



The BICI Reforms

*Promises of Progress,
a Worsening Reality*



The Bahrain Center for Human Rights



The BICI Reforms: *Promises of Progress, A Worsening Reality*

The Fourth Edition of the Continuing Documentation
of the Human Rights Violations in Bahrain Following the
Recommendations Made by the Bahrain Independent
Commission of Inquiry (BICI)



This report is issued in conjunction with the Bahrain Rehabilitation & Anti-Violence Organization (BRAVO) and the Bahrain Youth Society for Human Rights (BYSHR).

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The Bahrain Center for Human Rights (BCHR) is a nonprofit, non-governmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the authorities in November 2004 to close it, the BCHR is still functioning after gaining wide internal and external support for its struggle to promote human rights in Bahrain.

The current President is Nabeel Rajab, who is serving a three year prison sentence for his work as a human rights defender. The Acting President is Maryam Al-Khawaja.

For more information, please visit our website: www.bahrainrights.org



BRAVO is an anti-violence NGO that works with the aim of achieving compliance and adherence to human rights principles, values, and standards in Bahrain.

The mission of BRAVO is to end the practices of torture and violence and to support, without discrimination, those affected by torture, violence, and human rights violations, their families and communities wherever they are in Bahrain.

For more information, please visit our website: www.bravo-bahrain.org/?lang=en/



The Bahrain Youth Society For Human Rights (BYSHR) is a nonprofit, nongovernmental organization, founded in March 2005 by a group of young Bahrainis. The Development Ministry refused to recognize or register the BYSHR, but the members continue their work for human rights.

For more information, please visit our website: www.byshr.org/

This is the fourth report by The Bahrain Center for Human Rights presenting findings from the ongoing effort to document human rights violations occurring in the state of Bahrain since the publication of the Report of the Bahrain Independent Commission of Inquiry (BICI) in November 2011. Our investigative report supports the rights of victims, no matter what their political or religious background. It is unaffiliated with the Bahraini government or any foreign government and is firmly centered on domestic civil society advocacy of human rights.

- a. Link to the original Bahrain Independent Commission of Inquiry Report:
<http://www.bici.org.bh/BICIreportEN.pdf>
- b. Link to Part I:
<http://www.bahrainrights.org/en/node/5124>
- c. Link to Part II:
<http://www.bahrainrights.org/en/node/5325>
- d. Link to Part III: No Progress, No Peace
<http://bahrainrights.hopto.org/en/node/5422>

This report is the fifth publication from the BCHR chronicling the events since February 2011. The first, *Bahrain: The Human Price of Freedom and Justice*, was pivotal in addressing the widespread and systematic violations of human rights and international law.

- e. Link to initial BCHR report released November 2011 for background overview:
<http://bahrainrights.hopto.org/en/node/4849>

Note on Statistics and Figures:

All statistics and figures provided by the BCHR in this report are to be considered approximate; actual figures are estimated to be much higher. Due to the limited resources of the center, the limited number of people working on the ground, and due to the fear amongst victims to come forward with their stories, it is difficult if not impossible to provide a complete record of all human rights abuses.

Map of Bahrain



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I. Summary

This report evaluates the progress that has been made by the Government of Bahrain towards reforming its record of human rights violations, and marks the one year anniversary of the recommendations presented by the Bahrain Independent Commission of Inquiry (BICI).

The BICI report was a scathing critique of the authority's behavior in the months following the start of the pro-democracy demonstrations in February 2011. It found that torture, extrajudicial killings, and warrantless arrests were common practice in Bahrain. Specifically in regards to the raids on homes and arbitrary arrests, the BICI report found that these operations involved "unnecessary excessive force, accompanied by terror-inspiring behaviour on the part of the security forces in addition to unnecessary damage to property" and that "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."¹ It was never clearer that human rights abuses were a deeply rooted problem within the government.

The King's promise that he would implement sweeping reforms to address these violations was initially met with a cautious degree of optimism by the authors of this report and many governments and NGOs around the world. Swift and earnest reforms could have represented a strong step forwards towards national reconciliation. One year later, the government has had ample time to act, but has, in general, only made superficial progress. Today, we look at Bahrain and see a government that puts its efforts into presenting the image of reforms, while continuing to commit the same human rights violations; in certain respects, the situation has grown worse.

In the following pages, the government's response to each recommendation is considered along with the research and documentation efforts of the above mentioned NGOs. We have attempted to present a well-documented picture of the reality that the people of Bahrain must face every day in order to balance the government's claims to progress and reform. It would be true to say that this report uses a strict standard when measuring the government's progress, and the results are perhaps more critical than other similar evaluations. It is our hope that the international community will find the necessary approach to hold the government accountable for its actions, and bring about real reforms which will recognize the people of Bahrain's right to freedom of expression and democracy.

¹ See BICI Report, Paragraph 1179.

² See [Royal Order No. \(45\) for the year 2011](#).

³ See: http://www.biciactions.bh/wps/themes/html/BICI/pdf/1716/amendment_penal_code_en.pdf.

II. Evaluation

Reforms Checklist

1715	Establish an independent and impartial national commission to implement BICI recommendations, consisting of opposition parties and civil society.	Not Complied
1716	Establish a national independent and impartial mechanism to hold accountable those in the government responsible for deaths, torture, and mistreatment.	Not Complied
1717	Turn the Ministry of Interior's Office of the Inspector General into an independent "Ombudsman's Office".	Not Complied
1718	Revoke the NSA's arrest power, create an Office of Inspector General in the NSA, and adopt legislation clarifying that the Code of Criminal Procedure applies during a State of National Safety.	Partially Complied
1719	Require the Attorney General to investigate torture and guarantee safety of those raising torture claims, and to use independent forensic experts.	Not Complied
1720	Ordinary courts should review all convictions in National Safety Courts where fair trial procedures were not followed.	Partially Complied
1722a	Conduct effective investigations of all deaths attributed to security forces, and all allegations of torture and similar mistreatment.	Not Complied
1722b	Establish an independent body to examine all complaints of torture, excessive use of force, or other abuses by authorities.	Not Complied
1722c	Integrate extensive public order training for public security forces, the NSA, the BDF, and private security companies. Train security forces in human rights.	Partially Complied
1722d	Avoid incommunicado detention for more than three days, all detentions should be monitored by an independent body and all arrested persons should be given a copy of the arrest warrant.	Not Complied
1722e	Swiftly integrate personnel from all communities in Bahrain into the security forces.	Partially Complied
1722f	Train prosecutors and members of the judiciary to contribute to eradication of torture.	Partially Complied
1722g	Make audio-visual recordings of all official interviews with detainees.	Partially Complied
1722h	Review all convictions and commute all sentences of those charged with offenses involving political expression.	Not Complied
1722i	Commute death sentences for crimes committed during February and March 2011.	Not Complied

1722j	Compensate families of the deceased in accordance to the gravity of their loss.	Partially Complied
1722k	Compensate all victims of torture, ill treatment, or prolonged incommunicado detention.	Partially Complied
1723a	Ensure that remaining dismissed government employees were not dismissed for exercising speech or assembly rights.	Not Complied
1723b	Use all powers to ensure public corporations treat dismissed employees at least as well as dismissed civil servants.	Not Complied
1723c	Reinstate students not charged with violence, adopt procedures for reinstatement of legitimately expelled students, adopt and fairly apply clear disciplinary standards against students.	Partially Complied
1723d	Consider rebuilding some of the demolished religious structures at the government's expense.	Partially Complied
1724a	Relax censorship and allow opposition greater access to TV, radio, and print media.	Not Complied
1724b	Establish a professional standard and code of ethics for media with an enforcement mechanism.	Partially Complied
1724c	Prevent incitement to violence, hatred, and sectarianism in public or private media.	Not Complied
1725a	Develop educational programs to promote tolerance, human rights and the rule of law.	Not Complied
1725b	Develop a national reconciliation program to address the political, social and economic inequalities in Bahrain.	Not Complied

The reforms that the Government of Bahrain has made based on the BICI recommendations could best be described as superficial. The authorities claim that they have implemented the recommendations as suggested by the BICI, but a closer look at these claims reveals a stark disconnect with what is actually happening in Bahrain.

Police officers continue to kill unarmed protesters, the government recently stripped several opposition voices of their citizenship, and the prisons are full of peaceful political dissidents. The authorities seem more interested in relieving the international scrutiny and criticism that they have been subjected to since February 2011, rather than realizing real reforms that would better the lives of the Bahraini people.

You can follow various Twitter accounts which continue to call attention to the ongoing human rights abuses in Bahrain with the hash tag #bahrainstylereforms.

What follows below is a list of the BICI recommendations, followed by comments from the BCHR on the extent to which these recommendations have been realized.

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.

The government has failed to comply with this recommendation.

The government created a national commission², however it was neither independent nor impartial. Commission members were selected and appointed by the King and included the Minister of Justice (who is himself reportedly involved in several of these violations) but failed to include a single member of the largest political party in Bahrain, Al Wefaq. The government has instead chosen to imprison many of the leaders of the opposition movement for expressing their right to freedom of speech.

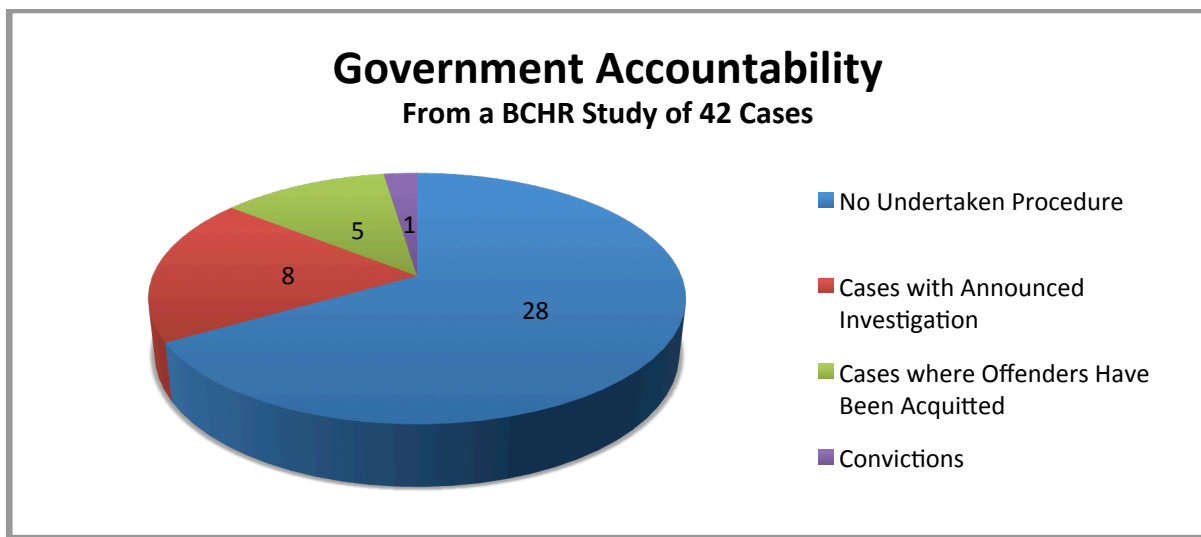
² See [Royal Order No. \(45\) for the year 2011](#).

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”.

The government has failed to comply with this recommendation.

After consulting with legal experts in the UK, the government established the Special Investigation Unit under the authority of the Public Prosecution. The Penal Code was amended to require a prison sentence in cases where a civil servant or officer causes severe pain or suffering.³ However, this body has failed to take any action that could be considered to hold the government accountable for its own actions.⁴

The BCHR recently conducted a study that focused on 42 cases. These cases involved members of the security forces that were allegedly involved in the extrajudicial killing of 27 individuals through the excessive use of force or torture-related deaths that occurred within the prison system, and 15 cases in which the defendants were brutally tortured. These are cases that involve large numbers of victims. The total number of victims from the sampled 42 cases in this study reaches more than 200, and remains only a sample of the thousands of victims of torture.⁵



³ See: http://www.biciactions.bh/wps/themes/html/BICI/pdf/1716/amendment_penal_code_en.pdf.

⁴ For example see: <http://www.bahrainrights.org/en/node/5490>.

⁵ For more detail about this study and to read the entire report, see: <http://bahrainrights.hopto.org/en/node/5495>.

1717. To place the Office of the Inspector General in Mol 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 organizational 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.

The government has failed to comply with this recommendation.

While it is true that the position of Police Ombudsman was created, and a new code of conduct was issued for police officers,⁶ this newly appointed official and the new document have had no impact whatsoever on the conduct of the police. There is a large body of video evidence, photographs, medical reports, and eyewitness accounts of extreme police brutality – brutality which often results in the deaths of unarmed protesters – and these officers are free to act without fear of prosecution⁷. Homes are continually raided by police officers without warrants, cars are looted,⁸ and pro-democracy activists are shot in the back.⁹ Where individuals have come forward and filed cases against their abusers from the police, these cases are being obfuscated by the public prosecution. Human rights defender Nabeel Rajab, who is currently in jail and is still waiting for any action to be taken against the officers responsible for assaulting him in January 2012.¹⁰

1718. To amend the decree establishing the NSA to ensure that the organization 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 Mol. Legislation should be adopted to Chapter XII – General Observations and Recommendations 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.

The authorities have failed to fully comply with this recommendation.

⁶ See: <http://www.bna.bh/portal/en/news/521894>

⁷ See: <http://www.bahrainrights.org/en/node/5247>

⁸ See BCHR Report: <http://bahrainrights.hopto.org/BCHR/wp-content/uploads/2012/09/Exclusively-in-Bahrain-Eng.pdf>

⁹ See: <http://www.bahrainrights.org/en/node/5447>

¹⁰ See: <http://www.bahrainrights.org/en/node/4949>

The NSA played a major role in approximately 3,000 arrests during the 10-week state of emergency, and the BICI report concluded that the campaign of terror “could not have happened without the knowledge of higher echelons of the command structure.” The agency was re-organized, but the head of the NSA was promoted to the position of Secretary General of the Supreme Defense Council, and a National Security Adviser to the King with ministerial rank. The BCHR has documented that the agency continues to play a central role in the detention and mistreatment of opposition voices.¹¹

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.

The government has failed to comply with this recommendation.

Investigations into claims of torture have not resulted in any conviction to date, despite the presence of a carefully documented body of evidence which indicates that many officers and officials have played a role in interrogations and arrests involving torture and the severe

the journalist Nazeeha Saeed, while several other officers named by the victim have not as of yet been brought to trial¹². Show trials have been set for a few other officers who are mostly non-Bahraini, low-ranking employees of the Ministry of the Interior.¹³ The accused policemen, who are not detained, have occasionally attended court in their uniforms, which indicates that they are still on duty and are not considered a threat to other detainees.¹⁴

For its part, the public prosecution continues to ignore the claims of torture, and sometimes refuses to record the victim’s complaints.¹⁵

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.

¹¹ See: <http://www.bahrainrights.org/en/node/5477>

¹² See: <http://www.trust.org/trustmedia/news/rsfbahrain-policewoman-acquitted-of-torturing-france-24-correspondent/>

¹³ See BCHR report on accountability: <http://www.bahrainrights.org/en/node/5495> and Human Rights Watch report on justice in Bahrain: <http://www.bahrainrights.org/en/node/5131>

¹⁴ See: <http://www.bahrainrights.org/en/node/4966>

¹⁵ See Adnan AlMansi case: <http://www.bahrainrights.org/en/node/5357>

The government has failed to fully implement this recommendation.

The authorities claim that all charges have been dropped relating to freedom of expression, although many opposition voices remain in prison who are clearly prisoners of conscience.¹⁶ Detainees are not guaranteed prompt access to a lawyer after their detention, confessions obtained under torture are admitted as evidence, and doctored video evidence has been submitted by the public prosecution during at least one freedom of expression trial, such as the case of Nabeel Rajab.¹⁷

Many detainees who had their verdicts confirmed at the military court of appeal were not allowed the opportunity to have their verdicts to be reviewed in the civil court.¹⁸

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.*

The government has failed to comply with this recommendation.

While the government has announced the start of an investigation into the cases of death and torture, it has not show any effectiveness as only one government official has been convicted.¹⁹ The authorities appointed the Attorney General to play the role of a neutral, independent body to investigate the cases in which the Security Forces have been implicated in the deaths of protesters. The Attorney General has instead proven to be a reliable ally for the government's culture of impunity.

¹⁶ See: <http://www.bahrainrights.org/en/node/5465>, and also the case of teacher unionists: <http://www.bahrainrights.org/en/node/5492>

¹⁷ See: <http://www.bahrainrights.org/en/node/5483>

¹⁸ See case of Hasan Matoq: <http://www.bahrainrights.org/en/node/4876> and Mahmood AbdulSaheb <http://www.bahrainrights.org/en/node/4956>

¹⁹ See: <http://www.bahrainrights.org/en/node/5451>

- 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.*

The government has failed to adequately implement this recommendation.

The Office of the Attorney General, which is not an independent body, was selected by the authorities to play the role of the 'permanent commission'. The decision to not select a legitimately independent entity demonstrates the government's lack of commitment to investigating the allegations of torture, or bringing anyone within the government to justice for these crimes.

- 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,²⁰ and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,²¹ 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.*

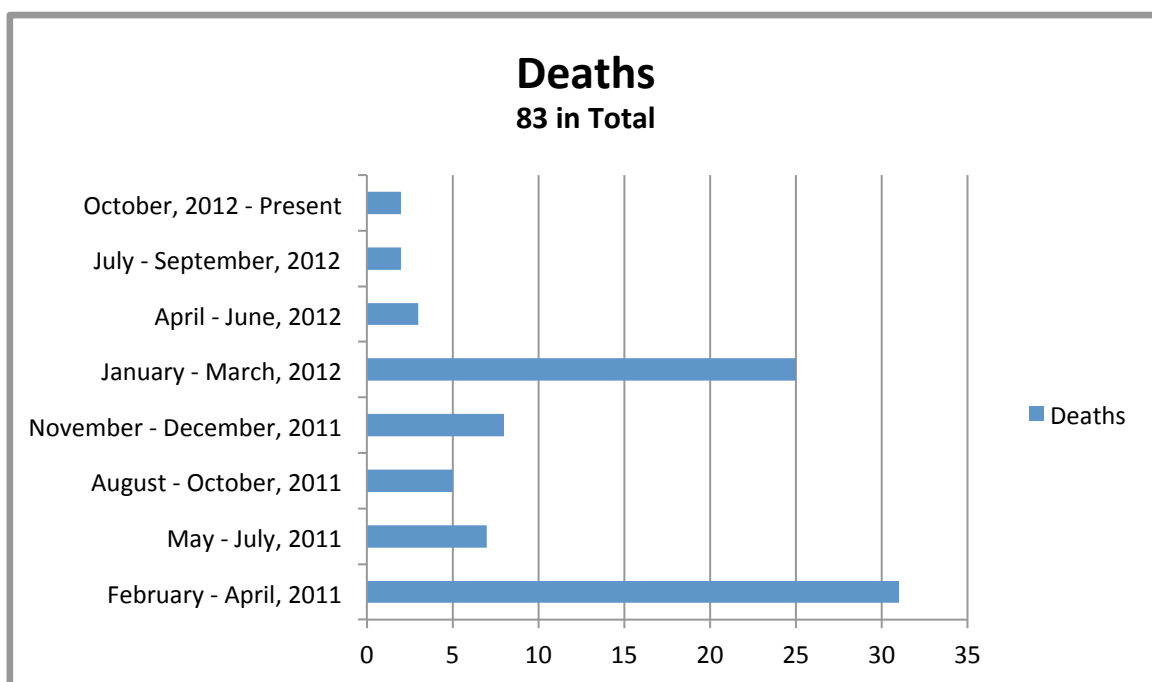
The government has failed to adequately demonstrate their compliance with this recommendation.

A vague curriculum for officer training in human rights was submitted to the Commission,²² and it remains unclear exactly how and when this training was conducted. If the training did occur, it has had no effect on policing tactics as human rights violations continue to occur on a daily basis throughout Bahrain. As can be seen in the chart below, the number of deaths resulting from officer misconduct remains constant, with spikes during the initial days of the unrest and the anniversary of the pro-democracy movement. This demonstrates that if the officers have received any training at all, it has had little effect on actions.

²⁰ Adopted by General Assembly resolution 34/169 of 17 December 1979. Report of the Bahrain Independent Commission of Inquiry

²¹ Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

²² http://www.biciactions.bh/wps/themes/html/BICI/pdf/1722c/nsa_training_programme_outline_en.pdf



- 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.*

The government has failed to comply with this recommendation.

There have been several cases of arrests without warrant, and detention without access to family or a lawyer, including the case of Hussain AlAali who was detained for weeks without access to his family.²³ Another recent example is that of a fifteen-year-old boy who was detained for over two months without a trial, held for more than 48 hours without being permitted to contact his family, and was denied access to a lawyer during his interrogation.²⁴

- 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.*

The government has failed to demonstrate that they have complied with this recommendation. The Ministry of Interior signed an order in December 2011 to urgently employ 500 men and women from all components of society, train them for six months, and deploy them into the

²³ See <http://www.bahrainrights.org/en/node/5493>

²⁴ See: <http://www.bahrainrights.org/en/node/5460>

police force. The police force remains an overwhelmingly mono-cultural institution, dominated by foreigners who have been recruited from abroad.

- 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.*

The authorities have not demonstrated their compliance with this recommendation.

The authorities state that they have instituted a training program in Italy, but have not provided details in regards to how this program will function, who will attend, if any judiciary and prosecutorial personnel have attended. We continue to see a judicial system that works in concert with the security forces to harass human rights defenders and to silence opposition voices. If a training program has been implemented, it has had not had any impact on the ongoing right violations that occur through the judicial system.

- g. *There should be audiovisual recording of all official interviews with detained persons.*

The government has failed to comply with this recommendation.

The government claims that they have implemented this recommendation, and it is true that they have ordered as many as 60 cameras for the purpose of recording interrogations, and have redesigned interrogation rooms. However, the BCHR has received reports that interrogations have simply moved to informal centers.²⁵

- 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.*

The government has failed to comply with this recommendation.

The authorities claim that they have dropped all convictions related to exercising the right to freedom of expression without advocating violence. However, many opposition voices who peacefully demand respect for human rights remain in prison, as well as many prisoners of conscience.²⁶ Their peaceful methods have been well documented, and no evidence of any incitement to violence has been presented in court.²⁷

²⁵ See: <http://www.bahrainrights.org/en/node/5115>

²⁶ See case of Hasan Matoq: <http://www.bahrainrights.org/en/node/4876> and Mahmood AbdulSaheb <http://www.bahrainrights.org/en/node/4956>

²⁷ For example, see: <http://www.bahrainrights.org/en/node/5375>

- 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.*²⁸

The government has failed to comply with this recommendation.

The lawyers for Ali Yousif Abdulwahab Al Taweel, who was convicted and sentenced to death for the killing of a police officer, will submit their final defense papers on November 28th, 2012.²⁹ Although several death sentences have been commuted, this recommendation will not be fully realized until Al Taweel's sentence has also been commuted.

- 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 NO. 30 of 2011 for the establishment of the National Fund for the Reparation of Victims on 22 September 2011.*

The government has only partially complied with this recommendation.

While the authorities state that they will pay 6 million USD to the families of 36 deceased victims, they refuse to specify which families have been compensated; both the families of police officers as well as pro-democracy protesters are said to be on the list. The government should investigate all of the 84 deaths that the BCHR has documented.³⁰ Even though the government has compensated some families, the situation has not significantly changed as the list of deceased protesters continues to grow, while government action remains slow and non-transparent. In addition, the government continues to take reprisal actions³¹ against the relatives of the deceased persons who continue to call for justice for their relatives. Recently, a father was jailed for his participation in a protest in which he drew attention to the death of his 14 year old son; his son was mortally wounded by a tear gas canister in August, 2011.³²

- 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 NO. 30 of 2011 for the establishment of the National Fund for the Reparation of Victims on 22 September 2011.*

²⁸ 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". Chapter XII

²⁹ See: <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=341359>

³⁰ For a complete list of deaths, see: <http://bahrainrights.hopto.org/en/node/3864>

³¹ See <http://bahrainrights.hopto.org/en/node/4578>

³² See: <http://www.bahrainrights.org/en/node/5496>

The government has failed to fully comply with this recommendation.

While the authorities have passed a law allowing for the creation of a compensation fund,³³ and in February 2012 issued a law to define the regulation of this fund,³⁴ there is no evidence that compensation has been paid to any victim, or that further action has been taken by the government towards fulfilling this recommendation. The list of victims of torture, ill-treatment and prolonged incommunicado detention grows longer every week, and the superficial compliance with this BICI recommendation does nothing to improve the situation.

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.*

The government has failed to comply with this recommendation.

It is true that many employees have been reinstated into their positions. However, more than 400 individuals remain out of work because of politically motivated dismissals, including the doctors and medics who were acquitted by the court.³⁵ None of the dismissed media professional or bankers were returned to their work.

- 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.*

The government has failed to comply with this recommendation.

The authorities in Bahrain continue to harass trade unions which voice opposition to the regime, such as the General Federation of Bahrain Trade Unions.³⁶

- 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*

³³ See: http://www.biciactions.bh/wps/themes/html/BICI/pdf/1722k/decreedecree_30_2011_national_fund_en.pdf

³⁴ http://www.biciactions.bh/wps/themes/html/BICI/pdf/1722k/decreedecree_13_2012_regulation_national_fund_en.pdf

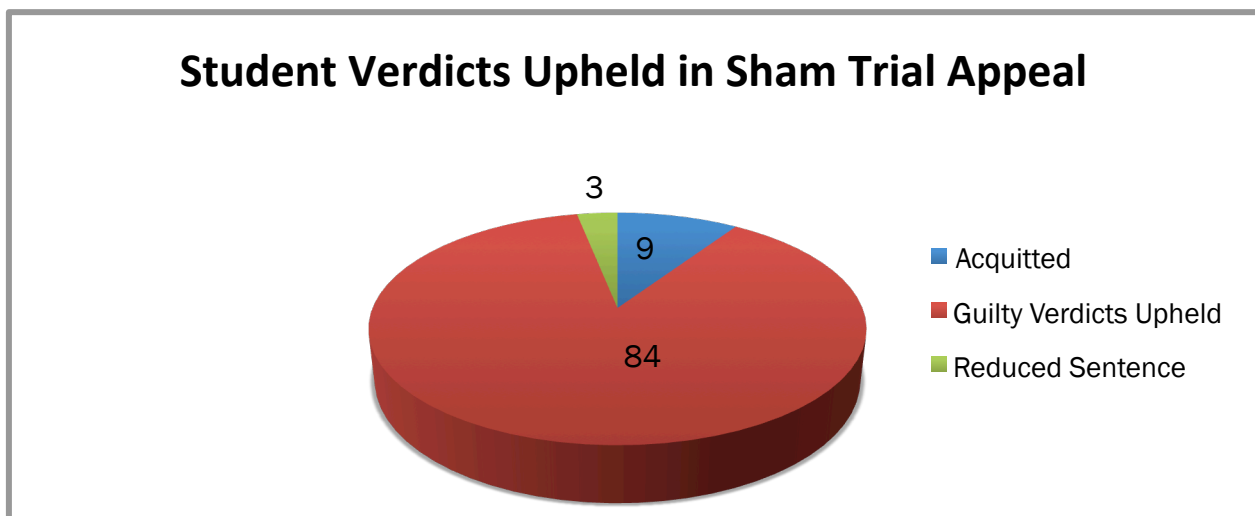
³⁵ See BCHR report from 14 October 2012: <http://www.bahrainrights.org/en/node/5467> and also

<http://www.alhurra.com/content/fired-bahrain-shiites-demand-jobs-back-/211588.html>

³⁶ See BCHR report from 14 October 2012: <http://www.bahrainrights.org/en/node/5467>

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.

The government has failed to implement this recommendation. While it is true that many students who were not convicted of violence were returned to their studies, it is also true that many of the convictions were the result of politically motivated sham trials. The courts refused to hear evidence that many of the students were not even present at the university when the alleged crimes took place. The judge ruled to uphold 84 of the 96 guilty verdicts.³⁷ Students continue to face disciplinary actions in relation to the practice of freedom of expression.³⁸



- 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.*

The government has fulfilled this recommendation in so far as this recommendation does not require any specific action from the government.

The authorities have stated that they will begin the reconstruction of 12 mosques that were destroyed in politically motivated attacks. The BCHR reports that 35 mosques were destroyed and vandalized, as well as 8 places of worship and two cemeteries.³⁹ However, in June of 2012, the highest court in Bahrain halted the reconstruction of all mosques, claiming that they did not have the necessary administrative paperwork in order.⁴⁰ The government recently announced progress in the construction of three mosques⁴¹.

³⁷ See examples [here](#). For further examples see BCHR report [No Progress, No Peace](#), pgs. 19, 20.

³⁸ See <http://www.humanrightsfirst.org/2012/06/04/bahrain-student-suspended-for-phone-message/>

³⁹ See BCHR report: <http://www.bahrainrights.org/en/node/4295>

⁴⁰ See: http://www.tradearabia.com/news/law_219340.html

⁴¹ See <http://www.alwasatnews.com/3713/news/read/713773/1.html>

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 polarizing the political and ethnic divide.*

The government has failed to comply with this recommendation.

The authorities in Bahrain continue to retain a strong hold on the media, and block materials that are critical of the regime as well as many live streaming websites that are used by the opposition⁴². The government has released a Media Reform Plan,⁴³ but this plan has resulted in little actual change. Security officers are free to attack journalists with impunity,⁴⁴ media professionals are subjected to intimidation, and are made the target of attacks.⁴⁵ Censorship remains a serious problem. A citizen cameraman lost his life while videotaping a protest in March 2012.⁴⁶

- 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.*

The government has failed to demonstrate compliance with this recommendation.

A plan for media reform was submitted to the King,⁴⁷ but information on further progress has not been forthcoming. The media continues to present a biased view of the situation.

- c. *To undertake appropriate measures including legislative measures to prevent incitement to violence, hatred, Report of the Bahrain Independent Commission of Inquiry 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.*

The government has failed to comply with this recommendation.

⁴² See: <http://bahrainindex.tumblr.com/post/17214238368/bahrain-blocks-more-live-streaming-websites>

⁴³ See: http://www.biciactions.bh/wps/themes/html/BICI/pdf/1724a/media_reform_plan_en.pdf

⁴⁴ See: <http://www.bahrainrights.org/en/node/5490>

⁴⁵ See: <http://www.blottr.com/breaking-news/leading-bahraini-journalist-attacked-security-forces> and <http://www.gc4hr.org/report/view/6>

⁴⁶ See: <http://bahrainrights.hopto.org/en/node/5134>

⁴⁷ See: http://www.biciactions.bh/wps/themes/html/BICI/pdf/1724b/media_reform_plan_en.pdf

The government continues to overlook clear transgressions of loyal, pro-government, clerics and other religious figures. Some of these religious leaders have for months been attacking very significant components of the Bahraini society by publicly cursing and insulting them, accusing them of treason and fueling a sectarian divide.⁴⁸ Instead of taking measures to prevent incitements to violence, hatred, sectarianism, etc., the government has begun to specifically target peaceful Shia religious gatherings in an attempt to create a sectarian divide within society.⁴⁹

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.*

The government has failed to fully comply with this recommendation.

A handful of workshops have been performed with children and some curriculum has been planned for implementation at the university level. However, there remains to be seen any curriculum pertaining to human rights which has been designed and implemented for all levels of the educational system.⁵⁰

- 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.*

The government has failed to fully comply with this recommendation.

While it is true that the government has written the National Social and Economic Reconciliation Plan (NSERP)⁵¹, this plan has had little effect on the position of many minority groups (political, religious and otherwise) in Bahrain. Minority communities are still targeted by security forces, and are the subject of home raids and daily tear gas attacks, in addition to the biased treatment they receive in the judicial system.

⁴⁸ See: <http://bahrainrights.hopto.org/en/node/5476>

⁴⁹ See: <http://www.bahrainrights.org/en/node/5502>

⁵⁰ See [government response to the recommendation](#) for specific information on these workshops.

⁵¹ See: http://www.biciactions.bh/wps/themes/html/BICI/pdf/1725b/national_reconciliation_plan_en.pdf

III. Violations

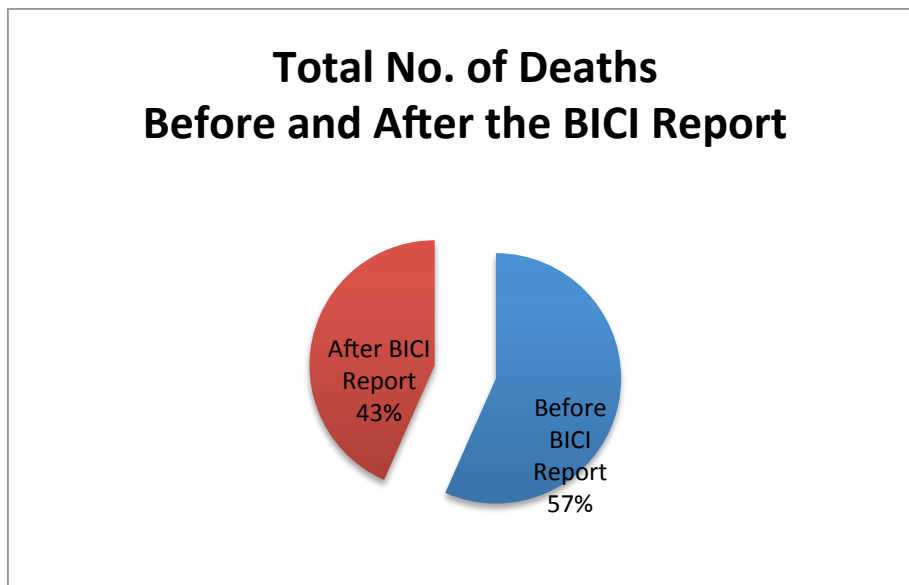
A. Deaths

BICI Conclusions/Recommendations

Paragraphs: (1446-1455), (1456)

To a small population like that in Bahrain, the death of one person can affect the entire nation. The BCHR has investigated and confirmed 84 deaths since February 2011.

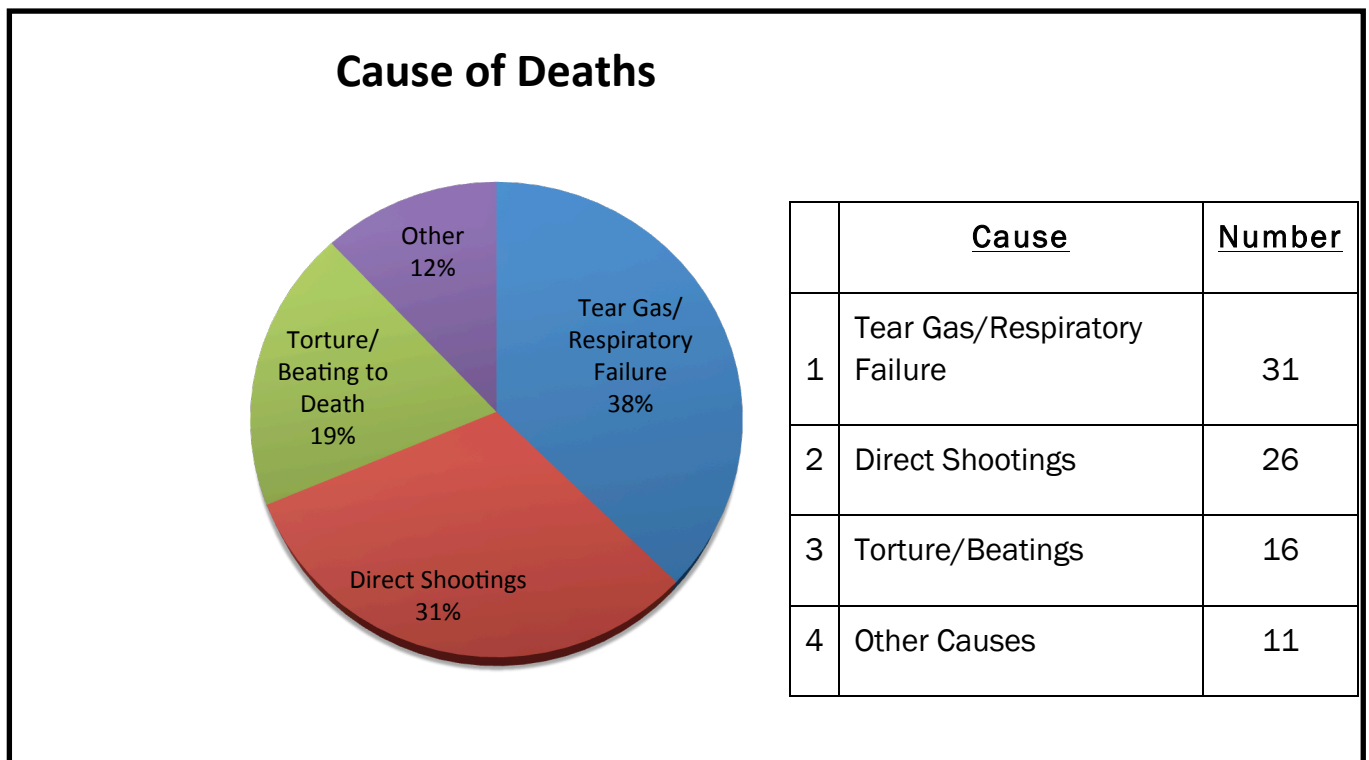
The number of deaths, which occurred before and after the BICI report, is very close to the same, and demonstrates the weakness of the government's superficial reforms. Given the promises to implement the BICI recommendations this number is gravely concerning.



36 deaths since the publication of the BICI report on 23 November, eight of which were children under 18 years old.

84 deaths in total since the pro-democracy demonstrations began in February 2011.

Since February 14th, 2011, the major causes of death have been:⁵²



According to the statistics confirmed by the BCHR, the number one cause of death by the Bahrain authorities is the extensive use of teargas. Direct shootings and bullets are second at 31%. A high percentage of deaths (19%) can be attributed to torture. The “Other Causes” category includes victims who were run over by a police car, denied medical attention while in detention, etc.

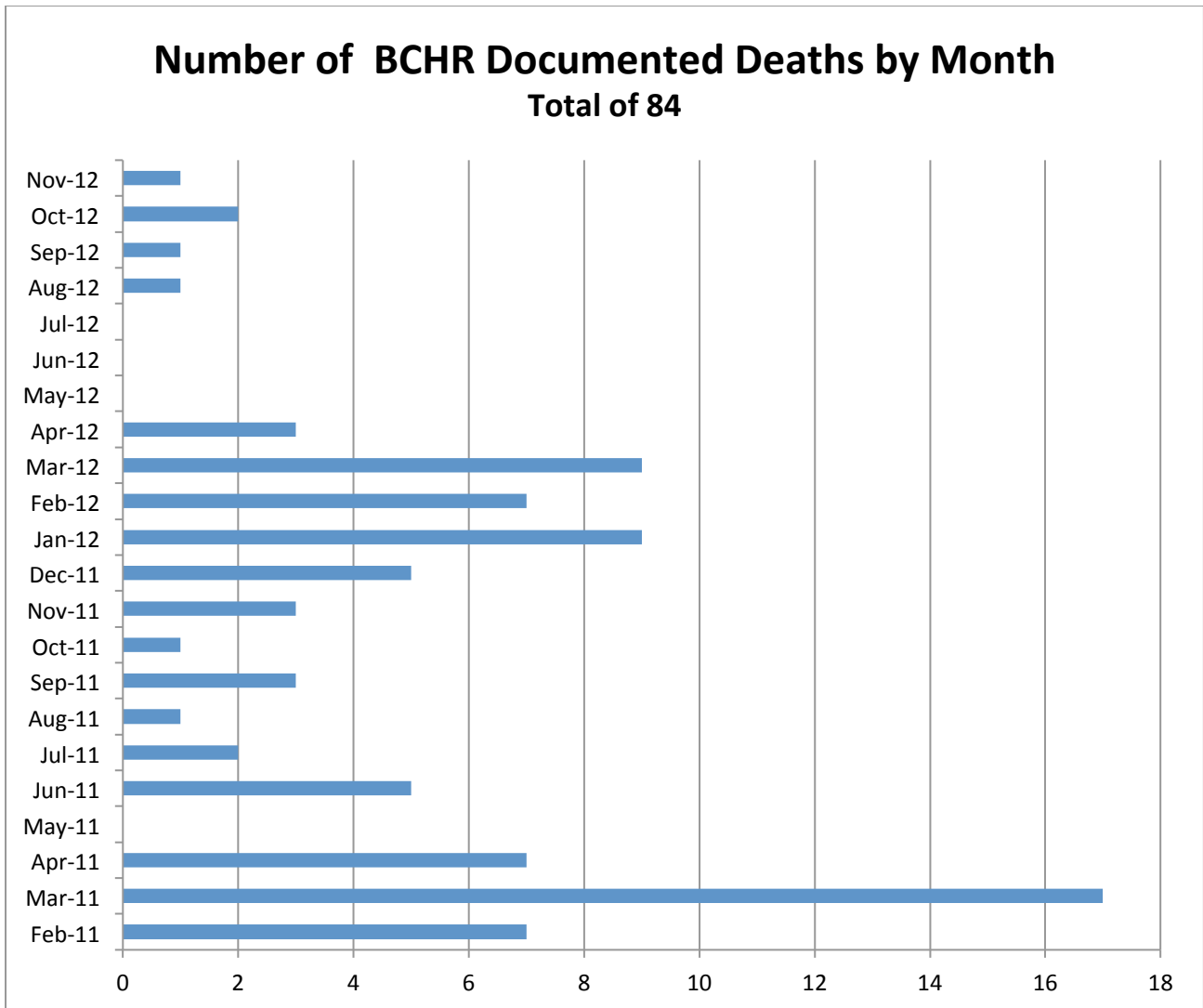
Two cases of death caused by direct fire from police officers at protests have been recorded since August 2012, which confirms the continued policy of excessive force that has been used since February 14, 2011.

Ali Neamah (17 years old) died having been shot by a police shotgun at close range on 28 Sep 2012 in the village of Saddad, after a peaceful protest was attacked by riot police. The shotgun injuries were visible all over Ali’s back. The [death certificate](#) confirms that the death was caused by these injuries. The Ministry of Interior confirmed the death and its responsibility for shooting Ali in a statement, however it claimed that the police patrol was attacked with Molotov cocktails and the “police responded using only necessary and proportionate force to restore order”. The injuries on Ali’s back are evidence that killing Al Hadad was not an act of self-defence as indicated in MOI’s statement.⁵³ Ali Radhi (16 years) is the most recent death of a pro-democracy demonstrator in Bahrain, which happened on the 9th of November 2012.

⁵² For a complete list of the death toll, including names and causes of death, please see: <http://bahrainrights.hopto.org/en/node/3864>
 And for the full details on the case of Ali Redha: <http://bahrainrights.hopto.org/en/node/5508>

⁵³ See: <http://bahrainrights.hopto.org/en/node/5447>

During this episode, security forces enforced a siege around a central mosque in the village of Duraz to prevent people from Friday prayers. When security forces blocked the streets, people headed to Duraz on foot in an attempt to reach the mosque. According to eyewitnesses, Ali Abbas Radhi (aged 16) and a few friends were walking towards Duraz when they were chased by riot police. Ali Abbas Radhi reportedly ran into the highway to escape the riot police when he was struck by a civilian car and died.



B. Arbitrary Arrests

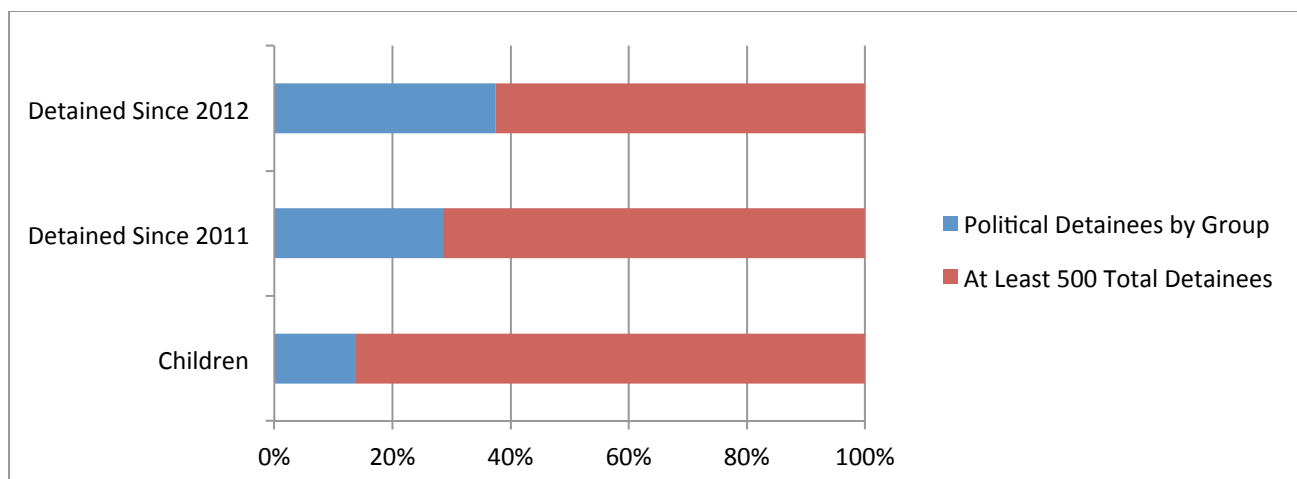
BICI Conclusions/Recommendations

Paragraphs: (1172) (1179), (1722:A) (1722: D)

According to lawyers, there are more than 1,800 prisoners who have been arbitrarily arrested in cases relating to freedom of opinion or as harassment for their political activities. Approximately 150 of those currently detained have been in prison since 2011. Most arrests occur in areas of frequent protests, before and after protests, from the streets and during house raids without any arrest or search warrants. Arrests are also reported to have occurred at the borders (Saudi causeway and Bahrain airport) and at government checkpoints.

Ayman AbdulShaheed was arbitrarily arrested from his home on the 11th of June, 2012. He was violently beaten, and his mental health has deteriorated to an extent that he is now being detained within a psychiatric hospital.⁵⁴

More than 80 children have been arrested in the past several months, and around 60 of them are currently in prison.



Prof. Dr. Bassiouni (Chairman of the BICI) stated in regards to arbitrary detention that "in a substantial number of the arrests carried out by law enforcement agencies arrest warrants were not presented to arrested individuals and arrested individuals were not informed of the reasons for their arrest. In many cases, government security forces resorted to the use of unnecessary and excessive force, and in a manner that sought to terrorize individuals, and to cause unnecessary damage to property".⁵⁵ However, we have clearly seen that the Bahraini regime has persisted with the practices of arresting individuals under conditions that represent clear violations of human rights.

On the evening of 22 July 2012, Mr. Mohammad Yusuf Al Mughani – 35 years old – was arrested by the security forces of the investigation department in the Airport, and disappeared

⁵⁴ See: <http://www.bahrainrights.org/en/node/5517>

⁵⁵ See: [link](#) to the specific page with this quote from the BICI report.

since his arrest. His house was raided several times and his clothes, shoes and his laptop were confiscated; three cars belonging to his brothers were seized. In successive night raids for three nights at the House of Mohammed Al Mughani, security forces officers searched his home without any judicial warrant, and did not provide any document for the confiscated items taken from the home.

C. Torture

BICI Conclusions/Recommendations

Paragraphs: (873-878) (1112-11121) (1230-1245), (1246-1250) (1253-1255)

The government in Bahrain has not demonstrated any serious intentions of implementing the BICI recommendations regarding the prevention of torture and the mistreatment of detainees. The BICI report clearly and objectively exposed the widespread scale of systematic human rights abuses present in the prison system and beyond. The authorities promised an immediate end to such practices, and investigations to follow up on all allegations. However, BRAVO, The Bahrain Youth Society for Human Rights, and the BCHR have all documented that these practices are still ongoing.

The cases outlined below are offered as an example of the methods that are still practiced in Bahrain.

1. Adnan Al-Mansi was arrested while he was at the Department of Immigration & Passports where he was taken to the Criminal Investigation Department, according to his brother and his attorney. Al-Mansi was then subjected to physical and psychological torture by Bahraini security force officers, according to his family. Al-Mansi was forced to stand in the sun for hours, then denied access to restrooms, and also subjected to water deprivation. Adnan's attorney reported that her client was "raped by MOI officials which has caused him a severe anal hemorrhage." Additionally, Al-Mansi was severely beaten on the head that reportedly caused "temporary paralysis and a permanent headache."

Al-Mansi's attorney subsequently sent several requests demanding his release, and for her client to be given adequate medical treatment. All her requests to the Bahraini government officials were denied, including the request for a detailed medical report on his condition.

As Al-Mansi's health deteriorated further, he fell unconscious. He was taken for treatment in Salmaniya Medical Complex (SMC), which was later discontinued based on the prison physician's recommendation. Al-Mansi stated that the prison hospital physician violated his Hippocratic oath by seeking to extricate information from him in order to pass on to security forces.

Due to the severe anal bleeding resulting from sexual assaults in detention, physicians consulted by Al-Mansi's family fear that his injuries will most likely cause a tumor. They also fear that his head injuries might cause permanent paralysis. Psychologically, Al-Mansi's state is serious as he is severely depressed. The family sent a request for him to be seen by a psychiatrist, but to no avail.

Adnan is accused by Bahrain's MOI of "causing fire and making a bomb." The MOI further alleges Al-Mansi confessed to these charges.⁵⁶

2. Hussain Abdulla Al Aali is a 28 year-old father of three. He was arrested on the 26th of July, 2012 after a series of raids on his home were conducted over two months, along with the homes of his in-laws and his sister. Hussain's family tried to find out more details about his arrest and information about where he was being held, but was told by the authorities that he was not in their custody. Finally, and after weeks of not knowing anything about Hussain's whereabouts and well-being, they were allowed a visit him. According to his family, Hussain is currently in solitary confinement in the Criminal Investigation Department (CID).

He was reportedly subjected to torture and forced to confess to crimes while he was kept in a very small cell under intensive monitoring. Hussain had no exposure to the sun for weeks. Hussain's health is deteriorating because of the ill-treatment he received, insufficient medical care, and the prison's poor conditions. He suffers from disc problems in his back and because he is being denied medical treatment, his condition is worsening daily. His family added that they have learned that he is not being given sufficient food which will cause him malnutrition and a worsening of his mental and physical well-being. Hussain's family is gravely concerned about their son's health condition. He is charged with "the making and possession of explosive materials", although he only attended elementary school, cannot read and write and his family have affirmed that their son maintained a distance from the political situation in Bahrain.

⁵⁶ See: <http://www.bahrainrights.org/en/node/5518>

D. Political Prisoners

BICI Conclusions/Recommendations

Paragraphs: (1271-1290), (1291)

According to lawyers, as many as 1,800 individuals are currently imprisoned for politically motivated reasons. This number ranks Bahrain among the countries in the world with the highest number of political prisoners per capita. The security forces continuously detain people in Bahrain while the judiciary and public prosecution facilitate this oppression of human rights activists and political dissidents.

Some of the most prominent political leaders and human rights defenders, including the founder of the BCHR, Abdulhadi Al-Khawaja, have been sentenced to several years of imprisonment, or, as in Al-Khawaja's case, to lifetime imprisonment. Nabeel Rajab, the president for the BCHR is currently in prison charges related to freedom of expression.⁵⁸ Other recent arrests include that of a father of a killed child,⁵⁹ teachers unionists⁶⁰, several human rights activists⁶¹, and medical professionals.⁶² In the last few months, the Bahraini authorities have extended their crack-down on social media websites, as several Twitter users were sentenced to prison for expressing their opinions through these accounts.⁶³ During Zainab AlKhawaja's recent trial, her lawyer attempted to cite a portion of the BICI report in her defense, but the judge refused to hear the argument, and dismissed the information as 'history'.⁶⁴

Political prisoners are generally treated without concern for their physical or psychological well-being. The prisoners of conscience are routinely beaten, cut, and in other ways tortured into signing confessions to crimes that they did not commit. Aside from being subjected to physical torture and a lack of medical attention, these prisoners of conscience are held in the lowest of conditions in what amounts to a campaign of psychological torture. In some cases, prisoners of conscience find dead animals in their cells, are subjected to arbitrary solitary confinement, and are forced to endure humiliating inspections as part of daily prison life. Since the last report published by the BCHR, there have been several cases where prisoners have been deprived of necessary medical attention.⁶⁵ The lack of proper medical treatment has in some cases lead to injuries⁶⁶ and in one case, to death.⁶⁷ Sexual violence in detention, including rape, has been reported in one case.⁶⁸ The general mistreatment of prisoners clearly breaches the United Nations "Standard Minimum Rules for the Treatment of Prisoners"⁶⁹

⁵⁸ <http://www.bahrainrights.org/en/node/5310>

⁵⁹ <http://www.bahrainrights.org/en/node/5496>

⁶⁰ <http://www.bahrainrights.org/en/node/5492>

⁶¹ <http://www.bahrainrights.org/en/node/5487> and <http://www.bahrainrights.org/en/node/5480>

⁶² <http://www.bahrainrights.org/en/node/5473> and <http://www.bahrainrights.org/en/node/5453>

⁶³ <http://www.bahrainrights.org/en/node/5507>

⁶⁴ See: http://mideast.foreignpolicy.com/posts/2012/09/27/bahrain_deteriorating

⁶⁵ <http://www.bahrainrights.org/en/node/5510>, <http://www.bahrainrights.org/en/node/5498>,
<http://www.bahrainrights.org/en/node?page=1> and <http://www.bahrainrights.org/en/node/5478>

⁶⁶ <http://www.bahrainrights.org/en/node/5506>

⁶⁷ <http://www.bahrainrights.org/en/node/5449>

⁶⁸ <http://www.bahrainrights.org/en/node/5506>

⁶⁹ <http://www2.ohchr.org/english/law/treatmentprisoners.htm>

Prison officials continue to deny adequate medical care to political prisoners such as opposition leader Hassan Mushaima, who was recently informed that cancer had returned to his body. No medical reports have been forthcoming from the authorities for the entire duration of his incarceration.⁷⁰

⁷⁰ See: <http://www.bahrainrights.org/en/node/5498>

E. Injuries

Injuries as a result of unprovoked attacks from the security forces remain a serious problem in Bahrain that has not seen any significant improvement since the publication of the BICI report last year. The same brutal tactics are employed by the government to collectively punish communities that host peaceful pro-democracy demonstrations.⁷¹

Ebrahim Saleh (21 years old) was injured on 20 October 2012 with shotgun pellets which spread throughout his body, but are mostly concentrated in the genital area. He was arrested at the same time and is still being denied medical care for his injury, as reported by his lawyer⁷². On the 4th of September 2012, Sayed Hadi Sayed Alawi (24 year old) lost one of his kidneys as a result of a direct shot from a sonic grenade fired from very close range.⁷³ Ahmed Mansoor Al Naham (5 years old) lost his eye as a result of a shotgun pellet injury he suffered while he was accompanying his father who was selling fish by the road in August 2012.⁷⁴

BRAVO has released a report regarding the ill treatment of prisoners through the correctional system in Bahrain.

Link: <http://www.bravo-bahrain.org/report-violations-behind-bars/?lang=en>

It is impossible to supply a complete tally of the number of injuries sustained since the start of the pro-democracy movement in February 2011. Doctors have moved their treatment facilities underground as the government regularly arrests injured pro-democracy protesters from hospital beds. Dan Rather provides an exemplary look at the nature of the injuries sustained in Bahrain, and the sub-standard levels of treatment that citizens who have been forced into hiding often receive.

Report: <http://www.youtube.com/watch?v=x-Zc-NLRv9U>

The Bahrain Rehabilitation and Anti-Violence and Organization regularly publishes reports and news updates on their website related to injuries.

Link: <http://www.bravo-bahrain.org/?lang=en>

The BCHR maintains a blog which documents the nature of the injuries suffered at the hands of the police. This blog contains graphic content, and viewer discretion is advised.

Link: <http://injuredinbahrain.blogspot.dk/>

The BCHR also updates a selection of tweets from the documentation team in Bahrain which demonstrates the ongoing and brutal nature of the injuries sustained by demonstrators and ordinary Bahrainis. This blog also contains graphic content, and viewer discretion is advised.

Link: <http://bchrtweets.blogspot.dk/search/label/Injuries>

⁷¹ See October 2012 Economist article on police tactics: <http://www.economist.com/node/21564604>

⁷² See: <http://bahrainrights.hopto.org/en/node/5512>

⁷³ See: <http://bahrainrights.hopto.org/en/node/5428>

⁷⁴ See: <http://bahrainrights.hopto.org/en/node/5406>

F. Kidnappings

The Bahrain Center for Human Rights has documented hundreds of incidents of alleged kidnappings since February 2011; the majority of victims in these cases are boys under the age of 18.

Kidnapping is one of the methods by which the government applies collective punishment to communities where pro-democracy campaigns are visible. These attempts to intimidate citizens typically involve taking young boys from the street, brutalizing them, interrogating them without the presence of a lawyer, and then dumping them back on the street the same day or the following day. If the victims are not directly dumped back on the street, their whereabouts are hidden from their families and they are denied access to a lawyer.

Many of the kidnapped children are often tortured into providing false confessions and forced to provide information about other children in the neighborhood or to work as an informant for the police. These children are often taken right from the street, but also taken from their homes by force.⁷⁵

After being kidnapped these children will either be dumped on the street after being beaten or taken to a police station for further questioning or torture. False charges have also been raised against several children to give validity to these kidnappings.

The detention and ill-treatment of these children without an immediate and good cause and in the absence of a conviction of a crime, stands in opposition to several articles of the Convention on the Rights of the Child, which includes Art(3): "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." , Art(37): "States Parties shall ensure that: (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."⁷⁶

Examples of Kidnapping Cases

16 year old Ali AlSingace was kidnapped and found later unconscious in a garage in Sanabis, half naked with his hands tied behind his back. This was the 5th time Ali has been subjected to kidnapping. He claims that they continue to target him due to continuing refusal to work as an informant. Ali was picked up in a black Tida, Nissan by a group of civilian clothed, non-Bahraini CID agents. He told the BCHR that they stripped him naked, and sexually assaulted him using a black hose. They also used a knife to cut him, beating him in the process. Ali was then dumped

⁷⁵ See: <https://twitter.com/Maryam14Feb/status/227837063792312320/photo/1> and as an example of forced entry: <https://twitter.com/ALWEFAQ/status/229007673394352129/photo/1> and <https://twitter.com/ALWEFAQ/status/229006731282370561/photo/1>

⁷⁶ See: <http://bahrainrights.hopto.org/en/node/5304>

in Sanabis unconscious, his hands still tied behind his back with a cable tie. His trousers were down to his knees, and he had no underwear on. 16 year old Ali Alsingace attempted to file a complaint at the police station. As reported to the BCHR, the officer in charge of the Exhibition Road police station told Ali that if he files a complaint he will indict him of burning a police jeep linked to his former arrest. He also reportedly told Ali that there is no law in the country and he could do as he pleases. He then showed Ali a picture of a known activist from Sanabis, and told Ali to identify him in the public prosecution as the one who kidnapped and sexually assaulted him. The officer then reportedly told Ali that if he does what he is told he will be released with no charges. At the public prosecution, Ali presented his case despite the earlier threats, and was interrogated for 4 hours. Minister of Justice Khalid bin Ali AlKhalifa, who also made false claims about the medics last year, then wrote on Twitter that public prosecution had found that Ali had self inflicted his injuries, and made a false claim. Lawyer Faten Haddad said that the medical examiner himself said that there were injuries on the boy which were impossible to self inflict. 16 year old Ali AlSingace may now face charges and court for "making false claims".⁷⁷

One such example is that of Ibrahim Ahmad AlMuqdad, a 15 year-old boy from AlBilad AlQadeem, who was kidnapped after being shot with birdshot and beaten with batons. He was taken away on 24 July 2012 by riot police along with Hassan AlAkri, and Jihad AlHabshi.⁷⁸

One example is the case of Ebrahim Ahmed Radi al-Moqdad, a 15 year old boy who was kidnapped, he was taken from the street by security forces after his peaceful participation in a pro-democracy demonstration. When his family inquired at the police station about the boy's whereabouts, they were met with threats of arrest if they did not leave.⁷⁹

Cases have been reported of children as young as 10 being kidnapped, such as the case of Abdulla Hasan.⁸⁰

⁷⁷ See: <http://www.bahrainrights.org/en/node/5137>

⁷⁸ See: <http://bahraincenter.blogspot.dk/2012/07/bahrain-updates-24-july-gruesome.html>

⁷⁹ See: <http://www.bahrainrights.org/en/node/5377>

⁸⁰ See: <http://www.bahrainrights.org/en/node/5133>

G. Religious Discrimination

BICI Conclusions/Recommendations

Paragraphs: (1334), (1336) (1563)

The government in Bahrain has used a policy of systematic marginalization and discrimination against the Shia'a community to create sectarian tensions between the Shia'a majority and the Sunni minority. During the spring and summer of 2011, many Shia'a places of worship were destroyed. Due to international pressure, the government of Bahrain made promises to begin rebuilding some of these religious sites, but construction was brought to a halt in late June when the Court of Cassation ruled that their reconstruction was illegal without a municipal permit. The authorities have recently announced progress in construction of 3 mosques.

The authorities have begun targeting religious gatherings and processions with a greater intensity.⁸¹ On Friday, the 2nd of November 2012, security forces attacked a religious Shiaa gathering using pellet shotguns and teargas in an excessive and unwarranted manner, which resulted in a large number of injuries; some of the injured were children. Eyewitness have reported to the BCHR that the security forces attacked the religious gathering with no prior warning, and without provocation.

The BCHR notes that in Aug 2012 the Ministry of Justice and Islamic Affairs suspended Saied Kamel Alhashomi, a Shia'a orator, for a speech that he gave in the Ali Bin Hammad Mosque because he criticized the judiciary for their human rights violations. On the other hand no real action has been taken against Jassim Alsaiedi for abusing Shia'a groups and calling them "Prostitutes Sons".

The authorities in Bahrain prevented people from attending Friday prayers by setting up checkpoints and firing tear gas at the crowds. These security measures kept many people from attending the Friday prayers of Sheik Isa Qassim, who criticized the government's action earlier this week to revoke the citizenship of 31 Shiite activists and lawyers.⁸²

⁸¹ See: <http://www.bahrainrights.org/en/node/5502>

⁸² See: <http://www.bahrainrights.org/en/node/5505>

H. Sackings

BICI Conclusions/Recommendations

Paragraphs: (1446-1455), (1456)

In March 2011, the Bahraini regime began illegally firing employees as a method of punishing vocal opposition to the government and suppressing the pro-democracy movement. On 20 March 2011, the first employee was illegally terminated; that year alone the authorities fired 2535 employees from private and public sectors.⁸³ The Bahraini government has gradually reinstated most of these employees after intensified pressure from international labor organizations.

However, today there remain over 100 employees who have not been reinstated.⁸⁴ Bahrain's general labor federation, international labor organizations and human rights organizations have demanded that the government immediately reinstate these 100 employees who have been removed from their jobs for political reasons, and to compensate all employees who have suffered from this unjust decision.

The total number of people who have been affected by the lay-offs is estimated to be approximately 14,500, according to statistics of GFBTU. These individuals have not yet been compensated for their losses. Reinstated workers also suffer poor conditions: they are forced to sign new contracts, they are demoted, deprived from compensation for the dismissal period, deprived from leaves, their salaries are cut, and they are forced to sign pledges not to be active in any political or civil society organization.

The individuals and companies who ordered the systematic illegal terminations have not been held accountable for their actions.

⁸³ See: <http://bahrainrights.org/BCHR/wp-content/uploads/2011/11/BahrainTheHumanPrice.pdf> pg. 77

⁸⁴ See: <http://www.alwasatnews.com/3486/news/read/645386/1.html>

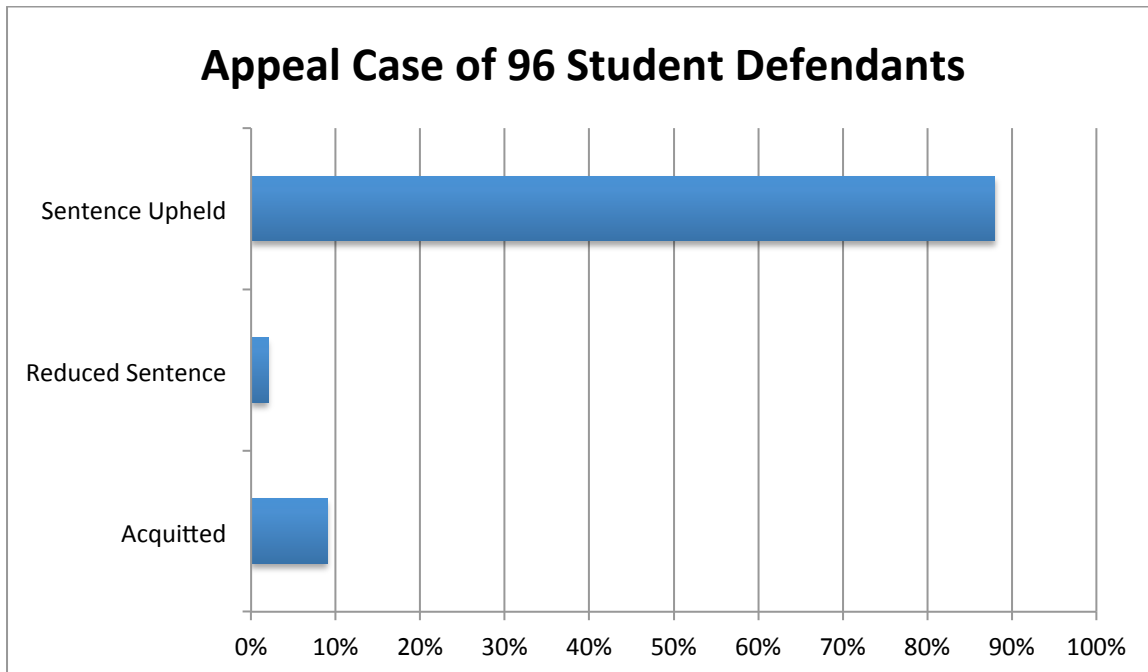
I. Student Dismissals

BICI Conclusions/Recommendations

Paragraphs: (1491-1499), (1502-1504)

One year following the recommendations in the BICI report, university students are still being subjected to sham trials, unlawful imprisonment and being prevented from continuing their studies.

On Thursday, September 13th, 2012, the High Criminal Court ruled in the cases of 96 defendants accused in the 13 March University of Bahrain incident which included students, staff, administrators and a security guard. The court acquitted 9 of the defendants, reduced prison sentence against 3 of them to 3 months imprisonment, and upheld sentences of the remaining 84, which may prevent these students from continuing their studies.⁸⁵ The government claims that they have reinstated all students who have not been convicted of crimes, but the convictions they refer to come from courts that are not independent or fair.



The lawyer S. Mohsen Al Alawi stated to the BCHR, that some of the accused students were not present at the university on the day that the alleged incident took place, and others were located on a different campus. He stated that “the judge refused the defense’s request to call upon public figures that stated on Bahrain Television (BTV) that they were present in the University of Bahrain, such as the university President and Head of Riffa police station”.⁸⁶

⁸⁵ See: <http://www.alwasatnews.com/3652/news/read/699544/1.html>

⁸⁶ See: <http://bahrainrights.hopto.org/en/node/5113>

Unlawful Detention

Jawad Al Mahary, Shawqi Radhi, Jassim Al Hulaibi, Jassim AlMukhodher, Ali AlMoolani, Yousif Ahmed, Ebrahim Al Fardan and Sayed Amjad Faisal are university students who have been accused in 3 different cases related to the 13 March incident at the University of Bahrain. They have received sentences of up to 15 years imprisonment, having spent more than a year in prison on falsified charges. The court has disregarded their claims of torture despite the confirmation included in the BICI report that torture was used to force confessions of crimes related to the university events.⁸⁷ BICI report has also confirmed the lack of evidence that prove the involvement of any student in violent acts (paragraph 1492).

Expulsion from University

Mahmood Habib is a medical student on a scholarship to the University of King Faisal in Saudi Arabia. He was in his 6th year of studies – which is the last year – and was due to take his final exam. However, the university administration prevented him from taking the exams. Mahmood was not informed of the reasons behind his ban and was asked to wait. During that time, he was investigated by the university. The investigation panel told him that complaints were submitted by some of his colleagues accusing him of inciting hatred towards the Bahraini regime during a presentation. Mahmood requested to be given the chance to prove that those allegations were not true and bring witnesses. At the end of the investigation, he was told that he was being suspended. He contacted the university's President, Scholarship Office in the Ministry of Education, Bahraini Cultural Council and other official parties but received no reply. In May, 2012, he was informed that he has been permanently expelled from the university, although he was never accused or charged with any offense.⁸⁸

Mahmood has been fighting for his right to resume his studies, take his final exams, and graduate. However, after more than a year of struggling, he has not been reinstated. He is one of four Bahraini students who were deprived of their studies in Saudi Arabia since last year. While his colleagues have returned to the university, and their travel ban has been lifted, Mahmood remains expelled.

⁸⁷ See: <http://bahrainrights.hopto.org/en/node/4939>

⁸⁸ See: <http://bahrainrights.hopto.org/en/node/5276>

J. Ongoing Trials

BICI Conclusions/Recommendations

Paragraphs: (1491-1499), (1502-1504)

The Government of Bahrain has been using the judiciary system as a tool to harass and target human rights defenders due to their activism. Pro-democracy advocates can be sent to prison for acts such as tearing a photograph of the King,⁸⁹ while police officers are acquitted for the murder of demonstrators,⁹⁰ or the torture of journalists.⁹¹ The case outlined below is offered as an example of a typical campaign that the authorities wage against outspoken critics of the government.

After more than a year of transferring the cases investigated by the Military Court system to the Civil Courts, the results of the Civil Public Prosecution and Civil Court's operations demonstrate the failure of the civil justice system. These courts lack the most basic elements of justice, such as the independence of the judiciary, and the principles of a fair trial guaranteed by the Bahraini constitution.⁹²

On September 4th, 2012, a verdict was handed down by the High Court of Appeal in the case of the thirteen political opposition leaders and human rights defenders. The activists and leaders were initially convicted by the National Safety Court, a military court which has been heavily criticised by governments and human rights organisations for its tactic of trying civilians in secretive military courts. All of the defendants' charges are related to freedom of expression.

The sentences are therefore a clear breach of the international human rights standards set forth in the United Nations Declarations for Human Rights as well as other international and regional human rights conventions and treaties, which the government of Bahrain has signed and is therefore obliged to follow.

On the 6th of September, UN High Commissioner for Human Rights Navi Pillay said, "the Bahraini appeals court's decision to uphold the convictions of twenty human rights activists and political opponents was deeply regrettable." Several states and non-governmental organisations expressed their concerns regarding the sentences.

Although the testimonies extracted under torture of several of the detainees in this case have been documented in the BICI report, the court has continued to treat their coerced confessions as valid evidence to convict them, despite the lack of any other material evidence.⁹³

⁸⁹ Link: <https://www.amnesty.org/en/library/asset/MDE11/056/2012/en/53e482ed-7647-4aa0-aca-0d15897770e1/mde110562012en.html>

⁹⁰ See: <http://www.bahrainrights.org/en/node/5451>

⁹¹ See: <http://www.bahrainrights.org/en/node/5490>

⁹² See: <http://www.bahrainrights.org/en/node/5465>

⁹³ See: <http://www.bahrainrights.org/en/node/5346>

K. Media Harassment

BICI Conclusions/ Recommendations

Paragraphs: (1633-1640), (1641)

The media is a constant subject of harassment in Bahrain. The lack of an independent media is part of the reason that Freedom House labeled Bahrain as “not free” in its 2012 report.⁹⁴ Journalists who publish materials critical of the regime are subjected to violence, judicial harassment, and torture; some of these journalists simply disappear.⁹⁵

What follows is a selected list of incidents relating to government forces targeting members of the media. It is by no means exhaustive, but is instead intended to communicate the atmosphere in which journalists operate in their attempt to objectively report on the reforms process in Bahrain. The government insists that reforms are in place, and that the media operates without undue restrictions. The carefully documented incidents below speak for themselves.

- Reem Khalifa is a prominent journalist in Bahrain. She was directly fired upon by security forces with stun grenades in June 2012. She has received death threats and other forms of harassment for her work to bring international attention to the peaceful, pro-democracy, protests.⁹⁶ On April 2012 She was ordered to pay a fine of 100 dinars (approx. 200 Euros) and damages of 500 dinars (approx. 1000 Euros) to the three government supporters who insulted and attacked her in February 2011. Khalifa was accused of attacking them after she had filed a complaint against her attackers. The court refused to hear defense witnesses and a request to examine evidence that would have shown Khalifa as the victim, rather than the assailant.⁹⁷
- New York Times columnist Nick Kristof and videographer, Adam Ellick were detained on December 9th, 2011. Both were held in separate police cars as tear gas was fired on protesters; their equipment was damaged.
- Reuters photojournalist Hamad Mohamed was detained for half an hour while authorities were engaged with protesters on December 7th, 2011 as was Mazen Mahdi, an EPA/DPA photojournalist. At least 6 journalists were denied visas to Bahrain in February 2012.⁹⁸
- Citizen journalist and cameraman, Ahmed Ismael Hassan AlSamadi was killed by armed civilians affiliated with the security forces in March 2012.⁹⁹

⁹⁴ See: http://www.freedomhouse.org/sites/default/files/inline_images/FIW%202012%20Booklet-Final.pdf

⁹⁵ See: http://en.rsf.org/bahrain-bahraini-blogger-still-missing-a-21-06-2012_42840.html

⁹⁶ See: <http://www.humanrightsfirst.org/2012/07/03/bahrain-escalates-attacks-on-civil-society/>

⁹⁷ See: <http://www.bahrainrights.org/en/node/5208>

⁹⁸ Nicholas Kristof (NY Times), Adam Ellick (NY Times), Kristen Chick (Christian Science Monitor), Cara Swift (BBC), Alex Delmar-Morgan (Wall Street Journal), Gregg Carlstrom (Al-Jazeera)

⁹⁹ See: <http://www.bahrainrights.org/en/node/5134>

- Journalists were harassed and briefly detained during the Formula 1 Grand Prix race in April 2012.¹⁰⁰ At least 7 international journalists were denied entry to Bahrain.¹⁰¹
- Visa applications were refused and entry denied for Stuart Ramsay, the chief correspondent of Sky News and producer Matog Saleh. No explanation was provided.¹⁰²
- On 16 April 2012, 3 photojournalists (Mazen Mahdi, Hassan Jamali and Hamad Mohamed) and 1 Reuters cameraman were briefly held by the security forces as they were covering a demonstration which protested the extrajudicial killing of the citizen journalist Ahmed Ismael. On 6 April Mazen Mahdi was briefly detained during a demonstration in Nuwaidrat in order to prevent him from reporting. The police stated that they believed his press card could have been forged. However, no attempts to verify the card were made. Hamad Mohamed was injured by teargas grenade in Sanabis and spent two hours in a public hospital without receiving treatment before deciding to go to a private clinic.¹⁰³
- Members of the Channel 4 News team from the United Kingdom were arrested in Bahrain. The driver, Ali al-A'ali, was arrested and assaulted in front of the team and taken into separate custody. He was later released. Like other news agencies, Channel 4 News was denied visas and had been working without accreditation during the Grand Prix. The news team was released after six hours of questioning and deported to the UK later that day. The authorities confiscated their equipment.¹⁰⁴
- Journalist Ahmed Radhi was arrested in May 2012 and kept in detention for several months without a trial after giving critical comments on Bahrain's union with Saudi Arabia on BBC and other media channels.¹⁰⁵
- Bahrain's High Criminal Court acquitted the police officer who had reportedly tortured France24 journalist Nazeeha Saeed . Saeed was detained for several hours in May 2011 after reporting on demonstrations and the abusive practices by the police and prison authorities. Saeed said she was verbally abused and tortures while in custody. ¹⁰⁶

¹⁰⁰ See: <http://www.bahrainrights.org/en/node/5205>

¹⁰¹ Simeon Kerr (Financial Times correspondent), Karen Leigh (The Times), Amber Lyon (CNN), 2 reporters from the Associated Press and non-sport and correspondents from Reuters. See also article: <http://www.bahrainrights.org/en/node/5223>

¹⁰² See: <http://www.guardian.co.uk/media/2012/apr/20/f1-grand-prix-bahrain-journalists>

¹⁰³ See: <http://www.bahrainrights.org/en/node/5208>

¹⁰⁴ See: <http://www.bahrainrights.org/en/node/5204>

¹⁰⁵ See: <http://cpj.org/2012/05/bahrain-arrests-critical-journalist.php>

¹⁰⁶ See: <http://www.bahrainrights.org/en/node/5490>

L. Accountability

BICI Conclusions/Recommendations

Paragraphs: (403) (1200) (1239-1241) (1698), (1716)

A strong culture of impunity persists in Bahrain. To date only one police officer has been convicted of a crime, despite the large body of evidence accumulated by the BCHR and other organizations that strongly implicates police officers and officials at all levels of government, including members of the royal family, in human rights abuses.

The government has established the Special Investigations Unit under the office of the Public Prosecution, but this unit has demonstrated no real interest in holding any member of the government or the security forces accountable for their actions. Several 'show trials' have been conducted, but the judicial process has proven to be neither independent nor fair.¹⁰⁷

The BCHR and other NGOs documented 1866 cases of torture during the months surrounding the state of martial law in Bahrain and presented these findings in a report from November 2011.¹⁰⁸

The government continues to deny responsibility for the majority of deaths, and in the few cases where the authorities have admitted responsibility for the killing, they refused to be held accountable and claimed that the force was used in self-defense¹⁰⁹. There is no access to independent forensic examination for the dead in Bahrain. The doctors who wrote false death causes for the killed civilians during the national safety period have not been held accountable, even after the BICI report was published, which confirmed that several deaths were caused by excessive use of force or torture.

None of the high officials in the country have been held accountable for crimes committed since February 14th 2011. Some have even been promoted, while others have stayed in their same positions. The Minister of Justice, Khalid bin Ali Alkhalifa and former Minister of Health, Fatima AlBaloushi led campaigns defaming medics and accusing them of occupying a hospital. They have not been held accountable for their statements.

The United States issued a statement during the United Nations UPR in May, noting that the most important recommendation from the BICI Report – to hold accountable civil and military officials – had yet to be achieved.¹¹⁰

Security forces continue to enjoy a culture of impunity as they commit human rights abuses on a daily basis in Bahrain through their excessive use of force, warrantless home raids and arrests, and the weaponized use of tear gas as a form of collective punishment.

¹⁰⁷ See: <http://bahrainrights.org/en/node/4966>

¹⁰⁸ See BCHR report: <http://bahrainrights.hopto.org/BCHR/wp-content/uploads/2011/11/BahrainTheHumanPrice.pdf>

¹⁰⁹ See: <http://www.bahrainrights.org/en/node/5447>

¹¹⁰ See: <http://alwefaq.net/index.php?show=news&action=article&id=6503>

M. Attacks on Human Rights Defenders

Under any authoritarian government, the job of a human rights defender can be as dangerous as it is important. The situation in Bahrain is no different as the judicial system, the security forces, and the media work in concert to systematically try to prevent human rights defenders from continuing their work. The BCHR released a report on November 19th, 2012, which highlights the campaign of repression against Bahrain's prominent human rights defenders.¹¹¹

Internationally recognized human rights defenders such as Nabeel Rajab and Abdulhadi AlKhawaja are unable to continue their work as they have been sentenced to prison for exercising their right to freedom of expression (Rajab is serving a three year sentence, while AlKhawaja has been sentenced to life in prison). Those who are not currently in prison, such as Said Yousif or Zainab Al-Khawaja, have been repeatedly detained harassed with trumped up with charges in court. The government is furthermore not providing adequate conditions in prisons, creating serious physical and psychological consequences for these prisoners of conscience.

Internationally renowned human rights defender Abdulhadi Al-Khawaja, who is sentenced to life in prison for exercising his right to freedom of expression, continues to have chronic pain in his face (jaw) and left arm for more than a year and a half now. He has been told by the doctor that taking the 18 plates and 36 screws out of his face will not make any change to the chronic pain from which he suffers at the moment. The court also continues to reject the request by his family and lawyer to obtain a copy of the medical report or the BICI findings related to his health, which prevents the family from seeking medical advice outside the prison.

Al-Khawaja was arrested on the 9th of April, 2011 and has reportedly been subjected to physical, psychological and sexual torture during his detention, as documented by the Bahrain Independent Commission of Inquiry. He required a 4-hour operation in a Bahraini military hospital following injuries he sustained to his head. It has been reported that Al-Khawaja's facial bones sustained a severe blow by a member of the security officers, which resulted in 4 fractures. The subsequent surgery required a bone graft (taken from his skull) and plates and screws for the reconstruction of his face.¹¹²

Nabeel Rajab, a prominent human rights defender and the President of the Bahrain Center for Human Rights, was arrested on the 9th of July for tweeting a critical comment he made of the government, and on the 16th of August, Rajab was sentenced to 3 years imprisonment for "participating in demonstrations; inciting illegal assemblies" and "organizing unlicensed demonstrations through social media websites". In other words, he is in prison for exercising the universally recognized rights to assembly and freedom of expression. Rajab has been subjected to ill treatment on numerous occasions. As part of the psychological ill treatment leveraged against Rajab, he was arbitrarily being held in solitary confinement in a cell that did not exceed 5x7 feet. Rajab was not aware of how many days he spent in that cell as he could not determine

¹¹¹ See: <http://www.bahrainrights.org/en/node/5518>

¹¹² See: <http://bahrainrights.hopto.org/en/node/5510>

day from night and he stated that there was a dead animal in his cell. He was subjected to repeated strip searches and humiliating inspections. Visits with his family are cut short, and guards make provocative statements to his wife and children when they visit.

Human rights defender Zainab AlKhawaja was detained between the 2nd of August, 2012, and the 3rd of October 2012, after she was arrested while protesting alone in Al Qadam roundabout. She was seriously injured on the 27th of June 2012 when officers aimed and fired a tear gas canister into her thigh from close range, and she is still suffering from this injury; she was denied access to her specialist doctor while in detention. There have been as many as 13 simultaneous cases pursued against her, and there are currently 6 remaining politically motivated cases, one of which accuses her of tearing a photograph of the King.¹¹³ She has been repeatedly ill treated and beaten while in detention.¹¹⁴

Said Yousif Al-Mahafdah, Acting Vice President of the Bahrain Center for Human Rights was held in detention between the 2nd and the 14th of November 2012, having been arrested while he was documenting the details of how a man was injured by the security forces with a shotgun while he was standing at the front door to his home. Although he was accused of "illegal gathering", Al-Muhafdha was interrogated about speeches he has given in side sessions at the Human Rights Council during the recent Bahrain UPR in September 2012. The arrest came only 3 days after the BCHR released a report holding the King of Bahrain responsible for the culture of impunity in the country, and Yousif's arrest is seen as possible revenge for the critical contents of this report.¹¹⁵ On 16 October 2012, human rights defender and President of the Bahrain Youth Society for Human Rights Mohamed Al-Masktai was summoned for interrogation at Al-Naem police station. He was then arrested and kept in custody to be brought the following day before the public prosecution office on charges of "rioting and participating in an illegal gathering." On 17 Oct 2012 he was released after interrogation.

Human rights defender Mohamed Al-Masktai has been active in documenting and reporting the violations committed by the Bahraini authorities in recent months. In September 2012 he was subjected to a campaign of intimidation as he received more than a dozen anonymous phone calls threatening his life and the safety of his family. These calls followed an oral intervention he delivered at the Human Rights Council (HRC) in Geneva, during a panel discussion focused on intimidations and reprisals, where he informed the HRC about the various tactics in the intimidation campaigns that have been waged against him.

On the 16th of October, 2012, human rights defender Nader Abdulemam was summoned for interrogation at the public prosecution office. On the 8th of November, human rights defender Hussain Jawad was also summoned for interrogation.¹¹⁶

¹¹³ See: <http://bahrainrights.hopto.org/en/node/5407>

¹¹⁴ See: <http://bahrainrights.hopto.org/en/node/5450>

¹¹⁵ See: <http://bahrainrights.hopto.org/en/node/5497>

¹¹⁶ See: <http://bahrainrights.hopto.org/en/node/5480>

N. Attacks on the Healthcare System

In February 2012, an approximate 50% drop was recorded in the number of people who sought medical attention in emergency rooms. However, the months of January, February and March 2012 were host to some of the most violent crackdowns from the security forces, and resulted in the largest number of deaths since the start of the pro-democracy movement.¹²⁶ The reason for this drop in hospital visits was a result of the government's attack on the healthcare system.¹²⁷ Indeed, earlier this month, Hussain Shamsan Mohammed was arrested from the hospital where he was being treated for injuries he sustained after being attacked by security forces while sitting outside his home.¹²⁸

Doctors are increasingly treating demonstrators secretly in private homes. They report that they are seeing some very severe cases of injuries – including some which required the amputation of limbs – and that these patients still refuse to go to the hospital out of fear of arrest.¹²⁹

On 16th March 2011, security forces seized the Salmaniya Hospital in Manama; they beat doctors and other members of staff, and prevented the treatment of pro-democracy demonstrators.¹³⁰ On the 2nd of October, 2012 6 health professional were arrested in early morning raids on their homes, to effect their prison sentences, ranging from 2 months to 5 years, after the appeals court failed to reverse their 2011 convictions by a special military court.¹³¹

On the 15th of October, 2012, a nurse was arrested after attending her trial of appeal against a one year sentence which she received earlier. She reportedly took first-aid medicines to treat injured protesters, who suffered injuries as a result of the excessive use of force applied by the police forces.

Twenty-eight healthcare professionals are still on trial after they were falsely charged with violently taking over a hospital with military weapons and refusing to treat protesters. After more than a year of battling in the courts, being held in prison for several months and reportedly tortured, the government refuses to drop the charges.¹³²

Although the medics were released from prison after the trial in June 2011, most were suspended from work until recently. Physicians for Human Rights calls for the 28 medical professionals to be compensated for the time they were forced to stay away from work.¹³³

¹²⁶ See Part A of the Violations section in this report; these months resulted in 25 deaths.

¹²⁷ See: <http://www.bbc.co.uk/news/world-middle-east-17141305>

¹²⁸ See: <http://www.bahrainrights.org/en/node/5516>

¹²⁹ See: http://www.csmonitor.com/World/Middle-East/2012/0715/Doctors-go-underground-to-treat-protesters-in-Bahrain?utm_source=twitterfeed&utm_medium=twitter&utm_campaign=Feed%3A+feeds%2Fworld+%28Christian+Science+Monitor+%7C+World%29

¹³⁰ See: <http://www.bahrainrights.org/en/node/5279>

¹³¹ See: <http://bahrainrights.hopto.org/en/node/5464>

¹³² See: <http://www.hrw.org/news/2012/06/15/bahrain-court-upholds-convictions-medics>

¹³³ See: <http://physiciansforhumanrights.org/press/press-releases/bahrain-government-must-drop-misdemeanor-charges-against-28-health-professionals.html>

O. Treatment of Children

Just weeks after approving a new law on children's rights on 8 Aug 2012, the violations against children in Bahrain have seriously escalated.¹³⁴ At least twelve children under the age of 18 have been killed since last year while hundreds have been tortured, beaten, arrested and detained; these children are as young as 9 years-old. Other children were emotionally traumatized after witnessing the violent treatment or sometimes death of their parents. They have also been suffering from the regime's tactic of collective punishment which includes randomly breaking into homes in minority neighborhoods, and blanketing these areas in teargas.

List of Killed Children

1	Mohammed Abdulhussain Farhan	6 years	4/30/2011
2	Yaseen Jassim AlAsfoor	14 years	1/20/2012
3	Ali Alshaikh	14 years	8/31/2011
4	Sayed Hashim Sayed Saeed	15 years	12/31/2011
5	Sayed-Ahmad Sa'eed Shams	15 years	3/30/2011
6	Hussam Al Haddad	16 years	8/17/2012
7	Ali Yousif Badah	16 years	11/19/2011
8	Ahmed Jaber AlQattan	16 years	10/6/2011
9	Ali Hasan Neamah	17 years	9/28/2012
10	Yahya Yousif Ahmed	1 MONTH	3/5/2012
11	Sajida Faisal	5 DAYS	12/11/2011
12	Ali Radhi	16 years	11/9/2012

Source: Bahrain Center for Human Rights¹³⁵

Arbitrary Arrest and Detention of Children

In the Bahrain Center for Human Rights *Post-BICI Report, Part II*, it was stated that 123 children have been arrested (26.6% of total arrests) with an average detention period of 91 days. The numbers in the report were for the period from 26 March 2012 to 18 Jun 2012 when the BCHR report was published. In the months following the publishing of this report, the arrest of children has escalated to close to 100 children in approximately two months.

¹³⁴ See: <http://www.iaa.bh/pressReleasedetails.aspx?id=286>

¹³⁵ See: <http://bahrainrights.hopto.org/en/node/3864>

Sayed Ali Al Muhafdha, 16 years-old, was arrested on the 14th of June, and his detention was extended several times. According to his family he was severely beaten on the head and other parts of his body and was deprived of water for a full day. He was kept in ward 7 in the dry dock prison, which houses detainees of all ages, and was later moved to a children's ward. Sayed Ali was ill and, because of the poor conditions of his detention, his illness worsened. In August 2012, his father stated that Sayed Ali had a high fever and abdominal pain, he could not urinate for 10 days, he was suffering from intense pain and he was not able to move or speak clearly. He was taken after midnight to the Salmaniya hospital due to the deterioration of his health, but he was only given a few painkillers and returned to prison. He was then taken again to the hospital several days later where the doctor advised that he might have kidney stones and asked for him to be admitted. However, he was taken back to prison. Sayed Ali was released from prison on the 13th of September, 2012.¹³⁶

Abdulla K., 17 years-old, was arrested on the 22nd of June 2012 when riot police broke into his family home and started to conduct a search. Officers asked his parents about the identity of people who may have been on the roof of the home, but before Abdulla's father could answer he was beaten. When Abdulla's mother asked the officers why they entered the home without a warrant, she was verbally abused. Abdulla and his brother were scared of being tortured and arrested. They escaped to the roof of the family home and jumped to the ground. Abdulla injured his leg and was arrested by the riot police. Officers forced Abdulla to walk on his injured leg, which caused him great pain. He was slapped and threatened with a shotgun as he was taken away.

Salem Sultan is only 9 years-old, and currently the youngest child arrested in Bahrain. He was arrested on the night of 29 Aug 2012, and taken to Muharraq police station where he was interrogated. Salem was accused of burning tires. He was released after his father signed a pledge. The Ministry of the Interior issued a statement about the arrest of Salem Sultan stating that he is 14 years old, while his official documents clearly show his date of birth is in 2002.

Ali Hassan Alqudaihi, 11 years old, was arrested on the 13th of May 2012. While he was playing with two friends outside, he was approached by a man in civilian clothing who turned out to be a police officer. Ali's friends ran away, but he was paralyzed by fear and could not move. He was arrested for "illegal gathering" and reportedly blocking a road. He spent a month in prison before he was released on bail to take his final exams. He was repeatedly beaten and humiliated and asked identify other boys from his neighborhood. An official inquiry was ordered by the country's Chief of Public Security, Major General Tariq al-Hassan. The inquiry found that his arrest was due to him blocking a main road on three separate occasions in an afternoon. On 15 Jul 2012, he was released from detention to be monitored by a social worker for one year; the charges against him were not dropped.¹³⁷

¹³⁶ See: <http://www.alwasatnews.com/mobile/news-697443.html>

¹³⁷ See: <http://bahrainrights.hopto.org/en/node/5304>

Trials and Injustice

Mirza Abdulshaheed Mirza, 12 years-old, Mohsen Mohammed Al Arab, 13 years-old, and Mohammed Abbas Al-Mulani, 16 years-old, were followed by riot police while heading home from the mosque and arrested on the 7th of August, 2012. Mirza and Mohsen were interrogated without the presence of a lawyer in the public prosecution department and the judge ordered a week detention. On the 14th of August, 2012, the judge extended their detention for an additional week for being accused of “criminal arson”. In court the youngest detainee, Mirza, cried saying "I don't want to go to prison I can't sleep there". Their detention was once again extended for another week on the 21st of August, 2012. On the 28th of August, 2012, Merza and Mohsen were taken to court again, and their detention was extended by one week for the fourth time. A photograph of Mirza crying in the courtroom was circulated through various media outlets, and drew sympathy as people heard that he refused to move when he saw his mother fall unconscious after his detention was extended for the 4th time. Mohammed Al Moulani's (15) detention was extended by 20 days. On the 4th of September, 2012, Merza (12) and Mohsen (13) were finally released.

At least three minors have received very harsh sentences of up to 15 years imprisonment and are currently serving in the central prison of Bahrain. These sentences were handed down by a military court which has been criticized for its general incompetence, lack of transparency, conducting trials with insufficient grounds for prosecution, and a willful ignorance of the torture allegations brought forth by the defendants. Minors below the age of 15 are not criminally responsible in the eyes of the law in Bahrain, however, they are often arrested from areas where protests are common and are detained for several weeks.

The detention of children without any sufficient cause, in the absence of a conviction for a crime, and against their interest as a student is contrary to several articles of the Convention on the Rights of the Child, including Article (3): "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." , Article (37): "States Parties shall ensure that: (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time"

Excessive Use of Force

Ahmed Mansoor Al Naham, a 5 year-old boy, was helping his father run his small fish stall in Al Dair village in Bahrain, when they were attacked and shot at by riot police. The father tried saving his child by shielding him with his body. However according to BCHR members who documented the case and met witnesses, Ahmed and his father were intentionally fired upon

twice with a shotgun from close range.¹³⁸ Ahmed was injured with shotgun pellets in different parts of his body and his eye which caused bleeding. He was then taken to Intensive care unit (ICU) in Salmaniya Hospital. On Thursday 14 June 2012, he was transferred to Bahrain Defense hospital before being transferred again to a hospital in Saudi Arabia. Doctors were unable to save Ahmed's eye. At the age of 5, Ahmed has forever lost sight in one of his eyes. On 20 August 2012, Ahmed was taken to Ireland after his treatment in Saudi Arabia failed.¹³⁹

The Ministry of Interior (MOI) has admitted in a statement regarding the incident that security forces had shot fired upon Ahmed and his father, but they denied responsibility for the incident claiming that it was accidental and that pro-democracy protesters were to blame.¹⁴⁰

Children have been victims of the regime's excessive use of force against civilians, more than 80 cases of injured children have been documented. At least 31% of those documented injuries were caused by beating and 25% of them were wounded by shotgun pellets. Additionally, hundreds of children have been exposed to toxic gas (teargas) and many cases of suffocation by teargas have been reported.

Emotional Trauma

Many children have witnessed the arrest and injury of their parents. Recently, BCHR member, Said Yousif Al Muhafdhah, was arrested in a checkpoint while he was in the car with his two young daughters, ages 3 and 4 years-old. Three police officers took part in punching, slapping him in front of his crying daughters.

Human Rights First asked children in Bahrain to draw something from their recent experiences; those drawings were assessed by clinicians with experience in trauma. Almost all the drawings demonstrated traumatic experiences. Dr. Judith Schaeffer's assessment of Maryam's (7 years) drawing, whose uncle was shot in the head by security forces, was that it "is overtly indicative of trauma. This child is experiencing heightened emotions, particularly fear, sorrow and anger. She appears to be in an acute phase of grief." Ali is only 4 years-old, Dr. Stuart Lustig explains his drawing saying "The dense, fern-like mesh seemingly dwarfs the human figures as if taking great pains to obscure a reality too horrible to witness."¹⁴¹

Thousands of children have been affected emotionally from the violence they have witnessed, whilst living in their villages and seeing what their families and peers go through on daily basis. The needless campaign of violence that the government in Bahrain wages against its citizens has left deep emotional scars on the children of Bahrain.

¹³⁸ See: <http://www.youtube.com/watch?v=DMSpyTBeUXU>

¹³⁹ See: <http://www.alwasatnews.com/3636/news/read/695746/1.html>

¹⁴⁰ See: <http://www.alwasatnews.com/3569/news/read/675085/1.html>

¹⁴¹ See: <http://www.humanrightsfirst.org/our-work/human-rights-defenders/bahrain/through-childrens-eyes/#map>

IV. Recommendations

1. For the Bahraini Government to:

- a. Immediately end the violent repression of protests; to completely cease use of birdshot and excessive tear gas; and to recognize the fundamental right to associate.
- b. Unconditionally release political prisoners and end torture, arbitrary detention, and incommunicado detention;
- c. Take measures to ensure the reinstatement of all remaining workers and employees who were dismissed from their workplace for peacefully exercising their right to freedom of expression, political opinion, and assembly;
- d. To ensure that unlawfully terminated workers are reinstated in the same positions, with the same contracts, that they are compensated and to discontinue the signing of pledges in which they vow to not engage in any political or civil organizations;
- e. To end the harassment and intimidation of human rights defenders, political activists and journalists;
- f. To allow access by local and international journalists to activists, protest sites, hospitals and other public institutions;
- g. To immediately withdraw all factions of the army from Salmaniya Medical Complex, and allow people access to medical care.

Accountability and Ending the Culture of Impunity

- h. To prosecute all those accused of killing and injuring protesters and torturing detainees, as well as those who ordered and authorized such acts.
- i. To prosecute ministers responsible, throughout the government, for all crimes against humanity, and the Head of State who has complete control of all government operations, and who would have authorized, and condoned human rights abuses. Such widespread and systematic policies may amount to crimes against humanity and that command responsibility reaches at least ministerial level and to the head of state. It would be difficult to reject the *1415 prima facie* case in such instances. Not only are implicated ministers, such as the Minister of the Interior, the head of the National Security Apparatus, head of the BDF, the IAA, the Minister of Social Development, the Minister of Labor, directly responsible for one or more of the violations listed, they should be prosecuted for ordering, or becoming an accessory to such crimes.
- j. To end the impunity of those in government and those in power. The failure to seriously investigate or to prosecute and convict a single official or security officer for the grave abuses that have taken place must not continue.
- k. Dissolve the National Security Apparatus and the Special Security Apparatus and return their jurisdictions to the regular security apparatuses.
- l. To sign the Optional Protocol of the Convention Against Torture (OPCAT) in order to strengthen the legal accountability for torturers.

Redress and Reparation for Victims

- m. To grant reparations to the families of those killed or left disabled by serious injuries.
- n. To initiate a rehabilitation center for victims of torture.

To Rebuild a New and Independent Justice System

- o. Create a judicial system that operates independently, both financially and administratively, and is impartial and transparent in its proceedings; to ensure that it is never again used as a political tool of the state.
- p. To prosecute the Minister of Justice for perverting the course of justice by violating due process.
- q. To put the former head of the National Security Apparatus, and current advisor to the King, on trial for crimes of torture committed by his apparatus.
- r. To ensure the independence of judges in civilian courts in all hearings. Those who have been arrested and convicted in a military court should be immediately released and have their convictions expunged.
- s. To bring laws into conformity with international standards of freedom of expression and association.
- t. To address and reform the Penal Code and laws that are not currently up to international standards.
- u. To address the Law against Terrorism which has been heavily criticized by international human rights organizations as being too vague and ambiguous in its definition of terrorism.
- v. Institutionalizing human rights and ending sectarian discrimination.
- w. The elimination of discrimination in respect of employment and occupation based on political opinions that are different than others; and
- x. A security apparatus which respects human rights subject to independent review with equal opportunity for all and ending the use of foreign mercenaries that serve as an antithesis to community policing.
- y. Cease all attacks against religious buildings and structures, and rebuild destroyed places of worship.
- z. End systematic discrimination in political representation, government recruitment, employment, and naturalization policies;
- aa. To allow independent oversight by an international body at the beginning, such as Amnesty International, Human Rights Watch, FIDH and OHCHR to ensure these changes are implemented;
- bb. To institutionalize human rights in order to ensure that these breaches do not happen again.

Addressing the Root Causes of the Problem

- cc. Political reconciliation in the form of democratic transition;
- dd. To recognize that human rights are best protected in a democratic political system where there is accountability and transparency;
- ee. To include in any plans for reconciliation, the opposition leaders who have paid the highest price in terms of freedom in their struggle for democracy;
- ff. To draw a road map for democratic transition including a new constitution that represents the will of the people;
- gg. Universal and equal suffrage.

2. For the EU and the US

To end arms deals with the Bahraini regime

- a. Because of the likely use of US-origin military equipment by the BDF against protesters marching to the Pearl Roundabout on February 18, 2011 and by Saudi troops who entered Bahrain to crush the movement, the EU and US should cease military sales to Bahrain that could be used to repress the Bahraini people.
- b. Enforce an international moratorium on the lethal use of birdshot and tear gas against civilians if not a ban of sales of such weaponry to governments, like the Bahraini government that have fatally used them against their own people.

Surveillance Technologies

- c. To stop the sale of surveillance technologies to the government of Bahrain from European companies. Export controls should target specific technologies, such as content filters and spyware, which serve the primary purpose of limiting flows of online information or monitoring private digital communications.
- d. To hold commercial businesses accountable for their corporate social responsibility towards the protection of human rights. Involvement in the sale of technologies to government with poor human rights records and where reports of ill-use of these technologies should be addressed in the laws of the EU countries and the United States. They should be required to publicly disclose what products and services they provide to countries with extensive internet restrictions.

Protect the Right to Anonymity

- e. To enable greater anonymity online for the protection of activists and users in countries where they are facing harsh punishment for online posts.

Challenge Restrictive Internet Laws and Practices

- f. To provide and enforce greater human rights laws for online users and activists in order to avoid unlawful arrests, detention and imprisonment on ambiguous charges.
- g. To address online freedom of speech and its international law components and regulations. The laws that are used to restrict the freedom of speech online need to be publicly challenged, as they are filled with ambiguous terms which can make them easily used to hinder internet freedom rather than to protect it. Unfortunately, because the parliament does not generally represent the people of Bahrain, and has very little power in regards to legalization, they cannot be depended upon to combat such restrictive laws.

Address Internet Censorship as a Barrier to Free Trade

- h. For the European Union and the United States to challenge censorship practices under bilateral trade agreements with Bahrain and present a case against internet censorship before the World Trade Organization, because the potential loss of trade will provide a strong incentive for Bahrain to cut back on their censorship of online content and services.

Issue Public Statements About the Violations in Bahrain

- i. To issue topic specific statements strongly condemning the continuous human rights violations committed by the government of Bahrain, which will then allow for follow-up on the specific violations raised within these topics. As with many cases in the past, it was direct public pressure on certain cases that caused the government of Bahrain to respond quickly and address the case.

For the UN, the OHCHR and the ICC

- j. Send an urgent mission to Bahrain to investigate the deaths of the more than 30 people who were killed since the release of the BICI report. The risk of further deaths remains high, if not increasing. The ICC needs to investigate the evidence presented of crimes against humanity and to bring the perpetrators to justice at the Hague, in

- the absence of an independent legal system in Bahrain.
- k. As with many cases in the past, it was direct public pressure on certain cases that caused the government of Bahrain to respond quickly and address the case. For example in the case of the medics the government went as far as to dropping several charges against the doctors to relieve the international pressure exerted due to that case.

3. For the UN OHCHR

- a. To send an urgent mission to Bahrain to investigate the deaths of more than 30 people killed since the release of the BICI report on September 30. The risk of further deaths is still high if not increasing.