Section, all of these complainants are referred to as "detainees". All but nine of these detainees were Shia Muslims. The Commission also conducted interviews with family members and lawyers of these detainees.

1182. Forensic medical experts appointed by the Commission examined 59 of these detainees, and Commission investigators also conducted further interviews with these individuals. The 59 detainees who underwent a forensic medical examination were selected on the basis of one of the following criteria: (i) the severity of the alleged injuries and the existence of physical marks on the bodies of certain detainees; or (ii) the high profile nature of their case. In particular, the 59 selected detainees included the 14 political leaders as well as the SMC doctors who were charged with offences relating to the events of February/March 2011. The information obtained and the conclusions reached by the medical specialists are included in Annex B.

1183. The circumstances and manner of the arrests carried out in connection with the events of February/March 2011 have been examined in Section C of this Chapter.

1184. The deaths of five individuals, Mr Hasan Jassim Mohamed Maki (39)[581], Mr Abdel Karim Fakhrawi (49)[582], Mr Zakariya Rashid Hassan Al Asheri (40)[583] and Mr Ali Isa Saqer (31)[584], have been attributed to torture. In addition, Mr Jaber Ebrahim Alawiyat (43)[585] died four days after being released from detention. These five cases have been considered in Section A of this Chapter, which dealt with deaths arising out of the events of February/March 2011.

1185. Included within the 559 complaints of torture were two high profile groups of detainees who made similar allegations of torture or mistreatment:

a. 14 political leaders were arrested by the NSA and accused of conspiring to overthrow the regime. Seven of these individuals were arrested on 17 March 2011, and the remaining seven were arrested between 21 March and 15 April 2011. They alleged that they spent between one day and three weeks in interrogation in what is believed to be the

[581] Case No. 22.
[582] Case No. 25.
[583] Case No. 24.
[584] Case No. 23.
[585] Case No. 26.

NSA building in Al-Qalaa (known as "the castle" or "fort"), after which time they were transferred to Al Qurain Prison and placed in solitary confinement in the same wing.

b. 110 MoI personnel were arrested and accused of being absent from work during the events of February/March 2011 or for refusing to carry out orders of their superiors during the confrontations. These individuals primarily complained about verbal abuse consisting of insults about their family and religious sect.

1186. Only four of the individuals who alleged torture were arrested by the BDF.[586] The following paragraphs outline the four cases of torture that are allegedly attributable to the BDF:

a. 48 medical staff were arrested as a consequence of the events at SMC. One of the accused medical staff was arrested at SMC at 16:00 on 17 March 2011. He spent 15 hours in an unknown police station and the following 15 days in a military location (possibly Al Qurain), where he alleges that he was tortured and forced to eat his own faeces. He was transferred to the CID of the MoI, where he alleges that he was forced to sign 30 unknown documents. On 3 April 2011, a military prosecutor interrogated him for approximately three hours. On 5 April, he was transferred to Dry Dock Detention Centre where he alleges that he was tortured for three days.[587]

b. At 20:30 on 2 May 2011, unknown hooded individuals in civilian clothes arrested a former member of parliament at his home. He alleges that he was taken to an unknown place and interrogated for approximately two hours. On 5 May, he was transferred to the NSA where he alleges that he was blindfolded and subjected to verbal abuse for approximately two weeks. He claims that on 18 May he was pushed around and kicked in the back while he was being transferred to the Military Prosecution, where he was forced to sign documents while blindfolded.[588]

c. A former member of parliament was arrested in Dry Dock Detention Centre at 20:30 on 2 May 2011 following a car chase. He alleges that he was slapped in the face and taken to an unknown location for three days. There he alleges that he was beaten, kicked and ordered to remain standing for prolonged periods of time while he was interrogated. On 5 May, he was transferred to the NSA where he spent 45 days in detention. He claims that he was subjected to several forms of mistreatment, including sleep deprivation, verbal abuse and

[586] See Annex B.
[587] See Annex B.
[588] See Annex B.

beatings. He was eventually transferred to the Military Prosecution where he alleges he was forced to sign papers while blindfolded.[589]

d. One detainee, a doctor, was arrested by the BDF at SMC on 17 March 2011. The BDF transferred him to persons wearing civilian clothing who were accompanied by police. The detainee alleges that his CPR card, passport, wallet, glasses and keys were confiscated, and he was then placed in solitary confinement in a location near SMC. He alleges that this is where the beatings began. On 18 March, he was interrogated and beaten in what he believes was a military air base by men in military uniform. He stayed at that location for about 10 days with no access to a lawyer or contact with his family. He was then transferred to an isolation cell in prison, where he alleges that masked military personnel interrogated him regularly for two and a half months and subjected him to physical abuse. During one of the interrogations, they brought in barking dogs. He claims that in another session, an individual began threatening him and insulting his dignity until he signed a confession to crimes he did not commit. At the end of March, he was taken to the CID where he remained for about two weeks. There he alleges that he was tortured, forced to stand for prolonged periods, deprived of sleep and threatened with sexual assault. He also claims that officials frequently placed their hands on sensitive areas of his body. He recalls that he had four interrogations and was forced to sign documents on each occasion. He alleges that they threatened him with torture until he confessed to the allegation that he had been in contact with the Iranian authorities and called for the overthrow of the Government. He claims that he was repeatedly beaten with a hose during these sessions. On 13 April, he was taken to Dry Dock Detention Centre where he still was not permitted to contact his family or a lawyer. At one point he was taken with three other doctors to a location underground in the centre of Bahrain, where they remained for three days before being taken for medical tests. The detainee and the other doctors were questioned about their ties to Iran and shown photographs of individuals with alleged ties to Iran. Their first court session was on 6 June 2011 and this is where the detainee saw his lawyers and family for the first time. The detainee alleges that he and the other doctors were subjected to physical and verbal abuse on their way to court. The detainee has since seen a psychiatrist because of severe depression and his health has deteriorated.

[589] See Annex B.

a) *General Pattern of Mistreatment*

1187. The Commission received complaints that individuals who were arrested and detained as a group were subjected to similar experiences in relation to their treatment while in custody. The groups reporting similar behaviour included some of the 14 political leaders, the SMC doctors, the employees of government agencies (such as the MoI) and groups of employees arrested from the same companies.[590]

1188. The majority of the detainees alleged that they were subjected to verbal abuse and insults while in detention. All of the detainees, apart from one Sunni in detention in Al Qurain Prison, made allegations of routine sectarian insults, which included insults relating to Shia religious practices and their religious and political leader.

1189. Many detainees reported hearing the shouts of other detainees being tortured, which created a climate of fear.

1190. A number of detainees alleged that they were threatened with rape or death. These threats were directed to the detainee himself or to the detainee's relatives, particularly female relatives. Detainees in a number of high profile cases, such as in the killing of two police officers, alleged that they were threatened with the rape of female family members.[591]

1191. There were numerous allegations of sexual abuse of detainees at various locations including the NSA building, Asri, Al Naim, Al Riffa, Al Qudaibiya, Al Wista, Sitra, Hamad Town and Isa Town. Detainees in a number of high profile cases, such as in the killing of the police officers mentioned above, alleged that they were sexually abused. Two detainees alleged that hoses and other objects were inserted into their anus and that guards groped their genitalia aggressively. Some of the detainees also made allegations of sexual humiliation, which included being stripped naked.

1192. Several detainees were refused access to toilet facilities for prolonged periods, as a result of which they were forced to urinate on themselves. This treatment was particularly prevalent at the CID and at Asri prison / detention centre. There were reports that even when detainees were taken to the bathroom, they remained blindfolded and were not permitted an appropriate amount of time.

1193. The Commission received some complaints alleging that there was a lack of access to water for drinking and for washing necessary during the preparation for prayer. There were also complaints made in relation to the absence of showers and soap, as well as the unhygienic state of toilet facilities.

[590] Bahrain International Circuit (Formula One), Asri Offshore Services, the University of Bahrain, MoE and the Ministry of Health, as well as other private and public companies and institutions.

[591] These two detainees were convicted and sentenced to death and life imprisonment, respectively, on 28 April 2011.

1194. Some detainees complained that they were prevented from prayer for a short period, primarily during the first one or two days after their arrest. It does not appear that such deprivations were common.

1195. Almost all detainees alleged violations of due process. For example, most detainees complained about the lack of information they received about the reasons for their arrest and detention. Many detainees alleged that they did not know why they were being detained until their first court hearing. They also stated that they were not permitted access to legal representation for a number of weeks, some even as late as the day of their first hearing. Numerous detainees at Al Qurain and Juw Prisons stated that they were detained for approximately two to three months without being allowed contact with a lawyer. When they did eventually meet with their lawyer, it was only for a few minutes and often not in private.

1196. A large number of detainees alleged that they were forced to sign confessions during their interrogation.[592] This was particularly prevalent at the NSA and the CID. In many cases, detainees were forced to sign documents that they did not have a chance to read. The detainees alleged that they were subjected to mistreatment if they refused to sign such documents. These confessions were later used as evidence against them in their criminal trials. Many of the detainees alleged that they were told that if they confessed to certain crimes they would avoid even worse treatment.

1197. The majority of detainees also complained that they were not permitted to speak to their families at all during the initial days or weeks of their detention. In many cases, their family did not know where they were. A large number of detainees at Al Qurain and Juw Prisons stated that they were detained for approximately two to three months without being allowed any contact with their families. The detainees stated that this caused distress, anxiety and psychological damage. After this initial period without family contact, the detainees were permitted telephone calls and family visits, but these were infrequent.

1198. A large number of detainees alleged that they were denied access to health care, which was particularly distressing for those with chronic diseases and pre-existing injuries. Detainees stated that they were taken to hospital for treatment and they were beaten and verbally abused during transfer and in the treatment facilities. This pattern was particularly common to detainees who were treated at BDF Hospital and the MoI Hospital in Al-Qalaa. It seems that the majority of the NSA detainees who required medical attention were sent to BDF Hospital, while MoI detainees in need of medical attention were sent to the MoI Hospital.

1199. The Commission received 110 complaints from MoI personnel who were detained in connection with the events of February/March 2011. These detainees primarily complained about verbal abuse consisting of insults to their family and religious sects. Of the 110 complaints received from MoI

[592] There were allegations that this took place at Asri, Al Naim, Al Riffa, Al Qudeibia, Al Wista, Sitra, Hamad City and Isa Town.

personnel, only 19 concerned allegations of physical abuse. One of these cases was an individual detained at Hamad Town (Roundabout 17) who awoke after a period of unconsciousness with severe injuries, including deep cuts in his upper left lip and left ear, burn marks on his arms, hands and legs, and apparent rubber bullet marks on his face and other parts of his body. There were also lashes on his body, which appear to have been made with whips, and other marks on his back and other parts of his body. When the Commission investigators met with MoI personnel at Dry Dock Detention Centre, it was discovered that the detainee had been taken to Juw Prison one day earlier.

1200. The detainees believe that the security forces acted with impunity and there is no accountability for the treatment that they were subjected to. In some cases, when the detainees were released they were told simply to "forget about what happened".

1201. The Military Prosecution informed the Commission in writing that the first complaint they received about mistreatment was on 26 July 2011 and related to verbal abuse only. On 8 August 2011, detainees first made complaints to the Commission about mistreatment while being held at the NSA and after being transferred to Al Qurain Prison. On 10 August, the detainees refused to cooperate with the military investigation committee on the basis that investigations should be conducted by the Public Prosecution and not the Military Prosecution. The 14 high profile political detainees refused to cooperate with the Military Prosecution and indicated that they would only answer to a prosecution brought by the Public Prosecutor.

1202. On 22 October 2011, the Military Prosecution submitted a letter to the Commission, which denied that any torture had taken place at Al Qurain Prison. The letter also asserted that only two of the 14 political detainees had previously claimed that they were tortured before being transferred from the custody of the NSA to the BDF. The Military Prosecution referred these individuals to BDF Hospital for medical examinations. The Commission received these medical reports, which confirmed that when the two detainees were transferred from the NSA to BDF custody there was evidence of bruises and inflammation on their bodies. The Military Prosecution also provided evidence that medical treatment was provided for the 14 political leaders at a total cost of USD63,000 between April and October 2011. After the detainees' allegations of mistreatment in Al Qurain Prison and the death of three detainees in Dry Dock Detention Centre, the Military Prosecution replaced the administration at Al Qurain Prison and ordered that the 14 political leaders as well as the individuals charged with murder or attempted murder of police officers be transferred from Dry Dock Detention Centre to Al Qurain Prison.

b) *Specific Techniques of Mistreatment*

1203. In addition to the general pattern of mistreatment described above, the Commission heard consistent allegations that authorities used certain specific techniques when conducting interrogations. Detainees alleged that these

techniques were used to facilitate the extraction of information and, in some cases, confessions. Many of these techniques were used on a daily basis over a period of weeks or even months. The alleged interrogation techniques included the following:

a. **Blindfolding and handcuffing**

Almost all the detainees stated that they were blindfolded and handcuffed for extended periods of time, particularly in the centres of interrogation. The Commission identified similar marks on detainees' noses and wrists. It was alleged that these marks were caused by severe tightening of blindfolds and handcuffs. Some of the detainees claim that they now experience decreased sensation in their hands as a result of the tightness of the handcuffs and the length of time that they were restrained. The Commission noted that the majority of the handcuffs were plastic, which can be easily tightened.

b. **Forced standing**

Most of the detainees alleged that they were forced to stand for prolonged periods on a daily basis. In some cases, detainees stated that they were forced to stand on one leg and sometimes with their hands up. Detainees were allegedly forced to stand in the middle of the room and sometimes against a wall.

c. **Severe beatings**

Detainees alleged that they were subjected to beatings during arrest, in vehicles and in detention centres. Beatings allegedly took place on a daily basis and were inflicted on the whole body (particularly the back, head, limbs and torso) by kicking and punching or by using cables, sticks and other objects. Detainees reported that the beatings were often performed by individuals wearing plainclothes and with their faces masked. In almost all instances, detainees were blindfolded and were therefore unable to identify the persons responsible for the beatings. The Commission received reports from some detainees alleging that they were sometimes able to see under their blindfold after they were pushed onto the floor.

In many cases, beatings were also alleged to have taken place in hospitals. Detainees complained about beatings to all parts of their bodies, particularly the back and the head. Many detainees also complained about receiving beatings on existing injuries sustained during the protests. This was particularly prevalent among those detainees who were arrested after receiving treatment at SMC.

d. **Use of electro-shock devices and cigarettes**

A small number of detainees alleged that electro-shock devices

were used during interrogation sessions.[593] There were also reports of cigarettes being used to inflict burns on detainees.

e. **Beating of soles of feet (*falaqa*)**

The technique known as *falaqa*—beating on the soles of the feet—was allegedly used on some detainees. Such beatings were reportedly inflicted using a rubber hose. A number of detainees also made allegations that they were suspended in painful positions for prolonged periods of time (reverse hanging).

f. **Verbal abuse**

All detainees alleged that they were subjected to some form of verbal abuse during detention. The majority of detainees were Shia and the alleged insults frequently related to Shia practices and religious or political figures. There were reports of the following insulting terms being used: *ibn/bint al muta'aa* (son/daughter of a temporary marriage); *rafidi/a* (deserters); *safawi/a* (relating to the Safavid dynasty); filth; animal; spy; and traitor. In addition, detainees alleged that insults relating to female family members were often used during interrogations.

g. **Sleep deprivation**

The majority of detainees complained of being awakened during the night by loud noises (such as banging against the cells), by cold water or by beatings. The detainees complained that the time allotted to sleep was limited. This was a particularly common complaint received from detainees at Asri prison / detention centre.

h. **Threats of rape**

Some detainees alleged that they or their families were threatened with rape. Furthermore, some detainees were allegedly told that their relatives were in another room and that they were going to be raped unless they provided information as requested.

i. **Abuse of a sexual nature**

Two detainees alleged sexual abuse in the form of a black hosepipe being inserted into their anus. There were also a number of complaints of sexual assault including touching and grabbing of genitals. Some individuals claimed to have witnessed others being sexually assaulted, but the alleged victims of such assaults denied these claims.

j. **Hanging**

Some of the detainees alleged that they were suspended above the floor by cables and ropes during interrogation, resulting in severe injuries to their wrists. This allegation was most prevalent among

[593] A total of 13 complainants alleged that they were tortured with electro-shock devices.

individuals detained in Asri prison / detention centre and the NSA building (basement) in Al-Qalaa.

k. **Solitary confinement**

The Commission received complaints of the excessive use of solitary confinement during detention. This complaint was especially prevalent among the 14 political leaders detained in Al Qurain Prison. It was also alleged that detainees were forbidden from engaging in conversations with other detainees in the same cellblock.

l. **Exposure to extreme temperatures**

Many detainees made allegations that they were exposed to extreme variations in temperature. This was often coupled with the soaking of clothing and bedding.

m. **Other humiliating and degrading techniques**

Several detainees made allegations of other degrading and humiliating treatment. This included forcing detainees to salute posters of the leadership of Bahrain and Saudi Arabia and to kiss and lick the boots of security forces. There were also reports of guards spitting in the faces and food of the detainees. In addition, many detainees were allegedly stripped of some or all of their clothing before being subjected to beatings.

1204. Detainees also made allegations that they were subjected to abuse with dogs, mock executions and being forced to take pills without knowing what they contained. These allegations were particularly prevalent among the 14 political detainees. One of the accused medical staff alleged that he was forced to eat his own faeces.

c) *Procedures of the Commission's Investigation Team*

1205. The Commission conducted individual and group interviews with a number of complainants/detainees who alleged that they had been mistreated while in State custody. Interviews were conducted at the Commission's office in Manama and in various prisons and detention centres (Al Qurain, Dry Dock, Juw and Isa Town (women)). The initial contact with the detainees was either made on an individual basis or through NGOs or associations. Among the NGOs and associations coordinating contact with detainees were the BCHR, the Bahrain Society for Human Rights, Bahrain Transparency and Al Wefaq. In addition, the Commission met with detainees' family members and lawyers.

1206. The Commission documented the facts and allegations that were reported by each of these individuals. The Commission also compiled supplementary documentation including photographs and medical evidence of injuries.

1207. Each of the interviews lasted between 30 and 60 minutes. In some cases, the Commission investigators conducted a group interview where there was evidence that a group of individuals had been arrested and detained together. For example, a group interview was conducted in relation to the employees arrested at the Bahrain International Circuit.

1208. The Commission then selected 59 detainees for examination by forensic experts. As noted earlier in this Section, these 59 detainees were selected on the basis of either (i) the severity of the alleged injuries and the existence of physical marks on the detainee's body, or (ii) the high profile nature of their case. The Commission conducted further interviews with these 59 detainees.

d) *Challenges Faced by the Investigation*

1209. The Commission faced a number of limitations in the conduct of its investigation. The Commission was aware that there was a degree of fear among the alleged victims and witnesses of torture. This may have resulted in individuals being reticent about providing information to the Commission or even refusing to provide information altogether. On some occasions, complainants expressed their unwillingness to share all the information relating to their detention because they were afraid of reprisals. In some cases, witnesses were able to provide evidence thus obviating the need for the alleged victim to provide information.

1210. The Commission investigators learned that detainees often lacked vital information concerning their detention. Almost all of the detainees stated that they were blindfolded. Consequently, many were unable to provide the names of their interrogators or the locations at which they were detained. Detainees also often lost perspective of time during their detention, and this made it difficult for them to provide accurate information in relation to the periods of time spent at any particular detention facility.

1211. The Commission also faced difficulties in relation to the number of detainees requiring an interview. The Commission visited the three main male prisons/detention centres (Dry Dock, Juw and Al Qurain), but these visits were subject to time constraints and were sometimes conducted on a group basis. The majority of detainees at these locations complained about torture and the forced signing of confessions.

e) *Forensic Evidence*

1212. Clinical examinations were conducted of 59 detainees who made allegations of torture and mistreatment. The examinations included taking a factual description of the alleged events as well as a physical and psychological examination. These examinations were performed by four medical experts experienced in the documentation of torture and other forms of mistreatment or trauma. The medical experts examined each individual for between one and three hours. The physicians utilised the *Istanbul Protocol,* which is the international standard for the documentation of torture, as a guide

for conducting these evaluations.[594] Verbal informed consent was obtained from each individual, and they were informed that the findings of the medical examination would be included in the Commission's Report. Examinations were performed in a private room with Arabic interpreters for non-English speakers. Validated psychological instruments, which included the Harvard Trauma Questionnaire and the Beck Depression Inventory, were used during each evaluation. The medical experts took photographs of relevant clinical findings. When available, medical records were reviewed.

1213. The medical experts noted that 33 detainees had significant physical marks or symptoms, which the detainees alleged had been caused by mistreatment. The experts identified 19 different methods of mistreatment. The most common were beatings, forced standing for prolonged periods, use of excessively tight handcuffs, exposure to extreme temperatures, head traumas and the use of electric shocks. The experts concluded that physical findings on 32 detainees were highly consistent with mistreatment and traumatic events. The experts also concluded that 15 detainees had significant psychological symptoms or impairments as a result of the alleged mistreatment. Of these 15 detainees, 13 required follow-up treatment. The experts also concluded that the physical findings on 34 detainees were highly consistent with beatings and blunt trauma. In addition, the physical findings on 19 detainees were highly consistent with and even virtually diagnostic of injuries caused by firearms. The physical findings on 22 detainees were highly consistent with the use of painful handcuffs, while the physical findings on 20 other detainees were highly consistent with exposure to extreme temperatures. The experts also found in a number of cases that scars on different parts of the body were consistent with a sound bomb injury as described by the detainee, but these scars were non-specific (i.e. could be produced by different causes). Three cases were highly consistent with cigarette burn scars on different parts of the body.

1214. Ten detainees exhibited injuries that were non-specific and could be produced by different causes. In these cases, injuries exhibited a low level of consistency with torture. However, the experts noted that the absence of relevant external injuries does not exclude the possibility of torture because of the time period between the alleged incidence of torture and the medical examination.

1215. In five cases, the experts concluded that the injuries exhibited a poor consistency with torture. However, the experts noted that the absence of relevant external injuries does not exclude the possibility of torture because of the time period between the alleged incidence of torture and the medical examination.

1216. Seven cases of alleged mistreatment were not supported by any physical evidence. However, the experts noted that the absence of physical evidence of torture does not exclude the possibility of torture because of the

[594] Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN High Commissioner for Human Rights (9 August 1999).

time period between the alleged incidence of torture and the medical examination.

1217. In four cases, the experts concluded that the injuries detected were non-specific lesions and had no correlation with torture. However, the experts noted that the absence of external injuries does not exclude the possibility of torture.

1218. In one case, the medical expert concluded that the increased levels of creatinine kinase enzyme and the various small contusions detected on the body suggested that the detainee had been subjected to trauma by an instrument with localised striking surface and moderate momentum. The expert also concluded that the detainee's positive lesions displayed a moderate level of consistency with torture, and that the rounded dark brown areas scattered over most of the body were probably caused by electro-shock devices. However, the expert could not exclude dermatological disease as a possible cause of these injuries.

2. Applicable Law

a) *International Law*

1219. Article 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) provides:

> For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

1220. Article 7 of the ICCPR provides: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Article 8(1) of the Arab Charter essentially mirrors this prohibition.

1221. Article 10(1) of the ICCPR provides: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Article 20(1) of the Arab Charter essentially mirrors this prohibition.

1222. Furthermore, article 9(1) to (4) of the ICCPR provides:

> 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance

with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

1223. Article 14 of the Arab Charter sets out a similar series of provisions.

1224. There are also a number of non-binding international documents that are highly pertinent in this area, including the UN Declaration on Torture,[595] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[596] the Standard Minimum Rules for the Treatment of Prisoners,[597] the Istanbul Principles,[598] the Code of Conduct for Law Enforcement Officials,[599] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.[600] These can play a useful role in interpreting the international obligations identified above.

b) *National Law*

1225. Article 19 of the Constitution of Bahrain, which guarantees the personal freedoms of all citizens, provides:

a. Personal freedom is guaranteed under the law.

b. A person cannot be arrested, detained, imprisoned or searched, or his place of residence specified or his freedom of

[595] UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by GA res 3452 (XXX), 9 December 1975.
[596] Adopted by GA res 43/173 (1988), 9 December 1988.
[597] Adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV), 31 July 1957 and 2076 (LXII), 13 May 1977.
[598] Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Principles), GA res 55/89, Annex (2000), 4 December 2000.
[599] Adopted by GA res 34/169 (1979), 17 December 1979.
[600] Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

residence or movement restricted, except under the provisions of the law and under judicial supervision.

c. A person cannot be detained or imprisoned in locations other than those designated in the prison regulations covered by health and social care and subject to control by the judicial authority.

d. No person shall be subjected to physical or mental torture, inducement or undignified treatment, and the penalty for such treatment shall be specified by law. Any statement or confession proved to have been made under torture, inducement or such treatment, or the threat thereof, shall be null and void.[601]

1226. Bahrain approved a National Action Charter following a national referendum on 14 and 15 February 2001. The Charter strictly prohibits torture and other forms of cruel, inhuman or degrading treatment. Chapter One, Part 2(3) of the Charter provides:

> No person shall in any way be subjected to any kind of physical or moral torture, inhumane, humiliating or indignant treatment. Any confession or utterance obtained under torture, threatening or persuasion shall be null and void. In particular, an accused shall not be subjected to any physical or moral harm. Law ensures punishment of those who commit an offense of torture, a physically or psychologically harmful act.

1227. Article 208 of the Bahrain Penal Code penalises any public official who was involved, whether directly or indirectly, in the threat or use of torture or force to obtain information or confessions. Article 208 provides:

> 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.
>
> The penalty shall be life imprisonment should the use of torture or force lead to death.[602]

1228. Article 232 of the Penal Code provides:

> 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

[601] Based on an English translation provided by the Research and Information Center of the Kingdom of Bahrain Shura Council. See http://www.shura.bh/EN/INFORMATIONCENTER/Pages/Documents.aspx accessed 16 November 2011.

[602] Based on translation provided by the Bahraini MJIA. See http://www.moj.gov.bh/en/default.asp?action=category&ID=355 accessed 16 November 2011.

> 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.

1229. In addition, Article 61 of the Bahrain Code of Criminal Procedure provides:

> No one shall be arrested nor imprisoned except by an order of the legally competent authority. He shall be treated in such a manner as to maintain his human dignity and shall not be subjected to any bodily or psychological harm.
>
> Every person who is arrested shall be informed of the reasons for his arrest. He shall have the right to contact any of his relatives to inform him of what has happened and to seek the aid of a lawyer.

3. Findings and Conclusions

1230. The information received from different sources, particularly from interviews with individuals claiming to have suffered mistreatment and other forms of physical and psychological abuse while in state custody, indicates clear patterns of behaviour by certain government agencies. Not all of the detainees were subjected to all of the techniques described above. There was a more discernible pattern of mistreatment with regard to certain categories of detainees, including some of the medical personnel arrested in connection with the events at SMC[603] and the 14 political leaders held at Al Qurain Prison. In many of these cases, the purpose of mistreatment was to obtain statements or confessions incriminating the detainee in question. In other cases, the purpose was to obtain statements from the detainee with a view to using the statements against other individuals. Mistreatment was also used for the purposes of retribution and punishment.

1231. Three government agencies, namely the MoI, the NSA and the BDF, were involved in interrogating detainees in relation to the events of February/March 2011. The facilities in which interrogations took place included, but were not limited to, Al Adliya (CID/MoI), Al-Qalaa (NSA) and the following police stations: Al Asri; Hamad Town (Roundabout 17); Al Wusta; Al Riffa; Al-Qudaibiya; Samaheej; Al Naim; Nabih Saleh; Al-Bodayia; and Sitra. As of November 2011, most detainees were held in either Al Qurain Prison (BDF), Dry Dock Detention Centre (MoI), Juw Prison (MoI) or Isa Town Detention Centre for women (MoI).[604]

1232. Many detainees reported mistreatment at the hands of state agents at these facilities. Detainees at Al Qurain Prison (BDF) reported that their mistreatment ceased and conditions improved dramatically after 10 June 2011,

[603] See Chapter V on Events at Salmaniya Medical Complex.
[604] A detention centre for women at which there have been no allegations of torture.

but detainees at other facilities continued to report incidents of mistreatment after that time.

1233. A large number of detainees among the 179 held by the NSA reported instances of mistreatment, including torture and other forms of cruel, inhuman or degrading treatment, at the hands of that agency. Among these complainants are the 14 political leaders who were subsequently transferred to the custody of the BDF (at Al Qurain Prison) between 20 March and 13 April 2011. The BDF reported that upon their arrival, these detainees were examined by a medical doctor who noted that some of them had marks of physical abuse. Some of these detainees, however, alleged that they continued to suffer mistreatment at Al Qurain Prison until 10 June. This mistreatment stopped after the Military Attorney General brought the matter to the attention of the BDF Commander-in-Chief who, according to the Military Attorney General, ordered the Military Attorney General to take control of the detention facility and ensure that no further mistreatment took place. He also instructed the Military Attorney General to investigate claims of torture. Accordingly, Al Qurain Prison came under the control of the Military Attorney General. The 14 high level political detainees stated to Commission investigators that they suffered no mistreatment from 10 June onwards.

1234. The most common techniques used on detainees included the following: blindfolding; handcuffing; enforced standing for prolonged periods; beating; punching; hitting the detainee with rubber hoses (including on the soles of the detainee's feet), cables, whips, metal, wooden planks or other objects; electrocution; sleep-deprivation; exposure to extreme temperatures; verbal abuse; threats of rape to the detainee or family members; and insulting the detainee's religious sect (Shia).

1235. As detailed in Chapter VI, Section C on Manner of Arrests, most detainees were arrested by security forces without presentation of an arrest warrant and without being promptly informed of the reasons for their arrest. The present Section shows that many detainees were then held for weeks or even months with limited, if any, access to the outside world. In particular, there was no access to the courts to challenge the lawfulness of detention. Detainees were denied access to lawyers, sometimes for long periods and sometimes even until the day of the trial. In addition, the GoB withheld from detainees and/or their families information about the detainee's whereabouts for periods ranging from days to weeks. In a few cases, the GoB failed to acknowledge even the fact of detention for periods of up to two weeks.

1236. These practices represent multiple violations of the prohibition of arbitrary detention, as laid down in article 9 of the ICCPR and article 14 of the Arab Charter. The Commission notes that the GoB deposited a derogation from article 9 of the ICCPR with the UN Secretary-General on 28 April 2011, although the State of National Safety was declared on 15 March.[605] It is clear that measures involving denial of access to courts and lawyers for periods of

[605] See http://treaties.un.org/doc/Publication/CN/2011/CN.261.2011-Eng.pdf accessed 19 November 2011.

weeks can never be considered "necessary measures" that would be protected by such derogations.[606]

1237. In addition, it is generally accepted that prolonged incommunicado detention may itself violate the prohibition of cruel, inhuman or degrading treatment or punishment. Where the family of a detainee is denied information as to the fact of detention or the whereabouts of the detainee, the anguish that family members suffer may render them, too, victims of violations of the same prohibition. The Commission notes that it is precisely when individuals are detained without access to the outside world, especially when they are denied access to lawyers and courts, that they are most vulnerable to torture or other prohibited mistreatment.[607]

1238. The physical and psychological treatment described above evidences a deliberate practice of mistreatment on the part of the NSA and the MoI. In some cases this practice was aimed at extracting confessions and statements by duress, while in other cases such mistreatment was intended for the purposes of retribution and punishment. On the basis of the Commission's investigation and particularly the forensic medical reports, it finds that the NSA and MoI followed a systematic practice of physical and psychological mistreatment, which in many cases amounted to torture, with respect to a large number of detainees in their custody.[608]

1239. Many of the detainees expressed the view that the security forces acted with complete impunity and that there was no prospect of accountability for the treatment that the detainees suffered. In some cases, detainees reported that when they were released they were told simply to "forget about what happened". Some detainees told the Commission that they informed a judge or Military Prosecutor about their mistreatment during their trial. In one case, the detainee alleged that the Military Prosecutor "did not believe him".[609] In another case, the detainee reported that the Military Prosecutor assured him that the beatings would stop, but the beatings nonetheless continued as soon as the detainee left the courtroom; moreover, upon his return to Dry Dock Detention Centre, the detainee was told that he would be beaten more severely

[606] See *Aksoy v Turkey* (21987/93) 1996-VI ECHR 2260.

[607] See Human Rights Committee, *Aber v Algeria* (2007) UN Doc CCPR/C/90/D1328/2004, para 7.6; see also UN Commission on Human Rights resolution 8/8 (18 June 2008), para 7 (c): "Prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can itself constitute a form of such treatment."

[608] The UN Committee Against Torture has outlined its interpretation of the term "systematic torture" in the following terms: "The Committee considers that torture is practised systematically when it is apparent that the torture cases reported have not occurred fortuitously in a particular place or at a particular time, but are seen to be habitual, widespread and deliberate in at least a considerable part of the territory of the country in question. Torture may in fact be of a systematic character without resulting from the direct intention of a Government. It may be the consequence of factors that the Government has difficulty in controlling, and its existence may indicate a discrepancy between policy as determined by the central Government and its implementation by the local administration. Inadequate legislation, which in practice allows room for the use of torture, may also add to the systematic nature of this practice." See UN Doc. A/48/44/Add.1, para 39 (November 1993).

[609] Annex B.

if he complained about his mistreatment again.[610] A third detainee stated that, in court, he witnessed another detainee complaining about attempts of rape and mistreatment, and that detainee was dismissed by the judge and then beaten afterwards.[611]

1240. The Commission notes a number of statements by detainees consistently showing that those inflicting mistreatment expected impunity. The Commission is of the view that the lack of accountability of officials within the security system has led to a culture of impunity, whereby security officials have few incentives to avoid mistreatment of prisoners or to take action to prevent mistreatment by other officials. In the light of this culture of impunity, the Commission acknowledges the immense courage that was required for the victims of torture and mistreatment to report their experiences to Commission investigators.

1241. The Commission received evidence indicating that, in some cases, judicial and prosecutorial personnel may have implicitly condoned this lack of accountability. For example, during the trial of the SMC doctors before the National Safety Court, the defendants filed a motion in which they alleged that they had been tortured while in detention and that their confessions had been obtained by torture. In its judgment of 29 September 2011, the Court rejected the defendants' motion and ruled that it could consider the confessions as part of the totality of the evidence in the case. All of the defendants were convicted. The judgment was appealed before a civilian appellate court.[612] At the first appeal hearing on 23 October 2011, the Attorney General amended the charges and withdrew the prosecution's reliance on the confessions. The next appeal hearing is scheduled for 28 November 2011. The Commission acknowledges that the situation has been remedied with respect to the 20 medical staff who were previously convicted by the National Safety Court. However, the fact that the National Safety Court acted in this manner is a subject of great concern to the Commission.

1242. The Commission notes that many of the forms and techniques of abuse described in this Section were also reported to have been employed in Bahrain during the 1990s. In 2005, the UN Committee Against Torture identified a number of "subjects of concern" in regard to Bahrain's compliance with its obligations under the CAT.[613] These included the following:

a. The large number of allegations of torture and other cruel, inhuman or degrading treatment or punishment of detainees committed prior to 2001;

b. Reports of incommunicado detention of detained persons following the ratification of the Convention and prior to 2001, for extended periods, particularly during pre-trial investigations;

[610] Annex B.
[611] Annex B.
[612] Case No. 516 of 2011, High Court of Appeals.
[613] UNCAT Report on Bahrain, UN Doc. CAT/C/CR/34/BHR (21 June 2005), para 6.

c. The inadequate access to external legal advice while in police custody, to medical assistance and to family members, thereby reducing the safeguards available to detainees; and

d. The apparent failure to investigate promptly, impartially and fully the numerous allegations of torture and mistreatment and to prosecute alleged offenders, and in particular the pattern of impunity for torture and other mistreatment committed by law enforcement personnel in the past.

1243. The recent recurrence of many of the violations identified by the Committee Against Torture may indicate that prison officials are being guided by a similar set of practices, or even policies, as existed in the past. This indicates a systemic problem, which can only be addressed on a systemic level.

1244. The Commission acknowledges a report of the Ministry of Foreign Affairs, transmitted by the Ministry to the Commission on 2 September 2011, which sets out the GoB's response to the 2005 recommendations of the UN Committee Against Torture.[614] The report communicates the following assurances from the GoB:

a. The amnesty for "state security crimes" established under Decree Law No. 10 of 2001 and Decree No. 56 of 2002 does not apply to persons having violated the provisions of the Penal Code forbidding torture;

b. Decree Law No. 10 of 2001 and Decree No. 56 of 2002 did not affect any prosecutions already in progress for violations of Penal Code provisions forbidding torture;

c. Civil remedies are available to victims of torture;

d. Royal Decree Law No. 30 of 2011, issued on 20 September 2011, adds to the civil remedies an offer of "redress to victims of torture as well as other crimes", such redress to include monetary compensation and, as appropriate, moral and other remedies (restitution, rehabilitation, satisfaction and guarantees of non-repetition);

e. Royal Decree Law No. 30 of 2011 waives the requirement of proof that a public official committing torture was acting in the course of his official duties; and

f. Decree Law No. 30 of 2011 extends standing to include not only direct victims of torture but also their immediate family members and dependents.

1245. During the period from 20 July to 30 September 2011, the Chairman of the Commission and the Chief Investigator provided the Minister of Interior, the head of the NSA, the Attorney General and the Military Attorney

[614] CAT/C/CR/34/BHR, 21 June 2005.

General with various accounts of mistreatment, torture and other forms of cruel, inhuman or degrading treatment or punishment. These officials took steps to stop these practices, and after 10 June 2011 the Commission received reports that mistreatment had stopped at Al Qurain prison, and conditions in all detention centres had improved significantly. The Chairman of the Commission urged all of the above individuals to commence investigations into these allegations in order to hold those who engaged in such practices accountable. The Commission was informed[615] by the MoI that it has received 132 claims of mistreatment, that it has investigated 84 of these claims, of which 10 resulted in prosecution. The NSA has commenced a general investigation. The Commission was not, however, informed of the outcome of the remaining investigations and is therefore unable to assess whether they were effective and whether the persons responsible were held accountable.

4. Recommendations

1246. The Commission recommends that all allegations of torture and similar treatment be investigated by an independent and impartial body, following the Istanbul Principles.[616] The investigation should be capable of leading to the prosecution of the perpetrators, both direct and at all levels of responsibility.

1247. In the light of the "pattern of impunity" for torture and mistreatment in the past, the appropriate prosecution should be initiated with a view to ensuring punishment consistent with the gravity of the offence.[617]

1248. All victims of torture or mistreatment should receive compensation.[618]

1249. All victims of prolonged incommunicado detention should receive compensation.

1250. In connection with the two preceding paragraphs, the Commission welcomes Royal Decree No. 30 of 2011 establishing the National Fund for the Reparation of Victims on 22 September 2011.

1251. The State should never again resort to 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.

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[615] This information was provided to the Commission on 22 November 2011.

[616] Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Principles), UN General Assembly resolution 55/89 (2000), Annex, 4 December 2000.

[617] The UN Committee Against Torture has previously expressed its "concern" about Bahrain's "apparent failure to investigate promptly, impartially and fully the numerous allegations of torture and mistreatment and to prosecute alleged offenders, and in particular the pattern of impunity for torture and other mistreatment committed by law enforcement personnel in the past". See UNCAT Report on Bahrain, UN Doc. CAT/C/CR/34/BHR (21 June 2005), para 6(f).

[618] GA res 40/34 (1985), 20 November 1985.

1252. There should be audiovisual recording of all official interviews with detained persons.

1253. The burden of proving that treatment complies with the prohibition of torture and other mistreatment should be on the State.[619]

1254. To ensure future compliance with the Code of Conduct for Law Enforcement Officials,[620] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[621] 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 mistreatment.

1255. The judiciary and prosecutorial personnel should be trained on the need to ensure that their activities contribute to the prevention and eradication of torture and mistreatment.

[619] Human Rights Committee, General Comment 32 (2007), para 41: "[T]he burden is on the State to prove that statements by the accused have been given of their own free will".
[620] Adopted by General Assembly resolution 34/169 of 17 December 1979.
[621] Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

Section E – Detention and Prosecution in connection with Expression, Association and Assembly

1. Factual Background

1256. Among the approximately 1,300 persons arrested and whose cases the Commission has examined, a number were arrested pursuant to articles 165, 168, 169 and 179 of the Bahrain Penal Code on the basis of "spreading false rumours" or on the basis of public positions they had taken, either at demonstrations or in other ways.

1257. Several persons were arrested and charged with the possession and/or distribution of material calling for the fall of the regime. These individuals provided statements to the Commission in which they outlined the following allegations, for example:

a. A complainant stated that she was arrested on 1 April 2011 and charged with possession of material that calls for/supports the fall of the regime. The charges included possession of images and text messages on her mobile phone that call for the fall of the regime. The complainant alleged that the police officers who arrested her also verbally abused and degraded her. She stated that she was taken to Roundabout 17 police station where she was beaten, refused access to toilet facilities and made to stand in the sun for hours. She remained there for one month before being transferred to Isa Town Detention Centre for Women. She was sentenced to six months imprisonment.

b. A complainant stated that he was arrested at his workplace on 12 April 2011 and taken to Riffa police station. He was later transferred to Dry Dock Detention Centre and then Juw Prison. The complainant alleged that the reason for his arrest was his marriage to the daughter of an opposition leader. He stated that he was interrogated while in custody, and almost all the questions were about his father-in-law and not about him. He was charged with distributing material calling for the fall of the regime. However, he stated that although he had received the material by email in an attachment, it was not proved that he distributed it. He was also accused of attending illegal protests at the GCC Roundabout. He alleged that he was subjected to physical and sexual abuse as well as verbal harassment while in detention. He was sentenced to three years imprisonment, which was reduced to 18 months.

c. A complainant stated that she was stopped by security forces on 27 March 2011 while driving her car. She recalled that she was playing a CD criticising the regime and HM King Hamad, and was told to step outside the car and to turn off the CD. According to the complainant, at first she refused to turn

off the CD and to step outside the car since she had children in the car, but subsequently she stepped out and while talking to the officer she noticed a person dressed in black entering the back seat and as a reflex she grabbed the person to protect her children. Later she understood that this was a police officer trying to turn off the CD player. She was arrested and detained at Riffa police station and then taken to Isa Town Detention Centre for Women. She was charged with assaulting a government employee, possession of a CD calling to overthrow the GoB and inciting hatred towards the regime. She was sentenced to six years imprisonment but the Court of Appeal reduced her sentence to three years. She alleged verbal and physical abuse while in detention as well as lack of access to legal representation.

1258. Several persons were charged with inciting hatred towards the regime. These individuals provided statements to the Commission in which they outlined the following allegations, for example:

a. A complainant, who was part of the leadership of the Bahrain Teachers' Society (BTS), stated that he was arrested twice during the spring of 2011 due to his political activism and his public support for the protesters. He spoke at the GCC Roundabout on several occasions and wrote several articles criticising the GoB and its reaction to the protests. He was charged with inciting hatred towards the regime and sentenced to 10 years imprisonment. He was detained at Al Qurain Prison and later transferred to Juw Prison to serve his sentence. He alleged that he was tortured while in detention. In particular, he stated that he was subjected to regular beatings with a hose and kept in solitary confinement for one and a half months. He also stated that he was forced to confess to the allegations against him.

b. A complainant was part of the leadership of the BTS. She stated that after the attack by security forces against the demonstrators at the GCC Roundabout, the BTS called for a strike. The strike was, according to the complainant, peaceful and in accordance with Bahrain law and the legitimate right to freedom of expression. The complainant stated that she was arrested on 28 March 2011 in her home by men wearing military and civilian clothes, who blindfolded and handcuffed her before taking her to the CID and then to Isa Town Detention Centre. She alleged that she was blindfolded for hours, kept in isolation, deprived of sleep and verbally abused. In addition, she alleged that she did not have adequate access to legal representation nor was she allowed regular contact with family members. She was accused of organising illegal strikes and inciting hatred towards the regime. She was also accused of calling for parents not to

send their children to school and calling for teachers to stop working and participate in protests. She was sentenced to three years imprisonment and an appeal in her case will be heard by the Court of Appeal on 10 December 2011.

1259. Several persons were charged with participating in unauthorised gatherings. These individuals provided statements to the Commission in which they outlined the following allegations, for example:

a. A complainant stated that he has been politically active within the opposition for a long time and that he had been arrested prior to the events of February and March 2011. He was arrested again in March 2011 and taken to Naim police station, Al-Qalaa (NSA), Dry Dock Detention Centre and then finally Al Qurain Prison. He alleged that he was interrogated in detention and tortured to obtain information. In particular, he stated that he was asked whether he was part of the 14 February movement and questioned about his relationship with high profile opposition leaders. The complainant alleged that the authorities had followed his political activity since the 1990s. He maintained that his political activity was not illegal and that he was exercising his right to freedom of opinion and expression. He admitted to having taken part in protests in 1997 and 2011, stating that every person has the right to gather peacefully. He was sentenced to 15 years imprisonment.

b. A complainant active in the opposition party stated that he was arrested on 5 February 2011 and taken to Al-Qalaa and later to Al Qurain Prison. He alleged that he was placed in isolation, blindfolded and tortured. He was charged with broadcasting false information concerning the protests and the actions of the GoB, participating in and inviting people to participate in an unauthorised gathering, and inciting violence against the Government. The complainant stated that his political activity took place in the period during which he enjoyed parliamentary immunity and that he stopped all political activity on 22 March 2011. He also stated that all his political activity was licensed and within the boundaries of the law. His case is still on trial before the National Safety Court and a hearing was scheduled for 21 November 2011.

1260. Some persons were also charged with inciting others to attend unauthorised gatherings. These individuals provided statements to the Commission in which they outlined the following allegations, for example:

a. A complainant stated that he was previously employed at the Supreme Council of Islamic Affairs, but he was critical of the GoB and was forced to live in exile for 20 years. He returned pursuant to a royal pardon and resumed his work, but resigned after two years because of sectarian discrimination and the

lack of progress of reform. He stated that he was not active in the protests of February and March 2011 but attended them once during the gathering of religious Shia clerics. He was arrested at his home and detained at Dry Dock Detention Centre. He alleged that he was tortured in detention and subjected to threats and psychological abuse. He was accused of sending SMS messages inciting protests. He stated that the SMS message had called for peaceful protests and for his countrymen to respect the symbols of the country. He alleged that he was interrogated about his participation in the protests and was forced to confess to allegations that were not true, such as being an Iranian agent and bringing weapons from Iran into Bahrain.

1261. Several persons were charged with spreading false rumours likely to disturb public order. These individuals provided statements to the Commission in which they outlined the following allegations, for example:

a. One complainant was a member of parliament in an opposition party. He stated that he is a supporter of political and social reforms in Bahrain and has been active in the promotion of human rights. He was interviewed by international media during the protests and he criticised the GoB and its reaction to the protests. During the interview, he made statements concerning the number of injured persons admitted to SMC following the first clearance of the GCC Roundabout. The complainant stated that a few days prior to his arrest, a video confession of a detainee had been aired incriminating the complainant, and he began to fear for his safety. He alleged that on 2 May 2011, he was arrested and taken to an unknown location where he was interrogated about his role in the protests and the political situation in Bahrain. He was transferred to Al-Qalaa and then Al Qurain Prison. He alleged that he was verbally and physically abused, denied access to legal representation and forced to sign a confession. He was accused of spreading false rumours likely to disturb public order, participating in protests without notifying the authorities and participating in unlicensed protests. His case is still on trial before the National Safety Court and a hearing was scheduled for 23 November 2011.

b. A complainant stated that he is a lawyer and that, due to his political convictions and his representation of clients charged with anti-government activity, he was persecuted for a long period of time and finally arrested. He alleged that he received threats, that he was videotaped sleeping with his wife and that he was threatened that this tape would be made public. On 20 February 2011, he made a speech at the GCC Roundabout in which he criticised the GoB. He told the Commission that as a result of this speech, he was arrested at

his home by armed security forces on 15 March 2011. He alleged that security forces searched his house and pointed guns at his family. He stated that he was then taken to the CID where he was blindfolded for two days, forced to stand for long periods of time and verbally abused. He was accused of spreading false rumours, unauthorised assembly and inciting hatred towards the regime. He stated that he was moved to Al Qurain Prison where he was forced to endure poor prison conditions and further abuse. His case is still before the National Safety Court.

1262. In addition, a number of journalists informed the Commission that they were arrested for reporting on the events of February/March 2011.[622] Two journalists died while in the custody of the police or the NSA.[623] Two other journalists who were arrested and detained outlined the following allegations:

a. A journalist reporting for France 24 and Monte Carlo Radio stated that she was asked to appear at a police station for interrogation on 22 May 2011. She was accused of participating in protests and calling for the downfall of the regime, charges which she denied. She alleged that interrogators insulted and defamed her, and questioned her about journalistic reports she had written for international media outlets. She alleged that she was repeatedly kicked and beaten with a rubber hose by a number of police officers. In addition, she alleged that she was electrocuted on her arm, had urine poured on her face, had a shoe forced into her mouth and her head plunged into a toilet to simulate drowning. She stated that at the end of the interrogation, she was forced to sign a document that she was not permitted to read. She later filed a report of the incident with the MoI.

b. A journalist reporting for the German News Agency and European Press Photo Agency stated that he was arrested while taking photographs of a protest on 11 March 2011. He alleged that he was interrogated and released after one hour. He further alleged that he was detained again on 22 May 2011 and taken to a police station for two hours, during which time he was repeatedly beaten.

1263. The Attorney General has dropped the charges based on articles 165, 168, 169 and 179 of the Bahrain Penal Code with respect to the 48 accused medical personnel of SMC. However, an estimated 300 other persons have been convicted pursuant to these provisions in connection with the events of

[622] For a detailed discussion of the role of media in the events of February/March 2011, see Chapter X.
[623] See Chapter VI, Section A.

February/March 2011. Additionally, the GoB has initiated proposals that would amend laws restricting freedoms of expression and association.[624]

1264. A number of persons who have been charged with misdemeanours under articles 165, 168, 169 and 179 of the Bahrain Penal Code, as well as other related charges, have been convicted. They are still detained pursuant to these convictions, pending appeal.

2. Applicable Law

a) *International Law*

1265. Article 19 of the ICCPR provides:

> 1. Everyone shall have the right to hold opinions without interference.
>
> 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
>
> 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
>
> (a) For respect of the rights or reputations of others;
>
> (b) For the protection of national security or of public order *(ordre public),* or of public health or morals.

1266. Similarly, article 32 of the Arab Charter on Human Rights "guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries."

1267. With regard to the ICCPR, the Human Rights Committee has noted that restrictions on the right to freedom of expression "must be 'provided by law'; they may only be imposed for one of the grounds set out in subparagraphs (a) and (b) of [article 19(3)]; and they must conform to the strict tests of necessity and proportionality."[625]

1268. The Human Rights Committee has also observed that "restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected… The

[624] See Chapter XI.
[625] Human Rights Committee, General Comment No. 34: Article 19 Freedoms of Opinion and Expression (2011) para 22.

principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law".[626] The principle of proportionality must also take account of the form of expression at issue as well as the means of its dissemination. For instance, the value placed by the ICCPR upon uninhibited expression is particularly high in the circumstances of public debate in a democratic society concerning figures in the public and political domain.[627]

b) *National Law*

Constitution of Bahrain

1269. The Constitution of Bahrain affirms the right to freedom of expression. Article 23 provides:

> Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and publish it by word of mouth, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.

1270. Article 24 provides:

> With due regard for the provisions of the preceding Article, the freedom of the press, printing and publishing is guaranteed under the rules and conditions laid down by law.

1271. Article 31 provides:

> The public rights and freedoms stated in this Constitution may only be regulated or limited by or in accordance with the law, and such regulation or limitation may not prejudice the essence of the right or freedom.

Bahrain Penal Code

1272. Most of the complainants identified above were charged with violating articles 165, 168, 169 or 179 of the Bahrain Penal Code during the events of February/March 2011.

1273. Article 165 of the Penal Code provides: "Any person who uses one of the publication methods to incite hatred towards the ruling regime or show contempt towards it shall be punished with imprisonment."

1274. Article 168 provides:

> A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD 200, or either penalty, shall be

[626] Human Rights Committee, General Comment No. 27: Freedom of Movement (Article 12) (1999) para 14. See also *Marques de Morais v. Angola,* No. 1128 of 2002; *Coleman v. Australia,* No. 1157 of 2003.
[627] *Bodrozic v. Serbia and Montenegro,* No. 1180 of 2003.

> imposed upon any person who wilfully broadcasts any false or malicious news reports, statements or rumours, or spreads adverse publicity, if such conduct results in disturbing public security, terrorising people or causing damage to public interest.
>
> The same penalty shall be imposed upon any person who possesses, either personally or through others, any documents or publications containing anything provided for in the preceding paragraph, if they are intended for distribution or reading by others, and upon any person who possesses any publishing, recording or promotion device intended, even on a temporary basis, for the printing, recording or broadcast of any of the above.[628]

1275. Article 169 provides:

> A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD 200, or either penalty, shall be imposed upon any person who publishes by any method of publication untrue reports, falsified or forged documents or falsely attributed to other person should they undermine the public peace or cause damage to the country's supreme interest or to the State's creditworthiness.
>
> If such publication results in undermining public peace or causing damage to the country's supreme interest or to the State's creditworthiness, the punishment shall be a prison sentence.

1276. Article 179 provides:

> If one or more of those assembled attempt to use violence for the realisation of the purpose for which they have assembled, their action shall be deemed as a riot. The penalty for each person who knowingly takes part in such riot shall be a prison sentence and a fine not exceeding BD 500, or either penalty.

1277. Article 180 provides:

> If one of the public authority officers finds that five persons or more have demonstrated with the intent of causing a riot, he may in such capacity order them to disperse. Thereafter, he shall be empowered to take the necessary measures for dispersing those who have not complied with the order by arresting them and may use force within reasonable limits against any person resisting that order. He may not use firearms except in extreme necessity or when someone's life is threatened.

[628] See Chapter XI, describing a proposed amendment that restricts what can be considered damaging to national security if: (i) it deliberately incites imminent violence; (ii) it is likely to incite such violence; and (iii) there is a direct and immediate connection between the statement and the likelihood or occurrence of such violence. The amendment also imposes a requirement that the individual not only wilfully published the false statement, but also had knowledge that it would cause the damages enumerated in the proposed amendment.

> Persons still demonstrating after the issue of the order to disperse while being aware of such order shall be liable for imprisonment and a fine not exceeding BD 300, or either penalty.

Decree No. 47 of 2002 regulating the Press and Publications

1278. Article 68 of Decree No. 47 of 2002 regulating the Press and Publications prescribes imprisonment for any person who blames or criticises HM King Hamad for acts undertaken by the Government or incites to overthrow the regime. This Decree provides:

> Without prejudice to any harsher sanction set forth in the penal code or any other law, whoever publishes something embodying any of the following acts shall be sanctioned with imprisonment for a period not less than six months:
>
> a. Abuse or criticism of the official State religion in its constitution and its foundations.
>
> b. Criticising or blaming the King for any act undertaken by the Government.
>
> c. Incitements to commit killings, robbery or arson or crimes against the state security, unless nothing resulted from the incitement.
>
> d. Incitement to overthrow or to change the regime.
>
> In case of recurrence within three years from the ruling date of the previous crime, the sanction shall be imprisonment for a period not more than five years, without prejudice to imposition of the supplementary penalties set forth in Article 75 of the Decree.

3. Findings and Conclusions

1279. A large number of individuals were prosecuted before the National Safety Courts and imprisoned for violating articles 165, 168, 169, 179 and 180 of the Bahrain Penal Code in connection with the events of February/March 2011. The Commission considers that the GoB used these articles to punish those in the opposition and to deter political opposition.

1280. In the light of the way that these provisions have been applied in Bahrain, the Commission has a number of concerns about their conformity with international human rights law and with the Constitution of Bahrain.

1281. Article 165 of the Penal Code was applied in a way that infringes upon the freedoms of opinion and expression by excluding from the public debate opinions that express opposition to the existing system of government in Bahrain, as well as opinions that call for any peaceful change in the structure or system of government or for regime change.

1282. Paragraph 1 of article 168 places broad restrictions on the exercise of freedoms of opinion and expression by criminalising "any false or malicious news reports, statements or rumours or spreads adverse publicity". The

absence of clear thresholds governing the application of this provision, and the ambiguity of notions such as "malicious news reports", "rumours" and "adverse publicity", raise concerns about the overly broad restrictions imposed by this article. These concerns are heightened by the manner in which the provision was applied in connection with the events of February/March 2011.

1283. Paragraph 2 of article 168 criminalises the possession in any way or form of material proscribed by paragraph 1. This has been applied so as to restrict the freedoms of opinion and expression by infringing the right to seek, receive and impart information.

1284. Articles 165, 168 and 169 of the Penal Code also restrict opinion and expression by criminalising incitement to hatred towards the regime or damaging public interest, without requiring any material act that causes social or individual harm. They have been applied to repress legitimate criticism of the GoB.

1285. The Commission communicated these views to the GoB, and on 11 November 2011 the Commission received an official response from the GoB indicating that a number of legislative amendments had been sent from the GoB to the Council of Representatives. These include amendments to articles 168 and 169 of the Penal Code, intended to bring them into conformity with the ICCPR and the Arab Charter.[629] They also include amendments to 20 articles of the Constitution as well as several amendments to Law No. 26 of 2005 on Political Societies, which regulates the establishment and operation of political societies in Bahrain.

1286. Article 179 of the Penal Code has also been used by National Safety Courts to convict persons who opposed the GoB. The use of article 179 in connection with the events of February/March 2011 was similar to the use of articles 165, 168 and 169 as discussed above, namely as a means of repressing freedom of assembly and punishing those who seek to exercise that right. Article 179 criminalises acts that constitute "attempts" to participate in violence, which this provision characterised as rioting. However, this definition does not include a key element of the crime of attempt, namely the taking of material or tangible steps towards the commission of the crime. Thus, article 179 can be used against persons seeking to exercise their internationally guaranteed right of freedom of assembly, without the need to prove the commission of material or tangible conduct. Moreover, article 179 criminalises attempts to commit acts of violence, without requiring any act leading to violence to have been committed.

1287. In the light of the way that these provisions have been applied in Bahrain, the Commission considers that the cumulative effect of articles 179 and 180 of the Penal Code is to place overly broad restrictions on the right of

[629] This may also be the reason why the GoB dropped the charges under these articles against the 14 top political opposition figures convicted by the National Safety Courts. However, these charges have not been withdrawn with regard to over 300 individuals who have already been convicted of misdemeanours but are awaiting appeals.

assembly, which is protected by the Constitution of Bahrain,[630] the ICCPR[631] and the Arab Charter.[632] Law enforcement officials have, under these two articles, have the authority to take forceful measures to disperse individuals who have not committed specific acts of violence or taken substantial steps in that direction.

1288. Finally, the Commission considers that the GoB's record in the cases outlined above demonstrates substantial inconsistency. Upon inquiry by Commission investigators, the Attorney General has not provided a reasonable explanation for this disparity in treatment and unequal application of the law. This raises the issue of whether the law has been applied fairly to all persons charged with crimes that fall within the protected area of freedom of opinion, speech and expression.

1289. The estimated 300 persons who were convicted under article 165, 168, 169 and 179 of the Bahrain Penal Code and charged with misdemeanours received sentences of one year imprisonment per charge. Because of the multiplicity of the charges, most received a cumulative consecutive sentence of three years imprisonment. The Commission is also concerned that the imposition of penalties in misdemeanour cases, in the application of articles 165, 168 and 169 of the Penal Code, has been cumulative for multiple charges arising out of the same conduct, thus resulting in punishment equivalent to that of felonies. This, in the view of the Commission, is disproportionate to the objectives and interests that these articles seek to protect.

1290. The Attorney General has not dropped these charges nor has he requested the Court of Appeals to reduce the sentences. The Commission has been informed that at the next hearing the Attorney General will request the Court of Appeals to reduce the sentences to time served. This means that the longest penalty will be a few months imprisonment, but the validity of the convictions will not be affected. Consequently, such persons will be deemed to have a past criminal conviction with all attending personal and professional consequences.

4. Recommendations

1291. The Commission recommends that all persons charged with offences involving political expression, not consisting of advocacy of violence, have their convictions reviewed and sentences commuted or, as the case may be, outstanding charges against them dropped.

[630] Constitution of Bahrain, art 28(b).
[631] ICCPR, art 21.
[632] Arab Charter, art 24.

Section F – Allegations of Enforced Disappearances

1. Introduction

1292. The Commission received 169 reports from individuals making allegations relating to enforced disappearances. In addition, Al Wefaq National Islamic Society (Al Wefaq) submitted a report to the Commission which suggested that approximately 1,000 individuals were subjected to enforced disappearance. The Al Wefaq report contained a list of 500 names which allegedly related to victims of enforced disappearance. The mandate of the Commission to investigate these allegations of enforced disappearances is contained in article 9(7) of Royal Order No. 28 of 2011, which provides that the Commission's report shall contain an "[e]xamination of allegations of disappearances".

2. Factual Background

1293. The 169 reports received by the Commission included allegations that persons were arrested and detained without acknowledgement or in facilities the location of which was not disclosed to the detainees or their families. These individuals were subsequently released or held in police custody or detention centres. The majority of the reports were provided by individuals who either were still detained or had recently been released from detention. The periods of time during which it is alleged that the locations of the detainees were unknown ranged from one day to a few weeks and, in a few cases, months. The Commission also received reports of cases in which the very fact of the detention was not known to the families for a period ranging from days to two weeks and in which the individuals were subjected to legal proceedings or investigations in unknown locations. In addition, all of the 169 reports contained allegations that the detainees were physically mistreated and deprived of the protections of the law.

1294. The MoI and the NSA provided the Commission with a list of names of individuals arrested and detained during the events of February and March 2011. The Commission was able to cross-reference the 169 reports of enforced disappearance with the names on the list of arrests and/or detentions provided by the GoB. The Commission was not made aware of any ongoing case in which the location or status of a detainee was unknown to his family or legal representatives.

1295. On 26 September 2011, Al Wefaq National Islamic Society submitted a report to the Commission which suggested that approximately 1,000 individuals were subjected to enforced disappearance. The Al Wefaq report contained a list of 500 names which allegedly related to victims of enforced disappearance. The report claimed that the 500 individuals were arrested by security forces (MoI and NSA) and kept in custody for periods ranging between one day and a few weeks without access to their families or lawyers and that they were deprived of legal protections. Investigators compared the 500 names contained in the Al Wefaq report with the Commission's database

and the vast majority of the names were found to fall into one of the following categories: detainees; former detainees; and victims of arbitrary arrest. The Commission did not receive any additional evidence from Al Wefaq that the individuals whose names were contained in the report were subjected to enforced disappearance as defined by international law.

1296. The Commission conducted investigations into the 169 reports of enforced disappearance and the circumstances surrounding each case. The MoI and the Office of the Attorney General informed the Commission that these were cases of arrest pursuant to criminal charges arising out of the unrest of February and March and that every individual arrested was prosecuted before a court of law. The Government also told the Commission that all detainees had access to their families on a weekly basis.

3. Applicable law

1297. The Commission is of the opinion that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms. The enforced disappearance of persons is incompatible with the Universal Declaration of Human Rights and major international human rights instruments.

1298. The UN Declaration on Enforced Disappearance,[633] the International Convention for the Protection of All Persons from Enforced Disappearance 2006[634] and the Rome Statute of the International Criminal Court 1998[635] provide an international legal framework for the assessment of alleged enforced disappearances. The Kingdom of Bahrain is not a party either to the International Convention for the Protection of All Persons from Enforced Disappearance 2006 or the Rome Statute of the International Criminal Court 1998.

1299. Article 1 of the UN Declaration on the Protection of All Persons from Enforced Disappearance contains the following statements, among others, regarding enforced disappearance:

> 1. Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international instruments in this field.
>
> 2. Any act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of

[633] UN Declaration on Enforced Disappearance, GA res 47/133 (1992), 18 December 1992.
[634] International Convention for the Protection of All Persons from Enforced Disappearance 2006, UN Doc.A/61/488, adopted by GA res A/RES/61/17 (2006), 20 December 2006, entered into force 23 December 2010.
[635] Rome Statute of the International Criminal Court, adopted 17 July 1998, entered into force 1 July 2002.

> the rules of international law guaranteeing, inter alia, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life.

1300. The International Convention for the Protection of All Persons from Enforced Disappearance was adopted by the UN General Assembly on 20 December 2006. The Convention entered into force on 23 December 2010 and there are currently 90 signatories and 30 parties. Article 1 provides that no one shall be subjected to enforced disappearance and that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.

1301. Article 2 defines "enforced disappearance" as "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law". The definition sets out the following fourfold requirement in order to establish an enforced disappearance:

a. There must be detention/deprivation of liberty;

b. Such detention/deprivation of liberty must be carried out with the authorisation, support or acquiescence of the State or by its agents;

c. Such detention/deprivation of liberty must be followed by a refusal to acknowledge the detention or a concealment of the fate or whereabouts of the disappeared person.

d. Finally, the disappeared person must be placed outside the protection of law.

1302. The Rome Statute of the International Criminal Court provides that the systematic practice of enforced disappearance constitutes a crime against humanity when committed in the context of an attack against a civilian population. Article 7(2)(i) defines enforced disappearance and acknowledges a temporal element by requiring removal from the protection of the law "for a prolonged period of time".[636]

1303. The international instruments noted above are not directly applicable to Bahrain. However, the Commission has used the definitions contained in

[636] Rome Statute of the International Criminal Court, art 7(2)(i): "'Enforced disappearance of persons' means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time."

those instruments as a frame of reference in its assessment of allegations of enforced disappearance.

4. Findings and Conclusions

1304. The Commission cannot find that acts and omissions that would comprise a breach of the general international human rights law prohibition against enforced disappearance took place during the relevant period. Nevertheless, the Commission is able to determine that the GoB concealed or withheld from detainees and/or their families information about the detained persons' whereabouts for periods ranging from days to weeks. The Commission is unable to conclude that the Government refused ultimately to acknowledge the fact of any particular detention. The Commission notes that the majority of detentions were carried out pursuant to arrest warrants issued by the Military Prosecutor General. This suggests, but by no means in itself establishes, that even if the cases were not disqualified *ratione temporis* from categorisation as enforced disappearances, the detained persons were not placed entirely outside the protection of the law, although as described in other parts of this Chapter arrested and detained persons did not fully benefit from their legally protected rights.

1305. The facts considered in the context of this Chapter are, however, relevant to issues of prolonged arbitrary detention addressed in Chapter VI, Section D.

CHAPTER VII — Other Human Rights Issues

Section A – Demolition of Religious Structures

1. Introduction

1306. The Commission received reports that 53 religious structures were demolished during or in consequence of the events that occurred in Bahrain in February/March 2011.

2. Factual Background

1307. The Al Wefaq National Islamic Society (Al Wefaq) submitted a list of 53 religious structures[637] that had been demolished. Al Wefaq assisted the Commission in identifying 30 Shia religious structures for detailed investigation. The 30 sites selected were those that had allegedly sustained the highest degree of damage.

1308. In accordance with the Jaafari Shia doctrine, religious structures can be separated into four categories, namely: mosque, *hussaineya/ma'atam*, *madyafa* and shrine. The religious significance of a structure in the Jaafari Shia school of thought depends on its categorisation. The Commission found that that mosques, *hussaineya/ma'atam* and shrines were demolished. No structure referred to as *madyafa* was demolished. The demolition of these structures took place between 1 March 2011 and 11 May 2011.

1309. The Al Wefaq report contained a list of 44 religious structures that were allegedly demolished. There were 14 religious structures that were not investigated. Of these 14 religious structures, five were demolished between 15 March and 3 May,[638] seven were partially demolished between 19 March and 18 April,[639] Al Anwar mosque in al Dayyah was partially demolished on 18 April and Kareem Ahl Al Bait mosque in Hamad Town was burned down on 12 March.

1310. In the course of investigations, questions arose as to the ownership of the land upon which the structures were built, particularly as to whether the land was private or public. If the land was public, the question was whether a royal deed was issued allowing the land to be used for that purpose. If the land was private, the question was whether the owner of the land consented to the presence of the structure. Another legal question arose as to the role of a semi-public institution referred to as Jaafari Waqf, an independent religious organisation dedicated to charitable purposes and representing Bahrain nationals who adhere to the Jaafari school of thought. The Jaafari Waqf is

[637] 44 mosques, seven ma'atams and two graveyards.
[638] Masjid al Marouhnnah in Zinj, Masjid al Jawwad in Hamad City, Masjid wa mazar al Imam in Darklip and Masjid al Imam al Hassan in Salmabad.
[639] Masjid Al Sheikh Haytham in al Joufayer, Masjid al Zahraain Muharrqa, Masjid al Sheikh Mohammed al Wassati in Sitra, Masjid al Sheikh Yacoub in al Naim, Masjid Saasaa Souhan in Askar, Masjid al Imam al Sadeq in al Daraz and Masjid al huwailat in Balad.

publicly recognised and is part of the Ministry of Justice and Islamic Affairs (MJIA). The Jaafari Waqf administers property held in trust for the Jaafari community, but the issuance of any decision by the Jaafari Waqf to build a religious structure must conform to the laws pertaining to land ownership, building permits and other administrative regulations.

a) *Methodology*

1311. To support the investigation of alleged demolition of places of worship, the Commission developed a database which was formulated through the amalgamation of various sources of information, including a questionnaire for officially appointed Qaim,[640] witness statements and photographs. The Commission also obtained satellite imagery and plans obtained from the Ministry of Municipal Affairs and Urban Planning (MMAUP).

1312. In addition to the information received from Al Wefaq, the Commission received information from the MMAUP, Jaafari Waqf Board and other sources. The Commission also conducted on-site investigations during which investigators took photographs and measurements and interviewed witnesses to the demolition. The Commission's investigators were accompanied on these visits by a consultant architect who produced a detailed report and assisted the Commission with the interpretation of the structural remains at the sites.

b) *Description of the Demolished Structures and Timeline*

1313. Of the 30 places of worship investigated by the Commission, 28 were mosques,[641] one was a mosque/*ma'atam*[642] and one was a shrine[643]. Five of these places of worship were located on lands dedicated to places of worship and had both a royal deed[644] and building permit.[645] Six were located on

[640] A Qaim or al Qaim ala al Masjid (القائم على المسجد) in Jaafari Shia doctrine is a male mosque keeper appointed by the Ministry of Justice, Islamic Affairs and Waqf's Jaafari Waqf Board. He is a staff member of the Jaafari Waqf Board and carries an identification card to that effect. He is supposed to receive a salary from the Jaafari Waqf Board. In many remote mosques, Commission investigators noticed that locals appoint an unofficial Qaim. A Qaim is responsible for maintaining the mosque and calling for prayers; he is not permitted to become the imam nor does he replace the imam in any his functions.

[641] Masjid Al Imam Al Hasan, Masjid Salman Al Faresi, Masjid Al Imam Al Baqer, Masjid Al Mo'men, Masjid Abou Thir Al Ghiffari, Masjid Al Douweira, Masjid Al Imam Al Sadeq, Masjid Al Imam Al Hadi, Masjid Al Imam Al Jawwad, Masjid Al Sheikh Youssef, Masjid Ein Rastan, Masjid Amir Mohamed Mohamed Barbagi, Masjid Fedak Al Zahraa, Masjid Al Rasool Al A'azam, Masjid Al Baqei, Masjid Al Imam Al Sajjad, Masjid Sayeda Zeinab, Masjid Al Imam Ali, Masjid Om Al Baneen, Masjid Abou Taleb, Masjid Salman Al Mohamadi, Masjid Al Imam Al Hasan Al Askari, Masjid Al Imam Al Ali, Masjid Fatima Al Zahraa, Masjid Al Sadeq, Masjid Al Kouweikebat, Masjid Al Sheikh Al A'abed, Masjid Al Wateyya – Masjid Saheb Al Aser wa Al Zaman.

[642] Masjid wa Ma'atam Al Imam Al Hadi.

[643] Maqam Kadam Al Mahdi–Al Wateyya.

[644] A royal deed is a document issued by the GoB granting a person ownership of a particular piece of land. In the absence of a royal deed, the land is legally owned by the GoB.

private land owned by a third party[646] and 19 were located on public land. Of these 19[647] places of worship, built on public land, two had a royal deed[648] but no building permit, one[649] had a building permit but no royal deed and 16[650] had neither a royal deed nor a building permit.

1314. The 30 structures were constructed as follows:

a. One was entirely or partially built with palm trees and other wooden material.[651]

b. 12 were Shinko cabins, sometimes covered from the inside with prefabricated material commonly referred to as "gypsum boards", whose access to electricity, water and sewage[652] was by unauthorised connections from neighbours.[653]

c. 12 were semi-permanent structures built with cement blocks, bricks and/or stones.[654]

d. One was a permanent structure made with reinforced concrete.[655]

e. Four were completely demolished; it was impossible to determine the type of construction.[656]

1315. Unless otherwise indicated, the 30 sites were demolished by the GoB, The timeline relating to these demolitions is detailed as follows:

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[645] Masjid Al Imam Ali, Masjid Om Al Baneen, Masjid w Ma'atam Al Imam Al Hadi, Masjid Al Imam Al Ali, Masjid Fatima Al Zahraa.
[646] Masjid Al Kouweikebat, Masjid Al Sheikh Al A'abed, Masjid Al Wateyya-Masjid Saheb Al Aser wa Al Zaman, Masjid Al Imam Al Hasan Al Askari, Masjid Al Imam Ali, Masjid Ein Rastan.
[647] Masjid Al Imam Al Hasan, Masjid Salman Al Faresy, Masjid Al Imam Al Baqer, Masjid Mo'men, Masjid Abou Thir Al Ghiffari, Masjid Al Douweira, Masjid Al Imam Al Sadeq, Masjid Al Imam Al Hadi, Masjid Al Imam Al Jawwad, Masjid Al Sheikh Youssef, Masjid Amir Mohamed Mohamed Barbagi, Masjid Fedak Al Zahraa, Masjid Al Baqei', Masjid Al Imam Al Sajjad , Masjid Om Al Baneen, Masjid Abou Taleb, Masjid Salman Al Mohamadi, Masjid Fatima Al Zahraa, Masjid Al Sadeq.
[648] Masjid Om Al Baneen, Masjid Fatima Al Zahraa.
[649] Masjid Abou Taleb.
[650] Masjid Al Imam Al Hasan, Masjid Salman Al Faresy, Masjid Al Imam Al Baqer, Masjid Mo'men, Masjid Abou Thir Al Ghiffari, Masjid Al Douweira, Masjid Al Imam Al Sadeq-Masjid Al Imam Al Hadi, Masjid Al Imam Al Jawwad- Masjid Al Sheikh Youssef, Masjid Amir Mohamed Mohamed Barbagi, Masjid Fedak Al Zahraa, Masjid Al Baqei', Masjid Al Imam Al Sajjad, Masjid Salman Al Mohamadi, Masjid Al Sadeq.
[651] Masjid al Sheikh Al A'abed.
[652] Masjid Al Sayeda Zeinab.
[653] Masjid Al Kouweikebat, Masjid Al Baqei', Masjid Al Imam Al Sajjad, Masjid Fedak Al Zahraa, Masjid Al Imam Ali, Masjid Om Al Baneen, Masjid Abou Taleb, Masjid wa Ma'atam Al Imam Al Hadi, Masjid Salman Al Mohamadi, Masjid Al Imam Al Hasan Al Askari, Masjid Al Imam Al Ali, Masjid Fatima Al Zahraa.
[654] Masjid Al Wateyya-Masjid Saheb Al Aser wa Al Zaman, Masjid Al Sadeq, Masjid Al Rasool Al A'azam, Masjid Ein Rastan, Masjid Al Sheikh Youssef, Masjid Al Imam Al Hadi, Masjid Al Imam Al Hasan, Masjid Salman Al Faresi, Masjid Al Imam Al Baqer, Masjid Al Mo'men, Masjid Abou Thir Al Ghaffari, Masjid Al Douweira.
[655] Masjid Al Sayeda Zeinab.
[656] Masjid Al Imam Al Sadeq, Masjid Al Imam Al Jawwad, Masjid Amir Mohamed Mohamed Barbagi, Maqam Kadam Al Mahdi (Al Wateyya).

a. March 2011

One mosque, Masjid al Sheikh Al A'abed, was demolished.

b. 31 March 2011

One mosque, Al Sayeda Zeinab in Hamad Town, was attacked by unknown assailants.[657] The assailants threw two Molotov cocktails onto the inner left walls of the mosque, one in the front and one in the back. According to the complainants, the police report indicated that two Molotov cocktails were thrown from inside the mosque.[658] The damage to this mosque was minor and the reported losses were at a total of 6,000 BD.

c. 10 April 2011

The Council of Ministers issued Decree No. 2105-05 of 2011[659] mandating that the relevant government ministries enforce the laws concerning all violations and infringements on public roads, misappropriated state lands and illegal exploitation of those lands. This decree was cited as a basis for the demolitions detailed below.

d. 12 April 2011

One mosque, Om Al Baneen in Hamad Town, was demolished.

e. 14 April 2011

Four mosques, Abou Taleb, Al Imam Al Hasan Al Askari, Salman Al Mohamadi and Fedak Al Zahraa, and one mosque/*ma'atam*, Al Imam Al Hadi, were demolished. All were located in Hamad Town.

f. 15 April 2011

One mosque, Al Baqei' in Al Lozy district, was demolished.

g. 17 April 2011

Two mosques, Amir Mohamed Mohamed Barbagi in the A'ali district of the Middle District and Al Sadeq in Salmabad District, were demolished.

h. 19 April 2011

[657] The faithful of the mosque made a complaint to the police. An investigation was opened and subsequently ascertained that there were two assailants and that the attack was from inside the mosque as no signs of forced entry were detected.

[658] The mosque was reportedly set on fire after a sermon given by Sheikh Ali Ahmad Abdul Wahhab (also known as al Goufeiry) on Wednesday 30 March 2011 after Isha prayer. In his sermon, he called for the Shia faithful to exercise self-control and not to fall into a sectarian trap. He did not accuse anyone of the attack. He added that those suspected of having committed the attack wanted to initiate a reaction from Shia towards the Sunnis, starting from the attacks/burning and demolition of Shia Mosques.

[659] Council of Ministers Decree No. 2105-05 of 2011, 10 April 2011.

10 places of worship were demolished in a matter of hours. The demolition reportedly began at about 15:00 and lasted until midnight. The targets were places of worship in the Nuwaidrat village – Barboura, Middle Municipality. All the places of worship were within a radius of 250 metres. The demolition began with Abou Thir al Ghiffari mosque, followed by al Imam al Sadeq mosque, Al Douweira mosque, Al Sheikh Youssef mosque, al Imam al Baqer mosque, Al Imam al Hadi mosque, Salman al Faresi mosque, Al Imam Al Jawwad mosque and ending with Al Imam al Hasan mosque. Ein Rastan mosque was also demolished. Commission investigators visited all these sites on 18 September 2011, the first day of the field visits.

i. 20 April 2011

Three mosques, Al Imam Ali, Fatima Al Zahraa and Mo'men Mosque in Barboura Nouwaidrat, were demolished.

j. 11 May 2011

Three mosques, Al Imam Al Sajjad in Al Lozy district, Al Imam Ali in Sadad district and Al Wateyya–Saheb El Aser wa El Zaman mosque in Maqaba, were demolished.

k. During the month of April

Al Kouweikebat mosque in Al Kawra Village was burned and destroyed, and Maqam Kadam El Mahdi–Al Wateyya in Al Mahouz Distrcit was demolished.[660] The date when Rasool Al A'azam was demolished was not identifiable.

c) *The Manner of Demolition and Government Actors Involved*

1316. The complainants allege that the places of worship were demolished by the MoI's Department of General Security (General Security) and Department of Riot Police (Riot Police)[661] and, in one case, unknown assailants. Among the reports received were allegations of the presence of officials in civilian clothes believed to be members of the National Security Agency (NSA). While all demolitions were done under the authority of the MMAUP, the Commission investigators were unable to determine which government agencies were directly involved in any specific demolition. Furthermore, it was not possible to identify the individual representatives of these agencies who participated in or directed the demolitions. Uniformed police from General Security, Riot Police and NSA were reported to have been present during the demolition at several locations. In one case, municipal workers were identified as those responsible for the demolition.

[660] Exact dates were unascertainable from complainants.
[661] The complainants have reported that various government forces and BDF operatives were present at the demolished places of worship sites, in addition to municipal workers.

1317. Witnesses asserted that the following agencies were responsible for demolition:

a. Nine mosques were reportedly demolished by General Security with the involvement of the BDF who secured the perimeter.[662] These were Masjid Al Imam Al Hasan, Masjid Salman Al Faresi, Masjid Al Imam Al Baqer, Masjid Al Mo'men, Masjid Al Sheikh Youssef, Masjid Amir Mohamed Mohamed Barbagi, Masjid Al Imam Al Hasan Al Askari, Masjid Al Sadeq, and Masjid Al Sheikh Al A'abed.

b. 14 mosques were reportedly demolished by the General Security alone. These were Masjid El Abou Thir el Ghiffari, Masjid Al Douweira, Masjid Al Imam Al Sadeq, Masjid Al Imam Al Hadi, Masjid Al Imam Al Jawwad, Masjid Ein Rastan, Masjid Fedak Al Zahraa, Masjid Al Rasool Al A'azam, Masjid Al Baqei', Masjid Al Imam Al Sajjad, Masjid Al Imam Ali, Masjid Salman Al Mohamadi, Masjid Al Imam Aliand Masjid Al Wateyya–Masjid Saheb Al Aser wa Al Zaman.

c. One mosque was reportedly demolished by General Security with the help of Asian expatriates and two others were demolished by Bahraini nationals. It was impossible for the investigators to ascertain the identity of the Asian expatriates and the civilians. These mosques were respectively Masjid Abou Taleb, Masjid Al Sadeqand and Masjid Ma'atam Al Imam Al Hadi.

d. One mosque was demolished by municipal workers only. This was Masjid Om Al Baneen in Hamad Town.

e. The demolition of one mosque, Masjid Fatima Al Zahraa in Zayed Town, was attributed, by the community, to a private security company but Commission investigators were unable to identify the reported company.

f. Al Sayeda Zeinab mosque in Hamad Town was burned by unknown assailants.

g. Maqam Kadam El Mahdi–Al Wateyya in Al Mahouz District and Masjid Al Kouweikebat were demolished by unknown assailants.

1318. The MMAUP reported that it had attached a municipal notice of violation to the 28 places of worship that were demolished after adoption of Decree No. 2105-05 of 2011. Some of the notices were issued as early as 15 March 2011. The notices were designed to advise the owners and the general

[662] No specific military units could be identified.

public that the location was scheduled for removal or demolition due to violations of the Building Regulation Law (1977).[663]

1319. Though Decree No. 2105-05 of 2011 was issued on 10 April 2011, GoB media outlets had begun alerting the general public the day before (9 April 2011) that the MMAUP would be carrying out the removal of unauthorised structures, illegal cabins and stores, etc. These news alerts continued for a week.

1320. The two main methods used for demolition were manual tools (sledgehammers) and heavy machinery (loaders, bulldozers, cranes and heavy trucks). Heavy machinery was used to demolish places of worship and also to remove debris and rubble from the sites. Heavy machinery was also used to demolish permanent structures, as well as Shinko cabins and other semi-permanent structures. In addition to these two main means of demolition, two mosques were burned. These were Al Kouweikebat in Al Kawra Village and Al Sayeda Zeinab mosque in Hamad Town. Both of these demolitions by fire were attributed to unknown assailants.

1321. Complainants and eyewitnesses reported that the events surrounding the demolition of the various places of worship were almost identical. They stated that General Security and/or Riot Police descended on a site, removed any worshippers and prevented the gathering crowds from interfering with the demolition. They claimed that municipal workers then started working on the demolition of the site and that, in some instances, General Security and/or Riot Police themselves carried out the demolition.

1322. During the course of their field visits, Commission investigators were informed that General Security and/or Riot Police forbade the locals from removing the Qurans and other religious artefacts from the places of worship prior to their demolition.

d) *The Government's Position*

1323. The MMAUP indicated a number of legal grounds on which decisions to carry out a demolition had been reached: absence of a royal deed; occupation of public or private land; absence of an ownership deed; absence of a survey certificate; absence of a building permit; absence of the approval of the MJIA; and finally, the misuse of utilities (water and electricity).

1324. In addition to the grounds above, the MMAUP stated the following specific reasons with respect to particular places of worship:

a. Amir Mohamed Mohamed Barbagi mosque in the A'ali district of the Middle District located on the Sheikh Khalifa Bin Salman highway: according to official documents provided by the MMAUP, this mosque constituted a "clear and present danger" to the users of the highway. The Ministry specifically claimed that it obstructed the safety lane

[663] Building Regulation Law of 1977.

of the highway.[664] Aerial photographic imagery of the mosque's location supplied by the MMAUP indicated that before its demolition, the surface area of the mosque increased over time and caused a serious infringement to the highway's safety lane.[665] According to media sources, the GoB earlier had rerouted the highway in order to preserve this mosque.[666]

b. 10 places of worship in the Nuwaidrat village, Barboura, Middle Municipality:[667] during a meeting held on 21 September 2011 between the Commission and the Minister of Municipal Affairs and Urban Planning, HE Dr Jumaa Bin Ahmad Al Kaabi, the Minister replied that they were demolished for reasons contained in information received from the MoI. The Minister said that Nuwaidrat village, Barboura was considered one of the main flash points of riots during the February/March 2011 events. Dr Al Kaabi also said that these sites were labelled by the MoI as dangerous sites where Shia youth gathered, organised and armed themselves. He further stated that the sites were also used as staging grounds to attack government forces stationed nearby and that incitement and provocation against government forces took place there. He added that the MMAUP was also informed that some of these sites were used for weapons storage, especially for Molotov cocktail and associated materials. This information was also contained in the written report received from the MMAUP.

3. Applicable Law

1325. Article 18 of the ICCPR[668] applies to the facts described above, as does Article 22 of the Bahrain Constitution.[669] Other legal issues arise in

[664] Map supplied by the MMAUP [on file with the Commission].
[665] See Ministry of Municipal Affairs and Urban Planning, Report to the Commission [on file with the Commission].
[666] Roy Gutman, *While Bahrain demolishes mosques, US stays silent*, McClatchy Newspapers (8 May 2011), http://www.mcclatchydc.com/2011/05/08/v-print/113839/while-bahrain-demolishes-mosques.html accessed 1 October 2011.
[667] The Commission investigators were concerned about the demolition of the ten places of worship in the Nuwaidrat village, Barboura, Middle Municipality. This was the largest number of places of worship to be demolished both in one day and in one single location during the February/March 2011 events.
[668] Article 18 of the ICCPR provides: "1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching... 3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others…"
[669] Article 22 of the Constitution of Bahrain 2002 guarantees the freedom of worship and sanctity of places of worship. It states: "[F]reedom of conscience is absolute. The State shall guarantee the inviolability of places of worship and the freedom to perform religious rites and

connection with the determination of whether the demolition carried out by the Government constituted abusive or vindictive acts in reliance upon legal technicalities such as domestic laws governing public land ownership, violations of administrative regulations concerning construction on public or private lands and other violations of administrative law applicable to buildings and structures.[670]

1326. In 28 instances, demolition was carried out pursuant to Decree No. 2105-05 of 2011.[671] This Decree requires competent government authorities to coordinate their efforts for the removal of all forms of infringements on public lands and roads. In implementing Decree No. 2105-05 of 2011, the responsible authorities were to act in accordance with articles 23 and 24 of Building Regulation Law No. 13 of 1977.[672]

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to hold religious processions and meetings in accordance with the customs observed in the country."

[670] The process of land registration and building permits for public lands in Bahrain can be summarised as follows:

> Pursuant to Royal Decree Law No. 19 of 2002, the King is the sole legally accredited authority in Bahrain to determine the allocation, reallocation and usage of public land. The Royal Court issues a royal deed of ownership, which is the most important document to start any dealings with the concerned ministries.
>
> The Registration Department of the Survey and Registration Directorate, part of the MMAUP, is responsible for the registration and issuance of ownership deeds. The Registration Department is the sole legally accredited authority in Bahrain to issue these deeds, which confirm the ownership rights of the land and allow the owner to dispose of it in any legal manner.
>
> The Survey Department, at the same ministry, issues the survey certificates detailing the exact dimensions and surface of that land. This certificate is valid for only two years from the date of issuance. This certificate carries a red seal of authenticity and does not replace the ownership deed.
>
> The concerned party desiring to erect a place of worship must meet the following requirements to obtain a building permit. These requirements are:
>
> The building permit application form;
> The royal deed; and
> The survey certificate.
>
> The MMAUP, represented by the five municipalities of Bahrain, receives the requests and issues the building permit. This is done in cooperation with the MJIA's Jaafari Waqf Board and other competent authorities.

[671] Council of Ministers Decree No. 2105-05 of 2011.

[672] Articles 23 and 24 of Decree Law No. 13 on the Building Regulation Law of 1977 set out the procedures that the GoB must follow when addressing an alleged violation. These provisions state:

> Art 23: any violation of the provisions of this Act, or implementing decisions, shall be punished by a fine of not less than ten dinars and not more than one hundred dinars. In addition to the fine, a judgment must be issued ordering the rectification, completion or demolition of the violation. Also a judgment must be issued ordering the doubling of the licensing fees in the case where the issue of the violation is for the act of building without a licence. Additionally, the municipality shall request the submission of drawing plans, detailing the exact dimensions and surface of the piece of land as requested by law. If the offender does not submit the requested plans within the time limit, he will be fined not less than fifty dinars and not exceeding five hundred dinars and given a new deadline to provide the plans. The fine will be repeated each time the offender does not provide the plans within the required time limit.

1327. The legal situation of structures on publicly owned property differs from that of structures on privately owned property. In respect of the former, it is on the initiative of the GoB that a court order is sought for the demolition or removal of a structure, the MMAUP having competence to seek the order. In respect of structures on privately owned land, only the owner or a person having other legal interest in the land can seek removal or demolition, and this is through civil action.

1328. If the demolition is based on an administrative violation, then the MMAUP can issue a demolition order. In this case it needs to notify the owner of record and to place a notice in a visible way on the structure. The purpose of the notice is to give the owner or custodian of the structure the opportunity to object and have an administrative hearing on the objection. If the structure is a religious one authorized by the Jaafari Waqf, that body also has to be notified and has to be given an opportunity to object and be heard at an administrative hearing. There are exceptions whenever a situation of danger exists (such as the danger that the structure will collapse and either kill or injure persons in sight of it). In such cases, the period of notice can be shortened and the demolition can be as immediate as the danger justifies.

4. Findings and Conclusions

1329. The Commission inspected 30 places of worship and found that only five of them had both the requisite royal deed and building permit. The other places of worship were in violation of Royal Decree Law No. 19 of 2002.

1330. The Commission found that 19 places of worship were erected on public land and did not have a building permit and royal deed. These places of worship were thus in violation of Royal Decree Law No. 19 of 2002, which prescribes that all mosques must have at least a building permit and a royal deed in order to comply with Bahrain law. The GoB did not follow the requirement of the national law concerning the notice and issuance of a judicial order for demolition. Instead, it relied on the National Safety Law.

1331. The Commission found that six places of worship were built on private land but none had obtained a royal deed or building permit. In cases where the land is owned by a private person, the MMAUP may only act on the basis of a violation of administrative law with respect to whether a building or construction permit has been obtained or whether a structure conforms to the administrative regulations applicable to structures intended for use for religious purposes.

1332. The action by the GoB with respect to 28 of the 30 places of worship was undertaken after the issuance of Council of Ministers' Decree No. 2105-05 of 2011. All the orders issued by municipalities in connection with the demolition of the religious structures described in this Chapter were issued for

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Art 24: if the concerned parties do not adhere to the decision calling for the rectification, completion or demolition of the Building Regulation Law violation within the required time limit by the municipality, the municipality may remove the cause of the violation at their expense.

"immediate application". No distinction was made by the MMAUP between structures constructed on private as opposed to public land, and demolition was conducted without regard to authorisations for construction by the Jaafari Waqf. In accordance with applicable administrative law, notice should have been given requesting that cause be shown why the given structure should not be demolished, followed by an administrative hearing to allow a defence to be presented. This procedure was not followed. Instead, the order was deemed applicable immediately without providing an opportunity for those who opposed the demolition to be heard before an administrative body and eventually before the judiciary.

1333. The Commission takes note of the explanation of the GoB that its decision to demolish the 30 places of worship was based on information received by the MoI that these places were used as a staging point for attacks against police forces and for the manufacture and storage of weapons such as Molotov cocktails. MoI officials informed the Commission that such attacks resulted in injuries to tens of police personnel within the same areas of the places of worship. On 10 November 2011, the Commission received two photographs showing weapons and Molotov cocktails inside one of the demolished places of worship in Nuwaidrat. The Commission notes, however, that administrative orders for the demolition of these structures did not invoke or rely on security grounds. They based themselves on violation of administrative requirements. In some of the demolitions referred to above, the GoB has argued that certain structures were used to store weapons, to assemble Molotov cocktails, and to stage violent protests, including attacks upon security forces. On its face this is a valid justification qualifying for imminent danger and thus demolition without any more than the issuance of the administrative order and the posting of the notice. This is obviously a question of fact. Moreover, at the time of these demolitions, the National Safety Law was in effect. It gives the Military Governor General such broad powers as to include issuing directives to the MMAUP to issue demolition orders of structures identified by the Military Governor General as constituting a threat to security. Based on the above, the GoB has acted pursuant to National Safety Laws.

1334. Nonetheless, the Commission notes with some concern the timing of demolition (1 March 2011 to 11 May 2011), which relates it to events of February and March. The GoB must have been aware of the construction of these structures and that they lacked proper legal permits and did not conform to building regulations. Nonetheless, the GoB had not stopped the construction of these structures nor taken action to remove them for a number of years. The Government should have realised that under the circumstances, in particular the timing, the manner in which demolitions were conducted and the fact that these were primarily Shia religious structures, the demolitions would be perceived as a collective punishment and would therefore inflame the tension between the GoB and the Shia population.

5. Recommendations

1335. On 22 May 2011, HM King Hamad announced that new Shia places of worship would be built. The statement was made shortly after several religious structures were demolished by the GoB.

1336. The Commission recommends a follow up on the King's statement 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.

Section B – Terminations of Public and Private Sector Employment

1. Factual Background

1337. The Commission received a total of 1,624 complaints from individuals alleging that they had been dismissed or suspended from employment as a result of the events of February/March 2011. These allegations included dismissals in both the public and private sectors. What follows is a discussion of what occurred in the two sectors.

1338. The three main grounds used to dismiss employees in the public sector were: (i) absence from work; (ii) involvement in the demonstrations, at times occurring on work premises; and (iii) public display of opinions incompatible with the internal regulations of the ministries involved. In the private sector, the two main grounds used to dismiss employees were: (i) absence from work; and (ii) involvement in union activity related to the demonstrations.

1339. The information received by the Commission from government agencies has been in near-constant fluctuation. The Ministry of Labour (MoL) has reported that a large number of employees have been reinstated in the private sector, due in large part to its work on the matter, while the Civil Service Bureau (CSB) has reported low numbers of reinstatements and has on occasion denied reports of large-scale dismissals in the public sector.

1340. The General Federation of Bahrain Trade Unions (GFBTU) represents more than 70 trade unions in Bahrain, which cumulatively represent over 20,000 workers throughout the country. On 19 February 2011, the GFBTU issued a statement condemning the injuries caused to demonstrators, calling for a general strike beginning on 20 February and demanding the withdrawal of security forces in order to allow demonstrators to continue their peaceful demonstrations. The GFBTU also stated that they were striking because of what they perceived to be the GoB's inhibition of medical personnel from carrying out their duties to attend to the injured. On the same day, the Bahrain Teachers' Society (BTS) issued a statement criticising security forces for using violence against demonstrators at the GCC Roundabout. The BTS statement called on teachers to strike in front of their schools beginning on 20 February in order to demand a constitutional monarchy, an elected government and accountability for security forces responsible for killing civilians. It also advised parents not to send their children to school for safety reasons, stating a belief that security forces might use excessive force against the teachers. The BTS affirmed its commitment to maintaining the non-violent character of the demonstrations.

1341. On 21 February 2011, the GFBTU announced that it was suspending the strike due to the withdrawal of security forces from the GCC Roundabout.

1342. On 23 February 2011, the BTS issued a statement declaring that its demands had been met and suspending the teachers' strike. The statement

called on teachers to return to work on 24 February and advised the Ministry of Education (MoE) not to retaliate against teachers who had participated in the strike. The statement noted that the BTS would continue organising demonstrations outside school hours.

1343. On 24 February 2011, dozens of employees of the MMAUP marched to the GCC Roundabout calling for the formation of a union.

1344. On 27 February 2011, the BTS issued a statement criticising what it regarded as retaliation against teachers who had participated in the teachers' strike. In its statement, the BTS called for a withdrawal of volunteers from schools, an apology from the Minister of Education for the treatment of teachers, the suspension of all legal actions pursued against teachers and an affirmation from the MoE to ensure the safety of teachers and students.

1345. On 28 February 2011, the GFBTU issued a statement in support of the socio-economic and political demands of the demonstrators. The statement also urged officials not to take measures that would exacerbate the situation, in particular by terminating the contracts of employees participating in demonstrations.

1346. On 2 March 2011, the BTS called for a peaceful demonstration in front of the MoE building in order to condemn the MoE's treatment of teachers and students and to demand the resignation of the Minister of Education. On 10 March, the BTS called for another demonstration demanding the resignation of the Minister of Education.

1347. On 13 March 2011, following continued reports of violence by security forces, the GFBTU called for another general strike beginning 14 March. The GFBTU stated that the purpose of the strike was to protest the excessive use of force by security forces against demonstrators during the events of February/March, as well as to voice general socio-economic grievances affecting the workforce.[673] The Arab Shipbuilding and Repair Yard (ASRY) Trade Union confirmed its participation in the general strike called for by the GFBTU.[674] In addition, the BTS affirmed its support for the strike and called upon teachers to participate.

1348. On 14 March, the Trade Union of BAPCO Employees issued a letter to the Board of Directors of BAPCO complaining that employees had been subjected to beatings and property damage during their commutes to and from work. The union argued that the company was responsible for ensuring the safety of its employees.[675]

1349. On 20 March 2011, the GFBTU issued a statement calling on workers to continue strikes in order to protest adverse treatment of workers by security

[673] Statement by the GFBTU, 13 March 2011.
[674] Statement by the ASRY Trade Union, 13 March 2011.
[675] Letter from the Trade Union of BAPCO Employees to the Board of Directors of BAPCO, 14 March 2011.

forces and to highlight the threat to the safety of employees commuting to and from work.[676]

1350. The GFBTU called off the strike on 22 March 2011 and urged workers to return to work the following day. It stated that it had been given assurances by the head of the Shura Council, the Deputy Prime Minister and the Minister of Labour that workers would not face any punitive measures for their participation in strikes.

1351. On 23 March 2011, the BTS suspended the teachers' strike and called upon teachers to return to school beginning on 24 March.

1352. On 27 March 2011, HRH the Prime Minister ordered all ministries and government agencies fully to comply with the rules and regulations of the CSB with respect to disciplinary measures taken against employees in the public sector.[677]

1353. In a statement carried by the Bahrain News Agency on 17 April 2011, the Prime Minister referred to the demonstrators who participated in the February/March 2011 protests and stated, "No violators will get away with it". He added that "all co-conspirators and abettors must be held accountable".[678] In a statement carried by Reuters news agency the following day, the Prime Minister described the protests as a coup attempt.[679]

1354. From March 2011 through May 2011, several companies and government agencies began dismissing employees for reasons ranging from failure to appear for work to allegations of involvement in the demonstrations of February/March.

1355. On 28 August 2011, HM King Hamad delivered a speech in which he ordered institutions to work toward reinstating dismissed employees, making no distinction between public and private sector employees.

1356. The Commission received a total of 1,624 statements related to employee dismissals and suspensions in connection with the events of February/March 2011. In the public sector, 465 employees alleged that they had been dismissed from work, while 355 alleged that they had been suspended. In the private sector, a total of 788 employees alleged that they had been dismissed, while 16 alleged that they had been suspended. Below are tables reflecting the employment-related statements received by the Commission:

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[676] Statement by the GFBTU, 20 March 2011.

[677] *The Government Demands the Application of the Civil Service Regulations on All Violators*, Al Wasat News (28 March 2011), http://www.alwasatnews.com/3125/news/read/534549/1.html accessed 9 November 2011.

[678] *HRH the Prime Minister Chairs the Ordinary Meeting of the Council of Ministers*, Bahrain News Agency (17 April 2011), http://bna.bh/portal/news/453143 accessed 1 November 2011.

[679] *Gulf troops staying until Iran "threat" gone: Bahrain,* Reuters Africa (18 April 2011), http://af.reuters.com/article/worldNews/idAFTRE73H2PZ20110418?sp=true accessed 1 November 2011.

Public Sector Employees	Dismissed	Suspended
Central Bank of Bahrain	6	0
CSB	4	0
Council of Representatives	19	21
MoE	153	111
MoH	60	154
MoI	88	6
MMAUP	48	43
Other complaints	87	20
TOTAL	**465**	**355**

Private Sector Employees	Dismissed	Suspended
ALBA	228	0
APM	43	0
ASRY	8	3
Banagas	48	0
Batelco	111	0
Garmaco	13	0
Gulf Air	91	0
Other	246	13
TOTAL	**788**	**16**

a) *Public Sector Employees*

1357. The most common grounds for dismissals and suspensions alleged by public sector employees were: (i) absence from work; (ii) participation in demonstrations; and (iii) public display of opinions incompatible with the internal regulations of the ministries involved.

1358. Approximately 34% of dismissed public sector employees alleged that they had not been subjected to investigations or otherwise notified of their potential dismissal prior to receiving notice of their termination.

1359. Of the public sector employees who were subjected to investigations, some reported having been questioned about the reasons for their absence, their political affiliations, whether they had participated in the demonstrations at the GCC Roundabout, which sect they belonged to, and their opinions about the regime and/or high profile religious or political figures.[680]

1360. Approximately 120 employees reported that they were presented with photographs associating them with the demonstrations.[681] At least 95

[680] Most commonly reported by MoI employees.

[681] The government agencies involved in these allegations are: Ministry of Municipalities; MoE; University of Bahrain; Electricity and Water Authority; MoH; General Authority for the

employees[682] were threatened that their cases would be referred for public prosecution and 44 employees[683] were suspended prior to having been referred for investigations.

(1) The Civil Service Bureau and public sector employees

1361. The Commission met with the CSB on three separate occasions to inquire about the dismissals and suspensions of employees in the public sector. The CSB oversees employment matters for employees working for government agencies.

1362. On 26 April 2011, the head of the CSB publicly denied reports of dismissals in government agencies under the umbrella of the civil service, stating that no employees had been dismissed for disciplinary reasons.[684] He added that investigation committees in all ministries were completing their investigations and that employees would be referred to disciplinary boards to issue dismissals.[685] He also stated that the disciplinary boards had already been formed in some government agencies in accordance with article 22 of Civil Service Law No. 48 of 2010.[686]

1363. During the Commission's first meeting with the CSB on 21 August 2011, the CSB alleged that according to its records 174 employees in the public sector had been dismissed in connection with the events of February/March. Of these employees, 79 were MoE employees, 41 were MMAUP employees and 36 were MoH employees. The CSB also briefed the Commission on the procedures and guarantees afforded to public sector employees facing disciplinary action under Civil Service Law No. 48 of 2010, but disclosed that although the law had been enacted in November of 2010, the CSB had not yet applied the law consistently and did not anticipate doing so for the next several months.

1364. A report from the CSB reiterated the claim that 174 employees in the public sector had been dismissed, and added that 148 had been suspended and

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Protection of Marine Resources, Environment and Wildlife; Bahrain Training Institute; Parliament; Survey and Land Registration Bureau; and Capital Market Authority.

[682] The government agencies involved in these allegations are: MoE; University of Bahrain; MoI; Survey and Land Registration Bureau; MoH; Shura Council; Parliament; Ministry of Municipalities; MJIA; Ministry of Human Rights and Social Development; General Authority for the Protection of Marine Resources, Environment and Wildlife; Electricity and Water Authority; Al Areen Nature Reserve; General Authority of Social Insurance; and Capital Market Authority.

[683] The government agencies involved in these allegations are: MoH; MoE; Media Affairs Authority; Ministry of Municipalities; Survey and Land Registration Bureau; University of Bahrain Al Areen Nature Reserve; and MoI.

[684] *Head of Civil Service Bureau reports no dismissals*, Bahrain News Agency (26 August 2011) http://www.bahrainnewsagency.com/portal/news/454385 accessed 1 November 2011.

[685] *Head of Civil Service Bureau reports no dismissals*, Bahrain News Agency (26 August 2011) http://www.bahrainnewsagency.com/portal/news/454385 accessed 1 November 2011.

[686] *Head of Civil Service Bureau reports no dismissals*, Bahrain News Agency (26 August 2011) http://www.bahrainnewsagency.com/portal/news/454385 accessed 1 November 2011.

eight exonerated in connection with the events of February/March.[687] The report also disclosed that since 15 February 2011, 615 new employees had been hired in public sector jobs.[688]

1365. Additionally, the Commission received statements from four witnesses who reported having been dismissed from their employment with the CSB. One witness reported having been dismissed for "immoral conduct", and alleged that her dismissal was based on statements she had made on an instant messaging service. Another witness stated that he was a computer specialist for the CSB and was terminated for "calling for unlicensed protests".

1366. The CSB provided copies of the dismissal letters for the four employees it had dismissed. The stated reasons for these dismissals involved "organising or calling for sit-ins", "cursing or disparaging the reputation of others" and "behaviour inconsistent with a public post".

1367. On 20 November 2011, the Commission received a letter from the CSB indicating the following:

a. 37 employees were exonerated and returned to their work.

b. 219 employees were referred to the Public Prosecution, but were not suspended from work and are receiving full pay.

c. 180 dismissals were confirmed. The employees may challenge these dismissals in administrative court.

1,639 referrals for dismissal made to the CSB by government agencies were overturned after consultation with the Public Prosecution. These employees have been reinstated and returned to work, but were suspended for periods up to 10 days as provided by the law.

(2) Council of Representatives

1368. The Commission received complaints from 53 employees of the Council of Representatives who had been dismissed, suspended or subjected to some form of disciplinary action or review in connection with the events of February/March 2011. Of these employees, 19 had been dismissed and 21 suspended. Employee suspensions ranged from five to 15 days, and two of the suspended employees were referred for public prosecution.

1369. The Commission met with the Speaker of the House and his Chief Legal Adviser, who both alleged that the employees had been dismissed for committing crimes against HM King Hamad, HRH the Prime Minister and the GoB. During this meeting, the Commission referred to HM King Hamad's speech of 28 August 2011, in which he pardoned individuals who had spoken out against him and members of the GoB and urged the reinstatement of dismissed employees. The Speaker of the House stated that the decisions to dismiss would be reviewed and an update would be submitted to the

[687] Civil Service Bureau, Report to the Commission [on file with the Commission].
[688] Civil Service Bureau, Report to the Commission [on file with the Commission].

Commission within one week. No response was submitted. Rather, when the Commission followed up on the matter, it was informed that the review board that had been established had confirmed the decisions to dismiss and that the employees would need to challenge their dismissals in administrative court.

(3) Ministry of Education

1370. The Commission received complaints from 87 dismissed and 96 suspended employees from the MoE.

1371. The BTS submitted a report to the Commission alleging that following the teachers' strikes of 20-24 February and 14-24 March 2011, as well as the subsequent demonstrations organised by the BTS outside school hours, the MoE began retaliating by dismissing and suspending teachers.

1372. Among the affected employees was an active member of the BTS, who was arrested on 28 March 2011 in her home by men wearing military and civilian clothing. She reported having been blindfolded, handcuffed and taken to the Criminal Investigations Department facility where she was subjected to various forms of mistreatment. She was then taken to the Isa Town Detention Centre, a female detention facility, where she reported further mistreatment. The witness alleged that she was blindfolded for several hours and kept in isolation, and was not permitted to pray or to clean herself. The witness also stated that she was subjected to derogatory comments about her sect, Shia Islam, and that she was not permitted contact with her legal representative or family members. The MoE accused the witness of organising illegal strikes and dismissed her on that ground.

1373. Other witnesses reported having been dismissed for attending demonstrations in front of the MoE or local schools. One witness attempted to file a complaint with the CSB regarding her dismissal, but was informed by both the CSB and the MoE that the order to dismiss her had come from "higher up". Another witness was summoned for questioning by the MoE but refused to participate in the investigation, although she denied participating in any political activities. The witness stated that shortly after her refusal, she was dismissed from work because she had taken two sick days, despite having provided a medical report explaining her absence.

1374. The MoE provided the Commission with copies of the notices that it had issued to its employees.[689] These notices included the following: four summonses informing employees to appear before an investigation committee; three summonses informing employees to attend a hearing before a disciplinary committee; one warning for unauthorised absence; three notices suspending employees until investigation was complete; and two notices of dismissals.

1375. The CSB provided copies of letters that had been issued to 44 employees dismissed from the MoE.[690] The letters identified the following

[689] Ministry of Education, Report to the Commission [on file with the Commission].
[690] Civil Service Bureau, Report to the Commission [on file with the Commission].

reasons for dismissal: calling for strikes; participating in sit-ins or demonstrations in front of schools; encouraging minors to participate in demonstrations; and carrying slogans disparaging leaders. Additionally, seven of the dismissal letters provided by the CSB stated that the employee was dismissed for not punishing students who did not attend class during the demonstrations.

(4) Ministry of Health

1376. The Commission collected the statements of 60 individuals who alleged that they had been improperly dismissed and 154 individuals who alleged that they had been suspended from their employment with the MoH. Employees of the MoH alleged that they had been discriminated against on the basis of their religious sect (Shia Islam) and for their support for or participation in workers' strikes and demonstrations during the events of February/March 2011. Employees also reported being detained on work premises, and interrogated and insulted by security officers.

1377. One witness working for the Human Resources Department of the MoH stated that security forces attacked the MoH building on 18 April 2011. The witness was detained in a room where security officers insulted him, refused to inform him of why he had been detained, and then transported him to the Naim Police Station where he was forced to sign documents he did not read. The witness stated that he was asked about his participation in demonstrations and events at SMC and questioned about his salary. On 2 May, the witness received a letter from the MoH informing him that he had been suspended for three months for unlawful assembly and conspiring against the GoB.

1378. Other employees alleged that they were interrogated by MoH officials about their political opinions. Witnesses reported having been asked about their participation in demonstrations and their political opinions. Witnesses also reported having been asked questions attempting to incriminate colleagues who may have been active in the demonstrations.

1379. Employees further alleged that the disciplinary measures taken against them by MoH were not in accordance with Civil Service Law No. 48 of 2010. Witnesses stated that they received written warnings without first receiving any notification that they were under investigation and that they were dismissed for missing five consecutive days (as opposed to the 15 consecutive days required by law to legally dismiss public employees for absenteeism) or 20 non-consecutive days (as opposed to the 30 non-consecutive days required by law to legally dismiss public employees). Some employees also alleged that they were dismissed for past actions that supervisors had known about for over three months, in violation of article 22 of Civil Service Law No. 48.

(5) Ministry of Interior

1380. The Commission interviewed 94 employees or former employees of the Ministry of Interior (MoI). Of these, 88 alleged they had been dismissed and six suspended from their positions at the MoI. The Commission also received information indicating that 110 MoI personnel had been arrested for being absent from work or refusing to carry out orders from their superiors during the events of February/March 2011. These witnesses stated that they had also been subjected to derogatory comments about their family and religious sect (Shia Islam) during their detention. Nineteen of these witnesses also alleged they had been subjected to various forms of mistreatment, including torture or cruel, inhuman or degrading treatment.[691]

1381. One witness stated that he was working as a police officer with the MoI, but was dismissed for allegedly participating in unauthorised demonstrations, associating with certain opposition political parties and being involved in attempting to overthrow the Government. The witness was also arrested and sentenced to four years in prison on the basis of these allegations.

1382. The most common reason for dismissal given to police personnel was participation in or support for protests and demonstrations at the GCC Roundabout. Some MoI employees were accused of attending protests dressed in their uniforms. Others were dismissed due to absence from work. One witness working as an officer at the MoI stated that he was arrested on his way to SMC where his phone was searched by other officers who went through his text messages. The witness reported that his hands were bound and he was sent to the Naim police station where he was subjected to torture and was forced to sign a confession he did not read. He was then sent to Al-Qalaa Detention Centre where he was subjected to further interrogations, forced standing and verbal abuse. The witness stated that he was also forced to provide false testimony against his colleagues. He was sentenced to three years in prison and dismissed from service at the MoI.

(6) Ministry of Municipal Affairs and Urban Planning

1383. The Commission received statements from 48 dismissed and 43 suspended employees in the MMAUP. The employees alleged that the dismissals and suspensions were issued after they participated in a march from the MMAUP building to the GCC Roundabout on 24 February 2011. Employees of the MMAUP had been demonstrating in order to call for the formation of a union.

1384. One employee working for the MMAUP stated that he was questioned by two investigation committees. The first interview was conducted by the MMAUP and the second interview was conducted by the CSB. The witness stated that he was accused of organising, calling for and inciting unlicensed protests. Although the witness denied the accusations, he

[691] See also Chapter VI, Section D.

was notified of his suspension by the MMAUP and later dismissed after review of the investigation by the CSB. The notice issued to the witness from the CSB stated that it was recommending dismissal due to "misconduct inside or outside the workplace: organising, calling for or inciting unlicensed protests".

1385. The Commission obtained information from the CSB indicating that 99 employees had been dismissed from the MMAUP.[692] The Commission received copies of dismissal letters for 45 of these employees, which indicated they had been dismissed for organising assemblies or workers' strikes or for "misconduct inside or outside of work".

b) *Private Sector Employees*

1386. The most common grounds for the dismissal or suspension alleged by private sector employees were: (i) absence from work; and (ii) participation in demonstrations.

1387. The most common questions asked of employees subjected to pre-termination investigations were related to the employees' reason for their absence. Employees on annual leave reported having been asked why they chose the period of February/March for their leave. Employees were also asked about their participation in demonstrations and/or workers' strikes, whether they had participated in demonstrations at the GCC Roundabout and their loyalty to the regime.

1388. Approximately 10 private sector employees reported that they were presented with photographs associating them with the demonstrations.[693] At least 37 employees[694] were threatened that their case would be referred for public prosecution. The Commission also received reports of companies notifying employees of their dismissal by SMS message,[695] verbal notice[696] or telephone.[697] Some employees learned of their dismissal when they appeared for work and were not allowed onto the premises.[698] Employees also reported having been told that if they did not tender their resignation, they would be referred to investigation and subsequently dismissed.[699]

[692] Civil Service Bureau, Report to the Commission [on file with the Commission].
[693] These allegations involved the following companies: Gulf Air; BAPCO; and ASRY.
[694] These allegations involved the following companies: ASRY; ALBA; and Gulf Air.
[695] These allegations involved the following companies: Batelco; Elia House; and Gulf Air.
[696] These allegations involved the following companies: Gulf Air; Asry; Al Mahd Safety and Security; ALBA; The Indian School; Bahrain Fibre Glass; Al Reyah Car Company; and Ulter Tion Bahrain.
[697] These allegations involved the following companies: ALBA; BahrainLimo; Banagas; Gulf Air; Bapco; Batelco; Al Bilad Newspaper; and Al Dhaen.
[698] These allegations involved the following companies: IBM Terminals; and ALBA.
[699] These allegations involved the following companies: Gulf Air; Asry; ALBA; Al Ahad Newspaper; and Bahrain Association for Weight Lifting.

(1) The Ministry of Labour and private sector employees

1389. The Commission met with the MoL on two occasions to discuss the dismissals and suspensions of employees in the private sector. During the Commission's first meeting with the MoL on 17 August 2011, the MoL maintained that the dismissals of employees in the private sector were lawful, and that any unlawful dismissals had already been corrected by reinstating the aggrieved employee. The MoL further stated that it had ensured that each case of dismissal was reviewed by a lawyer. At the same time, however, the MoL conveyed its belief that the employees participating in the demonstrations were attempting to destroy the country's economy. It further stated that the dismissals of employees that were conducted unlawfully were done in the interest of security. The MoL identified its role in the matter as a mediator between the employers and dismissed employees, and stated that it would consider suggestions put forth by the Commission to establish review boards and compensation funds for aggrieved employees.

1390. According to a follow up report submitted by the MoL, a total of 2,464 private sector employees were dismissed in relation to the events of February/March 2011.[700] The distribution of dismissed employees was as follows: ALBA (514); BAPCO (312); APM (254); Gulf Air (219); Batelco (172); BAS (87); Banagas (68); ASRY (64); Garmco (29); and other companies (743).

1391. Of those dismissed employees, 820 were reinstated after the MoL was informed of the dismissal, 176 were hired elsewhere, retired or received financial compensation from the employer, 88 were offered compensation, 290 did not file complaints with the MoL, 223 were determined to have been dismissed for reasons unrelated to the events of February/March 2011, 51 declined to return to work, 28 were rehired by others after a certificate of good conduct was issued, and seven were employed by businesses no longer in operation. The MoL reported that 686 employees were still deemed illegally dismissed but not yet reinstated, and the employers of 93 illegally dismissed employees refused to reinstate them (36 employees of Gulf Air and 57 employees of other businesses).

1392. The MoL also alleged that the workers' strikes organised by the GFBTU were unlawful because they called for political demands and were unrelated to labour issues. The MoL further alleged that the workers' strikes were unlawful because they involved employees of "vital industries" who are prevented from participating in any strikes under Bahraini law. The MoL noted that "vital industries" are determined by the President of the Council of Ministries.

[700] Ministry of Labour, Report to the Commission, 30 October 2011.

(2) General Federation of Bahrain Trade Unions

1393. The GFBTU alleged that employees it represented were dismissed in retaliation for participating in workers' strikes, in violation of Decree Law No. 33 of 2002 and article 1 of Decree Law No. 57 of 2006.

1394. The GFBTU alleged that dismissals of union leaders began after the media released photographs of them participating in demonstrations and accused them of being part of a foreign conspiracy to damage the nation's economy. According to the GFBTU, union leaders were also threatened with legal action by companies owned either in whole or in part by the GoB if the union leaders did not tender their resignation. The GFBTU expressed the view that those threats constituted an unlawful intervention in union affairs. The GFBTU also alleged that union leaders and members were referred to criminal investigations, threatened with referrals to the National Safety Court and forced to resign from the unions.

1395. The GFBTU stated that dismissed employees were prevented from registering their unemployment with the MoL because security forces would routinely harass employees who had participated in the strikes when attempting to register. They further alleged that the union had to step in and register the employees directly with the MoL.

1396. The GFBTU submitted the names of 57 union leaders who had been dismissed from their jobs, comprising 26% of the 216 individuals representing trade union leadership. It further submitted the names of 175 additional union members who had been dismissed in connection with the strikes.

1397. In a meeting held by the Commission with the GFBTU on 18 August 2011, union representatives stated that despite the call by HRH the Prime Minister to reinstate wrongfully dismissed employees, and despite media reports that employees were being reinstated, companies were stalling this process. Union representatives further alleged that several of the employees who the MoL and private companies claimed had been reinstated were in fact new hires and not formerly dismissed employees.

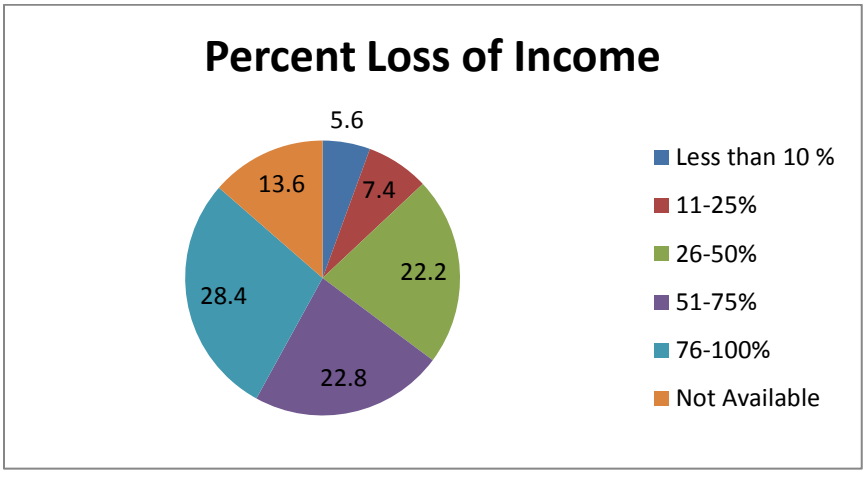
(3) Effects of the events on Bahraini businesses

1398. The Commission met with representatives of over 40 Bahraini businesses on 29 September 2011. During this meeting, business owners stated that the events of February/March 2011 impacted negatively on their businesses, and these negative effects inhibited them from rehiring employees who had been absent during the events.

1399. The Bahrain Chamber of Commerce (BCC) submitted a report to the Commission regarding the effects of the events of February/March 2011 on the economy. The report stated that several sectors of the economy were

negatively affected by the events, with the construction and industrial sectors most affected.[701] Several businesses alleged that as a result of these negative effects, they had been unable to rehire dismissed employees. The report further stated that 835 businesses sought aid from the BCC in connection to difficulties they were facing as a result of the events.

1400. According to a survey conducted by the BCC, 97% of businesses reported that the events of February/March 2011 had a negative impact on business. 84.6% of businesses reported a loss of income, while only 4.3% reported no loss and another 4.3% reported an increase in income. Of businesses reporting a negative impact, 36% reported that they had overcome the negative effects, while 21% reported that they were still experiencing losses. Additionally, 90% of companies reported receiving government support for their businesses as a result of the negative effects of the events.



1401. In terms of employment, 46.3% of businesses reported that their employee salaries remained the same, while 27.8% reported decreasing the salaries of employees. Furthermore, the BCC reported that 34.6% of businesses employed the same number of workers, while 42.6% experienced a reduction in the number of employees.

1402. With regard to effects of the loss of employees on businesses (either by termination or resignation), 45% of businesses reported that business partially stopped, 22% reported that business came to a total stop, while 15% reported that business continued to operate as usual.[702]

(4) Aluminium Bahrain

1403. The Commission reviewed the statements of 228 Aluminium Bahrain (ALBA) employees who had been dismissed. A report submitted by ALBA employees alleged that the company dismissed a total of 399 employees,

[701] Bahrain Chamber of Commerce, Report to the Commission, 18 August 2011.
[702] Bahrain Chamber of Commerce, Report to the Commission, 18 August 2011. 18% of businesses surveyed did not provide information in response to this section of the survey.

amounting to 14% of the company's workforce. The employees reported that of these 399 dismissed employees, only six were reinstated during the first week of dismissals, and an additional 50 were reinstated on 31 July 2011. The employees alleged that employees returning to work were required to sign documents.

1404. According to a report submitted to the Commission by the MoL, 514 dismissed employees of ALBA registered their unemployment with the MoL. Of these 514 employees, 204 had been reinstated to work as of 14 September 2011. Additionally, the MoL determined that 247 of the 514 dismissed employees remained illegally terminated. The report further stated that 12 dismissed employees either retired or found other employment, 49 did not pursue complaints, and two dismissals were found to be lawful by the MoL.[703]

1405. One witness alleged that he was dismissed from ALBA without having been informed of the reason for his dismissal, and that he was not issued the complete payment to which he was entitled. The witness stated that he did not appear for work on 20 and 21 March 2011 because he feared for his safety, but that he returned to work on 22 March. He further stated that he continued to work until he was given notice of his dismissal on 11 April. The witness also stated that although he worked on 10 April, he was not paid for this day or for two other unused vacation days. The witness stated that prior to his dismissal, he was not issued any warning or otherwise given any notice that he would be disciplined for his two-day absence. Only three months after his dismissal was the witness notified of an investigation by ALBA.

1406. On 3 November, the Commission met with representatives of ALBA who stated that only 203 employees remained dismissed, but that they were working with the MoL to establish a review committee to address the dismissals.

(5) The Arab Shipbuilding and Repair Yard Company

1407. The Arab Shipbuilding and Repair Yard Company (ASRY) has provided marine services in the form of ship repair and conversion since 1977. The Commission received statements from eight dismissed and three suspended employees at ASRY. According to a report submitted by the MoL, a total of 64 employees were dismissed from the company in connection with the events of February/March 2011. Of those employees, 15 were reinstated, one was hired elsewhere, six did not pursue complaints with the MoL, one

[703] On 30 October 2011, the MoL submitted a follow up report that stated the following regarding ALBA employees: 204 were reinstated; 11 found employment, retired or were given financial compensation; 88 were offered compensation; 39 did not pursue complaints with the MoL; and 172 remained illegally dismissed. While these figures add up to 514 – the total number of employees reported dismissed – the breakdown of numbers does not altogether correspond with the previous report. The Commission cannot make any presumptions about the decrease in the number of employees reported to have found other employment or retired, the decrease in the number of employees reported to have not filed complaints, or the two employees previously reported by the MoL to have been found lawfully dismissed and which are not identified in its later report.

dismissal was found to be unrelated to the events of February/March, and 41 were found to have been illegally dismissed and not yet reinstated by ASRY.[704]

1408. According to the ASRY Trade Union, the company dismissed the employees with no prior notice or investigation. Union representatives alleged that the Chief Executive Officer (CEO) of the company informed them that the dismissals of union members were based on orders from "higher ups".

1409. Union representatives also alleged that several employees were forced to resign after threats of being referred to public prosecution for criminal investigation and detention. The Union provided a letter addressed to the Board of Directors of ASRY and signed by 29 employees stating that their resignations were tendered under duress.

1410. Reported reasons for the dismissal of ASRY employees included: termination for incitement to strike; termination for political incitement using the company's email system; termination for participating in the sit-in at the Lulu Roundabout; and termination for absence. The ASRY Trade Union alleged that all nine members of its board of directors were dismissed for inciting other employees to strike, and it provided copies of their termination letters to the Commission.

1411. The union stated that employees were dismissed for their absence from work regardless of the reasons for the absence due to assumptions about the sectarian and political affiliations of the employees. It further stated that ASRY deducted missed days from the pay of employees rather than applying the employees' allotted personal or sick leave if the absences occurred during the general strike for the safety of workers. The union stated that it had reached out to ASRY to address these matters, but was unable to obtain any response form the company.

1412. The union also alleged that ASRY retaliated against the union by not deducting membership dues from member employees. In support of this claim, it provided copies of member pay stubs from the months of May and June 2011 indicating that member dues were not deducted. It also provided copies of correspondences between the union and ASRY, as well as between the union and the MoL, complaining of this matter.

(6) Batelco

1413. Batelco is a telecommunications corporation headquartered in Bahrain. While it is a private corporation, 35% of its shares are owned by the GoB. The Commission collected the statements of 111 Batelco employees alleging that they had been dismissed in connection with the events of February/March 2011.

1414. One witness who was dismissed from Batelco stated that at the time he was dismissed, on 4 April 2011, he was on approved annual leave. The witness stated that he received a telephone call from Batelco informing him

[704] Ministry of Labour, Report to the Commission, 30 October 2011.

that he had been dismissed because he was absent from work. The witness provided a letter from Batelco approving his request for leave prior to his dismissal.

1415. On 16 August, the Commission met with Batelco's chairman and several other senior managers. During this meeting, Batelco stated that it had dismissed a total of 172 employees in connection with the events of February/March 2011. Batelco alleged that all of these employees were dismissed as a result of absenteeism exceeding 10 days and because they had "brought politics into the workplace". The company also reported that it had already hired 96 new employees to replace some of those who had been dismissed.

1416. Batelco admitted that it did not provide any advanced warning to employees who did not appear for work, but instead dismissed them immediately. Batelco stated that due to security threats related to the events of February/March, it would have been too difficult to have warning letters delivered to employees.

1417. The MoL established an independent investigation committee to review the dismissal of Batelco employees. The committee determined that 102 of the registered 172 dismissed employees were illegally terminated. Of the remaining 70 registered dismissed Batelco employees, 69 did not pursue MoL investigations and one employee found other employment. According to the MoL report, Batelco did not reinstate any of the registered 172 dismissed employees.[705]

1418. Although during its meeting with the Commission, Batelco agreed to establish a review board to investigate the employee dismissals, the Commission did not receive any subsequent information indicating that this in fact occurred or that any of the dismissed employees were reinstated.

(7) Gulf Air

1419. The Commission collected the statements of 91 employees who had been dismissed from Gulf Air.

1420. On 15 March 2011, the CEO of Gulf Air issued a statement to employees which addressed safety and security concerns regarding employees travelling to and from work.[706] The statement instructed employees to notify their supervisor if they planned on missing work. The statement indicated that no disciplinary action would be taken against employees for missing work if the reason for their absence was because they feared for their safety.

1421. The Gulf Air Trade Union (GATU) submitted a report containing the names of 213 employees dismissed from Gulf Air. GATU alleged that some of the reasons used by Gulf Air to dismiss those employees were not in fact violations according to the company's internal regulations. According to GATU, most of the terminations were based on absenteeism. However, the

[705] Ministry of Labour, Report to the Commission, 30 October 2011.
[706] Email sent to the Commission from the CEO of Gulf Air, 15 March 2011.

union provided the Commission with a letter from the CEO of Gulf Air acknowledging that employees may be unable to appear for work due to security reasons, and stating that such absences would merely be deducted from the employees' allotted time off. The union further alleged that the dismissals were based both on discrimination against employees for their religion (Shia Islam) and on retaliation for the perceived political affiliation of the employee (ie support for the opposition).

1422. GATU alleged that on 28 and 31 March 2011, government security officers and masked individuals in civilian clothing entered Gulf Air and approached Shia employees, interrogating them and subjecting them to searches of their persons, workstations, computers, phones and personal belongings. One union board member stated that he was dragged by armed civilians into the employee lounge where he was physically assaulted and stripped. According to the union, several employees disclosed that they had been arrested in their offices and physically assaulted, and some were referred to the GoB for criminal investigations. The union further alleged that one member of its leadership was arrested by police after having been referred by Gulf Air administration, and was then subjected to mistreatment and forced to sign documents he did not have an opportunity to read.

1423. One former employee stated that he was dismissed from work on 10 April 2011 for absenteeism during the period in which the GFBTU had called for a strike. Although Gulf Air confirmed that the witness had requested personal leave prior to his absence, it alleged that he had not provided sufficient notice of his absence and it dismissed him on those grounds. The witness explained that he did not appear for work between 14 and 22 March 2011 because he feared for his safety. He further stated that he had received approval for the leave from his direct supervisor, and he believed that the notice he had given to his supervisor was sufficient because of the letter written by Gulf Air's CEO to employees to accommodate those who did not appear for work due to safety concerns. The witness stated that he was summoned to the human resources department where he was required to sign a dismissal letter stating that he had participated in the GFBTU strike.

1424. Gulf Air's CEO and several members of senior management met with the Commission on 15 August 2011. During this meeting, Gulf Air disclosed that it had dismissed 219 employees in connection with the events of February/March 2011. The company stated the following reasons for the dismissals: (i) participation in "illegal" gatherings; (ii) absence from work for less than 10 days; (iii) absence from work for more than 10 days; (iv) possession of material in support of regime change in Bahrain; (v) making disparaging remarks about the royal family and members of government; and (vi) calling for a workers' strike at Gulf Air and the nation's airport. Gulf Air failed to provide the Commission with the evidence it used against employees in making these determinations.

1425. Gulf Air's CEO and legal staff disclosed that they did not provide employees with any warning prior to the dismissals. Gulf Air stated that the reason for this failure was that they could not securely send written notices to

staff due to the problems the country was facing in terms of security. When the Commission asked why Gulf Air would not consider the possibility that dismissed employees could not report to work due to the same security problems that Gulf Air claimed prevented it from sending written warnings to its employees, its CEO stated that they assumed employees who did not appear for work attended the demonstrations at the roundabout. When asked again what evidence Gulf Air obtained in order to make these determinations, its CEO reiterated that these were assumptions made by the company and that it did not have actual evidence to support its determinations.

1426. During this meeting, Gulf Air also stated that several of the employees it had reported were reinstated were in fact new hires. Gulf Air also stated that it had halted the reinstatement of at least eight employees because of orders it received from the National Security Agency.

1427. A report submitted to the Commission from the MoL disclosed that a total of 219 Gulf Air employees were dismissed in connection with the events of February/March. Of those, it reported that 135 were reinstated, 14 did not pursue complaints with the MoL, 26 were hired at another facility after receiving a certificate of good conduct, eight were determined to have been illegally dismissed but not reinstated by the employer, and 36 were refused reinstatement by the employer.[707]

2. Applicable Law

1428. The right to work is a fundamental human right which is enshrined in a number of international conventions to which Bahrain is a party and domestic laws.

a) *International Law*

1429. Article 6 of the ICESCR provides that States Parties "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."[708] Article 2(2) provides that States Parties "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."

1430. In relation to trade unions, article 8 of the ICESCR provides as follows:

> 1. The States Parties to the present Covenant undertake to ensure:
>
> (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the

[707] Ministry of Labour, Report to the Commission, 30 October 2011.

[708] International Covenant on Economic, Social and Cultural Rights, adopted by GA res 2200A (XXI), 16 December 1966, entered into force 3 January 1976. See also article 34 of the Arab Charter on Human Rights 2004.

> organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
>
> (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
>
> (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
>
> (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.
>
> 2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
>
> 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.[709]

1431. These provisions must be read in conjunction with article 4, which provides that "the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society."

1432. Bahrain is also a party to the following nine International Labour Organization (ILO) fundamental conventions: Convention No. 14 on Weekly Rest (Industry); Convention No. 29 on Forced or Compulsory Labour; Convention No. 81 on Labour Inspection; Convention No. 89 on Night Work (Women); Convention No. 105 on the Abolition of Forced Labour; Convention No. 111 on Discrimination in Respect of Employment and Occupation; Convention No. 155 on Occupational Safety and Health; Convention No. 159 on Vocational Rehabilitation and Employment of Disabled Persons; and Convention No. 182 on Worst Form of Child Labour.

1433. ILO Convention No. 111 on Discrimination in Respect of Employment and Occupation defines discrimination as "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of

[709] See also article 35 of the Arab Charter on Human Rights 2004.

nullifying or impairing the equality of opportunity or treatment in employment or occupation."

b) *National Law*

Constitution of Bahrain

1434. The Constitution of Bahrain contains a number of provisions that are relevant to the allegations of unfair dismissals in the context of the February/March 2011 protests. In particular, article 13 provides as follows:

> (a) Work is a duty of every citizen, is required by personal dignity and is dictated by the public good. Every citizen has the right to work and to choose the type of work within the bounds of public order and decency.
>
> (b) The State guarantees the provision of job opportunities for its citizens and the fairness of work conditions.
>
> (c) Compulsory work cannot be imposed on any person except in the cases specified by law for national exigency and for a fair consideration, or pursuant to a judicial ruling.
>
> (d) The law regulates the relationship between employees and employers on economic basis while observing social justice.

1435. Article 18 of the Constitution guarantees human dignity and equality of its citizens, providing as follows: "People are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion or creed." Article (28)(b) provides that public meetings, parades and assemblies are permitted under the rules and conditions laid down by law, but the purposes and means of the meeting must be peaceful and must not be prejudicial to public decency.

Other Domestic Laws

1436. Other domestic legislative instruments safeguarding and protecting the right to work include:

a. Decree Law No. 78 of 2006 pertaining to Social Security;

b. Decree Law No. 35 of 2006 promulgating the Civil Service Law;

c. Decree Law No. 19 of 2006 promulgating the Civil Code;

d. Decree Law No. 57 of 2006 establishing the Labour Fund;

e. Decree Law No. 17 of 2007 on Vocational Training;

f. Decree Law No. 37 of 2007 promulgating the Executive Regulations of the Civil Service Law issued by the Council of Ministers;

g. Decree Law No. 3 of 2008 on the General Authority for Social Insurance; and

h. Decree Law No. 48 of 2010 promulgating the Civil Service Law.

1437. The Bahraini Act No. 32 of 2006, amending Decree Law No. 18 of 1973, concerning public meetings, demonstrations and gatherings, authorises the holding of peaceful gatherings and demonstrations, subject to notification of the authorities by three of the organisers, and calls on the authorities to provide the necessary protection for peaceful demonstrations and gatherings.

1438. Decree Law No. 33 of 2002 promulgating the Law on Trade Unions states:

> Trade union organisations shall aim at protecting the lawful rights of their members, defending their interests and improving their working conditions. In particular, they shall endeavour to attain the following objectives: (a) dissemination of trade union awareness among workers; (b) improvement of the cultural standard of workers; (c) promotion of professional and occupational standards of workers; (d) improvement of health, economic and social standards of workers and their families; and (d) participation in Arab and international labour forums and events and presenting the viewpoint of Bahrain workers.[710]

The law applies to both private and public sector employees.[711] The law prohibits trade unions from: (i) engaging in any activity outside of the purposes prescribed by law; (ii) using force, violence, threats or illegal measures to obstruct or attempt to obstruct the rights of others; or (iii) engaging in any political activity.[712]

1439. Decree Law No. 33 of 2002 also provides that a strike "is a legitimate means to defend workers' rights and interests", but prohibits workers in "vital facilities" from striking.[713] The vital facilities identified under the law are: security, civil defence [police], airports, ports or harbours, hospitals, transportation, wired and wireless communication, electricity and water.

Public Sector Employee Law

1440. Decree Law No. 48 of 2010 pertains to employees in the public sector and requires the employing agency to conduct an investigation and impose disciplinary penalties on an offending employee[714] if the employee contravenes any of the provisions of the Decree Law, the Executive Regulations, their implementing instructions, or "the requirement of his duties or behaves in a manner prejudicial to the dignity of his position."[715] The

[710] Decree Law No. 33 of 2002, art 7.
[711] Decree Law No. 33 of 2002, art 2.
[712] Decree Law No. 33 of 2002, art 20.
[713] Decree Law No. 33 of 2002, art 21.
[714] Decree Law No. 48 of 2010, art 22(2).
[715] Decree Law No. 48 of 2010, art 22(1).

potential for disciplinary action exists "without prejudice" to the criminal or civil liability of the accused employee.[716] The CSB may undertake the investigation if it deems it necessary, and this is done in coordination with the employing agency.[717]

1441. Upon an initial recommendation to dismiss an employee, the employing agency must refer the employee to a disciplinary board constituted in accordance with the decision of the President of CSB.[718] On its face, the Executive Regulations provide employees with notice, process and opportunity for representation and defence throughout an investigation and subsequent appeal.[719] An aggrieved employee may also challenge the final determination in a civil court of law.[720] At each stage of review, the decisions by the reviewing authority are made in the form of recommendations, which can then be approved, amended or rejected by the employing agency.[721]

1442. Article 20 of Decree Law No. 48 prescribes the types of leave afforded to employees. Article 28 states that an employee is deemed to have resigned if the employee has been absent from work "without permission" for 15 consecutive days or for 30 inconsecutive days in the course of one year. The employee must be notified in writing of the potential disciplinary action within five days of a consecutive 15 day absence, and within 20 days of a nonconsecutive 30 day absence.

1443. Article 226 of Decision No. 37 of 2007 promulgating the Executive Regulations of the Civil Service Law outlines the following disciplinary measures that can be taken against employees: verbal reprimand; written warning; withholding Annual Rotational Allowance for a period of up to three months; or suspension from work without a salary for a period not exceeding one month per year, with each period of suspension not exceeding ten days. However, dismissal from service has to be referred to the CSB for action.

Private Sector Employee Law

1444. Decree Law No. 23 of 1976 permits an employer to dismiss an employee who is absent without authorisation for 10 consecutive days or 20 nonconsecutive days in the course of one year.[722] The Law also requires an employer first to issue a warning to the employee of the potential disciplinary action within five days of the unauthorised absence.

1445. Decree Law No. 23 of 1976 also states that employers should not impose penalties for offences committed outside the workplace.[723]

[716] Decree Law No. 48 of 2010, art 22(1).
[717] Decree Law No. 48 of 2010, art 22(3).
[718] Decree Law No. 48 of 2010, art 22(4).
[719] Decision No. 37 of 2007 promulgating the Executive Regulations of Civil Service Law issued by Law No. 35 of 2006, arts 217-256.
[720] Decision No. 37 of 2007, art 254.
[721] Decision No. 37 of 2007, arts 225 and 253.
[722] Decree Law No. 23 of 1976, art 113.
[723] Decree Law No. 23 of 1976, art 102(4).

3. Findings and Conclusions

1446. Various government officials, having publicly condemned the demonstrations, created an environment whereby individuals participating in demonstrations and strikes could face retaliation for their involvement by employers. In addition, the Commission has received anecdotal evidence suggesting that government representatives directly encouraged companies to dismiss employees suspected to be involved in the events of February/March 2011.

1447. Civil Service Law No. 48 of 2010, although in effect since November 2010, has not been consistently applied. The CSB's own admission to the Commission that it would not implement the law for several months, as well as evidence and statements provided by employees and government agencies, indicates that while notice and procedural guarantees may have been given to some employees, they were not given to all employees. The failure to universally apply procedural guarantees afforded by law has resulted in the denial of due process for dismissed and suspended employees, in contravention of the Constitution of Bahrain and Civil Service Law No. 48 of 2010.

1448. The Commission is unable to confirm the contention put forth by the MoL, CSB and several companies that the workers' strikes that occurred during February/March 2011 were unlawful because they were unrelated to labour issues. It appears that the workers' strikes that occurred during February/March 2011 were within the permissible bounds of the law. The calls by various labour and trade unions to strike were related, at least in part, to concerns for the safety and mistreatment of workers, calls for an improvement in the socio-economic conditions of their members and their families, and assurances against retaliation against participating members, pursuant to the purposes outlined under article 20 of Decree Law No. 33 of 2002.

1449. Dismissals of both public and private sector employees as a result of absences were inconsistent with article 28 of Civil Service Law No. 48 of 2010 and article 113 of Decree Law No. 23 of 1976, respectively, as a substantial number of employees were dismissed for absences shorter than the periods proscribed as punishable by an employer.

1450. Statements made to the Commission by representatives of government agencies and companies involved in the dismissals indicated that many of the dismissals ostensibly based on absence from work were in fact motivated by retaliation against employees suspected of being involved in the demonstrations. This was particularly evident in the cases of the MoE, Batelco and Gulf Air dismissals.

1451. In many instances, employers in both the public and private sector referred or threatened to refer employees to criminal investigations based on suspicions that they had been active in the demonstrations. In some cases, such as in the case of Gulf Air, employers permitted security officers to search

and interrogate employees on work premises, at times resulting in mistreatment in the form of physical and verbal abuse.

1452. Employees were often questioned about opinions and activities protected under the Constitution of Bahrain, Bahrain civil law and international conventions.

1453. Shia employees were often treated differently from similarly-situated employees who were not Shia, thus creating a reasonable presumption that many were subjected to discrimination. This is the case especially in circumstances where the employer admitted not dismissing Sunni employees who had been absent during the events of February/March 2011. This indicates an assumption that Shia employees who missed work during the events of February/March 2011 participated in the demonstrations and were subject to disciplinary action. The disparity with which Shia employees have been treated in this context indicates that they have been discriminated against in contravention of the Constitution of Bahrain and ILO Convention No. 111.

1454. According to the latest information provided to the Commission by the CSB, of the 2,075 public sector employees who were dismissed, 1,682 were reinstated. 180 employees remain dismissed with rights of appeal. In addition, 219 employees were referred to the Public Prosecution but were not suspended and are still receiving full pay.

1455. The MoL is working to have dismissed private sector employees reinstated following HM King Hamad's speech on 28 August 2011. The Commission recommends that the GoB 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 no worse than the Government has treated its own civil servants.

4. Recommendations

1456. The Commission urges the GoB to ensure that these remaining dismissed employees have not been dismissed because of the exercise of their right to freedom of expression, opinion, association or assembly.

Section C – Dismissals of Students and Suspensions of Scholarships

1. Factual Background

1457. On 3 March 2011, the first protest inside the University of Bahrain campus took place with approximately 100 students participating without incident. One week later, on 10 March, around 300 students and some university staff began to gather in the main yard of the Sakhir campus in the area between the administrative buildings and the library. The demonstration took the form of a march followed by a sit-in. The participants declared their solidarity with the protesters at the GCC Roundabout, denounced the killing of peaceful protesters, affirmed their commitment to national unity and rejected sectarianism.

1458. On 13 March 2011, there were major protests and clashes between pro- and anti-government protesters at the University of Bahrain, leading to the expulsion of hundreds of students from both the University of Bahrain and Bahrain Polytechnic. It is unclear who instigated or participated in the violent clashes and vandalism that occurred on campus at this time. University administrators alleged that student protesters committed these crimes with help from armed protesters (non-students) from the GCC Roundabout. Alternatively, student protesters alleged that pro-government thugs entered the campus when the demonstration was underway and attacked students.

1459. Notwithstanding these uncertainties, the overall sequence of events on 13 March 2011 is relatively clear. Approximately 400-500 students from both the University of Bahrain and Bahrain Polytechnic began a demonstration at the main Sakhir campus of the University of Bahrain. Students went from one college to the next in order to draw in more students to join the demonstration. Confrontations between students broke out in the food court of the Bahrain Teachers College and at the College of Law. University administrators moved to lock some of the buildings on campus. Some university buildings were vandalised, windows and doors were broken and a classroom in one building was set on fire. Protestors from the GCC Roundabout headed to the University of Bahrain campus to join the demonstrations there. These protestors forcibly entered the campus through the university's eastern entrance and the main gate, which had earlier been locked by administrators. Violent clashes between students and others on the campus ensued and many students were injured. There were reports that swords, wooden sticks and knives were used. A number of students were seriously injured and required urgent medical attention. Some were transferred by ambulance to SMC, while others were taken to the BDF Hospital.

1460. One well-publicised attack on an individual at the University of Bahrain was captured on a video, which was provided by the NSA. On 13 March 2011 the individual was accused of being a *"baltajia"* (a thug working for the GoB) and was beaten severely. He was attacked on the roof of the

university by approximately 15 men who repeatedly beat, kicked and spat on him. The attackers used fists, feet and sticks to execute the beatings. He was kicked in the head and dragged down several flights of stairs until reaching the outside premises of the university. A mob of approximately 70-80 persons continued to physically abuse him using sticks and metal objects. The attackers repeatedly kicked him in the head and back, leaving bloodstains on the asphalt. The attack lasted approximately 20 minutes and continued even while the victim was being placed on the floor inside an ambulance. Allegedly this ambulance did not take him to the hospital straight away, but rather took him to the GCC roundabout where the beatings continued before eventually he was taken to SMC.

1461. No protests are reported to have taken place at the Bahrain Polytechnic campus.

1462. On 14 March 2011, the University of Bahrain adopted Decision No. 294/2011 suspending classes until further notice. Bahrain Polytechnic also suspended classes.

1463. The University of Bahrain formed an investigative committee on 27 March 2011 to investigate students suspected of having participated in protests or civil unrest at the university. The committee investigated a total of 499 students and began to take disciplinary action on 5 May. The university reopened on 15 May. By 18 May, a total of 427 students had been expelled, 34 had been suspended and a further 7 had been issued with "final warnings". The University of Bahrain later implemented a requirement that all students sign a loyalty pledge to the Kingdom of Bahrain and the King. By the terms of the pledge, those who do not sign give up their right to university study, and those who break the pledge can be expelled. At the time of writing of this Report, the pledge requirement remains in force.

1464. Bahrain Polytechnic resumed normal classes on 20 April 2011, and students began returning. Bahrain Polytechnic also formed an investigative committee. This was constituted on 9 May and comprised two members of the university administration. The committee investigated students suspected of having participated in protests at the University of Bahrain campus. Bahrain Polytechnic investigated a total of 81 students and took disciplinary action against most of them. By 13 June, a total of 54 students had been expelled, 12 had been suspended for periods ranging from a semester to a year and a further five had been issued with "final warnings".[724]

1465. On 21 August 2011, following a public statement by HM King Hamad urging forgiveness and a meeting with the Commission, the MoE and the universities agreed to establish review boards of senior university administrators to re-examine the disciplinary action taken against the students of the University of Bahrain and Bahrain Polytechnic. On 25 August, the University of Bahrain review board reversed the suspension of 38 students and reduced the number of expulsions from 427 to 38 at the University of Bahrain.

[724] The university expelled an additional 24 students for alleged criminal activities, including the possession of weapons found in their cars by university security personnel.

Some of the students who had their suspensions or expulsions reversed were instead given a "final warning". On 12 November, Bahrain Polytechnic notified the Commission that although it had reversed the expulsion of a number of students, 21 students remained expelled.

1466. Beginning in February 2011, a number of Bahraini students studying at universities abroad had their scholarships revoked. On 27 May 2011, the MoE reinstated all 97 of them.

a) *University of Bahrain*

1467. The University of Bahrain reported that after evidence was compiled against students its investigative committee referred each student's case to a disciplinary counsel with recommendations on disciplinary action that ought to be taken.[725] The university stated that disciplinary action was not taken against students "if the evidence was not enough to prove [a student's] participation in the events".[726] The university also formed an appellate disciplinary council to receive appeals of decisions of the investigative committee.

1468. The Commission met with senior administrators from the University of Bahrain on 21 August.[727] Administrators reported that the investigative committee consisted of both Sunni and Shia deans and professors. The university reported that it took actions only against students in cases where it was clear that there was an intention by the student to violate the law. The university noted that if evidence indicated that a student had been participating in a protest "shyly" (ie swept-up in the protest, not chanting, etc), no disciplinary action was taken against that student. The university also confirmed that students were considered innocent until proven guilty and that any doubt was construed in favour of the accused.

1469. A number of students identified particular university investigators as more aggressive than others. Students in some instances reported that during interrogations by university investigators, there were other individuals present who did not appear to be university staff. One University of Bahrain student stated, "[The investigative committee] were interrogating us like we were criminals and repeatedly accusing us of things even as we denied them." Some of the questions asked during the university investigation included: "What was your role in the events of 13 March 2011 at the University of Bahrain Sakhir branch?"; "How many times did you participate in a march or sit-in inside the university at Sakhir branch or Isa Town branch?"; "Who is

[725] University of Bahrain, *Actions Taken by the University of Bahrain in connection with the Events that Took Place in February and March 2011,* 21 August 2011.
[726] University of Bahrain, *Actions Taken by the University of Bahrain in connection with the Events that Took Place in February and March 2011,* 21 August 2011.
[727] Meeting at the MoE, 21 August 2011. Commission investigators met with senior administrators from Bahrain Polytechnic at the MoE. At the meeting deans of the university and the President of the university, Dr Ibrahim Janahei, presented the university's version of the 13 March 2011 events and explained the university's reasoning for the expulsion and suspension of hundreds of students.

this person surrounded by a red circle in these pictures?"; and "Why did you participate in this march?"

1470. According to witness testimony provided to the Commission by University of Bahrain students[728] and a report compiled by student representatives at Bahrain Polytechnic,[729] when being investigated students were asked about their political participation in protests at the University of Bahrain on 13 March, and also about their general political activity and opinions. Photographs, typically obtained from social media sites, were used against students during these investigations. Photographs included those of students participating in protests inside and outside the university campus. Most photographs simply pictured students standing in a crowd. Students were also asked to identify fellow students in photographs. Students were questioned about things they had written on social media sites and groups they had joined or expressed affinity with ("liked") on Facebook.

1471. The University of Bahrain reported to the Commission that its investigation committee had collected evidence related to the participation of students in the events and their breach of university rules and regulations. The university referred to article 2 of the Regulations of Student Misconduct for University of Bahrain Students issued in its 2006 handbook as a basis for disciplining students, which provides that:

> Any breach of Laws, Regulations, Resolutions and University traditions shall be considered a Professional Violation, in particular:
>
> a. Acts contrary to the regulations of the University, or the college or the department or the office or University installations.
>
> b. Deliberate absence of lectures, interruption of study, or instigation thereof.
>
> c. Absence, without justified reasons, to perform work, or any other academic activities which the University Regulations determine to be promptly maintained.
>
> d. Cheating, or attempt thereof, or assisting the same during exams or researches and graduation projects, and Postgraduate theses, or disruption of the exams Regulations and tranquility required therein.
>
> e. Violating the order required during lectures and other academic activities in the University, or to any employees, or students thereof.

[728] Commission investigators met with 15 student leaders representing the University of Bahrain and Bahrain Polytechnic on 14 August 2011. These students submitted witness statements and reports on behalf of the suspended and expelled students.

[729] Report prepared by student leaders at Bahrain Polytechnic, *Bahrain Polytechnic Expels Students*, 15 August 2011. This report compiled details of the disciplinary action taken against students at Bahrain Polytechnic.

f. Any statement, or act committed by the student offending honor, or dignity, or morals, or breaching excellence of conduct inside and outside the University, in any occasion where the University is taking part, or any activity conduct thereby, or while using University transportation.

g. Any forgery committed by the student in University documents, or using of such documents.

h. Any distribution of leaflets, or issuance of wall postings at colleges or collection of signatures or donations, without obtaining the prior approval from the authority concerned at the university, or any abuse of approval granted to practice the above activities.

i. Solicitation against the legitimate institutions or violating the values of national unity.

j. Solicitation for any organisation inside the University or participation therein, without prior approval from the authorities concerned at the University, or participating in any activity which violates the organisational rules in the University.

k. Noncompliance with proper appearance and acknowledged University traditions.

l. Damaging or misusing University movable and immovable property.

m. Stay-in strike inside a University building, or participating in protest marches without prior approval from the authorities concerned in the University.

n. Causing any tumult within the University campus. [730]

1472. In a meeting with the Commission, the President of the University of Bahrain alleged that during the height of the violence on 13 March 2011, 55 students were sent to the intensive care units of various hospitals (including the BDF Hospital and SMC) and many were hospitalised for periods of up to six weeks. The President asserted that because of this unprecedented violence committed at the university and the destruction of university property, the university was obliged to investigate the events immediately. The President further said that disciplinary action was only taken against students who committed serious violations inside the campus and that the investigation process had been fair. The President also made the following allegations regarding the events that occurred at the university on 13 March 2011:

[730] Official English translation provided by the University of Bahrain. The Commission observed that letters of expulsion typically stated that action was taken on the basis of paragraphs (e), (h), (j) and (m) of this article.

a. 18 of the 20 slogans chanted by protesters constituted a violation of Bahraini law;[731]

b. attempted murder was committed on the campus by students;

c. there were 50-60 students inside building S-20 from a "particular sect" (referring to Sunni students), while outside there were approximately 200-300 non-students with weapons who threw rocks at students in the building; and

d. injured individuals were mistreated by armed individuals who occupied SMC ambulances.

1473. University of Bahrain students who did not participate in the protest of 13 March 2011, some of whom were on campus and felt victimised by the events, submitted a letter to the Commission concerning the psychological effects of their experience.[732] The letter was signed by approximately 300 students from various schools and faculties at the university. The letter stated that the events of 13 March had led many in Bahraini society to associate the University of Bahrain with conflict and violence, and had furthermore tarnished the image of the university abroad. The students noted that the closure of the university for nearly two months had been detrimental to their studies and had delayed the completion of their course work and graduation. Students also noted that because of fear of returning to the University of Bahrain, many had felt forced to transfer out of the university and to private schools in the country, which are vastly more expensive. Students also stated that extra-curricular activities at the university had been suspended as a result of the events, and that this had affected them detrimentally.

1474. Students interviewed by the Commission tended to confirm the assertions in the student letter. Students interviewed felt that a fissure had opened on campus along sectarian lines. As a result many students were apprehensive about returning to the university for the fall semester in September 2011.

b) *Bahrain Polytechnic*

1475. The Commission met with head administrators from Bahrain Polytechnic on 21 August 2011 to discuss student expulsions.[733] This meeting gave the Commission the opportunity to see the investigative files that the university had compiled for all students investigated. Selecting files at random for examination, Commission investigators noted the following cases: one student was investigated and later disciplined for writing "the

[731] Article 68 of Law No. 47 of 2002 on press and publications prescribes a prison sentence for "anyone who calls in writing for overthrowing or changing the regime".
[732] Letter signed by approximately 300 students from the University of Bahrain and submitted by President of the University to the Commission, 21 August 2011.
[733] Commission investigators met with senior administrators from Bahrain Polytechnic at the MoE on 21 August 2011. Administrators submitted a list of the names of all students whom Bahrain Polytechnic had investigated and those against whom the university had taken disciplinary action. The list was entitled "List of the Student Investigative Commission: Final expulsions from the University".

transportation system [in Bahrain] sucks" on his/her Facebook wall; another student was investigated and disciplined for writing "all I need is my freedom" on his/her Facebook wall. In both cases, the institution invoked a university policy that bans the use of insults or defamatory language against the royal family and the GoB as a ground for expulsion.

1476. Students from Bahrain Polytechnic claim that the CEO of the school sent a series of SMS messages to the student body throughout the events. One of the messages warned students not to post statements critical of the GoB on social networking websites. The message allegedly stated that such critical comments would be referred to the police for investigation. While the Commission was able to confirm that Bahrain Polytechnic does send out text messages to students on behalf of the CEO, investigators were unable to verify the source and content of messages described by witnesses.

1477. Bahrain Polytechnic asserted that its disciplinary actions against students were based on its constitution and local Bahraini education laws, as well as on international human rights conventions and the university's internal policies.[734] The main law that Bahrain Polytechnic identified as the basis for its disciplinary actions against students is article 33 of the Constitution of Bahrain, which reads:

> (a) The King is Head of State, and its nominal representative, and his person is inviolate. He is the loyal protector of the religion and the homeland, and the symbol of national unity.
>
> (b) The King safeguards the legitimacy of the government and the supremacy of the constitution and the law, and cares for the rights and freedoms of individuals and organizations.

1478. Letters of expulsion to Bahrain Polytechnic students noted that students had violated article 3 of Law No. 27 of 2005 on education. However, Law No. 27 of 2005 does not provide that students expressing political opinions or participating in political activities be expelled. In fact, of the nine clauses comprising this article, one refers to the need of students to develop their personal capabilities through critical thinking and proper expression.

1479. The Bahrain Polytechnic policy lists a number of student rights and obligations, including the following: the obligation to respect the social and cultural differences of individuals; a ban against sectarian discrimination; the obligation to respect the needs of others; a ban against demonstrations inside the university campus; freedom from any form of harassment or unjust discrimination; and the obligation of the university to provide competitive and effective teaching. Bahrain Polytechnic also referred to Law No. 32 of 2006, which regulates public meetings and demonstrations. Under Law No. 32 of

[734] According to reports submitted to Commission investigators during a meeting with Bahrain Polytechnic administrators at the Ministry of Education on 21 August 2011.

2006, public meetings and demonstrations require prior notification to, and approval by, government authorities.[735]

1480. Students at Bahrain Polytechnic related that some of the questions asked during the investigation into the events of 13 March 2011 included: "Did you go to GCC Roundabout?"; "Did you participate in any demonstrations or gatherings?"; and "Did you hear or see anything that contained hate messages against the royal family or government?" Students stated that Bahrain Polytechnic administrators also questioned students about their relationships and affiliations with other students and in this manner expanded the list of students to investigate. Some questions asked of students by administrators included: "Who was with you from the university when you went to the demonstration?"; "With whom do you regularly spend time at the university"; and "What do you know about such-and-such student?" Some students alleged that during the course of the investigations, investigators spoke to them in an aggressive and degrading manner and used belittling and insulting language with respect to them and their families.

c) *Government Involvement*

1481. Students reported that in a number of cases, university administration or faculty referred students to the police or MoI for criminal interrogations. Numerous students from the University of Bahrain submitted statements to the Commission detailing accounts of their arrests, detention and criminal interrogations. Some students reported that during interrogations they experienced degrading treatment at the hands of police officers and governmental security agents.

1482. A number of students were referred to the Public Prosecution and charged with various misdemeanors in relation to the events, including damaging public property, participating in illegal gatherings and attacking other students.

1483. The Commission received a number of complaints from secondary school graduates claiming that the MoE withheld scholarships for study outside the country or educational grants for study in Bahrain despite the fact that their grade point average was higher than the minimum required. Commission investigators made inquiries of the MoE, which denied any such punitive practice and provided evidence that some of the complainants in fact received scholarships though not at the specific universities to which they had applied.

1484. On 10 October 2011, Al Wefaq submitted a report containing allegations of uneven distribution of government scholarships among secondary school graduates attempting to enter universities in Bahrain and abroad. Al Wefaq's allegations revolved around a new scholarship system that was introduced by the MoE in the aftermath of the events of February and

[735] Constitution of Bahrain (2002), Art 28(b): Public meetings, parades and assemblies are permitted under the rules and conditions laid down by law, but the purposes and means of the meeting must be peaceful and must not be prejudicial to public decency.

March 2011. The new system assesses scholarship applicants on the basis of grade point average and a personal interview. It is alleged that the system discriminates against Shia students. Distribution of scholarships for the academic year 2011-2012 has been uneven as between Shia students and others. The MoE denies any discriminatory policy in the new scholarship system.

1485. Many of the expelled students were seniors and scheduled to graduate. Students who were dismissed were initially unable to obtain their official transcripts from the university. Students also reported that they had faced difficulties enrolling in other universities in the country and region, and stated that no other local university would accept students who had been expelled in connection with the protests. Some students, under a travel ban for political activities, were unable to study abroad. Professors and educators at the university were barred by order of the university administration from providing references to any expelled or suspended students.[736] Students appealed the order without success. Many students reported that, through the stamping of their transcripts with "disciplinary dismissal" and the denial of recommendation letters, they felt that their university had effectively blacklisted them.

1486. On 5 September 2011, the MoE submitted a report to the Commission regarding the events of 13 March 2011 at the University of Bahrain and the ensuing disciplinary action.[737] The report presented the joint position of the MoE, the University of Bahrain and Bahrain Polytechnic. It stated that they believed that the events of 13 March were driven by illegal political organisations that sowed seeds of sectarian division between the students, and that this gradually led from frequent small demonstrations to the largest and final university protest on 13 March. Furthermore, they stated that they believe that the protest and clashes of 13 March were fostered and encouraged by university faculty members, employees and students who facilitated the way for armed thugs to enter the campus and destroy property and attack students. In response, the University of Bahrain, under the supervision of the MoE, established a committee to investigate these events.

2. Applicable Law

1487. Article 13 of the ICESCR provides, *inter alia,* that:

> The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed

[736] During the meeting between student representatives and Commission investigators on 14 August 2011, University of Bahrain students submitted a copy of the memorandum sent to faculty members from administrators barring faculty from issuing letters of recommendations to students expelled as "disciplinary dismissals".

[737] The MoE issued this report in conjunction with Bahrain Polytechnic and the University of Bahrain, in direct response to the 21 August 2011 meeting between university administrators, the MoE and Commission investigators. The first section of the report underlines the former position of the universities and the GoB on the expulsions and justifications for their decision in expelling and suspending students, whereas the second section of the report expresses the new position of the universities and the GoB concerning the disciplinary decisions.

> to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

1488. Article 41(1) of the Arab Charter on Human Rights provides that "everyone has the right to education".

1489. Relevant provisions of the Constitution of Bahrain include the following:

> The law regulates care for religious and national instruction in the various stages and forms of education, and at all stages is concerned to develop the citizen's personality and his pride in his Arabism. (Article 7(a))
>
> Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and publish it by word of mouth, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused. (Article 23)
>
> Public meetings, parades and assemblies are permitted under the rules and conditions laid down by law, but the purposes and means of the meeting must be peaceful and must not be prejudicial to public decency) .Article 28(b))

1490. Article 2 of the Education Law No. 27 (2005) provides, *inter alia*, that:

> [E]ducation is a right guaranteed to all citizens. The philosophy stems from the established principles and the Islamic religion, human and cultural interaction, Arab affiliation and cultural and social framework of Bahrain.

3. Findings and Conclusions

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

1492. Although the University of Bahrain repeatedly expressed to Commission investigators that it only disciplined students involved in disruptive, violent and criminal activities at the university, evidence provided by the university does not indicate in every case that wrongdoing had been

clearly established.[738] In respect of photographic evidence, the Commission did not see any photographs in the university's investigative files that established that a particular student had participated in a violent, criminal or disruptive act on the university campus.

1493. The University of Bahrain also indicated to Commission investigators that it declined to take disciplinary action against students who were at protests but not actively involved in them (the "shyly" participating students referred to above). However, the number of students initially expelled, compared with the number of students present at the demonstrations of 13 March 2011, suggest otherwise. While official records from the University of Bahrain indicate that approximately 400-500 students participated in the protests on 13 March, the university initially expelled 427 students. It seems implausible to the Commission that such a high percentage of the students who participated in protests at the university were deemed culpable of acts of violence and destruction of university property.

1494. The expulsion of students is permitted in certain circumstances. However, the expulsions by the University of Bahrain and Bahrain Polytechnic as related to the events of February/March 2011 were of such an extreme nature that some of the students are ostensibly prevented from ever again attending an institution of higher education in Bahrain.

1495. Many students were also later detained or imprisoned, some for more than three months. According to information provided to the Commission by the Bahrain Youth Human Rights Society, approximately 78 university students in Bahrain were arrested or detained after February 2011 in connection with the protests. The Commission received 73 similar reports corroborating this information.

1496. The University of Bahrain implicitly permitted demonstrations on its campus until 13 March 2011 (when clashes erupted). Further, Bahrain Polytechnic did not give students adequate notice that their participation in demonstrations off campus would result in any disciplinary action. Students therefore reasonably believed that their participation in peaceful demonstrations would not result in disciplinary action.

1497. While the universities established investigation committees and an appeals procedure in order to discipline students connected to the events of February/March 2011, the universities often applied arbitrary and unclear standards for issuing determinations and taking disciplinary action. The universities largely relied on insufficient or circumstantial evidence, and drew conclusions about alleged student involvement in criminal activity from assumptions and improper inferences.

[738] On 22 August 2011, the University of Bahrain provided Commission investigators with copies of the investigative files compiled by the university's investigative committee on each student who was investigated. Files included notes on the investigation with the student, a written statement by each student, and in many cases printed photographs allegedly of students, often simply standing in a crowd. The university used these photographs as evidence of students' culpability. Files also often included snapshots of students' Facebook and Twitter pages.

1498. The University of Bahrain and Bahrain Polytechnic took indiscriminate disciplinary action against students based on their involvement in the February/March 2011 demonstrations, and thereby infringed on their right to free expression, assembly and association.

1499. There are 38 students who are not allowed to return to the University of Bahrain, as they are facing criminal charges.

1500. The Commission welcomes the move by the Ministry of Education on 25 August 2011, in conjunction with the University of Bahrain, to reverse the vast majority of disciplinary decisions taken against students.

1501. The Commission also notes with satisfaction that as of 12 November 2011, 33 of the 54 students initially expelled from Bahrain Polytechnic have been reinstated.

4. Recommendations

1502. Reinstate all students who have not been criminally charged with an act of violence.

1503. Ensure that there is a procedure in place whereby students who were expelled on legitimate grounds may apply for reinstatement after a reasonable period of time.

1504. Adopt clear and fair standards for disciplinary measures against students and to ensure that they are applied in a fair and impartial manner.

Chapter VIII — Allegations of Violence by Non-Governmental Actors

Part A – Attacks on Expatriates

1. Factual Background

1505. The expatriate population in Bahrain is alleged to have been the target of violent attacks during the events of February/March 2011. Most complaints received by the Commission pertained to physical injuries, property damage, economic loss, deprivation of the freedom of movement, denial of medical treatment and attacks at places of worship.

1506. Rapid economic growth, particularly in the oil and construction industries, has led to a high demand for workers in Bahrain. This demand has largely been filled by a rapid increase in the number of expatriate and guest workers, especially those originating from South and Southeast Asia. According to the 2010 official census, the total population of Bahrain was 1,234,571 of whom 666,172 (54%) were non-Bahraini.[739] The census also reported that 562,040 of the non-Bahrainis are of Asian nationality. This represents significant growth from the time of the last official census in 2001, which reported that the population of Bahrain was 650,604, of whom 244,937 (37.6%) were non-Bahrainis.[740] A report submitted by the GoB disclosed that in the period 2001-2002, 81% of foreigners naturalised were of Iranian origin, while in the period 2001-2011, 40% of foreigners naturalised were of Iranian origin.

1507. According to the Ministry of Labor (MoL) the unemployment rate in Bahrain is 3.8%. The Labour Market Regulatory Authority (LMRA) reported that in the final quarter of 2010 there were 452,348 workers, of whom 374,707 (83%) were non-Bahraini.[741] The largest groups of expatriate and guest workers are from India (197,084), Bangladesh (75,169), Pakistan (35,218) and the Philippines (24,235).[742]

1508. According to reports by the GoB, incitement against expatriates in Bahrain intensified in the aftermath of the contested 2006 parliamentary elections. The GoB alleges that Al Wefaq is responsible for fuelling anti-foreigner sentiment and cites a number of articles as inflammatory. For example, the GoB refers to an article published in 2009 which states that "the

[739] GoB 2010 Census, http://www.census2010.gov.bh/results_en.php accessed 16 November 2011.
[740] GoB 2010 Census, http://www.census2010.gov.bh/results_en.php accessed 16 November 2011.
[741] LMRA, *Number of Workers by Sex and Bahrain, Non-Bahraini Citizenship, Sector: 2008-2010*, http://blmi.lmra.bh/2010/12/data/ems/Table_05.pdf accessed 20 October 2011.
[742] LMRA, *Top Nationalities of Non-Bahraini workers: 2011 January*, http://blmi.lmra.bh/2011/03/data/ems/Table_07a.pdf accessed 20 October 2011. See also LMRA, *Table of Dependents of Foreign Workers*, http://blmi.lmra.bh/2011/03/mi_dashboard.xml accessed 20 October 2011.

majority of naturalized people are barbarians, ignorant, naive, and they are from the *mutaradia* and *natiha* [alluding to Islamic terminology of forbidden animal meat] – and they are of Sunni or Salafi origin". The GoB also points out the opposition activists often refer to foreign security forces as "foreign mercenaries" and as those behind the crackdown on the protestors. The GoB ties these sentiments to the attacks on expatriate workers.

1509. Al Wefaq criticised the GoB's policy of hiring expatriate and guest workers whilst the unemployment rate of Bahrainis remained high, particularly among the Shia population. It also criticised the GoB for giving preference to naturalised Bahrainis over non-naturalised Bahrainis, more particularly the Shia population, when it came to employment. They also called into question the patriotism and commitment to Bahrain of foreign nationals and disparaged their linguistic abilities and knowledge of Bahraini customs and traditions. Statements touched on a variety of subjects including: increasing literacy rates among the naturalised; preferential housing for the naturalised in predominantly Shia areas; the new policy adopted by the Electricity & Water Authority to recruit non-Bahrainis; recruitment of naturalised Bahrainis into the security apparatus; and the rising insecurity and crime rates in Hamad town. Beginning in mid-January 2011, Al Wefaq led a campaign calling for a halt to the naturalisation of non-Bahrainis and accused the GoB of running a "political naturalisation project", which the group asserted would destroy the nation.[743]

1510. The Bahraini population, especially the Shia majority, has over the years expressed the opinion that the GoB has been seeking to undermine their social and political rights. This issue has been on the agenda of election campaigns for a number of years now. It has also been taken up by the various Shia groups in political campaigns and election rallies.

1511. During the events of February/March 2011, the demands of protesters included access to jobs and an increase in salaries. A further grievance was the naturalisation of foreigners. During various demonstrations, anti-expatriate and guest worker chants and slogans were heard. Demonstrators held banners targeting naturalised Bahrainis, threatening them and asking them to leave the country. Some of these banners read: "Bahrain is free, free. Oh naturalised get out"; "Bahrain is free free, Oh naturalised, Oh mercenary, Oh killer, your departure time has come"; and "Shia plus Sunnis minus naturalised equals a loving country".

1512. According to a report submitted to the Commission by the Ministry of Interior (MoI), during the events of February/March 2011, four expatriates were killed and a further 88 expatriates were injured.[744]

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[743] Al Wefaq, http://alwefaq.net/index.php?show=news&action=article&id=4761 accessed 26 October 2011 (*Arabic Text*). See also Al Wefaq, http://alwefaq.net/index.php?show=news&action=article&id=5289 accessed 26 October 2011 (*Arabic Text*).

[744] Report received from the MoI listing the names, dates, and circumstances of injury and death of all the reported deaths and injuries during February and March 2011. See Chapter VI, Section A.

Nationality	Injured	Dead
Indian[745]	11	1
Bangladeshi[746]	18	2
Pakistani	58	1
Filipino[747]	1	-

1513. On 9 March 2011, in a protest that began at the Ras Romman mosque, thousands of mostly Shia Bahrainis marched on the immigration office in Manama and voiced their opposition towards the granting of citizenship to Sunnis from other countries to serve in the country's military. However, in order to emphasise that the protest was against the GoB's naturalisation policy, and not against Bahrain's Sunni population, participants also shouted slogans calling for Sunni-Shia unity.[748]

1514. A report submitted to the Commission by the Ministry of Foreign Affairs in September 2011 stated that during the events of February/March 2011, foreign labourers residing in Bahrain were subject to acts of violence. The GoB alleged that gangs set up road blocks and check points, where they stopped motorists and pulled them out of their cars, beating foreigners. The GoB also alleged that stores operated by foreign nationals were told by these groups to close or face retribution. This report also included letters from four different Asian embassies regarding deaths, injuries, material losses and casualties of their respective citizens. The Pakistani Ministry of Foreign Affairs stated that during the February/March 2011 crises a "group of radicals" brutally attacked expatriate workers, while law and order in Bahrain deteriorated within days. It added that, in fear for their life, around 2,000 Pakistanis living in sensitive areas left their houses and requested the Embassy to provide them with temporary shelters. Some of these displaced persons stayed at the Pakistani Club while others stayed at Pakistani schools.

1515. Most attacks against expatriates occurred on 13 and 14 March 2011. The Commission received reports that foreigners were attacked on the streets of Manama. A report prepared by the Pakistani Ministry of Foreign Affairs details an incident on 13 March in which an angry mob locked approximately

[745] The Indian Ministry of External Affairs stated that, starting 14 March 2011, major civil disorder hit the Kingdom of Bahrain, roads were blocked by rioters and a state of emergency was declared causing many casualties to the Indian community in Bahrain with one Indian killed and a further seven injured.

[746] The Bangladesh Ministry of Foreign Affairs alleged that the opposition protests of February and March 2011 produced an insecure atmosphere that affected Bangladeshi expatriates on different levels. It reported that the Bangladeshi community was vulnerable at their work and their residences, which imprisoned some inside their homes, restricted their movement, leading to loss of jobs for significant number of them. The attacks caused the deaths of three Bangladeshis with a further seven injured.

[747] The Ministry of Foreign Affairs of the Republic of Philippines provided the Commission with information about the death of one Philippine national during the unrest. The Commission was unable to interview relatives or witnesses.

[748] *Thousands stage rally in Bahrain*, Al Jazeera (9 March 2011), http://english.aljazeera.net/news/middleeast/2011/03/20113917595654981.html accessed 4 October 2011.

40 Pakistanis in Alkuthoot Restaurant and tried to set it on fire. However, the report states, "with the help of community leaders and a Shia Imam, the protestors freed the locked-up Pakistanis".

1516. The Commission also received information about a number of incidents in which attacks against expatriates took place in their homes. Late in the evening of 13 March 2001, a group of individuals entered a residential building in Manama that was inhabited mostly by Asian workers. The group began attacking residents, among whom was a Pakistani citizen named Mr Abdul Malik Gholam Rasul, who was beaten to death. Later Mr Farid Maqbul was attacked and sustained severe injuries from which he subsequently died. As the night proceeded, more cases of attacks against Asian expatriates were recorded. A Pakistani construction worker and *Muezzin* (person who performs the Islamic call to prayer) suffered serious brain injuries after he was brutally assaulted and had his tongue severely lacerated. Commission investigators reviewed photographs and the medical report confirming the extent of his injuries and visited him at the hospital where he was in a vegetative state.[749] One individual stated that on 13 March 2011 protestors broke into his house in Manama and demanded that he show his identification. He alleges that they beat him with a baseball bat, fracturing his arm, and that whilst beating him they old him that Bahrain was only for Bahrainis and not for Asians.

1517. One complainant reported that on 14 March 2011 he awoke at around 20:00 to find a group of 30-40 youths breaking into his residence carrying knives and steel rods. According to his statement he and other individuals living at the residence were beaten because they were Pakistanis despite telling their attackers that they were labourers and not affiliated with the Bahraini Police. One of the victims claims that: "They want us to leave Bahrain. Pakistani people have jobs in [the Police Department] that [the Bahrainis] think should be theirs". According to a number of Pakistanis who were interviewed by the Commission, they believed that attacks were carried out by Shia who hated Pakistanis and mistakenly believed them to be soldiers in the Bahrain security forces.

1518. Another complainant reported that on 14 March 2011 protestors broke into a friend's home while he was visiting. The protestors asked him if he was a police officer and asked for his identification. The complainant stated that both he and his friends were beaten and kicked before being dragged onto the street where hundreds of protestors were waiting. A video available on the internet showed protestors putting swords to their throats and threatening them. The complainant reported that they were then taken to the GCC Roundabout where the beating continued. Eventually they were taken to SMC where they were again beaten. He reported that a nurse refused to treat him, stating that "[W]e do not want Indians here, slaughter them!". Along with his friends, the complainant was forced to stand against a wall and beaten. The complainant claimed that they were shown plastic bags and told

[749] When Commission investigators visited this individual on 28 October 2011, he was still in a vegetative state.

that they were to be used to carry their bodies. During the ordeal they were accused of being police officers, which they continued to deny.

1519. The Commission also reviewed a number of videos which appeared to show violence against South Asians.

a. In March 2011 Bahrain Television showev video footage of alleged crimes committed against South Asian expatriate workers at the hands of some demonstrators.[750] The video depicts demonstrators seemingly at the beginning of a confrontation, but does not indicate the circumstances or extent of the situation. The video then shows the bodies of two individuals lying on the street. The circumstances related to their deaths are unclear from the video. The video then shows injured South and Southeast Asians receiving medical treatment. Again, the circumstances related to their injuries are unclear from the video.

b. Another video aired during the same period by the same channel depicted South Asian expatriate workers being pulled out of an ambulance at the hospital.[751] The video depicts an injured person on a gurney, followed by two individuals in handcuffs, being taken out of an ambulance and into the hospital. As the injured are escorted into the hospital, it appears that one individual attempts to kick one of the injured individuals, and other onlookers push forward in order to get closer but are held back by what appear to be security personnel.

c. The Dubai-based Al Arabiya news channel aired a video of paramedics, who appeared to join the protesters in hitting injured Indian workers who had been hospitalised. According to Al Arabiya, foreign workers were being assaulted by protesters in order to undermine the national economy.

d. Another video showed a group of protesters including some in a vehicle marked with a Red Crescent running over a Pakistani policeman multiple times.[752]

e. A video submitted by the government depicted a masked individual approaching a bus and attacking the driver, who appeared to be foreign. However, the identity or political affiliation, if any, of the assailant could not be ascertained.

1520. The Commission received statements from 19 complainants indicating that foreign nationals were discriminated against and mistreated by

[750] YouTube, http://www.youtube.com/watch?v=YbpJ7iiBinc&skipcontrinter=1 accessed 4 October 2011.
[751] YouTube, http://www.youtube.com/watch?v=NbMmbNOGl9s accessed 4 October 2011. See Chapter V.
[752] Al Arabiya TV, http://www.alarabiya.net/articles/2011/03/18/142009.html accessed 4 October 2011.

medical staff and protestors while visiting SMC during February and March 2011. One witness, who was a SMC employee, stated that during the time protestors took control of SMC he witnessed foreign patients being beaten by protestors. He also stated that foreign nationals were compelled to confess, in a video broadcast on television, that they were spies working for the government. The witness also claimed that Shia nurses refused to treat injured foreigners. Another witness working at SMC claimed Asians were attacked by protestors in the presence of doctors and nurses.

1521. The Commission further received reports of 16 attacks against expatriates in the work place. Eight of these related to attacks on private businesses owned by expatriates. Complaints related to the destruction of property, physical and verbal abuse, as well as economic loss. The owner of a Bangladeshi restaurant described an attack on his restaurant by approximately 50 masked protestors, who forced themselves into the premises, vandalised it and severely beat an employee with metal objects. He reported that the injured employee was refused treatment at SMC and was so traumatised that he left Bahrain for Bangladesh.

1522. The Commission received statements from four expatriates describing attacks at various mosques. One individual stated that on 31 March 2011 unknown individuals attacked the Salman Hussein Bin Matar mosque, where he worked, physically assaulting him and vandalising the mosque. Another complainant described to Commission investigators that a group of protestors attacked the mosque where he worked, cutting down palm trees to block the street and vandalising the mosque. This individual stated that he stayed inside the mosque for 14 days because he was too scared to leave. Another individual described how he was attacked close to the mosque where he worked by protestors carrying sticks and suffered serious injuries. He later changed his job out of fear of being attacked again. Several attacks on places of worship used by expatriate and guest workers, especially Pakistanis and Bangladeshis, were reported by Al Karama, a non-governmental organisation. These included: Al Zouwada Mosque in Ras Romman on 14 March 2011; al Gharbi Souk al Lahema Mosque in Manama on 16 March 2011; Mubarak al Hessawi Mosque in Manama on 16 March 2011; Sheikh Ali ben Khalifa al Khalifa Mosque in Manama on 17 March 2011; and, Al Moughirah ben Shoueba Mosque in Sitra on 18 March 2011.

1523. The Commission also received statements from four individuals claiming that they had been verbally and physically abused at school and university due to being naturalised citizens. One student reported that on 4 March she was physically assaulted outside her school by a group of students chanting "naturalised citizen, get out of school". The student's sister similarly claimed that when she was leaving school she was attacked by approximately 12 students chanting "naturalized citizen, leave the school".

1524. On 26 March 2011, the Foreign Minister of Bahrain indicated that he met with members of the Asian communities and inspected the conditions of

foreign nationals residing in Bahrain.[753] The Ministry of Foreign Affairs also reaffirmed the right of foreigners to security, stability and work in Bahrain and the Ministry has indicated that it will take measures to financially compensate the victims of such attacks.[754]

2. Findings and Conclusions

1525. The Commission found sufficient evidence to establish that some expatriates, in particular South Asian workers, were the targets of attacks during the events of February/March 2011. The Commission finds that four expatriates were killed by mob attacks during the events and many were injured.

1526. Pakistanis, in particular, were the target of attacks owing to their membership of some of them in the BDF and police force. Various neighourhoods where expatriates live in Bahrain were the subject of sporadic attacks. The attacks on expatriates created an environment of fear, resulting in many of them leaving their homes and living in shelters. Other foreign nationals relayed to the Commission that they feared leaving their homes, attending services at their places of worship, or going to work. This caused many foreign nationals economic loss because they were fearful of returning to work and opening their businesses. The attacks on South Asian expatriates also resulted in hundreds of Bangladeshis, Pakistanis and Indians fleeing the country.

1527. There is a high degree of mistrust of immigrants by the Shia community, partly because they are perceived to be a threat to the job market for Bahrainis, and partly because of their membership in the security forces. The employment of naturalised individuals in the country's Armed Forces, National Guard and various law enforcement agencies has, provoked racial and sectarian strife and sometimes xenophobic sentiments towards foreigners. This has been exacerbated by the involvement of those forces in what has been thought to be repressive tactics during the period of unrest.

3. Recommendations

1528. To develop educational programs at the primary, secondary and university levels to promote religious, political and other forms of tolerance, as well as promote human rights and the rule of law.

[753] Bahrain Ministry of Foreign Affairs, http://www.mofa.gov.bh/Default.aspx?tabid=65&language=en-US accessed 4 October 2011.
[754] See Chapter XI.

Part B – Attacks on the Sunni Community

1. Factual Background

1529. The first direct confrontation between the Sunni and Shia communities took place on 3 March in Hamad Town. By the end of the incident, 11 individuals had been injured including three police officers. The exact sequence of events and the circumstances remain unclear. The available information indicates that the spark for the confrontation was a fight between Shia university students, who had been participating in demonstrations during the day, and teenagers from naturalised Sunni families residing in the area around Hamad Town. The situation quickly escalated, and by 21:30 a street battle had erupted between Shia and Sunnis. Those involved were armed with sticks, knives, swords and metal rods. Most of the confrontations occurred in the vicinity of Roundabout 7 in Hamad Town, although reports indicated that clashes spilled over into neighbouring streets and alleys. At this point, the MoI dispatched riot police units, who intervened to stop the clashes and disperse the crowds. The events triggered a feeling of mistrust between the two communities and the protests subsequently assumed a more sectarian aspect.

1530. Further confrontations occurred in the area around Hamad Town on 4 March. Reports received by the Commission indicated that unidentified individuals targeted private vehicles parked in the area, especially those that had pictures of the political leadership of Bahrain or posters supporting the GoB. Later that morning, individuals bearing knives and wood planks were seen attempting to reach the roundabout. But they were denied access to the area by police. Several incidents of assaults on persons and damage to private and public property were also reported. For example, at 04:30 a complaint was filed alleging that four armed individuals assaulted a person in the Al-Takheem area of the Al-Sokheir district. Later, at 06:30, a car parked at the Oma Khayam Hotel in the Al-Qodaybeyya district was attacked. At 07:30, unidentified individuals damaged a traffic surveillance camera in the Sheikh Khalifa bin Salman road in the Buri area. At 15:30 a group of almost 200 individuals was reported roaming the area and damaging private property. This deterioration in the security situation led residents in the area to begin carrying arms. Later that night, reports indicated that four individuals had been severely wounded and hospitalised after being assaulted by groups of unidentified individuals in the area. The tensions between the communities escalated as public rhetoric became stronger, and speeches were made at the GCC Roundabout referring to historical battles between Sunni and Shia.

1531. A further confrontation took place on 7 March between members of the Sunni and Shia communities. Individuals who had gathered at the Financial Harbour began to interfere with traffic on the King Faisal Road. A female member of the Sunni community was stopped by protesters while driving her vehicle. The protesters then attacked her vehicle with sticks and knives. The car was surrounded by a large number of demonstrators, who began pounding on the vehicle and chanting anti-government slogans.

Fearing for the safety of the woman, other demonstrators and some police officers intervened to push back the crowd and allow the car to pass. In an attempt to get away, the car struck and injured one of the protesters, who was subsequently hospitalised. This incident caused mass anger among the demonstrators who vowed to retaliate against the woman and her family. Later that evening, the woman's address was circulated via SMS messages and on internet social media platforms such as Twitter and Facebook, and there were calls for people to attack her residence. In response, hundreds of Sunni men wielding swords, knives, sticks and other weapons assembled at the woman's house to protect her from possible assault by Shia groups. This incident intensified sectarian tensions and contributed to a heightened sense of a deterioration of security in Bahrain.

1532. A confrontation between protesters and pro-government supporters took place on 13 March 2011 at the University of Bahrain Campus. Conflicting reports indicated that between 10 and 100 individuals were injured, and the description of events varied greatly between reports. Official reports released by the GoB indicate that protesters burst onto the University of Bahrain campus and started to attack pro-GoB students, and that the S20 building (English language school) was set on fire. The events allegedly resulted in the injury of tens of Sunni students with bladed weapons. Many of the injured students were in a serious condition and had to be hospitalised.

1533. On 15 March 2011, members of the Sunni community set up checkpoints and formed neighbourhood watch groups known as "popular committees" to protect their respective areas. They were mostly armed with sticks and bladed weapons. These committees set up 24-hour watches to ensure the safety and security of their respective neighbourhoods.

1534. The Commission received 434 complaints from members of the Sunni community. These included claims of physical abuse, verbal abuse and threats to personal safety. The majority of complainants claimed to have suffered emotional distress caused by these violations or inconveniences. Some complainants stated that they were expressly targeted because of their religious affiliation. In addition, the Commission received complaints concerning damage to private property and Sunni mosques.

1535. The Commission received reports provided from the GoB,[755] independent organisations[756] and international and national human rights organisations.[757] Its investigators held meetings with government officials and leaders of Sunni communities.[758] The Commission conducted interviews

[755] Reports received from the MoI, MoE, MoH, CSB, MoL, Ministry of Municipalities, BDF and NSA.
[756] Reports received from Al Menbar Democratic Society, National Democratic Labour Society and Al Wefaq.
[757] Reports received from Bahrain Society for Human Rights, Bahrain Center for Human Rights (BCHR) and Bahraini Transparency Society.
[758] Commission investigators met with the official spokesman for Karama, Abdulla Al Malaki on 12 September 2011 and the official spokesman for Gathering of National Unity, Dr Adel Abdulla on 11 August 2011.

with 434 complainants and received documents from various sources including political parties and civil society organisations.[759]

1536. The Commission received 102 complaints regarding physical abuse and 120 complaints regarding verbal abuse suffered by individuals who claimed that they were targeted because they were Sunni. Several individuals testified to having witnessed the physical assault of other Sunnis. One witness stated that his colleagues arrived at work covered in their own blood due to attacks by protesters on the way to work. Several individuals claimed to have been the victim of armed assaults. One individual stated that he was attacked by protesters with a knife outside SMC. Another individual was attacked by protesters carrying swords near Roundabout 7 in Hamad Town. He stated that he injured his hand when attempting to prevent the attack and he presented a medical report to the Commission in support of that claim.

1537. The Commission recorded 258 complaints of abuse directed at members of the Sunni community at universities and schools. The majority of these complaints concerned the events at the University of Bahrain on 13 and 14 March 2011. Both the parents of students[760] and students themselves claimed to have been verbally and physically attacked due to their religious affiliation and their refusal to participate in the ongoing protests.[761] In one case, the Commission received video footage that supported the claim of an individual being brutally beaten at the University of Bahrain campus. He was accused of being a Sunni thug hired by the GoB.[762] The Commission was shown a video by the BDF depicting a young girl being slapped and beaten by her classmates.

1538. One individual described the physical, verbal and psychological abuse to which she was subjected by other students at her school. She also complained about discrimination from teachers and verbal harassment of Sunni students. She stated that she felt scared to go to school and that she and her family feared for their safety. Another individual was attacked with a knife at school by a Shia student. When he went to tell the school supervisor about the incident, he was kicked out of the school. Another individual was beaten severely when she held a picture of HM King Hamad at school. Upon leaving school, she was attacked from behind and rendered unconscious. She was also verbally abused by her teachers. The discrimination affected her grades and her psychological state. She was not able to sleep at night and her mood was low.

1539. Investigators recorded approximately 83 cases concerning sectarian threats in schools and universities. Witnesses stated that students were verbally abused and harassed by other students as well as by teachers and staff of the school or university that they attend. One student was verbally

[759] Gathering of National Unity, Al-Menbar El-Islami, and Karama Groups submitted reports on the alleged violations suffered by the Sunni community.
[760] This was alleged in particular in the area of Hamad City.
[761] Evidence supporting such claims was presented to the Commission on 22 September 2011 by the BDF.
[762] See Section Chapter VII, Section C.

assaulted and threatened by other students for refusing to join demonstrations. She was also verbally assaulted by a school supervisor and was refused permission to make a telephone call to her parents. She had to be taken to hospital because of poor health and was beaten by other students on her way out of the school.

1540. Another individual stated that she and her Sunni classmates were harassed and verbally abused by Shia students and teachers because of their loyalty to HM King Hamad and to Al Khalifa. There were claims that a number of teachers encouraged students to protest, to harass Sunni students, to insult HM King Hamad and the Khalifa family and to call for the fall of the regime. One complainant said the she wanted to counter this so she raised a picture of the King. She was then attacked by a school nurse, who grabbed her by the arm and punched her in the face. The nurse also tore up HM King Hamad's picture and threw it on the floor, as well as verbally insulting her and HM King Hamad. This individual declared that she would never be able to tear HM King Hamad's picture from her heart, at which point the nurse beat her again. This individual also stated that Shia teachers carried sharp objects such as scissors, nail clippers and nail files, and were waving them around. She submitted a medical report concerning the injuries sustained on her face and filed a complaint against the nurse in Hamad Town police station.

1541. The Commission received a number of complaints that Sunnis had been subjected to verbal abuse and threats to their safety. The Commission received complaints regarding deliberate provocation and threats in predominantly Sunni residential areas. A number of families sought refuge in safer areas. Physical attacks on homes were recorded. One individual stated that her home was attacked by protesters and stones where thrown at members of her family. For safety reasons, she abandoned her home for a month and changed where she worked and her children's school. Many individuals claimed that they were forced to stay behind closed doors for weeks until it was safe for them and their families to go outside. They claimed that this was inconvenient for it led to a shortage of supplies and food, which caused health problems for infants and the elderly.

1542. The Commission also received statements reporting that red marks were painted on houses to identify them as homes of military personnel or as employees of the MoI. This was allegedly done to facilitate attacks by Shia groups. The Commission received photographic evidence showing residences marked in this way. In addition, one individual stated that protesters put a sign on the building in which he resided to indicate that both civilians and police personnel working for the MoI resided there. Another individual claimed that she was so scared that she and her family left their residence and relocated to another district. Yet another individual reported receiving threats through social media such as Facebook and Twitter. Several other complainants stated that their lives were threatened over the telephone and by SMS. Such threats concerned their relationship to the regime, Al Khalifa family or naturalised citizens.

1543. The Commission received statements from complainants who were mistakenly identified to be relatives of members of the security forces. One complainant reported that she and her friend had been kidnapped by a group of demonstrators near her home because the kidnappers believed that she had relatives in the military. The complainant alleged that the kidnappers threatened her and her friend with a knife and told them they would be set on fire. She believed that this was retaliation for the arrest of a poet affiliated with the demonstrations. The complainant stated that when her kidnappers realised they had to pass through a security checkpoint, they released her and her friend and left them on the side of the road, but told her that they would return to kill her. She reported that she and her family were forced to move from their home out of fear.

1544. There were also several complaints concerning damage to public and private property owned or used by Sunnis. Some protesters allegedly targeted the property because it had links with the Sunni community. The Commission received a number of complaints concerning damage to cars, alleged to have been targeted because they belonged to Sunnis. One individual stated that his car was vandalised and his tyres punctured, posing a threat to his life. Several individuals stated that their cars were attacked by protesters while driving; these included reports of protesters beating on the cars while verbally abusing the driver. The Commission investigators also received several complaints of attempted arson while the driver was inside the vehicle. One individual stated that four masked men poured gasoline on his car, which almost caught fire.

1545. Several individuals stated that their private businesses were targeted by protesters. One complainant stated that his restaurant, located in Al Budaiya, was threatened and attacked. A group of masked people had threatened to damage the restaurant if it did not shut down. Two days later the group came back and broke into the restaurant through the back door. They were carrying sticks and they beat up the employees, who suffered deep cuts and fractures. The complainant reported that he suffered severe material damage as a result of the attack and he attached supporting evidence to his complaint.

1546. There was an attempt to blow up gas cylinders near the Sunni Waqf Board[763] building on 16 March 2011 and near Yateem mosque on 15 March 2011.[764] The Commission also received statements alleging that Shia had attacked and vandalised several Sunni mosques.[765] Some mosques had to close due to the presence of protesters, forcing the visitors to pray elsewhere. An incident at the Fatima mosque in Hamad Town was reported on 18 March 2011 and earlier on 2 March on Umm Al Hassam mosque. There were also reports of the closure of other mosques, namely Muayar bin Shaypa mosque in

[763] An inalienable religious endowment in Islamic law, typically denoting a building or plot of land for Muslim religious or charitable purposes.
[764] Report of the Gathering of National Unity submitted to the Commission, which included pictures of gas cylinders thrown near the Sunni Waqf and the Yateem Mosque.
[765] Report of Gathering of National Unity submitted to the Commission.

Sitra on 16 March 2011 and Salman bin Mattar mosque in Daer village.[766] Some complainants also stated that they avoided praying in mosques because they feared being attacked. Some members of the Sunni community thus said that their freedom to practise their religion had been infringed.

1547. The Commission received approximately 25 complaints of discrimination and harassment in the workplace. One individual stated that she was harassed at work by her colleagues; she was called a thug and sectarian comments were directed to her. Another individual stated that her father faced a lot of pressure at work from people from the Shia sect, forcing him to resign. This resulted in financial difficulties and the loss of property and savings for the family.

1548. The Commission received 359 complaints concerning emotional distress, including general complaints about the distress and disturbance to everyday life caused by the protests as well as complaints that protesters expressly targeted Sunnis. Several students complained of psychological harm due to physical and verbal harassment on school premises. One complainant stated that she was harassed and hit on the head by a Shia student, and due to the events she suffered from anxiety and emotional distress and refused to go to school. She refused to leave the house and had problems sleeping. Her family also received threats from Shia because of their good relations with naturalised citizens.

1549. Members of the Sunni community stated that the threats and violence directed towards their community had a negative psychological impact on their children. One individual stated that her children began to ask whether the teacher, grocer or driver was Sunni or Shia. Several reports were made concerning children who were affected by the turmoil to the extent that they were too anxious to fall asleep and began to wet their beds and have panic attacks.

1550. The Commission received several allegations concerning the attacks on the Sunni community during February/March by Karama Society. One of the main allegations concerned the physical and verbal attacks on Sunnis, expats and naturalized citizens, especially during the events at University of Bahrain on 13-14 March. Karama Society alleged that because of the violent nature of the protests, security forces had to intervene and put themselves between the protesters and the targeted communities. They argued that the protests in Bahrain were not peaceful. Claims were made that the protests were of a sectarian nature, and not about reform.

1551. During the Commission's meeting with the gathering of National Unity allegations were made that the Sunni community is misrepresented in media and that international media is not neutral but sides with the Shia community, considering them victims of discrimination and abuse, while in fact the Sunni community is subject to discrimination. The Commission received allegations concerning the events at Bahrain University on 13 March,

[766] Report of the Civil Committee for Documenting 14 February Incidents covering 14 February–20 March 2011 [on file with the Commission].

where protesters allegedly vandalized and attacked the university premises. Pictures were presented of destroyed classrooms and smashed computers, as well as classroom floors with blood stains. A report presented by the Gathering of National Unity states that it had received 6981 complaints from the Sunni community, 72% of which alleged emotional distress caused by the protests.

1552. The Commission received complaints from members of the Khalifa family and tribe whose last name is Al Khalifa. They claimed to have been exposed to emotional distress and psychological terror throughout the protests. They also stated that they were not involved in politics and were terrified for the safety of their family and their own with slogans and the threats such as "Death to Al Khalifa", and threats to hang members of the Khalifa family from bridges. The death threats were chanted, voiced over the telephone and sent via SMS to members of the family, and written on public and private property around the country.

1553. The Commission received complaints that during the time that SMC was alleged to have been "hijacked", hospital staff discriminated against Sunnis. Complainants reported physical abuse by SMC staff, denial of medical care and intentional medical negligence. The Commission received around 40 complaints alleging deliberate denial of medical care and medical negligence involving Sunni patients at SMC. One complainant testified about the denial of medical care to his sister and other Sunnis. Another stated that her father had chronic renal failure and used to have a regular renal dialysis at SMC. He was scheduled to have a renal dialysis at SMC but was denied admission to the hospital. The complainant called SMC to arrange an ambulance to transfer her father to another clinic, but her request was denied. Another individual stated that her right of access to health care was denied when she was refused medication for diabetes. She believed that the refusal had a sectarian motivation.

1554. There were other complaints alleging medical negligence. One witness stated that a disabled retired government employee was brought to SMC during its alleged takeover. He was moved from the Intensive Care Unit to the short stay clinic, where he died due to medical negligence. Another witness testified about a cancer patient who was denied chemotherapy because he was Sunni.

1555. Some members of the Sunni community also made complaints concerning the inconvenience that the protests caused them and their families. For example, they referred to difficulty in accessing medical care, the closing of schools and economic deprivation. There were several complaints regarding the difficulty in getting to work due to the protests, roadblocks by protestors and fear for personal safety.

1556. The Commission received complaints from 66 members of the Sunni community about misrepresentation in both the national and international media. They claimed that Shia journalists in Bahrain tended to exaggerate harm suffered by Shia, while downplaying or neglecting harm to Sunnis. The complainants considered this to be an example of discrimination. They said

that the international media portrayed the Shia community as victimised which was inaccurate and that this biased portrayal damaged inter-sectarian relations. It gave rise to bias against Sunnis and gave Shia a justification to commit violence against Sunnis. Such complaints also included allegations that members of the Sunni community were targeted by social media. Some complainants' names were posted on the internet and they were accused of being pro-GoB, while others received direct threats through Facebook and Twitter.

2. Findings and Conclusions

1557. The Commission found sufficient evidence to support the finding that Sunnis were targeted by some groups of demonstrators, either because they professed loyalty to the regime or on the basis of their sect. Sunnis were subjected to physical attacks and attacks on their property as well as harassment. Many of these incidents occurred at schools and makeshift checkpoints operated by civilians. These attacks were sufficient to create an environment of fear and mistrust that exacerbated tensions in a country already polarised.

1558. The Commission found that members of the Sunni community were subjected to verbal harassment during the protests. Such verbal abuse took place in the streets, in the workplace and in schools and universities, and mainly focused on the perceived loyalty of Sunnis to the regime and the Khalifa family. The Sunni community was seen as a target due to the perception that all Sunnis are agents or supporters of the GoB and the ruling Al Khalifa family.

1559. It appears that the Sunni community was threatened and targeted throughout the protests. In some cases there were direct threats to the lives and welfare of Sunnis. In addition, the Commission recorded evidence supporting the claims that Sunni residences were marked during the protests. However, there was nothing to suggest that these residences were indeed targeted after being marked. Arguably such methods could have been used to intimidate members of the Sunni community.

1560. The complaints by Sunnis alleging denial of medical care and intentional negligence were supported by a number of witness statements from doctors, patients and members of the patients' families.

1561. The Commission finds there was damage to both private and public property during the protests of February/March 2011. With regard to the vandalised cars, the Commission could not establish that such acts were based on sectarian motives. The lack of security and the general breakdown of law and order that prevailed during the period in question were conducive to vandalism. However, the Commission received several statements confirming the use of sectarian language and threats while the vandalism was taking place, thus confirming a sectarian motive in at least some cases.

1562. Nevertheless, the Commission is of the view that in situations of riots, strikes and the breakdown of law and order, disruptions to daily life are

inevitable. These exceptional situations also have negative and sometimes serious effects on the freedom of movement, access to work and public services, business, etc. The Commission finds that such negative effects materialised during the period in question. The Commission however is of the view that such general negative effects impacted everyone in Bahrain and were not specific to one community.

3. Recommendations

1563. To develop educational programs at the primary, secondary and university levels to promote religious, political and other forms of tolerance, as well as promote human rights and the rule of law.

Chapter IX — Allegations of Involvement by Foreign Forces and Foreign Actors

A. Introduction

1564. Developments in the Gulf affect the interests of numerous global and regional powers. This is due to the region's immense oil reserves and geostrategic location. It is therefore understandable that the events in Bahrain of February and March 2011 attracted considerable international attention. It is beyond the mandate and resources of the Commission to document the positions of all interested actors, much less to investigate the effects that policies adopted by foreign governments and by other foreign actors had on the situation in Bahrain. To fulfil its mandate, the Commission focused on two particular categories of allegations concerning foreign involvement while preparing this Chapter. First, there were assertions by the GoB about involvement of the Islamic Republic of Iran during the period under investigation by the Commission; and, second, there were assertions by a range of local and other sources about involvement of military units from GCC countries deployed in Bahrain, including allegations that GCC units committed human rights violations.

1565. International and regional interest in developments in Bahrain has continued beyond February and March 2011. Although the Commission's mandate is limited to examining allegations of foreign involvement during those months, the Commission is mindful of regional and interstate politics that might have affected perceptions of events during February and March. Some of these issues are touched upon in Chapter II. Extensive examination of anything beyond that would exceed the mandate of the Commission.

B. Allegations by the Government of Involvement by the Islamic Republic of Iran

1566. The GoB has asserted that the Islamic Republic of Iran intervened in the domestic affairs of Bahrain during the events of February and March 2011. The GoB's position on this matter has been articulated publicly on numerous occasions by various high-level Bahraini officials. The GoB has reiterated its position during meetings held with the Commission.

1567. Allegations of Iranian interference in the domestic affairs of Bahrain are not new. As noted in Chapter II of this Report, the GoB has asserted that Iran has been implicated in either directing or instigating incidents of unrest in Bahrain since the Iranian Revolution of 1979. It is the position of the GoB that the alleged involvement by Iran during the events of February and March 2011 is part of a continuous policy of Iranian interference in the domestic affairs of Bahrain.

1568. The GoB has expressed its concerns about a possible Iranian armed intervention in Bahrain. The GoB indicated that these concerns were among the principal reasons that it requested the deployment of GCC forces in

Bahrain starting on 14 March 2011. The GoB also stated that it feared that Iranian naval vessels would attempt to deliver weapons to Shia groups participating in demonstrations during February and March 2011. This, according to the GoB, was among the factors that necessitated naval reconnaissance and patrol missions by Kuwaiti naval vessels off the coasts of Bahrain.

1569. The GoB has asserted that diplomatic officers posted at the Iranian Embassy in Manama maintained contacts with Bahraini opposition leaders and groups. The alleged contacts, according to GoB sources, included encouraging leaders of the protest movement to continue their demonstrations and to escalate their demands. The GoB also asserted that officials from the Embassy of Iran urged opposition parties not to accept the invitation to hold a national dialogue. These alleged activities by the Iranian Embassy compelled Bahraini authorities to declare one member of the Iranian diplomatic mission *persona non grata*. Iran responded by requesting that a diplomat posted to the Bahraini Embassy in Tehran leave the country.

1570. The GoB has alleged that throughout the preceding years, Iranian intelligence operatives established financial and commercial organisations in Bahrain, including banks, to provide financial assistance to opposition groups. GoB reports also asserted that *Akhmas* charitable funds[767] gathered by Shia clerics are channelled to finance the activities of politically active opposition groups and figures and to finance anti-government demonstrations.

1571. Since the mid-1990s, the GoB has repeatedly asserted that opposition political groups maintained contacts with Hezbollah in Lebanon. These assertions include allegations of the provision of assistance and training by Hezbollah to members of Bahraini opposition factions.

1572. During the events of February and March 2011, the GoB claimed that certain opposition leaders, including some who had been residing abroad, consulted with the leadership of Hezbollah in Beirut in an effort to coordinate positions regarding the ongoing protests in Bahrain.

1573. The GoB has contended that the Iranian Government employed a variety of media outlets to influence the progression of demonstrations in Bahrain during the events of February and March 2011 and to broadcast what is described as false information about developments in Bahrain. Claims have also been made that Iranian operatives launched websites and pages on internet social media platforms, such as Facebook, calling for the removal of the political system of Bahrain and inciting protesters to resort to violence. The content of programmes that appeared on these media outlets is examined in Chapter X.

[767] *Akhmas* (plural for *Khoms*), which literally means "a fifth", is a religious obligation that Shia sects, including the Twelver Shia, espouse. According to Shia doctrine, individuals are obligated to pay as a form of Islamic tax a fifth of the value of certain categories of property including precious stones, minerals and unclaimed treasure. The funds collected from the *Akhmas* are then distributed to a number of beneficiaries, including to charity, descendants of Prophet Mohammad (PBUH), the poor of the descendants of Prophet Mohammad (PBUH), those descendants of Prophet Mohammad (PBUH) who are orphaned and the Imam.

1574. Numerous press releases and statements relating to developments in Bahrain were issued by Iranian officials and religious figures during the events of February and March 2011. Statements attributable to the Iranian Government were issued by a number of Iranian government agencies, including the Iranian Ministry of Foreign Affairs and Ministry of Defence.

1575. The arrival of GCC forces in Bahrain on 14 March 2011 was followed by a perceptible shift in the content and nature of press releases and statements issued by Iranian officials. Iranian government representatives criticised the invitation extended to GCC forces and warned of the repercussions that they said would have on regional stability and security. In addition to the Ministry of Foreign Affairs, other government agencies and senior political leaders began to express opinions about developments in Bahrain. Specifically, on 16 March 2011 President Mahmoud Ahmadinejad denounced the arrival of GCC forces in Bahrain and advised "those who sent their forces to Bahrain to learn the lesson of Saddam Hussein's fate."

1576. On 18 March 2011, the Speaker of the National Consultative Council, Mr Ali Larijani, stated that "the treason of the Saudi regime and its massacres against the Muslim people of Bahrain will never be forgotten." That same day, the Assistant to the Commander of the Iranian Air Force described events occurring in Bahrain as a "massacre" and stated that "the Saudi Arabian army will regret its perpetration of these massacres." On 21 March 2011, the Ministry of Foreign Affairs of Iran summoned the Ambassador of Bahrain to request the departure of a member of the Bahraini Embassy in Tehran. It was announced that this measure was taken in response to Bahrain's decision to declare an Iranian diplomat *persona non grata*.

1577. Speaking on 21 March 2011, the Valieh Faghih of Iran and Supreme Leader of the Iranian Revolution Grand Ayatollah Ali Khamenei stated that the "victory of the people of Bahrain was inevitable" and expressed the view that the ongoing events in Bahrain were similar to developments in Tunisia, Egypt, Libya and Yemen. The Supreme Leader rejected accusations that Iran was "supporting the people of Bahrain because they are Shiite" and affirmed that the policy of the "Islamic Republic of Iran is predicated on defending the people and their rights against all dictatorial and egotistical rulers without distinguishing between Sunnis and Shiites." Grand Ayatollah Khamenei added that "Saudi Arabia committed a mistake by sending its forces into Bahrain because this enrages the Islamic nations."

C. Allegations of Human Rights Violations by GCC Forces

1578. On 14 March 2011, His Majesty King Hamad bin Isa Al Khalifa requested the deployment of GCC Jazeera Shield Forces (GCC-JSF) to assist the Bahraini armed services in the defence of the Kingdom of Bahrain against foreign threats and in securing vital locations in the country.[768]

[768] See Chapter IV, events of 13, 14 and 15 March 2011.

1579. The GCC-JSF is a joint military force composed of units from the six member States of the GCC. It was established pursuant to a decision of the third session of the Supreme Council of the GCC on 10 October 1982 to assist the national armed services of the GCC States in defending against foreign threats and maintaining their security and stability.[769] The GCC-JSF is part of a broader security strategy adopted by the GCC, which is predicated on the belief that the national security of all the GCC member States is intertwined and that attacks or threats against any GCC State must be confronted by all the other members.[770]

1580. The total number of troops deployed by the GCC-JSF in Bahrain was approximately 5,000 persons. These included land and naval combat units, command and control units and support personnel of various specialisations. Forces from the Saudi Arabian National Guard were the first to arrive in Bahrain on 14 March 2011. In the following days, units from the United Arab Emirates and Qatar also joined the GCC-JSF stationed in Bahrain. According to reports received by the Commission from the GoB, the missions and tasks assigned to these forces were limited to preparing to assist the BDF in confronting any foreign armed intervention and assisting in protecting and securing certain vital locations, most of which were situated in central and southern Bahrain. The GCC-JSF units were based in BDF facilities that had been vacated by BDF units deployed in the field. Starting on 21 March 2011, naval vessels from Kuwait began reconnaissance operations off the coast of Bahrain, enforced a blockade of certain maritime zones, and established maritime checkpoints to monitor activity in those areas.

1581. Numerous allegations have been made in the news media and on internet social media platforms of human rights violations committed by the GCC-JSF units deployed in Bahrain. Some sources claimed that GCC-JSF units participated in the second clearing operation at the GCC Roundabout on 16 March 2011, while other accounts alleged that these forces confronted demonstrators in various areas of Bahrain.[771]

1582. Among the investigations and interviews with complainants undertaken by the Commission, there was one claim of a human rights violation allegedly committed by GCC-JSF units. This is the case of Baheya Abdelrasoul Al-Arady, who was killed at around 21:00 on 16 March 2001.[772] Statements submitted to the Commission claimed that the deceased was shot

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[769] See General Secretariat of the GCC, *Military Cooperation* (الأمانة العامة لمجلس التعاون الخليجي: التعاون العسكري. متوافر على الرابط التالي) http://www.gcc-sg.org/index8409.html?action=Sec-Show&ID=49 accessed 10 November 2011.

[770] Elements of this joint security strategy include the GCC Comprehensive Security Strategy, which was adopted by the GCC Supreme Council in 1987, and the 1994 GCC Security Agreement.

[771] See, for example, *Bahrain: These are the Marks of the Crimes of the Jazeera Sheild, Turkey Al-Faisal*, (البحرين: هذه آثار جرائم درع الجزيرة يا تركي الفيصل، متوفر على الرابط التالي) http://www.elwatandz.com/watanarabi/3459.html accessed 10 November 2011; Union of Islamic World Students, إتحاد طلاب العالم الإسلامي: المعارضة البحرينية تكشف وثائق عن جرائم قوات البحرين والسعودية ، متوافر على الرابط التالي: http://www.rohama.org/ar/pages/?cid=5059 accessed 10 November 2011.

[772] See Chapter V, Section A.

by a Saudi Arabian unit operating under GCC-JSF command. Commission investigations revealed, however, that the armed unit involved in the incident leading to the death of the deceased was a BDF unit deployed in the Al-Bodaye' Street. No GCC-JSF forces were stationed in the area.

1583. According to reports submitted by the GoB to the Commission, the GCC-JSF did not participate in any operations involving confrontations with Bahraini civilians, including the second clearing operation at the GCC Roundabout. These reports also state that none of the GCC-JSF units reported firing any weapons or engaging with any civilians at any time during their deployment in Bahrain. There are also no reports of any injuries in the ranks of the GCC-JSF units.

D. Findings and Conclusions

1584. The evidence presented to the Commission by the GoB on the involvement by the Islamic Republic of Iran in the internal affairs of Bahrain does not establish a discernable link between specific incidents that occurred in Bahrain during February and March 2011 and the Islamic Republic of Iran. Given that most of the claims made by the GoB related to allegations of intelligence operations undertaken by Iranian operatives, sources of which, by their nature, are not publicly available, the Commission has not been able to investigate or independently verify these allegations of Iranian involvement in the events of February and March 2011.

1585. The GoB has indicated to the Commission that it has further information in its possession that demonstrates involvement by the Islamic Republic of Iran in the internal affairs of Bahrain. Due to security and confidentiality considerations, however, the GoB has declined to share this information with the Commission.

1586. The Commission has not found any evidence of human rights violations committed by the GCC-JSF units deployed in Bahrain starting on 14 March 2011.

Chapter X — Allegations of Media Harassment

A. Factual Background

1587. This Chapter examines whether any hate speech or incitement to violence was published or broadcast in Bahrain during the events of February and March 2011 by national or international media. It also explores whether media publications or broadcasts led to any unlawful acts in Bahrain during this period. In undertaking this analysis, it is important to differentiate between hate speech or incitement to violence and other forms of expression such as factual coverage, political analysis, insulting statements, inflammatory language and even factual errors, so as not to infringe on the right to freedom of expression.

1588. The Bahraini print media consists of seven daily newspapers: Akhbar Al-Khaleej; Al-Ayam; Al-Bilad; Al-Watan; the Bahrain Tribune; the Gulf Daily News; and Al-Wasat. There are a number of lifestyle and other publications that do not carry political coverage or commentary and therefore are not examined in this Chapter. Of the seven daily papers, only Al-Wasat is classified as an opposition paper. The remaining six can be classified as pro-government and are owned by figures closely associated with the GoB.

1589. Radio and television broadcasts in Bahrain are all State-controlled by the Bahrain Radio and Television Corporation. The Bahrain News Agency is also State-controlled.[773]

1590. A large number of national and international journalists, reporters and photographers covered the events that occurred in Bahrain in February/March 2011. These media personnel were present at the GCC Roundabout, SMC and numerous other locations where demonstrations took place.

1591. A number of media personnel were arrested and interrogated during the events of February/March 2011. Two journalists died while in the custody of the police or the NSA.[774]

1592. On 15 March 2011, the offices and printing presses of Al-Wasat newspaper were attacked and vandalised.[775] The newspaper was temporarily forced to stop publishing and to relocate its offices. The co-founder and board member of Al-Wasat newspaper, Mr Karim Fakhrawy, was detained and died while in custody, approximately one week after he was arrested. After the attack, the newspaper did not publish a Sunday edition and its website was blocked by the GoB. The Information Affairs Authority of Bahrain (IAA)

[773] Internews, *Study of Media Laws and Policies in the Middle East and Maghreb: Bahrain,* (June 2003) http://www.internews.org/regions/mena/amr/bahrain.pdf accessed 10 November 2011.
[774] See Chapter VI, Section A: Zakariya Al Asheri and Karim Fakhrawy. See also Chapter VI, Section E.
[775] Human Rights Watch, *Bahrain: Drop Charges Against Editor of Independent Daily* (11 April 2011), http://www.hrw.org/news/2011/04/11/bahrain-drop-charges-against-editor-independent-daily accessed 10 November 2011.

suspended Al-Wasat on 2 April 2011 following a programme that was broadcast on State-controlled Bahrain Television alleging that the paper had published "false news and photographs" in the editions published on 26 and 29 March 2011. Al-Wasat was not permitted to publish an edition on 3 April 2011. The IAA permitted Al-Wasat to resume publishing on 4 April, but this permission for publication was only given after the Editor-in-Chief, Managing Editor and Local News Editor were forced to resign.

1593. Examples of articles and footage that were published or broadcast by the national media during February and March 2011 were provided to the Commission by the GoB and by opposition societies. In addition, the IAA provided sample writings and footage from various international media.[776]

1. Allegations of harassment and defamation of pro-government journalists

1594. The Commission received a number of allegations from journalists stating that they had been harassed and slandered for their pro-government opinions. A number of columnists and reporters working for Akhbar Al-Khaleej, Al-Ayam, Al-Bilad and Al-Watan, some of whom identify themselves as "anti-protester", reported that they had been defamed, harassed and threatened by people on social media sites. A list of names and photographs of prominent pro-government journalists, entitled the "List of Shame", was circulated online and posted on social media websites.[777] The list contained the names of a number of journalists and made accusations that they had been paid off by the GoB and that they were government "cronies". In addition, at least two journalists alleged that they received telephone calls from unknown persons making death threats. These journalists felt compelled to take security measures to protect themselves and their families, including changing their place of residence.[778]

1595. The Commission conducted a meeting with the head of the Bahrain Journalists' Association, during which he alleged that the "List of Shame" was an example of defamation and incitement to hatred and violence.[779] The "List of Shame" allegedly targeted a number of journalists, disclosing their identity as government apologists and using inflammatory and to some extent derogatory or insulting language.

2. Allegations of harassment and defamation of anti-government journalists

1596. The Commission also received a number of allegations concerning harassment and defamation of anti-government journalists. These included an

[776] The Commission conducted meetings with editors-in-chief and representatives of all the above Bahraini newspapers.
[777] Facebook, *Bahrain's List of Shame,* http://ar-ar.facebook.com/BahrainListOfShame, accessed 10 November 2011.
[778] Statements provided to the Commission.
[779] Meeting with the Commission, 19 October 2011.

allegation that Al-Arabiya broadcast the names of several journalists and accused them of participating in protests and civil unrest. In addition, a number of Facebook groups threatened journalists who published articles supporting opposition groups or protesters, or criticised the GoB or pro-government groups.[780] A second "List of Shame" was circulated on the internet. This list included the names of anti-government protesters and other individuals who had been critical of the regime.[781]

1597. There were a number of allegations concerning defamation and incitement by a Twitter group named "Harghum".[782] The group posted the names and photographs of alleged protesters, and sometimes even posted protesters' addresses, telephone numbers and current locations. In some cases, a photograph of a protester was posted with a comment asking for the name of the person, and other Twitter users then posted the requested information. Witnesses reported to the Commission that persons who had been named or identified by Harghum would then avoid sleeping at their home address for fear of an attack. Harghum also allegedly advertised a MoI "hotline", which people could call in order to report on persons engaged in anti-government activity.

1598. One Bahraini journalist received a telephone call on 26 March 2011 from the IAA informing her that she was being terminated from her employment. The journalist was not given an official reason for her dismissal. She later discovered that her name had been included on a list entitled "Ministry traitors", which had been circulated on social media websites. The IAA also refused to renew the licence of another prominent Bahraini journalist who had been working as a freelance journalist with the Associated Press. This journalist was repeatedly harassed and defamed in national newspapers, on Bahrain Television and on social media websites. The journalist also received death threats in the form of letters delivered to her home.

1599. The Committee to Protect Journalists, an international NGO, reported that several journalists who were critical of the GoB were subjected to a campaign of harassment and intimidation by the authorities in Bahrain:

> The Committee to Protect Journalists has documented dozens of cases of journalist detentions in Bahrain; the death in custody of two journalists; lengthy prison terms for critical bloggers; the shutdown of the country's premier independent daily; arbitrary deportations; government-sponsored billboards and advertisements to smear journalists and activists; and a large number of physical assaults against reporters.[783]

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[780] Saudi-owned television news channel based in http://en.wikipedia.org/wiki/Dubai_Media_City" \o "Dubai Media City, United Arab Emirates.

[781] List of traitors in Kingdom of Bahrain, http://www.b4bh.com/vb/showthread.php?t=159795 accessed 10 November 2011 (*Arabic Text*).

[782] Twitter, http://twitter.com/#!/7areghum accessed 11 November 2011.

[783] Committee to Protect Journalists Press Release, *Call on Bahrain to End Harassment of Critical Journalists* (19 July 2011), http://cpj.org/2011/07/cpj-calls-on-bahrain-to-end-harassment-of-critical.php accessed 17 November 2011. This is consistent with a statement submitted to the Commission by Reporters Without Borders UK, October 2011.

1600. The Commission also received a number of reports alleging that journalists were dismissed from national newspapers for attending and reporting on the demonstrations of February/March 2011. Some of the journalists alleged that they were dismissed even though they had been assigned by their employer to attend and report on the events.

1601. One journalist at Al-Watan newspaper was investigated by the newspaper's human resources department and asked whether she had attended protests at the GCC Roundabout. On 9 April 2011, her supervisors forced her to resign. She was not given any reason for her dismissal. A former colleague later informed her that she had been dismissed because a member of parliament had complained to her editor about the content of news articles that she had been posting on her personal Facebook page.

1602. A journalist who was reporting for the German News Agency and European Press Photo Agency was arrested while taking photographs of a protest on 11 March 2011. He was interrogated and released after one hour. He was detained again on 22 May 2011 and taken to a police station for two hours, during which time he was repeatedly beaten. He was also threatened and harassed on Twitter and was described as an Iranian agent.

1603. A journalist reporting for France 24 and Monte Carlo Radio was asked to appear at a police station for interrogation on 22 May 2011. This journalist was accused of participating in protests and calling for the downfall of the regime, charges which she denied. She claimed that interrogators insulted and defamed her, and questioned her about journalistic reports she had written for international media outlets. She alleged that she was repeatedly kicked and beaten with a rubber hose by a number of police officers. In addition, she alleged that she was electrocuted on her arm, had urine poured on her face, had a shoe forced into her mouth and her head plunged into a toilet to simulate drowning. At the end of the interrogation, she was forced to sign a document that she was not permitted to read. The journalist later filed a report of the incident with the MoI. On 24 May, she was examined by physicians from Médecins Sans Frontières in Bahrain, following which she travelled to Paris for medical treatment.[784]

3. Allegations that the State-controlled media was biased and incited hatred and violence

1604. Al Wefaq made a number of allegations against State-controlled and pro-government media outlets concerning bias, incitement to violence against opposition supporters and derogatory or inflammatory language.[785] Al Wefaq alleged that State-controlled media outlets produced biased reports concerning

[784] The complainant provided a report by Médecins Sans Frontières to the Commission during an interview with a Commission investigator on 14 August 2011. In a section entitled "Impressions" in that report, it states: "This examination is consistent with multiple blunt trauma with both narrow (whip or stick) and with broad (fist or boot) objects within the last 48 hours."

[785] Meetings between Al Wefaq and the Commission on 21, 29 and 31 October 2011.

the protests in February/March.[786] According to Al Wefaq, Bahrain Television presented an inaccurate and one-sided version of the events at the University of Bahrain on 13 March 2011. In particular, Bahrain Television made allegations that it was the Shia students who attacked Sunni students, whereas, according to Al Wefaq, it was actually the pro-government supporters who attacked protesting students without the interference of university security.[787] Al Wefaq also alleged that Al Wasal Television falsely stated that Mr Hassan Buhumead was not shot by security forces, despite the fact that the GoB admitted that he was shot by security forces.[788]

1605. Al Wefaq also alleged that State-controlled media portrayed the protests as a sectarian movement and portrayed protesters as wanting to import the Iranian revolution.[789] Al Wefaq alleged that Bahrain Television aired a television programme called "Al Rased", which incited violence and hatred against protesters and the broader Shia community.[790] The programme had several episodes during which the events of February/March 2011 were discussed. Furthermore, the programme named protesters from various groups such as journalists, athletes and medical staff at SMC.[791] During the course of these programmes, photographs were shown of protesters, who were described as traitors linked to Iran, and a liability to Bahraini society. The Commission has been informed that some persons mentioned in the Al Rased programme were arrested shortly afterwards.[792] The Commission also viewed a second video, which showed protesters throwing Molotov cocktails and a narrator stating that such actions were supported by "their" beliefs and that the audience should "act accordingly". The video also showed a "Shia scholar's" text, which stated that one of "us" is better than 100,000 of "them".[793]

1606. Al Wefaq further alleged that the State-controlled media broadcasted material that incited hatred towards Al Wefaq.[794] The Commission was shown a video of an Al Wasal television programme in which a member of

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[786] Al Wefaq, *Harassment by Media Channels of Persons Taking Part in Protests and Demonstrations* (10 November 2011); Al Wefaq, *Report on the Events Surrounding the University of Bahrain* (date unknown) [on file with the Commission].

[787] This claim is contested by the University of Bahrain. See Chapter VII, Section D on Dismissals of Students and Suspensions of Scholarships.

[788] YouTube, http://www.youtube.com/watch?v=HzNY8uYfaqM accessed 10 November 2011.

[789] Al Wefaq, *Harassment by Media Channels of Persons Taking Part in Protests and Demonstrations* (10 November 2011); Al Wefaq, *The Targeting of Athletes when Exercising their Rights of Freedom of Expression, Opinion and Peaceful Assembly* (9 November 2011).

[790] YouTube, http://www.youtube.com/watch?v=HXd6UQ5MAds accessed 10 November 2011.

[791] Several allegations were made by former medical staff at SMC concerning media harassment. Complainants specifically mentioned the show Al Rased and stated that it had degraded and defamed them, particularly by mentioning their names and giving a biased picture of events at the hospital.

[792] For example, an athlete was mentioned in the show on 4 April 2011 and arrested on 5 April 2011.

[793] YouTube, http://www.youtube.com/watch?v=x3sdFp7Hh4M&feature=related accessed 14 November 2011.

[794] Al Wefaq, *Harassment by Media Channels of Persons Taking Part in Protests and Demonstrations* (10 November 2011).

the Gathering of National Unity made a presentation alleging false media coverage by the opposition media outlets. The title of the television programme was "Al Wefaq using the media to spread their lies".[795] In addition, the Commission was shown a number of video clips in which Al Wasal Television depicted the leader of Al Wefaq, Mr Sheikh Ali Salman, and Mr Hassan Mushaima as devils.[796]

4. Allegations of anti-government reporting that was false or biased

1607. The GoB made a number of allegations that Al-Wasat newspaper published fabricated material and false reports of the events of February/March.[797] In April 2011, the Editor-in-Chief and two other editors were charged with producing fabricated news. The GoB alleged that these charges were promulgated after the discovery of "compelling evidence of press law violations including forgery and falsification."[798] The GoB also alleged that the editors had malicious intentions and that they sought to incite Al-Wasat readers, thereby violating article 168 of the Bahrain Penal Code and Decree No. 47 of 2002 regulating the Press and Publications. The court found them guilty of the charges and the Editor-in-Chief was forced to resign.[799]

1608. In the Al Rased programme, which was broadcast on 2 April 2011, it was alleged that Al-Wasat deliberately targeted the security and stability of Bahrain by disseminating false news. The paper was accused of republishing stories from old Arabic newspapers and then falsely claiming that these events took place in Bahrain.[800]

1609. The Editor-in-Chief of Al-Wasat, referred to above, publicly acknowledged that the six newspaper articles which had been identified by authorities as "false", were misleading, but he claimed that he did not knowingly publish any false information. The Editor-in-Chief alleged that in response to the allegations, he had opened an internal investigation into the source of the false information and found that all six items had been sent as emails from different addresses, but that the emails originated from a single

[795] YouTube, http://www.youtube.com/watch?v=t2Gr6n35WRw accessed 14 November 2011.
[796] YouTube, http://www.youtube.com/watch?v=AZPnXZmZikU accessed 14 November 2011.
[797] The GoB alleges that Al-Wasat published articles in 2009 and 2010 which state that "the majority of naturalised people are barbarians, ignorant, naive, and they are from the *mutaradia* and *natiha* [alluding to Islamic terminology of forbidden animal meat] – and they are of Sunni or Salafi origin." The GoB also points out that opposition activists often refer to foreigner security forces as "foreign mercenaries" and as those behind the crackdown on the protesters. The GoB ties these sentiments to the attacks on expatriates.
[798] Human Rights Watch, *Bahrain: Drop Charges Against Editor of Independent Daily* (11 April 2011), http://www.hrw.org/news/2011/04/11/bahrain-drop-charges-against-editor-independent-daily accessed 5 November 2011.
[799] Human Rights Watch, *Bahrain: Drop Charges Against Editor of Independent Daily* (11 April 2011), http://www.hrw.org/news/2011/04/11/bahrain-drop-charges-against-editor-independent-daily accessed 5 November 2011.
[800] *Al-Wasat: Critical Time to Print False News*, Bahrain Views (29 June 2011), http://www.bahrainviews.com/?p=26 accessed 19 November 2011.

external IP address based in a neighbouring country. It appeared that the emails were also sent to other newspapers in Bahrain, but there were small mistakes in the email addresses, which meant that Al-Wasat was the only recipient.[801] The Editor-in-Chief told the Financial Times that the allegations against Al-Wasat were part of a "sustained campaign".

1610. The IAA submitted a file to the Commission concerning the involvement of the international media in the events of February/March 2011 in Bahrain. The IAA alleged that there was "incitement practised by some foreign media against Bahrain".[802] The IAA also stated that the international media made factual errors when reporting on the events of February/March 2011 and that they were biased against the GoB.[803] The Bahrain News Agency also submitted a file entitled, "Examples of factual errors published/broadcast by media in covering the events in Bahrain".[804]

5. Allegations of mistreatment of foreign journalists

1611. The Commission also received allegations of mistreatment of foreigners working for national media outlets. On 3 April 2011, an Iraqi citizen working for Al-Wasat newspaper was asked to attend a meeting with the Deputy Assistant for the IAA. He stated that when he arrived for the meeting he was arrested and taken to a police station where he was interrogated. He alleged that he was physically beaten and threatened during the interrogation, and that he was then deported from Bahrain along with his family that same night. He also alleged that a travel ban was circulated to other Arab countries, as he was subsequently refused entry into Jordan and Oman. The MoI provided a statement to the Commission that the Iraqi journalist was a security risk to Bahrain.

1612. The Bahrain Press Association condemned the arrests and detention of journalists in connection with the events of February/March in Bahrain.[805] The Bahrain Press Association alleged that the arrests formed part of an organised crackdown led by the GoB against Bahraini journalists,

[801] Human Rights Watch, *Bahrain: Drop Charges Against Editor of Independent Daily* (11 April 2011), http://www.hrw.org/news/2011/04/11/bahrain-drop-charges-against-editor-independent-daily accessed 19 November 2011.

[802] The meeting took place on 19 October 2011 at the headquarters of the Bahrain Information Authority Agency. The material submitted included documents, CDs and DVDs.

[803] The file contained transcripts from Aldar Kuwaiti newspaper, Al-Jazeera television station, the Lebanese AlSafir newspaper, the German broadcaster Deutche Welle, the Iranian Arabic language television station Al-A'alam, Alquds Alarabi newspaper, the Lebanese television station Al-Manar, the American radio station Radio Sawa, Reuters news agency, the American television station Al-Hurra, the Lebanese Al-Akhbar newspaper, the CNN website and the BBC website.

[804] The meeting took place on 19 October 2011 at the headquarters of the Bahrain News Agency. The material submitted included documents, CDs and DVDs. The file contained transcripts from Reuters new agency, Al-Quds Alarabi newspaper, the BBC, Elaph website, the Kuwaiti newspapers Al-Jarida, Al-Dar, Al-Rai, Al-Qabas, the Lebanese Al-Akhbar, the Egyptian Al-Shorouq, Radio Monte Carlo, CNN, Al-Jazeera.net, Al-Hurra television station and Dutch Radio.

[805] The Bahrain Press Association is based in London.

photographers, bloggers and other media professionals. The crackdown materialised in the form of dismissals from employment, censorship, arrests and mistreatment.[806] However, the Chairman of the Bahrain Journalists' Association made a statement in which he asserted that no complaints were received from any journalists.[807]

6. General allegations about censorship and media freedom in Bahrain

1613. Finally, the Commission received a number of complaints from journalists about the level of media freedom in Bahrain. These journalists alleged that the media in Bahrain is heavily censored by the GoB and does not represent the views or outlook of the vast majority of Bahrainis. It was alleged that in some cases, simply expressing a point of view or factual information that differs from or contradicts the GoB's position could result in the suspension or termination of employment at a media organisation. Journalists reported that during the events of February/March 2011, there was particularly extensive censorship of media outlets.[808]

1614. Several journalists alleged that in addition to self-censorship, their editors frequently edited their articles and reports in order to reflect the GoB's position. It is alleged that there is an unspoken policy governing what journalists can and cannot write in newspapers. Journalists stated that during the events in Bahrain in February/March 2011, they often received direct instructions from editors on how to frame stories about protesters and opposition figures. One prominent cartoonist informed the Commission that the editor of a leading Arabic-daily newspaper in Bahrain prevented the publication of a cartoon depicting a man holding a Bahraini flag. Some journalists reported that censorship during February and March 2011 was so extensive that many journalists were forced to defame their own religious sect and religious leaders in order to keep their jobs.

B. Applicable Law

1. International Law

1615. Article 19(2) of the International Covenant on Civil and Political Rights 1966 (ICCPR) provides that "[e]veryone shall have the right to

[806] *Jaffar Alawy states: I Have a Dream… for Clarification Only!,* Bahrain Mirror (8 November 2011), http://bahrainmirror.no-ip.org/article.php?id=2248&cid=73 accessed 12 November 2011 (*Arabic Text*).
[807] *Limited Access for Foreign Journalists in Bahrain,* International Media Support (21 February 2011), http://www.i-m-s.dk/article/limited-access-foreign-journalists-bahrain accessed 10 November 2011.
[808] These allegations were presented by journalists from Al-Wasat as well as State-controlled media.

freedom of expression" and that "this right shall include freedom to seek, receive and impart information and ideas of all kinds."[809]

1616. Article 20(2) of the ICCPR provides that "[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

1617. Article 19(3) of the ICCPR provides that restrictions may be imposed on the exercise of freedom of expression, but any such restrictions must be provided by law and must be necessary for "respect of the rights or reputations of others" or for "the protection of national security or of public order *(ordre public),* or of public health or morals."[810] In addition, restrictions on the freedom of expression must conform to the strict tests of necessity and proportionality.

1618. The Human Rights Committee has emphasised that for the purposes Article 19(3),

> a norm, to be characterized as a "law", must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public. A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution. Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not.[811]

1619. The Committee has also observed that "restrictive measures must conform to the principle of proportionality; they must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected."[812] Thus, "when a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualised fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat."[813]

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[809] See also article 32 of the Arab Charter on Human Rights 2004, which guarantees the right to information and to freedom of opinion and expression.

[810] Similarly, article 32(2) of the Arab Charter provides that these rights and freedoms "shall be exercised in conformity with the fundamental values of society and shall be subject only to such limitations as are required to ensure respect for the rights or reputation of others or the protection of national security, public order and public health or morals."

[811] Human Rights Committee, *General Comment No. 34: Article 19 Freedoms of Opinion and Expression* (2011) para 25.

[812] Human Rights Committee, *General Comment No. 34: Article 19 Freedoms of Opinion and Expression* (2011) para 34.

[813] Human Rights Committee, General Comment No. 34: Article 19 Freedoms of Opinion and Expression (2011) para 34. For other relevant statements by the Human Rights Committee in regard to article 19(3) of the ICCPR, see Chapter VI, Section E.

2. National Law

1620. The Constitution of Bahrain affirms the right to freedom of expression. Article 23 provides:

> Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and publish it by word of mouth, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.

1621. Article 24 of the Constitution provides:

> With due regard for the provisions of the preceding Article, the freedom of the press, printing and publishing is guaranteed under the rules and conditions laid down by law.

1622. Article 165 of the Bahrain Penal Code provides for a punishment of imprisonment for "any person who incites with the use of one of the publication methods to develop hatred of the ruling regime or show contempt towards it".

1623. Article 168 of the Bahrain Penal Code provides:

> A punishment of imprisonment for a period of no more than 2 years and a fine not exceeding BD200, or either penalty, shall be imposed upon any person who wilfully broadcasts any false or malicious news reports, statements or rumours or spreads adverse publicity, if such conduct results in disturbing public security, terrorizing people or causing damage to public interest.
>
> The same penalty shall be imposed upon any person who possesses, either personally or through others, any documents or publications containing anything provided for in the preceding paragraph, if they are intended for distribution or reading by others, and upon any person who possesses any publishing, recording or promotion device intended, even no a temporary basis, for the printing, recording or broadcast of any of the above.

1624. Article 169 of the Bahrain Penal Code provides:

> A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty, shall be imposed upon any person who publishes by any method of publication untrue reports, falsified or forged documents or falsely attributed to other person should they undermine the public peace or cause damage to the country's supreme interest or to the State's creditworthiness.
>
> If such publication results in undermining public peace or causing damage to the country's supreme interest or to the State's creditworthiness, the punishment shall be a prison sentence

1625. Article 1 of Decree Law No. 47 of 2002 on regulation of the Press, Printing and Publishing provides:

> Everyone has the right to express his opinion and publish his opinion verbally, in writing or otherwise, in accordance with the terms and conditions set forth in this law, all without prejudice to the Islamic Faith, unity of the people and without leading to division or a sectarian.[814]

1626. Article 37 of Decree Law No. 47 of 2002 provides:

> When publishing, a journalist should abide by the principles and the values enshrined in the Constitution and the provisions of this law, and shall take into account all the requirements of honour, integrity, honesty, ethics and traditions of the profession in order to preserve society's ideals and values and do not violate any of the citizens' rights or infringe upon their freedoms.

1627. Article 38 provides:

> A journalist should refrain from aligning with calls to racism or involving denigration of religions or to call for their hatred, or challenging the faith of others, or promoting discrimination, or scorning the opinion of a group within society.

1628. Article 42 provides:

> Newspapers are prohibited from publishing articles embodying substance which is not consistent with the values of society, foundations, principles, customs of society or the objectives of journalism. A complete separation shall be made between editorial and advertisement materials.

C. Findings and Conclusions

1629. The Commission viewed a selection of material from national television, radio and print media. Much of this material contained derogatory language and inflammatory coverage of events, and some may have been defamatory. However, the Commission did not find any evidence of media coverage that constituted hate speech or incitement to violence.

1630. The Commission finds, based on the evidence provided by Al Wefaq, that Bahrain Television and Al-Wasat misused media outlets and engaged in behaviour that may have been defamatory. The files presented by Al Wefaq contained a selection of media coverage, which included defamatory, derogatory and inflammatory language. However, the material submitted by Al Wefaq did not constitute sufficient evidence to justify a finding that incitement to violence was published or broadcast against Al Wefaq or other opposition political parties.

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[814] See Bahrain Department of Legal Affairs, http://www.legalaffairs.gov.bh/viewhtm.aspx?ID=L4702 accessed 10 November 2011 (*Arabic Text, translation by the Commission*).

1631. No evidence was presented to the Commission to support allegations by State-controlled media outlets that Al-Wasat newspaper engaged in incitement to violence. Furthermore, the Commission cannot conclude that there was any intention of malice in Al-Wasat's publication of false and misleading news, as discussed earlier in this Chapter.

1632. The Commission accepts that Al-Wasat newspaper was attacked. The Commission received photographic and documentary evidence from the Editor-in-Chief of Al-Wasat indicating that an act of vandalism was committed against the newspaper's premises. The Commission does not have evidence to find, however, that this was the result of any incitement to violence by the GoB or any other persons.

1633. The Commission finds that the GoB exercised censorship over local media outlets and that this intensified in response to the events of February/March 2011. The Commission received no evidence that media outlets had received instructions or directives from the GoB either during or after these events. The Commission received several complaints from journalists alleging that they were forced to portray the events in a certain light in order to retain their employment. The Commission considers these allegations to be credible.

1634. A large number of journalists were accused of participating in unlicensed gatherings when they were actually reporting on the events. During February and March 2011, the authorities attempted to restrict the freedom of expression and opinion of Bahraini journalists, photographers, bloggers and media personnel. This crackdown led to dismissals from employment, censorship of articles, arrests and detention of journalists, and in some cases mistreatment in custody.[815] This conclusion is supported by the fact that numerous journalists were arrested and by the statements presented by those journalists to the Commission.

1635. The Commission finds that there was a tendency in the Bahraini media to defame protesters, both during and after the events of February/March 2011. This finding is based on a review of a section of media, in particular news programmes and newspapers. For example, Bahrain Television's programme Al Rased publicised pictures and names of protesters, and spoke about these individuals in a derogatory manner. Furthermore, Al Arabiya used defamatory and derogatory language in naming persons critical of the regime.

1636. The Commission is aware of the impact that the use of social media websites, such as Facebook and Twitter, has had on some major social and political events in the contemporary world. Their influence has been acknowledged in the recent unrest in the Middle East and in the United Kingdom. The sharing of information may be liberating, but exaggeration and even misinformation disseminated through social media may inflame

[815] *Jaffar Alawy states: I Have a Dream… for Clarification Only!,* Bahrain Mirror (8 November 2011), http://bahrainmirror.no-ip.org/article.php?id=2248&cid=73 accessed 12 November 2011.

reactions to events and even provoke violence. The Commission examined some of the "tweets" that were "re-tweeted" repeatedly and which appear to have been influential in Bahrain. The Commission found numerous examples of exaggeration and misinformation, some highly inflammatory, that were disseminated through social media. The Commission also identified numerous examples of defamation, harassment and, in some cases, incitement through social media websites.

1637. The Harghum Twitter account targeted anti-government protesters and even disclosed their whereabouts and personal details. Harghum openly harassed, threatened and defamed certain individuals, and in some cases placed them in immediate danger. The Commission considers such harassment to be a violation of a person's right to privacy while also amounting to hate speech and incitement to violence.

1638. A number of pro- and anti-government journalists were targeted through social media. In particular, the Commission finds that accusations accompanying the "List of Shame", which targeted pro-government journalists and which were circulated online, could be considered defamatory. However, no evidence was submitted to the Commission that the "List of Shame" contained language that incited violence or language that could be specifically linked to any attacks perpetrated on journalists named in the list.

1639. The GoB uses firewalls to block certain social media and other websites. However, the GoB has not permanently shut down Twitter feeds such as Harghum even though they produced material that international law requires to be prohibited and which is in fact prohibited under Bahrain law.[816]

1640. It is clear that the media in Bahrain is biased towards the GoB. Six of the seven daily newspapers are pro-government and the broadcasting service is State-controlled. The continuing failure to provide opposition groups with an adequate voice in the national media risks further polarising the political and ethnic divide in Bahrain. The lack of access to mainstream media creates frustration within opposition groups and results in these groups resorting to other media such as social media. This can have a destabilising effect because social media outlets are both untraceable and unaccountable, characteristics which present problems when such media is used to promulgate hate speech and incitement to violence.

D. Recommendations

1641. The Commission recommends that the GoB consider relaxing censorship and allowing the opposition greater access to television broadcasts, radio broadcasts and print media.

[816] ICCPR, art 20(2).

Chapter XI — Measures and Remedies Undertaken by the Government

A. Summary of Measures and Remedies

1642. Shortly after the establishment of the Commission, His Majesty King Hamad bin Isa Al Khalifa instructed the Government of Bahrain (GoB) to address the issues raised by the events of February/March 2011.

1643. A number of meetings took place between the Commission Chair, and subsequently the Commission staff, with various government agencies whose object was to initiate investigations by the Commission. In this context, the Commission identified a number of issues that, in the course of the following months, were addressed by the GoB in a positive manner. Some of the measures and remedies undertaken by the Government are mentioned in this Chapter and it is expected that in the aftermath of the Commission HM King Hamad and the GoB will establish follow up procedures to implement the recommendations of this Commission. These recommendations can be found contextually in the Chapters and Sections of this report as well as in Chapter XII, which contains other recommendations not exclusively linked to the subjects discussed in the Chapters and Sections identified above.

1644. The Commission also recognises the efforts undertaken by the GoB during the course of the Commission's work to address a variety of issues and in particular to alleviate the burdens of those who suffered some of the consequences arising out of the events under investigation by the Commission. These include:

a. the release of 310 persons who had been imprisoned;

b. the transfer of all misdemeanour cases from the National Safety Court to the ordinary courts;

c. providing for the right to appeal to ordinary civilian courts from the judgments of the National Safety Courts;[817]

d. the reinstatement of 1,558 out of the 1,945 public sector employees dismissed;

e. the readmission of 412 university students who had been expelled from the University of Bahrain and Bahrain Polytechnic (59 remain expelled);

f. the release of all medical personnel pending their re-trial before the (civilian) Lower Appellate Court and the dropping of charges brought against the medical personnel under articles 165, 168 and 214 of the Bahrain Penal Code;

[817] The appellate Court can retry the case.

g. the release of two women pending trial who were subsequently tried and convicted, and again released awaiting appeal;

h. the initiation of 14 investigations by the Ministry of Interior (MoI) in connection with cases involving the deaths of civilians in the course of the events of February/March 2011, leading to the prosecution of police personnel for their alleged involvement in six of these cases;

i. the initiation of an investigation by the National Security Agency (NSA) in the case of one death;

j. the investigation by the Bahrain Defence Force (BDF) of four deaths;

k. the Military Attorney General investigating the mistreatment of prisoners held at the military corrections facility and Al Qurain on two occasions, after complaints were filed by high-profile political prisoners;

l. the Military Attorney General assumed direct supervision of the military corrections facility of Al Qurain after receiving complaints of mistreatment by prisoners including the transfer of prisoners held at the MoI's Dry Dock Detention Centre to Al Qurain to ensure their safety and well-being;

m. the efforts undertaken by the Ministry of Labour (MoL) to reinstate private sector employees who had been terminated during the events of February/March 2011;

n. the lifting of the State of National Safety two weeks prior to its originally planned expiration, despite the fact that the legislature had voted to extend the state of national safety for a further three months; and

o. the Commission notes that after its establishment the complaints of mistreatment in detention facilities dropped significantly as a result of efforts by the MoI.

B. Transferral of Cases from the National Safety Courts to Civil Courts

1645. On 15 March 2011, the GoB declared a State of National Safety pursuant to Royal Decree No. 18 of 2011, which, among other things, established a two-tiered National Safety Court with jurisdiction over certain crimes related to the events that occurred in Bahrain during February and March 2011.[818]

[818] Royal Decree No. 18 of 2011, art 7. See also Chapter III.

1646. The National Safety Courts are composed of a lower court and a higher appellate chamber.[819] Article 11 of Royal Decree No. 18 of 2011 states that "the final judgments issued by the National Safety Courts cannot be challenged".[820]

1647. The Commission received statements from individuals alleging that several violations of their due process rights occurred during proceedings before the National Safety Courts. Among these are allegations that detainees were not informed of the charges against them. Additionally, the Commission received allegations that individuals were not provided meaningful access to a lawyer.[821] The Commission also received allegations that individuals were not given full access to the evidence presented against them by the prosecution, that they were not permitted to testify in court, and that statements made under torture or the threat of torture were admitted against them.

1648. In the months following the issuance of Royal Decree No. 18 of 2011, a number of Royal Decrees and Royal Decree Laws were issued to allow for the appeal to the ordinary court system from judgments of the National Safety Courts. First, Royal Decree No. 48 of 2011 obligated the Court of Cassation to review all death sentences issued by the National Safety Courts. If the Court of Cassation decides to repeal the judgment, it automatically reviews the entire case *de novo*. Subsequently, Royal Decree No. 62 of 2011 transferred all cases and appeals that had not yet been adjudicated by the National Safety Courts to the ordinary courts.

1649. On 18 August 2011, however, Royal Decree Law No. 28 of 2011 revised Royal Decree No. 62 of 2011 by stipulating that the National Safety Courts shall continue to hear cases involving felonies in which proceedings had already begun.[822] Royal Decree Law No. 28 of 2011 also affirmed the transfer to ordinary courts of cases involving misdemeanours that the National Safety Courts had not yet adjudicated (misdemeanour cases have indeed already been transferred to ordinary courts by this time).[823] In addition, Royal Decree Law No. 28 of 2011 allowed all convicted persons (whether or not they received a death sentence) and the Public Prosecution to appeal judgments of the National Safety Appellate Court to the Court of Cassation. If the Court of Cassation repeals the judgment of the National Safety Appellate Court and if the case concerns a felony charge, then the case is re-examined by the Supreme Criminal Court of Appeals. For misdemeanours, the case is re-examined by the High Criminal Court.[824]

[819] Royal Decree No. 18 of 2011, arts 8-9.
[820] Royal Decree No. 18 of 2011, art 11.
[821] The Commission received a number of reports indicating that, while some of the accused had been provided with legal representation, they were not permitted to speak to their lawyer during the process, or were only permitted to speak to their lawyer for a few minutes and only on one occasion.
[822] Royal Decree Law No. 28 of 2011, art 2.
[823] Royal Decree Law No. 28 of 2011, art 1.
[824] Royal Decree Law No. 28 of 2011, art 3.

1650. In one of the cases previously before the National Safety Court – Case No. 191 of 2011, also known as the "doctors case" – the Attorney General decided that there would be a full retrial, with a full re-examination of the evidence, in the civilian courts. For the retrial, the Attorney General has also decided to drop certain charges and not to rely on confession evidence in order to avoid allegations (as the Commission understands it) that the confession may have been obtained by torture. All defendants in this case have been released and the first hearing in the retrial was held on 23 October 2011. Other cases will be subject to review by the Attorney General to determine whether other re-trials would be in the interests of justice

1651. The GoB reported that 32 felony cases were brought before the National Safety Courts in connection with the events of February/March 2011.[825] In a follow-up report, the GoB stated that all 32 cases had reached completion. Of these, 22 cases were adjudicated at trial level and there was no appeal, nine cases were decided on appeal, and one case was transferred to a civilian court for lack of jurisdiction. The completion of these cases effectively ended the jurisdiction of the National Safety Courts.

C. Reinstatement of University Students

1652. Between 5 May and 18 May 2011, the University of Bahrain took disciplinary action against students who allegedly participated in demonstrations at the university. The disciplinary action was based on various grounds, including that the students had participated in the destruction of campus property and attacks on other students. The University of Bahrain informed the Commission that it had initially expelled 427 students, suspended 38 students and issued final warnings to seven students.[826] By 13 June 2011 Bahrain Polytechnic had expelled 54 students, suspended 12 students and issued final warnings to a further five students, notwithstanding that no demonstrations had occurred on its campus.[827] In addition, by 31 March 2011, the scholarships of 97 Bahraini students had been revoked.

1653. On 27 May 2011, the Ministry of Education (MoE) reinstated all 97 scholarships that were revoked in February and March 2011. The only disruption suffered by some students was a disruption in their monthly stipend, which was reinstated with retroactive pay when the scholarships were reinstated. Students were not otherwise affected by the revocation.

1654. Initially, the MoE had required the reinstated scholars to sign loyalty pledges to the GoB and to the King, or otherwise forfeit their right to attend university. The Commission was informed that the MoE then decided to

[825] Decree Law No. 28 of 2011, Annex entitled "Transfer of Cases from National Safety Court System to Regular Court System", para 7.
[826] Minutes of meeting between the Commission and University of Bahrain administration, 21 August 2011. A final warning is a warning issued to a student regarding conduct that, if repeated, could lead to further disciplinary action in the form of suspension or expulsion.
[827] Minutes of meeting between the Commission and Bahrain Polytechnic administration, 21 August 2011. These students were disciplined for allegedly taking part in the demonstrations at the University of Bahrain.

dispense with such pledges. The Ministry confirmed to the Commission that it would not enforce the pledges that had already been signed by some of the reinstated scholars.

1655. In relation to expulsions and suspensions at the University of Bahrain and Bahrain Polytechnic, each of these institutions set up their own review procedures.

1656. On 25 August 2011, the University of Bahrain announced that it would reinstate 389 students, reverse the suspensions of all 38 students who had been previously suspended, and increase the number of students receiving final warnings from 7 to 120. The University of Bahrain therefore only maintained the expulsions of 38 students.

1657. On 12 November 2011, Bahrain Polytechnic announced that of the 54 expelled students, it would be reinstating 30 students, upholding the dismissals of 21 students.

1658. The University of Bahrain and Bahrain Polytechnic informed the Commission that they only maintained the expulsions of those students who were involved in violent protests and grave breaches of each institution's regulations, including bringing weapons onto campus and threatening other students.

D. Reinstatement of Dismissed Employees

1659. Following the events of February/March 2011, the Commission received a total of 1,584 complaints alleging the dismissal or suspension of employees. According to statistics from the MoL, 2,462 employees from the private sector were dismissed.[828] According to statistics from the Civil Service Bureau (CSB), 1,945 employees were dismissed from their jobs in the public sector.

1660. In order to investigate the issue of dismissals, the Commission met with the CSB on three separate occasions and with the MoL on two occasions. During these meetings, the Commission inquired about the dismissals, procedural and substantive safeguards provided to employees, and any subsequent corrective measures, such as reinstatement, that may have been implemented.

1661. The CSB's purview remains only with employees within the public sector, whereas the MoL is responsible for employment matters arising in the private sector. Applicable Bahraini law accords public sector employees substantive rights, including the right to collective action and procedural guarantees to protect against arbitrary dismissal. The CSB and the MoL have both recognised the right of public and private sector employees to strike and participate in demonstrations. Both government agencies, however, have maintained that the dismissal of employees who took part in protests during February/March 2011 was lawful because their absence from work was not due to a demonstration specifically related to labour conditions.

[828] Ministry of Labour, Report to the Commission, 30 October 2011.

1662. The CSB is following the legal and regulatory process set out in Decree Law No. 48 of 2010 in reviewing the dismissal of 1,945 public employees. Under the law the CSB automatically reviews all decisions by public bodies to dismiss employees. It was explained to the Commission that as a practical matter the process of review has been slowed down because of the strict requirements for the way each review board must be constituted under the law. It must comprise persons from the same department and at least the same seniority as the person whose dismissal is being reviewed. Nevertheless, the CSB undertook, pursuant to the order of HM King Hamad, to complete the review by the end of November 2011.

1663. On 30 October 2011, the CSB provided the Commission with a report on these dismissals, including confirmation of the news that as a result of HM King Hamad's speech, the vast majority of the dismissed employees would be reinstated and the process of review would be expedited. At time of this report, 522 cases had been reviewed and the decisions in these cases were:

a. 19 employees were exonerated and had returned to work;

b. the cases of 213 employees were transferred to the public prosecutor for consideration, but they are still receiving fully pay;

c. 174 employees were dismissed but it open to them to appeal this decision before the administrative court; and

d. 116 employees were returned to work.

1664. More generally, the report confirmed that, following on from HM King Hamad's Eid speech, it was decided that there would be no further dismissals when the remaining 1,423 cases were reviewed. The maximum penalty upon review would be a 10-day suspension from work and salary. In other words, 1,423 dismissals by the public bodies have been overturned by the CSB and these people have already gone back to work on normal pay.

1665. The Commission met with the MoL on two occasions to discuss the dismissals and suspensions of employees in the private sector. The Commission has collected statements from 804 employees who were dismissed or suspended from private sector jobs.

1666. The GoB appointed a committee, headed by the Minister of Labour, to review the dismissals in the private sector.

1667. According to a report submitted by the MoL, a total of 2,462 private sector employees were dismissed. In a follow-up report to the Commission, the MoL reported that of these dismissed employees, 820 had been reinstated and 778 were not yet reinstated, although the committee had recommended the reinstatement of these persons. Of the remaining dismissed employees, 176 were hired elsewhere, retired, or were given financial compensation by their former employers, 88 had been offered financial compensation, 290 did not pursue complaints with the MoL, 51 refused to return to work and 28 were employed by another employer after having received a certificate of good conduct. The MoL also reported that 223 employees were found to have been

dismissed for reasons unrelated to the events of February/March 2011. The employers of seven individuals were no longer in business. The MoL reported that it is continuing its work to ensure the reinstatement of dismissed private sector employees. The MoL emphasised that it has faced some resistance to its recommendations for reinstatement from private companies, would prefer to deal with the issues of reinstatement through normal processes under Bahraini labour law.

E. Legislative Reform

1668. The National Dialogue proposed that the Government undertake revisions of a number of statutes with a view to broadening the avenues for popular participation in governance. Therefore, the Government has prepared a number of legislative amendments that it intends to submit to the National Assembly for consideration.

1669. These amendments include adding a new provision to Royal Decree Law No. 14 of 2002 on the Exercise of Political Rights to allow for civil society organisations to oversee elections.

F. Revisions of Provisions of the Penal Code Infringing the Freedoms of Opinion, Expression and Assembly

1670. Following the events of February/March 2011, a number of individuals were charged under provisions of the Bahrain Penal Code that criminalise activities that constitute the exercise of the internationally protected freedoms of opinion, expression and assembly. These provisions are articles 165, 168, 169 and 179 of the Bahrain Penal Code.[829]

1671. While no Royal Decree was issued officially pardoning individuals convicted of violating these provisions, the Attorney General has dropped the charges that were brought against 48 medical personnel under, *inter alia*, articles 165 and 168 of the Bahrain Penal Code. However, there are 300 other individuals still facing charges on similar grounds.

1672. The GoB has also proposed an extensive set of amendments to the Penal Code to enhance freedom of expression. These proposed amendments include: (i) changing the language of article 168 of the Penal Code; (ii) deleting article 134A of the Penal Code; (iii) deleting article 174 of the Penal Code; and (iv) adding a new provision to the Code, article 169 *bis*. It is proposed that the amendments would apply retroactively where this would be beneficial to the accused in a pending case. Amended article 168 would read as follows:

a. Imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty, may be imposed on any person who deliberately disseminates a false statement

[829] See Chapter VI, Section E.

knowing that it may be damaging to national security, public order or public health, and consequently such damage occurs.

b. A statement can only be subject to criminal penalties for damaging national security under subparagraph (a) if it:

i. deliberately incites imminent violence;

ii. it is likely to incite such violence; and

iii. there is a direct and immediate connection between the statement and the likelihood or occurrence of such violence.

1673. The GoB's proposal also sets out to delete articles 134A and 174 from the Penal Code in their entirety. There will be no new crimes that replace these provisions. Article 134 states that:

> A punishment of imprisonment for a period of no less than 3 months and a fine of no less than BD100, or either penalty, shall be imposed upon any citizen who has attended abroad in whatever capacity and without authorisation from the Government, any conference, public meeting or seminar or has participated in any manner whatsoever in the deliberations thereof with the intent of discussing political, social or economic conditions in Bahrain or in any other state so as to weaken financial confidence in Bahrain or undermine its prestige or standing or to worsen political relations between Bahrain and these countries. The same punishment shall be inflicted upon any person who liaises abroad without any authorisation from the Government with representatives or delegates of any foreign country, association, organisation, society, federation, union or institution with the intent of discussing any of the matters contained the preceding paragraph.

1674. Article 174 of the Bahrain Penal Code states that:

> A punishment of imprisonment for a period of no more than 2 years and a fine not exceeding BD200, or either penalty, shall be inflicted upon any person who produces or possesses, with the intent of trading, distribution, positing or display, any pictures designed to cause offence to the country's reputation whether by a presentation that is contrary to the truth, by giving an improper description, presenting unbecoming aspects or by any other method. The same penalty shall be inflicted upon any person who imports, exports, copies deliberately, either personally or through any others, any of the above for the aforesaid purpose, or any person who advertises such materials, displays them for sale, trading therein even in a secretive manner, and any person who provides such items directly or indirectly even free of charge and in any way whatsoever. The same penalty shall be inflicted upon whoever distributes or delivers such materials for distribution by any means.

1675. The GoB has also prepared a new article 169 *bis* to ensure that the provisions of the Penal Code that relate to the exercise of the freedom of expression, as well as other laws relevant to freedom of expression, shall be interpreted in light of what is needed in a democratic society, and that practising the right to freedom of expression in this manner precludes punishment. The provision would read as follows:

> Restrictions defined in this or any other law on the freedom of expression shall be construed as limited to those which are compatible with the values of a democratic society. The exercise of the freedom of expression can only be punished through restrictions that are so limited.

1676. A number of other individuals were convicted for violating article 214 of the Penal Code, which criminalises insulting the King, flag or national emblem. On 28 August 2011, HM King Hamad gave a speech to the nation in which he announced, "There are those who were charged with abusing us and senior officials in Bahrain, and we today announce that we forgive them as we hope that they understand that abusing us and others in fact offends everyone and achieves nothing."[830]

G. Establishment of the National Fund for the Reparation of Victims

1677. In response to the allegations of human rights violations that emerged as a result of the events of February/March 2011, HM King Hamad issued Royal Decree Law No. 30 of 2011 establishing the National Fund for the Reparation of Victims on 22 September 2011. In the preamble of this Decree Law, reference is made to Bahrain's obligations under the ICCPR as well as 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.[831] The Decree Law states the rights created under it are in addition to those already existing under Bahraini law.

1678. The Fund was created to provide remedies for those that have suffered any type of material, psychological or physical damage as a result of infringement of their rights, either at the hands of a public security officer or ordinary citizens. Article 3 of this Decree Law identifies the following categories of victims who may make claims for reparations from the fund after there has been a final judgment rendered by a court convicting a person of a crime:

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[830] *HM the King Speech on the Occasion of the Last Ten Days of the Holy Month of Ramadan*, Bahrain News Agency (28 August 2011), http://bna.bh/portal/en/news/470288 accessed 20 October 2011.

[831] The Basic Principles and Guidelines were adopted in GA res 60/147 (2005) 16 December 2005.

a. Any person who has suffered material, psychological or physical damage caused by a member of the public security forces or public officials;

b. Any member of the public security officer or any public official who has suffered material, psychological or physical damage inflicted by persons in the course of fulfilling their duties;

c. Any other person who has suffered material, psychological or physical damage as a result of the violent events of February/March 2011 I Bahrain, or as a result of violent events of a similar nature that occur after that time.

1679. Victims who may seek relief from the Fund include the direct victim as well as family up to and including fourth degree relatives, dependants of the direct victim, and persons who have suffered harm intervening to assist victims in distress or to prevent victimisation. The remedies provided extend beyond compensation and include: (i) reparation; (ii) restitution; (iii) compensation; (iv) rehabilitation; (v) satisfaction; and (vi) guarantees of non-repetition. Victims may seek compensation for economic harm. Additionally, the Decree Law is both backward-looking and forward-looking, and contains no time limit for making a claim. However, a final criminal conviction must be rendered against the perpetrator of the human rights violation for the victim to receive compensation.

H. Rebuilding of Places of Worship

1680. On 22 May 2011, HM King Hamad announced that new Shia places of worship would be built. The statement was made shortly after several religious structures were demolished by the GoB.

1681. A committee was formed to study the rebuilding of places of worship on an area-by-area basis across Bahrain. On 13 November 2011, the Minister of Justice announced that the committee had examined the situation in Hamad Town (the first area for rebuilding) and was in the process of allocating building licences and plots of land for new places of worship there. The statement also indicated that the GoB would shortly make funds available for the building of mosques and *ma'atams* in that area.

I. Reforms to the Police Training Program

1682. The MoI informed the Commission that it has undertaken a complete overhaul of its training program for police officers to take into account the lessons learnt from the arrests and detentions in February and March 2011. The revised program aims to be comprehensive, covering all aspects of a policeman's day-to-day duties. The program lasts for twelve weeks and teaches an internationally recognised protocol for policeman called "Systems Approach to Training". The MoI instituted the new program in May 2011, and the first batch of trained policeman completed the program in August

2011. The MoI has announced that it will continue to provide human rights training regularly, and is examining ways in which to improve the training given to policeman further. Further training programmes that the Commission was informed about were:

a. The Commission was shown a copy of a circular from the MoI dated 6 September 2011, in which it was announced that the police training curriculum would include revised modules on "Police Safety Training". The Academy of Police of the MOI has stressed the importance of incorporating human rights issues its training curriculum.

b. The Ministry of Interior has announced that the following refresher courses will be available as part of its overhaul of the police training programme:

   i. A refresher course for officers from the rank of second lieutenant to the rank of captain. This is an eight-week full-time course for 20-30 participants consisting of field training, theoretical lectures and field visits. The course is designed to improve the participants' knowledge of the topics covered, including the subject of human rights.

   ii. A criminal investigation techniques course for officers from the rank of second lieutenant to the rank of captain. It is a one-week, full-time course for five to eight participants and its aim is to provide training on the development of investigation techniques according to the latest procedural and legal regulations and to make participants aware of human rights principles that may apply to criminal investigations.

   iii. A course on arrest and search procedures is offered to officers from the rank of second lieutenant to the rank of captain. It is a one-week, full-time course for five to eight students. It is designed to offer training on the legal rules regulating the conduct of arrests and searches focusing on compliance with international human rights principles.

c. In addition it is planned that non-commissioned officers will be able to take a range of training programmes, including a treatment of prisoners course, which is for 15-25 participants, and takes the form of theoretical and practical lectures focusing on the legal rules and human rights principles regulating the conduct of arrests and searches.

J. Steps taken by the Ministry of Interior to Make Detention Centres Safe

1683. On 20 April 2011, the MoI established an internal committee to supervise and review its detention centres (long term and police stations). This committee is required to conduct spontaneous inspections of each detention centre in order to ensure that appropriate safety and security safeguards are in place and that each detainee's rights are respected. This committee reports approximately twice monthly to the General Inspector. This report is required to identify any problems found during the random inspections.

1684. In August 2011, the Ministry of Interior finalised posters setting out, in detail, the rights of detainees under Bahraini and international law, as a reminder to all prison officers. The Commission was informed that these are now on display in all prisons and detention centres.

K. Constitutional Reform

1685. The National Dialogue recommended that the 2002 Constitution of Bahrain be revised to address some of the criticisms that had been levelled against it. Therefore, as part of the measures that it plans to undertake to implement the recommendations of the National Dialogue, the GoB has prepared 20 amendments to the Constitution. The proposed amendments extend to the following articles: 42; 46; 52; 53; 57; 65; 67; 68; 83; 85; 86; 87; 88; 91; 92; 102; 103; 109; 115; and 120.

Chapter XII — General Observations and Recommendations

1686. Article 1 of the Royal Order No. 28 of 2011, pursuant to which the Commission was established, mandated the Commission "to investigate and report on the events occurring in Bahrain in February/March 2011, and any subsequent consequences arising out of the aforementioned events, and to make such recommendations as it may deem appropriate." Article 10 of the Royal Order authorises the Commission to make "recommendations for reconsideration of administrative and legal actions, and recommendations concerning the institutionalization of mechanisms designed to prevent the recurrence of similar events, and how to address them." In the discharge of this aspect of its mandate, the Commission has made recommendations in each Chapter, where it found that it was in a position to do so. The Commission is also mindful of article 8 of its mandate, which provides that the work of the Commission does not involve political issues or negotiations.

1687. Article 9 of the Royal Order, which lists specific issues on which the Commission is requested to submit a report, should be read against the above. In particular, article 9 sets out matters related to conduct that, by its very nature, is undertaken by government and public officials. Consequently, most Chapters of this Report, and especially its recommendations, focus on the GoB, the actions that its agencies have taken in the past and the steps that it should take in the future.

1688. The Commission welcomes the measures and remedies undertaken by the GoB, as described in Chapter XI, which address some of the issues raised in connection with the events of February/March 2011. The Commission recommends that those measures and remedies, where appropriate, become part of permanent institutional reforms.

1689. Each Chapter and Section of the Report dealing with specific categories of events concludes with findings as well as specific recommendations pertaining to the subject matter covered therein. This organization should not obscure the fact that the Report is a comprehensive and integrated text that should be read in its entirety. What follows are certain overarching general observations, findings and conclusions, and general recommendations; these should be viewed in connection with the specific findings and conclusions and recommendations contained in each Chapter and Section.

A. General Observations

1690. The events that were the subject of the Commission's mandate appear to have been unpredictable. The Government responded in a manner that suggests that it was not prepared for such a situation. It is not the task of the Commission to determine which side is responsible for what outcomes, but in order to understand the evolution of events it is necessary to look at the facts

and their underlying causes. In that respect, there is no doubt that what occurred in February/March, and subsequently, was the result of an escalating process in which both the Government and the opposition have their share of responsibility in allowing events to unfold as they did.

1691. A series of events occurred during February/March that affected the progression of the protest movement that began in Bahrain on 14 February 2011. This is covered extensively in Chapter IV on the Narrative of Events and in the Concluding Observations in that Chapter. The forceful confrontation of demonstrators involving the use of lethal force and resort to a heavy deployment of Public Security Forces led to the death of civilians. This caused a marked increase in the number of persons participating in protests and led to a palpable escalation in their demands. As protests continued into mid-March 2011, the general state of security in Bahrain deteriorated considerably. Sectarian clashes were reported in a number of areas, attacks on expatriates took place, violent clashes occurred between students at the University of Bahrain and other educational institutions, and major thoroughfares, including the vital King Faisal Highway, were blocked by protesters. This situation led the GoB to declare a State of National Safety on 15 March 2011.

1692. With the approval of HM King Hamad, HRH the Crown Prince engaged in negotiations with various political parties, especially Al Wefaq, with a view to reaching a peaceful resolution to the unfolding situation in Bahrain. Notwithstanding the best efforts of HRH the Crown Prince, negotiations to reach a political solution were not successful. If HRH the Crown Prince's initiative and proposals had been accepted at the time, it could have paved the way for significant constitutional, political and socio-economic reforms and precluded the ensuing negative consequences. This was a particularly important initiative bearing in mind that Bahrain is located in an important regional and international strategic location.

1693. The Government believed that the domestic situation reached a point that was threatening the complete breakdown of law and order, the safety of citizens and the stability of the country, all of which impacted upon the economic and social condition of the country. Therefore, on 15 March 2011, HM King Hamad issued Royal Decree No. 18 of 2011 pursuant to which a State of National Safety was declared in Bahrain. The GoB used the BDF and National Guard to assist MoI units in restoring public order. The NSA was also used in arresting prominent members of the political leadership of the protest movement. A substantial number of arrests were made, including of senior political and clerical leadership of opposition and Shia groups. In particular, the security forces carried out the arrests without presenting an arrest warrant or informing the arrested individual of the reasons for arrest. In many cases, the security services of the GoB resorted to the use of unnecessary and excessive force, terror-inspiring behaviour and unnecessary damage to property. The fact that a systematic pattern of behaviour existed indicates that this is how these security forces were trained and were expected to behave.

1694. Many detainees were subjected to torture and other forms of physical and psychological abuse while in custody. This again indicates certain patterns of behaviour by certain government agencies. Not all of the detainees were subjected to all of the techniques of mistreatment. Rather, there was a more discernible pattern of ill-treatment with regard to certain categories of detainees. The extent of this physical and psychological mistreatment is evidence of a deliberate practice, which in some cases was aimed at extracting confessions and statements by duress, while in other cases was intended for the purpose of retribution and punishment. The Commission notes that this systematic practice ceased after 10 June. As of that time no further mistreatment is reported to the Commission to have taken place in prisons. However, mistreatment has been reported as continuing in police stations where persons arrested for localized demonstrations and stone throwing at the police have occurred from July to date.

1695. The Commission received 559 complaints concerning the mistreatment of persons in custody. These complainants included individuals who had been released from detention and individuals who remained in custody at the time of the Commission investigations. All but nine of these complainants were Shia Muslims. Forensic medical experts appointed by the Commission examined 59 of these detainees, and Commission investigators also conducted further interviews with these individuals as well as with their family members and their lawyers. The 59 detainees who underwent a forensic medical examination were selected on the basis of one of the following criteria: (i) the severity of the alleged injuries and the existence of physical marks on the bodies of certain detainees; or (ii) the high profile nature of their case. The 59 selected detainees included the 14 political leaders as well as the SMC doctors who were charged with offences relating to the events of February/March 2011.

1696. The most common techniques for mistreatment used on detainees included the following: blindfolding; handcuffing; enforced standing for prolonged periods; beating; punching; hitting the detainee with rubber hoses (including on the soles of the feet), cables, whips, metal, wooden planks or other objects; electrocution; sleep-deprivation; exposure to extreme temperatures; verbal abuse; threats of rape; and insulting the detainee's religious sect (Shia). The MoI opened investigations into cases of alleged torture. However, with the exception of 10[832] prosecutions for torture relating to death, no prosecutions ensued.

1697. Many of the detainees who claimed to have been physically mistreated were also subjected to coercion in signing confessions or admitting to accusations of criminal conduct. Consequently, these measures fall within the meaning of torture as defined in the Convention Against Torture (CAT), to which Bahrain is a State Party. They also constitute violations of the Bahrain Criminal Code. These forced confessions have been used in criminal proceedings, either in the special courts established pursuant to the National Safety Decree or, in some cases, in the ordinary criminal courts.

[832] This information was provided to the Commission on 22 November 2011.

1698. The Commission is of the view that the lack of accountability of officials within the security system in Bahrain has led to a culture of impunity, whereby security officials have few incentives to avoid mistreatment of prisoners or to take action to prevent mistreatment by other officials. The Commission received evidence indicating that, in some cases, judicial and prosecutorial personnel may have implicitly condoned this lack of accountability. In the light of this culture of impunity, the Commission acknowledges the immense courage that was required for the victims of torture and ill-treatment to report their experiences to the Commission.

1699. In many situations, the security forces violated the principles of necessity and proportionality, which are the generally applicable principles in matters relating to the use of force by law enforcement officials. This is evident in both the choice of the weapons that were used by these forces during confrontations with civilians and the manner in which these weapons were used. The security forces did not, at all times, strictly comply with their legal obligation to target the individuals in a manner that would disable or incapacitate the individual. The available evidence, including forensic and ordnance reports, indicates that on a number of occasions the security forces fired their weapons without taking due care to ensure that individuals were not fatally injured.

1700. A large number of individuals were prosecuted before the National Safety Courts and imprisoned for violating articles 165, 168, 169, 179 and 180 of the Bahrain Penal Code in connection with the events of February/March 2011. The textual ambiguity of these provisions and the way that they were applied raises questions about their conformity with international human rights law and with the Constitution of Bahrain. These concerns are explained in this Report and were communicated by the Commission on an earlier occasion to the GoB. On 11 November, the Commission received an official response from the GoB indicating that a number of legislative amendments had been sent from the Government to the Council of Representatives to bring articles 168 and 169 of the Penal Code into conformity with the ICCPR and the Arab Charter.

1701. Numerous violations of due process rights were recorded by the Commission. This was partially due to the absence of a statute identifying the exact powers to be exercised by the Government during a State of National Safety. In addition, it appears that the Military Attorney General chose to rely on those statutory provisions that were the least favourable to the arrested persons and to the defendants appearing before the National Safety Courts. The latter courts were exceptional tribunals consisting of a presiding military judge and two civilian judges. The NSA performed a number of arrests on the basis of arrest warrants issued by the Military Attorney General. The manner in which the GoB interpreted article 5(11) of the National Safety Decree allowed for the indefinite detention of individuals. This does not conform to the Code of Criminal Procedure, which sets specific time limits after which detained individuals must be brought before a judicial authority. Concurrently, the NSA and MoI executed a number of arrests and detentions on the basis of the Code of Criminal Procedure. Thus, two different

procedures were applied without distinction as to the grounds or legal reasons for relying on one of those procedures or the other.

1702. The manner in which the security and judicial agencies of the GoB interpreted the National Safety Decree also opened the door for the perpetration of grave violations of human rights, including the arbitrary deprivation of life, torture and arbitrary detention. Detainees were kept for questioning for periods that, in some cases, extended to over two months. They were neither brought before any judicial authorities nor were they presented with any formal charges during this period. Furthermore, the lack of judicial supervision, oversight or inspection of detention facilities operated by these security agencies allowed for the perpetration of human rights violations. Whether the judicial system became overwhelmed by the events of February/ March, or whether it failed to rise to the challenge of the situation as a result of its weaknesses, needs to be determined. In any event, it is clear that the National Safety Decree, as implemented by the Military Attorney General, overtook the national system of justice. A pattern of due process violations occurred at the pre-trial and trial levels that denied most defendants elementary fair trial guarantees.

1703. Thirty-five deaths occurred between 14 February and 15 April 2011 that have been linked to the events of February/March 2011. The deaths of 19 of these civilians have been attributed to Security Forces (MoI, NSA, BDF); the deaths of 2 civilians have been attributed to other civilians; and the deaths of 9 civilians have not been attributed to any specific perpetrator, group or government agency. Five of the thirty-five deaths were members of security forces (MoI, BDF) personnel. The deaths of 3 police officers have been attributed to demonstrators; that of 1 police officer has been attributed to the BDF; and that of 1 BDF officer has not been attributed to specific perpetrators. Thirty-two out of thirty-five death were investigated by the GoB, but the Commission has reservations as to the effectiveness of these investigations which were limited to the personnel of each of the concerned security agencies.

1704. Between 21 March and 15 April 2011, security forces systematically raided houses in order to arrest individuals, and in so doing terrified the occupants. These arrests were performed during the night and in pre-dawn raids by hooded persons, who intentionally broke down doors, forcibly entered and sometimes ransacked the houses. This practice was often accompanied by sectarian insults and verbal abuse. Women and children and other family members frequently witnessed these events. In many of the reported cases, the women were asked to stand in their sleeping clothes, thus humiliating the women and other relatives present, and terrifying the children. The arrested persons were taken blindfolded to places of detention that at the time were unknown to the arrested persons. The pattern of these arrests indicated the existence of an operational plan which involved personnel from three government agencies, the MoI, the NSA and the BDF.

1705. Overall, the total number of persons arrested pursuant to Royal Decree No. 18 of 2011 on the declaration of a State of National Safety was

2,929. Of those, 2,178 were released without charge. The most prevalent charges made against persons brought before National Safety Courts included: participating in and inciting hatred against the regime; illegal assembly; rioting; possessing anti-government leaflets; possessing material calling for the overthrow of the regime; inciting violence; threatening a public official; use of violence against a public official; premeditated murder; kidnapping; attempted murder; aggravated assault; membership in an illegally established society; and spreading rumours that undermine the public interest.

1706. While the GoB concealed or withheld from the detainees and/or their families information about the detained persons' whereabouts for periods ranging from days to weeks, the Commission could not find any acts or omissions that establish that enforced disappearance took place during the period under its mandate.

1707. Of the 30 demolished places of worship inspected by the Commission, only five had fully complied with legal and administrative requirements for acquisition of land and obtaining required permits. The others were in violation of Royal Decree Law No. 19 of 2002. The Commission takes note of the explanation and evidence presented by the GoB that the decision to demolish was based on the use of these places for manufacture and storage of weapons, such as Molotov cocktails, and as staging grounds to attack the police, resulting in injuries to tens of police personnel. Nevertheless, the Commission notes with some concern the timing of demolition. The GoB should have realised that under the circumstances, in particular, the timing, the manner in which demolitions were conducted and the fact that these were primarily Shia religious structures, the demolitions would be perceived as a collective punishment and would therefore inflame the tension between the GoB and the Shia population.

1708. During the events of February/March 2011, 2,075 public sector employees and 2,464 private sector employees were dismissed for their support for or participation in strikes during the protests on the grounds that their strikes were unlawful because they were unrelated to labour issues. It appears that the strikes that occurred during February/March 2011 were within the permissible bounds of the law. According to the latest information provided to the Commission by the CSB, of the 2,075 public sector employees who were dismissed, 1,682 were reinstated. The Commission has also been informed that the Ministry of Labour is working to have dismissed private sector employees reinstated following HM King Hamad's speech on 28 August 2011.

1709. There were 534 university students expelled, suspended or subjected to disciplinary action during the events of February/March for, among others, participating in the demonstrations. While universities established investigation committees and an appeals procedure in order to discipline students connected to the events, the universities often applied arbitrary and unclear standards for issuing determinations and taking disciplinary action. They largely relied on insufficient or circumstantial evidence, and drew conclusions about alleged student involvement in criminal activity from

assumptions and improper inferences. The Commission welcomes the move by the Ministry of Education on 25 August 2011, in conjunction with the University of Bahrain and Bahrain Polytechnic, to reverse the vast majority of disciplinary decisions taken against students. The Commission has been informed that on 27 May 2011 the Ministry of Education reinstated all 97 scholarships that were revoked in February and March 2011. The only disruption suffered by some students was a temporary suspension of their monthly stipend, which was reinstated with retroactive pay when the scholarships were reinstated.

1710. The Commission finds sufficient evidence to support the finding that Sunnis were targeted by some demonstrators, either because they professed loyalty to the regime or on the basis of their sect. Sunnis were subjected to verbal abuse, physical attacks and attacks on their property as well as harassment. Many of these incidents occurred at schools, universities, on the streets, in the workplace and at makeshift checkpoints operated by civilians. The Sunni community was seen as a target due to the perception that all Sunnis are agents or supporters of the GoB and the ruling family. The Commission also finds support for the claim of denial of medical care and intentional negligence of Sunni patients during the events of February/March.

1711. The Commission also finds sufficient evidence to establish that some expatriates, particularly South Asian workers, were the targets of attacks during the events of February/March 2011. Pakistanis, in particular, were targeted owing to the membership or suspected membership of some Pakistanis in the BDF and police force. Various neighbourhoods where expatriates lived in Bahrain were the subject of sporadic violent attacks creating an environment of fear, resulting in many expatriates leaving their homes and living in shelters. Because of this atmosphere of fear some foreign nationals were afraid of returning to work or places of business. The Commission notes that four expatriates were killed and many were injured by mobs as a result of these attacks.

1712. The evidence presented to the Commission in relation to the involvement of the Islamic Republic of Iran in the internal affairs of Bahrain does not establish a discernible link between specific incidents that occurred in Bahrain during February/March 2011 and the Islamic Republic of Iran. Given that most of the claims by the GoB related to allegations of intelligence operations undertaken by Iranian operatives, sources of which by their nature are not publicly available, the Commission has not been able to investigate or independently verify the allegations of Iranian involvement in the events of February/March 2011. In addition, the Commission has not found any evidence of human rights violations committed by the GCC-JSF units deployed in Bahrain starting on 14 March 2011.

1713. Having reviewed a selection of material from national television, radio and print media relating to the events of February/March 2011, the Commission notes that much of this material contained derogatory language and inflammatory coverage of events, and some may have been defamatory. However, the Commission did not find evidence of media coverage that

constituted hate speech. The Commission also identified numerous examples of defamation, harassment and, in some cases, incitement through social media websites. Both pro- and anti-government journalists were targeted through social media. The Commission notes that six of the seven daily newspapers are pro-government and the broadcasting service is state-controlled. There is also sufficient evidence to suggest that the GoB exercised censorship over local media outlets. The lack of adequate access to mainstream media creates frustration within opposition groups and results in these groups resorting to other media outlets such as social media. This can have a destabilising effect because social media outlets are both untraceable and unaccountable, even in extreme cases where they promulgate hate speech and incitement to violence.

B. Recommendations

1714. The Commission makes the following *general* recommendations.

1715. To establish an independent and impartial national commission consisting of personalities of high standing representing both the GoB, 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.

1716. 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".

1717. 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.

1718. 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.

1719. 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.

1720. 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.

1721. The paragraphs below contain recommendations more specific to particular subject matters mentioned therein. However, there are a number of these recommendations that are also relevant to other issues addressed in other paragraphs.

1722. The Commission makes the following recommendations with regard to *the use of force, arrest, treatment of persons in custody, detention and prosecution in connection with the freedom of expression, assembly and association*.

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.

c. 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,[833] and the

[833] Adopted by General Assembly resolution 34/169 of 17 December 1979.

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[834] 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.

d. 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.

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.

f. To train the judiciary and prosecutorial personnel on the need to ensure that their activities contribute to the prevention and eradication of torture and ill-treatment.

g. There should be audiovisual recording of all official interviews with detained persons.

h. 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.

i. 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. [835]

j. 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.

[834] Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

[835] See paragraph 6 of General Comment No. 6 of the Human Rights Committee (1982). Article 6 "refers generally to abolition in terms which strongly suggest… that abolition is desirable. The committee concludes that all measures of abolition should be progress in the enjoyment of the right to life".

k. 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.

1723. The Commission makes the following recommendations with regard to *demolition of religious structures, termination of employees of public and private sectors, dismissal of students and termination of their scholarships*.

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.

d. 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.

1724. The Commission makes the following recommendations with regard to *media incitement issues*.

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.

1725. The Commission makes the following recommendations with respect to *better understanding and appreciation of human rights including respect for religious and ethnic diversities*.

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.

Annexes

Annex A: List of the Deceased

Annex B: Summary of Torture Allegations

Annex A: List of the Deceased

(including Name, Residence, Date of Birth, and Date of Death)

Civilian Deaths Attributed to Security Forces (13)

Deaths caused by a shotgun (7)

1. **Ali Abdulhadi Saleh Jaafar Almeshaima**, Daih, DoB: 28.08.89, Deceased on 14.02.11
2. **Fadhel Salman Ali Salman Ali Matrook**, Mahooz, DoB: 08.11.79, Deceased on 15.02.11
3. **Mahmood Maki Ahmed Ali Abutaki,** Sitra, DoB: 27.03.88 Deceased on 17.02.11
4. **Ali Mansoor Ahmed Ahmed Khudair**, Sitra, DoB: 1958, Deceased on 17.02.11
5. **Isa Abdulhasan Ali Husain**, Karzakan, DoB: 1950, Deceased on 17.02.11
6. **Ali Ahmed Abdulla Moumen**, Sitra, DoB 24.04.88, Deceased on 17.02.11
7. **Ahmed Farhan Ali Farhan**, Sitra, DoB: 14.08.80, Deceased on 15.03.11

Deaths caused by a firearm (5)

8. **Abdulredha Mohamed Hasan Buhamaid**, Malkiya, DoB: 28.09.82, Deceased on 21.02.11
9. **Jaafar Mohamed Abdali Salman**, Karana, DoB: 25.04.70, Deceased on 16.03.11
10. **Jaafar Abdulla Ali Mayoof**, Aali, DoB: 21.04.78, Deceased on 16.03.11
11. **Hani Abdulaziz Abdulla Jumaa**, Khamis, DoB: 16.10.78, Deceased on 19.03.11
12. **Bahiya Abdelrasool Alaradi**, Manama, DoB: 01.01.60, Deceased on 21.03.11

Death caused by physical injuries (1)

13. **Isa Radhi Abdali Ahmed Alradhi**, Sitra, DoB: 11.02.66, Deceased on 16.03.11

Civilian Deaths not Attributed to Specific Perpetrators (8)

14. **Ahmed Abdulla Hasan Ali Hasan**, Hamad Town, DoB: 22.04.88, Deceased on 16.03.11
15. **Majeed Ahmed Mohamed Ali Abdulaal**, Sihla, DoB: 26.06.81, Deceased on 30.06.11
16. **Sayed Ahmed Saeed Shams**, Saar, DoB: 11.09.96, Deceased on 30.03.11
17. **Isa Mohamed Ali Abdulla**, Maameer, DoB: 1940, Deceased on 25.03.11
18. **Khadija Merza Abbas Yusuf Al Adbulhai**, Sanabis, DoB: 1961, Deceased on 05.04.11
19. **Alsayed Hameed Mahfoudh Ibrahim Mahfoudh**, Sar, DoB: 1950, Deceased on 06.03.2011
20. **Jaafar Hasan Yusuf**, Demistan, DoB: 1983, Deceased on 18.09.11
21. **Abdulrasool Hasan Ali Mohamed Hujair**, Bouri, DoB: 15.04.73, Deceased on 20.03.11

Deaths Attributed to Torture (5)

22. **Hasan Jassim Mohamed Maki**, Karzakan, DoB: 1971, Deceased on 03.04.11
23. **Ali Isa Ibrahim Saqer, Sehla**, DoB: 09.04.11, Deceased on 09.04.11
24. **Zakariya Rashid Hassan Al Asheri**, Dair, DoB: 10.03.71, Deceased on 09.04.11
25. **Abdulkarim Ali Ahmed Fakhrawi**, Karbabad, DoB: 01.01.62, Deceased on 11.04.11
26. **Jaber Ebrahim Yousif Mohamed Alawiyat**, Khamis, DoB: 10.03.70, Deceased on 12.06.11

Deaths of Expatriate Workers (4)

Killed by Demonstrators (2)

27. **Abdul Malik Ghulam Rasool** (Pakistani origin), Manama, DoB: N/A, Deceased on 13.03.11
28. **Farid Maqbul (**Bangladeshi origin), Manama DoB: N/A, Deceased on 19.03.11

Killed by Security Forces (2)

29. **Stephen Abraham** (Indian origin), DoB: 1963, Deceased on 16.03.11

Unattributed deaths (1)

30. **Mohamed Ikhlas Tozzumul Ali** (Bangladeshi origin), Sitra, DoB: N/A, Deceased on 15.03.11

Deaths of Police Officers and BDF Personnel (5)

Killed by Demonstrators (3)

31. **Ahmed Rashid Al Muraysi**, DoB: 1981, Deceased on 15.03.11
32. **Kashif Ahmed Mandhour** (Pakistan origin), DoB: 09.12.90, Deceased on 16.03.11
33. **Mohamed Farooq Abdul Samad** (Pakistani origin) , DoB: 1984, Deceased on 16.03.11

Killed by Security Forces (1)

34. **Jawad Mohamed Ali Kadhem Shamlan**, Al Hajar, DoB: 01.01.64, Deceased on 16.03.11

Unattributed deaths (1)

35. **Aziz Jumaa Ali Ayyad**, Al Hajar, DoB: 13.08.73, Deceased on 24.03.11

Killings Which Took Place Outside of the Commission's Temporal Mandate (11)

36. **Zainab Ali Ahmed**, Sanabis, DoB: 1942, Deceased on 02.06.11
37. **Salman Isa Ahmed Abuidrees**, Madinat Isa, DoB: 1948, Deceased on 03.06.11
38. **Alsayed Adnan Alsayed Hasan Almusawi**, Morkh, DoB: 1967, Deceased on 23.06.11
39. **Zainab Hasan Ahmed Jumaa**, Sitra, 27.11.72, Deceased on 15.07.11
40. **Isa Ahmed Altaweel**, Sitra, DoB: 1961, Deceased on 31.07.11
41. **Sayed Jawad Ahmed Hashim Marhoon**, Sitra, DoB: 01.01.71, Deceased on 14.09.11
42. **Jaafar Lutf Allah**, Abu Saibaa, DoB: 1937, Deceased on 30.09.11
43. **Ahmed Jaber Al Qattan**, Shakura, DoB: 1995, Deceased on 06.10.11
44. **Ali Jawad Alshaikh**, Sitra, DoB: 29.01.97, Deceased on 31.08.11
45. **Mohamed Abdulhusain Farhan**, Sitra, DoB: 2005, Deceased on 30.04.11
46. **Aziza Hasan Khamis**, Bilad Al Qadeem, DoB: 17.10.85, Deceased on 16.04.11

Annex B: Summary of Torture Allegations

This annex includes information regarding 60 of the alleged victims of torture or mistreatment. The Commission forensic team also examined an additional five individuals who sustained injuries during the events of February and March 2011, possibly as a result of the excessive use of force by security forces. Those individuals are not included in this annex as there are no allegations that they were subjected to torture or mistreatment in State custody.

CASE NO. 1

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: The detainee was arrested at approximately 02:00 on 17 March 2011. Security forces entered his home and threw him to the ground. His wife was sleeping without a headscarf or clothing. The security forces ransacked the house and took two mobile phones and BD 700. They handcuffed the detainee and placed him in a vehicle, where they beat him and threatened him with sexual assault. He was then told to guide his captors to the home of another individual. When they arrived at that location, the detainee was blindfolded.

He was taken to a detention centre where he was insulted, his clothes were ripped off and water was sprayed on his face. He had a medical examination during which his blood pressure and temperature were recorded. He was subsequently transferred to Al Qurain Prison and was beaten on the way. His plastic handcuffs were cut off carelessly with a sharp knife, resulting in a deep wound to his left wrist which is still visible.

At Al Qurain Prison he was placed in a solitary confinement cell measuring 1.5m x 1.5m. Masked men brought him a filthy mattress and blanket, and then took him for interrogation. During the night and in the morning, masked men banged on the doors of the cells. Cold water was poured regularly on the detainee and his mattress. He was made to stand for several hours while they insulted him, beat him and spat in his face. They forced him to kiss their hands and lick their boots "like a dog". He was stripped naked for a long period, forced to lie down and then sexually assaulted. He heard screams coming from other detainees. On another occasion, he heard dogs barking nearby. He was once forced to stand on hot rocks, which caused burns to his feet. He was not permitted to use the toilet except intermittently and for short periods. After seven days, he was taken to an interrogation room where he was threatened with torture until he confessed that he was involved at the GCC Roundabout and that one of his fellow detainees called for a republic by violent means. The next day, he was forced to sign a confession. He was allowed to shower after 10 days.

On 25 March, he was taken to the Military Prosecution but was not permitted to consult with a lawyer. The Prosecutor treated him aggressively and refused to record his statements. After he returned to the prison, the detainee was tortured repeatedly until his first court hearing on 3 May. He was not given access to a lawyer until the second hearing, when he was allowed to meet his lawyer for 15 minutes. After the trial, the detainee was permitted to shower four times per week. During one of the hearings, the detainee and some of the other detainees chanted, "Peaceful, peaceful, the people of Bahrain want freedom", and they were beaten severely as a result. The court ordered the transfer of the detainees from solitary confinement (at the request of their lawyers), but the prison did not comply with that order until two weeks later. The detainee was in solitary confinement until 10 June and was permitted to contact his family one week later.

CASE NO. 2

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: On 22 March 2011, the detainee went to the GCC Roundabout to pick up his car. He passed a checkpoint where he was handcuffed and taken to Naim police station. The detainee was photographed and beaten, and his personal information was taken.

He was then transferred to Al-Qalaa where he was detained for 15 days. During this time, he was blindfolded and then verbally insulted and tortured on a daily basis. He heard the screams of other detainees being tortured, and this created an environment of terror. He was interrogated and asked why he wanted to overthrow the GoB and where he was hiding his weapons. He was also asked about certain individuals allegedly involved in the events of 14 February. He was beaten with a hose, metal rod and wooden planks. Burn marks from electrocution are still visible on his legs. He fainted as a result of the beatings and had cold water poured on him. He was taken to a medical facility where the doctor took an X-ray of his chest.

The detainee was subsequently transferred to Al Qurain Prison. He was then transferred to Dry Dock Detention Centre, limping and suffering from pain in his pelvic bone and legs. He remained at Dry Dock for one night during which he was beaten and verbally insulted. He was then transferred back to Al Qurain where he was kept in solitary confinement for two or three months. During this time, he was forced to stand for prolonged periods. Prison guards beat him regularly with hoses and threatened him with execution. They told him that he was in Saudi Arabia and they insulted his religious leaders. He could hear other detainees being beaten but could not see them. He was repeatedly humiliated and forced to kiss a picture of the King of Saudi Arabia. The conditions at the prison were not hygienic and he was not permitted to shower or wash his clothes. He became weak and lost 20 kilograms.

Two weeks after his arrival at Al Qurain, he was taken to the Military Prosecution where his statement was taken. He was subsequently taken to court on various occasions. Towards his third month of detention, he was hooded and taken to a military court where he was given a sentence of 15 years imprisonment. At the trial, the detainee and other detainees in his wing began to chant, "Peaceful, peaceful, the people want freedom". As a result, they were taken out of the courtroom and beaten until one of them fell to the floor. There was also an attempt at sexual assault, which the detainee fiercely resisted.

CASE NO. 3

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: At approximately 02:00 on 17 March 2011, masked security forces broke down the door of the witness's home, blindfolded him and handcuffed him with plastic handcuffs. They threatened and beat the detainee and his son. They continued to beat the detainee on the way to the interrogation centre.

The detainee was regularly insulted, beaten and tortured from that day onwards. He was not permitted to pray on his first day in detention and was prevented from performing ablution on numerous occasions. He was not permitted to shower for the first nine days, after which he was allowed to shower only twice a week. He was placed in solitary confinement for three months in a cell measuring 1m x 1m. During this period, he suffered regular beatings by a group of masked men using either their hands or a hose. He was forced to stand for prolonged periods with his hands held in the air, leading to severe leg pains which he still feels. Prison guards deprived him of sleep by pouring cold water on his body, sometimes after forcing him to strip naked. They also poured cold water on his bed to prevent him from sleeping. He was further deprived of sleep by frequent slamming of prison doors. Guards directed insults and abuse towards the detainee, his family and his sect. He also received threats of electrocution, in particular when an NSA official gave him a document and forced him to sign it. He was intimidated by dogs on 25 March. Guards spat in his mouth and forced him to swallow. Detainees were not allowed to speak to each other during their time in solitary confinement. Until 23 May, they were not allowed to go to the toilet unless they were hooded. They were in solitary confinement until around 10-15 June, when they were moved into two-person cells.

The detainees suffered violations of their basic rights, including the following: deprivation of access to a toilet (they were not permitted to use the toilet for more than one minute at a time); deprivation of family contact; deprivation of adequate medical care; and deprivation of access to the Quran during the first week and inadequate access during the first 20 days. In court, he witnessed another detainee complaining about attempts of rape and mistreatment; that detainee was dismissed by the judge and then beaten

afterwards. The detainees were also hooded on their way to their sentencing. Conditions improved dramatically after 12 July.

CASE NO. 4

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: At approximately 02:00 on 17 March 2011, masked security forces broke down the door of the witness's home and dragged him outside. They slammed the witness' head into the outside wall, handcuffed him and placed him in a small civilian car. The detainee remained in the car for one hour, during which time a masked man continuously beat him and insulted him and his sect. Other masked men continued to search his home and the detainee later discovered from his family that BD 1,300 and a camera were stolen during that time. The detainee was driven to a detention centre where he was seated in a chair and beaten and insulted. He heard the screams of other detainees who he later learned were some of the 14 political detainees. He was then taken to a sink where he was told to wash the blood off his face. He was taken to a doctor who asked about his health. The doctor provided him with a change of clothing and treated a cut above his left eyebrow that he had sustained during the arrest.

The detainee was then transferred to Al Qurain Prison and placed in solitary confinement until 10 June. He did not discover his location until later. He was not allowed to shower for the first 10 days. He suffered beatings and cold water was thrown upon him and his mattress on a regular basis, resulting in the deterioration of his health. He was also exposed to other forms of torture including: sleep deprivation; being forced to stand and lift his arms for long periods; being forced to run around himself in circles for a long time causing dizziness; verbal sectarian insults; and being forced to kiss the hands and feet of masked men as well as the pictures of the King and Prime Minister of Bahrain and the King of Saudi Arabia. The beatings did not stop until the administration was changed in the prison.

CASE NO. 5

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: The detainee was awoken at around 03:00 on 1 April 2011 when masked security forces broke the down of his home. They beat the detainee on his hands and feet, insulted him and ransacked his home. They then handcuffed him, put him in their car and beat him throughout the car journey. The security forces were jovial as they drove, speaking loudly and singing songs.

The detainee was taken to Al-Qalaa where he was brutally tortured. He was hung upside down and beaten on his stomach and feet until they bled. He was also blindfolded, handcuffed and deprived of sleep for seven days. He refused to sign a confession and was beaten until he agreed to do so. This document was later used during his investigation by the military prosecutor. The detainee was also exposed to death threats and heard the sounds of other detainees crying.

One week later, the detainee was transferred to Al Qurain Prison. There, a group of masked men beat him on a daily basis on his back, head and other parts of his body. They used a combination of their hands and a black hose during the beatings. They also placed shoes on his face and in his mouth. The detainee was placed in solitary confinement in a cell measuring 1m x 1m and was not allowed to use the toilet except for very short periods. He was also subjected to sexual assault, whereby he was forced to strip naked and walk in front of the other detainees. He states that there were other sexual acts which he is too embarrassed to mention. Masked men spat in the witness's mouth and forced him to swallow. He also witnessed the torture of a number of other detainees at the prison. He spent one and a half months in solitary confinement.

The detainee was examined by a forensic medical expert who concluded that hose marks are still evident the witness's right leg. He has lost feeling in most of his hands as a result of the torture that he sustained during his detention and he continues to suffer from back pain.

CASE NO. 6

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: On 17 March 2011, a large number of masked men stormed the witness' home. They did not have an arrest warrant. Hearing commotion outside, the detainee opened the door and was immediately beaten in the back of his neck and threatened with weapons pointed at his head. The masked men ransacked his home and then took him away in a car. They beat him in the car and verbally insulted him, his family and his sect. They also threatened him with torture and electrocution if he did not confess to their allegations. They threatened to assault his family members and told him that they had arrested his children and other relatives.

The detainee was taken to Al Qurain Prison and placed in solitary confinement from 17 March until 10 June. During this time, he was routinely beaten, kicked in the head, forced to stand for long periods and insulted about his sect. He also heard sounds of torture from nearby cells. He was not allowed to shower and was prevented from using his glasses. He was not given a Quran and was prevented from praying regularly. He was also denied contact with his family. On 29 June, he was taken to the Military Prosecution for his trial and he was also beaten at that location.

CASE NO. 7

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: On 17 March 2011, security forces entered the witness's home, pulled him from bed and pointed rifles at his head. The men presented no identification or arrest warrant. There was no abuse to his family. The detainee was pushed into the back of a van and forced to lie down while his hands were cuffed with plastic handcuffs.

He was taken to the police station where they removed his handcuffs and gave him his crutches. He was accused of being a traitor and subjected to verbal abuse and threats such as the following: "Your daughter is being raped from the back and we will start doing it from the front"; and "You are a son of a whore and you don't deserve to live." He was made to stand outside facing the wind for prolonged periods. He heard other detainees being cursed and heard Shia defamation. He was verbally abused and sexually molested with a finger thrust into his anus. He was beaten with hands and shoes, and was forced to lick the shoes and wipe them on his face. A man placed a pistol in his mouth and said, "I wish I could empty it in your head."

He was then taken to Al Qurain Prison and beaten along the way. He was placed in solitary confinement from 17 March until 17 May in a cell measuring 2m x 3m. There were no lights in his cell. Initially there was only a sponge to sleep on and no blankets. He was not allowed to wash until his 11th day in detention. The temperature was cold and there was wind, sand and insects. A group of masked men spat on him and called him a traitor and a son of a whore. They threatened him with rape and made sexually explicit comments about his wife and his daughter. They took his wooden crutches away and made him stand on one leg for prolonged periods. They kicked him in his good leg until he fell down. He was beaten with batons and a shoe every night and he sustained an injury to his left rib as a result. His crutch was pushed into his genitals. They poured water on him and on his sleeping sponge several times. On one occasion he was forced to sleep on ceramic tiles. He was forced to repeat the national anthem whenever the main door was opened. His prayer rituals were interrupted. He received little food and consequently lost over 10 kilograms. He was told to apologise to the King on camera but he refused.

The detainee experiences discomfort in his right shoulder, which is bruised from beatings inflicted during his arrest. He also experiences pain in his left rib. His carpal tunnel syndrome has worsened in prison as a result of being forced to stand with his hands tightly cuffed and raised above his head. He feels numbness down his right leg as well as lower back pain, although these problems have improved. He has been deprived of his glasses for over one month and as a result his vision has deteriorated. He is very worried about his family, particularly his son. He suffers from sleep disturbance. His situation improved after the Commission arrived.

CASE NO. 8

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: The detainee was arrested on 8 April 2011 while staying with his daughters. Police and masked men in plain clothes came to the house at night. The detainee was thrown on the ground, rolled down stairs, kicked and beaten with sticks. His hands were cuffed behind his back and he was blindfolded. His son-in-law was also arrested. Immediately after the arrest, the detainee received a hard blow to the side of his face, which broke his jaw and knocked him to the ground. He was taken to the MoI clinic and then the BDF Hospital where he had major jaw surgery for four broken bones in his face.

The detainee spent approximately seven days in BDF hospital. He was blindfolded the whole time and handcuffed to the bed with tight cuffs. When he asked the hospital staff to loosen the cuffs, they refused. Security personnel in the hospital threatened him with sexual abuse and execution. They also made sexual threats against his wife and daughter. The doctor told the detainee that he needed three weeks of care but he was taken to Al Qurain Prison after only six or seven days.

At Al Qurain Prison, the detainee spent two months in solitary confinement in a small cell measuring approximately 2.5m x 2m. He did not know where he was or what day it was. There was no fresh air. He was hooded whenever he went to the toilet. Eight days after his surgery, regular beatings started at night. Masked guards cursed him and hit him in his head and hands, causing swelling. They forced a stick into his anus. He was also beaten on the soles of his feet *(falaka)* and on his toes. He went on a hunger strike because he could not bear the conditions. After three days he became so weak that he could not stand. He was asked to sign a document stating that he was refusing to take his medication and food. He was taken to the clinic and put on a stretcher. His ankles and one arm were tied to the stretcher and an intravenous line was inserted despite his refusal to have this procedure performed. He was threatened with a nasogastric tube or PEG (tube placed surgically through the skin into the stomach), and he agreed to stop the strike. The following day he saw a doctor. One side of his face felt paralysed. The beatings resumed after three days and he resumed his hunger strike. He asked to see a surgeon for his surgical wound and the paralysis in his face, and a surgeon was brought to see him. In total, the detainee went on three hungers strikes, the longest of which lasted three days.

The detainee was routinely beaten before and after interrogation by men in civilian clothes and masks. He had bruises all over his body and was seen by nurses. A "forensic doctor" came with a masked guard to see him after he had been in detention for about three weeks. In the three days prior to the doctor's visit, the detainee was not beaten during interrogations. The doctor documented injuries to his feet and right wrist. On 4 or 5 May, the detainee was forced to apologise to the King. At one point he was taken to another

location where he was put in a bed and threatened. A man's penis was put in his face and on his back. His head hit the floor and he passed out and awoke in the car. He was subsequently returned to his cell. A surgeon came to see him and was angry that the surgical wounds were now more swollen.

On 8 May, the detainee went to court and was cursed and sexually harassed in the car on the way there. He was taken to the side of the court for "executions". A guard told him, "It is a long time since we executed anyone." The detainee told the judge about the sexual harassment and beatings in prison. As punishment, he was punched and kicked, and left in the sun blindfolded for 45 minutes with his hands raised. He was sentenced to life in prison, at which point he raised his hand and said, "We will continue this struggle for human rights." In response, he was beaten by the guards. He was handcuffed behind his back, his nose was hit against the wall and he was hit on his face, left wrist and right leg. On 22 June, he was taken to the emergency room at BDF hospital.

The detainee has lost 12 kilograms during his time in detention. He suffers several physical ailments including the following: lower spine pain when sitting; right elbow pain; right lateral ankle pain; left facial pain; numbness and gum pain; and he cannot open his mouth normally. He feels startled whenever he hears the sound of a door. He sleeps only two or three hours per night. The worst experience for him has been hearing other people being tortured and not being able to help; this has caused him to feel ashamed.

CASE NO. 9

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: The detainee was arrested at approximately 02:00 on 21 March 2011 by masked security forces at the home of his father-in-law. Security forces broke the metal door of the house and stole numerous items. The detainee attempted to escape through the roof but was violently beaten all over his body, resulting in leg pains which continued for several weeks. He was placed in a vehicle where he was beaten in the genitals. He later found out that during his arrest, his wife was also beaten and had her headscarf ripped off. He was handcuffed and taken to the NSA.

At the NSA the detainee underwent a medical examination. He informed the doctor of his existing ailments, which included sickle cell anaemia and injuries from past operations. The detainee was subsequently interrogated at various times, mostly during the night, and had limited access to the toilet. During interrogation, he was hung and beaten with a hose, his feet were kicked and he was subjected to verbal abuse and sectarian insults. Security guards kicked his back and broke his tailbone, causing severe pain. He was taken to a doctor who told him that he required an operation. NSA officials instructed him to sign a confession. After some time, he was allowed to call

his family and utter one sentence: "I am fine and I am being held by a security agency."

On 5 April, the detainee was transferred to Dry Dock Detention Centre. He was beaten and punched on the way. He was forced to stand for long periods and he heard the sound of a young boy being raped. The following day, the detainee was transferred to Al Qurain Prison, although he was told that he was being taken to Saudi Arabia. He was placed in solitary confinement where he remained for three months. Officials beat him on a daily basis using their hands and a black cable to whip his head. His torturers comprised a group of three or four masked individuals who arrived at random times, especially during the night. They placed a bag over his head as though he was going to be electrocuted. They poured cold water on him and on his bed. He was forced to kiss and lick his interrogators' shoes. He was verbally abused, threatened with rape and subjected to sectarian insults against him and Shia religious figures. He received inadequate medical care including the cancellation of his scheduled operation.

On 10 June, the prison administration changed and conditions improved significantly.[836] Conditions improved further after the detainees were charged. The detainee still bears evidence of torture on his body including dislocation of his left shoulder, an injury near his left eyebrow and a broken tailbone caused by strong kicking during his arrest.

CASE NO. 10

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: The detainee was arrested on 17 March 2011 and taken into custody where he was placed in solitary confinement. He was not permitted to shower or change his clothes for the first 11 days of his detention. He was constantly beaten on his head and body and was forced to stand and raise his arms for prolonged periods. He was verbally insulted and had cold water poured over his body, which was made worse by an air conditioner blasting cold air into his cell. This persisted until his court hearing. He had no access to a lawyer except on the date of his trial. Prior to that time, he was not permitted any contact with his family.

Conditions in the prison improved after organisations like the ICRC put pressure on the GoB. Conditions improved significantly after 10 June when the prison administration changed.

[836] Many of the detainees at Al Qurain Prison stated that the conditions of detention improved significantly after 10 June when the prison administration changed.

CASE NO. 11

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: At approximately 01:50 on 17 March 2011, a group of masked men surrounded the witness's home. Accompanying the men were a number of armed policemen and a national security officer who was unarmed and dressed in civilian clothing. They did not have an arrest warrant. They handcuffed and blindfolded the detainee and placed him in a civilian car. They took him to an unknown location where he was photographed and examined by a doctor. He was then transferred to Dry Dock Detention Centre and was verbally abused on the way.

At 05:00 the detainee arrived at Dry Dock Detention Centre. He was made to stand while he was insulted and he heard sectarian insults directed at the Shia detainees around him. He was told that he was at a location outside Bahrain. He was told to renounce his political views and "put his hands in the King's hands". The detainee told the officers that he would do that but without renouncing his demands for constitutional reform. He was then taken back to his cell. Cold water was poured on his mattress, pillows and blanket while the air conditioner was running. Sleep was impossible in the cold and dampness. Later, a group of masked men entered his cell and took turns slapping, punching and kicking him. They insulted him and told him to praise the King and the Prime Minister. They also made the detainee insult himself and at one point he felt someone place a finger in his anus. He was frequently forced to stand for long periods with his hands in the air. The same cycle of torture continued for a week, during which time they beat him two or three times per day, often with a hose, and poured cold water on him and his mattress. He was interrogated while blindfolded and was told to write down everything he knew about the 14 February movement.

On the 13th day of his detention, officers at the Military Prosecution wanted to conduct his investigation without a lawyer present but the detainee refused. He was appointed a lawyer and submitted his statements, informing the military prosecutor that he had been beaten the previous day. The Prosecutor assured him that no more beatings would occur but the beatings continued nonetheless. His torturers at the prison told him that he would be beaten further if he complained again about the treatment. On 10 June, the detainee was moved from solitary confinement to a wing where he was permitted to interact with other detainees.

CASE NO. 12

(Examined by forensic team)

Date of statement: 28 August 2011

Statement: The detainee was arrested at his home in the El Makaba area on 1 April 2011. A number of masked individuals broke down his door and

entered the house. He was afraid and went to the top of the building, where he tried to hide between a wall and a water tank. The men entered his flat and started to search though his belongings. They arrested three of his brothers who were also present in the house. The men then went upstairs, located the detainee and dragged him downstairs. They took off his clothes and he attempted to cover his genitals and buttocks. The men hit him forcefully around the ears and punched him in the head, chest, shoulders and abdominal areas. He was blindfolded, handcuffed and taken away in a car.

The detainee was taken to Al-Qalaa and detained in the basement area. He was deprived of food, forced to stand for long periods and beaten on the soles of his feet using a hose *(falaka).* He was handcuffed except for short periods during prayer or when he went to the toilet. During interrogations he was hit forcefully around the ears *(telefono)*, which led to the rupture of the tympanic membranes of the ears. He was beaten in the head and face, kicked in his legs and buttocks and subjected to electric shocks on his inner thighs. He was also placed on the "felaka machine" with his legs facing upwards and his head facing downwards for approximately three or four hours.

The detainee was subsequently transferred to Al Qurain Prison where the torture continued. The guards forced him to kiss their shoes. They spat in his mouth and forced him to swallow. They frequently made him take off his clothes and bend over before forcing the hose against the anal area. His first trial was held after approximately two months of detention and he was allowed to contact his family. The conditions of his detention in Al Qurain Prison started to improve after the establishment of the Commission.

CASE NO. 13

(Examined by forensic team)

Date of statement: 2 August 2011

Statement: The detainee was arrested at around 19:00 on 19 March 2011 after security forces raided his home in Sanad without an arrest warrant. Around 15 individuals, most of them masked and several in plain clothes, physically attacked him. They took a number of items from his house including phones, laptops and 15,000 BD. The detainee was dragged down the stairs, where he saw 20 more security personnel outside, and placed inside a car. He was handcuffed, blindfolded and taken to an unknown location.

While in detention he was repeatedly kicked and punched on his neck, back and legs. He was subjected to verbal abuse directed towards himself, his family and his religious beliefs. He was placed in solitary confinement and forced to stand for long periods, only sitting down for five minutes during meals (three times per day). He was threatened with electrocution and heard the sound of the device. He was also repeatedly grabbed by the buttocks. He could hear the cries of his brother nearby. After four or five days of

almost continued standing and severe sleep deprivation, he developed swelling in both legs and lost sensation in both his feet.

The detainee was then taken to another location where for two or three days we was beaten more aggressively, kicked in the chest and beaten with a hose. His torturers were of Asian origin. He did not know where he was for about 10 days. His handcuffs and blindfolds were then removed and he was moved to a cell with four others with whom he was not allowed to speak. A few days later, he was taken to a clinic blindfolded and handcuffed. There he was insulted and violently kicked and punched. Despite massive swelling and pain, he was kept standing and occasionally kicked on the legs. He was interrogated and told that he was being charged with possessing a weapon. He was forced to sign papers without reading them. On one occasion, all of the doctors in detention were made to sleep on the floor and the following day they were forced to record false statements on Bahrain TV. On the eighth day of his detention, he was transferred to another location where there was less physical abuse but verbal abuse persisted.

The detainee was deprived of sleep for his entire time in solitary confinement, which was 22 or 23 days in total, and he was denied access to a lawyer or family member. He was tortured continuously throughout this period, and as a result he has marks on his shoulders and has lost sensation in his thumbs. He was permitted to make only two telephone calls during his time in detention: one four days after his arrest and the other on 15 April, each for only one minute. He was beaten severely when he asked to see a lawyer. During his last interrogation, he was blindfolded and continuously threatened with electrocution and finally forced to sign papers that he did not read.

On 6 June, the doctors in detention were handcuffed, blindfolded and transferred to another location where they were abused. They then realised that they were in a military court. The witness's first hearing was the first time he had seen his family since his detention.

CASE NO. 14

(Examined by forensic team)

Date of statement: 2 August 2011

Statement: The detainee was arrested at Bahrain International Airport at around 15:30 on 19 March 2011 as he attempted to leave the country for London with his wife and three children. He was handcuffed and hooded in front of his family. He was then taken to a room with five or six others and beaten on his hands and face. He was placed in a car and taken to an unknown location where he was severely beaten on every part of his body, causing him to bleed from his nose and mouth and eventually to faint. He was then sprayed with water and regained consciousness. He later learned that on the day of his arrest, masked men had entered his home, broken

doors and furniture, stolen valuables and stolen his land ownership certificates.

He was taken to an office where he was beaten and questioned about his family, his actions at SMC and his involvement in the 14 February events. He was forced to sign a confession stating that he was the leader of a group that had tried to kill injured people at the hospital, obtain medicines illegally, overthrow the constitution and disseminate false information about the number of causalities. He was then forced to stand barefoot for a 24-hour period and was denied a lawyer when he requested one. He was only allowed to sit down for around five minutes during the three meals he was given. He heard his brother being brought into the same room and heard him shouting and crying as he was beaten. The detainee was then placed in solitary confinement for a period of seven days during which he was deprived of sleep and forced to stand blindfolded and handcuffed for extended periods. He was deprived of access to a toilet and therefore urinated on himself. He was severely beaten on all parts of his body, causing him to bleed from his mouth. He was also verbally insulted, with insults directed at his family and his religious beliefs. He was then taken for photographs and fingerprinting.

On the fourth day of his detention, he was taken for interrogation. He was not given a chance to respond to the allegations against him. His interrogators beat him with planks and a hose and threw shoes on his body. The beatings were concentrated on the left side of his head, which resulted in vertigo and tinnitus (for which he was later treated at the BDF Hospital). His interrogators insulted him and defamed his religion. They threatened to sexually abuse his wife and daughter if he did not respond positively to their questions. This lasted between six and eight hours, and finally the detainee was forced to sign a confession that he did not read. He was shown keys to the five cars that his family owned and was told that they had been taken away.

On the eighth day of his detention, he was taken with his brother to an unknown location where he was forced to stand for 24 hours blindfolded and handcuffed while he was continually beaten and insulted. At one point he fainted due to the pain of his beatings, and he was kicked again until he awoke and was then forced to continue standing. Although the detainee asked to speak to a lawyer and to telephone his family, he was denied those rights.

On his 20th day of detention, an NSA officer interrogated the detainee and promised that he would be released as long as he cooperated. He was told to sing the national anthem. After more than eight hours of standing, he was forced to sign confession papers and was beaten in the face after each signature. That night, he was kicked violently causing him to lose sensation on the left side of his buttocks and left leg. He screamed out in pain but the beatings continued nonetheless.

The detainee was then taken to the MoI Health Centre and beaten on the way. Upon arrival, his face was fully bandaged leaving only a hole for his

mouth to breathe. He was then thrown to the floor and dragged to the X-ray room. He was taken to a bathroom to give a urine sample, but before he finished urinating he was attacked with sharp objects and verbally abused. He was given a voltaren injection and then taken back to his area of detention. Upon realising the seriousness of his injuries, he was sent to Dry Dock Detention Centre (the temporarily facility).

During his first 21 days of detention, the detainee was unaware of his location. After arriving at Dry Dock Detention Centre, he remained blindfolded and handcuffed behind his back and was forced to stand for three days. He was tortured every hour and his head was shaved. He was only allowed to use the toilet for 15 seconds after meals. He remained in agony as a result of his injuries until one night a high-level official saw him and asked about his back injury. The official sent him for a medical checkup and he was diagnosed with needing medical treatment and physiotherapy. The witness's condition improved but his chronic back pain and the numbness in his left foot and buttocks continued. Several days later, he was taken to the MoI interrogation centre and forced to videotape a confession. On 31 May, he was moved to a smaller prison cell. He was not allowed to leave his room except for 15 minutes per day.

On 6 June, the detainee was taken in a car to an unknown location. He was beaten throughout the journey. He was placed in the hot sun for one hour and suddenly found himself entering a military court. The session lasted only five minutes, after which the detainee was taken back to the detention facility. The court session was the first time in three months that he had seen his wife. Four months after his initial detention, he was permitted to place a two-minute call to his family and to visit a psychiatrist for depression. He was prescribed anti-depressants. He was subsequently allowed a 20-minute family visit once per week and a five-minute telephone call once per week. The detainee had five court sessions in total and was allowed to consult a lawyer only once for a five-minute period.

CASE NO. 15

(Examined by forensic team)

Date of statement: 2 August 2011

Statement: At 01:00 on 4 April 2011, approximately 30-40 members of the army and police arrived outside the witness's home. Some of them entered the home and took computers and laptops. They also took his car and other belongings. The security forces took the detainee to the CID where he stayed until 11 April.

The detainee was not allowed to shower for the first 11 days of his detention. He was constantly beaten and was not permitted to contact a lawyer or his family. At one point he was taken to a medical clinic, blindfolded and handcuffed. He was then returned to the CID where he was interrogated. He was accused of contacting the Iranian Ambassador and seeking to

overthrow the GoB, and on number of occasions he was forced to sign documents during the interrogation.

The detainee was then taken along with other detainees to Building 5 of Dry Dock Detention Centre. He was taken to a place below the ground (probably the NSA building at Al-Qalaa) and then to a clinic to examine his marks. There he was physically assaulted and threatened with sexual assault. This continued for about two days but he did not sign any further documents. He was beaten by a number of individuals with a hose. He also complains about incidents of sexual abuse. On 17 or 18 April, he was returned to Dry Dock where he was interrogated with other detainees and photographed and videotaped. He was then taken to interrogations with the military in an unknown building where the allegations against him were repeated. His first telephone call to his family was on 1 August.

CASE NO. 16

(Examined by forensic team)

Date of statement: 27 August 2011

Statement: The detainee was arrested by military forces at SMC on his way out of work on 17 March 2011. They transferred him to persons wearing civilian clothing who were accompanied by police. His CPR, passport, wallet, glasses and keys were confiscated. He was told that these were "spoils of war" so he would not see them again. Only his glasses were returned to him. He was placed in solitary confinement in a location near the hospital, and this is where the beatings began. On 18 March, he was interrogated and beaten in what he believes was a military air base by men in military uniform. He still bears marks on his left leg from the strikes. He stayed at that location for about 10 days with no access to a lawyer or contact with his family.

The detainee was then transferred to an isolated cell in prison. Masked military personnel who were all Bahrainis interrogated him regularly for two and half months. They physically abused him. During one of the interrogations, they brought in barking dogs. During another session, an individual began threatening him and insulting his dignity until he signed a confession to crimes he did not commit.

At the end of March, he was taken to the CID and remained there for about two weeks. There he was tortured and was not allowed to sit except for short periods. He was deprived of sleep and threatened with sexual assault, and officials would frequently place their hands on sensitive areas. He had four interrogations and was forced to sign documents on each occasion. They threatened him with torture until he confessed to the allegation that he had been in contact with the Iranian authorities and had called for the overthrow of the GoB. During these sessions, he was repeatedly beaten with a hose.

On 13 April, he was taken to Dry Dock Detention Centre where he still was not permitted to contact his family or a lawyer. He was then taken with the other doctors in detention to a location underground in the centre of Bahrain where they remained for three days and two nights. The doctors were questioned about their ties to Iran and shown photographs of individuals with alleged ties to Iran.

The doctors' first court session was on 6 June and this is where the detainee saw his lawyer and family for the first time since his arrest. They were subjected to physical and verbal abuse on their way to court. The detainee has since seen a psychiatrist because of severe depression and his health has deteriorated.

CASE NO. 17

(Examined by forensic team)

Date of statement: 21 August 2011

Statement: Approximately 30 masked and armed men arrested the detainee on 20 March 2011. They did not have an arrest warrant. He was blindfolded and handcuffed in a brutal manner and placed in a vehicle where he was threatened. He was taken to an unknown location where he was forced to stand for eight hours. He informed his interrogators that he suffered from certain ailments, including migraines and sickle cell anaemia, but this did not make any difference to his treatment. That day he was interrogated until 02:00.

He was allowed to call his family for the first time after 10 days of detention. His family had known nothing of his fate prior to this telephone call. He was then transferred to criminal investigation prosecutors who interrogated him further. He was beaten with fists and cables on the back, shoulder joints and renal bed.

The detainee was transferred to Dry Dock Detention Centre where he was placed in solitary confinement for one week. During this period, he was handcuffed and forced to stand for long periods. No lawyers were present during his interrogations and he was not permitted to reply to his accusations. He was routinely insulted and informed that his wife and son would be raped. He was then transferred to a special interrogation centre where he was whipped severely. Since being in detention, he has not received any medical care for his illnesses.

CASE NO. 18

(Examined by forensic team)

Date of statement: 28 August 2011

Statement: At around 02:00 on 23 March 2011, the detainee was arrested at a friend's home in Jazeerat Sutra. There were approximately 30 police

officers on the scene as well as a number of men in civilian clothing. They were all wearing masks. They entered the house and started destroying property. They made the inhabitants face the walls and blindfolded them with their own shirts. They then made the inhabitants lie on their stomachs, raised their feet and beat them with a hose. They insulted the witness's parents, called him a "son of a bitch" and threatened to rape his mother.

The detainee was initially detained for 13 days at Al-Qalaa. He was blindfolded and handcuffed during this period. For the first two days his hands were cuffed in a tight, painful position behind his back. Subsequently his hands were cuffed in front. He was kept in a small cell with three other detainees. There were no mattresses so they had to sleep on the bare floor. They were not allowed to pray and their use of the toilet was restricted to twice per day, and then only for a few minutes. This forced them to urinate on the floor. The detainee was not allowed to shower. He was forced to stand for extended periods; the first time was for 24 hours until he fainted. On several occasions, cold water was poured on the detainee and then he was then made to stand in front of an air conditioner. He was interrogated approximately three times per day and was physically and verbally abused during these interrogations. He stated, "They would insult me, and they would unbutton my pants and tell me to jump like a rabbit until my pants fell down. I was electrocuted with a small device behind both knees and elbows." He was repeatedly beaten with a hose, stripped naked and suspended in a trapeze-like position. On two occasions they inserted a hose into his rectum. On another occasion a wire was tied around his penis and pulled. He could hear other detainees screaming, which prevented him from falling asleep. During this time, he and the other detainees were not allowed to call their families, and this was a source of enormous stress given that their families knew nothing about them.

Subsequently the detainee was transferred to Dry Dock Detention Centre where he was mistreated in a similar manner. He was kept in a cell with five people and sometimes as many as ten. There was no toilet in the cell. When detainees went to the toilet, they had to lower their heads and run to the bathroom, and they were only allowed one minute. For several months, he was only allowed to shower twice per week. The cells at Dry Dock had mattresses and were generally cleaner than the previous detention facility, and detainees were usually provided with adequate food. After three months, families were allowed to visit but only for a few minutes. However, after family visits the detainee was often beaten.

The detainee was not allowed to go to the hospital and he went to court for the first time since his arrest only five days prior to this interview. He was forced to sign a confession that included a charge of attacking an officer. He was also beaten to force him to provide information about other people, and he gave his interrogators false information so that they would stop beating him. Conditions and treatment in the detention facility generally improved after 15 July.

CASE NO. 19

(Examined by forensic team)

Date of statement: 2 August 2011

Statement: The detainee was arrested on 19 April 2011. His home was ransacked and items stolen during the arrest. Some members of his family were beaten and all were verbally insulted. Beatings involved hitting with fists, kicking on the back of the body and beating with hoses on the ears and hands. After his arrest, security forces made the detainee undress and pushed a hose towards his anus until he confessed and signed a confession.

He was taken to Asri prison / detention centre where he was beaten, tortured and hung. During the first three days, he was stripped of his clothes and sexually assaulted, in addition to being deprived of sleep. He was placed in a cell with 32 other detainees. He was routinely beaten and insulted by the prison guards, all of whom were of Pakistani origin. He was interrogated on a number of occasions. He was also beaten and verbally assaulted at the military court.

Since his arrest, he has not been allowed sufficient contact with his family, contact with a lawyer or access to medical care. The first call he placed to his family was after two and a half months of detention, during which time they did not know of his location. He has suffered a dislocated shoulder and a fracture in his right foot.

CASE NO. 20

(Examined by forensic team)

Date of statement: 9 August 2011

Statement: On 7 April 2011, the detainee was arrested at his home in a violent manner, with the aluminum door to his home broken. He was taken to the CID where he was interrogated by police officers. He was subsequently transferred to Asri prison / detention centre and tortured violently. He was then taken to Dry Dock Detention Centre where he was videotaped and told to confess to certain crimes. Throughout this process, his sect and religious practices were insulted. He has been charged with cutting off the tongue of an Asian migrant.

CASE NO. 21

(Examined by forensic team)

Date of statement: 7 August 2011

Statement: At approximately 01:00 on 6 April 2011, a group of masked men surrounded the home of the witness' uncle and broke down the front door. The detainee heard the sound of the men entering the home and attempted to escape via the roof. The masked men threw him to the floor and kicked him on various parts of his body. He sustained a shoulder injury, which continued to cause him pain for the following three months. His uncle was also arrested.

Following his arrest, the detainee was blindfolded and taken to an interrogation centre where he was exposed to severe beatings and whipping for four days. On the second day of his detention, his hands were tied and he was hung in one of the rooms and beaten with a hose on his legs. The injuries and bruises from this beating were visible for three months after his arrest. On the fourth day, he was transferred to the BDF Hospital and then subsequently to Al Qurain Prison where he was repeatedly subjected to verbal insults and beatings.

CASE NO. 22

(Examined by forensic team)

Date of statement: 3 August 2011

Statement: The detainee was arrested during the night at his father's home by masked security forces who broke down three doors in the home. After verifying the witness's identity, the security forces hit him in the neck, causing him to lose his breath for some time, and threw him onto his stomach. They broke family photographs and then entered his sister's bedroom and terrorised the family. The detainee was placed in a car and taken to the MoI interrogation centre. He and his sect were continuously insulted on the way and he was told that the Shia traitors would be sent to Iraq and Iran.

At the interrogation centre, the detainee was forced to stand outside and when he complained of feeling faint his head was placed in a garbage bin. After some time, he was taken to a cell and told to continue standing. His clothes were ripped off and he was beaten with a hose. He spent six days at the centre, during which time he was frequently beaten. On the sixth day, he was transferred to Al Qurain Prison and then to a different location where he was videotaped making a forced confession. After three hours of standing he was allowed to sit and eat, but he was not allowed to pray.

At approximately 10:00 a man came and asked the detainee if he went to the GCC Roundabout and the detainee responded affirmatively. He then asked if the detainee practised *mutaa* (temporary marriage) and he responded negatively. The interrogator asked if temporary marriage was practised at

the Roundabout. Afterwards he accused the detainee of incitement. He made a call from the office telephone, which he placed on loudspeaker, and told the person on the other end of the line, "I have someone good looking, do you want him?" The person on the other end said, "I am busy now but will pass by soon." The detainee interpreted this as an invitation to rape him. The interrogator then beat the detainee viciously for one hour with a hose on different parts of his body, causing bruising. The detainee was returned to the same room where he was forced to remain standing from 11:30 until 16:00 and was not allowed to pray. Subsequently, he was interrogated again and told to confess but he insisted on his innocence. He was then beaten continuously for half an hour. He was forced to lie on his stomach while they beat his feet with a hose that had a plank inside it. Still he did not confess. After half an hour of severe beatings, he was threatened with sexual assault and electrocution. He was also asked if he had brothers or sisters, and when he said yes they threatened to rape them. He was then sexually molested and forced to repeat a confession from his interrogator. He was taken to another official who instructed that his blindfold be removed. The detainee was forced to sign three confessions, and several days later he was forced to videotape his confession for live broadcast.

He was subsequently transferred to Al Qurain Prison, which until 9 June was run by a group of masked men in civilian clothes and persons in military uniform who were of Pakistani origin. During that period, the detainee was forced to stand for prolonged periods, he had limited access to a toilet and he was subjected to routine beatings up to three times per day. On the day of his court hearing, he was hooded on his way to the courtroom.

CASE NO. 23

(Examined by forensic team)

Date of Statement: 28 August 2011

Statement: Security forces broke into the witness's home at around 02:00 on 23 February 2011. They broke down the external door and terrorised his wife and children. They did not have an arrest warrant. The detainee woke up and walked to the door of his bedroom where he was grabbed by security forces and dragged down the stairs. They did not allow him to get dressed. He later found out that they had searched his home and stolen computers and three mobile phones. He was blindfolded, handcuffed and placed in a jeep. There, the security forces kicked him all over his body, except his head, and insulted him. They tore his undershirt and pulled his hair and nipples. This continued throughout the journey and they threatened that if he told anyone about it they would torture him more severely.

The detainee was taken to the MoI interrogation centre where he had a medical examination. He was subsequently forced to stand for long periods, sometimes up to 10 hours, and this caused severe pain in his back and legs. He would be permitted to sit down for a few minutes and then would be forced to stand again. He was beaten regularly all over his body, sometimes

with hands and sometimes with a plastic tube. During interrogations, he would lie down on his stomach while interrogators beat the soles of his feet *(falaka)*, causing him to vomit. As a member of Al Wefaq, they also accused him of trying to overthrow the GoB. He was subjected to various forms of mistreatment, including the following: sleep deprivation; electrocution; being forced to lift his hands through a hanging device and feeling as though his neck might break (this may be *strappado*); and prolonged blindfolding and handcuffing throughout his detention at the MoI.

CASE NO. 24

(Examined by forensic team)

Date of Statement: 28 August 2011

Statement: The detainee was arrested on 15 March 2011 in Sitra while he was leaving his uncle's home in his car at around 14:00. There were security forces on the opposite street using tear gas and shooting at protesters with live ammunition and birdshot rifles. Masked individuals were assisting the police officers. The detainee was shot in his left leg and lost consciousness.

He woke up in the military hospital. There, he was beaten on his wounded leg and subjected to verbal abuse directed at himself, his sect and his mother, in particular accusing him of being a son of temporary marriage *(mutaa)* and of following the devil's sect. He was not permitted to use the toilet. He was left naked but was not blindfolded.

In the evening, he was transferred to Isa Town police station without any clothes on. He was kept in solitary confinement and denied food and water for three days. A masked group then came in and beat him on his wounded leg, hit his head against the wall and beat him on his chest, on his ears and above his eyes. After half an hour, police came and took him to the second floor where he met two investigators who asked him to sign papers. He asked about the contents of the papers and the investigators angrily responded that he was accused of attempted murder. He denied any involvement in the demonstrations but they called him a liar and insisted that he sign the papers. He signed the papers and was then spat on as he crawled to the first floor (because of his injured leg).

He was detained for 35 days at Isa Town. At first, his family did not know his whereabouts. He was left naked for some time and he suffered from watching other detainees being beaten and verbally abused each day. After a while, he was permitted to call his family and they brought him clothes. He was taken twice for treatment at the hospital where they beat him, verbally abused him, pointed a gun to his head and threatened to kill him. On the third occasion, he refused to go back to the hospital so the police brought a nurse to Isa Town to dress his wounded leg. He subsequently met with two military prosecutors who forced him to sign a statement indicating that he had not been subjected to any form of torture or inhumane treatment.

The detainee was transferred to Al Qurain Prison where he experienced various forms of mistreatment, including the following: standing for long periods; kicking and beating on his ears and back; beating using a hose; limited access to a toilet; poor meals; and mouldy pillows and sheets. He was detained in Al Qurain Prison for one and a half months and then brought before the National Safety Court, which sentenced him to seven years imprisonment.

CASE NO. 25

(Examined by forensic team)

Date of statement: 7 August 2011

Statement: On 10 March 2011, the detainee was participating in a peaceful protest in Sitra village when he was arrested by persons in plain clothes. The detainee at first believed them to be civilian thugs but later discovered that they were police officers in plain clothes. They took him to an open area near his village where he saw 30 members of the riot police in police cars. They began to beat, torture and sexually assault him. They also threatened to kill him. They beat him all over his body with their rifles until the bones in his wrist became visible. His nose was also broken. Throughout the beatings, they insulted him and his sect. The detainee fainted and was then transferred to the BDF Hospital where he remained for one day. He was physically tortured and verbally insulted in the hospital.

The detainee was then taken to Isa Town police station where he was tortured on a daily basis. During the first five days of his detention, he was tied to a chair and denied any food or water. He was tortured while in the chair and forced to sign a confession. He fainted several times as a result of the torture. His torturers routinely insulted his sect and forced him to praise the Bahraini leadership. He was denied any visitations or telephone calls to his family.

He was released on 31 May 2011. He lost his left eye and sustained a broken jaw and a break in his left leg as a result of these events, and he still has trouble moving his hands and feet.

CASE NO. 26

(Examined by forensic team)

Date of statement: 25 August 2011

Statement: The detainee was arrested at approximately 12:00 on 18 April 2011 by plain clothes security forces. He was taken to Riffa police station where five riot police officers beat him with a hose on his hands and back for two hours. He was then taken to a room of the Military Prosecution where a prosecutor examined his wounds and demanded that the officers

stop beating him. The detainee was taken to another cell where he was beaten on his thighs and insulted and told that they would rape his sister. On the morning of the second day, a Bahraini approached him carrying a black hose and beat him on his hands and feet. Two Syrians continued beating him on his body, and the Bahraini then returned with the hose and beat him in the face, breaking three teeth. The detainee was also electrocuted but it is not clear by whom. Although the detainee was vomiting, his beatings continued. He was told to urinate in a jar but was unable to do so.

He was then transferred to the MoI Hospital and blindfolded and beaten on the way. X-rays of his body were taken and he was subsequently transferred to the BDF Hospital where he was placed on a saline drip. At the hospital, he was interrogated by persons who accused him of participating in temporary marriage and of participating in protests at the roundabout. They also asked him for details about his sisters and beat him with a hose. At the BDF Hospital, he was put on dialysis for his kidneys and after four days he was taken back to the Riffa police station, at which point the torture stopped. After three days he was transferred to Dry Dock Detention Centre for two and a half months, and then back to the police station for two weeks. When his condition worsened, he would be taken back to the BDF Hospital for dialysis.

CASE NO. 27

(Examined by forensic team)

Date of statement: 25 August 2011

Statement: On 15 March 2011, the detainee was demonstrating in Sitra when riot police attacked the demonstration and injured five persons including the detainee. The injured persons were taken away by ambulance but the police stopped the vehicle on the way to hospital. Due to the nature of his injury, which was in the thigh area, the detainee could not stand and was lying down in the ambulance. The police instructed the medical staff and injured persons to leave the vehicle. They shot the tyres with birdshot pellets and hit the driver on his neck with a gun. The female doctor was threatened with rape but left alone after police officers discovered that she was Sunni. The detainee lay in the ambulance pretending to be unconscious and was left alone. Afterwards, he was taken to SMC where X-rays revealed no broken bones. Riot police and the army took over SMC on 17 March. The detainee was taken out of his hospital room (in Ward 4), thrown on the floor, beaten and forced to make animal sounds. On 20 March, he asked to be discharged. On his way out of the ward, he passed a checkpoint and was asked about his injury. He informed them it was bird pellets and he was then beaten for four hours by the Saudi military.

The detainee was taken to Al Naim Police Station and beaten on the way. He was transferred to the Central Police Station and then to the BDF Hospital where he was interrogated and threatened. He informed an officer of his treatment but the officer said that there was nothing he could do about

it. On the first day of his detention, another officer approached the detainee and asked him about Iran. The officer pointed his gun at the witness's head and stated, "We have the right to shoot anyone we want. I will empty this gun in your head." He then called in another officer and the two began to beat and kick the detainee.

The detainee remained in detention until 4 July. He could not write his statement due to the presence of pellets in his fingers.

CASE NO. 28

(Examined by forensic team)

Date of statement: 17 August 2011

Statement: At approximately 16:00 on 18 February 2011, the detainee was taking part in a peaceful protest in the Qufool area at the GCC Roundabout when military forces began shooting at the protesters. He witnessed the death of one protester. He sustained injuries to his left thigh and left leg and was taken by ambulance to SMC. He was taken to the operating theatre and remained in the hospital from 18 February until 17 March. SMC was attacked on 16 March and masked commandos raided the witness' room. They stole items such as a laptop and phone, and pointed a gun at the detainee while questioning him. Riot police then entered and insulted him and took him to the sixth floor of the hospital. He remained there for two weeks and was then transferred to Ward 63 and forbidden from contacting his family. Masked security forces near the door prevented him from free movement and denied him any visitors. These forces beat him and once placed a shoe in his mouth.

On 3 April, the detainee was released from SMC and taken to Naim police station, at which point he was permitted to contact his family for the first time. He was blindfolded, insulted and beaten with a hose, including on his feet, until he made a confession. He was in severe pain and was transferred on 7 April to Dry Dock Detention Centre, where he remained until 10 July. He was refused medical attention during this time. He was taken to a military court on 21 July and denied the charges against him, which included assembly and attacking security personnel.

CASE NO. 29

(Examined by the forensic team)

Date of statement: 25 August 2011

Statement: The detainee was arrested on 15 March 2011 at a checkpoint on his way to fill his car with petrol. During the arrest, he was "beaten all over his body", kicked in his side and in his face. He sustained a bleeding head injury caused by blunt trauma with a metal rod. This caused dizziness but

no loss of consciousness. An injury to his right elbow caused pain and swelling for about one week. His knees hit the ground during the beatings, causing pain and swelling to his knees. He was beaten with a hose, which left marks on his back, and kicked in his face, which caused swelling in his cheeks for four or five days. He was handcuffed with plastic cuffs behind his back. He was not given medical care for his injuries.

Following his arrest, the detainee was held at a police station for 45 days. He was beaten daily with hoses, belts and wooden sticks, with the first 15 days being the worst period. He was fed three meals per day and allowed to use the toilet. He was threatened with electric shocks and with the raping of his sisters. He signed a confession that he was not able to read. He was woken up at night and forced to chant to the King. He was accused of "murder" and "unlawful assembly". Masked investigators beat him and took photographs of him, which were given the heading "Charges Rising". He also experienced the air conditioning turned either cold or hot on high. He was beaten again on the way to his trial. During this time, he "lived in fear" and was "constantly threatened".

The detainee was transferred to Dry Dock Detention Centre, blindfolded and handcuffed. Upon arrival, he was kicked out of the bus and fell on the ground. His clothes were torn and his skin was red and bruised. The detainees were lined up against the wall and every so often two policemen would choose a few inmates for beating. The detainee was beaten with hoses several times. He was also slapped when travelling back and forth between police stations.

Subsequently, the detainee was transferred to Juw Prison where he was detained at the time of this interview. There, he was regularly beaten and slapped, in particular after family visits, and consequently he told his family not to visit. The detainee suffered initial pain, bruises and swelling from the beatings, as well as dizziness and recurrent bleeding following the head injury. His treatment in Juw Prison improved after the Commission commenced its investigations.

CASE NO. 30

(Examined by the forensic team)

Date of statement: 25 August 2011

Statement: On 18 February 2011, the detainee was attending a peaceful protest at the GCC Roundabout. The army was present and started shooting at protesters. A person standing next to the detainee was shot and killed, and the detainee was then shot in the chest. An ambulance came to take him to SMC, at which point he lost consciousness. He underwent emergency surgery and awoke at approximately 21:00. There were tubes coming out of his chest and he required blood transfusions and a total of three surgeries for his injuries.

On 17 March, while the detainee was in the Intensive Care Unit (ICU) of SMC, "the military" (possibly civilians, soldiers and police all with covered faces) came to the hospital and he was moved to a different room on the sixth floor. He was then beaten and slapped while being questioned. These assaults caused swelling, pain and bruising to his face, but no bleeding wounds. He detainee police preventing medical personnel from coming into the room to care for him. Security forces questioned him and took his photograph and fingerprints. When the doctor was allowed to return to the witness's room at 04:00 on 18 March, the detainee told the doctor about his new injuries and the doctor told him that he would write a report. He was returned to the ICU on 18 March, and on 28 March he had his third surgery.

The detainee was transferred to a military hospital on 30 March. He was in a very poor condition after his third operation; his breathing was laboured and he had lost his voice. In the military hospital, he had plastic cuffs placed tightly around his wrists. When he asked them to loosen the cuffs, sometimes they would be loosened but sometimes they would be tightened even further. He remained handcuffed until 7 April.

He was then transferred to a detention centre where he was taken to a large holding room. He was not able to sit or lie down and after one hour he fainted and was taken back to the hospital by ambulance. He was not abused at the detention centre. He was given food, water and access to a toilet. He was not blindfolded but he noted that others were. He witnessed other detainees being beaten with ropes, tubes and sticks. He also witnessed other detainees being suspended and electrocuted, and he saw marks on the bodies of other detainees. He saw a journalist who had been stripped naked. During this time he continued to experience difficulty breathing, pains at the surgical sites, general weakness and loss of voice.

After 11 days, he was transferred to Dry Dock Detention Centre. He was not beaten but he detainee others being beaten with hoses and cables. His treatment was generally better at Dry Dock, although he had poor access to medical care. He suffered verbal abuse but he did not want to elaborate on the things that were said to him. [At this point in the interview, tears welled up in his eyes and he became distraught.]

After two months he was transferred to Juw Prison. There, he was verbally abused during a medical visit and he was forced to sign a confession.

CASE NO. 31

(Examined by the forensic team)

Date of statement: 25 August 2011

Statement: On 23 or 24 March 2011, the detainee was arrested on a farm along with four friends by masked men in civilian clothes. He was blindfolded, kicked, and beaten with sticks and hands. He suffered a nosebleed, bruises and swelling from the beatings.

The detainee was held at a police station for 16 days. He was accused of running over police officers with a car and he was threatened into confessing. Initially, he was not permitted to access a toilet, forcing him to urinate on himself. He was not given water. He was beaten with a metal rod and his right arm was broken. He was denied medical care for seven or eight days, when he was taken to hospital for an X-ray and casting. He received threats to his parents. He was given electric shocks to his left ankle three or four times and cigarette burns to his arms. Cold water was poured on him and he experienced cold air conditioning. He fainted three or four times and water was poured on his face to revive him. He sustained a knee injury from the beatings and was taken to hospital for an X-ray and given bandages.

The detainee was then transferred to Dry Dock Detention Centre where he remained for 10 days. He sustained an injury to his left shoulder from being beaten with sticks. He was taken to a police station for 11 days and then returned to Dry Dock for another five days, during which time he was blindfolded. Next, at a military prison, he was beaten on the bottom of his feet with a hose. His feet became swollen and red, and then turned black and blue. A doctor gave him ice. Finally, at Juw Prison, he was convicted of murder and sentenced to 25 years in prison. He was beaten on his first day there and subsequently following family visits.

CASE NO. 32

(Examined by the forensic team)

Date of statement: 25 August 2011

Statement: On 17 March 2011, the detainee was walking by a protest while leaving a sporting club when he was shot with buckshot/birdshot. He sustained injuries to his legs, arm and head, in particular to his right hip. He was taken to hospital and given treatment. He was beaten in the hospital (slapped and kicked), resulting in bruising, and he was verbally abused.

On 18 March, he was arrested at the hospital and taken to the police station for three days. He was blindfolded and handcuffed, and then forced to stand all night against a wall. He was beaten with a hose on his back and was in extreme pain from the beatings and buckshot wounds, but was not given medication. He was then taken to a second police station for about five hours, where he was slapped, kicked, verbally abused and forced to insult his parents. Next, he was taken to a police station used for investigations and detained for five days. He was hung by his wrists from the ceiling and forced to sign a confession that he had not read. He was beaten, causing his buckshot wounds to bleed and become a lot more painful. He was hit in his genitals and urinated blood immediately afterwards.

The detainee was transferred to a prison where he remained for about one month. He was forced to stand against the wall while blindfolded and beaten, and he was prevented from praying. He was then detained in Dry

Dock Detention Centre for approximately two months. During this time, he went to trial and was beaten on the way. He was subsequently taken to Juw Prison where he was beaten and verbally abused on the first day. He was slapped whenever he had family visits. Conditions improved after the Commission commenced its investigations.

CASE NO. 33

(Examined by the forensic team)

Date of statement: 27 August 2011

Statement: At approximately 02:00 on 17 March 2011, two or three masked men wearing both civilian and military clothes broke down the door of the witness's house and pointed guns at him and his 19-year-old son. They ransacked his house and took computers. They beat the detainee with a hose and then pushed him down the stairs and into a car. He was blindfolded and his hands were cuffed behind his back. He was subjected to verbal abuse, including being called an "SOB", his religion was defamed and he was accused of having a temporary marriage. He was beaten the entire time in the car (about 45-60 minutes) with hoses and hands. He suffered from pain, soft tissue redness and swelling on his body. He was initially not told why he was being arrested. He was later charged with protesting and attempting to overthrow the GoB, and was sentenced to 15 years imprisonment.

The detainee was taken to a military facility, Safera, for approximately 30 minutes. While still blindfolded and handcuffed, he was beaten with hoses and subjected to more verbal abuse. He was then pulled into a car and beaten again along with other detainees.

He was taken to Al Qurain where he was made to stand in a field with a group of men for several hours. The men were accused of not supporting the GoB and told that they were not worthy of the King. They were then beaten, causing more pain in the witness's legs. He was placed in solitary confinement in a small cell (1.5m x 1.5m), and his blindfold and handcuffs were removed. In the cell, he was forced to stand for prolonged periods every day. He was not allowed to use the toilet or speak to other detainees. His legs were in severe pain but he was not allowed to sit down until prayer time. He slept on a sponge bed. He was beaten severely every night with a hose or fists. Cold water was poured on him, his bed and his pillows. Guards verbally abused him and insulted his religious sect, religious leaders and method of prayer. They also spat in his mouth and forced him to swallow. On one occasion approximately 10 days after his arrest, the guards turned out all lights and brought in "big dogs" to scare the detainees.

The investigation started the following day. The detainee was taken to the investigation officer with a bag over his head, which made it difficult for him to breathe. He was threatened that if he did not answer questions, he would be kept in prison and the beatings would continue. They also threatened to bring the dogs again. He was denied access to a lawyer. The next day, someone came to his cell with a document and told him to sign. He refused and was threatened. He was told to confess and to give up information about other persons. He signed the document even though it was not accurate. The beatings nonetheless continued in the same way.

Two days later, the detainee was taken to the Military Prosecution for his trial. A bag was placed over his head and he was taken to a car. He had not consulted a lawyer. Eventually he was permitted to see a lawyer but they were not given any time alone. The detainee told the Prosecutor that he had been subjected to beatings but the Prosecutor did not believe him. After three hours he was returned to the prison and allowed to speak to his family for one minute by telephone. He was led to believe that he was in Saudi Arabia. The beatings, cold water and forced standing continued until mid-June. He was kept in solitary confinement until 20 June and was only let out occasionally to use the toilet. After two months, he was permitted to see his family and to walk outside for ten minutes blindfolded. He was then moved to a larger cell where there were other people he could talk to. His treatment improved. In July, he was moved to a larger cell with a roommate and "everything changed". There was better treatment, the food improved and there were more opportunities for physical activity and family visits.

Throughout his detention, the detainee asked for medical treatment for his legs but his request was denied. He was given pain medication but it did not work. He has severe pain in both legs, particularly his right leg, and he cannot run. He has urinary incontinence. He has numbness in his feet and lower leg swelling. He also has an "ear problem", which was made worse by the beatings, and has decreased vision. The Commission investigators met with the detainee during the last week of October 2011 and noted that he was still complaining of back pain but was receiving treatment at the BDF Hospital.

CASE NO. 34

(Examined by the forensic team)

Date of statement: 25 August 2011

Statement: On 16 March 2011, the detainee was driving to SMC to visit his grandfather when demonstrations prevented him from reaching the hospital. He stopped and got out of his car because he heard what he believed to be explosions. People were yelling at him to "run". He then saw police with shotguns who shot him from approximately 50 metres away. As a result of this buckshot wound, he sustained injuries to his neck, right hand and lower right thigh. Onlookers took him to Ibn Al-Nafees Hospital where his wounds were cleaned. Approximately one hour later, police in uniform

entered his room informing him that he was being transferred to SMC. The reason for the transfer was not explained to him.

At SMC, his injuries were examined and X-rays taken. He stayed for one night in a ward on the second floor of the hospital. Doctors informed him that he needed surgery because of injuries to the nerves in his hand, but they stated that for clinical reasons they would need to wait at least six weeks before performing the surgery. He was then moved to the sixth floor where he stayed for approximately four or five nights. His ward was heavily guarded by police. He was kept in a hospital room with around five other individuals. He was allowed very limited access to the toilet and therefore urinated in a bag by his bedside. On one occasion, when he went to the toilet, he was told to keep the bathroom door open and was threatened with a weapon. The police came to his room twice per day, typically once after 20:00, by which time visitors had left, and then again later in the evening. The police beat the detainee and the other patients in the room, but stopped whenever a doctor came to the ward. They also verbally abused the detainee, insulting his religious sect and calling him a "traitor to Bahrain".

On his last night at the hospital, the detainee and the other patients in the room were blindfolded and their wrists were tied very tightly behind their backs. This lasted from approximately 22:00 until 04:00. The detainee was then transferred to a police station where he was held for 24 hours. Police at the station slightly loosened the restraints, which were very painful. He was interrogated about his political activities and his connections with certain individuals. He acknowledged that he had attended demonstrations but denied belonging to any political organisations. They called him a traitor and said he belonged to Hezbollah. The detainee was not beaten during the interrogation. The interrogators gave him a document and he signed it because he feared for his safety. He was then returned to a holding area under stairs, where police kicked him and beat him in his abdomen. The police also told two or three national guards who were present to beat the detainees, but the national guards refused. The detainee requested pain medication but was told that there was none available. He was subsequently released (on 21 June 2011). He was never charged with a crime nor did he appear before a judge.

CASE NO. 35

(Examined by the forensic team)

Date of statement: 25 August 2011

Statement: On 15 March 2011, the detainee was walking towards his car parked in Sitra when police shot at him and several other people nearby. He was shot and wounded in his left foot. The police then beat him with rifle butts and he was also struck with a gun's bayonet on his left lower leg. When the police saw that several of his toes were hanging off (from the gunshot wound), they left.

The detainee was taken to SMC where he had surgery to amputate the fourth and fifth toes of his left foot. Subsequently, police came to the hospital and confiscated his mobile phone. He spent four days at SMC and was then transferred to the military hospital where he stayed for one week. During his time at SMC, he was not beaten but was subjected to repeated verbal insults. For example, one policeman said to him, "Describe your sister and let me have her."

The detainee was blindfolded and transferred to the Isa police station. There he was held for three months and one week in a large, crowded cell with approximately 70 other detainees. He was given a bed (because of his injury) but many other detainees were not. He was blindfolded for a substantial portion of his time in detention but he was neither beaten nor did he detainee others being beaten. He received adequate medical care while in detention, including changes to his wound dressing every two or three days. Approximately one month after his arrest, he was told that he was accused of "assembly". He never saw a lawyer nor was he taken before a judge. He was released from prison on 7 July. Before being released, he had to sign papers but he is not sure what those papers contained. The police told him not to tell anyone about his injury or let them see it, and they threatened that if he said anything they would send him back to prison.

CASE NO. 36

(Examined by the forensic team)

Date of statement: 26 August 2011

Statement: The detainee was arrested at his home at approximately 03:30 on 7 April 2011. A large group of armed, masked men broke down the door to his house and "destroyed everything". He was not told why he was being arrested. He was taken to the CID for approximately two days and then transferred to prison.

The detainee suffered mistreatment during the first two months of his detention, in particular at the CID. While at the CID, his face was covered and he was repeatedly beaten all over his body. The beatings often occurred when he asked to pray. He was forced to stand for extended periods, causing his legs to swell. On several occasions he was forced to stand in front of an air conditioner, which was very cold. He and other detainees were forced to take pills that made them hallucinate (he did not know what they were). They received little food and were not permitted to use the toilet. The detainee heard his brother screaming. The guards verbally abused the detainees, calling them "sons of bitches", saying that they were illegitimate and insulting their religion. One of the guards told the detainee that he would kill him and cut him into pieces and send them to Iran. The detainee was threatened with rape but was never actually raped or sexually assaulted. He was beaten while being interrogated about his knowledge of other individuals' involvement in political activities. He and other detainees were repeatedly forced to confess to allegations and sign false confessions.

After two months in prison, he was taken to court on three occasions and beaten. He was also beaten at the medical clinic.

The detainee was not allowed family visits during the first three months of his detention. He was not allowed to speak to them on the telephone for much of this time, and when he was finally allow to speak to them it was only for two minutes every two weeks. After a few months this was increased to five minutes per day. The presence of the witness's mother during his arrest and his subsequent separation from his family were particularly upsetting to him.

CASE NO. 37

(Examined by the forensic team)

Date of statement: 26 August 2011

Statement: On 29 April 2011, the detainee was arrested at a friend's home along with two other persons. The police handcuffed him behind his back, pushed him to the ground and kicked him in his back and face. They beat him and stepped on his head. They also stole his property. They put him in a car and continued to beat him. He was taken to the MoI and later to Dry Dock Detention Centre.

During the first month of his detention, he was subjected to mistreatment including beatings, sleep deprivation and exposure to extremes of heat and cold. He was not given access to a toilet, resulting in him defecating on himself. He was treated particularly harshly when he was at the MoI. They threatened to rape his female family members and told him that his brother would be dismissed from his job because of him. He was also forced to insult his own religion. He was inappropriately touched while being searched after returning from court or the medical clinic. He was interrogated two or three times per day. His first interrogation lasted approximately 12 hours, during which time they asked about his religion, Iran and Mushaima (an opposition leader in Bahrain). He was often severely beaten during interrogations and burned with cigarettes. Authorities also choked him while telling him to confess. He signed false confessions as a result of threats, particularly against his family. One confession stated that he had carried out operations for Hezbollah as well as kidnappings; both statements were false. For three weeks he was not allowed to see a doctor regarding his injuries from beatings and burns. When he was finally allowed to have a medical examination, the doctor refused to report his injuries.

The detainee was interrogated twice during the month of June but he was not beaten during those interrogations. The last time he was physically mistreated was in May 2011, while the last time he was "psychologically mistreated" was just before the Commission commenced its inquiry. Before the Commission's arrival, he started a hunger strike which lasted five days.

Conditions improved after the Commission arrived. The treatment by the guards improved and there was little or no further verbal abuse.

CASE NO. 38

(Examined by the forensic team)

Date of statement: 25 August 2011

Statement: The detainee was apprehended at a banned religious ceremony on 16 April 2011. The police raided the site and the detainee ran away. He was shot in the lower left leg but could not confirm the type of weapon or round that wounded him. He has been told that he was wounded with birdshot, but the wound is more consistent with a small calibre gunshot round. The police surrounded him, kicked him and carried him 90 metres to an ambulance to transport him to the BDF Hospital.

The detainee had surgery on his left leg and remained in hospital for four days, during which time he was blindfolded and handcuffed to the bed. The military guards slapped him but the medical staff did not mistreat him. He was transferred to a police station after four days and stayed there for an unknown time. Medical treatment was good and there was no mistreatment from the medical staff. The guards abused him, slapping and beating him, but they never hit him on his wound. The guards disrupted his sleep and threatened to amputate his wounded leg and send him to Saudi Arabia to have his throat slit. These threats did not occur in the presence of medical staff. The detainee recognised improvements in the attitudes and actions of the detaining authorities after two weeks, and he attributes those changes to the influence of human rights organisations. There were no significant incidents of mistreatment after the first two weeks.

In total, his detention extended from 20 April to 7 July. He was released from prison when the HM King Hamad issued pardons, and his case was transferred from the military to civilian courts. He admitted to participating in a religious ceremony but denied other charges of participating in an illegal gathering and participating in activity against the GoB.

CASE NO. 39

(Examined by the forensic team)

Date of statement: 25 August 2011

Statement: The detainee was arrested on 5 May 2011 in front of his home. He had been chanting prayers at night and this had provoked the police. He heard gunshots and then two armed men in civilian clothing emerged from a car and arrested him. The men took him to a room in his home where they beat and insulted him while repeatedly asking about his chanting and congregations outside his home. The police also asked about his reasons for opposing the regime given that he received a good salary for his work.

The detainee was then taken to another location where he was subjected to abusive treatment by police officers, including being continually blindfolded, handcuffed behind his back, kicked and beaten with a hose on his back. He was also verbally abused and subjected to religious humiliation. The police questioned him about the demonstrations and certain political figures. One police officer threatened him with serious abuse but was stopped by another officer. The police forced the detainee to sign a confession. He felt nauseous and dizzy after several days of this mistreatment, and this was aggravated by sleep deprivation, crowded conditions and poor hygiene in the cells. He could also hear other detainees being tortured. His feet were beaten so harshly with hoses that they swelled up and damaged his nail beds, and he developed severe headaches.

CASE NO. 40

(Examined by the forensic team)

Date of statement: 25 August 2011

Statement: On 16 March 2011, the detainee was outdoors in his village doing mechanical work under a car. There had been confrontations in his village. He saw a police officer walking towards him and feared getting arrested. The police officer fired birdshot under the car from just six metres away and hit the witness's head, face, shoulders and arms. The witness's brothers took him to the local clinic where he received treatment to stop the bleeding. He then went to SMC for more extensive care including X-rays. He was assured that he had not suffered serious injuries. He was treated like a criminal at SMC. A number of men, also considered criminals, were put together in one ward on the sixth floor with high security and many soldiers. They were detained there for one week. They could only access the toilet twice per day and there was no showering or bathing. They were interrogated each night. The detainee was awoken in the middle of the night and frightened, hit on the head and slapped forcefully in the face. Food was adequate but medical care was minimal. On the last day, he was interrogated by security. He was blindfolded and handcuffed, and had to stand for two hours while his file was reviewed. He was then transferred to a police station, where a police officer threatened to torture him with a knife. At the time of this interview, he feared returning to SMC to continue treatment, as he expected further abuse.

CASE NO. 41

(Examined by the forensic team)

Date of statement: 26 August 2011

Statement: The detainee was arrested at his home at approximately 03:00 on 29 April 2011. A number of police arrived, some uniformed and some masked, and shocked him and his family. He was punched, blindfolded and

handcuffed. The police took computers and mobile phones. He was transported to a health centre where his blood pressure was taken and he was punched and beaten. He suffered a fracture of his coccyx. He was taken to a detention centre where he was handcuffed and forced to stand for many hours. He agreed to confess on the first day to anything that the interrogators asked. The following day he was moved and subjected to beatings with a hose on his head, shoulders and back.

On the third day he was subjected to verbal abuse that included sexual threats and insulting his religion. From the fourth to sixth days his hands were cuffed behind his back as well as over his head. He was subjected to personal and religious insults and had a sign pinned to his back with the note "Damastani Donkey". He was deprived of sleep, threatened with electrocution and forced to provide a confession on the sixth day. Access to the toilet was limited during this time. He lost sensation on the soles of his feet, which were bruised and swollen from the beatings *(falaka)*. He was transferred on 8 April to Dry Dock Detention Centre. Conditions improved as he was able to sleep and had access to a toilet.

CASE NO. 42

(Examined by the forensic team)

Date of statement: 26 August 2011

Statement: The detainee was arrested at his home at approximately 03:00 on 29 April 2011. A number of police arrived, some uniformed and some masked, shocking him at the time. He was blindfolded, handcuffed and punched. The police took his mobile phones and laptops. He was transported to the health centre where his blood pressure was taken. He was punched and beaten but not as severely as some of his fellow detainees.

Detention of at least three days followed. Although he agreed from the outset to confess to whatever was asked of him, he continued to suffer mistreatment including being slapped, threatened with sexual assault and death, forced to stand for long periods, and subjected to verbal abuse and religious humiliation. He signed a confession while blindfolded. The conditions in detention were harsh. The room was cold and had no showers. He was blindfolded with very little sleep. The detainees slept on the floor and often had to stand throughout most of the three days. The food was "bad" and access to the toilet was acceptable in the mornings but "horrible" in the afternoons and evenings. The detainee was then transferred to Dry Dock Detention Centre.

The detainee suffers severe depression with regular crying and insomnia. He contemplates suicide. He has lost 12 kilograms while in detention. He asked to see a physician and psychiatrist for treatment. He currently takes paroxetine, and his appetite and mood have improved. The conditions of detention and the overall situation have improved.

CASE NO. 43

(Examined by the forensic team)

Date of statement: 28 August 2011

Statement: The detainee was returning home from work at approximately 18:30 on 15 March 2011 when he was stopped by police at the Central Village checkpoint. Six armed policemen wearing masks and uniforms beat him with rifle butts on his chest and arms, and then kicked him so severely that he fainted. He later realised that he had been shot in his right leg but he has no recollection of the shooting. He thinks he fainted about 10 minutes after the beatings started. He awoke in SMC the following day.

He was arrested at SMC and transferred from the fourth to the sixth floor where he was blindfolded but not handcuffed. Police beat him at night while the medical staff were not there. They slapped and punched his leg, particularly his wounds. He was also cursed and subjected to verbal insults. Although given food, he could not eat and could only drink. He remained at SMC for three days.

He was subsequently transferred to the BDF Hospital where he remained for seven days. At BDF he was blindfolded at all times and handcuffed to the bed, although the nurses loosened the handcuffs at night. There were many beatings at BDF. He felt that he had suffered two fractured ribs but he did not disclose them because he feared the beatings. He had skin grafts to his wounds. The doctor, an Egyptian, provided good medical care but the nursing staff and Bahraini medical staff did not provide good care.

After surgery, he was transferred to a prison where he stayed for three and a half months (from 27 March to 4 July). He was blindfolded, handcuffed and beaten at the prison. He signed a confession while blindfolded but he does not know what he signed.

CASE NO. 44

(Examined by the forensic team)

Date of statement: 28 August 2011

Statement: The detainee was arrested on 20 March 2011 at his apartment when masked men in plain clothes entered his residence and asked him, "Where is your gun?" He was taken to a prison at ground level where he was blindfolded, beaten and handcuffed with his arms above his head. He had no sense of time and was forced to stand for long hours. Interrogators attempted to force him to admit that he had a gun. On the first day, he had no water, food or access to a toilet. Food was supplied on the second day. He was slapped in the face, which caused much swelling, and photographs were taken that would verify the mistreatment. On the third or fourth day, electric shocks were applied every 30 or 40 minutes to his shoulders, arms, nipples and penis, causing great pain. He was forced to face the wall and was kicked and beaten. On the last day, interrogators threatened that he

would not see his family and sexual threats were made against his wife and mother. He was released on the sixth day.

The detainee was arrested again on 4 May and released on 10 July for charges including breaking into a building at the university, beating students, trying to overthrow the GoB and participating in an assembly of more than five people. He was subjected to beatings and electric shocks, he was strapped to a chair and beaten on the bottom of his feet *(falaka),* and forced headfirst into a toilet. The conditions were harsh and unhygienic. He was forced to sign a confession while he was blindfolded and unable to read the three pages of charges.

CASE NO. 45

(Examined by forensic team)

Date of statement: 24 August 2011

Statement: The detainee is aphasic and therefore cannot speak to investigators. During the interview he raised his fingers towards his son asking him to provide the information and consented by moving his head about the information supplied by his son. The witness' son stated that the detainee was arrested on 16 March 2011 when police officers saw him wearing the specific clothing and covering his head with the specific dress belonging to his religious group. There was no arrest warrant. He was kicked and beaten with fists, iron bars and wooden planks. He was beaten in the following areas of his body: front and back of the head; eardrums *(telefono);* sides of the body; arms and legs; and front and back of the body and trunk (especially the chest and abdomen). He was taken to the police station where the beatings continued. He was then transferred by an ambulance to the MoI Hospital but the personnel there refused to accept the case.

At 07:00 on 17 March 2011, he was dropped semiconscious in front of SMC. He was suffering from paralysis of the right upper and lower limbs, pain in the hip joints and a total inability to speak. His family did not have any information about him from 20 March until 10 April.

CASE NO. 46

(Examined by forensic team)

Date of statement: 27 August 2011

Statement: On 1 April 2011, a group of persons arrested the detainee at his father's house and humiliated him in front of his family. They blindfolded him and cuffed his hands behind his back. They beat him with their hands and fists, kicked his body and hit him forcefully around the ears (*telefono*).

They told him that if he did not confess there would be serious consequences.

They took the detainee to the CID where he was physically abused. He was beaten in the following areas of his body: front and back of the head; front and back of the body (especially the chest and abdomen); and side of the body. He was also kicked in the buttocks and hit forcefully around the ears (*telefono*), and his feet were beaten with a hose. He was also psychologically abused through the following methods: humiliation of his religious beliefs; threats to himself and his family, including threats of sexual abuse; denial of access to the toilet; and unhygienic conditions in his cell.

After approximately 13 hours in detention, the interrogations commenced. The interrogators alleged that the detainee was attempting to overthrow the King and cabinet. It was alleged that he had conspired with other arrested physicians. His interrogators forced him to sign a confession without allowing him to see its contents. After eight days he was sent to the Military Prosecution to confess to these charges. He was told that if he did not confess he would be subjected to electrocution. He was allowed to have a family visit after eight days. After thirteen days, his handcuffs and blindfold were removed, and the conditions of his detention started to improve. He is still hearing noises and experiencing numbness in both feet as well as in his left hand.

CASE NO. 47

(Examined by forensic team)

Date of statement: 28 August 2011

Statement: The detainee was arrested at his house on 27 March 2011. A group of special forces soldiers entered his house and pointed their weapons at him in front of his wife and seven-year-old son. They took him out of his bedroom, blindfolded him and tied his hands behind his back with plastic handcuffs. They took him bare footed and without his eye glasses to Al-Qalaa, where he was beaten with fists, kicked and slapped in the face.

After one day he was transferred to Al Qurain Prison where a number of hooded persons beat him and psychologically abused him. He was beaten with fists, slapped in the face, hit around the ears (*telefono*) and kicked. He was beaten in the front and back of the head and the front and back of the body (especially the chest and abdomen).

CASE NO. 48

(Examined by forensic team)

Date of statement: 24 August 2011

Statement: The detainee was arrested at approximately 17:00 on 17 May 2011 in front of his house. He was overpowered by a number of people wearing masks and blue police uniforms. There was no arrest warrant. The detainee suffered physical and verbal abuse in detention. They beat him with fists, slapped him in the face, kicked him and hit him forcefully around the ears (*telefono*). They also hit him with rifle butts. In particular, he was beaten on the following areas of his body: front and back of the head; front and back of the body (especially chest and abdomen); buttocks; ears; arms; legs; and sides of the body. He has a mild scar and callus from a lacerated cut on the outer part of his right ear as a result of the beatings. He also suffered sexual abuse and humiliation. They denigrated his religious belief and threatened him and his family. He was also denied access to a toilet and subjected to unhygienic conditions in his cell. The detainee believed that his interrogators were Syrians serving in the police force, because of their accents.

The detainee was transferred by ambulance to the BDF Hospital where he remained for two days. He was subsequently transferred to Al Wusta police station and then to the MoI Hospital. Throughout the whole period of his detention, he was blindfolded and his hands were tied behind his back with plastic handcuffs. He was forced to sign a false confession and then was brought before a trial court. His captors threatened to beat him again if he changed his confession in front of the judge. On 29 June, the conditions of his detention started to improve. The physical abuse stopped, the food improved and his family was allowed to supply him with clothes. He was also allowed one telephone call to his family every week.

CASE NO. 49

(Examined by forensic team)

Date of statement: 24 August 2011

Statement: The detainee was arrested on 14 July 2011 in front of his relatives' house. He attempted to flee when he saw police officers scattered around the house, but he was overpowered by a large group of police officers. They pulled him by his clothes and pushed him to the ground. There was no arrest warrant. They beat him with their fists, slapped him in the face and ears, kicked him and tore his clothes. He was transferred to a garage where he was beaten for about half an hour. The areas on which he was beaten included the following: front and back of the head; front and back of the trunk; limbs; ears; and nose. He was taken to a jeep and videotaped. He was then blindfolded and his hands were tied firmly behind his back using plastic handcuffs.

The detainee was taken to Al Wusta police station, where the beatings continued. He was then taken by ambulance to the military hospital where X-rays were taken of his head, face and body. There were contusions on his face below his eyes, above his left eyebrow and on the right side of his body. He remained in the hospital for one day and was then transferred back to Al

Wusta police station, where he was put in an isolated cell. After eight days, he was transferred to the MoI Hospital. While at the hospital, a prosecutor asked him to sign a confession while he was blindfolded. He was then returned to Al Wusta police station. On 4 August, he went on a hunger strike.

CASE NO. 50

(Examined by forensic team)

Date of statement: 27 August 2011

Statement: The detainee was arrested in the morning of 19 April 2011 at his house in the Demistan area. He heard the sounds of his front door being broken down and then people in uniform entered his bedroom and pointed their rifles at his daughter's head. They took him to a car where he was blindfolded and taken to another location. While in detention, he was beaten with fists and a hose and kicked in his abdomen. He was subjected to physical and psychological abuse. They threatened his wife and daughter and threatened to put a pen in his anus. These threats continued for 13 days. His interrogators used drugs to force him to confess. As a result of being beaten with fists he suffered a fracture of the nasal septum. He had an X-ray and was scheduled to have an MRI on 11 October 2011.

CASE NO. 51

(Examined by forensic team)

Date of statement: 25 August 2011

Statement: The detainee was arrested on 16 April 2011 while attempting to leave the area near SMC in his car during the unrest. As he tried to drive off, his car accidentally crashed into two police cars and he lost consciousness for a few moments. When he awoke, police officers pulled him out of his car through the window. They blindfolded him, tied his hands behind his back and beat him with slaps and punched the following areas of his body: front and back of the head; front and back of the body and trunk (especially chest and abdomen); sides of the body; and eardrums *(telefona)*.

He was transferred to Al Naim police station for one and a half hours. He was then referred to Al Qoudaybia police station where the beatings continued. They forced him to bend over while they touched his anal and genital area from the back. They also beat his hands using a hose and applied electric shocks to his body. They forced him to sign a confession stating that he had tried to kill the policemen located in the other car. After two or three weeks, he was referred to a military court where he was sentenced and then transferred to prison.

CASE NO. 52

(Examined by forensic team)

Date of statement: 24 August 2011

Statement: The detainee was arrested from his car on 17 April 2011 in front of his relative's house in the Al Maameer village area. The police found his car without a licence plate and therefore detained him. When they searched his car, they found a video camera and mobile phone. They accused him of recording the events that were taking place on the streets and of disseminating the material and supplying it to foreign countries.

The detainee was beaten on his back, head and neck. He was blindfolded and his hands were tied behind his back. He was then beaten all over his body. He was threatened in front of two of his uncles that he would face serious consequences because he had been accused of arson one year earlier. A civilian car arrived and they pushed him inside and transferred him to Al Wusta police station.

At Al Wusta police station he was beaten with hands and fists. They also kicked him and sexually abused him by touching his anus with their fingers and pushing a rifle tip into his anus. They verbally abused him, including insulting his religion and family, and threatened to rape him and his female relatives. He was beaten with a hose on his legs and feet *(falaka)* and told to confess to videotaping without a licence, participating in the events in El Dawar square and being a member of a terrorist organisation. He was then taken to his mother's house in El Newyrat village where he was beaten with rifle butts. The police told the detainee that one of his neighbours had informed them of his involvement in these activities and therefore that he should confess. Finally they arrested his aunt and other members of his family and searched the garage area. They found empty bottles and pieces of cloth, so they accused him of preparing Molotov cocktails.

The detainee was then returned to Al Wusta police station where the beatings continued. He suffered from severe nosebleeds and his nasal septum was broken. He was transferred to the military hospital where a closed reduction of a broken nasal septum was performed without anaesthesia in the emergency reception room. He was then transferred to a military court for trial. There was no arrest warrant and he had not consulted a lawyer prior to his transfer to the court. He was not permitted to talk to his family for a long period of time.

The detainee was transferred to the BDF Hospital on 5 August, by which time he had been on a hunger strike for three days. His blood pressure was normal as well as his pulse and respiration. From 5 August until 24 August 2011 (the date of this interview), his general condition remained stable with mild fluctuations in blood pressure and pulse rate and with slight disturbances in the level of consciousness. Two refusal forms (for the detainee to acknowledge that he was refusing food) dated 5 and 6 August showed that the detainee had refused to sign them. A refusal form dated 20 August showed that he had refused to sign the form in the presence of a

witness who had signed it on the witness line. The detainee was on a hunger strike throughout this period.

CASE NO. 53

(Examined by forensic team)

Date of statement: 26 August 2011

Statement: The detainee was arrested on 7 April 2011 from his house in the El Manama area by a group of persons with their heads covered. They woke him up and humiliated him in front of his mother and wife. When his father tried to intervene, they threatened him by raising their weapons towards his head. The detainee was blindfolded and his hands were tied behind his back.

He was transferred to an unknown place where he was beaten and kicked in the back of his body, especially the buttocks, and slapped forcefully on his eardrums *(telefono)*. They also humiliated him by defaming his religious beliefs and threatening him and his family. His cell was unhygienic and he was not permitted to access the toilet. He was hung up and beaten on the soles of his feet *(falaka)* to force him to confess that he had tried to kill an Asian man and organised gatherings and protests. He was then transferred to another place where he was beaten with a hose in addition to the other forms of beatings described. Lastly, he was referred to Dry Dock Detention Centre where he was forced to sign a confession in front of an interrogator.

He saw his family for the first time in three months during his military trial at the end of May 2011. The conditions of detention then started to improve. He was transferred to a larger cell, different types of humiliations stopped and he was allowed to call his family regularly. He now suffers from psychological problems as a result of his treatment in prison.

CASE NO. 54

(Examined by forensic team)

Date of statement: 27 August 2011

Statement: The detainee was arrested on 17 March 2011 by a group of persons with their heads covered. They took his mobile phone and laptop and beat him by slapping, punching, kicking and using cables. He was blindfolded and his hands were cuffed behind his back. He was transferred to an unknown place where he was placed in a small, isolated cell.

The next day, he was transferred to a military facility where he remained for two weeks. He was beaten in the following areas of his body: front and back of the head; eardrums *(telefono)*; sides of the body; and front and back of the body and trunk (especially chest and abdomen). He was also kicked in the buttocks. He was subjected to religious humiliation and threats to himself and his family, including threats of sexual abuse. The conditions in his cell were unhygienic and he was not permitted to access the toilet. He was

interrogated and accused of possessing a firearm, initiating an organisation aiming to overthrow the King and having unlawful connections with foreign countries. He was forced to sign a confession of about 40 pages without reading it. He was subsequently transferred to various different locations and at each one he was subjected to physical and mental torture.

The detainee suffered bleeding from his left ear as a result of the physical torture and his hearing has been damage. He also experienced oedema of the right thigh and the calf area, numbness in his right foot and pain in the sacral region and coccyx area.

CASE NO. 55

Date of statement: 03 August 2011

Statement: The detainee was arrested at his home at approximately 20:30 on 2 May 2011 by a group of masked civilians. The masked civilians videotaped his arrest. He was blindfolded and taken to an unknown location where he was interrogated for two hours while still blindfolded. The interrogator did not introduce himself or the institution for which he worked. After the interrogation, masked men took photographs of the detainee and then put him in an isolated cell (2m x 1.5m). He was interrogated again the following day and threatened with physical torture and electrocution. He was later cursed and insulted while being examined in a medical clinic. On 4 May, they began to torture him in his cell. He was deprived of sleep as he was forced to stand with his hands raised. He was threatened that he would be subjected to physical torture if he sat down. This process lasted until midnight.

On 5 May, the detainee was transferred to the NSA where he was kept in an isolated cell for 45 days and interrogated regularly. Based on the questions asked during interrogations, the detainee concluded that he had been arrested because of his political views and activities and because he was a member of Al Wefaq.

The detainee and several others were taken to the Military Prosecution on 18 May. While waiting to enter, he was beaten and mocked by the guards. The investigation at the Military Prosecution lasted 10 hours. He did not consult with a lawyer. He was then taken to a military facility where he was kicked, punched and severely beaten with metal sticks. The guards took the detainee to a man called the "Al Sheikh" who cursed him, insulted his sect and beat him using a metal rod on his face, ears and back. On the way back to the NSA, one of the guards beat the detainee again and threatened him with rape.

On 29 May, the detainee was allowed a five-minute telephone call to his family but he was not allowed to say anything about his location or the

torture he had suffered. Throughout his detention in the NSA, he was kept blindfolded in an isolated cell.

On 17 June, he was transferred to Dry Dock Detention Centre where he was kept in a small cell with another person. He was denied access to the Quran and a prayer rug for the first three days. He was permitted his first family visit on 19 June and was transferred to Al Qurain Prison on 22 June.

CASE NO. 56

Date of Statement: 8 August 2011

Statement: The detainee was driving along a road in his village when masked men suddenly stopped him in the middle of the street. They asked him his name, placed him in a car, blindfolded him and took him to an unknown location. They then removed his blindfold and beat him viciously while demanding that he reveal information about other persons in his village who were wanted by the police. He responded that he did not have any information about those individuals.

He was subsequently transferred to the CID. During the first two days of his detention at the CID, he was stripped of all his clothes, blindfolded, handcuffed and forced to remain standing. He was repeatedly beaten, insulted and interrogated for information about people in his village. He was asked whether he had taken part in protests in Al Diraz village and he responded affirmatively. The following day, he was further interrogated and accused of cutting off the tongue of an Asian worker. He responded that he did not understand what he was being told. The interrogators informed him that he may not understand now, but he would soon. They continued to beat him viciously and electrocuted him until he admitted to the crime. They asked him who had cooperated with him and he replied that he did not know. They beat him and dislocated his shoulder. He began to cry because of the pain and then he agreed to confess to the accusations made against him. The detainee did not know the other persons implicated by his interrogators.

CASE NO. 57

Date of statement: 20 August 2011

Statement: On 25 March 2011, commandos, riot police and masked men in plain clothes broke into the witness' home and ransacked his bedroom. They broke personal items, including his computer and mobile phone, and stole BD 200. He was taken a short distance in a car and then beaten by a large group of people. He was subsequently transferred to another car and beaten until he reached the CID.

Upon entering the CID, he was blindfolded and beaten with various objects. He was then taken to an interrogation room where he was told to confess to his crimes. When he did not respond "correctly", he was beaten with sticks on his spine and head. They told him, "Confess you donkey; confess you

son of a temporary marriage." After some time, the nature of his interrogation changed and they told him to confess to specific crimes relating to the 14 February events. He was beaten severely with metal objects and told to confess to crimes at the University of Bahrain. He was electrocuted and beaten on his head and genitals. He fainted and woke up in a hospital. Once awake, he was taken back to the interrogation room and beaten. His nose was broken. He was hung until he fainted. He awoke and heard an officer ordering people to electrocute him in his genitals. The detainee told the officer to write any confession and he would sign it, which he did. He remained at the CID for another three days during which time he was insulted, beaten and electrocuted. His hands were cut with a knife and the wounds rubbed with pepper and lemon, resulting in severe pain. He was not aware of his location at the time and only became aware after his transfer to Asri prison / detention centre.

After three days at the CID the detainee was transferred to Asri prison / detention centre. He could not walk so he crawled on his knees and was dragged around by prison officers on the floor. He was also routinely handcuffed and beaten, particularly at night. At Asri prison / detention centre, he would be beaten before breakfast, then allowed to eat, then told to stand until lunch, then allowed eat, and then told to stand until dinner. He was beaten before and after dinner and again before bedtime. He was blindfolded and handcuffed the whole time. He remained handcuffed for a total of 13 days and was only allowed to sleep from midnight until 05:00. He was also prevented from praying. His torturers verbally abused him, insulted Shia, threatened to rape him and his family, called him an animal and forced him to make animal noises.

The detainee was held at Dry Dock Detention Centre from 9 April until 8 August. He was not tortured there but he was verbally abused.

CASE NO. 58

Date of statement: 30 July 2011

Statement: The detainee was arrested on 11 April 2011 at Bahrain International Airport as she was attempting to leave the country with her husband and three children. After her arrest she was escorted to her home, which was subsequently ransacked and from which BD 5,000 was stolen. She was then taken to Isa Town Detention Centre. Her children were left without parents due to her and her husband's arrest. While in detention she was blindfolded for days and beaten, particularly on her temples. She was humiliated and told that Shia persons cannot be doctors. She was questioned about her husband's political affiliation and was told that a cigarette would be placed in her eye if she refused to cooperate. They asked her about the events that took place at SMC. She was not allowed to contact her family or lawyer. She also underwent a medical examination and was forced to sign a confession. She was released on 5 May.

She was not informed of her husband's whereabouts until 3 June, when she learned that he had been taken to a military court.

CASE NO. 59

Date of statement: 14 August 2011

Statement: The detainee was arrested at his workplace on 12 April 2011. He did not resist but was nevertheless beaten during the arrest. He was blindfolded and transferred to Riffa police station, where he was physically and verbally abused. The torturers used their hands, feet and hoses to sexually assault him, and they threatened to inflict the same treatment on his wife. He was subsequently interrogated. The interrogations and beatings continued for four days at Riffa and then a further four days at Dry Dock Detention Centre. Most of the questions revolved around members of the witness's family. The few questions that related to him concerned pictures that he had received in an email and his presence at GCC Roundabout. Despite evidence that he had only received the email attachments, the authorities charged him with sending them. The detainee was forced to sign a statement to the effect that he had been to the Roundabout 15 times.

The detainee was handcuffed and blindfolded on his way to court. He and other detainees were forced to sing and told that they were dogs. Each detainee was numbered as Dog 1, Dog 2, etc. Before the court session, the detainees were forced to stand in the sun. The soldiers threatened them and told them not to say a word in court besides "guilty" or "not guilty". The detainee was only able to talk to his lawyer for five minutes after the court hearing. The only evidence against him was the statement that he provided, under pressure, testifying that he went to the roundabout 15 times. The judge did not ask about torture and his lawyer did not raise the issue in court. The detainee was sentenced to three years imprisonment and an appeal was set for 28 September 2011.

At the time of his statement, the detainee was held at Juw Prison. He was beaten there on three different occasions: upon being searched; when given his uniform; and when given his inmate identification. He is not currently being tortured but he nevertheless complains about strict rules. He complains about the food, clothing and visitation rights, as well as denial of access to the Quran/books/newspapers and prayer rugs. Because of torture, the detainee suffers from pain in the jaw and has difficulty chewing and hearing. He is worried about his future and has concerns about his safety.

CASE NO. 60

Date of statement: 3 August 2011

Statement: On 2 May 2011, the detainee was arrested in a traffic jam after being followed by a civilian car. Individuals in plain clothes slapped him, tied his hands and placed a hood over his head. He was not able to identify

the individuals or their affiliation. He was taken to an unknown location where he was interrogated and asked questions about the political situation in Bahrain. He heard the voices of other people who were being interrogated and he believed that those people were being tortured. He was asked to give his interrogators the password to an email account. He was not able to sleep the whole night. The guards asked him a few questions in the morning and then in the evening he was called before an official investigation. There were two interrogators; one spoke with a Jordanian accent and the other was a Bahraini. They informed him that his level of cooperation with the investigation would determine how they would treat him thereafter. He denied all the accusations and said that the security forces had made a mistake. The interrogators asked the guards to take him away because he was not cooperating sufficiently. He was blindfolded and taken to his cell. He was slapped as he walked along the corridor and he was terrified. During his detention the guards deprived him of sleep by hitting hoses against steel.

The detainee was subsequently transferred to the NSA and was beaten and subjected to sectarian insults on the way. When he arrived at the NSA, a man wearing traditional Gulf dress approached him and gave him paper and a pen. The man told him that there were two kinds of treatment, one for humans and the other for animals, and that he had to choose between them. The interrogators used terrifying techniques and said that they would do things to him if he did not cooperate. He was told that he had two choices: the first was to say things that would implicate him, and the other was to tell the truth, which would lead to cruel treatment. They did not tell him what to write in his statement. However, he was asked to sign his statement without being able to read it. He was only permitted to skim read his statement and found that additions had been made.

He remained in detention at the NSA for 45 days in solitary confinement. He did not see the sun except for short periods while he was being transported to the Military Prosecution or to the court. He was denied regular use of the toilet. He was insulted by Pakistani and Bahraini guards. He heard the voices of people being tortured. Except at meal and prayer times, the detainees were blindfolded and tied up in the corridor. Whenever he was transferred between locations by car, the guards beat him and insulted his sect, religion and beliefs.

The detainee was taken to appear before the Military Prosecution without legal representation and he was not permitted to postpone the investigation until he had a lawyer. He did not see any official documents confirming his transfer to a military court. He was mistreated, insulted and described as a traitor to the country.

Appendices

Appendix A: Royal Order No. 28 of 2011

Appendix B: Royal Order No. 29 of 2011

Appendix C: Letter from HM granting extension to the Commission

Appendix D: Table of Authorities

Appendix E: List of Abbreviations

Appendix F: Organisational Chart

Appendix G: Commissioners' Biographies

Appendix A — Royal Order No. 28 of 2011

Royal Order No. 28 of 2011

The Bahrain Independent Commission for Investigation (BICI) was established through Royal Decree No. 28 of 2011 **"Royal Order No. 28 of 2011":** Establishing an Independent Commission to Investigate and Report on the Events Which Occurred in Bahrain in February/March 2011 We, Hamad Bin Isa Al Khalifa, King of Bahrain, having reviewed the Constitution, have ordered the following:

Article One.

An independent Commission of Inquiry is hereby established to investigate and report on the events occurring in Bahrain in February/March 2011, and any subsequent consequences arising out of the aforementioned events, and to make such recommendations as it may deem appropriate.

Article Two.

The Commission consists of five eminent and internationally-renowned members, whose experience and reputation worldwide is well established. They are:

- Professor Mahmoud Cherif Bassiouni (Chair);
- Judge Phillipe Kirsch (member);
- Sir Nigel Rodley (member);
- Dr. Mahnoush Arsanjani (member);
- Dr. Badria Al-Awadhi (member).

Article Three.

The Commission is wholly independent of the Government of Bahrain or of any other government, and the members of the Commission are acting in their personal capacity and do not represent any government, international organization, public official or any economic or political interest.

Article Four.

The Commission's mandate is to engage in fact finding and it has access to all concerned government agencies, government officials, government files and records. It is also free to meet with any person it deems appropriate, including but not limited to, representatives of civil society, human rights organizations, political groups, labor unions, and alleged victims and witnesses of alleged violations of internationally protected human rights. All relevant governmental departments shall put at the disposal of the Commission the results of their own inquiries into the above matters.

Article Five.

In connection with its work, which the Commission will determine on its own and without any interference by the government, the Commission will be able to meet with alleged victims and witnesses of alleged violations in secrecy and in accordance with measures that it shall develop to protect the privacy and security of individuals it meets with, in line with international human rights norms.

Article Six.

The government shall not interfere in any way with the work of the Commission nor shall it prevent access to it by anyone seeking to make contact with the Commission or its staff. Moreover the government shall facilitate the Commission's and its staff's access to such places and people as the Commission deems appropriate.

Article Seven.

The Commission shall have the authority to decide on all matters concerning the scope of its work and its methods of operation. The government shall ensure that no person or member of that person's family who has made contact with the Commission or cooperated with the Commission shall in any way be penalized, negatively affected or in any way harassed or embarrassed by any public official or representative of the government.

Article Eight.

The work of the Commission shall be independent of any national or judicial processes even if it concerns the same subject matter. No administrative or judicial body shall have the authority of stopping, curtailing, preventing or influencing the Commission's work and its results. The Commission's work does not involve political issues or negotiations.

Article Nine.

The Commission's final report, to be submitted to His Majesty no later than 30 October 2011, shall be made public in its entirety. The Commission's report shall contain, inter alia, the following:

1) A complete narrative of the events that occurred during February and March, 2011.

2) The context for these events.

3) Whether during these events there have been violations of international human rights norms by any participants during the events or in the interaction between the public and the government.

4) A description of any acts of violence that have occurred including the nature of the acts, how they occurred, who the actors were and what consequences derived therefrom, in particular at the Salmaniya Hospital and the GCC Roundabout.

5) Instances of alleged police brutality and alleged violence by protestors and/or demonstrators against police and others, including foreigners.

6) The circumstances and appropriateness of arrests and detentions.

7) Examination of allegations of disappearances or torture.

8) Ascertain whether there was any media harassment, whether audiovisual or written, against participants in demonstrations and public protests.

9) Examination of alleged unlawful demolition of religious structures.

10) Ascertain any involvement of foreign forces and foreign actors in the events.

Article Ten.

The Commission is free to make any recommendations, in particular recommendations for further official investigation or prosecution of any person, including public officials or employees, recommendations for reconsideration of administrative and legal actions, and recommendations concerning the institutionalization of mechanisms designed to prevent the recurrence of similar events, and how to address them.

Article Eleven.

The Commission may utilize such staff as it deems necessary to complete its work, and may determine the locations and facilities in which it will operate, which shall be under its full control. The Commission's Chair will propose the budget necessary for the Commission to fulfill its mandate, which budget shall be provided from the funds of the Royal Court. The expenses and compensation of the Commissioners shall be in accordance with United Nations standards and shall be disclosed in the final report.

Article Twelve.

This Order shall come into force on the date of issue and publication in the Official Gazette.

Hamad bin Isa Al-Khalifa

King of the Kingdom of Bahrain

Issued at Rifa' Palace, 29 June 2011.

Appendix B — Royal Order No. 29 of 2011

Royal Decree No. 29 of 2011
In Respect of the Privileges and Immunities
Of
The Fact- Finding Commission and it Procedures

We, Hamad bin Isa Al-Khalifa, King of the Kingdom of Bahrain, having reviewed the Constitution; and

Pursuant to the Decree-Law No. (8) for the year 1992 with respect to ratification of the Convention on the Privileges and Immunities of the United Nations dated 13 February 1946, and

Pursuant to the Decree No. 28 of 2011 with respect to the Fact-Finding Commission.

Have ordered the following:

Article One

The Fact-Finding Commission Chairman and the members who are performing missions for the Commission shall be accorded, and in accordance with the prevailing laws and regulations of the Kingdom of Bahrain, the same privileges and immunities as the United Nations Experts referred to in Article VI of the Convention on the Privileges and Immunities of the United Nations dated 13 February 1946 pursuant to Articles V and VII of that Convention.

Article Two

The government will appoint a coordinator as a liaison officer between the Commission and the government bodies to facilitate the Commission's mission. The Commission, in the performance of its duties, should take into account the confidentiality of the information provided by all those government agencies as stated by the Constitution of Bahrain.

Article Three

This Decree shall come into effect as from the date of its issuance and be published in the Official Gazette.

Hamad bin Isa Al-Khalifa

King of the Kingdom of Bahrain

Issued in Rifa' Palace

Date: 6 Sha'ban 1432H

Appendix C — Letter From His Majesty Granting extension to the Commission

THE ROYAL PALACE
KINGDOM OF BAHRAIN
ARABIAN GULF
20th OCTOBER 2011

Dear Professor Bassiouni,

As you have requested on behalf of the BICI, we hereby agree to extend the date of the Report's submission from 30 October to 23 November 2011 .

Though we regret the delay, as your report is keenly anticipated, we understand that it is necessary to enable the Commission to take account of the great number of reports it has received from numerous sources, both governmental and non-governmental .

The Commission's Report will be submitted in Arabic and English. It will be in printed as well as in electronic form, and will be published electronically on the Commission's website on 23 November after its presentation that day .

We and the People of the Kingdom of Bahrain look forward to receiving your Report which we hope will enhance national reconciliation .

You and your esteemed colleagues may rest assured that we will give your recommendations the most serious consideration, and that we shall call upon our Government to ensure that actions taken pursuant to those recommendations will be designed to advance the rule of law in our nation and to protect the rights of all who live in our country, whether citizens or non-nationals .

Yours most sincerely,

HAMAD BIN ISA BIN SALMAN AL-KHALIFA
KING OF BAHRAIN

Professor Mahmoud Cherif Bassiouni
Head Of The Independent Fact – Finding commission

Appendix D — Table of Authorities

International Law

International Conventions

International Covenant on Civil and Political Rights, 999 UNTS 171, entered into force 23 March 1976

International Convention on the Elimination of all Forms of Racial Discrimination, 660 UNTS 195, entered into force 4 January 1969

International Covenant on Economic, Social and Cultural Rights, 993 UNTS 3, entered into force 3 January 1976

Convention on the Elimination of All Forms of Discrimination Against Women, 1249 UNTS 13, entered into force 3 September 1981

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 UNTS 85, entered into force 26 June 1987

Convention on the Rights of the Child, 1557 UNTS 3, entered into force 2 September 1990

Rome Statute of the International Criminal Court, 2187 UNTS 90, entered into force 1 July 2002

Arab Charter on Human Rights, entered into force 15 March 2008

International Convention for the Protection of All Persons from Enforced Disappearance, entered into force 23 December 2010

International Labour Organization conventions

Convention No. 14 Weekly Rest (Industry), entered into force 19 Jun. 1923

Convention No. 29 Forced Labour Convention, entered into force 1 May 1930

Protocol of 1995 to Labour Inspection Convention, entered into force 9 Jun. 1998

Convention No. 87 Freedom of Association and Protection of the Right to Organise Convention, entered into force 1948

Convention No. 89 Night Work (Women) Convention 1948, entered into force 27 February 1951

Convention No. 98 Right to Organise and Collective Bargaining Convention, entered into force 18 Jul7 1951

Convention No. 100 Equal Remuneration Convention, entered into force 23 May 1953

Convention No. 105 Abolition of Forced Labour Convention, entered into force 17 January 1959

Convention No. 111 Discrimination (Employment and Occupation), entered into force 15 June 1960

Convention No. 138 Minimum Age Convention, entered into force 19 June 1976

Protocol of 2002 to the Occupational Safety and Health Convention 1981, entered into force 9 February 2005

Convention No. 159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, entered into force 20 June 1985

Convention No. 182 Worst Forms of Child Labour Convention, entered into force 19 November 2000

General Assembly Resolutions

Universal Declaration of Human Rights, GA res 217 (III), 10 December 1948

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, GA res. 3452 (XXX), 9 December 1975

Code of Conduct for Law Enforcement Officials, GA res 34/169, 17 December 1979

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, GA res 43/173, 9 December 1988

Principles, Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, GA res 55/89, 4 December 2000

Declaration on the Protection of All Persons from Enforced Disappearance, GA res. 47/133, 18 December 1992

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, GA res 60/147, 16 December 2005

Other Resolutions

Standard Minimum Rules for the Treatment of Prisoners, Adopted by the First UN Congress on the Prevention of Crime and the

Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990

Human Rights Council resolution 8/8 on Torture and other cruel, inhuman or degrading treatment or punishment, 18 June 2008

United Nations Human Rights Committee

General Comment No. 6: The Right to Life (Article 6), HRI/GEN/1/Rev.9, 30 April 1982,

General Comment No. 27: Freedom of Movement (Article 12), CCPR/C/21/Rev.1/Add.9, 11 February 1999

General Comment No. 29: States of Emergency (Article 4), CCPR/C/21/Rev.1/Add.11, 31 August 2001,

General Comment No. 31: Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, 26 May 2004

General Comment No. 34: Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34, 12 September 2011

Human Rights Committee

Aber v Algeria, Communication No. 1439/2005, UN Doc. CCPR/C/90/D/1439/2005, 13 July 2007

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Bahrain Penal Code

Military Penal Code

Code of Criminal Procedures

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Decree Law No. 15 of 1976 Amending the Bahrain Penal Code

Decree Law No. 23 of 1976 On Public Sector Employment

Decree Law No. 13 of 1977 On the Building Regulation Law of 1977

Decree Law No. 27 of 1981 On Martial Law Act

Decree Law No. 28 of 1981 Governing the Declaration and Application of Martial Law

Decree Law No. 3 of 1982 On the Public Security Forces

Decree Law No.9 of 1982 Amending the Bahrain Penal Code

Decree Law No. 4 of 1998 Passing the CAT into National Legislation

Decree Law No. 8 of 1989 On the Court of Cassation

Decree Law No. 8 of 1990 Passing the ICERD into National Legislation

Decree Law No. 16 of 1990 Passing the CRC into National Legislation

Decree Law No. 19 of 2000 Establishing the Supreme Council of the Judiciary

Decree Law No. 20 of 2000 Establishing the National Guard

Decree Law No.10 of 2001 Granting Amnesty for State Security Crimes

Decree Law No. 19 of 2001 Promulgating the Bahrain Civil Code

Decree Law No. 5 of 2002 Passing the CEDAW into National Legislation

Decree Law No. 14 of 2002 On the Exercise of Political Rights

Decree Law No. 16 of 2002 Establishing the National Audit Court

Decree Law No. 17 of 2002 Establishing the Supreme Constitutional Court

Decree Law No. 19 of 2002 on Use of Privately Owned Government Land

Decree Law No. 32 of 2002 On the Bahrain Defence Forces

Decree Law No. 33 of 2002 Promulgating the Law on Trade Unions

Decree Law No. 34 of 2002 Promulgating the Military Penal Code

Decree Law No. 37 of 2002 Amending the Public Security Forces Law

Decree Law No. 42 of 2002 Promulgating the Judicial Authority Code

Decree Law No. 46 of 2002 Promulgating the Code of Criminal Procedure

Decree Law No. 47 of 2002 Press and Publications Law

Decree Law No. 56 of 2002 Granting Pardons to Selected Security Personnel

Decree Law No. 27 of 2005 Promulgating the Education Law

Decree Law No. 7 of 2006 Passing the Arab Charter on Human Rights into National Legislation

Decree Law No. 19 of 2006 Promulgating the Bahrain Civil Code

Decree Law No. 35 of 2006 Promulgating the Civil Service Law

Decree Law No. 56 of 2006 Passing the ICCPR into National Leglistion

Decree Law No. 57 of 2006 Establishing the Labour Fund

Decree Law No. 78 of 2006 Promulgating the Social Security Law

Decree Law No. 10 of 2007 Passing the ICESCR into National Legislation

Decree Law No. 17 of 2007 On Vocational Training

Decree Law No. 37 of 2007 Promulgating the Executive Regulations of the Civil Service Law

Decree Law No. 3 of 2008 On the General Authority for Social Insurance

Decree Law No. 48 of 2010 Promulgating the Civil Service Law

Decree Law No. 30 of 2011 Establishing the National Fund for the Reparation of Victims

Royal Decrees

Royal Decree No. 69 of 2004 on the Reorganisation of the Ministry of Interior

Royal Decree No. 117 of 2008 Amending the Mandate and Powers of the National Security Agency

Royal Decree No. 14 of 2011 Establishing the National Security Agency

Royal Decree No. 18 of 2011 Declaring a State of National Safety

Royal Decree No. 39 of 2011 Lifting the State of National Safety

Royal Decree No. 48 of 2011 Amending Royal Decree No. 18 (2011) on the National Safety Courts

Royal Decree No. 62 of 2011 Transferring Cases from National Safety Courts to Ordinary Courts

Royal Orders

Royal Order No. 2 of 2006 On the Organization of Certain Government Agencies

Royal Order No. 26 of 2008 On the Supreme Defence Council

Royal Order No. 28 of 2011 Establishing the Bahrain Independent Commission of Inquiry

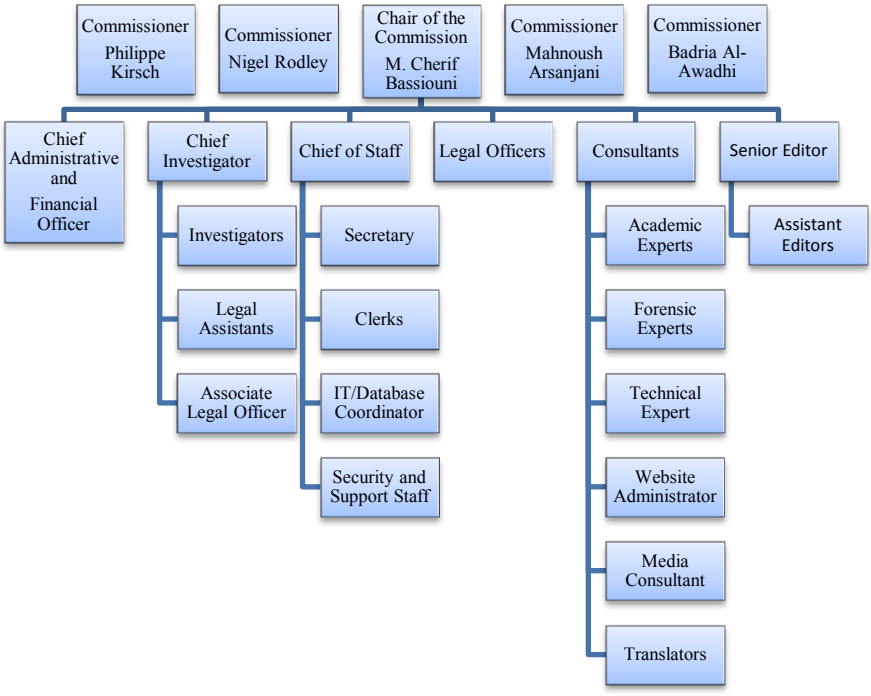
Royal Order No. 29 of 2011 Granting BICI Commissioners and staff privileges and immunities Convention on the Privileges and Immunities of the United Nations dated 13 February 1946.

Appendix E — List of Terms

ALBA	Aluminium Bahrain
Al Wefaq	Al Wefaq National Islamic Society
ASRY	Arab Shipbuilding and Repair Yard
BAPCO	Bahrain Petroleum Company
BCC	Bahrain Chamber of Commerce
BCHR	Bahrain Center for Human Rights
BD	Bahraini Dinar
BDF	Bahrain Defence Force
BHRWS	Bahrain Human Rights Watch Society
BNA	Bahrain News Agency
BSHR	Bahrain Society for Human Rights
BTS	Bahrain Teachers' Society (the teachers' union)
CAT	Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief Executive Officer
CID	General Directorate of Criminal Investigations and Forensic Evidence
CPJ	Committee to Protect Journalists
CPR	Central Population Registration (an identification card)
CRC	Convention on the Rights of the Child
CSB	Civil Service Bureau
EDB	Economic Development Board
GA	General Assembly
GARMCO	Gulf Aluminium Rolling Mill Company
GATU	Gulf Air Trade Union
GCC	Gulf Cooperation Council
GCC-JSF	GCC Jazeera Shield Forces
GCC Roundabout	Also known as "Pearl Roundabout"
GDP	Gross Domestic Product
General Security	Ministry of Interior's Department of General Security
GFBTU	General Federation of Bahrain Trade Unions
GoB	Government of Bahrain

HE	His Excellency
HM	His Majesty
HRH	His Royal Highness His Royal Highness
IAA	Information Affairs Authority
ICCPR	International Convention on Civil and Political Rights
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
LMRA	Labour Market Regulatory Authority
MJIA	Ministry of Justice and Islamic Affairs
MMAUP	Ministry of Municipal Affairs and Urban Planning
MoE	Ministry of Education
MoH	Ministry of Health
MoI	Ministry of the Interior
MoL	Ministry of Labour
MSF	Médecins Sans Frontières
NGO	Non-governmental organization
NSA	National Security Agency
NSC	National Safety Council
PBUH	Peace Be Upon him
PSF	Public Security Forces
Riot Police	Department of Riot Police
Rome Statute	Rome Statute of the International Criminal Court
SDC	Supreme Defence Council
SMC	Salmaniya Medical Complex
UN	United Nations
USD	United States Dollar

Appendix F — Organisational Chart



Appendix G — Commissioners' Biographies

Mahmoud Cherif Bassiouni
Nigel Rodley
Badria Al-Awadhi
Philippe Kirsch
Mahnoush Arsanjani

M. CHERIF BASSIOUNI

Nominated for the Nobel Peace Prize in 1999 for his work in international criminal justice and for his contributions to the establishment of the International Criminal Court, Professor Bassiouni has held numerous U.N. Positions between 1975 and 2011. He has been a professor of law for over 45 years.

In the course of his career he has authored 24 books, 262 law review articles and edited 42 books on International Criminal Law, Comparative Criminal Law, Human Rights and U.S. Criminal Law, which have been published in 4 and translated into 11 languages. Many of these texts have been cited by international and national courts, including the International Court of Justice, the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Extraordinary Chambers in the Courts of Cambodia, the European Court of Human Rights, as well as the supreme courts of Australia, Canada, Israel, South Africa, the United States and the United Kingdom.

He has received eleven medals from Austria, Egypt, France, Germany, Italy, and the United States as well as six honorary degrees from universities in Belgium, France, Ireland, Italy, and the United States.

The United Nations positions he held include: Chairman and then Member, Commission of Inquiry for Libya, the Independent Expert on Human Rights in Afghanistan, Independent Expert on Victim Compensation, Chairman of the Drafting Committee of the Diplomatic Conference on the Establishment of an International Criminal Court, Vice-Chairman of the General Assembly's Ad Hoc and Preparatory Committees on the Establishment of an International Criminal Court, Chairman of the Security Council's Commission to Investigate Violations of International Humanitarian Law in the Former Yugoslavia and the Commission's Special Rapporteur on Gathering and Analysis of the Facts.

He served as distinguished Professor of Law, DePaul University College of Law from 1964-2009, and *Emeritus* Professor since 2009, President and *Emeritus* President of the International Human Rights Law Institute, President and Dean of the International Institute of Higher Studies in Criminal Sciences, the President and Honorary President of the International Association of Penal Law, a Non-resident Professor of Criminal Law at the University of Cairo, Guest Scholar at the Woodrow Wilson International Center for Scholars, Visiting Professor of Law at the New York University Law School and Fulbright-Hays Professor of International Criminal Law at The University of Freiburg.

SIR NIGEL RODLEY KBE

One of the world's foremost experts on torture and international human rights law, Professor Sir Nigel Rodley KBE has extensive experience working on these issues, most notably as the United Nation's Special Rapporteur on Torture and as member and Vice-Chair of the United Nations Human Rights Committee.

In 1973, Sir Nigel became the first Legal Adviser of the International Secretariat of Amnesty International, a position he held until 1990. In 1990 he was appointed as Reader in Law at the University of Essex and since 1994 he has been Professor of Law at the University of Essex. Sir Nigel has been the Chair of the Human Rights Centre at the University of Essex since 2004. He has also taught international law and other subjects at Dalhousie University, the New School of Social Research and the London School of Economics and Political Science.

In 1993 Sir Nigel was designated Special Rapporteur on Torture by the UN Commission on Human Rights, serving in this capacity until 2001. Since 2001 he has been a member of the UN Human Rights Committee, including periods as Vice-Chair. He was elected a Commissioner of the International Commission of Jurists in 2003 and is a member of Council of its British Branch, JUSTICE. He is a Trustee of the Medical Foundation for the Care of Victims of Torture.

Sir Nigel was awarded a KBE in the 1998/99 New Year's Honours List, "for services to human rights and international law". He received an honorary LLD from Dalhousie University in 2000 and in 2005 received, jointly, the American Society of International Law's Goler T. Butcher medal for "outstanding contributions to … international human rights law".

Sir Nigel has authored or edited six books on international law and international human rights law, as well as numerous book chapters, journal articles and shorter works.

BADRIA AL-AWADHI

A renowned expert on international and shari'a law, Dr. Al-Awadhi has broken barriers as the first women dean of an Arab law school. She has continued her trailblazing work in public international law and international environmental law.

As an academic whose carrier spans nearly four decades, Dr. Al-Awadhi has contributed significantly to our understanding of the intersection of international human rights and humanitarian law and domestic laws in the Gulf region. Dr. Al-Awadhi spent several decades as a Professor and Dean of the Faculty of Law at Kuwait University before branching out into private practice and advocacy.

She currently serves as the Director of the Arab Regional Center for Environmental Law and is a Founding Member and former Secretary General of the Kuwait Environmental Protection Society. Outside of environmental law, Dr. Al-Awadhi serves as the Regional Legal Consultant to the Freedom House Foundation.

Internationally, Dr. Al-Awadhi has served as a member of numerous prestigious international organizations including the International Commission of Jurists, the International Council of Environmental Law, the Arab Thought Forum, the Committee of Experts on the Application of the Conventions and Recommendations of International Labor Organization (ILO), the Commission on Environmental Law of the World Conservation Union (IUCN), the Arab Association for International Arbitration and the World Jurist Association.

Dr. Al-Awadhi is the author of 10 books and 40 articles on international law, international humanitarian law, international environmental law and women's rights.

PHILIPPE KIRSCH

One of today's most distinguished experts of public international law and international criminal law, Judge Kirsch has more than 40 years of experience in the international arena, most notably as ambassador of Canada and President of the International Criminal Court, which he was instrumental in establishing.

At present, Judge Kirsch is the Chair of the International Commission of Inquiry for Libya and *ad hoc* Judge of the International Court of Justice, before which he has also appeared on several occasions as a representative of Canada. Judge Kirsch has served on the bench of two international courts, including as Appeals Judge and President of the International Criminal Court, and *ad hoc* Judge of the International Court of Justice. He has also been a Member of the Permanent Court of Arbitration.

At the United Nations, Judge Kirsch was chair of numerous bodies including the Sixth (Legal) Committee of the UN General Assembly, the Committee of the Whole of the 1998 UN Diplomatic Conference on the Establishment of an International Criminal Court, the Preparatory Commission for the International Criminal Court, the UN Ad Hoc Committee for the Suppression of Acts of Terrorism and the UN Ad Hoc Committee which elaborated the International Convention on the Safety of United Nations and Associated Personnel.

Over the course of his extensive career he has served the Canadian Government as Ambassador and Deputy Permanent Representative to the United Nations, Director General of the Bureau of Legal affairs, Legal Advisor to the Department of Foreign Affairs and International Trade, and Ambassador to the Kingdom of Sweden.

He is the recipient of national medals from Belgium, Canada and Luxembourg, human rights awards from a variety of institutions and honorary degrees from universities in Canada, Ireland and Ukraine. Judge Kirsch has been recognized as Queen's Counsel for his work.

Judge Kirsch has also authored more than 40 articles on the International Criminal Court and international criminal law.

MAHNOUSH H. ARSANJANI

A leading authority on international law, Dr. Arsanjani spent more than 30 years as a legal officer with the United Nations where, among other assignments, she was the Director of the Codification Division of the Office of Legal Affairs, Secretary of the International Law Commission and Secretary of the Committee of the Whole of the Rome Conference on the Establishment of the International Criminal Court.

Dr. Arsanjani serves as Vice-President of the American Society of International Law, member of the Board of Editors of the American Journal of International Law, *membre titulaire* of the *Institut de Droit International* and member of the International Advisory Board of City University of Hong Kong. Recently, Dr. Arsanjani also served as a member of the Expert Group established by the 2008 Ad Hoc Energy Ministers Meetings Held in Jeddah and London, and as a special consultant to the International Energy Forum, Charter of the International Energy Forum 2010. She practices public international law and international investment law.

Dr. Arsanjani is the author of three books and numerous articles on international law and international criminal law. She has lectured widely at leading universities and institutions on human rights, international tribunals and international institutions.