



جمعية الوفاق الوطني الإسلامية
Al-Wefaq National Islamic Society

The Failed Mission: Deleting the Opposition

Human rights violations targeting the activities of the peaceful opposition in Bahrain during 2015

Al Wefaq National Islamic Society
The Liberties and Human Rights Department
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Cover Picture: Peaceful protestors, carrying Bahraini flags, insisting on demonstrating in the street despite the heavy use of teargas in the area following the arrest of Al-Wefaq's Secretary General.

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Report Methodology

This report only reviews the human rights abuses which targeted the activities of the Bahraini opposition in relation to the peaceful political mobility which began on February 14, 2011. It also covers only some of those violations, according to the documentation conducted by LHRD of Al-Wefaq in 2015 with the human and technical capabilities available. As another aspect of these violations have been observed and announced or not announced by some of the activists and human rights organizations. Another side of these violations went undetected for several reasons, some of which were due to the limited resources of the LHRD, and others were related to a number of victims who were unwilling to file complaints to the relevant human rights organization, for fear of security authority's actions.

Limiting the report on these violations does not mean that the Bahraini authorities do not commit other human rights violations, or the absence of violations related to the opposition political activity before the date of February 14, 2011 as the statements and reports issued by the United Nations organizations, and the reliable international organizations suggest otherwise, but that was the main focus of the LHRD.

This report is mainly based on the facts and figures collected by the LHRD through the complaints received from the victims, or their family members and the complaints have been checked as much as acceptable according to the available capabilities and by studying unreported individual cases using Survey Methodology and Case Study. The data collection was conducted through direct observation process or through the victims themselves or their families, or their lawyers, or political activists, or journalists, or trusted human rights defenders.

This report refers to the international human rights law of: the Universal Declaration of Human Rights ^[1], and the nine basic international human rights conventions and the attached optional protocols ^[2] especially those treaties ratified by the Kingdom of Bahrain ^[3], in addition to the

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1. The Universal Declaration of Human Rights. (10 December 1948). Retrieved on 30 September 2015, from United Nations Website: <http://www.un.org/en/documents/udhr/>
 2. The basic international human rights instruments and related observing commissions. Retrieved on 1 October 2015, from UN Human Rights Commission Web site: <http://www.ohchr.org/en/ProfessionalInterest/Pages/CoreInstruments.aspx>
 3. Bahrain has ratified 7 out of 9 basic international conventions. Bahrain has ratified "The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" and "the International Convention for the Protection of All Persons from Enforced Disappearance". Bahrain has ratified only two optional protocols attached to the United Nations Convention on the Rights of the Child. The first one is Protocol on the involvement of children in armed conflict, and the other one is on sale of children, child prostitution and child pornography. See countries ratification status. Retrieved on 30 September 2015, from the UN Human Rights Commission website: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=13&Lang=EN

international human rights instruments^[4]. The report also uses data and reports issued for the interpretation of the international law or criticizing the situation of human rights issued by the Commission on Human Rights and the monitoring bodies of the basic international conventions, the High Commissioner, the special rapporteurs, independent experts and the U.N. working groups. In addition, the report does not overlook reviewing the provisions of the domestic laws to confirm their consistency with the contents of the international human rights law.

4. Universal Human Rights Instruments. Retrieved on 1 October 2015, from Human Rights Commission website: <http://www.ohchr.org/en/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx>

Abbreviations

- 1) **Al-Wefaq:** Al-Wefaq National Islamic Society.
- 2) **LHRD:** Liberties & Human Rights Department in Al-Wefaq National Islamic Society.
- 3) **The opposition political movement:** The peaceful opposition field political movement, which started on February 14, 2011 and it has been continuing until the date of writing of this report.
- 4) **BICI:** Bahrain Independent Commission of Inquiry, which investigated the events that took place in Bahrain in February and March 2011, and which was formed by royal decree, headed by Prof. M. Cherif Bassiouni, issued its report in the November 23, 2011, and the Bahraini authorities announced its acceptance to the findings and pledged the implementation of its recommendations ^[5].
- 5) **The terrorism Law:** Law No. 58 of 2006 on the protection of the community from terrorist acts ^[6].
- 6) **The Gatherings Law:** Legislative Decree No. 18 of 1973 on public meetings, rallies and gatherings ^[7].
- 7) **The NGOs law:** Legislative Decree No. 21 of 1989 with respect to promulgating the law of social, cultural, societies, clubs and associations, the private youths & sports committees and the private institutions ^[8].
- 8) **The Criminal Procedures Law:** Legislative Decree No. 46 of 2002 with respect to promulgating the law of the Criminal Procedures ^[9].

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5. Bahrain Independent Commission of Inquiry (BICI). (23 November 2011). Retrieved on 21 October 2015, from Bahrain Independent Commission of Inquiry website: <http://www.bici.org.bh/BICIreportEN.pdf>
 6. Law No. 58 of 2006 on the protection of the community from terrorist acts. (16 August 2006). Retrieved on 20 October 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2125#.ViZhnX4rKUK>
 7. Legislative Decree No. 18 of 1973 on public meetings, rallies and gatherings. (3 September 1973). Retrieved on 15 December 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=3969#.VOvNNvnF-4k>
 8. Legislative Decree No. 21 of 1989 with respect to promulgating the law of social, cultural, societies, clubs and associations, the private youths & sports committees and the private institutions (21 December 1989). Retrieved on 15 December 2015, from Legal Affairs Authority website: http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=4041#.Vm_77fl96Uk
 9. Legislative Decree No. 46 of 2002 with respect to promulgating the law of the Criminal Procedures. (23 October 2002). Retrieved on 18 November 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=5651#.Vkxm3nYrKUK>

The Penal Code: Legislative Decree No. 15 of 1976 with respect to promulgating the Penal Code^[10].

10. Legislative Decree No. 15 of 1976 with respect to promulgating the Penal Code. (08 April 1976). Retrieved on 20 October 2015, from United Nations Office on Drugs and Crime website: http://www.unodc.org/res/cld/document/bhr/1976/bahrain_penal_code_html/Bahrain_Penal_Code_1976.pdf



Introduction

The Failed Mission

In the Council of Representatives session, which was held on October 13, 2015, one of the MPs noted briefly, during the discussion of the delay in meeting citizens' requests related to housing services by the Ministry of Housing, saying **"Bahrain has a political, economic and housing crisis"**. Housing Minister expressed his disagreement with the MP in his description of the housing services situation, where the Minister believed that **"housing file is difficult, but it cannot be called a crisis"**; however, the Minister of Information Affairs, Mr. Isa Al Hammadi, immediately commented just to express his objection against the use of the term **"political crisis"**. He said **"We do agree with the idea of the existence of a political crisis in Bahrain"**. And when the MP retreated from the use of the term political crisis, and insisted on the existence of a **"security crisis"**, the Minister. Insisted again on the absence of a security crisis too, noting that the Bahraini authorities **"do not accept the description of the situation in Bahrain as a security crisis"**^[11].

This dialogue reveals that the authorities in Bahrain don't like any person, regardless of his political background, to express his opinion about the existence of political and security crisis in Bahrain. They consider this description above the ceiling of political opinion permitted for members of the Council of Representatives, and announce it, explicitly; they don't accept the use of this description for describing the political or security situation in Bahrain.

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The incident mentioned above in the introduction of this report, is given as an clear example of how the Bahraini authorities deal with freedom of expression specifically with respect to political affairs, as well as with the opposition political movement which began in 2011, and the media blackout plan on the existence of this opposition political movement what was the Bahraini authorities seeking to achieve in the year 2015, after failing to quell this movement in various ways, as the authorities touched the opposition continuity without being tired. The authorities don't allow any talk about the existence of political or security crisis from any political opponents, and warn them clearly that it's unacceptable.

11. Al-Koheji: We have a political crisis... and Al-Hammadi: There isn't a political or security crisis. (14 October 2015). Retrieved on 17 January 2015, from Al-Wasat website: <http://www.alwasatnews.com/news/1035205.html>

The Section (Confiscation of the right of assembly and association) of this report explains that the Bahraini authorities confiscated completely during the year 2015 the right of the opposition to the assembly and freedom of expression to express their political views, by preventing the opposition from holding any demonstrations or sit-ins in the streets and squares, including the notified demonstrations and sit-ins taking into account the provisions of the public meetings, rallies and gatherings Law. It is certain that the goal of that attempt to give the impression to outside observers that the opposition political movement has ended, and that there are no longer any demonstrations or mass sit-ins that reflect a broad opposition, or lack of popular satisfaction in the political participation pattern imposed by the authorities on the people, which means giving up to the authorities, to represent the popular will in Bahrain, and the aspirations of all Bahrainis in managing their public affairs.

Two sections of this report (Restriction of freedom of expression) and (Prosecution of activists) illustrate the efforts of the Bahraini authorities to silence the opposition leaders, political activists and human rights activists from expressing their stances and criticism, using the sword of the Penal Code and prosecuting them for political statements, in the hope of putting an end to the field presence of this opposition political movement by frightening the opposition and to create an impression among the outside observers about opposition political movement end taking the absence of any criticism from opposition leaders as an evidence to confirm what was reported by the Bahrain Independent Commission of Inquiry (BICI) that the authorities have used the offense of "incitement to hatred of the regime", as stated in Article (165) of the Penal Code, **"to punish and deter the political opposition"** [12].



The last rally of the opposition parties which was permitted by the authorities held on December 26, 2014

Since December 26, 2014 until the beginning of 2016, it has been more than one year since the last demonstration permitted by the Bahraini authorities to any party , but it is clear that the media blackout plan failed; because the World has no doubts about the existence of a

12. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1297). [Ibid.](#)

political crisis in Bahrain, and there is an opposition political movement, as international community, represented by the Secretary-General of the United Nations, in the beginning of the year 2016, still believes that Bahrain needs **"to take further measures to foster peaceful political dialogue amongst all Bahrainis and to fully comply with the Kingdom's international human rights obligations, including by upholding freedom of expression, assembly and other fundamental freedoms (...) to promote peace, security, reconciliation and prosperity in Bahrain, but will also contribute to defusing tensions in the region"** ^[13] However that statement did not survive the desperate attempts to contain it within a media blackout plan to be changed through the official Bahrain News Agency, to pay tribute **"to the important role of the Kingdom of Bahrain in consolidating regional and international security and stability to contribute effectively in addressing and resolving the causes of tension and crises facing the region; in addition to fighting terrorism in all its forms and manifestations"** ^[14].

It is clear that the media blackout plan failed; because the World has no doubts about the existence of a political crisis in Bahrain

The Bahraini authorities must understand well that betting on the media blackout to cover the tyranny practiced, doomed to failure, and they must remember what was mentioned by the LHRD of Al-Wefaq in its previous annual report that without the treatment of this tyranny drastically **"human rights violations in Bahrain will continue to occupy some activities of the international human rights system each year"** ^[15] ^[16].

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13. In phone call, Ban discusses challenges to regional peace and security with Foreign Minister of Bahrain. (16 January 2016). Retrieved on 2 February 2016, from The United Nations Web site: http://www.un.org/apps/news/story.asp?NewsID=53021#.VrCnZ_l96Um
 14. Bahrain, UN cooperation discussed. (16 January 2016). Retrieved on 17 January 2016, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/706384>
 15. Bahrain: Repression – The Shadow of Tyranny. (1 May 2015). Retrieved on 3 December 2015, from Al-Wefaq website: <http://alwefaq.net/uploadfiles/files/AnnualReport2013EN.pdf>
 16. Bahrain reforms ... a game of numbers. (1 May 2015). Retrieved on 25 November 2015, from Al-Wefaq website: http://alwefaq.net/media/2015/06/Aunnal_Report_EN_2014.pdf



Part One

Arbitrary Arrest

The legal framework



The arbitrary arrest or detention represents the most common types of violations committed against the right of individuals to freedom as stated in the International laws of articles (3) and (9) of the Universal Declaration of Human Rights ^[17], and article (9) of the International Covenant on Civil and Political Rights ^[18]. Despite the fact that the Covenant in article (9) approves the deprivation of freedom in some cases, but it doesn't permit the deprivation of freedom arbitrarily or illegally, as well as it confirms some rights for the detainee, such as conducting the arrest with certain procedures, informing the detainee about his charges, prompt prosecution; which is approved in the local legislations as in the Constitution of 2002 article (19) ^[19], and organized in the Criminal Procedures Law ^[20].

Arbitrary Arrest Categories

The LHRD Spotted, during the year 2015, 1765 arrest cases by security services for reasons related to the opposition political movement, including 120 arrests of children, and 5 arrests of women. (See Chart 1)

The LHRD defines the arbitrary arrest based on the UN Working Group on Arbitrary Detention's definition. The deprivation of liberty is arbitrary if a case falls into one of the following three categories: (a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (category I); (b) When the deprivation of liberty results from the exercise of the rights or freedoms (category II); (c) When the total or partial non-observance of the international norms (category III); (d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV); (e) When the deprivation of liberty constitutes a violation of

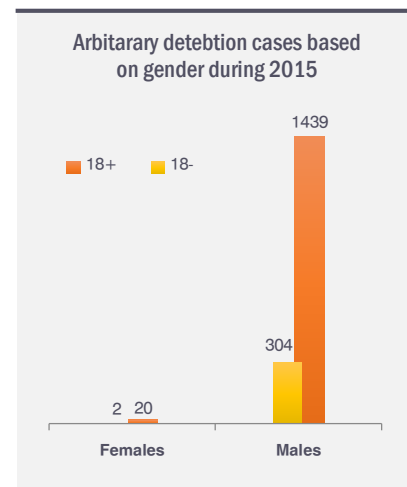


Chart 1

17. The Universal Declaration of Human Rights. [Ibid.](#)

18. International Covenant on Civil and Political Rights. (16 December 1966). Retrieved on 21 October 2015, from the Human Rights Commission Website: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

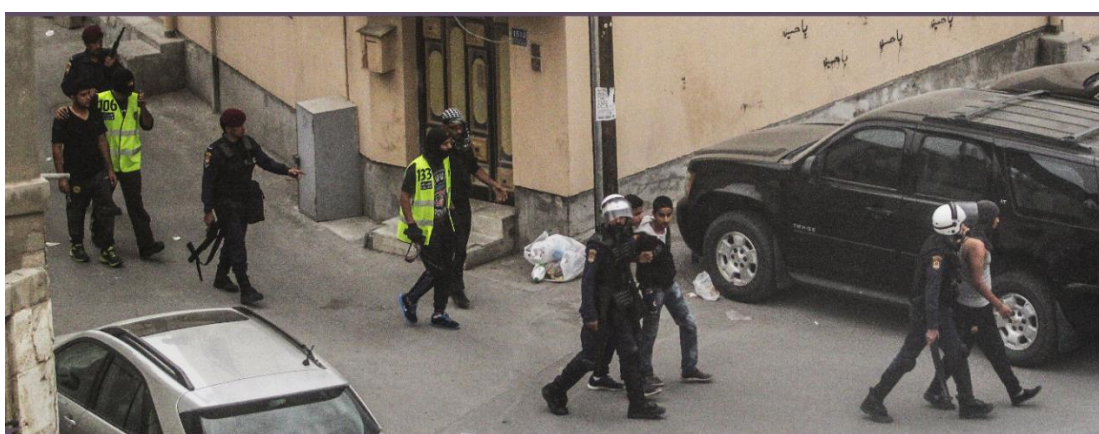
19. Constitution of the Kingdom of Bahrain. (14 February 2002). Retrieved on 21 October 2015, from Shura Council Web site: <http://www.shura.bh/en/LegislativeResource/Constitution/Pages/default.aspx>

20. Legislative Decree No. 46 of 2002 with respect to promulgating the law of the Criminal Procedures. [Ibid.](#)

international law for reasons of discrimination (category V) ^[21]. Based on the victims or their relatives' reports or through documents received by LHRD, most of the observed cases of detention fall into these two categories of arbitrary deprivation of liberty:

- 1) Prosecution with criminal charges related to restriction or deprivation of the exercise of the rights or freedoms (Category B). The most clear cases of this category is the detention of the opposition leaders and human rights defenders as the Bahraini authorities don't hesitate to arrest anyone criticize their policies in public speeches or even in social media and charge them with charges related to "promoting the regime change by force", "incitement on hatred against the regime", "incitement on breaking laws", "defamation of the King, the state flag or national emblem", "defamation of a foreign country or an international organization", and "defamation of governmental authorities", until the law has become used as a stick to silence the opponents and applied **"in a way violating freedom of expression"** ^[22] as mentioned by BICI. ^[23]

It is noted that the UN Working Group on Arbitrary Detention said the Bahraini domestic laws **"deny persons the basic right to freedom of opinion, expression and assembly, either individually or in association with others, and the Government of the Kingdom of Bahrain must bring its domestic laws into conformity with the substantive provisions of the Covenant to which it is a party"**. ^[24]



Detaining a number of individuals during dispersing a peaceful demonstration.

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21. For instance, see opinions adopted by UN Working Group on Arbitrary Detention at the 70 session in 2014. (20 November 2014). Document No. (A/HRC/WGAD/2014/27). Retrieved on 18 November 2015, from the Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2014/27
 22. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1279 to 1286). [Ibid.](#)
 23. See the second section of this report entitled "Restriction on Freedom of expression".
 24. Opinions adopted by UN Working Group on Arbitrary Detention in the 66th session in 2013. (25 July 2013). Document No. (A/HRC/WGAD/2013/12). Retrieved on 18 November 2015, from the Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2013/12

- 2) When the total or partial non-observance of the international norms relating to the right to a fair trial or lack of the principles related to protecting all persons in custody (category III) [25].

The LHRD, based on the received information, believes that the Bahraini authorities have failed to meet the minimum guarantees related to the right of persons to a fair trial in a very dangerous way, where many victims have been convicted by courts based on confessions extracted under torture and duress, or by not examining seriously the victims' defence, or without enabling lawyers to appear or not to grant them adequate opportunity to argue, or by ignoring the requests of lawyers that can change the course of the trial, and others.

Moreover, the authorities have not complied with the legal procedures that ensure the arrest and its continuity take place in accordance to standards of a fair trial. Where it seems that the security authorities have not complied with the arrest procedures such as presenting a public prosecutor's arrest warrant to the victim and notifying him or his representative about the implementation of the arrest, and they haven't notified the victim about the reasons of his arrest and who carried out the arrest, or the place of detention, nor it has enabled the victim to communicate, as soon as possible, with his family and his lawyer after sufficient time of arrest to enable him to clarify his legal and health condition to his family and receiving adequate legal advice in the first stages of the investigation. As many of the detainees have confirmed that they have been unable to contact their families, but only for 10 seconds, almost hours after the arrest,



The UN Working Group on Arbitrary Detention has concluded, in different cases, that Bahrain has violated several international standards of a fair trial. The Working Group has also expressed its concerns over the use of confessions as evidences for prosecution and conviction is something common in the investigation system adopted in Bahrain

25. To assess the applicability of cases of deprivation of liberty on the third category, the Panel notes that it takes into account the Universal Declaration of Human Rights, as well as several Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and articles (9) and (14) of the international Covenant on civil and political Rights, the. See Fact Sheet No. 26, The Working Group on Arbitrary Detention. (14 May 1996). Retrieved on 21 October 2015, from United Nations Web site: <http://www.ohchr.org/Documents/Publications/FactSheet26en.pdf>

which prevented the parents of the detainees from being reassured about their actual conditions.

It's worth mentioning that the UN Working Group on Arbitrary Detention has concluded, in different cases, that Bahrain has violated "**several international standards of a fair trial**" [26]. The Working Group has also expressed its concerns over "**the use of confessions as evidences for prosecution and conviction is something common in the investigation system adopted in Bahrain**" [27] and its findings have been made about the use of torture [28] and the arbitrary detention (including detention resulting from the peaceful exercise of the rights to freedom of opinion and expression, and peaceful assembly and association) and the lack of a fair trial, demonstrating that these are "**systemic problems in the administration of criminal justice in Bahrain**" [29].

Moreover, the authorities haven't responded to the decision of the UN Working Group on the release of the victims or to offer them compensation in all cases it discussed since the year 2012, as seen by the LHRD.

They also haven't responded to a request of the Working Group on Arbitrary Detention to pay a follow-up visit to Bahrain since 2014, among (9) requests presented by the special rapporteurs and the UN working groups to visit Bahrain.

The documented cases

The LHRD documented 1765 arrests in 2015 by the security authorities, including 832 home raids out of 1662 raids on homes and private properties documented by the LHRD and others announced by local activists and local active human rights organizations whereas the LHRD was unable to obtain direct testimonies from the victims or witnesses to be informed about the details of the violation, especially with regards to the extensive raids operations. According to

26. Opinions adopted by UN Working Group on Arbitrary Detention in the 66th session in 2013. Document No. (A/HRC/WGAD/2013/12). [Ibid.](#)

27. Opinions adopted by UN Working Group on Arbitrary Detention in the 70th session in 2014. (19 November 2014). Document No. (A/HRC/WGAD/2014/22). Retrieved on 18 November 2015, from the Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2014/22

28. Opinions adopted by UN Working Group on Arbitrary Detention in the 70th session in 2014. (21 November 2014). Document No. (A/HRC/WGAD/2014/34). Retrieved on 18 November 2015, from the Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2014/34

29. UN Body Declares Sheikh Ali Salman Arbitrarily Detained. (17 September 2015). Retrieved on 19 November 2015, from the Bahrain Institute for Rights and Democracy (BIRD) Web site: <http://birdbh.org/wp-content/uploads/2015/11/Opinion-2015-23-Bahrain-Salman.pdf>

the vast majority of the victims' testimonies and their relatives, those raids have been conducted without showing the reason or to present a legal notice.

The other methods of arrests, over the past year, come as follows: in streets (436) cases, in the borders (118) cases, summons (114) cases, checkpoints (66), from a government authority ^[30] (46) cases and other (153) cases. (See Chart 2)

Overall, the total cases of arbitrary detention since the year 2011 until the year 2015 has reached (10.848) cases, including (2929) cases in 2011, according to the BICI's report, (2221) cases in 2012, and (2192) cases in the 2013, and (1741) in the case of the year 2014, and (1765) in the case of 2015. In addition there were 2221 cases in 2012, 2192 cases in 2013, 1741 cases in 2014 and 1765 cases in 2015. (See Chart 3)

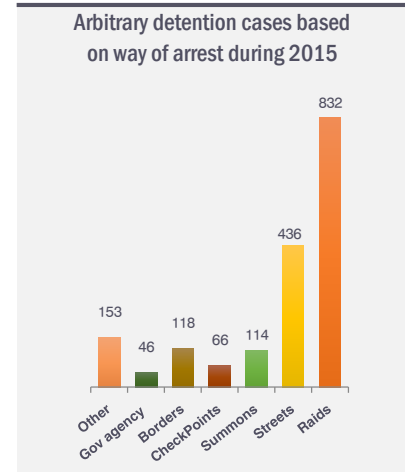


Chart 2

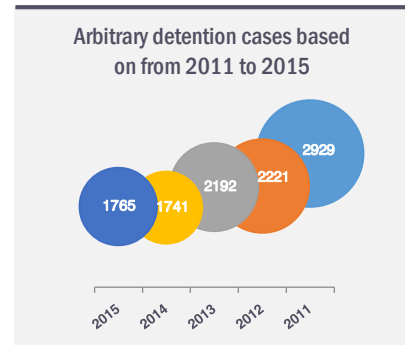
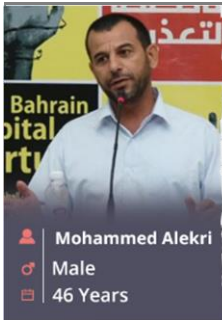


Chart 3

30. Governmental authority: any government department & institution, where some people get arrested during conducting official transactions.

Case Studies

Case No. 1



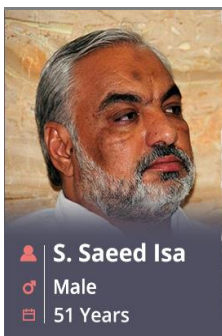
Mohammed Mahdi Alekri, who is a member of Alwefaq's advisory board ^[31], was arrested on 4th Jan. 2015 by security forces patrolling the capital Manama to prevent demonstrations activists had called for on social media. The demonstrations protested the arrest of Sheikh Ali Salman, Secretary General of Al Wefaq National Islamic Society.

According to Alekri's testimony, security forces arrested him when he went past security policemen who were questioning bypasser as they watched out for any moves that could gather people for demonstration. Upon his arrest, he was immediately handcuffed to the back in a painful way and his eyes were pepper-sprayed. He was beaten with hands, kicked and verbally abused. His eyes and mouth were pepper-sprayed again as he was taken inside a security vehicle.

After Alekri was transferred to the Public Prosecution Office, on Jan. 6th 2015, he was kept in remand for 7 days with charges of "assembling and riot acts in purpose of vandalizing public and private property". When he was taken to court on 21st Jan. 2015, the court sentenced him to 6 months for the same charges the Prosecution Office brought against him. This decision was taken in his second hearing and his lawyer was not allowed to present oral defense.

On Jan. 14th 2015, an appeals court decided to release Alekri on p with the continuation of the case.

Case No. 2



Sayed Sa'eed Isa is a member of "The Martyrs Associate" and father to a child victim named Sayed Hashim Saeed, aged 15. Sayed Hashim was killed during security crackdown on demonstrations in Sitra late 2011. He sustained injuries to the neck and chest due to being shot with two tear gas canisters.

Isa was interrogated in security centers and the criminal intelligence office more than 8 times. He was detained three times with charges of assembling as he had joined many marches and peaceful demonstrations in several areas and villages around Bahrain.

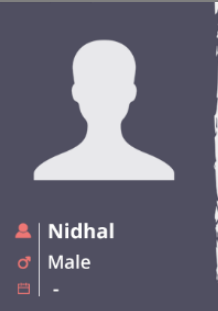
According to Isa's testimony, in most of the times he was summoned, he was subjected to mistreatment as his interrogator threatened and verbally degraded and abused him. In one case,

31. Al Wefaq Shura Council: an internal advisory board at Al Wefaq Islamic National Society.

an interrogator told Isa: "I will take revenge because you didn't confess to the accusations against you, and I will get you fired". Isa finds that this has actually been done as he was laid off from his job a few months ago.

Isa's most recent detention was on 28th March, 2015, after he was interrogated at late night hours without mentioning the reason in the summonses warrant. He was interrogated about joining a peaceful march in Sitra Island. After two days since his arrest, he was taken to the Public Prosecution Office. He was sent to detention in remand several times with charges of "assembling". He was released on 29th April 2015, however, his case is still going in the court till the issuance of this report.

Case No. 3



A number of Nidhal's ^[32] family members are in jail because of their political activities. He has been arbitrarily arrested 10 times since the eruption of the anti-government protests in 2011, up until 2015. We believe his arrest is attributed to his family relations with individuals who have been convicted with political cases. Every time he was arrested, he was tortured and mistreated.

According to Nidhal's testimony, his most recent arrest in 2015 was carried out at 3 a.m. when security forces surrounded his home banging the door. As soon as he opened the door, a security officer holding a folded paper told him that he has permission to arrest him and search his home. But when Nidhal asked to read the permission, the officer ignored him and ordered the security policemen to search the house. Nidhal was then arrested without being given reason of arrest, or the apparatus carrying it out or the location of which he was being taken to.

Nidhal was detained in an office without knowing the apparatus of which this office subordinated to. He then learned that this office was a department of the Ministry of Interior. In the office, he was interrogated at mid-day about his relation to (Twitter) accounts that covered news on protests. He was charged for "inciting hate of the regime" and "inciting to disobey the law" and "insulting the symbol of state". When he denied the charges, he was threatened by the interrogator who told him, **"If you do not confess, there are others who will force you to confess"**.


Hours after, Nidhal was taken to interrogation again in another office, however, whilst blindfolded, where a militant told him that he has to bear what he was to be subjected to. There, he was beaten and threatened and the interrogator told him: **"Are you going to cooperate with us? Or would you prefer other treatment?"** In another occasion, the interrogator said, **"Talk or I will kill you"**. After

32. The real name of the victim was replaced with a fake name in order to protect him and his family from possibly being arrested by the police.

the interrogation, Nidhal was forced to sign papers without reading them. The following day he was transferred to the Public Prosecution Office.

Nidhal denied the charges against him in front of the Prosecution Office, however, the prosecutor told him **"If you don't confess, you will be taken back to interrogation"**. He then ordered to keep Nidhal in remand for 7 days. After approximately one month, he was released with a fine, while on trial.

Case No. 4



Hussain ^[33] is active in a political opposition party and usually participates in marches and anti-government protests. He has been arbitrarily arrested 5 times since the eruption of the protests in 2011, until 2015. We believe that the reason behind these arrests is his political activism. Every time he was arrested, he was tortured and mistreated.

Hussain
Male

According to Hussain's testimony to the LHRD, his most recent arrest was in December 2015 upon his arrival to Bahrain coming from Iraq. He was then transferred to the King Fahad causeway police administration, however, when he asked to contact his family the police rejected his request. He was then taken to the criminal intelligence office, whilst blindfolded and handcuffed. There, he was verbally insulted and degraded, yet, he was not questioned and the officers only recorded his personal information.

After this, he was taken to an unknown location which he then learnt that it was the Dry Dock Detention Centre where he was interrogated for two weeks for charges of "joining a foreign terror group which carries out bombings in "Bahrain". Hussain only found out of his charge at the beginning of the second week after his arrest.

Husain said he was interrogated on a daily basis, in various times of the day, also, whilst blindfolded and handcuffed. He was also tortured and mistreated. He said he was stripped of this clothes and exposed to extremely high and low temperatures consecutively, beaten with hands and batons, sexually abused, threatened that his wife would be raped and children would be abused. After two weeks, he was released after signing a commitment not to participate in a demonstration or march again.

Just days after documenting his case, he was arrested again. The summonses he received did not mention the reason of arrest of the charges against him.

33. The real name of the victim was replaced with a fake name in order to protect him and his family from possibly being arrested by the police.

Part Two

**Restriction on Freedom of
expression**

The legal framework



The right to freedom of opinion and express defence ion is one of the fundamental pillars of any democratic society; therefore the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, both in (Article 19) of them, guarantee the right of everyone to "hold opinions without interference", and "the right to freedom of expression" ^[34] ^[35], however the International Covenant on Civil and Political Rights permitted putting restrictions on the right to freedom of expression", but these shall only be provided by law and if they are necessary: (a) For respect of rights of others or their reputations; (b) For the protection of national security or public order, or public health or morals" ^[36]. The local law came in line with the International Covenant on Civil and Political Rights in article 32 of Bahrain 2002 Constitution ^[37]. With respect to the permitted restrictions on this right, the article 31 of the Constitution states that the organization of public rights and freedoms should not compromise the essence of the right or freedom, as (Article 69) of the Penal Code interpreted "the restrictions on the right to expression in this Law or any other law in the necessary framework for a democratic society according to the principles of the National Action Charter and the Constitution, and punishment is exempted in case of exercising the right to freedom of expression in this context" ^[38].

The struggle for the remaining space of freedom of expression

The Bahraini authorities possess an old full record of restricting freedom of expression, where authorities control all the official media and publishing, and prohibit the opposition forces or individuals and institutions affiliated to the opposition from having their special media. Until 2000, the year which witnessed partial political reforms, a number of independent newspapers were released and political societies were allowed to issue periodic bulletins, while the authorities did not allow licensing requests made by the societies to establish satellite TV channels or radio stations. However, the authorities suspended the periodic bulletins of the political societies in 2010, and put pressure on the independent newspapers to divert their

34. The Universal Declaration of Human Rights. [Ibid.](#)

35. International Covenant on Civil and Political Rights. [Ibid.](#)

36. [Ibid.](#)

37. Constitution of the Kingdom of Bahrain. [Ibid.](#)

38. Legislative Decree No. 15 of 1976 with respect to promulgating the Penal Code. [Ibid.](#)

directions like Al-Wasat newspapers because of its coverage of the various views in the public domain, including the views and activities of the opposition.

The pace of restrictions increased with the launch of the opposition political movement in early 2011, when the authorities arrested thousands of opposition supporters and senior leaders, because of their participation in the protests that **"express opposition to the existing system of government in Bahrain"** [39]. Until 2015, it appears from the data and the facts observed by the LHRD that freedom of expression witnessed an intense wave of restriction launched with the opposition boycott for the parliamentary elections held on November 11, 2014. Those restrictions are very clear with the undeclared ban on demonstrations and gatherings since then until the time of writing this report. [40]

Freedom of expression witnessed an intense wave of restriction launched with the opposition boycott for the parliamentary elections held on November 11, 2014. Those restrictions are very clear with the undeclared ban on demonstrations and gatherings.

On the other side, cyberspace offered by social networks provided more space for Bahrainis to criticize their government, or perhaps **"the last remaining space for those seeking freedom of expression in Bahrain"** [41]. However, this space has become also restricted, and subject to the censorship via the **"prosecution of all those who post comments through Twitter and other social media and considered by the government offensive or abusive to it"** [42], as described by Amnesty International, or just to express a position opposing the authority's policies, such as criticisms from some people against the participation in the military **"Operation Decisive Storm"** in Yemen. It seemed that the Bahraini authorities can't put up with any margin of the exercise of freedom of expression, which **"turned Bahrain today to an unspeaking island, which prohibits any speech in contrary to what the state wants or wishes"** [43]. However, the opposition leaders and their

39. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1281). [Ibid.](#)

40. See Part 6 of the this report entitled "Deprivation of freedom of assembly and association"

41. Freedom on the Net 2015 - Bahrain. (28 October 2015). Retrieved on 17 November 2015, from Freedom House Web site: <https://freedomhouse.org/report/freedom-net/2015/bahrain>

42. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. (15 April 2015). Retrieved on 20 October 2015, from Amnesty International's website: <https://www.amnesty.org/en/documents/mde11/1396/2015/en/>

43. Bahrain: Our deaf island. (3 May 2015). Retrieved on 20 October 2015, from Bahrain Press League's website: <http://www.bahrainpa.org/file/BPA2014AR.pdf>

supporters are still struggling in order to protect what is left of freedom of expression, and pay the price for it through the jail and prosecution.

Criminalization of Freedom of Expression

Bahraini authorities have relied on the use of some provisions contained in the Penal Code ^[44] to criminalize peaceful expression of opinion, where the charges of "promotion to change the regime by force" (Article 160), "inciting hatred of the regime" (Article 165), "inciting non-compliance with the law" (Article 173), "defamation of the King or the flag or the national emblem" (Article 214), "insulting a foreign state or an international organization" (Article 215), "insulting the statutory bodies" (Article 216), and others, have become ready to silence the voices of the political opponents, human rights defenders, journalists and activists, and even ordinary people who have become known (Citizen-journalists).

Examining those provisions reveal that the Bahraini authorities have excluded **"from the public debate opinions that express opposition to the existing system of government in Bahrain"** ^[45] according to BICI, and the authorities have criminalized criticizing personalities and institutions in public and political domains, in addition to criminalizing any call for the establishment of a democratic system. The application of such provisions has shown wide powers for the law enforcement officials when considering a person has exceeded the restrictions on freedom of expression, and those restrictions attack the essence of the right of expression.

The Human Rights Committee affirms that the International Covenant on Civil and Political Rights **"places value upon uninhibited expression and it's particularly high in the circumstances of public debate in a democratic society concerning figures in the public and political domain"**, as **"all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism"**, and **"States parties should not prohibit criticism of institutions, such as the army or the administration"**, or **"muzzling of any advocacy of multi-party democracy, democratic tenets and human rights"**. The Committee also notes, in another context, imposing any restrictions on freedom of expression shouldn't affect the right to freedom of expression itself. The restrictions must be **"provided by law"**; and **"they must conform to the strict tests of necessity and proportionality"**. ^[46] As the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression says **"any restriction imposed on the right to**

44. Legislative Decree No. 15 of 1976 with respect to promulgating the Penal Code. [Ibid.](#)

45. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1281). [Ibid.](#)

46. The General Comment No. 34 by the Committee on Human Rights concerning freedom of expression. (11 July 2011). Retrieved on 21 October 2015, from the Human Rights Commission website: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f34&Lang=en

freedom of expression should comply with the test mentioned in paragraph 3 of Article 19 of the International Covenant on Civil and Political Rights which reads as follow: (a) for respect of the rights or reputations of others; (b) For the protection of national security or of public order (order public), or of public health or morals; (c) to prove it's the least restrictive means to achieve the alleged goal, and it is proportionate with that goal" [47].



47. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Human Rights Council- 20th Session). Document No. (A/HRC/20/17). (4 June 2012). Retrieved on 25 November 2015, from the Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/20/17

The Observed cases

During the year 2015, the LHRD studied (44) violations connected to restricting freedom of expression, most of which were over arbitrary arrest and prosecution. For example, a criminal court on January 13, 2015 sentenced the former MP and the senior leader in Al-Wefaq, Mr. Jameel Kadhim to 6 months imprisonment and he was fined 500 dinars on charges related to **"breaching freedom of elections and causing confusion by spreading false statements on the purpose of influencing the results of the elections"** for tweets he posted on his account in (Twitter) in which he criticized the use of political money in the parliamentary elections, although he presented with evidences for the incident, which led to his accusation.

On May 27, 2015, a criminal court sentenced the former MP Khalid Abdula'al for one year imprisonment despite his parliamentary immunity on a charge of **"inciting Interior Ministry"** for tweets he posted in Twitter. He criticized the Ministry with regard to practices of torture and other issues.

On June 7, 2015 the former Chairman of the Capital Municipal Council and the senior leader in Al-Wefaq, Majeed Milad and he was charged with **"inciting hatred against the regime and promoting non-compliance with the laws"** following his participation in a political symposium.

On August 7, 2015 the Head of the Religious Freedoms in Bahrain Observatory for Human Rights and the Coordinator of the Middle East and North Africa Civil Society Coalition to Counter Incitement to Hatred, Shaikh Maitham Al-Salman was detained and he was charged with **"inciting hatred against the regime and spreading false news"** after making a statement regarding the security procedures imposed on the residents in Sitra following "Sitra blast".

In January and February 2015, the bloggers Ali Hassan Al-Maqabi and Jalila Sayed Ameen were detained and accused of **"defaming the King of Bahrain and promoting criminalized acts"**, because they run a Twitter account specialized with publishing news and political opinions related to the opposition political movement.

All public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism, and States parties should not prohibit criticism of institutions, such as the army or the administration.

On January 25, 2015 the Bahraini authorities announced the arrest of nine people on a charge of **"defaming the president of a foreign sisterly state"** through social media, and their names and photos were broadcasted on the State TV ^[48].

On 6 and 7 September 2015, the authorities announced the arrest of two people accused of **"spreading untrue news, statements and rumors during wartime in a manner that damages war preparations and inciting contempt against a sect"**, because each one of them runs a Twitter account posts political news related to the political opposition movement ^{[49][50]}.

In addition, the LHRD has observed a number of cases related to restricting freedom of expression where individuals and activists have been punished in a more humiliating manner by revoking their citizenship, and suspending the media activity. For instance, on January 31, 2015, a royal decree revoked the citizenship of the journalist Abbas Busafwan, the writer Ali Ahmed Al-Dairi, the blogger Ali Hassan Abdulemam, and the blogger Hussain Yusuf Mohamed after being accused of carrying out **"acts that caused the harm to the interests of the Kingdom, and act contrary to the duty of loyalty to the country"**^[51], due to their anti-regime opposition media activities abroad without giving specific facts.

The revocation of citizenship has been repeated for the photographer, Sayed Ahmed Salman Al-Moussawi, on November 23, 2015, after being sentenced to 10 years, according to the Terrorism Law, on charges including **"photographing anti-government rallies"** ^[52]. On February 1, 2015, Bahraini authorities halted the Arab TV Channel , just hours after it began broadcasting from Bahrain, because it hosted the Assistant Secretary General of Al-Wefaq National Islamic Society, Khalil Al-Marzooq to talk about a royal decree revoked the citizenship of 72 citizens, where the authorities believed **"that the channel reflects a political extremist media approach"** ^[53]. On August 6, 2015, the Information Affairs Authority decided to suspend the issuance and distribution of Al-Wasat newspaper, the only independent newspaper, which publishes the opposition views and events, for two days due to the **"violation of the law and repeated**

48. Arrest of 9 individuals for misusing social networks. (27 January 2015). Retrieved on 22 October 2015, from Bahrain News agency website: <http://www.bna.bh/portal/news/651373>

49. Urgent trial for "Abu Khamis" and arresting "Haji Ahmed". (8 September 2015). Retrieved on 22 October 2015, from Akhbar Al-Khaleej website: <http://www.akhbar-alkhaleej.com/13682/article/41617.html>

50. For further examples, please see part 4 of this report entitled "The prosecution of activists".

51. MOI Statement: 72 individuals stripped of citizenship. (31 January 2015). Retrieved on 22 October 2015, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/651916>

52. Bahraini photographer sentenced to ten years in prison. (24 November 2015). Retrieved on 25 November 2015), from Reporters without Borders' website: <http://rsf.org/en/news/bahraini-photographer-sentenced-ten-years-prison>

53. Interior Minister: We are dealing with all conditions and there isn't any hesitation in applying laws. (24 March 2015). Retrieved on 26 October 2015, from Police Media Centre: <http://www.policemc.gov.bh/news/ministry/41339>

dissemination of information that affects national unity and the Kingdom's relationship with other countries" [54].



Arab TV hosts Al-Wefaq's Assistant Secretary General Khalil Al-Marzooq at the channel news bulletin.

Criticisms of international organizations

The Bahraini authorities have been strongly criticized during the year 2015 from many international organizations for their repressive practices on restricting the freedom of expression. Reporters Without Borders said **"the arrests of citizen-journalists and bloggers continued in Bahrain"**, and **"cybercrime charges are mostly used to issue long term jail sentences against the users of internet who criticize the authorities"** [55], and the same organization classified Bahrain among the internet enemy countries in 2014 [56]. In 2015, Bahrain was ranked 163rd on Press Freedom Index along with the countries which experienced a sharp drop in the press freedom [57]. Moreover, the Freedom House Organization said **"Bahrain is not free in the Internet"**, as the Bahraini authorities continue **"there efforts to silence opposition activists on the**

54. Al-Wasat newspaper temporarily suspended. (6 August 2015). Retrieved on 26 October 2015, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/680783>

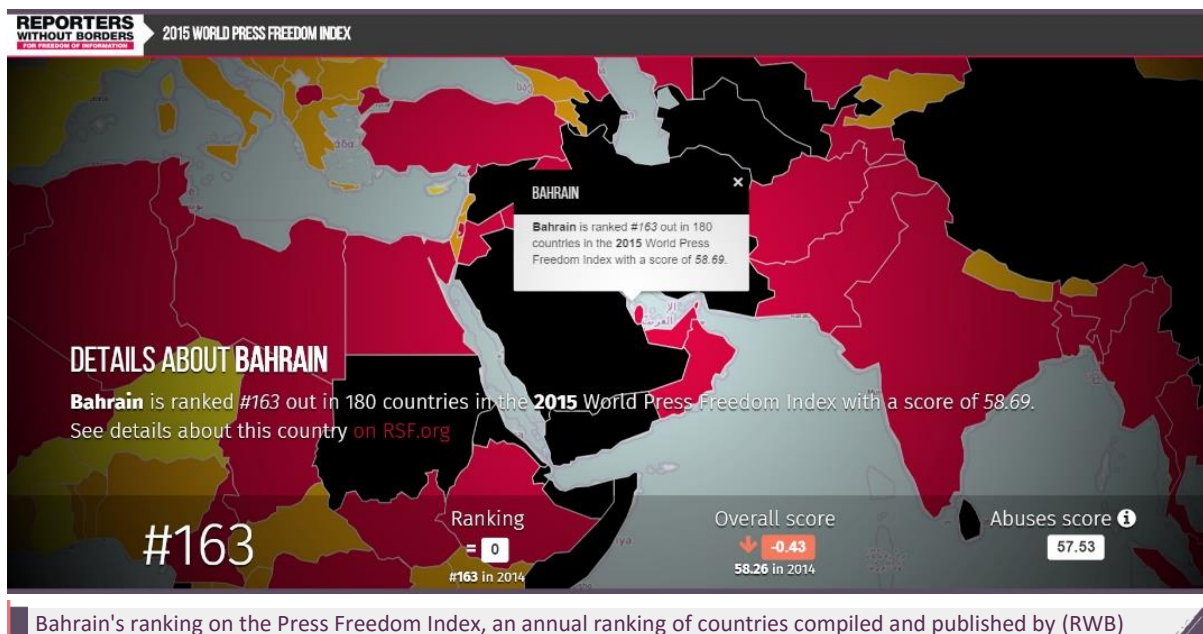
55. World Press Freedom Index 2015. (12 February 2015). Retrieved on 26 October 2015, from Reporters Without Borders Web site: <http://index.rsf.org/#!/themes/regimes-seeking-more-control>

56. Enemies of Internets. (12 March 2015). Retrieved on 26 October 2015, from Reporters Without Borders Web site: <http://12mars.rsf.org/2014-en/2014/03/11/bahrain-no-internet-spring/>

57. World Press Freedom Index 2015. (12 February 2015). Retrieved on 26 October 2015, from Reporters Without Borders Web site: <http://index.rsf.org/#!/index-details/BHR>.

internet by forcing them to shut down their home pages or to remove their contents", and the local law "doesn't provide enough protection to freedom of expression" [58].

Furthermore, Human Rights Watch has reported that Bahrain suffers from "lack of tolerance with the opinions which criticize the government, and last year human rights activists, and political opposition figures were arrested and prosecuted mostly for their peaceful criticisms for the government" [59]. The Amnesty International has also expressed its concerns over "some provisions in the Bahraini Penal Code, especially Articles 214, 215 and 216 which criminalize the peaceful expression of opinions". It added that the authorities "instead of amending those provisions to be in line with the duties of Bahrain based on the international human rights law with regard to safeguarding freedom of expression, the government opted to adopt tougher penalties in February 2015 against convicted on charges of insulting the king, where the law has become criminalizing the perpetrator of this act by 7 years imprisonment and a fine of up to (10) thousand Bahraini Dinars" [60].



In addition, the authorities haven't responded on (9) requests submitted by UN special rapporteurs and working groups to visit Bahrain, including the request of the Special Rapporteur on Human Rights Defenders, which dates back to 2012, and the request of the Special Rapporteur on freedom of expression in 2015, and the authorities have no justifications except their desire to evade their obligation to protect freedom of expression.

58. Freedom on the Net 2015 – Bahrain. [Ibid.](#)

59. Dispatches: In Bahrain, Don't Mention the War. (27 March 2015). Retrieved on 26 October 2015, from Human Rights Watch: <https://www.hrw.org/news/2015/03/27/dispatches-bahrain-dont-mention-war>

60. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [Ibid.](#)

Case Studies

Case No. 5



Nabeel Rajab is one of most prominent human rights defenders in Bahrain and is President of the Bahrain Centre for Human Rights which is banned by the Authorities for its critical work. Rajab has been repeatedly pursued through a number of lawsuits because of his human rights activism. He was finally put in jail for two years on charges related to his posts on social media (Twitter) and "organizing

illegal assemblies". He was released in May 2014. The UN Working Group on Arbitrary Detention considered Rajab's detention arbitrary then ^[61].

On April 2nd, 2015, Rajab was arrested from his house in Bani Jamra. The police confiscated 8 electronic devices from his home, including cell phones. He was then taken to the General Directorate of Anti-Corruption and Economic and Electronic Security in the Ministry of Interior where he was questioned about his opinions on the war on Yemen of which he posted on (Twitter) and the Jaw prison protests that took place on March 10th 2015.

After his arrest, the Mol said that it has arrested Nabeel Rajab for posting information that could harm civil peace and for insulting a governmental body.^[62] On the next day, the Prosecution Office ordered to detain him for 7 days in remand.

On 14th May 2015, an appeals court upheld a 6 month sentence handed to Nabeel Rajab for insulting the ministries of interior and defense in a tweet he posted on (Twitter)^[63]. On 13th July 2015, the King issued a pardon to release Rajab "for medical reasons".

This was Rajab's third-time arrest for expressing his opinion on (Twitter). His arrest brought an outcry as the UN Special Rapporteur on freedom of expression saw that Nabeel Rajab's arrest because of a tweet is a blatant injustice and called for his immediate release.^[64]

61. Opinions adopted by UN Working Group on Arbitrary Detention in the 66th session in 2013. [Ibid.](#)

62. Suspect inciting public unrest arrested. (2 April 2015). Retrieved on 26 October 2015, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/661963>

63. For more details see: Bahrain reforms ... a game of numbers. [Ibid.](#)

64. Tweet of the Special Rapporteur on freedom of expression on the arrest of Nabeel Rajab. (May 14, 2015). Retrieved on 12 January 2016, from Twitter website: <https://twitter.com/davidakaye/status/598918068161490944>

Case No. 6



Fadhil Abbas Mahdi is the former Secretary General of the Democratic Unitary Assemblage society (Wahdawi) and a columnist. He expresses his opinion and political critique on (Twitter) where he has thousands of followers.

On 26th March 2015, Bahrain announced it is joining a number of states in the GCC in a war against Yemen ^[65]. After this announcement, the Ministry of Interior said that it is to take necessary measures against individuals who go against the **"kingdom's direction"** ^[66]. After that, the MoI declared **"the arrest of two persons for exploiting the situation in Yemen and sharing material that could harm civil peace and national unity"**. One of those persons was Abbas as the arrest took place after he tweeted a statement published by his society that condemned the war on Yemen ^[67].

On 27th March 2015, the Public Prosecution Office decided to keep Abbas in remand with the accusation of **"sharing false news and tendentious rumors that could harm the military operations of the armed forces (...) and for insulting a foreign state in public"** ^[68].

On 28th June 2015, the Supreme Criminal Court sentenced Abbas to 5 years in prison with charges of **"sharing false news and tendentious rumors that could harm the military operations of the armed forces"**. Abbas's lawyer told the court that the statements of his client **"are in line with the freedom of opinion and speech and right to participate in public affairs and criticize the authorities"** ^[69]. Abbas also told the court that the statement he shared was released before 10 am; before the state issued its official statement about the war on Yemen ^[70]. His case is still looked into by the appeals court, until the writing of this report.

65. GCC issues statement on Yemen. (26 March 2015). Retrieved on 26 October 2015, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/660710>

66. MOI warns those acting against Bahrain stand on Yemen situation. (26 March 2015). Retrieved on 24 March 2016, from Police Media Centre: <http://www.policemc.gov.bh/en/news/ministry/41679>

67. The tweet by the Ministry of Interior on the arrest of two people who opposed the stand of Bahrain's government on the war in Yemen. (26 March 2015). Retrieved on 9 January 2016, from Twitter site: https://twitter.com/moi_bahrain/status/581139984112951296

68. Society's secretary-general remanded in custody. (27 March 2015). Retrieved on 26 October 2015, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/660981>

69. Sentencing Fadhil Abbas to (5) years in prison for broadcasting false news. (June 29, 2015). Retrieved on January 9, 2016, from Al Wasat newspaper website: <http://www.alwasatnews.com/news/1003959.html>

70. Ibid.

It is worth mentioning that the office of the political societies' affairs in the Ministry of Justice and Islamic Affairs and Directorates said that it is willing to file a lawsuit to dissolve the Wahdawi society for its condemnation of the war on Yemen^[71]. In this context, Human Rights Watch said that Abbas's arrest is **"the latest example of Bahrain's intolerance of speech critical of the government"**, adding, **"Whatever the merits of Bahrain's military policy, its people have the right to express peaceful criticism of it"**^[72].

Case No. 7



Khalid Abdul'al is a former member of parliament in the Council of Representatives during the period from 2011 to 2014. He has a (Twitter) account with thousands of followers, where he expresses his political opinions and criticism of the state as an MP and a citizen interested in the general affairs of his country.

On 25th December 2014, the Public Prosecution Office summoned Abdul'al for interrogation on tweets he posted where he said the Ministry of Interior is **"making up incidents in order to detain innocent people and defendants are subjected to torture to confess to accusations"**^[73] as stated by the Cyber Crime Directorate before the Prosecution Office.

Abdul'al told the Prosecution Office that his criticism of the Mol does not represent an insult and is nothing new as **"it is confirmed by the BICI report (...) and I was a member of the parliament in the period of which I posted those tweets. What I did does not violate the principle of monitoring the government's work"**^[74]. Abdul'al enjoyed diplomatic immunity at the time.

On 27th May, 2015, Abdul'al was taken into detention for a one year by decision of the primary criminal court. He was charged with insulting the Mol by sharing tweets on his (Twitter) page. On February 1st, 2016, an appeals court upheld the verdict against him.

It is worth mentioning that Amnesty International has classified the verdict against Abdul'al in the context of **"the Bahraini authorities continued attempt to suppress political opposition and silence critical voices"** and that **"These and other cases of prisoners of conscience show the Bahraini**

71. Fadhil Abbas at the court: The statement of «Unionist» society on the war in Yemen was issued before the "declaration on the participation of Bahrain in the war" (15 May 2015). Retrieved on 9 January 2016, from Al Wasat newspaper website: <http://www.alwasatnews.com/news/993331.html>

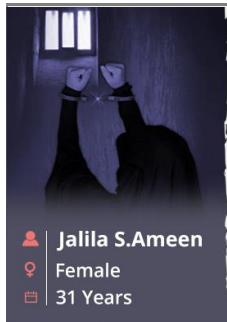
72. Dispatches: In Bahrain, Don't Mention the War. [Ibid.](#)

73. Insulting "Ministry of Interior" via "Twitter" is leading a former MP, Mr. Khaled Abdel Aal, to confinement. (27 May 2015). Retrieved on 9 January 2016, from Al Wasat newspaper website: <http://www.alwasatnews.com/news/994771.html>

74. Summon of the former MP, Mr. Khaled Abdel Aal for insulting the Ministry of Interior. (26 December 2016). Retrieved on 9 January 2016, from Al Wasat newspaper website: <http://www.alwasatnews.com/news/947534.html>

authorities are intolerant of criticism of their policies, ruling figures or the practices of their security forces" [75].

Case No. 8



Jalila Sayed Ameen is a social network activist. She is accused, along with another person, of administrating accounts on Facebook and (Twitter) that provide covers and shares news related to the anti-government political movement. The accounts are followed by thousands of online users.

On 10th February 2015, Jalila was arrested from her house at 5 a.m. Security officers searched her house and confiscated a number of electronic devices which belonged to her. She was then led to the General Directorate of Anti-Corruption & Economic & Electronic Security where she was questioned on the contents of these Facebook and (Twitter) accounts.

According to her family, she was transferred to the Prosecution Office on 11th February 2015 and her lawyer without the presence of her lawyer. She was detained in remand with charges of: "insulting the symbol of state and inciting for the improvement of issued considered as crime". The family also mentioned that Jalila told them during a phone call that she was mistreated while held in custody at the Isa Town women prison. On 2nd June, 2015, her trial began.

On 31st January 2016, a criminal court decided to release Jalila, approximately one year after her arrest, although the court had reserved the lawsuit for judgement in a previous session but it brought it back to defense. Until the writing of this report, the lawsuit remains in court.

75. Bahrain must drop charges and release leading political figure. (15 June 2015). Retrieved on 15 June 2015, from Amnesty International website: <https://www.amnesty.org/en/documents/mde11/1866/2015/en/>



Part Three

Nationality Revocation

The legal framework



The right to obtain nationality is a basic human right, and losing such right deprives individuals from enjoying those basic rights ^[76]. For that the International laws guaranteed this right in (Article 15) of the Universal Declaration of Human Rights ^[77], and (Article 24) of the International Covenant on Civil and Political Rights ^[78], as "everyone has the right to a nationality" and "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality". In addition to the international agreements and covenants which stressed people right to a nationality, the 1961 Convention on the Reduction of Statelessness ^[79] is the most important Convention in term of confirming this right, as article 8 of this Convention "A Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless", and in certain cases the deprivation of the nationality is permitted "except in accordance with law, which shall provide for the person concerned the right to a fair hearing by a court or other independent body". In addition article 9 states "A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds". In the Bahraini law, article 17 of the 2002 Constitution states "A person inherently enjoying his Bahraini nationality cannot be stripped of his nationality except in case of treason, and such other cases as prescribed by law" ^[80].

Historical Background

The Bahraini authorities stripped their opponents of their citizenship for the first time in 1954, in the British colony period, when they stripped the **"national leader, Abdul Rahman Al Baker of his citizenship because of his political activism"** ^[81]. In 1980, the authorities revoked again the citizenship of hundreds of Bahrainis of Iranian ancestry and they were forcibly deported to Iran in a humiliating manner by the sea, following of the victory of the Islamic Revolution in Iran at the time. Between 1954 and 1980, **"in the sixties and seventies of the last century, the Bahraini authorities refused to renew the passports of a number of political opponents residing or studying**

76. See Report of the Secretary-General on Human rights and arbitrary deprivation of nationality. (19 December 2011). Document No. (A/HRC/19/43). Retrieved on 28 October 2015, from Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/19/43

77. Universal Human Rights Instruments. [Ibid.](#)

78. International Covenant on Civil and Political Rights. [Ibid.](#)

79. Convention on the Reduction of Statelessness. (30 August 1961). Retrieved on 28 October 2015, from Human Rights Commission website: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Statelessness.aspx>

80. Constitution of the Kingdom of Bahrain. [Ibid.](#)

81. Bahrain: Stripping of Nationality a Weapon for Political Suppression. (16 February 2015) Retrieved on 24 March 2016, from Salam for Democracy & Human Rights: <http://www.salam-dhr.org/?p=651>

abroad, and did not allow them to return to the country" ^[82]. In 2001, which witnessed partial political reforms, many of those who have been stripped of their nationalities were able to reinstate them and returned to Bahrain.

With the beginning of the opposition political movement in 2011, it seems that the Bahraini authorities wanted to return to their past practices in using citizenship revocation to punish their opponents as part of a long series of human rights violations. Since the year 2012 until the year 2015, the authorities have revoked the citizenship in (260) cases, depending on the nationality law ^[83], which authorizes in (Article 10) revoking the nationality **"by an order of HM the Ruler"** in several cases, including **"harming state security"**, in addition to the amendments introduced to the Terrorism Law during the year 2013 ^[84], and to the Nationality law in 2014^[85].

The new amendments in the Terrorism Law allowed the revocation of the Nationality of some convicts in certain crimes, while they authorized the Interior Minister to request revocation of the citizenship for reasons including **"harming the interests of the Kingdom"**, or to act in a manner **"contrary to the duty of loyalty to the Kingdom"**, and those amendments have been described by Amnesty International as contradictory to article 15 of the Universal Declaration of Human Rights which states that **"No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality"** ^[86].

Depending on the facts and the information collected by the LHRD during the year 2015, a decision issued by the Minister of Interior, dated November 6, 2012 revoked the

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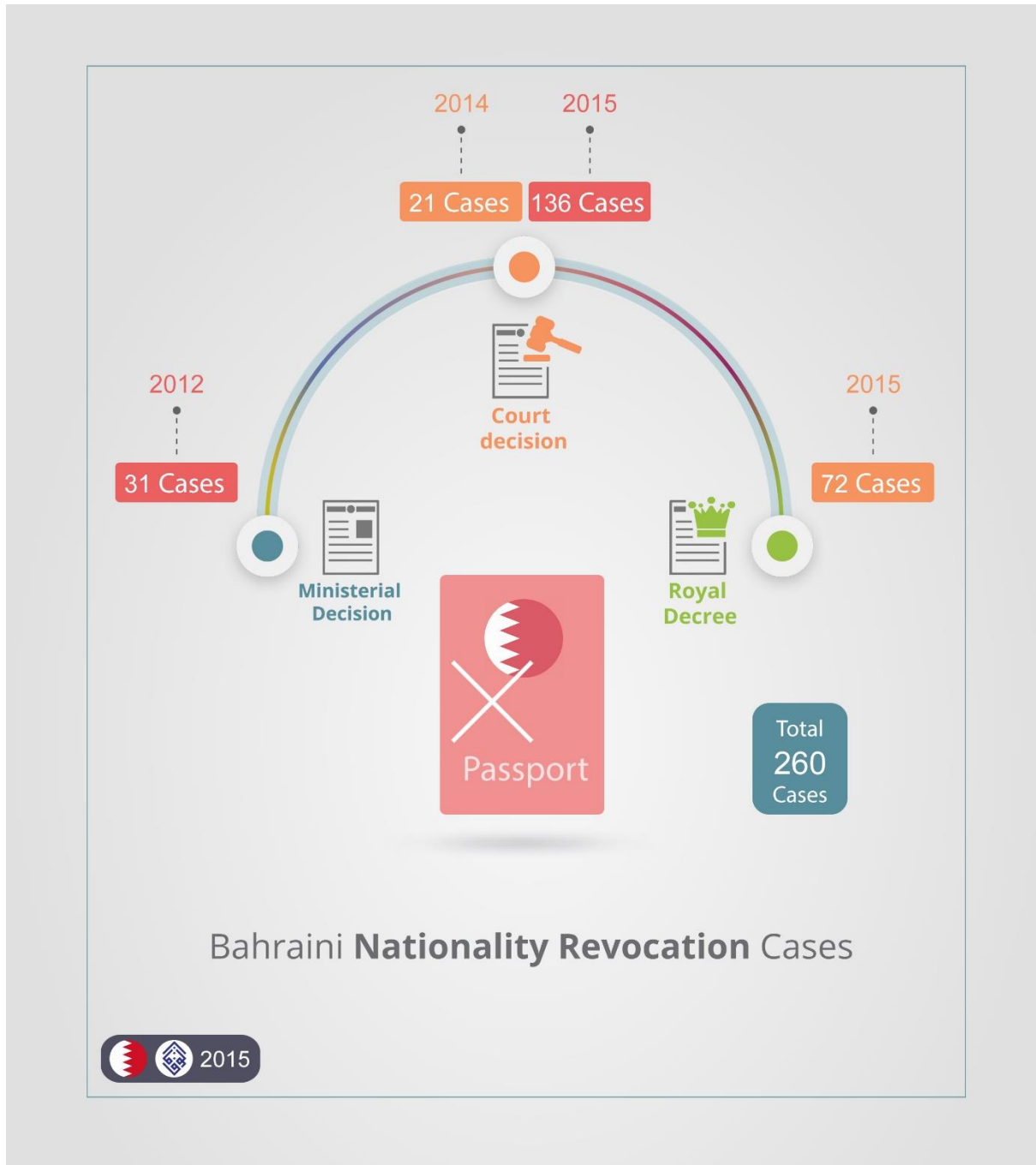
82. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [Ibid.](#)

83. Bahrain Nationality Law for 1963. (16 September 1963). Retrieved on 29 October 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2197#.Vjllj7crKUu>

84. Decree Law No. 20 for 2013 on amending some provisions of law No. 58 for 2006 concerning protecting the community from acts of terrorism (1 August 2013). Retrieved on 29 October 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=30465#.Vjllt7crKUK>

85. Law No. 21 for 2014 on amending some provisions of the Bahraini Nationality Law for 1963. (24 July 2014). Retrieved on 29 October 2015, from Legal Affairs Authority: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=71239#.VjIHqLcrKUL>

86. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [Ibid.](#)



citizenship of (31) citizens, because of "harming state security" ^[87]. On January 31, 2015, a royal decree, issued at the request of the Minister of Interior, revoked the citizenship of (72) citizens for carrying out **"acts that caused the harm to the interests of the kingdom, and acting in a manner**

87. Urgent: Statement by the Ministry of Interior. (7 November 2015). Retrieved on 22 October 2015, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/532098>

contrary to the duty of loyalty" ^[88]. The majority of revocation cases are for political and human rights activists and clerics. The LHRD noticed that the authorities had intentionally included among those activists, the names of 23 people whose activities aren't known by the LHRD, and it appears that they are accused of **"belonging to terrorist organizations and fighting with them abroad"** ^[89].

On the other side, the Bahraini courts revoked the Bahraini citizenship of (157) individuals accused in cases related to the opposition political movement during 2014 and 2015 according to the Terrorism Law. They have been charged with "forming terrorist cells or groups", "spying with foreign sides", "smuggling weapons and making explosives, and "murdering a policeman".

It's noted that (12) individuals have their citizenship revoked twice, including (6) individuals lost their citizenship in the first time by a royal decree and in the second time according to the Terrorism Law, while 6 other individuals received citizenship revocation sentences for two times in different cases. In addition, an appeal court cancelled on January 27, 2015 citizenship revocation sentences issued against (9) suspects accused of spying with foreign sides and forming a terrorist group. The total number of those who have their citizenship revoked in 2015 reached (238) individuals out of (260) cases.

As seen by the LHRD, the majority of people who have their nationalities revoked, have become stateless, because they do not have any other nationality, which means that the Bahraini authorities have violated **"the international customary law which prohibits having a stateless person as one of its norms"** ^[90].

Legal justification for the revocation of citizenship

It seems that the Bahraini authorities use the Nationality and the terrorism laws for the arbitrary deprivation of nationality **"to suppress opponents"** ^[91] politicians, media activists, human rights defenders, and clerics, as well as persons who the authorities believe they are opposition supporters. It also seems that practices based on these laws violate of the Human Rights Council's resolutions on the reduction of Statelessness, which entirely prohibits arbitrary deprivation of nationality, only in a very narrow exceptional circumstances, which must meet

88. MOI Statement: 72 individuals stripped of citizenship. (31 January 2015). Retrieved on 22 October 2015, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/651916>

89. Ibid.

90. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [Ibid.](#)

91. UN rights experts urge release of opposition politician detained for peaceful expression. (4 February 2015). Retrieved on 10 January 2016, from Office of High Commissioner for Human Rights Web site: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15541&LangID=E>

certain conditions, including: **"serving a legitimate purpose, being the least intrusive instrument to achieve the desired result and being proportional to the interest to be protected."** [92]. The vague provisions in the Nationality law have given the Interior Minister extended discretion, allowing him to request to revoke the citizenship of people based on being accused of **"harming the interests of the kingdom"**, or to act as **"contrary to the duty of loyalty"**. It should be noted, that the report of the United Nations Secretary-General on the legislative and administrative measures that could lead to deprivation of nationality, for the year 2013, has pointed out that **"in some instances, national authorities enjoy broad discretion in determining when to deprive a person of nationality. In these cases, there is a risk that international standards prohibiting arbitrary deprivation of nationality may not be respected. For instance, some nationality laws explicitly allow for the deprivation of nationality for a show of disloyalty "by act or speech". States must avoid applying such provisions in a manner which would infringe other human rights norms and standards, such as freedom of expression"** [93].

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In this regard, Human Rights watch said **"Recent amendments to Bahrain's counterterrorism law, in tandem with the recent failure of Bahrain's criminal justice system to provide fair trials and deliver impartial verdicts, provide a further legal pretext for the arbitrary stripping of citizenship, in clear violation of international law"** [94].

A break in the effective judicial review

In contrary to the international law which subject the decisions and the sentences relating to nationality to **"effective administrative or judicial review"** [95], it appears from the data gathered by the LHRD that the Bahraini authorities did not provide for people who dropped their nationalities the opportunity to obtain an effective and fair judicial review, as reflected in the

92. Human rights and arbitrary deprivation of nationality - Report of the Secretary-General. (19 December 2013). Document No. (A/HRC/25/28). Retrieved on 28 October 2015, from UN Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/25/28

93. Ibid.

94. Bahrain: Citizenship Rights Stripped Away. (12 August 2014). Retrieved on 1 November 2015, from Human Rights Watch website: <https://www.hrw.org/news/2014/08/21/bahrain-citizenship-rights-stripped-away>

95. Human rights and arbitrary deprivation of nationality - Report of the Secretary-General. [Ibid.](#)

case of (10) persons whose nationalities were revoked by a decision from the Interior Minister on November 6, 2012. According to testimonies of the victims, they weren't informed about the decision of dropping their nationality and they knew about it only by the local media. They also didn't get any official document that proves their nationalities revocation, or the reasons of accusing them of **"harming state security"** as stated in the text of the decision. And when one of those victims challenged the Minister of Interior's decision on April 28, 2013, the court replied that **"the decision to drop the nationality is a sovereign decision and it depends on the competent authority's contentment"** ^[96], and that **"the law does not oblige the authorities that issued the decision to disclose reasons relating to national security"** ^[97], and the authorities did not give him even the right to see a copy of the Royal Decree that revoked his nationality when he demanded it from the Interior Ministry, and the court rejected the appeal submitted, on April 29 2014.

Whereas giving the power exclusively to the executive authority in taking the decisions relating to nationality and refusing to be subject to review, is a matter of concern **"with regard to respect due process of law, because it makes people more subject to arbitrary application of the law"** ^[98] , according to the United Nations Secretary-General.

What's worse, those victims didn't get effective judicial review, when the Bahraini authorities on August 14, 2014, accused them of staying illegally in the country according to the Foreigners Law (Immigration and Residency) ^[99] and its amendments ^[100] in the articles (2, 28:1, 29:2) and the Penal Code ^[101] and its amendments ^[102] in articles (64, 111). On October 28, 2014, a criminal court sentenced them to be deported from the country, and fined each one of them 100 Bahraini dinars. Since of April 5, 2015, when the victims who stripped of their nationalities presented an appeal against the court's ruling, the court hearings have been adjourned for (5) times, and the public prosecutor is still unable to prove its claims, that the deprivation of citizenship in this case came by royal decree and not by a decision of the Minister Interior, where neither the nationality law nor the 2002 Constitution give the Minister the right to

96. Bahrain: Stripping of Nationality a Weapon for Political Suppression. [Ibid.](#)

97. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [Ibid.](#)

98. Human rights and arbitrary deprivation of nationality - Report of the Secretary-General. [Ibid.](#)

99. Foreigners Law (Immigration and Residency) for 1965. (1 July 1965). Retrieved on 1 November 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2138#.VjYLa7crKUK>

100. Decree Law No. 21 for 1980 on amending article 29 of Foreigners Law (Immigration and Residency) for 1965. (18 September 1980). Retrieved on 1 November 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=4036#.VjYLZLcrKUK>

101. Legislative Decree No. 15 of 1976 with respect to promulgating the Penal Code. [Ibid.](#)

102. Decree Law on amending some provisions of the Penal Code for 1976. (4 March 1982). Retrieved on 1 November 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2598#.VjYOD7crKUK>

revoke the nationality without a royal decree. This means that **"the Minister's powers in this regard are arbitrary powers and must be taken away from him"** ^[103]. Moreover, implementing the decision of revoking the nationalities of the 10 victims based on the Nationality Law despite it's being appealed in court, is a clear violation of the international law, where **"an appeal request should result in suspending the effects of the decision, so that the individual continues to enjoy citizenship, and the related rights until a decision on the appeal is issued by the court"** ^[104].

An appeal request should result in suspending the effects of the decision, so that the individual continues to enjoy citizenship, and the related rights until a decision on the appeal is issued by the court.

103. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [ibid.](#)

104. Human rights and arbitrary deprivation of nationality - Report of the Secretary-General. [ibid.](#)

Case Studies

Case No. 9



Ayatollah Sheikh Hussain Najati is one of the senior clerics in the Shia sect in Bahrain and the legitimate representative of the prominent (Marj'a) Ayatollah Sayed Ali Alsistani. He is considered to be an active figure in Bahrain on all levels, particularly in the religious and political arena.

Najati left Bahrain in 1980 to continue his religious studies in Iran, but he was not allowed to return to the country. The Bahraini Authorities refused to let him in because of his political stance towards the victory of the Islamic revolution in Iran. In 2001, Najati finally came back to Bahrain when political reforms were launched and Najati's nationality was approved.

On 20th September 2010, the General Administration for Passport, Residency and Nationality Affairs said **"Najati and his family members are not legally eligible for nationality because they had not received it in the first place as there was an administrative mistake and that the requested legal measures were not completed"** ^[105] On November 3rd 2010, a royal decree was issued to grant him and his family members the Bahraini nationality.

On November 6th 2012, Najati learnt through the media that the Ministry of Interior issued a statement by which his nationality was revoked along with 30 other persons for **"harming the state's security"** ^[106] and any objection should be filed at the judiciary.

On September 13th 2013, Najati was directly threatened of enforced deportation by the Bahraini Authorities if he did not leave the country voluntarily before December 15th 2013. In late June 2013, Najati was pressured to leave Bahrain voluntarily. By early October 2013, news said that the British Authorities had canceled the visa it gave to Najati to go to London after it was clear that this may be his last trip from Bahrain.

On April 23rd 2014, the MoI said it deported Najati because he **"practiced his activities in an ambiguous manner and without coordination with the official bodies in the country"** referring to his being a representative of Ayatollah Sayed Ali Alsistani and this implied permission from the official bodies. ^[107]

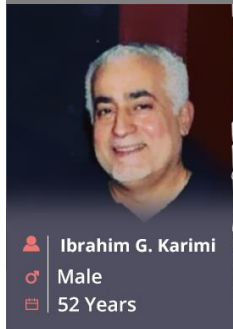
105. Clarification by the General Directorate of Nationality, Passport and Residence - Ministry of Interior. (20 September 2010). Retrieved on 21 January 2016, from Bahrain News Agency website: <http://www.bna.bh/portal/news/169557>

106. Urgent: Statement by the Ministry of Interior. [Ibid.](#)

107. Ministry of Interior releases a statement to clarify the facts and details related to deporting of Najati. (23 April 2014). Retrieved on 21 January 2016, from Bahrain News Agency website: <http://www.bna.bh/portal/news/615400>

It is noteworthy that the UN Special Rapporteur on freedom of belief urged the Bahraini Authorities to give back Najati's nationality and reverse its decision which seemed arbitrary because what happened to Najati is considered a practice of discrimination on religious grounds, which led to unjustified restrictions on his fundamental rights. ^[108]

Case No. 10



On November 6th 2012, Karimi learned through the media that the Ministry of Interior issued a statement naming him and 30 others in a decision to revoke nationalities for "**harming state security**" ^[109]. The statement said objections must be reoffered to the judiciary. However, Karimi did not receive official documents or information explaining the reasons why he has been charged with damaging state-security.

He did not receive documents that prove his nationality has been revoked either. On 11th December 2012, Karimi approached the Ministry of Justice to hire a lawyer to appeal the revocation decision against him. But he was surprised to find his name had been omitted from the official data records and that he has lost his legal status and could not hire a lawyer.

On 28th April 2013, Karimi was finally able to appeal the decision after the interference of Amnesty International. On the 29th of that month, the court upheld the decision to strip him of his citizenship.

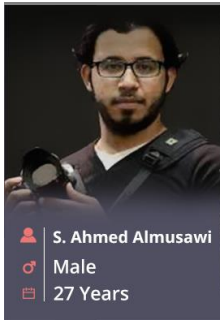
During 2013 and 2014, he was summoned twice to submit his passport and identity card and sign documents agreeing that he must adjust his residency status since he is now considered a "foreigner". After this, the Public Prosecution Office accused Karimi of illegal residency. On 28th October 2014, the court ruled for his deportation with a fine of 100 dinars (\$265). He was released after the fine was paid.

Until 26th September 2015, Karimi was arrested when his home was raided during early morning hours. He faced a number of charges, including "illegal residency" although the judiciary had not yet issued a decision on his appeal. Until the writing of this report, his case was at the judiciary.

108. Bahrain should stop persecution of Shi'a Muslims and return its citizenship to their spiritual leader. (24 April 2014). Retrieved on 21 January 2016, from Office of High Commissioner for Human Rights Web site: <http://ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14533&LangID=E>

109. Urgent: Statement by the Ministry of Interior. [Ibid.](#)

Case No. 11



Sayed Ahmed Almusawi is a 150-international-award photographer. He had taken photographs covering the anti-government demonstrations since 2011. Almusawi was arrested with his brother from their home in the village of Duraz on 10th February 2014 by masked security officers. The security officers did not present warrants with permission to arrest the two men or search the house.

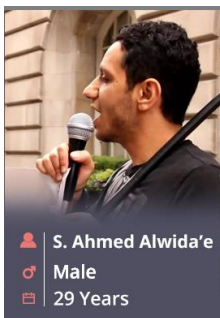
Furthermore, they did not provide information about the reason of arrest or the body carrying out the arrest or the location they were taken to.

Five days after his arrest, his family said that he has been tortured and mistreated over the period of interrogation. Almusawi complained of being electrocuted in several parts of his body. He also said he was completely stripped of his clothes and hanged on the door of an interrogation room. He said he was forced to stand for 4 days while blindfolded and beaten on the sensitive areas of his body.

Almusawi's detention was renewed several times in remand for up to 10 months. He was accused of providing cell-phone chips to protesters. Almusawi works in a telecommunications company. He was also charged of covering anti-government protests, and was tried under the terrorism law. On 23rd November 2015, a criminal court sentenced him to 10 years imprisonment and revoked his citizenship, alongside 13 defendants.

Reporters Without Borders condemned this arbitrary sentencing against the photographer who's only crime was covering the pro-democracy protests, and called on the Bahraini Authorities to annul its decision and drop the charges against him ^[110].

Case No. 12



Sayed Ahmed Alwida'e is a human rights defender, he started his activism with the eruption of the anti-government political movement in February 2011. He is now Director of Advocacy at BIRD, a human rights organization based in London where he enjoys political asylum since 2012.

(Alwida'e) was arrested on March 16, 2011, from a public street, after talking to several international media outlets. However, he was released on April 11, 2011. On May 19, 2011, (Alwida'e) was summoned to the military court, while the country was ruled under the National

110. Bahraini photographer sentenced to ten years in prison. (24 November 2015). Retrieved on 25 November 2015), from Reporters without Borders' website: <http://rsf.org/en/news/bahraini-photographer-sentenced-ten-years-prison>

Safety Law (state of emergency), where he was charged with illegal assembly. On May 24, 2011 he was sentenced to one year, but he was able to pay the bail in order to stop the execution of the judgment.

On June 15, 2011, the Court of Appeal reduced his sentence to (6) months. After about a month, he was arrested from his home, and he was released on December 16, 2011, despite that he had received documents indicating that the criminal court acquitted him of the charges before his release.

It is noteworthy that (Alwida'e) revealed that he had been subjected to torture and ill-treatment during his detention, where he was repeatedly beaten, forced to stand for long hours, blindfolded and shackled in painful positions.

(Alwida'e) left Bahrain in mid of 2012 to UK, and he managed to get political asylum beginning of 2014. There, (Alwida'e) could exercise more peaceful activities criticizing the Bahraini authorities. As a result of that, his nationality was dropped among (72) others, on January 31, 2015 via a royal decree.

On February 4, 2015, the UN rights experts said that "The recent revocation of Bahrain citizenship of an additional 72 people seems to be yet another attempt by the Government of Bahrain to clamp down on opponents"^[111].

111. UN rights experts urge release of opposition politician detained for peaceful expression. (4 February 2015). Retrieved on 10 January 2016, from Office of High Commissioner for Human Rights Web site: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15541&LangID=E>



Part Four

The Prosecution of Activists

The legal framework



Since the objectives of the International laws of Human Rights and international and regional treaties and agreements are to promote and protect human rights for all, and in particular the fundamental freedoms, the human rights defenders and others who lie under their umbrella such as political and media activists create an effective guarantee and they are "essential to enjoy compressive human rights"^[112]. However, in contrast, that make them vulnerable and to be targeted and abused, which required the international law to protect them through the (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms)^[113], which became as basis reference to protect those defenders and activists from being targeted by governments because of their activities which aim to promote and protect human rights. In this regard, the Declaration states that "Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms", as well as it guarantees the right "to form, join and participate in non-governmental organizations, associations or groups; and to communicate with non-governmental or intergovernmental organizations", and "everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms. It also guarantees that "Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms" , and "to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States"^[114].

The arbitrary use of laws to restrict activists' work

According to the facts and the information recorded by the LHRD during the year 2015, the Bahraini authorities did not stop oppressing some human rights defenders, and other political leaders, activists, and journalists, or to prosecute them. The authorities also innovate and use tools in domestic law to restrict their work which supports the popular demand for

112. Protecting human rights defenders. (12 April 2013). Document No. (A/HRC/RES/22/6). Retrieved on 24 November 2015, from Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/6

113. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. (9 December 1998). Retrieved on 24 November 2015, from Human Rights Commission: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx>

114. Ibid.

democratization and the protection of human rights, which made those defenders and activists, **"the most important political opponents, for authorities, who should be punished and to be isolated from the scene of the control and protection of human rights in their repressive view"** ^[115], and became **"the most likely risky target among the targets of repression"** ^[116] as described by the Observatory for the Protection of Human Rights Defenders. So it seemed that the Bahraini authorities spared no efforts to silence the rest of politicians, human rights defenders and opponents, who did not face jail or prosecution.

Among the most important laws which have been used by the authorities to prosecute activists and restrict their activities, the Penal Code ^[117], the Terrorism Law ^[118], and the Nationality law ^[119], as the expression of opinion in social media or public forums or criticizing the authorities and their bodies became "incitement to hatred of the regime" and to demand the establishment of a democratic system "promotion to change the state system by force and suspending the Constitution," and calling for peaceful demonstration "encouragement to non-compliance with the laws" ^[120].

As the expression of opinion in social media or public forums or criticizing the authorities and their bodies became "incitement to hatred of the regime" and to demand the establishment of a democratic system "promotion to change the state system by force and suspending the Constitution," and calling for peaceful demonstration "encouragement to non-compliance with the laws".

It seems from some of the cases that the authorities have used some articles of such laws to charge those activists with charges with criminal or terrorist nature unrelated to the activities

115. Bahrain reforms ... a game of numbers. [ibid.](#)

116. Imprisonment, torture and statelessness: The darkening reality of human rights defenders in Bahrain. (25 June 2015). Retrieved on 26 November 2015, from The International Federation for Human Rights website: https://www.fidh.org/IMG/pdf/bahrain_obs_eng_22.6.2015_pdf_3_web.pdf

117. Legislative Decree No. 15 of 1976 with respect to promulgating the Penal Code. [ibid.](#)

118. Law No. 58 of 2006 on the protection of the community from terrorist acts. [ibid.](#)

119. Bahrain Nationality Law for 1963. [ibid.](#)

120. See part 2 of this report (Restriction on Freedom of Expression).

of those activists, like putting the name of an activist in a case of an alleged terrorist bombing or killing one of the security men. ^[121]

The Report of the Special Rapporteur on freedom of human rights defenders in 2012 seems perfectly applicable to Bahrain, while it suggests that governments had "the detention of human rights defenders, arrest, trial, conviction, issuing sentences against them and harassing them under the guise of enforcing anti-terrorism legislations and other legislations relating to national security (...) in some cases, provisions in the anti-terrorism legislations are very broad so that any peaceful action to express different views can be defined as terrorist acts" ^[122]. It appears from the other cases that the authorities spared their efforts in searching for charges fit the activities of the victims and their work to punish them according to vague legal provisions, as in the case of deprivation of citizenship because of "**harming the interests of the kingdom**", or to act as "**contrary to the duty of loyalty**" ^[123].

According to the available information, the Ministry of Interior has used its legal authority to open preliminary investigations aiming to intimidate activists or to restrict their activities which has been condemned by the Special Rapporteur who said that "**preliminary investigations have been used to intimidate defenders or to silence them or to deter them from carrying out their legitimate activities to promote human rights**" ^[124]. The Ministry - often - is biased in advance for specific results by opening investigations or accusations without evidence.

It's clearly noted through the press statements in which activists are convicted and named criminals and terrorists before the beginning of their trials, which would affect their innocence. Whereas public officials should refrain "**from making statements that could distort the reputation of human rights defenders or labeling them**" ^[125], as recommended by the Special Rapporteur on freedom of human rights defenders recommends.

Besides, the dream of those activists of having a fair trial became out of reach. As since 2011, "**the unfair trials held for critics of the government and its opponents, especially the protesters, has become a remarkable feature in the scene of human rights in Bahrain**" ^[126].

121. See Case No. 16 of the senior member of Al-Wefaq, Shaikh Hassan Issa.

122. Report of the Special Rapporteur on the situation of human rights defenders. (10 August 2012). Document No. (A/67/292). Retrieved on 26 November 2015, from Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/67/292

123. See Part 3 of this report (Nationality Revocation).

124. *Ibdi.*

125. *Ibdi.*

126. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [Ibdi.](#)

The Observed cases

Statistically, the LHRD has been able, during the year 2015, to report (74) cases including the investigation and trial of "prominent" political or media or human rights activists, and some indicators show that it is for the purpose of limiting their opposition activities against the Bahraini authorities.

For example, the Secretary-General of the European-Bahraini Organization for Human Rights Hussain Jawad Pervez was arrested on February 16, 2015, and accused of "collecting and receiving funds from Bahrain and abroad to be used in supporting and financing subversive groups", in relation to his human rights activities.

On April 2, 2015, the President of the Bahrain Center for Human Rights, the activist Nabeel Rajab was arrested and he was charged with two charges of **"broadcasting of false news and statements spreading rumors in a time of war that would harm military preparations and operations, and insulting publicly a statutory body"**, because of Tweets related to torture in Jaw prison and criticism of the war in Yemen.

On June 16, 2015, the Secretary General of Al-Wefaq, Shaikh Ali Salman was sentenced to 4 years in prison on charges of **"incitement hatred against a sect of people, encouraging non-compliance with the law, and insulting the Interior Ministry"**, relating to political speeches he delivered in 2013 and 2014.

Another criminal court sentenced, on June 28, 2015, the Secretary-General of the National Democratic Assembly (Al-Wahdawi) Fadhil Abbas to 5 years in prison. He was charged with **"broadcasting false news and rumors, and rumors publicity that could harm the military operations of the Armed Forces"**, Following a statement issued Al-Wahdawi criticizing the war on Yemen.

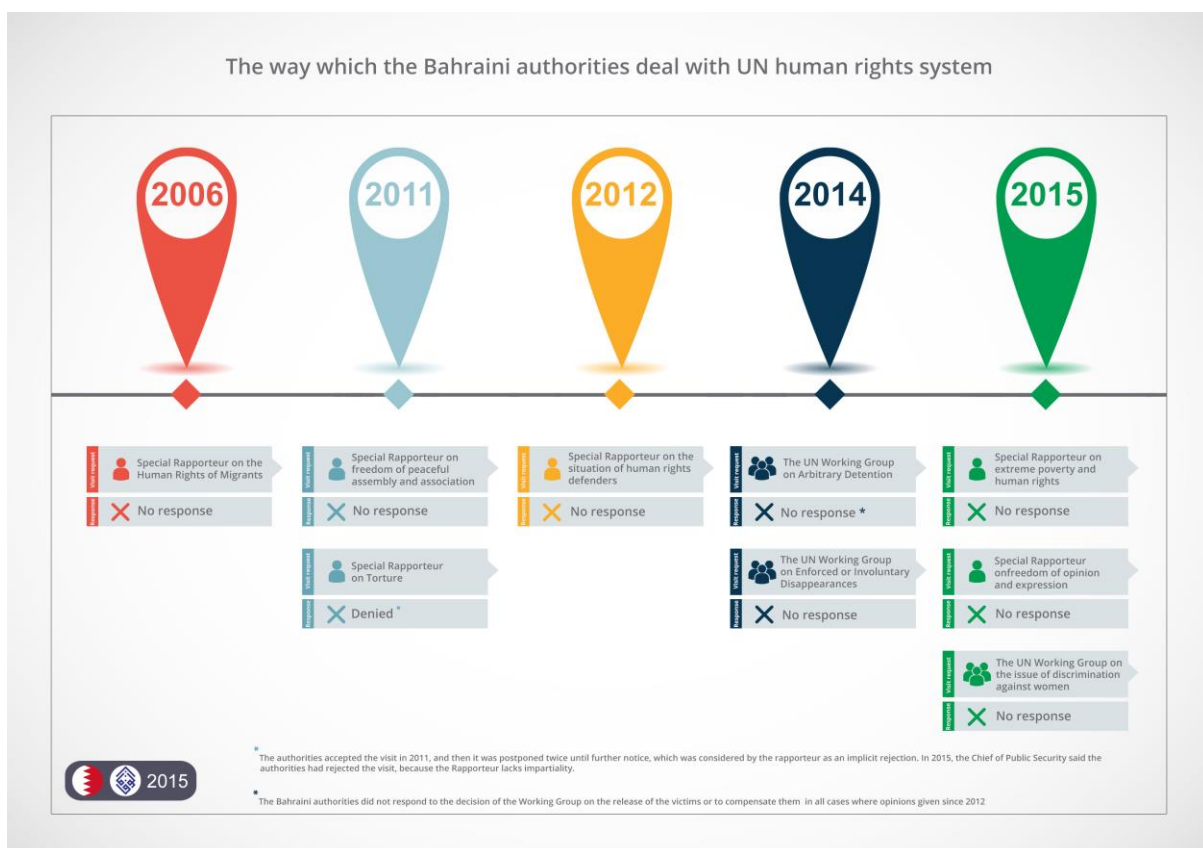
On June 29, 2015, the authorities summoned the leader in Al-Wefaq and the Assistant Secretary General for political affairs, Khalil Al-Marzooq and he was charged accused of **"insulting Interior Ministry, and inciting hatred against the regime"**, because of his criticisms to torture cases in Jaw Prison in March 2015.

On July 12, 2015, the Secretary General of the National Democratic Action Society (Wa'ad) Ibrahim Sharif was arrested and charged with **"incitement on changing the regime, and incitement on hatred and contempt the regime"**, because of a speech he delivered at a memorial gathering held for one of the victims of the arbitrary killings.

The leader in Al-Wefaq Shaikh Hassan Isa Marzooq was arrested on August 18, 2015, and he was charged of **"funding terrorism through the distribution of money to wanted criminal terrorists, as well as others involved in carrying out terrorist acts"**, because of his political and religious activity.

On September 21 2015, an appeal court sentenced the human rights activist Zainab Al-Khawaja to one year in prison and fined her 3,000 dinars, on a charge of **"insulting the king of the country"**. [127]

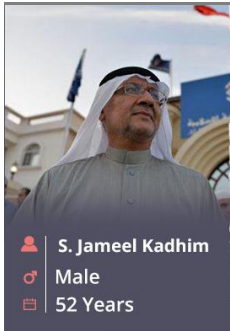
It is worth mentioning that the authorities did not respond on (9) requests for special rapporteurs and working groups at the United Nations to visit Bahrain, including the a request by the Special Rapporteur on Human Rights Defenders, which dates back to the 2012, and a request by the Special Rapporteur on freedom of expression in 2015.



127. For further examples, refer to part 2 of this report (Restriction on Freedom of Expression).

Case Studies

Case No. 13



Sayed Jameel Kadhim is a prominent member of Al Wefaq National Islamic Society and the chairman of its advisory board ^[128] and a former member of parliament, from 2006 to 2011 when he resigned in protest of the Authorities' crackdown on the central protests in the Pearl roundabout. He has a (Twitter) account with thousands of followers where he expresses his opinions and criticism of policies being a member of a political party.

On January 14th 2015, Kadhim was arrested when he left the Wefaq headquarters. The primary criminal court had handed him a 6 month sentence with a fine of 500 Bahraini dinars on charged of distorting the freedom of the elections and sharing false news in attempt to influence the result of the elections. Kadhim had posted a tweet about **"political money"** ^[129] in parliamentary elections, the opposition had made decision to boycott the elections, then in 2014.

Before Kadhim's arrest, on September 21st 2014, his lawyer issued a statement highlighting that the **"lawsuit is malicious and a political employment of the law and an expropriation of the right to opinion and speech"** ^[130] His lawyer also stated, **"voting is a right which citizens can chose whether to use or not"** and that every political association must enjoy the right to mobilize for the boycott or participation in elections and therefore, it is not considered a distortion of elections or influence on voters' freedom^[131].

The LHRD has reviewed the lawsuit papers and saw that Kadhim's talk about political money was his description of a story he heard from a person who was offered to have his economic and social situations improved if he accepts to run for the parliamentary elections. This person was summoned by the Public Prosecution Office and the person who made the offer, both men confirmed that this did happen.

His lawyer also mentioned that he submitted a number of articles, tweets and sermons which were all published online and in the press and included very clear signals of the use of political money in the electoral process. However, the Prosecution Office did not question or charge them.

128. Al Wefaq Shura Council: an internal advisory board at Al Wefaq Islamic National Society.

129. The tweet by Mr. Jameel Kadhim on the political money in the 2014 elections (October 9, 2014). Retrieved on January 9, 2016, from Twitter website: <https://twitter.com/SJKadhim/status/520058983369809920>

130. The report by Mr. Al Shamlawi, the lawyer, on the lawsuit filed against the head of Al-Wefaq advisory board: the case is malicious, politically hiring the law and confiscates the right of expressing the opinions. (December 21, 2014). Retrieved on January 9, 2016, from Al Wefaq Islamic National Society website: <http://alwefaq.net/cms/2014/12/21/34713/>

131. Ibid.

Therefore, the lawyer said "this indicated that the case against Kadhim was malicious, as treatment is unequal in similar situations and moreover indicates the political use of the law".^[132]

On February 1, 2015, the Court of Appeals decided to release (Kadhim) on bail. Then, on February 15, 2015, he was re-arrested as the court ruled to uphold the sentence of Kadhim to 6 months in prison. He was released on July 27, 2015 after completing his full sentence period.

Case No. 14



Hussain Jawad Parweez is a known human rights activist and the President of the European Bahraini Association for Human Rights. His father is a prisoner and political activist, Mohammed Jawad Parweez, who is serving a 15 year sentence for charges of "cooperating to topple the regime".

On February 16th 2015, Parweez was arrested when masked security forces, some in plain clothes, raided his home in Markuban, Sitra, at midnight. Parweez said that the forces searched the house and confiscated his mobile phone and passport, however, failed to present a warrant that permitted arrest or to search the house. The forces also failed to provide information on the reason of arrest and the place he was being taken to and the apparatus carrying out the arrest. He said he was tortured, beaten and verbally offended during arrest.

On February 18th 2015, Parweez was transferred to the Prosecution Office without informing his family or lawyer. He was accused of riot acts and the procession of Molotov cocktails, it then ordered for his release, but he was not released.

On February 21st 2015, Parweez appeared before the Prosecution Office again and was detained for 7 days in remand with charges of "collecting funds from inside and outside Bahrain and intending to use them in funding subversive groups". The Office then amended his charge to "collecting funds to fund terrorism" and then to "collecting funds without permission" as the Office saw that the collected money was distributed as donations to families of prisoners.

Parweez told the LHRD that was tortured and mistreated during interrogation. This included beatings, deprivation of sleep, being forced to stand for prolonged hours, being kept in an extremely cold room, being deprived from going to toilet, sexual abuse until he was forced to "confess" to the charges against him, however, he denied them before the court.

On 19th May 2015, Parweez was released with a fine. He later left Bahrain. On December 15th 2015, Parweez said he was sentenced to two years in jail with the charge of collecting funds without permission.

132. Ibid.

It is noteworthy that the Special Investigations Unit has heard Parweez's testimony about his torture on February 23rd 2015. But he later learnt that the Unit closed the investigation into his allegations under the pretext of insufficient evidence.

Case No. 15



Ebrahim Sharif is one of the opposition's prominent leaders. He is the former General Secretary of the National Democratic Action Society (Wa'ad). He received a royal pardon and was released on 19th June, 2015 having served four years and three months of a five-year sentence over charges related to the so called case known as "21 figures" who are accused of "plotting to topple the regime" whereas

the National Safety Court on the 22nd June 2011, sentenced to five years in prison.

Three weeks after his release, Mr. Sharif was arrested again on 11th June 2015 from his house at 2:30 am and was taken to Muharraq police station. Sharif's lawyer stated that he immediately went to the police station as soon as he heard the news of his arrest to attend the first interrogation session but he was denied access to his client while being interrogated.

On 12th July 2015, the General Department of the Criminal Investigation stated that the arrest of (Sharif) is due to **"his inciting for regime change, and for publically inciting hatred against the regime"**^[133] while delivering a speech marking the anniversary of the child Hussam Al-Haddad (16 years) who was shot dead by shotguns fired by the police in September 2012.

On 13th July 2015, Sharif was transferred to the court which ordered to remain in police custody for more interrogations over two charges made against him by the General Department of the Criminal Investigation that was after being interrogated since midnight until 2:00 am. According to Sharif's lawyer, one of the phrases at which they stopped during the interrogation was "the time for change has arrived" which a phrase said by Voltaire and the interrogators had matched it with the current political situation and Sharif was asked about the meaning of it. During the interrogation Sharif was also asked about some terms such as "Sacrifice" and the meaning of it.

As Sharif denied these two charges, Human Right Watch Said **"Bahrain Authorities should immediately release the political activist Ibrahim Sharif"** ^[134] whereas it went through his speech

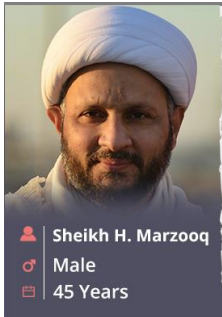
133. Former prisoner detained for inciting hatred. (12 July 2015). Retrieved on 10 January 2016, from Bahrain News Agency website: <http://bna.bh/portal/en/news/677499>

134. Bahrain: Release Rights Activists. (15 July 2015). Retrieved on 10 January 2016, from Human Rights Watch: <https://www.hrw.org/news/2015/07/15/bahrain-release-rights-activists>

[135] and **"concluded that it only contained a peaceful criticism against the government and calls for political reforms"** [136].

On February 2016 24, the High Criminal Court sentenced Sharif to one year in prison for "incitement to hatred of the regime", while acquitted him of the charge of "promoting regime change by force."

Case No. 16



Sheikh Hassan Isa Marzooq is a leader at Al-Wefaq National Islamic Society. He is a former MP who resigned from the parliament protesting the authorities' brutal suppression against the people in 2011 popular demonstrations. He is a political activist as he is a (Shi'tte) cleric, speaker and respected prominent figure in his residential area (Sitra Island).

(Marzooq) was arrested on 18th August, 2015 upon his arrival from Bahrain International Airport when he and his family had just returned from a religious journey (pilgrimage)

On 23rd August, 2015, the Ministry of Interior announced the arrest of (Marzooq) **"over charges related to funding terrorism through distributing sums of money among wanted criminal terrorists and others who participated in carrying out terrorist acts"** [137].

The public prosecution renewed (Marzooq) detention many times for more interrogations until he spent (150) in remand in accordance to the terrorism act which permits the authorities to keep the defendant in remand for (6) without a trial. Marzooq was then transferred to court on 12th January, 2016.

Marzooq's defense panel stated: the defendant was deprived from his right to communicate with his lawyer during the trial as the defense team was not informed of the trial time, but one of the defense team (by his personal effort) managed to know the time of his defendant's trial and he was allowed to meet Marzooq for only (3) minutes. At that time, Marzooq informed his defense team about the mistreatment that he had been subjected to and about the threats of an officer in the General department of the Criminal Investigation. Above all, the public prosecution rejected the request of the defense team to read the case or even visit their defendant.

135. See the speech of Ibrahim Sharif on his first participation at the funeral of the victim Hussam Al Haddad. (10 July 2015). Retrieved on 10 January 2016, from YouTube: <https://www.youtube.com/watch?v=nN8yNVIslcs&feature=youtu.be>

136. Bahrain: Release Rights Activists. [Ibid.](#)

137. Former MP arrested for financing terrorism. (24 August 2015). Retrieved on 10 January 2016, from the Bahrain News Agency website: <http://bna.bh/portal/en/news/682858>



Part Five

Torture and ill-treatment

The legal framework



Torture and ill-treatment are considered the most serious violations that affect the individual's right to life and personal integrity which is guaranteed by the Universal Declaration of Human Rights (Article 3) and detailed in (Article 5) ^[138] and the International Covenant on Civil and Political Rights and in articles (6) and (7) ^[139]. And the Convention against Torture formed the broader international legal framework to criminalize torture and ill-treatment, and to protect victims and punish perpetrators. The most important articles of the Convention state on the necessity of "Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction", and "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings " Which means that each State Party shall ensure "that all acts of torture are offenses under its criminal law" ^[140], which is reflected locally in (Article 19) of the 2002 Constitution ^[141] in general, and in the Penal Code ^[142] in details.

The Observed Cases

The LHRD, during the year 2015, observed (798) cases related to allegations of torture and ill-treatment, and the vast majority of them were inside the prison ^[143], based on the Convention against Torture's procedural definition: the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or

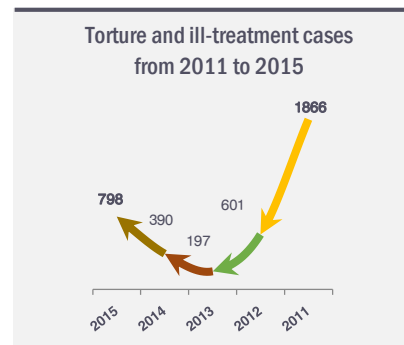


Chart 4

138. The Universal Declaration of Human Rights. [Ibid.](#)

139. International Covenant on Civil and Political Rights. [Ibid.](#)

140. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (10 December 1984). Retrieved on 30 November 2015, from Human Rights Commission website: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

141. Constitution of the Kingdom of Bahrain. [Ibid.](#)

142. Legislative Decree No. 15 of 1976 with respect to promulgating the Penal Code. [Ibid.](#)

143. The LHRD notes that many people subjected to torture and ill-treatment prefer not report the abuses because they are afraid of being prosecuted or arrested. On the other side, the LHRD doesn't have a comprehensive statistics about the cases of torture in jail due to technical obstacles and it's hard to reach the victims.

with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions ^[144].

The LHRD observed from 2011 to 2015 a total of (3852) cases of allegations of torture and ill-treatment. As the number of such cases were (1866) cases in 2011 reported to the Bahrain Independent Commission of Inquiry (BICI), (601) cases in 2012, (197) cases in 2013, (390) cases in 2014, and (798) cases in 2015. (See Chart 4)

Typical patterns of torture and ill-treatment

According to conclusions based on the information and the testimonies obtained by the LHRD during the year 2015, there are indications that the authorities are still practicing torture and ill-treatment in the same methods and practices documented by the BICI ^[145] and other international organizations ^[146], and what was documented by the LHRD ^[147] in previous reports.

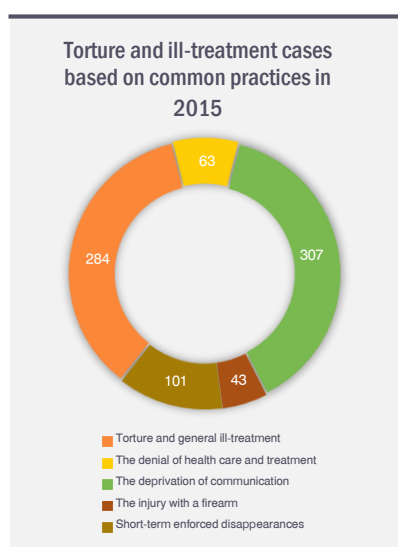


Chart 5

The most common of those methods and practices were slapping, punching, kicking, beatings with hands, water hoses and solid objects on different parts of the body and focusing on the penis, electrocution, sexual assaults, stripping, exposing the victim to high or too low temperatures, to stand for long hours, deprivation of sleeping or eating and drinking, going to the toilet and bathing, handcuffing in a harmful way, the threat of beatings and sexual abuse of the victim or his relatives, solitary confinement for days, circulating the photo of the victim in the official media prior to his conviction, detention for hours without justification before the beginning of the investigation, and sectarian insults. Such cases have reached (284) cases.

144. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. [Ibid.](#)

145. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1234). [Ibid.](#)

146. Refer to Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [Ibid.](#)

147. Refer to Bahrain reforms... a game of numbers. (1 May 2015). Retrieved on 25 November 2015, from Al-Wefaq website: [Ibid.](#)

Furthermore, the LHRD has distinguished (4) typical acts of torture and ill-treatment repeated noticeably, namely: the injury with a firearm to the level of torture ^[148] (43) cases, denial of health care and treatment (63) cases, deprivation of communication (307) Cases and short-term enforced disappearances (101) cases. It is noteworthy that the Working Group on Enforced or Involuntary Disappearance of the United Nations has expressed **"deep concern about this phenomenon"** in a number of countries, including Bahrain ^[149], and it reported to the authorities about **"alleged pattern of short-time disappearances"** ^[150], and requested **"additional information on the specific steps taken by the Government to prevent and terminate cases of enforced disappearance and on the measures taken to ensure that relatives of persons deprived of their liberty"** ^[151]. (See Chart 5)

The LHRD, in its reports for 2014 ^[152], and for 2013 ^[153], concluded that **"the majority of the cases of torture and ill-treatment were aiming to force the victims to give information or confessions, or for the purpose of punishment, and in some cases, which were verified by the LHRD, the purpose of torture and ill-treatment was sectarian discrimination"**. And most of the allegations **"of torture and ill-treatment in prison were related to the investigation period with the victim in the General Directorate of Criminal Investigations"**, which reveals that torture and ill-treatment are practiced systematically in prisons.

The LHRD as well, according to the testimonies of the victims or their families, note that there are indications that torture and ill-treatment processes have become more "professional" including the use of very painful but non-lethal torture methods without leaving signs of torture on the victims' bodies, and such methods are used in order to hide any evidences leading to accountability.

148. Bahrain: fundamental reform or torture without end. (1 April 2013). Retrieved on 2 December 2015, from Redress website: <http://www.redress.org/downloads/publications/Fundamentalreform.pdf>

149. Report of the Working Group on Enforced or Involuntary Disappearances (27th session of the Human Rights Council). Document No. (A/HRC/WGEID/105/1). (4 August 2014). Retrieved on 30 November 2015, from Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/27/49

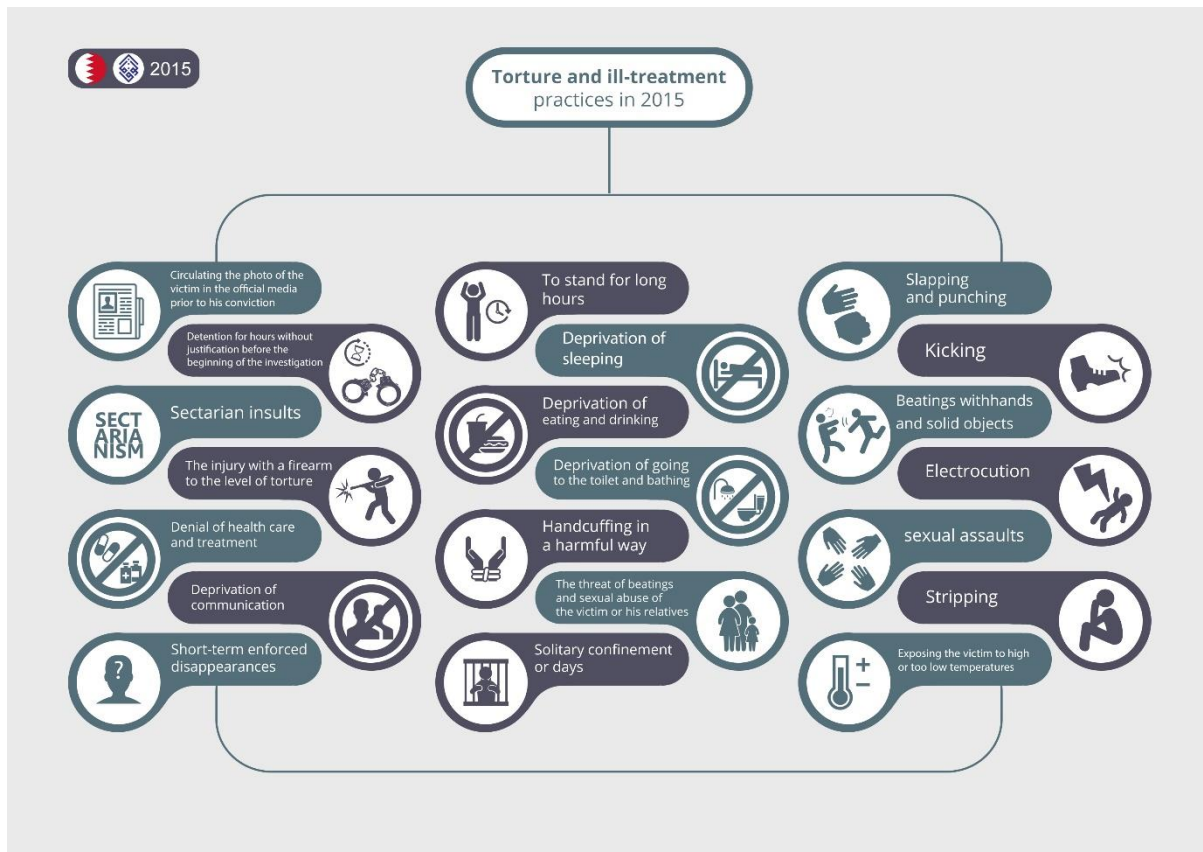
150. Communications, cases examined, observations, and other activities conducted by the Working Group on Enforced or Involuntary Disappearances. Document No. (A/HRC/27/49). (4 August 2014). Retrieved on 30 November 2015, from Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGEID/105/1

151. Report of the Working Group on Enforced or Involuntary Disappearances (30th Session of the UN Human Rights Council) – Document No. (A/HRC/30/38). (10 August 2015) Retrieved on 3 December 2015, from Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/30/38

152. Bahrain reforms ... a game of numbers. [ibid.](#)

153. Bahrain: Repression – The Shadow of Tyranny. [ibid.](#)

It's noted that the BICI has concluded that there are general patterns of torture and ill-treatment that took place in 2011, and they were conducted in order to obtain false confessions, or for the purpose of punishment, and **"prison officials are being guided by a similar set of practices, or even policies, as existed in the past. This indicates a systemic problem, which can only be addressed on a systemic level"** ^[154]. So far there is no evidence that the authorities have really accepted the result to resolve the problem.



👉 Dealing with the central Jaw Prison disturbances

According to statements made by former prisoners to the LHRD, the Bahraini authorities, in order to control the disorders in the central Jaw prison, which broke out on March 10, 2015, used excessive force and practiced torture and ill-treatment against prisoners, who are mostly prisoners of conscience or politicians.

That was one of the most remarkable incidents since the launch of the opposition political movement in 2011, those statements which have been made by former prisoners to LHRD,

154. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1243). [Ibid.](#)

and documented in a report entitled "Jaw Prison disturbances: testimony with broken teeth mouths" [155].

According to those statements, large numbers of Special Forces fired teargas grenades and (shotgun) until the prisoners went back to the buildings and the rooms, and then the security forces broke into their rooms and began firing teargas and (shotgun) inside the rooms and corridors of the buildings. A prisoner has explained how he saw members of the security forces shooting a prisoner with (shotgun) at a very close range, causing him an injury in his left thigh. Then Special Forces entered the rooms, and attacked the prisoners with batons, pieces of wood, iron bars, helmets and solid objects. After that, the prisoners were taken out to a yard where they remained out door for 4 days. They were deprived of taking showers, use of latrines, and they were forced to defecate in a corner of the yard.



Photos leaked from Jaw Prison during the March 2015 disturbances.

According to the information documented in the report, the prison administration tortured the prisoners in a systematic way, during and after taking them out from the buildings. The prisoners, in specific periods of the day, were forced to line up in a long queue, and to take off their clothes, except of the underpants, and then the guards poured cold water on their bodies. After that, they were forced to roll on the ground or to walk with sitting position for approximately 7 meters, and they were subjected to kicking and beating during their rolling. Moreover, they were forced to stand on one leg, for several consecutive times. In some cases, prisoners were forced to chant, glorifying members of the ruling family, or certain religious

155. Jaw Prison disturbances: testimony with broken teeth mouths. (15 May 2015). Retrieved on 6 November 2015, from Al-Wefaq website: <http://alwefaq.net/media/2015/05/JawReport.pdf>

figures and symbols belonging to a different doctrine of the victim. The prison administration has also shaved the heads of the majority of the prisoners, and deliberately humiliated them by shaving only one side of their heads, or an eyebrow without the other.

According to some victims who have been interviewed by the LHRD, they stated that the prison administration has transferred many prisoners to one of the buildings in order to investigate them with regard to the disturbances, and they had seen a number of those prisoners, after their return. They were exhausted, and their bodies were full of bruises and contusions, and some of them were bleeding.

Despite the change in the situation and the torture stoppage since the beginning of May 2015, the LHRD, as of the date of writing this report, is still receiving complaints from prisoners about being tortured immediately after their detention at Jaw Prison or the Dry Dock Prison. It seems that such acts are made in order to pay the prisoners' attention to the strictness of the Prison, and to create a self-censorship among the prisoners to avoid violating the prison's rules, especially those that may be related to assembly and rebellions, as the LHRD observed this pattern of torture since the Jaw prison disturbances happened on March 10, 2015.

It is noteworthy that the Chief of Public Security, on November 2, 2015 in an interview with a local newspaper, denied any allegations of violations committed by Interior Ministry. He said what happened **"has no relation with the incident, pointing out that injured in those events, were all from the police guards in the prison, while no one injured from the inmates"** ^[156].

The Chief of Public Security denied any allegations of violations committed by Interior Ministry. He said what happened "has no relation with the incident, pointing out that injured in those events, were all from the police guards in the prison, while no one injured from the inmates".

On January 25, 2016, a criminal court sentenced (57) defendants in connection to Jaw prison disturbances to (15) years in prison, and fined them jointly approximately (508) thousand dinars, for the damages occurred in the Prison. While the public prosecution said it had heard the testimonies of 126 witnesses from the security personnel in charge of keeping order in the

156. We rejected the visit of Méndez, because he's biased and not balanced. (2 November 2015). Retrieved on 8 December 2015, from Al-Ayam newspaper website: <http://www.alayam.com/alayam/first/538584/الحيادية-وافتقار-المنحازة-بسبب-أفكاره-المنحازة-وافتقار-الحيادية.html#cpTTL>

Prison Administration. It began investigating the suspected inmates in those incidents and some of them claimed being ill-treated during the investigation, as well as similar complaints have been reported to the Ombudsman and they have an investigation in the excessive use of force and torture by the security men to control the disturbances.^[157]

The Ministry of Interior and the Public Prosecution have dealt with this incident in the same way of dealing with an earlier disturbances took place in the Dry Dock Prison (the detention prison) in 2013, when they ignored subjecting prisoners to torture and ill-treatment^[158] ^[159], while the National Institution for Human Rights said that **"the bodies of some of the prisoners have shown signs of ill-treatment"**^[160], during its visit to the prison. However, a sentence was issued on September 25, 2014, punished 19 defendants by jailing them to 3 years and fined them together (600) dinars, for the damages, taking the allegations of torture in account by the court^[161].

The performance of the relevant bodies to eliminate torture and ill-treatment

In response to the BICI's recommendations, the authorities have established a number of bodies in order to eliminate torture during the interrogation of detainees, and to ensure access to basic rights. The most prominent of these bodies are: the General Secretariat of the grievances in the Ministry of the Interior (the Ombudsman) as a body to receive, **"and examine the complaints received against any employees of the public security forces"**^[162], and the Special investigation Unit (SIU) in the Public Prosecution, as **"an independent and impartial mechanism for the accountability of government officials who have committed acts contrary to the law or caused negligence in cases of murder, torture and ill-treatment of civilians"**^[163]. However, the review of the performance of those two bodies shows that they are not serious enough to conduct a fair and

157. 15 years for 57 defendants in Jaw prison rioting. (25 January 2016) Retrieved on 26 January 2016, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/707816>

158. Inspector-General/Statement. (16 August 2013). Retrieved on 25 January 2015, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/575451>

159. Public Prosecution starts Investigation on the Rioting and Vandalism Incident on the Officer and Members of the Police at the Detention Centre. (17 August 2013). Retrieved on 25 January 2016, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/575461>

160. The National Institution for Human Rights visits Dry Dock Jail. (17 August 2013). Retrieved on 25 January 2016, from the National Institution for Human Rights website: http://www.nihr.org.bh/mediacenter/s64/hidnews1/17_Aug_2013.aspx

161. Three imprisonment years increased to 19 accused of Dry Dock rioting. (25 September 2014). Retrieved on 26 January 2016, from Al-Wasat newspaper website: <http://www.alwasatnews.com/news/923487.html>

162. Decree No. 27 for 2012 regarding Ombudsman Office on Ministry of Interior. (8 March 2012). Retrieved on 30 November 2015, from the Ombudsman website: <http://www.ombudsman.bh/en/legal-references/ordinance-27-of-2012/>

163. Decision No. 8 for 2012 on the establishment of the Special Investigation Unit. (1 March 2012). Retrieved on 30 November 2015, from the legal Affairs Authority website: http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=7604#.Vlw_AHYrKUJ

just investigation, in order to contribute to a remedy for the victims, and eliminate torture, the matter which has been stressed by the LHRD that **"any legislation unless it enters into force, and finds it necessary circumstances to be implemented becomes just ink on paper at its best, and in the worst cases, to provide a cover to protect criminals"** [164].

The Ombudsman has failed in issuing transparent reports on the complaints they steadily received, as well as the steps taken to deal with those complaints. Instead, they cover up this failure by reviewing abstract figures in a sophisticated way, leaving the fate of the issue of torture and ill-treatment unknown, at least in the Ombudsman's reports. The LHRD believes that this is due to the continuation of the problems of the Ombudsman as raised by the LHRD in an earlier report [165], in terms of lack of seriousness in the use of regulatory tools, the decline of community trust, and lack of transparency, as well as the structural imbalance of the formation.

In Jaw Prison disturbances, for example, the Ombudsman told the public opinion that it was closely following the unrest, and it has received many complaints or what it called **"requests for assistance"** from the families of prisoners and worked on resolving a part of them [166]. However, the Ombudsman in its recent report [167], has completely ignored talking about the unrest, and hasn't mentioned any actions or steps taken in this regard. Instead, it said it has received 196 requests in March 2015 for assistance [and not complaints] from relatives of the inmates in the rioting incident which took place in the Reform and the Rehabilitation Center", bringing the total number of the complaints and assistance requests received by the Ombudsman, from May 2014 until April 2015 to 908.

Thus, and without data, the General Secretariat of the grievances concluded that it is "a sign of an increase in the confidence of their performance, particularly towards their independence and impartiality," and it is not an indication of structural problems or systematic methods used by security men in dealing with citizens, which led to the establishment of the Secretariat itself.

The Special Investigation Unit (SIU), despite its frequent talk about the investigation in many cases and referral of a number of security men, including officers to trials, the mystery still surrounds the nature of the investigation into those cases, making a number of torture and ill-

164. Bahrain reforms ... a game of numbers. [ibid.](#)

165. Assessment Paper marking the first anniversary of the Ombudsman in MOI (14 August 2014). Retrieved on 12 December 2015, from Al-Wefaq: <http://alwefaq.net/cms/2014/08/14/31804/>

166. Jaw Prison disturbances: testimony with broken teeth mouths. [ibid.](#)

167. The Ombudsman Annual Report 2014-2015. (31 May 2015). Retrieved on 12 December 2015, from Ombudsman website: <http://ombudsman.bh/mcms-store/pdf/Annual%20Report%20English%202015.pdf>

treatment cases as unknown, except very limited cases which have been announced by the SIU.

The SIU, since its establishment in 2012, did not succeed as expected in accounting or convicting the security men who are accused of committing torture and ill-treatment in cases related to the political opposition movement. It appears, from the torture and ill-treatment cases which have been announced by the SIU that the suspected security officers have been acquitted, despite their conviction by the BICI, such as the case of Hassan Jassim Makki, who has been tortured to death^[168], or documented by local and international human rights organizations, such as the case of the journalist Nazeeha Saeed^[169].



The arbitrary killing's victim Hassan Maki and the journalist Nazeeha

The LHRD notes that the SIU, with the exception of one case, did not announce investigations into the arbitrary murder cases documented by the BICI's report, which are still stuck in the initial stages, after five years of their occurrence, although they are part of SIU's responsibilities, where those trials have already started before taking any action by the SIU.

The reviews carried out by the LHRD indicate that the investigations conducted by the SIU are not serious, and it seems that they are biased to protect those involved in the torture and ill-treatment cases. The LHRD has seen several cases investigated by the SIU, including an investigation with one of the victims of torture and ill-treatment in connection to Jaw Prison disturbances, the interrogator told the victim at the beginning of the investigation, "**I do not want precise details, but a brief statement**". During his testimony, the victim said other victims have been subjected to torture, but the investigator told him, "**Speak only about yourself**". When

168. Hassan Jassim Makki (40 years) was tortured to death in jail after his detention for 7 days on charges related participation in protests of the opposition political movement. The BICI report documented his case in paragraph (991) "The death of Mr Maki is attributed to torture at Dry Dock Detention Centre. Mr. Maki was in the custody of the MoI at the time of his death". However the SIU said the evidences proved some small injuries couldn't lead to his death. SIU responds on an article by the journalist Hani Al-Fardan. (13 May 2015). Retrieved on 13 December 2015, from Al-Wasat website: <http://www.alwasatnews.com/4631/news/read/990440/1.html>

169. Nazeeha Saeed (33 years), is Bahrain correspondent of France 24 and Radio Monte Carlo. She was arrested in May 2011. She was subjected to torture and ill-treatment for her coverage for the protests which broke out in the beginning of 2011. After her release, she filed a complaint at the Attorney General Office who conducted an investigation in the case and referred it to the Lower Criminal Court. In March 2012, the case was brought back to the Public Prosecution arguing that it was a crime not an offence. After referring the case by the Attorney General Office to the High Criminal Court, the court found a female police officer innocent in October 2012 despite all the evidences of torture. As of November 2015, Nazeeha has filed a complaint of torture to the Special Investigation Unit which said the insufficient evidences can't help in filing another case, although her case has been documented by several human right organizations including Human Rights Watch. Refer to Bahrain: A System of Injustice. (28 May 2014). Retrieved on 25 January 2016, from Human Rights Watch website: <http://www.hrw.org/news/2014/05/28/bahrain-system-injustice>

reviewing the record, the investigator told the victim that **"in order to safeguard your right, we will mention your exposure to torture in one general phrase (being beaten on his body), but you can't give details about ill-treatment."** The victim noted that the investigator did not report in his testimony the abuses he had when a security officer told him, **"You are Shiite and I hate you"**, where the investigator argued that what the policeman said was just an opinion and not an insult.

The LHRD also notes that the essential reason for the failure of the General Secretariat of the grievances and the SIU is due to the lack of full independency, where the first is attached to the Interior Ministry, and the latter is attached to the Public Prosecution, and both sides are involved in torture and ill-treatment cases according to the BICI's report.

Criticisms of international organizations

Many international organizations have strongly criticized Bahrain on cases of torture and ill-treatment during the year 2015, including the High Commissioner's address at the opening session of the (29) Human Rights Council, on June 15, 2015, who said that **"In Bahrain, dozens of detainees have reportedly suffered torture and ill treatment, including in Jaw prison, and I urge an immediate investigation into these allegation"** [170]. This comes after a statement issued by the Commissioner, dated 5 June 2015, in which he expressed concern **"about the harsh treatment of detainees at the Jaw Prison in Bahrain"** and urged the authorities **"to conduct an impartial, speedy and effective investigations and to ensure that any victims of torture or ill-treatment have access to appropriate remedies"** [171].

On April 15, 2015, Amnesty International said, in a report entitled "Behind the Rhetoric: Human rights abuses in Bahrain continue unabated", that Many detainees and former detainees also allege that they were tortured and otherwise ill-treated while under interrogation by CID. It added that **"Torture of detainees held on suspicion of involvement in terrorism or other security-related investigations appears to be systematic and the main purposes of torture appear to be to extract "confessions", force detainees to implicate others in crimes, and obtain information"**. Amnesty International agrees with the LHRD that **"the interrogators are increasingly seeking to use methods**

170. Opening Statement to the 29th Session of the Human Rights Council by the High Commissioner for Human Rights. (15 June 2015). Retrieved on 08 December 2015, from Office of High Commissioner for Human Rights Web site: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16074&LangID=E>

171. Press briefing notes on justice for rights abuses in Nigeria, Central African Republic and Bahrain. (5 June 2015). Retrieved on 08 December 2015, from Office of High Commissioner for Human Rights Web site: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16043&LangID=E>

that leave no long lasting physical traces that could lend credence to detainees' allegations of torture" [172].

On November 22, 2015, Human Rights Watch issued a report entitled (The Blood of People Who Don't cooperate: Continuing Torture and Mistreatment of detainees in Bahrain), and the HRW has concluded that the security forces are continuing **"Torture of detainees, using methods similar to those documented by the BICI's investigators in 2011, and Human Rights Watch in 2010"**. And **"that Bahraini authorities have failed to effectively implement the BICI recommendations for combatting torture; that the new offices [the Office of the Ombudsman in the Ministry of Interior, a Special Investigations Unit in the Office of the General Prosecutor, and the Prisoners and Detainees Rights Commission (PDRC)] have failed to fulfill their mandate; and that Bahraini security forces continue to torture detainees using methods identical to those documented by BICI investigators in 2011, and by Human Rights Watch in 2010."** And that **"Lack of available information on investigations and prosecutions, and the fact that there have been no prosecutions for torture in cases relating to Bahrain's political unrest, support the conclusion that these institutions have not done enough to tackle what the BICI report described as a "culture of impunity" among the security forces"**. [173]

The Chief of Public Security said that Bahrain has refused the visit of the Special Rapporteur on torture because of his statements which "reflect proactive false ideas and before his visit to the Kingdom to see the reality on the ground, which confirms that he is biased to a single point of view and he lacks impartiality".

It is worth mentioning that the authorities are still evading the scheduling of the U.N. Rapporteur on Torture's visit to Bahrain after its acceptance in 2011, where it was postponed for the first time until 2012 and it was postponed again until further notice in 2013, **"which was considered the Rapporteur as indirect cancellation of his visit"** [174]. On November 2, 2015, the Chief of Public Security said that Bahrain has refused the visit of the Special Rapporteur on torture because of his statements which **"reflect proactive false ideas and before his visit to the Kingdom to see the reality on the ground, which confirms that he is biased to a single point of view and he lacks impartiality"** [175]. In addition to the mentioned request submitted by the Special Rapporteur on torture, the authorities did not respond to request of the Working Group on Enforced or

172. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [Ibid.](#)

173. Bahrain: Detainees Tortured, Abused. (22 November 2015). Retrieved on 8 December 2015, from Human Rights Watch website: <https://www.hrw.org/news/2015/11/22/bahrain-detainees-tortured-abused>

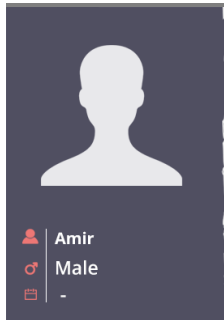
174. Bahrain: Repression – The Shadow of Tyranny. [Ibid.](#)

175. We rejected the visit of Méndez, because he's biased and not balanced. [Ibid.](#)

Involuntary Disappearance to visit Bahrain submitted on October 27, 2014, comes These two requests are among (9) requests submitted by the special rapporteurs and working groups of the United Nations to visit Bahrain.

Case Studies

Case No. 17



Amir ^[176] was arrested in 2015 and he was sentenced to 7 years after being charged with "assaulting policemen". According to Amir's family statement on their first visit to him, they stated that he was subjected to torture and mistreatment and he was forced confess over the charges that were addressed to him.

In Amir's detailed statement; the security forces assaulted Amir by bunching him in the face and stomach in the car until they reach the first detention center, they also verbally assaulted him with indecent phrases. As soon as he arrived to the first detention center, he was brutally beaten by huge number of the security forces until he passed out, he recovered his consciousness when he was taken to General Department of Criminal Investigation.

He was kept at the Criminal Investigations Department (CID) for 8 days during which he was forced to stand for long hours, handcuffed and blindfolded while being beaten with his head knocked to the wall. He was prevented from sleep and from doing his prayers for days. Amir was subjected to beating in all over his body with more focus on his genitals. He was completely stripped of his clothes, and he had solid object inserted in his anus repeatedly two times. He was hanged from his hand while he was handcuffed on the door of the investigation room. In addition, he was threatened to have his wife and his family members raped.

When Amir was presented to the court, he denied all charges made against him. He told the public prosecutor about his torture and the mistreatment that he had been subjected to, though; he was taken back to the CID and was subjected to torture again because he denied the charges. When he was at court for the second time, Amir admitted the charge and didn't tell the prosecution about his torture.

He was then taken to the doctor who proved that his injuries were caused due to torture, but Amir did not receive any kind of medical treatment.

176. The real name of the victim was replaced with a fake name in order to protect him and his family from possibly being arrested by the police.

Case No. 18



Mohammed Faraj, was arrested on 26th January 2015 from court while on a wheelchair. He is suffering from a rare illness called Multiple Sclerosis. On 27th August 2015, the court ruled a 10 year sentence against him but which was then reduced to 7 years by the Appeals Court. This sentence was handed to him for accusations of assembling and riot (burning).

According to his medical report, Faraj has been suffering from Multiple Sclerosis for some years now and this illness has caused him a balance and sense disorder in the lower parts as the immune system stops defending the human body and attacks the nervous system instead.

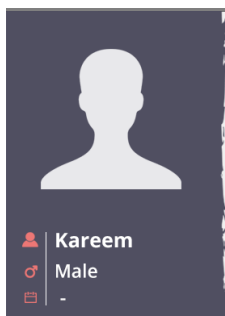
Faraj has been complaining of being subjected to denial of adequate medical care since his arrest in January 2015. The prison administration has stalled in receiving medicine and injections he was supposed to take by schedule. He also suffered from side effects after he was injected improperly.

His father told the LHRD that the prison administration is failing to stick to the scheduled timing of his medicine on a daily basis. Faraj needs an injection 3 times a day, he also needs to take pills and visit his doctor at the Salmaniya Medical Complex according to his appointments. ^[177]

On 30th April 2015, Faraj told his mother, in a phone-call, that the prison administration has denied him from taking his medicine since 5 days and that he is suffering from severe backache.

Faraj's lawyer made two requests **"to stop the execution of the sentence as his client denied the charges and given that no evidence have been found against him"**. This is besides his health condition that requires sufficient medical care. The lawyer said the Appeals Court disregarded his client's medical report.

Case No. 19



(Kareem) ^[178] was subjected to torture and ill-treatment. He was injured with a firearm (shotgun), during 2015, when he faced a group of walking security men searching the area, after the protesters set fire to cars tires in order to cut off the main street.

177. The mother of a detainee suffering a rare disease, calling for providing him with the necessary medical care. (15 February 2015). Retrieved on 10 January 2016, from Al Wasat newspaper website: <http://www.alwasatnews.com/news/961682.html>

178. The real name of the victim was replaced with a fake name in order to protect him and his family from possibly being arrested by the police.

(Kareem) said that he, along with other children, were walking in the street, and as the children saw the security men, they fled, but the security men arrested a number of them, including (Kareem). Immediately, a security personnel started questioning the children about the people who cut off the street, and if they know where the hiding places of the tires are. He called them with obscenity statements.

While children denied knowing anything, they security men started broking empty glass bottles on the ground, and ordered the children to walk on them, which resulted in injuries and wounds on their feet. When it was the turn of (Kareem) to walk on glass, he refused to go on, so, he was kicked with feet and beaten with a wooden stick on his back and hand.

When the security man asked him again, he (Kareem) said that he know a place used by demonstrators to hide tires. (Kareem) went with the security man, and he was able to escape from him, but the security man shoted him (Kareem) with two bullets from a firearm (shotgun), so, he was wounded in his back, hand and thigh.

Case No. 20



Ahmed al-Arab was arrested on April 13, 2015, after being wanted by Bahraini security authorities for almost two years. His arrest came after being chased and shoted with firearm (shotgun) by masked security men in civilian clothes. He was immediately transferred to the Police Equestrian School (unofficial detention center known locally as “Mounted Center” in front of Budaiya Police Station, where he was subjected to torture and ill-treatment.

On the next day of his arrest, (al-Arab) was transfer to the General Directorate of Criminal Investigations, where he remained pending further investigations for (7) days without allowing him any access to his family, so to inform them of his place of detention or to request legal advice.

According to (al-Arab) family, he was subjected to torture an

d ill-treatment to force him to confess about his involvement in terrorism-related cases. He (al-Arab) was subjected to electrocution in some parts of his body, hangen on a high place, as well as punched, slapped and kicked on his body with hands and water hoses, particularly on the sensitive areas of his body. He was also not allowed to sleep, and forced to wake up for long hours over several days.

According to his (al-Arab) family, he was subjected to torture and ill-treatment again after being transferred directly to the central prison in Jaw on April 1, 2015, as he was already sentenced to several periods in prison. The torture of (al-Arab) in Jaw Prison came in the context of retaliatory practices against the prisoners on the back of Jaw Prison unrest, which occurred in March 2015. According to the provided testimony, (al-Arab) was isolated from the rest of the prisoners in a

certain place at the prison, and numbers of security men were beating him with their batons, boots and water cannons until he fell to the ground unconscious.

He (Al-Arab) was accused with being involved in many of terrorism- related cases. According to the testimony of his family, he was sentenced to more than 100 years, under the Terrorism Act. His most prominent cases were sentencing him to (10) years in prison and stripping his citizenship on June 11, 2015 for joining a terrorist cell, and sentencing him to (10) years in prison and stripping his citizenship for the second time on December 29, 2015 for attempting to murder two security men.

Part Six

**Deprivation of freedom of
assembly and association**

The legal framework



The rights to freedom of peaceful assembly and of association serve as a vehicle for the exercise of many other civil, cultural, economic, political and social rights. The rights are essential components of democracy as they empower men and women to "express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable" ^[179]. Such interdependence and interrelatedness with other rights make them a valuable indicator of a State's respect for the enjoyment of many other human rights." The Universal Declaration of Human Rights in (article 20) ^[180] and the International Covenant on Civil and Political Rights in (articles 21 & 22) affirmed this right. "The right of peaceful assembly shall be recognized" and "Everyone shall have the right to freedom of association with others". It also banned putting restrictions on exercising such rights "No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society" ^[181]. These rights are also clear in the article 8 of the International Covenant on Economic, Social and Cultural Rights ^[182] and other international covenants, including article 5 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms ^[183]. In addition, the local legislator affirmed the right of peaceful assembly and the right of freedom of association in the (Article 27) and (Article 28) of the 2002 Constitution ^[184], and the Legislative Decree No. 18 of 1973 on public meetings and processions and gatherings ^[185] came to restrict and regulate the right of peaceful assembly; while restricting and regulating the right of association is found in a number of NGO's laws ^[186], and the Political Associations Law ^[187].

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179. Resolution adopted by the Human Rights Council No. (15/21) on the rights to freedom of peaceful assembly and of association. Document No. (A/HRC/RES/15/21). (6 October 2010). Retrieved on 15 December 2015 from Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/15/21
180. Universal Human Rights Instruments. [Ibid.](#)
181. International Covenant on Civil and Political Rights. [Ibid.](#)
182. International Covenant on Economic, Social and Cultural Rights. (16 December 1966). Retrieved on 15 December 2015 From Human Rights Commission website: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>
183. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. [Ibid.](#)
184. Constitution of the Kingdom of Bahrain. [Ibid.](#)
185. Legislative Decree No. 18 of 1973 on public meetings, rallies and gatherings. [Ibid.](#)
186. Legislative Decree No. 21 of 1989 with respect to promulgating the law of social, cultural, societies, clubs and associations, the private youths & sports committees and the private institutions (21 December 1989). Retrieved on 15 December 2015 from Legal Affairs Authority website: http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=4041#.Vm_77f196Uk
187. Law No. 25 for 2005 with respect to political societies. (3 august 2005). Retrieved on 15 December 2015, from legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2407>

Criminalization of freedom of peaceful assembly

The right to freedom of peaceful assembly isn't an absolute right in accordance with Article (4) of the International Covenant on Civil and Political Rights, and in accordance with Article (21) which ensures that right. **"Certain restrictions prescribed by the law which are necessary in a democratic society can be imposed to safeguard national security or public safety or public order or to protect public health or morals or to protect the rights and freedoms of others"**^[188]. However, the domestic law on organizing rallies imposed restrictions which are not consistent with the provisions of the Covenant, as well as the way of implementing the law by the authorities contained arbitrary interpretation of the restrictions set forth in the Covenant, making the right to freedom of peace criminalized and extremely violated.

According to the gatherings law, to hold any gathering, the Chief of public security shall be notified before (3) days of holding the event, as stated in (Article 2). However, the application of this article, and other related articles has transferred the notification to a permission to exercise the right of assembly. Since the start of the opposition political movement until the end of 2015, the authorities have prevented or repressed many of the gatherings arguing that those gatherings have not been permitted, or the organizers have failed to submit a notification to hold them.

The request for exercising the right of assembly is a result of the arbitrary interpretation of the notification, and it is unnecessary and disproportionate according to the Special Rapporteur on the right to freedom of assembly and association. The **"exercise of fundamental freedoms should not be subject to prior permission from the authorities, and the prior notification should be a logical basis to enable government authorities to facilitate the exercise of the right to freedom of peaceful assembly and to take measures to safeguard public safety and to maintain the public order and to protect others' rights and freedoms (...) Providing a prior notice should not be imposed as a typical case only in case of organizing major meetings which may affect traffic on the roads (...) If the organizers failed to notify the authorities, the assembly should not be automatically broken up"** ^[189].

Besides granting an authorization, the Law states that the organizers of rallies shall bear liability in case of breaching public security by the participants or others, or in case of holding an assembly without notification, and imposed prison sentences and fines in the amendments

188. Resolution adopted by the Human Rights Council No. (15/21) on the rights to freedom of peaceful assembly and of association. [Ibid.](#)

189. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (20th Session of the Human Rights Council). Document No. (A/HRC/20/27). (21 May 2012). Retrieved on 20 December 2015, from Human rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/20/27

made to the law in 2006 ^[190], in the articles (2) and (13), in addition to the interior minister's decision on determining the duties and responsibilities of the organizing committee of the rally ^[191]. While the organizers of the rallies, and the participants shouldn't be considered responsible for the illegal behaviors of other people. As well as the organizers of the gatherings shouldn't take responsibility of maintaining public order ^[192].

The exercise of fundamental freedoms should not be subject to prior permission from the authorities, and the prior notification should be a logical basis to enable government authorities to facilitate the exercise of the right to freedom of peaceful assembly.

In another part, the Gatherings Law gives the Chief of public security or his deputy the authority to change the time and place of the assembly, and to modify the route of the rally or demonstration, or to disperse the assembly **"based on any reason that disturbs public order"**. The authorities have used **"disturbing public order"** in a vague way without specific standards. The law went further to prohibit **"organizing demonstrations or rallies or protests or sit-ins in the city of Manama"**, or those **"held near hospitals or airports or malls or security-related places"**, based on the new amendments made to the law in 2013 ^[193]. However, the Special Rapporteur on freedom of assembly and association was decisive towards such restrictions, where he said **"the organizers of peaceful gatherings should not be forced to follow the authorities' suggestions if these suggestions undermined the essence of the right to freedom of peaceful assembly"**. As **"the Special Rapporteur has warned of the practices which the authorities by allow holding a demonstration limited to the suburbs of the city or in a specific yard, where its effects are minimized"** ^[194].

190. Law No. (32) for 2006 on amending some provisions of Decree Law (18/1973) on public meetings, rallies and gatherings. (26 July 2006). Retrieved on 15 December 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2447#.Vnag5xV96U>

191. Resolution No. 57 for 2011 on determining the rules and responsibilities of the Committee formed by article 6 of decree law (18/1973) on public meetings, rallies and gatherings. (9 June 2011). Retrieved on 15 December 2015, from Legal Affairs Authority website: http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=3951#.Vm_l8Pl96Uk

192. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (20th Session of the Human Rights Council). [Ibid.](#)

193. Decree Law No. (22) for 2013 on replacing article 11 of decree law (18/1973) on public meetings, rallies and gatherings. (15 August 2013). Retrieved on 15 December 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=30498#.VnaaxRV96Un>

194. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (20th Session of the Human Rights Council). Document No. (A/HRC/20/27). (21 May 2012). Retrieved on 20 December 2015, from Human rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/20/27



Unjustified interference in the work of the political societies



Recommendations of the Special Rapporteur on freedom of assembly



Gatherings law's restrictions

The exercise of fundamental freedoms should not be subject to prior permission, and a prior permission shouldn't be submitted even to safeguard demonstrators as a typical case.

Holding any gathering requires notifying Chief of Public Security 3 days before the event

The organizers and the participants in the gatherings can't be held accountable for any illegal actions committed by other people.

Gatherings' organizers shall be punished by detention and paying a fine in case of breaching public security by the participants or in case of holding a gathering without a notification.

The organizers of the peaceful gatherings mustn't be forced to follow the authorities' suggestions, if these suggestions affected the essence of their right to freedom of peaceful assembly.

The Chief of Public Security has the right to change the time or place or the route of the rally or the demonstration or to disperse the gathering.

Beware of the authorities' practice which limits holding demonstrations in the city's suburbs or other places to eliminate its effects.

Demonstration in the capital city and the vital places is prohibited.



The gatherings law's provisions show that they exploited the essence of the right of assembly by the imposition of unnecessary or disproportionate restrictions, contrary to Bahrain's legal commitment towards the International Covenant on Civil and Political Rights, according to

General Comment No. 31 of the Human Rights Committee, "**where such restrictions are made, States must demonstrate their necessity and only take such measures as are proportionate to the pursuance of legitimate aims in order to ensure continuous and effective protection of Covenant rights. In no case may the restrictions be applied or invoked in a manner that would impair the essence of a Covenant right**" [195].

The total ban of demonstrations and gatherings

The Gatherings Law, as well as its arbitrary practice, gave the opportunity for the Bahraini authorities to eliminate the right to freedom of assembly and to suspend it in full during the year 2015, the worst period since the start of the opposition political movement in 2011, and on what appears due to boycott the opposition forces for the parliamentary elections in the end of 2014, as it appears as result of boycotting the parliamentary elections by the opposition forces in the end of 2014.

In addition to its unjustifiable intervention in banning or cracking down gatherings or changing their places or time, the authority deprived the right to assembly in different periods in 2011. The first announced ban was on 16 March 2011 with the declaration of the State of the National Safety (State of Emergency) when the Bahraini authorities cracked down the mass popular protests at the Pearl Roundabout and the right to peaceful assembly was suspended for around 75 days.



A massive unauthorized rally in Bilad Al-Qadeem.

195. General Comment No. (31) The Nature of the General Legal Obligation Imposed on States Parties to the International covenant on civil and political rights. (26 May 2004). Document No. (CCPR/C/21/Rev.1/Add.13). Retrieved on 20 December 2015, from Human rights Commission website: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.13&Lang=En

The second ban of gatherings came by a decision issued by the Interior Minister on 29 October 2012. The Minister justified his decision saying **"the privilege of holding rallies has been abused repeatedly by organizers' violations and the participants' lack of commitment to the legal regulations (...) those violations were continuation of law breaking acts in February and March 2011, in which they extended to callings for the overthrowing of leading national figures and sovereignty of the state. Those acts were devoid of respect and intended humiliation; hence they jeopardize civil peace and disturb security and general order. This couldn't be accepted in any condition"** ^[196]. This period continued until the opposition forces broke the ban on 8 December 2012.

On August 15, 2013, the authorities amended the Law of the gatherings to impose a comprehensive ban on demonstrations in the capital ^[197], in implementation of the National Assembly's recommendations ^[198] which were adopted On July 28, 2013, in an extraordinary session of the National Assembly held during the parliamentary annual vacation. The recommendations were described by the Human Rights Watch as **"neither appropriate nor proportionate, especially as they end any opportunity to exercise the right to peaceful assembly"** ^[199].

On October 2014, the authorities banned the demonstrations for the third time, in an unannounced decision, claiming that there is a need to provide the necessary parliamentary election atmosphere in November 2014, which is contrary to Bahrain's international commitments to freedom of assembly, where **"States should, at election time, exert more efforts to facilitate and protect the exercise of these fundamental rights, which should be enjoyed by everyone"**, as the Special Rapporteur on freedom of assembly and association says in his report on the exercise of this right during the election. He practically believes that **"a real election can't take place if the right to freedom of peaceful assembly and association minimized"** ^[200]. This restriction period has ended, allowing opposition forces to demonstrate on the December 26, 2014.

In the beginning of 2015 the authorities launched the last phase of the comprehensive demonstration ban, and it has been continuing for more than one year until the date of writing

196. Minister of Interior: suspending all rallies and gatherings until security is restored to keep civil peace. (29 October 2012). Retrieved on 20 December 2015, from Bahrain News Agency website: <http://www.bna.bh/portal/news/531090>

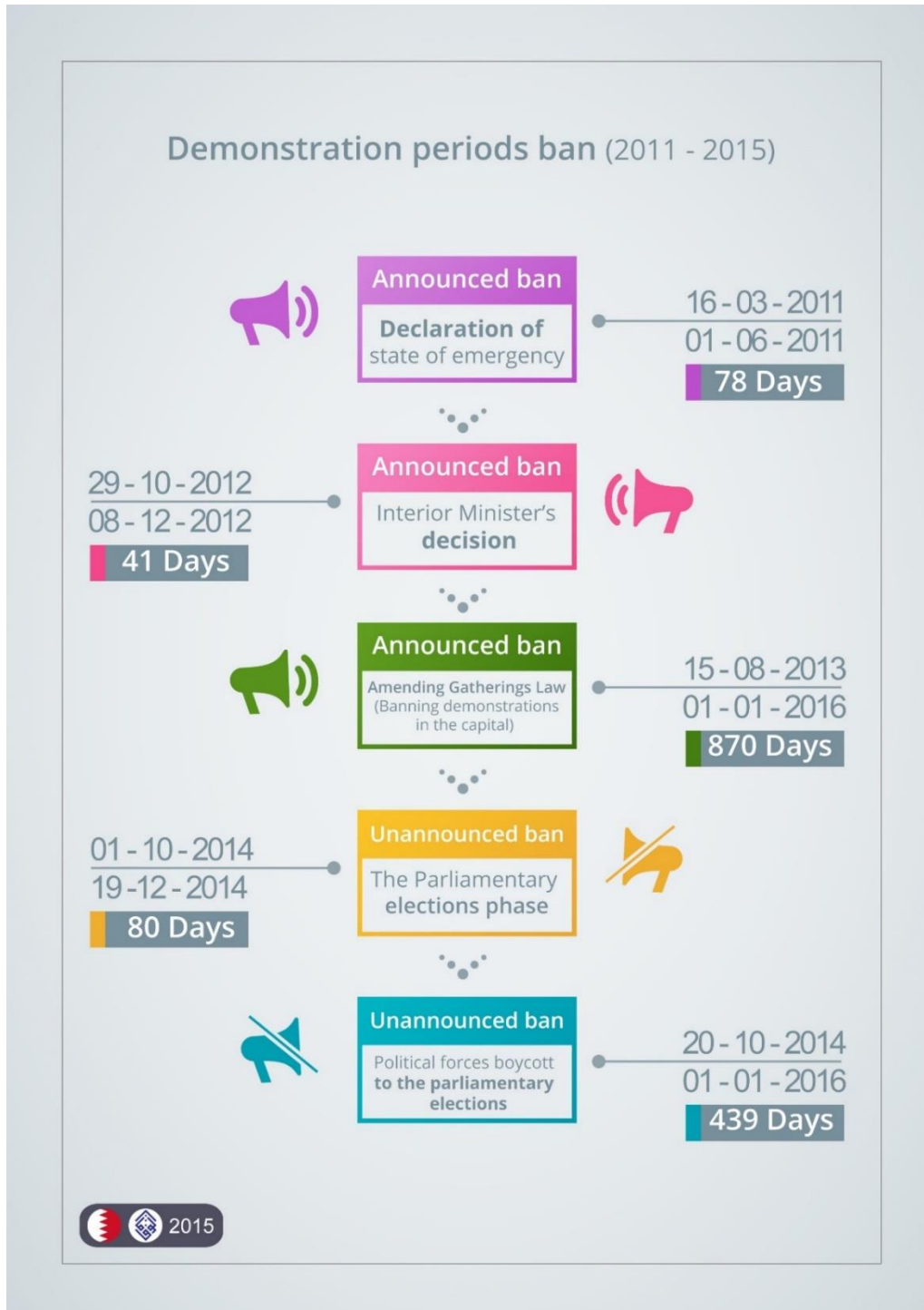
197. Decree Law No. (22) for 2013 on replacing article 11 of decree law (18/1973) on public meetings, rallies and gatherings. (15 August 2013). Retrieved on 15 December 2015, from Legal Affairs Authority website: [ladi](http://ladi.gov.bh).

198. Recommendations of the Extraordinary Session of the National Assembly. (28 July 2013). Retrieved on 20 December 2015, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/573207>

199. Bahrain: Parliament Moves to Curtail Basic Rights. (31 July 2013). Retrieved on 29 December 2015, from Human Rights Watch website: <https://www.hrw.org/news/2013/07/31/bahrain-parliament-moves-curtail-basic-rights>

200. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. Document No. (A/68/299). (7 August 2013). Retrieved on 20 December 2015, from Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/68/299

this report, as the authorities rejected 143 requests to organize opposition demonstrations which led to protests in non-vital places in villages and other isolated areas away from the capital and government institutions **"to eliminate its effects"** ^[201].



201. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (20th Session of the Human Rights Council). [Ibid.](#)

It is noteworthy that the Working Group on Arbitrary Detention, commenting on the trial of the human rights activist Nabeel Rajab on charges of illegal assembly, said **"it is essential to Bahrain in order to ensure the right to a fair trial is to face the issue of the constitutionality and legality of the ban on public demonstrations. This is the core question under discussion. As the denial of universal accepted human right to freedom of opinion and expression is not a matter to be neglected by an internal court"**. [202]

The Excessive use of force:

The demonstrations and rallies which take place in the villages and often attended by participants from the same areas, is a phenomenon that has characterized the opposition political movement in Bahrain since its launch in February 2011. The organizers of these demonstrations consistently don't request an authorization or notification about them, for fear of prosecution, where the authorities have always accused those organizers of belonging to "banned terrorist groups". So the authorities dealt with the protests as illegal which must be dispersed.



Despite a ban decision on all forms of demonstrations, the protests which are centered in the villages remained active and ongoing throughout the year 2015. The LHRD has observed (6403) protests, while (2035) protests have been cracked down by police using teargas and (shotgun), resulting in (711) injuries who have confirmed their injuries during the crackdown of those protests, including injured announced by local activists, some local human rights organizations and activists, but the LHRD couldn't get direct testimonies from the victims or indirect from the people who listened to the victims' abuses details. In details, the injured cases included the following: (501) injured with shotgun, (137) injured with shotgun canisters fired directly on the victims or by projectiles, (73) injured due to torture or ill-treatment, or other reasons reported by the victims following their arrest while cracking down protests, according to the LHRD's observations or announced by active local human rights organizations, stressing that many victims refuse to communicate with any side, because they are afraid of being targeted by the security bodies. (See Chart 6)

According to the LHRD's information, it seems that the Bahraini authorities are still indifferent to the realization of the principles of necessity and proportionality when dispersing gatherings and rallies centered in the villages. As the use of force should be exceptional and needs to

202. Opinions adopted by UN Working Group on Arbitrary Detention in the 66th session in 2013. [Ibid.](#)

make every effort to avoid the use of firearms (principle of necessity), and to be proportionate to the legitimate objective to be achieved (principle of proportionality) as stipulated in the Code of Conduct for Law Enforcement Officials in (Article 3) ^[203], and the document of basic principles governing the use of force by law enforcement officials, in articles (13) and (14) which identify in particular how to deal with the breaking up of illegal gatherings ^[204], in addition to the local legislations as in decree law No. 3 for 1982 with respect to Public Security Forces ^[205], and the Interior Minister's decision No. 24 on the issuance of the basic principles governing the use of force and firearms ^[206] which came as part of the implementation of the BICI's recommendations report ^[207].



Photo of an injured peaceful demonstrator with shotgun in his face. Refer to case No. (22)

Depending on the direct cases of investigation, or from video clips broadcasted by activists on social media ^[208], or from injured victims, security forces rarely warned the participants in those gatherings or rallies that they should have dispersed before the use

of force, but in many cases they deliberately surprised them by the excessive use of teargas canisters at random, or directly as ammunition aiming to harm them, and targeting them with (shotgun) at the top and back of the bodies, which indicates that the majority of the victims

203. Code of Conduct for Law Enforcement Officials. (17 December 1979). Retrieved on 20 December 2015, from Human Rights Commission website: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>

204. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. (17 August 1990). Retrieved on 22 December 2015, from The Office of the United Nations High Commissioner for Human Rights Web site: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

205. Decree Law No. 3 for 1982 concerning Public Security Forces. (4 February 1982). Retrieved on 20 December 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2498#.VnIjxv96Uk>

206. Minister of Interior's decision No. (24) for 2014 concerning the basic principles of use of force and firearms. (20 February 2014). Retrieved on 20 December 2015, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=70699#.VnIIPBV96Uk>

207. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1722). *Ibid.*

208. View: An attempt to kill a child with a shotgun by firing at him several times. (12 February 2015). Retrieved on 22 December 2015, from YouTube website: https://www.youtube.com/watch?v=Nrz_GR9bmwY&feature=youtu.be

Bahraini protester 'shot in face' for holding poster of opposition leader Sheikh Ali Salman. (21 January 2015). Retrieved on 22 December 2015, from YouTube website: <https://www.youtube.com/watch?v=8dYL0bWp39Y>

were escaping, and that the security forces were target killings in some cases, or at least to cause deep cuts in their bodies, which means that those forces did not restrain use of firearms on the necessity, the same conclusion reached by LHRD in previous reports ^[209]. The BICI had also concluded that **"the Commission has found that police units used force against civilians in a manner that was both unnecessary and disproportionate. This was due, at least partially, to inadequate training of field units, ineffectual command and control systems and, at times, insufficient numbers of police to handle demonstrators"** ^[210].

The authority believes that, in implementation of the BICI's recommendations, it has completed the training of its employees **"at all levels of responsibility, officers and non-commissioned officers. They've been trained in human rights aspects of law enforcement"**. ^[211] However, the LHRD has doubts about the nature of the training offered on the use of force. That makes assumptions towards the existence of a deliberate policy to allow use of excessive and unjustified force, or the lack of implementation of the recommendation, at least.

It is worth mentioning that the Special Rapporteur on freedom of assembly and association, has expressed **"deep concern about the peaceful gatherings that have not been authorized by or dispersed using violence in a number of countries, such as Bahrain"** ^[212].

Restrictions depriving of liberty of formation of NGOs

Since the independence of Bahrain in 1971, the authorities have restricted the work of the non-governmental associations and organizations, and imposed many of the procedural and legislative constraints. The NGOs law is the worst of these restrictions on the registration and operation of non-governmental organizations. Despite the widespread criticism against the law, the Ministry of Social Development, in 2013, submitted to the Parliament a draft law to replace the existing law. The new bill seems "more restrictive than the existing law" according

209. Refer to the LHRD's annual report for 2014 entitled Bahrain reforms ... a game of numbers. [Ibid.](#)

210. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 660). [Ibid.](#)

211. Moving beyond 2011: A Special Report Detailing the Government of Bahrain's Implementation of the Recommendations of the Bahrain Independent Commission of Inquiry. (February 2014). Retrieved on 22 December 2015, from BICI's recommendation Follow-up website: <http://www.biciunit.bh/reports/BICI%20Implementation%20report%20ENGLISH.pdf>

212. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (20th Session of the Human Rights Council). [Ibid.](#)

to the Human Rights Watch ^[213], or at least, **"It will keep the broad powers granted to the authorities"**, as Amnesty international considers ^[214].

Trapping associations starts by requiring their registration by the authorities, as the Penal Code (Article 163) criminalizes the establishment or management or joining of any unsilenced organization ^[215], and thus the registration becomes an entry to dominate and control of the associations.

The law gives the Ministry of Social Development the power to reject the registration request of any organization for obscure reasons which provides arbitrary interpretation of the law, or for reasons directly contrary to the right of association as if the **"community doesn't need their services, or the existence of an association or other associations which meet the needs of the community in the same field of activity"**, or **"If it was not established in accordance with state security or interest or lack of proper headquarters"** (Article 11). Moreover, the law does not oblige the ministry to provide reasons for the rejection, and considered passing (60) days without **"notifying the applicant about rejecting the application as an implicit rejection of the application for registration"** (Article 11).

The associations trapping space get much wider, by giving the law to the Ministry of Social Development the powers to dissolve associations, or to be temporarily suspended, or to appoint their directors or boards members, or to be merged with other associations, all due to mysterious reasons, as the association can be dissolved or suspended **"if it failed to achieve the purposes for which it was created"**, or **"If it has committed a serious breach of the law or if it violates public order or morals"** (Article 50). And **"The competent Minister has the right to appoint with a ministerial decision (...) a director or temporary board of directors"** for several reasons, including committing **"irregularities by the society which requires this procedure without deciding to resolve it by the Minister"** (Article 23), and the law does not specify the offenses. And **"the competent Minister may decide to merge more than one society is working to achieve a similar purpose or to unify their management or to modify their purposes"** (Article 24).

The Law also frees the hands of the Ministry of Social Development to intervene in the work and management of the associations arbitrarily, where the Ministry must be informed about

213. "Interfere, Restrict, Control": Restraints on Freedom of Association in Bahrain. (20 June 2013). Retrieved on 29 December 2015, from Human Rights Watch website: <https://www.hrw.org/report/2013/06/20/interfere-restrict-control/restraints-freedom-association-bahrain>

214. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [ibid.](#)

215. Legislative Decree No. 15 of 1976 with respect to promulgating the Penal Code. [ibid.](#)

"each meeting of the General Assembly" and it's entitled to "nominate someone to attend the meeting" (Article 33). The ministry may "order holding a meeting of the Board of directors" (Article 45), and the General Assembly must send "the decisions of the Board of Directors' meetings" (Article 46). Moreover, the competent Minister has the right to suspend the implementation of any decision by the association if it's contrary to the law or to the association's bylaws or to the public order or morals" (Article 28) [216].

The NGOs Law doesn't meet the standards of the human rights international law in term of the right to form associations and neglects the principles or the legal frames set by the Special Rapporteur on the rights to freedom of peaceful assembly and of association in a report that considered as "the best practices related to the right to assembly and forming associations" [217].

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The Special Rapporteur, in that report, stressed in the registration of non-governmental associations issue, that "the right to freedom of association protects unregistered associations equally" and that "(notification procedure) is better, in compliance with international human rights law, than (prior authorization), which requires the approval of the authorities for the establishment of an association as a legal entity (...) Not receiving a response within a short and clear time should lead to the assumption that the society operates legally (...) and any rejection decision for the request must be clearly justified and conveyed to the applicant in writing".

With regard to the associations' dissolution or suspension, the Special Rapporteur believes that the "dissolution or suspension of an association involuntary are the most strict types of restrictions on freedom of association. Therefore, it should not be allowed to do so unless there is a clear and imminent threat leads to a gross violation of national law, with compliance with international human rights law, and

216. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association in the context of elections. Document No. (A/68/299). (7 August 2013). Retrieved on 20 December 2015, from Human rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/68/299

217. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (20th Session of the Human Rights Council). [Ibid.](#)

the procedure should fit perfectly with the legitimate aim pursued and should not be used unless the more flexible measures are not enough".

As for the government intervention in the associations' affairs, the Rapporteur believes that **"the authorities shall not empower themselves to impose conditions on any activities of the association, or to invalidate the election of the Members of Board of Directors, or to make the validity of the decisions of the Board of Directors under the condition of the presence of a government representative during the Board meeting or to request the withdrawal of an internal decision, or to request submitting annual reports (...) the associations should also have rights including the right to freedom of expression and the right to disseminate information and the right to participate with the public and advocacy to governments and international bodies in support of human rights, in order to safeguard the culture of a group of minorities and develop them or in support of the amendments in the law, including amendments in the Constitution".**

In this regard, it seems that the Bahraini authorities have made a complete failure to comply with the minimum commitments of the international law in the context of freedom of association, as well as in the "best practices", where the authorities relied on NGOs law to punish the organizations which criticize them or considered as part of the opposition. An example of this failure is reflected in a series of arbitrary actions taken by the authorities towards human rights organizations since 2001, which has witnessed limited political reforms. In 2004 the authorities dissolved the Bahrain Center for Human Rights, and in 2005 and 2009, the authorities refused to license Bahrain Youth Society for Human Rights and the Bahraini Integrity Society to observe the elections. In 2010, the authorities also dissolved the Board of the Bahraini Society for Human Rights, and in 2011 they canceled the results of the elections of Bahrain Bar Society and reappointed the board members. In 2014, the authorities denied receiving an application for registration of the anti-discrimination Association (Insaf), and proceeded to sue one of its founders on charges of working in the Association without a permit.

These arbitrary actions have led to a lack of human rights organizations registered in Bahrain that dare to criticize the authorities, with the exception of Bahrain Human Rights Society. While most of the other human rights organizations have registered outside Bahrain, or to work "illegally" from the NGOs law's viewpoint.

Unjustified interference in the work of the political societies

Like the NGOs Law, the Political Societies Law imposes arbitrary restrictions on the work and management of the political parties' affairs which Bahraini authorities prefer to call "political societies" expressing their intransigence, even with naming. Besides the criminalization of the establishment or management or joining of any unlicensed organization by the Penal Code

(Article 163) ^[218], the law gives the Ministry of Justice, the authority in charge of the registration and supervision of the political societies, the authority to reject registration applications without being obliged to declare the reasons for rejection, and a lack of response **"is considered a decision to object to this foundation"** (Article 9). The Law also allows the Ministry of Justice to file lawsuits to dissolve the political societies or to suspend them for unclear reasons, such as committing **"a grave breach of the provisions of the Constitution of the Kingdom or any other law"**, without defining these serious offenses by the law (Article 23).

The unjustified interference space extends to ban **"the use of state institutions, public institutions, places of worship and educational institutions to exercise"** political associations activities (Article 6). It also prohibits political societies **"from accepting any donation or advantage or benefit from a foreigner or a foreign entity or an international organization, or from an unknown person"**. The law also stipulates that if the political societies would like to contact any foreign organization, the meetings must be held in presence of **"a representative of the Ministry of Foreign Affairs or from the competent authority (...) and the society should notify the Ministry of Justice"** (Article 1 of the law of communication rules between the political societies and the foreign parties or political organizations) ^[219].

The Amnesty International as well believes that these restrictions violate the **"right to freedom of association, assembly and contravene Bahrain's international obligations under the provisions of Article 22 of the Covenant on Civil and Political Rights, which states that everyone has the right to freedom of association with others. The international law also limits the area which allows Bahrain to impose restrictions on the rights relating to freedom of association"** ^[220].

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218. Legislative Decree No. 15 of 1976 with respect to promulgating the Penal Code. [ibid.](#)

219. Decision No. 31 for 2013 on adding article No. 3 (repeated) to Decision (4) for 2005 on communication rules between the political societies and the foreign parties or political organizations. (5 September 2013). Retrieved on 29 December 2015, from Legal affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=30524#.VoKoQxV96Uk>

220. Bahrain: Behind the rhetoric: Human rights abuses in Bahrain continue unabated. [ibid.](#)

In practice, the Bahraini authorities have tightened the noose on the opposition political societies' activities, and intervened arbitrarily in their internal affairs since the implementation of the political societies law in 2005, and this has intensified with the launch of the opposition political movement in 2011.

In 2011, after declaring the State of National Safety (State of Emergency), the Military Attorney General issued a decision on suspending Wa'ad Society and ordered the closure of its headquarters, following the issuance of a statement criticizing the army. In the same month, the Justice Ministry announced that it had filed lawsuits to dissolve the Islamic Action Society (Amal), and Al-Wefaq National Islamic Society, for committing "grave breaches of the provisions of the Constitution and for carrying out activities that harmed the civil peace.

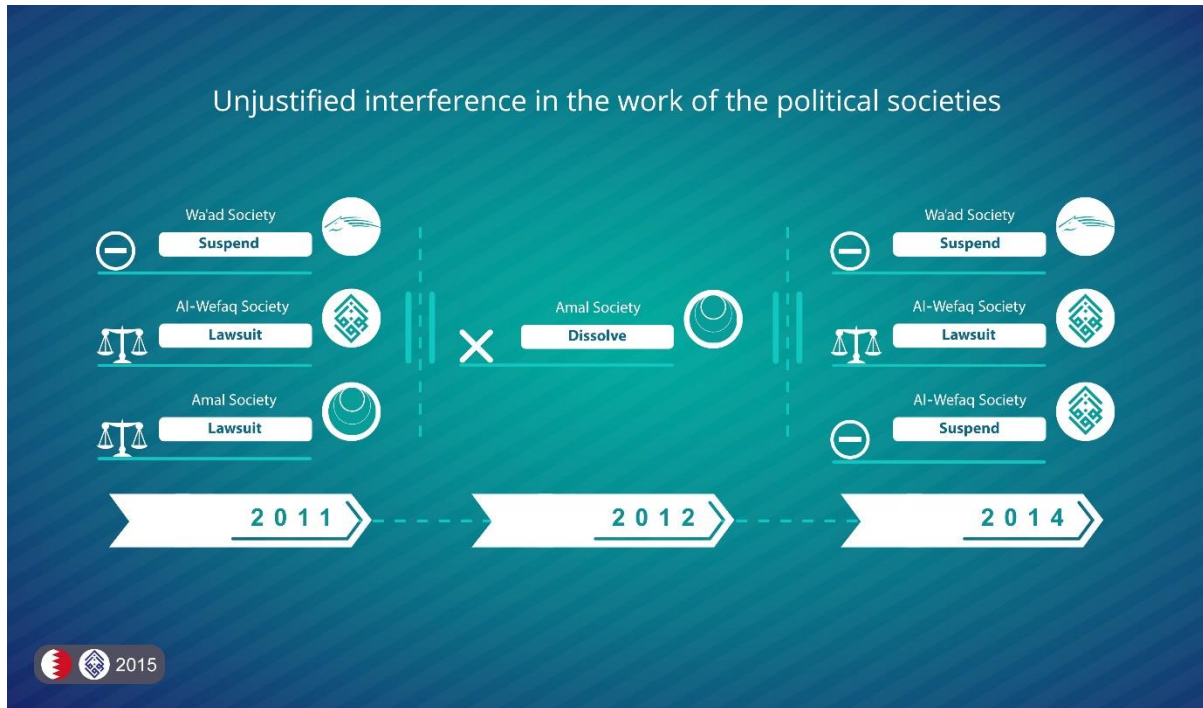
In July 2012, the Islamic Action Society (Amal) was dissolved for committing violations related to "the invalidity of its General Conference because it was held in a place of worship. Moreover, Amal was charged with having religious reference that calls to violence explicitly and incitement to hatred, and offenses related to its financial situation.

In July 2014, the Justice Ministry filed a lawsuit to suspend the Al-Wefaq National Islamic Society for a period of 3 months because of the "invalidity of (4) of its general conferences, the lack of quorum, and lack of transparency." Until October 2014, the High Administrative Court ruled to suspend Al-Wefaq for (3) months with forcing it to remove the causes of the violation. And in September 2015, the Appeal Court upheld the sentence against Al-Wefaq.

In a parallel way with Al-Wefaq, Justice Ministry filed a lawsuit against Wa'ad Society in July 2014 following the reelection of Ibrahim Sharif as Secretary General while he was in jail on charges related to "plotting to overthrow the regime". However, the lawsuit was closed later after electing Radhi Al-Mosawi as a new Secretary General of Wa'ad.

Moreover, contrary to the dictates of international law to enable individuals who exercise the right of association **"to work freely without fear of the possibility of being subjected to any threats or intimidation or violence, including summary executions or arbitrary executions, enforced or involuntary disappearances, arbitrary arrest or detention acts , torture or cruel, inhuman or degrading punishment, media campaigns of defamation, travel bans or arbitrary dismissal from work "**, in contrast to all of this, the leaders and members of the opposition societies have been subjected to arrest, torture, investigation in security centers, travel bans and defamation. ^[221]

221. Refer to Part 4 of this report (Prosecution of Activists).



It is worth mentioning that the authorities hasn't responded on (9) requests for U.N. special rapporteurs and working groups to visit Bahrain, including the Special Rapporteur on freedom of peaceful assembly and association, which dates back to 2011.

Case Studies

Case No. 21



Majeed Milad Al Jaziri is a senior leader in Al Wafaq National Islamic Society and a member of its Secretariat. He was one of the members of the opposition delegation that participated in the National Consensus Dialogue. In addition to his political activities, he was elected to Al-Wafaq Municipal Bloc for three election cycles between 2002 and 2014.

He headed the municipal council of the capital until it was canceled and converted into an appointed council in 2014.

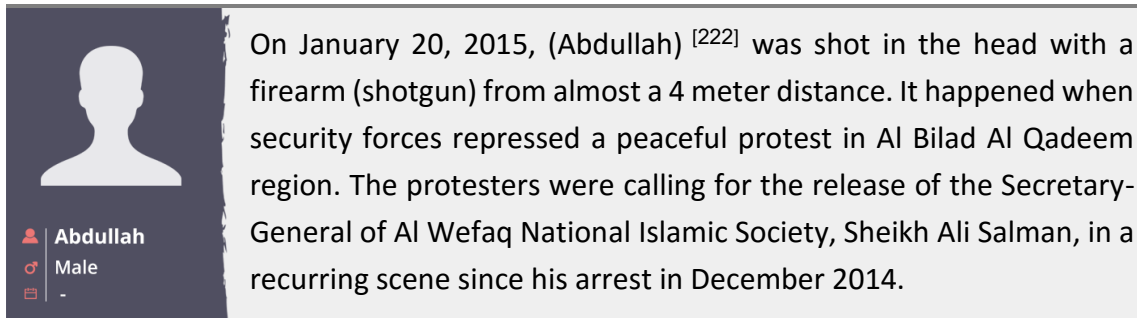
On July 1, 2015, Milad was summoned by the capital's police for questioning him about having an interview in a public assembly, where he answered questions related to political topics since he is a leader in a political organization. Milad remained held by the capital's police until he was sent to the public prosecutor the following day of his questioning.

Although the capital's police informed Milad's lawyer that the investigation of his defendant would be on July 2, 2015 at 9:00 AM, the investigation of Milad did not begin until 4:00 PM. The lawyer regarded that as a kind of coercion and pressure on his client. **"Prolonging an investigation, or waiting too long for the investigation, is a mean of coercion"**, says Milad's lawyer.

According to what the department reviewed from the public prosecution investigation records, the trial documents, and Milad's interview, the charges of inciting non-compliance with the law were based on what he said about the unspoken ban on marches and gatherings since the end of 2014. Milad said that the opposition should "break the barrier of the ban" and make sure they participate in marches and gatherings held by the youth groups in the villages almost every night. The organizers do not inform the government of having these marches because they fear prosecution. Milad also urged the attendees to demonstrate by telling them, "your duty is to continue the peaceful approach and the street demonstrations and protests. **"He called on them to support and assist those youth groups for "the continuation of the revolutionary movement"**.

After investigating with Milad, the public prosecutor ordered to imprison him for (7) days as a precaution pending the investigation on charges of "inciting hatred against the regime", and "inciting non-compliance with the law." On November 11, 2015, the court sentenced him to two years after being convicted on charges of "inciting non-compliance with the law".

Case No. 22



A video clip posted by activists on the social media ^[223] and eyewitness testimonies presented to the department revealed that after the security men suppressed the protest march, **"a young man went toward the street, through which an armored vehicle was passing and had just stopped firing tear gas canisters to divide the demonstrators. The young man remained standing next to the wall of a house overlooking the street, carrying in his hands only an image of the Secretary-General Sheikh Ali Salman, and not showing anything that could endanger the security man"**.

According to the video and the eyewitness, one of the security officers intentionally shot a cartridge from the firearm (shotgun) from inside the armored vehicle, through a small window, in the direction of the young man's face and chest. The young man, with his face bleeding, was forced to retreat and fell to the ground. Immediately, a number of young men who were in the scene gathered around him and took him to a nearby place in an attempt to give him first aid.

On January 21, 2015, the Ombudsman said that they **"opened an investigation regarding the information circulating on social media"** ^[224] about (Abdullah's) injury. On February 16, 2015, the special investigation unit said it **"has completed its investigations"**, and decided to **"refer the defendant to a competent court to punish him for violating the physical integrity of others"**. The case will be considered by the Juvenile Criminal Court on February 26, 2015 ^[225]. On November 8, 2015, the special investigation unit said that the Juvenile Criminal Court **"acquitted an accused member**

222. The real name of the victim was replaced with a fake name in order to protect him and his family from possibly being arrested by the police.

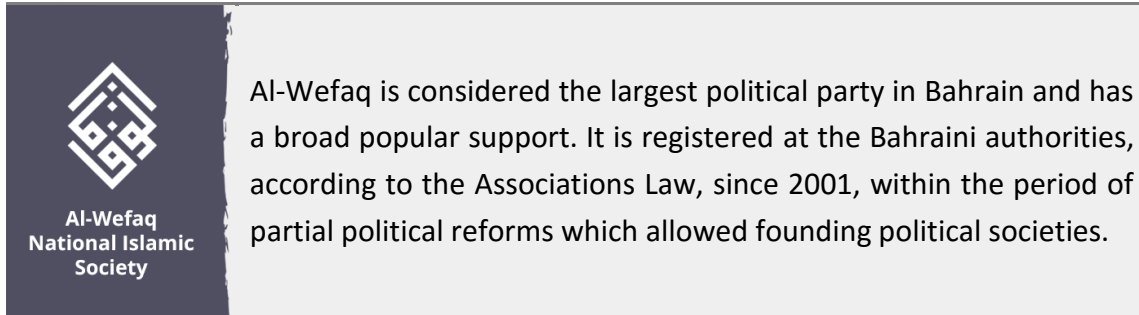
223. The final scenes before a young man, holding a picture of Sheikh Ali Salman, was shot with a firearm (shotgun), and how and who targeted him. (20 January 2015). Retrieved on 10 January 2016, from YouTube website: https://www.youtube.com/watch?t=28&v=N1qG86TdgVI&oref=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Ft%3D28%26v%3DN1qG86TdgVI&has_verified=1

224. Ombudsman's Statement. (21 January 2015). Retrieved on 10 January 2016, from the Bahrain News Agency website: <http://www.bna.bh/portal/en/news/650597>

225. The special investigation unit completes its investigations related to someone being injured in Al Bilad Al Qadeem. (16 February 2015). Retrieved on 10 January 2016, from the Bahrain News Agency website: <http://www.bna.bh/portal/news/654452>

of the public security forces of the charge attributed to him of violating the physical integrity of others"^[226].

Case No. 23



On July 20, 2014, Bahrain's Ministry of Justice filed a lawsuit to suspend the activities of Al-Wefaq National Islamic Society for (3) months until it rectifies its illegal status. The suspension occurred "following the annulment of (4) general assemblies due to lack of quorum, and non-commitment to the openness and transparency required to hold them".

According to what the Department has learned, the lawsuit of the Ministry was based on "lack of quorum" considering that the number of the society's members did not achieve the absolute majority according to the Article No. (21) Of the Society's Statute. However, (Al-Wefaq) replied that the Ministry ignored that only members with full membership, who pay subscription fees, are required to constitute the quorum.

As for Al-Wefaq's non-commitment to the openness and transparency required to hold its assemblies, Bahrain's Ministry of Justice concluded that because the Society did not inform the Ministry of the mechanisms used for holding its general conferences, including a record of the present members, the election results, the reports presented at the conference, in addition to the delivered speeches, according to the Article No. (18) Of the Associations Law. However, Al-Wefaq's response was that this Article does not hold this "arbitrary interpretation" if the legislator intended to inform the Ministry of Justice -only- of "any decision issued by the Society to change its leaders, merge the society, or modify its statute." While the Ministry responded that giving notice of these decisions results in **"the permissibility of the request made by the Minister of Justice for the mechanisms which led to making such decisions"**.

On October 28, 2014, Bahrain's High Administrative Court issued a sentence in which it suspended Al-Wefaq's activities for (3) months and obliged it to eliminate the causes of the violation. Until September 20, 2015, Bahrain's Supreme Civil Court of Appeal confirmed the sentence against (Al-Wefaq).

226. A security man, who fired a projectile from inside an armored vehicle at the head of a young man in Al Bilad Al Qadeem, is acquitted. (10 November 2015). Retrieved on 10 January 2016, from the Al-Wasat Newspaper website: <http://www.alwasatnews.com/news/1043750.html>

It is noteworthy to mention that since 2010, Bahrain's Ministry of Justice gave notice to (Al-Wefaq) Society of several "violations" it claimed that the Society committed them. Among these violations, violating the rules of communications with foreign organizations, calling for illegal rallies and assemblies, assaulting the judiciary authority, and using the term "revolution" to describe the uprising in Bahrain.

Case No. 24

**Afaq
Society**
for Human Rights

In early December 2014, a group of young activists applied to register a human rights organization named "Afaq for Human Rights". However, "Bahrain's Ministry of Development is still procrastinating in completing the society's registration procedures despite of applying more than a year ago", according to the founders of the association.

According to the statement of one of Afaq's founders, after 2 weeks of filing the application, the association was informed that their request was accepted and that they have to complete the registration procedures. They were also informed that the procedures will not take more than two months.

In early January 2015, the founders had received a letter from the Ministry of Development asking them to modify the objectives of the association under the pretext of "the resemblance of its objectives to other associations and institutions in Bahrain." For that purpose, the founders of the associations reformulated the goals and they handed them over to the Ministry within 2 weeks. However, the Ministry asked them to modify the objectives once again because they intersect with the objectives of NIHR. That happened after conducting reviews for almost 6 months, during which the founders of the association were requesting to meet the director of the NGOs to know the nature of the required modifications.

On July 26, 2015, the founders of the association handed documents which show the modifications of the association's objectives. Yet, since that date until the day of writing this report, the Ministry of Development had not replied neither negatively nor positively.

Since August 2015 till January 2016, the founders of (Afaq) association had checked with the Ministry of Development several times to identify the reasons of delaying the registration. However, the Ministry staff told them various excuses each time, such as "the absence of the following-up employee", "changing the structure of the Ministry due to its merging with the Ministry of Work" or "subjecting the application for further study by the Ministries of Interior and Foreign Affairs."

Throughout the aforementioned period, one of (Afaq) founders said that the director of the NGOs administration told him that "the reason for delaying the registration of the association is due to the difficulty of communication between the Ministry of Development and the Ministries of

Interior and Foreign Affairs since both the ministries are sovereign ministries. He added that, **"he can be updated on the process, which the application undergoes, through mediations inside the two ministries"**.



Part Seven

Arbitrary killing

The legal framework



The right to life is the first and highest right for human being and it's guaranteed by the Universal Declaration of Human Rights in article 3 ^[227] & International Covenant on Civil and Political Rights in article 6 as every human being has the inherent right to life. This right shall be protected by law, and no one shall be arbitrarily deprived of his life. ^[228]

The Observed Cases

The right to life was violated from 2011 until the year 2015. Since then, 169 deaths have been announced for citizens related to the opposition political movement, including 4 foreigners based on figures by Al-Wefaq or by human rights or political groups, or by families of the victims.

With regard to 2015, the LHRD has observed (3) cases of killings of citizens related to the opposition political movement, and it has not been able to classify any of these cases as a case of arbitrary killings of civilians by the security forces, according to the International Classification expressed by the Special Rapporteur on extrajudicial, summary or arbitrary executions as **"all what representatives of the state do or miss do and considered as a violation of the general recognition of the right to life"** ^[229].

The LHRD notes that the decline in cases of arbitrary killings during the year 2015, cannot be attributed to a development in respecting the right to life by the Bahraini authorities or a development in combating arbitrary killings in dealing with the opposition political movement. Since the review presented by this report in the use of excessive and unjustified force section which reviewed cases subjected to physical damages due to the excessive and unjustified use of force while dealing with the political opposition gatherings that provides an indication to deny any development. The LHRD considers this decline as a result of a change in Bahraini authorities' techniques in combating opposition' political rallies by imposing a complete ban on demonstrations in the year 2015.

227. The Universal Declaration of Human Rights. [Ibid.](#)

228. International Covenant on Civil and Political Rights. [Ibid.](#)

229. International Standards. Retrieved on 13 December 2015, from Human Rights Commission website: <http://www.ohchr.org/AR/Issues/Executions/Pages/InternationalStandards.aspx>

In this regard, the LHRD notes that the Bahraini authorities are using this decline to promote such perception. It was remarkable a press release issued by the Director of Legal Affairs Department of the Ministry of Interior on November 26, 2015. He said that (67%) of the sentences issued against the policemen under investigations by SIU within (3) years were acquittals and the convictions were linked with "personal behaviors" for those convicted ^[230]. It is not clear what the basis for this statement was to emphasize that the convicted security men, part of which is linked to cases of arbitrary killing, were merely "**personal behaviors**". For example, was there a comprehensive investigation conducted regarding the occurrence of these crimes by the Secretariat of the grievances of the Ministry of Interior or the SIU of the Public Prosecution.

The LHRD notes that the decline in cases of arbitrary killings during the year 2015, cannot be attributed to a development in respecting the right to life by the Bahraini authorities or a development in combating arbitrary killings in dealing with the opposition political movement (...) this decline as a result of a change in Bahraini authorities.

The acquittal sentences mentioned in the statement, were criticized by the Human Rights Watch (HRW) by providing samples of weaknesses according to trials' documents, in a report issued by HRD in 2014 entitled: "**Criminalizing Dissent, Entrenching Impunity**" ^[231].

Those samples reveal how weak the investigations which have been carried out on these crimes. Lack of evidence paves the way for the acquittal of the accused, as happened in the case of members of the medical staff who claimed of being tortured during interrogation in 2011. The LHRD in its annual report for 2014 ^[232], and its report for the year 2013 ^[233], provided samples on the shortcomings of these sentences. The LHRD reviewed by, for example, acquittal sentences issued based on the right of self-defense to justify arbitrary killings using firearms without applying the strict standards of legitimate self-defense, the rules of proportionality between the killer's action and the assumed danger, if there is any. The rules were not strictly

230. Interior Ministry: Public Security affiliates acquitted in 67% of the cases. (26 November 2015). Retrieved on 16 January 2016, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/698303>

231. Criminalizing Dissent, Entrenching Impunity. (28 May 2014). Retrieved on 1 January 2015 from Human Rights watch website: <https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice>

232. Bahrain reforms ... a game of numbers. (1 May 2015). Retrieved on 25 November 2015 from Al-Wefaq website: [Ibid.](#)

233. Bahrain: Repression – The Shadow of Tyranny. [Ibid.](#)

enforced, as well as some of these sentences did not deny the occurrence of the crimes, but acquitted the security men, who have been charged by the public prosecutor. The Bahraini authorities are required to conduct a re-investigation to get to the security man who actually committed the crime, but that hasn't happened yet.

Regarding the previous statement, the LHRD would like to comment on justifying the acquittal sentences with the assumption that the crime's reflect personal behaviors, while the BICI report asserted otherwise, it has clearly emphasized the occurrence of systematic violations by security men, for example, with regard to torture, it documented (5) deaths due to torture or cruel treatment in detention centers. The report found that are **"systematic practice of physical and psychological mistreatment, which in many cases amounted to torture, with respect to a large number of detainees in their custody"** [234].

Jumping to such conclusions by the Bahraini authorities must be based on a scientific analysis and a professional investigation conducted by an impartial side aiming to search if the violations were systematic or not. Unlike what was done by the BICI in this matter, which led to a different outcome to what mentioned in this statement. No such analysis or investigations have been conducted, so the LHRD brings back the outcomes reached in its annual report for 2013 [235], as the review of the investigations undertaken into the cases of arbitrary killings related to opposition political movement, which was launched in in February 2011, proves that the investigations were not comprehensive. They mostly remained confined to the direct perpetrator of the act and didn't target the security leaders to determine their responsibility for the killings, whether by torture in detention centers or using firearms during dealing with the demonstrators or the random use of tear gas. The LHRD provided two examples of the cases of arbitrary killings occurred during the sit-in Pearl roundabout on February 17, 2011, and documented by BICI report [236], and they were attributed to the excessive use of force, and weakness of command and control systems, as the LHRD did not find signs of an effort to investigate the extent of the responsibility on the Another example was provided by the LHRD with regard to killing under torture in detention centers [237]. It showed that the investigation was based on the idea that the incident accidentally happened, and it didn't put any possibility of being part of a systematic behavior suffered by the majority of political prisoners in the same

234. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1238). [Ibid.](#)

235. Bahrain: Repression – The Shadow of Tyranny. [Ibid.](#)

236. See table (1) of developments of the judicial accountability of arbitrary killings during 2015: Case No. 3 of the victim Ali Ahmed Al-Moamen and Case (4) of the victim Isa Abdul Hassan Ali.

237. See table (1) of developments of the judicial accountability of arbitrary killings during 2015: Case (11) for the victim Zakaryia Rashid Al-Asheeri and Case (12) of the victim Ali Isa Saqer and case (13) of the victim Abdul Karim Fakhrawi.

prison at the time. The investigations focused on the incident which led to the death of the victim, and turn a blind eye on the overall conditions during the period of the victim's detention. Therefore, the authorities didn't investigate the cause of the presence of water hoses, used as tools of torture, and how they were entered inside the prison and whether their use with detainees is common. The investigation also didn't target the leaders of the detention center where the victim died. That case proves suspicions about consistent and systematic torture occurring and highlighted by the BICI report in paragraph (1238).^[238]

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The developments of the judicial accountability of arbitrary killings

The judicial accountability for some of the arbitrary killings cases which have been classified as arbitrary killings by the LHRD or human rights or other political groups - because they were attributed to security men or for their roles in facilitating the killings, since the start of the opposition political movement in February 2011 - is a key element in the annual reports of the LHRD for the year 2013 and the year 2014, as this judicial accountability shows the commitment of the Bahraini authorities towards their obligation to fight against impunity, as well as to provide an indication of the nature of arbitrary killings in Bahrain, whether it caused by an individual act or systematic behavior.

The monitoring of arbitrary killings cases were limited to deaths resulted by extruded firearm injuries, or of torture and cruel and degrading treatment inside and outside of prison, or as a result of the arbitrary use of teargas and the death occurred within a few hours of inhaling this gas. The LHRD has distinguished between the different cases according to the judicial accountability as follows: cases looked by ordinary criminal courts which issued sentences or decided to close the case during 2013-2014 and cases with pending judicial accountability.

238. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1238). [Ibid.](#)

This monitoring revealed that a small fraction of those cases has referred some security men to courts. They were low-ranked soldiers, with one low-ranked officer in one case; and another part of the cases were ended by the public prosecution after investigations without charging any policeman, while the rest of the pending cases are still in the process of investigation, noting that (16) of these cases have been documented by the BICI report" [239].

This report also reveals **that "the trials led to the acquittal of the majority of members of the security forces who have been referred to trial, or convicted and punished by lenient sentences, to the extent of jailing a security man for (6) months for killing an unarmed man in a building under construction, in preens of two other policemen, using a fire arm. The victim was shot in his legs and his arm near the elbow at close range"** [240].

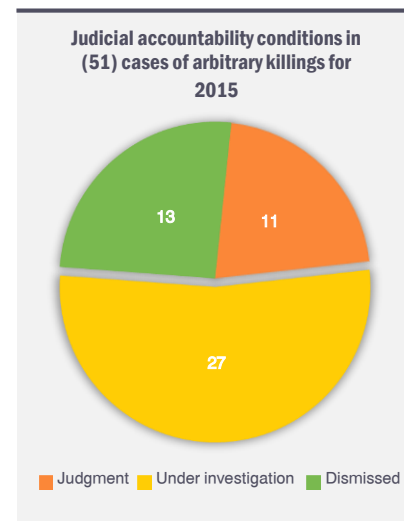


Chart 7

Monitoring the judicial accountability during 2015, reveals that no real progress has been made by the Bahraini authorities that could give an indication of the seriousness of fighting against impunity relating to arbitrary killing, but the cases of arbitrary killings in 2014, and reviewed by the LHRD in its report for 2014 supported the indicator negatively when the cases observed added to the development of the judicial accountability. (See Chart 7 and Table 1)

The LHRD has also shown in its report a compression between the judicial accountability of three cases occurred on the same date, two of them were for demonstrators and their cases were presented in details in 2013 report and the third was for a policeman. All of them were injured with extruded firearm on February 14, 2013, in order to shed light on the unjustified judicial accountability with respect to the path of arbitrary killings attributed to the security forces, and judicial accountability with regard to cases of killings of security men attributed to civilians. Drawing this comparison again in 2015, has increased the emphasis on the unjustified inequality. It gives an indication of the lack of commitment by the Bahraini authorities of their duty to fight against impunity, and an indication that the arbitrary killing in regards to stifle political opposition is a systematic behavior. For instance, the case of murdering a policeman has reached the Cassation Court which issued its ruling and returned again for the consideration of the Court of appeal, while still the cases of killing of demonstrators are in pending investigation. (See Table 2)

239. Bahrain: Repression – The Shadow of Tyranny. [Ibid.](#)

240. Bahrain reforms ... a game of numbers. [Ibid.](#)

Table 1: The developments of the judicial accountability of arbitrary killings during 2015**Part 1: Arbitrary cases heard by criminal ordinary courts which issued sentences or decided to close them**

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
1)	Ali Abdul hadi Mushima (22 years) died on 14 February 2011	He was targeted in Daih in an internal road leading to another blind lane where his grandfather's house located. He was near the house when he was shot by a policeman with shotgun at close range in his back causing damage to his lung.	A policeman was charged with shooting him and convicted with physical assault without intent of killing. The policeman was sentenced for 7 years imprisonment on 31 January 2013. The sentence wasn't challenged by the Public Prosecution. The Appeal Court reduced the sentence to 3 years imprisonment on 21 October 2013. On 27 May 2015, a royal pardon dropped the remaining period.
2)	Fadhel Salman Al-Matrook (32 years) died on 15 February 2011	He was targeted in a road near Salmanyia Hospital during his participation in a political funeral hosted for the victim Ali Mushima. First he was hit at close range by a rubber bullet in his face fired by a policeman while he was trying to talk to him to calm down the situation when the funeral procession walked by a policemen. The policeman shot Fadhel at close range with shotgun in his back as there were holes on his upper part of his body.	Two policemen accused by the Public Prosecution of shooting the victim without intent of killing were acquitted by the court, because they were in self-defence situation. Another Appeal Court confirmed the first sentence on 26 May 2013. The sentence hasn't been challenged yet by the Public Prosecution at the Cassation Court.
3)	Ali Ahmed Al-Moamen (23 years) died on 17 February 2011.	He was targeted on his way to the "pearl Roundabout" after it was controlled by security forces. He was injured in his left thigh with shotgun fired at close range. He also suffered cuts resulting severe bleeding in his legs led to his death.	The Court questioned the evidences given by the Public Prosecution and his case was considered as an accidental killing. The Appeal Court on 24 February 2013 acquitted the accused in the case. The sentence hasn't been challenged yet by the Public Prosecution at the Cassation Court. The murder case wasn't denied and it wasn't classified as sel-defence case. The policemen accused by the Public Prosecution were acquitted; however the perpetrators are still free.

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
4)	Isa Abdulhussan Ali (61 years) died on 17	He was targeted on his way to the "pearl Roundabout" after it was controlled by security forces. He was shot directly in his head with a firearm, likely to be a teargas canister, fired at close range 2-3 meters away. His head blew up and immediately died.	A policeman accused of murdering the victim by shooting him without intent of killing was acquitted from the charges on 27 September 2013. The sentence was confirmed by Appeal Court on 24 February 2013. The sentence hasn't been challenged yet by the Public Prosecution at the Cassation Court and there is no decision to reopen an investigation in the case. The murder case wasn't denied and it wasn't classified as self-defence case. The accused in the case was acquitted and the perpetrator is still free.
5)	Bahyia Abdulrasool al-Aradi (51 years) was shot dead on 16 March 2011	She was targeted while she was driving her car after sunset, near a military point at Shaikh Khalifa Highway and Budyia highway junction. She was injured with a live bullet in her head, and another bullet in her neck according to her family's report.	The case was closed on the assumption that the live bullets were fired in accordance to the law, because the driver of the car refused to stop at the security check point.
6)	Jawad Mohammed Shamlan (47 years) died on 16 March 2011	He was targeted while she was driving his car, near a military check point set up by BDF to block the street and divert the traffic to a main street near Sehla village, leading to his workplace. He was injured with a live bullet in his stomach and another injury was reported in his knee by a firearm.	The case was closed on the assumption that the live bullets were fired in accordance to the law, because the driver of the car refused to stop at the security check point, and no violation was reported.
7)	Hani Abdulaziz Jumaa (33 years) He was shot dead on 19 March 2011	He was targeted in an under construction building in Beelad Al-Qadeem village where he lives. He was hiding in the building along with another person when armed security forces entered the village and started chasing everyone on the road. The victim was found injured with gunshots in both legs, and near his arm fired at close range. Besides, there were signs on	A policeman accused of shooting the victim by the Public Prosecution was convicted by a court on 27 September 2012 of physical assault resulting death without intent for killing. He was jailed for 7 years. The sentence wasn't challenged by the Public Prosecution, however on 26 May 2013; an appeal court reduced the sentence to 6 months imprisonment arguing that he was defending himself under tough conditions.

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
		his body could be attributed to torture and beatings.	
8)	Aziz Juma Ayad (38 years) died on 17 March 2011.	According to reports, he died in jail. He was detained with a number of Shiite BDF personnel who were arbitrarily arrested for different periods for sectarian reasons during the State of National Safety. According to the doctor, he died on 17 March 2011. There was any information from him until his family received a call from BDF hospital asking them to visit him in the hospital because he was sick. After a while the family received another call informing them that the victim died (8 days after his death). The BICI highlighted this case and it reported that the death occurred under suspicious circumstances and BDF hasn't launched any investigation to uncover the reasons of the death against the international human rights standards. After receiving his body, the family noticed signs could be resulted by electrical shocks and wounds in his stomach and chest.	The issue was closed by the Public Prosecution as the death was attributed to heart attack.
9)	Isa Mohammed Ali Abdulla (71 years) died on 25 March 2011	He died at home in Maameer due to teargas inhalation. Security forces shot the teargas canisters inside his home while they were chasing protestors in the area. The victim was suffering from lung's problems and his health condition deteriorated by the teargas.	The issue was closed by the Public Prosecution as the death was natural according to its conclusions.
10)	Sayed Ahmed Saeed Shams (15 years) died on 30 March 2011	He was targeted while he was being with some friends in his village Sar. His neck was broken resulting from severe beating after he was shot	The Public Prosecution has decided to file a criminal lawsuit because it failed to identify the perpetrator. On 5 March 2013, the Public Prosecution rejected an appeal by the victim's family against the decision. In November 2014, the High appeal court

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
		with a firearm by police in his face, according to witnesses.	rejected an appeal by the family against the Public Prosecution's decision.
11)	Zakrya Rashid Al-Asheeri (40 years) died on 9 April 2011.	He was tortured to death after spending 6 days in jail. He was arrested for reasons related to his opposition media activities.	On 12 March 2013 two policemen were acquitted of charges related to beating resulting death without intent of killing. Three other policemen accused of not reporting the crime were acquitted. Those charges were made by the Public Prosecution instead of torturing to death. The sentence hasn't been challenged yet by the Public Prosecution. No new inquiry was launched in the case, although the murder case wasn't denied or classified as self-defence.
12)	Ali Issa Saqer (39 years) died on 9 April 2011	He was tortured to death in jail. He was detained for 6 days on a charge related to hitting a policeman by car during police attack on the protestors in the Pearl Roundabout, few days before evacuating the protestors from the Roundabout on 16 March 2011.	On 12 March 2013 two policemen were convicted in beating Ali, resulting his death without intent of killing. They were sentenced for 10 years imprisonment. Three other policemen accused in the case of not reporting the crime were acquitted. The Public Prosecution hasn't challenged the verdict at the Cassation Court to toughen the punishment. On the other side, the defendants challenged the verdict and it was reduced by Appeal Court to 2 years imprisonment, arguing that the defendants deserved mercy, because they were intending to ensure the security and the safety of the detainees, including the victim. However, the Public Prosecution appealed this sentence before the Cassation Court. On 1 December 2014, the Cassation Court cancelled the appeal sentence and brought the case back to the appeal court which issued a new sentence on 4 January 2016. It decided to reduce the sentence to 7 years imprisonment and it's not a tough penalty taking the conditions of committing the crime according to the Penal Code.
13)	Abdulkarim Ali Fakhrawi (49 years) died on 11 April 2011	He was tortured to death after spending 8 days in jail. He was accused of spying to the government of Islamic Republic of Iran, among a number of Iranian-	On 30 December 2013 two policemen were charged with beating Fakhrawi, resulting his death without intent of killing. They were sentenced for 7 years imprisonment. The Public Prosecution hasn't challenged the verdict at the Cassation Court to

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
		root Bahrainis. The victim was a member of Al-Wefaq.	toughen the punishment. However, the first sentence was later reduced by Appeal Court to 3 years imprisonment on 27 October 2013.
14)	Aziza Hassan Khamis (26 years) died on 16 April 2011	She died at home in Beelad Al-Qadeem of sharp decline in blood sugar after getting panic of raiding her home violently by a large number of police forces in the early morning. She was shocked when she saw the policemen in her bedroom while she was in her sleepwear and without Hijab. The policemen broke out her home searching for wanted persons in relation to the political events. They caused chaos violently. She was suffering from diabetic and her health condition suddenly deteriorated as result of the incident to die on same day.	The case was closed, because there wasn't any criminal suspicion and the death was natural attributed to breathing problems and having diabetic, according to the Public Prosecution.
15)	Zainab Ali Al-Tajir (70 years) died on 2 June 2011	She died of teargas inhalation near her home in Sanabis which is located in a narrow lane. Her home was directly shot with teargas during chasing some protestors. The police forces fired teargas towards her while she was closing the door. After few minutes she was found lying on the ground inside home. The house was full of teargas. Two hours later her death was announced in hospital.	The case was closed, because there wasn't any criminal suspicion and the death was natural, according to the Public Prosecution.
16)	Jaber Ibrahim Al-Alaiwat (38 years) died on 12 June 2011	He died 3 days after his release. He was arrested in a case related to political protests. He was subjected to torture in jail. There were contusions seen on his head, face and his left hand during his detention. After his release he was left by police at the gate of Salmanya hospital. He suffered	The case was closed, because there wasn't any criminal suspicion and the death was natural, according to the Public Prosecution

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
		severe pain in his stomach until he died within few days.	
17)	Zainab Hassan Juma (47 years) died on 15 July 2011	She died of tear gas inhalation in her home in Sitra. She was handicapped and there were demonstrations in the area. Policemen started shooting gas near her home. A large number of teargas canisters fell on the house roof and in an open yard in the house. The teargas leaked heavily to her room and she failed to escape without assistance or a wheelchair.	The case was closed, because there wasn't any criminal suspicion and the death was natural, according to the Public Prosecution.
18)	Yousif Ahmed Mowali (25 years) died on 13 January 2012	His dead body was found floating in the sea near his residence in Qalali. Although his family were informed about his disappearance one the previous day and they were notified that Yousif was in a detention centre. His family found abnormal signs on his body. His body was examined by an international specialist, who was in a visit to Bahrain. She said the evidences indicated that he was subjected to electrical shocks and he could drown after throwing him unconscious in the sea.	The case was closed, because there wasn't any criminal suspicion and the death was attributed to drowning while swimming, according to the Public Prosecution.
19)	Salma Mohsen Abass (82 years) died on 14 January 2012.	She died of tear gas inhalation in her home after heavy shooting of teargas by security forces. A teargas canister was found near her room and she died the next day after deteriorating her health condition.	The case was closed, because there wasn't any criminal suspicion and the death was natural, according to the Public Prosecution.

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
20)	Salah Abass Habib (35 years) died on 21 April 2012	He was targeted by security forces in a farm located near his residence following dispersing a number of demonstrators in the area. He was seriously injured by shotgun in his upper part of his body.	A first-degree sentence, issued on 24 November 2014, acquitted a policeman charged by the Public Prosecution with shooting directly the victim, because the Court had suspicions over the evidences presented.
21)	Hussam Mohammed Al-Hadad (16 years) died on 18 August 2012	He was targeted in an internal road near his residence in Muharraq while he was present in an area witnessed clashes between policemen and demonstrators. He was injured with shotgun in his upper part of his body and it penetrated his internal organs.	The case was closed and considered as self-defence case.
22)	Ali Hassan Nemah (17 years) died on 28 September 2012	He was targeted in a road near his residence in Sadad while the area was witnessing demonstrations suppressed by police. He was injured by shotgun in his upper part of his body.	The case was closed and considered as self-defence case.
23)	Fadhel Abbass Muslim Marhoon (20 years). He was targeted on 8 January 2014.	He was targeted by security forces while he was driving a car in Markh village, in a trap prepared by police to drag a person was him in the car to arrest him. He changed his route to escape but he was shot with a live bullet in his head from the back.	A first degree sentence was issued on 29 April 2015 acquitted a policeman charged with shooting Fadhel directly with the intent of murdering him. The Public Prosecution has appealed the sentence but there is no available information about the appeal.
24)	Jawad Ahmed Al-Hawi (49 years). He died on 16 March 2014.	He died of teargas inhalation. The teargas was shot heavily by security forces near his home in Wadyan village in Sitra to disperse a political demonstration. He was surprised with shooting the teargas canisters on his was to his house.	The issue was closed, because there wasn't a criminal suspicion and the death was natural according to the Public Prosecution.

Part 2: Arbitrary Killing cases since the beginning of the opposition political movements - The cases are still pending under investigation

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
25)	Ali Mansoor Khudair (53 years) died on 17 February 2011	He was targeted in the Pearl Roundabout immediately when the security forces attacked the protestors there. He was shot at close range by shotgun in his back and chest.	Under investigation.
26)	Mahmood Maki Abu Taki (23 years) died on 17 February 2011	He was targeted in the Pearl Roundabout immediately when the security forces attacked the protestors there. He was shot at close range by shotgun in the right side of his back, arm and neck.	Under investigation.
27)	Abdulredha Mohammed Buhamid (33 years) He was shot dead on 18 February 2011	He was targeted on his way to the Pearl Roundabout while he was participating in a small rally. He was shot dead with live ammunition came from the Pearl Roundabout side. Five other protestors were injured in the incident.	Under investigation.
28)	Mohammed Ekhlas (52 years) Bangladeshi national. He died on 15 March 2011	He was targeted by security forces while they were preparing to crack down on protests broke out near his residence in Sitra. He was hit with a friend while they were trying to protect women in the area by a civilian car driven by masked passengers, and accompanied by another car. Both cars didn't have registration plates and they were driven fast aiming to run over the women. The cars ran away after hitting Mohammed and his friend towards the place where the security forces were stationed to control the area. The death was attributed to an internal bleeding and skull fracture resulted by the incident.	Under investigation.
29)	Ahmed Farhan Ali (31 years) died on 15 March 2011	He was targeted by security forces during attacking protests broke out near his residence in Sitra. His body was found in the street and his head was completely slotted while his brain found near his body on the ground. His head	Under investigation.

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
		was blown with shotgun fired at close range while he was lying on the ground.	
30)	Majeed Ahmed Abdulaal (31 years) He was targeted on 14 March 2011	He was targeted in a street near his residence in Northern Sehla. He was injured in his head with shotgun fired by two civilian cars. According to reports circulated through social media, the cars were driven by plain clothes police. The victim was clinically dead in the hospital and his death was officially announced on 30 June 2011 as result of the injury.	Under investigation.
31)	Jaffar Mohammed Abdali (41 years) died on 16 March 2011	He was targeted near the Pearl Roundabout during the attack on the 2 nd sit-in held in the Roundabout. He was shot dead when a live bullet penetrated his internal organs from his arm side. He was also less dangerously injured with shotgun. According to reports, he was injured while he was filming the evacuation operation of the protestors from the Pearl Roundabout.	Under investigation.
32)	Jaffar Abdulla Maiof (33 years) died on 16 March 2013	He was targeted in a street near Daih during chasing the protestors following the attack on the 2 nd sit-in held in the Roundabout. He was shot dead in his back with a live bullet penetrated his internal organs while he was trying to escape from the area. He was also less dangerously injured with shotgun.	Under investigation.
33)	Ahmed Abdulla Al-Arnoot (23 years) died on 16 March 2011	He was targeted in the Pearl Roundabout during the attack on the 2 nd sit-in held in the Roundabout. He was shot at close range with shotgun in his back, penetrating his internal organs.	Under investigation.
34)	Steven Abraham (42 years) an Indian worker in Bahrain. He died on 16 March 2011	He was working as a security guard and he was on duty when he was shot dead in his chest from long distance. His workplace was located near a security checkpoint at Shaikh Khalifa and Budyia highways junction.	Under investigation.

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
35)	Isa Radhi al-Radhi (44 years). He was targeted on 15 March 2011.	He was subjected to severe torture either after arresting him by security forces during attacking protestors in Sitra or after he was transferred to a jail. Clear signs of brutal beating with hard objects were found in several parts of his body, resulting skull fracture and internal bleeding. He died on 16 March 2011 as result of his injuries.	Under investigation.
36)	Salman Isa Abu Idrees (64 years) He was targeted on 16 March 2011	He was targeted in a street near the Pearl Roundabout during the attack on the sit-in held in the Roundabout. He was arrested by security forces and subjected to severe torture and degrading treatment to force him to admit that he was one of the protestors despite his denial. He was severely hit on his bladder causing its rupture. He was then transferred to the hospital until he died on 3 June 2011 due to his health condition deterioration as result of his bladder injury and other chronic diseases.	Under investigation.
37)	Abdul Rasool Hassan Hujair (38 years) died on 19 March 2011	He was targeted in a street and he was subjected to severe torture leaving clear signs on his dead body found by his family. Many cuts were found in several parts of his body, including cuts in his thigh and back and a deep cut in his head near his ear, causing skull fracture could be resulted by stabbing. Also there was a 2 cm cut in his arm and other cuts in his neck and there were several bruises in his back and stomach. Moreover, there were blood clusters in red lines could be as result of being beaten with a stick or hose, and cigarette burns in his knee and hands. The victim was reported missing on 19 March 2011 near Aali entrance when he was heading towards a security checkpoint. Since then he didn't answer several calls on his mobile phone by his wife. His body was found, according to a statement issued by Interior Ministry at around 6 AM on 20 March 2011 in a public Walkway in Awali, south of A'al where he was missed. Based on the incident circumstances, there is great belief that he was attacked by policemen or by civilians in	Under investigation.

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
		cooperation with police due to the intensive presence of security forces in the area.	
38)	Ali Jawad Al-Shaikh (14 years) died on 31 August 2011 on Eid Al-Fitr day	He was targeted in a street near his residence in Sitra, while he was participating in a rally with a few numbers of demonstrators. They immediately dispersed from the place when police cars arrived. He was found lying on the ground with an injury in his back neck, more likely, to be resulted by shooting him vertically at close range with a teargas canister. It caused spine fracture and bleeding which caused his death according to his death certificate.	Under investigation.
39)	Ahmed Jaber Al-Qatan (17 years) died on 6 October 2011	He was targeted when the police were attempting to disperse protestors who took the Budyia street, using shotguns in order to push them towards villages of Shakora and Abu Saiba. He was shot at close range in his chest and stomach, and the shots penetrated his internal organs, resulting his death. The incident occurred during the period of publishing the BICI report, therefore security forces claimed that the shotguns used in the incident were different from those used by police.	Under investigation.
40)	Fadhel Mirza "Al-Abidi" (21 years) died on 10 March 2012	He was targeted by security forces while dispersing demonstration in Duraz village. He was shot in his head from back with a teargas canister fired by security forces horizontally in his body level.	Under investigation.
41)	Ahmed Ismail Hussain (22 years) died on 31 March 2012	He was targeted by plainclothes police while he was participating in a demonstration near his residence in Salmabad village. He was shot dead with a live bullet while he was carrying a camera to film the demonstration.	Under investigation.
42)	Hassan Jassim Maki (40 years) died on 3 April 2011	He was tortured to death after spending seven days in jail. He was arrested in relation to his participation political protests.	Under investigation.

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
43)	Sayed Hashim Saeed (15 years) died on 31 December 2011	He was targeted by security forces while he was participating in a rally held in Sitra. He was shot by a teargas canister in his chest and neck fired by security forces horizontally in his body level.	Under investigation.
44)	Mohammed Ibrahim Yaqob (18 years) died on 25 January 2012	He was targeted in a street near his residence in Sitra after he was chased by police without reason when police cars entered his village. According to a witness, he was kicked by police and he was subjected to severe beating with helmets, sticks, iron bars while he was lying on the ground. Later he was jailed for a few hours to be transferred to hospital in a bad health condition. He died on the same day. His family found torture signs on his body; however Interior Ministry said he died of sickle cell complications.	Under investigation.
45)	Muntadhar Saeed Fakhar (37 years) died on 25 January 2012	He was targeted in a street after he was hit by a police car on 24 January 2012 during suppressing demonstration broke out in Daih village. According to reports, he was detained by police and subjected to sever torture and degrading treatment. He was then transferred to hospital. His death was announced few hours later as result of his wounds.	Under investigation.
46)	Hussain Ali al-Jazeera (16 years). He died on 14 February 2013.	He was targeted while he was participating in a political demonstration in Daih village. He was injured with shotgun by security forces while they were dispersing the participants in the demonstration.	The Public Prosecution announced opening an investigation, but the Bahraini authorities haven't announced any results.
47)	Mahmood Issa Al-Jazeera (20 years). He was targeted on 14 February 2013	He was targeted during his participation in a political demonstration in Nabeeh Saleh village. Police dispersed the participants and he was shot straight on his head at short range with a teargas canister.	The Public Prosecution announced launching an investigation, but the Bahraini authorities haven't announced any results.
48)	Asma Hussain Ali (52 years). She died on 11 February 2014.	She died e when security forces raided her home to arrest someone related to the opposition movement. She died of respiratory failure of the panic caused by raiding her home	The Ombudsman Office in Interior Ministry said in its first annual report in 2014 that the incident was under investigation in SIU at the Public

NO.	VICTIM	AVAILABLE INFORMATION	OFFICIAL STATUS OF THE CASE INVESTIGATION
		<p>without a warrant or legal advice. She along with her family members were surprised by the policemen entering from the roof after jumping from an adjacent house. Another group entered from their car garage. Some policemen broke the internal door followed by another group of policemen while they were screaming and breaking doors.</p>	<p>Prosecution, and so far the Bahraini authorities did not disclose the results of investigations carried out by the unit.</p>
49)	<p>Jaffar Mohammed Al-Derazi (22 years). He died on 26 February 2014.</p>	<p>He died of symptoms of Sickle cell. According to the martyr himself he has suffered that pain due to the severe torture he had after being arrested on 29 December 2013, less than two months of his death. As his health condition deteriorated after he had been interrogated and remanded in custody. Finally he was admitted at hospital.</p>	<p>The Ombudsman Office in Interior Ministry said in its first annual report in 2014 it's been investigating allegations of torture and the SIU hasn't revealed its results yet.</p>
50)	<p>Abdulaziz Musa Al-abar (27 years). He was targeted on 23 February 2014.</p>	<p>He was targeted during his participation in a massive political demonstration in Sar village. Police dispersed the participants and he was injured with shotgun in his face, head and upper part of his body. He was also injured with a teargas canister in his head.</p>	<p>The Public Prosecution announced opening an investigation, but the Bahraini authorities haven't announced any results.</p>
51)	<p>Sayed Mahmood Mohsin Ahmed (14 years). He died on 21 May 2014.</p>	<p>He was targeted during his participation in a massive political demonstration in the villages of Wadyan and Kharjia, Sitra. Police dispersed the participants and he was injured with shotgun. The bullets penetrated his internal</p>	<p>The Public Prosecution announced opening an investigation, but the Bahraini authorities haven't announced any results</p>

Table 2: judicial accountability for the killing of two demonstrators and a security man on 14 February 2013

Name of the victim	Hussain Ali Al-Jazeerai	Mahmood Isa Al-Jazeerai	Mohammed Asef Khan
Status	- Demonstrator	- Demonstrator	- Policeman
Date of Death	- 14 February 2013	- 14 February 2013	- 14 February 2013
Cause of Death	- shotgun	- An injury with teargas gas canister fired on his head	- A firearm used for guiding ships
Accountability Procedures	<ul style="list-style-type: none"> - On 16 February 2013, the Public Prosecution decided to hold two low-ranked policemen in custody on a charge of committing the murder, because they were carrying shotguns on the incident day, and their detention was renewed for 3 months. - On 23 May 2013, High Criminal Court released the two policemen on bail. - Since the release of the two policemen, no information about the investigation developments has been announced and no policemen have been referred to the court regarding the case. 	<ul style="list-style-type: none"> - No information about the investigation developments has been announced and no policemen have been referred to the court regarding the case. 	<ul style="list-style-type: none"> - On 18 February 2014, the first investigation report was submitted to the Public Prosecution. The report included names of suspects and their charges. - On 18 February 2014 security forces raided some suspects' homes and arrested them, based on confidential investigation, as the policemen who were present when the incident took place didn't recognize the perpetrators of the crime or how it happened. The suspects haven't been released until the beginning of the trial. - The first court session was held on 16 July 2013, 5 months after the incident. The first defendant in the case was sentenced to death, within one year of the incident and 6 months from the beginning of the trial. - On 31 August 2014, the Appeal Court upheld the sentence, after 6 months of the issuance of the first-degree sentence. Both sentences were issued based on investigations from confidential sources, confessions given by the defendants before the Public Prosecution and police on the first day of their detention. The defendants said they have been forced to give the confessions under torture and they have denied their statements before the court. - The case is currently in the Cassation Court. - On December 6, 2015, the Court of Cassation cancelled the Appeal ruling, which upheld the first degree sentence, and returned the case again to the Court of Appeal. The Court cancelled the sentence because the sentence did not respond to the defenders' allegations of being subjected to torture. - The Case is pending to be heard again by the Court of Appeal

Part Eight

Restrictions on Religious

Freedom

The legal framework



Both, the Universal Declaration of Human Rights, and the Special International Covenant on Civil and Political Rights in (Article 18) guarantee freedom of religion "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance". ^[241] ^[242] The local legislations also stress this right in the Bahrain Constitution for 2002 (Article 22) "Freedom of conscience is absolute. The State guarantees the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings in accordance with the customs observed in the country" ^[243]. The legislator has also protected that right through the Penal Code in Article (311) which states "A punishment of imprisonment for a period not exceeding one year or a fine not exceeding BD 100 shall be inflicted upon: any person who deliberately causes disturbance to the holding of religious rituals by a recognized sector to a religious ceremony or meeting or obstructing such events or preventing the holding thereof with the use of force or threat any person who destroys, damages or desecrates a place of worship or a recognized sect or a symbol or other things having a religious inviolability"^[244].

The religious tax for the political affiliation

Shia Muslims complain of being subjected to discrimination and harassment in many areas, such as: public posts, education, employment and career development opportunities, and public services. And they believe that the reason of discrimination is for their demands for democratization and to ensure their freedoms and fundamental rights, which is reflected negatively, directly and indirectly, on their right to practice their religion, and the violations of this right increase with any political crisis plaguing the country.

According to the indications observed by the LHRD during the year 2015, in addition to previous reports ^[245], the Bahraini authorities are still ongoing in the abusive practices that

241. The Universal Declaration of Human Rights. [Ibid.](#)

242. International Covenant on Civil and Political Rights. [Ibid.](#)

243. Constitution of the Kingdom of Bahrain. [Ibid.](#)

244. Legislative Decree No. 15 of 1976 with respect to promulgating the Penal Code. [Ibid.](#)

245. Bahrain reforms ... a game of numbers. [Ibid.](#)

would restrict religious freedom of Shia Muslims, **"because a large sector of them belong to the opposition"**. [246]

Where their political affiliation tax is paid out through violating their freedom of religion or belief. That information also provides indications that the authorities neglected accountability of those involved in abuses who don't work in the state bodies, in limited cases; which **"refers to the direct or indirect involvement of the state or even to the existence of a vacuum in the field of protection of human rights"** [247].

According to the LHRD's statistics during the year 2015, it has been registered 218 cases involving crack down on religious freedoms, centered mostly around: the violation of the sanctity of places of worship by raiding or destroying their properties, putting restrictions on religious activities, and restricting religious rites, especially in Ashura, and the confiscation of religious symbolic objects associated with them.

Ashura-related violations:

Shia Muslims commemorate Ashura Anniversary by announcing mourning and showing grief over the martyrdom of the grandson of the Prophet of Islam Mohammad (PUH), Imam Hussain bin Ali, the third Imam of Shia sect. The Shia mark this anniversary through several ways including: the gatherings of condolence, outdoor processions, art exhibitions, plays about the incident of Karbala, and placing black flags and banners to express sorrow.

The black flags and banners reflect the grief and mourning, and they usually contain religious slogans and sayings attributed to the Prophet Mohammed and the 12 Imams of Shia. It has become a norm among the citizens in Bahrain to place the Ashura banners on public streets, homes and Matams [248] hundreds of years ago. However, the Bahraini authorities might look at them as an indication of the size of the opposition supporters and thus a chance to inflict collective punishment on the Shia community, which was highlighted by the BICI report while noting the demolition of Shia mosques in 2011. It was **"considered as a collective punishment that would fuel tensions between the government and Shia citizens"** [249].

246. Bahrain: The Missing Religious Tolerance. (19 November 2015). Retrieved on 5 December 2015, from Al-Wefaq website: http://alwefaq.net/media/2015/11/Ashura_2015_AR.pdf

247. Report of the Special Rapporteur on freedom of religion or belief (22th session). (24 January 2012). Retrieved on 24 December 2015, from Human Rights Commission website: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/22/51

248. Matam is a religious place used to host Shia religious and social occasions and it has sanctity like mosques.

249. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1334). [Ibid.](#)

During the year 2015, the LHRD reported (175) cases involving restricting commemoration of Ashura including vandalism and the confiscation of black banners (40 cases), arrest of the preachers and "rawadeeds" (religious chanters) and matams' care takers and subjecting them to ill-treatment (15 cases), or summoning to police stations for interrogation with regard to their sermons and religious poems content (64 cases), attacks on Hussaini processions (4 cases) with tear gas and shotgun (45 injured), as well as harassment of participants in Ashura ceremonies (7 cases). (See Chart 8)

In a report on Ashura violations by the LHRD entitled "Bahrain: The Missing Religious Tolerance" [250], the LHRD said that the confiscation and the vandalism of the Ashura banners by the security services came under the pretext of irregularities represented **"in Models have been developed in violation of places to cause danger to traffic, as well as political statements, banners flags and pictures unrelated to Ashura or customs"** [251]. It seems that the Bahraini authorities have recorded those irregularities based on "verbal requirements" conveyed to a large number of matams, where those requirements prevent placing Ashura black banners and flags on the main streets, and restrict their placement on the Hussaini processions routes and surrounding matams. Such requirements violate the norms, which are guaranteed by Article 22 of the Constitution of 2002 [252], where Shia Muslims are used to placing Ashura banners on public streets, homes and matams.

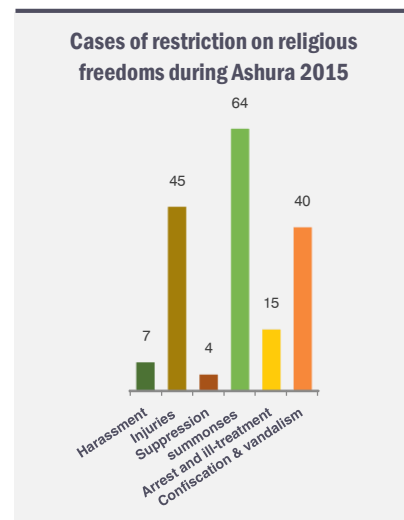


Chart 8

Contrary to the Ministry of Interior's claims, all the cases of confiscation and vandalizes of Ashura banners which were monitored by the LHRD, had no justifications to be confiscated or vandalized, where the total banners contained religious sayings and art models. As well as they were placed in common places for Shia citizens and they didn't affect the traffic, and they are completely related to Ashura. Moreover, the existence of what is considered "irregularities" by

250. Bahrain: The Missing Religious Tolerance. [Ibid.](#)

251. Violations handled in accordance with the law during Ashura. (22 October 2015). Retrieved on 29 March 2016, from Police Media Centre: <http://www.policemc.gov.bh/en/news/ministry/46424>

252. Constitution of the Kingdom of Bahrain. [Ibid.](#)

the Ministry, does not justify the confiscation or sabotage for one year, as shown by videos circulated by unknown activists through social media. [253][254]

It is worth mentioning that the Special Rapporteur on freedom of religion has condemned these types of cases of restrictions, pointing out that members of religious minorities may face **"administrative obstacles when they organize processions or religious ceremonies in public. And there are still a number of governments apply, unlawfully restrictive policies in this context, and sometimes with reference to unspecified interests related to "public order" not in accordance with the standards set out in Article 18 of the international Covenant"** [255].

The LHRD notes, in its mentioned report, that the confiscation and the vandalism of the black Ashura banners by the authorities, **"came without communication with Matams' care takers or representatives of the residents to inform them about the nature of the alleged irregularities, and how to correct them. But the authorities have used the excessive use and unjustified force, in some cases, which caused more than (45) injured by (shotgun), and tear gas, in (4) areas, in protest against confiscation and the vandalism of the black Ashura banners"** [256].

In contrast to the practice, the LHRD's report, (Bahrain: The Missing Religious Tolerance) has documented that the Bahraini authorities, tried through (3) official bodies (Ministry of Interior, the Northern Governorate, and the Directorate of Jaafari Awqaf (Endowment) to improve its image locally and internationally as if it respects the religious freedom through releasing repeated media statements, marking the anniversary of Ashura authorities and the extent of coordination between the ministries and institutions for the successful organization of the occasion. However, the very opposite of what these statements show, it has emerged that these bodies lack coordination.



A demonstrator is waving with a religious flag while cracking down protests against the confiscation of Ashura banners.

253. Video No. 1: Removal Ashura banners from a building in Sanabis. (16 October 2015). Retrieved on 12 November 2015, from YouTube website: <https://www.youtube.com/watch?v=M79J8jm4BHM&list=PLDW7HLhziumbhHae-dRphQ0w8pAOMtA9n&index=10>

254. Video No. 1: Removal Ashura banners from a road No. (71) in A'ali. (19 October 2015). Retrieved on 12 November 2015, from YouTube website: <https://twitter.com/aalines/status/655977638524289024>

255. Report of the Special Rapporteur on freedom of religion or belief (22th session). [Ibid.](#)

256. Bahrain: The Missing Religious Tolerance. (19 November 2015). Retrieved on 5 December 2015, from Al-Wefaq website: [Ibid.](#)

In one case observed by the report on removing the Ashura banners and suppress the mourners in an area inhabited by a Shia majority, a head of one of the matams in the area pointed out that **"there is no clear picture about the Ministry of the Interior's actions towards removal of the banners in the area", and the Governor of the Northern Governorate , who previously met with Matam's care takers do not answer their calls in order to inquire about the nature of these offenses, and try to contain any incidents that may affect the commemoration of Ashura"**. On the other hand, the role of Directorate of Jaafari Awqaf in the incident was limited to the exchange of accusations with the Ministry of the Interior on the competence of each authority ^[257].

Targeting the religious activities

The LHRD during the year 2015 documented (95) cases of targeting religious activities for clerics, religious chanters, matams' care takers and those in charge of arranging religious events: (76) summons and investigation, (7) cases of arbitrary arrests, 12) cases of ill-treatment. Those cases included (25) clerics, (21) volunteers to organize religious activities, (20) matams' care takers, (10) religious chanters. (See Chart 9)

In general, all the observed cases aimed to restrict the religious discourse, or to interfere in the religious affairs of the Shia community.

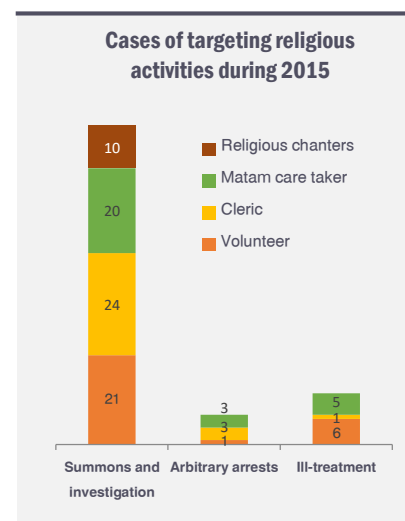


Chart 9

As monitored by the LHRD, the majority of the cases are related to the restriction of religious discourse practiced by clerics in their Friday sermons and religious events, or religious chanters in Hussaini processions. According to the testimonies of the victims, the Bahraini authorities have summoned clerics and chanters for interrogation about the content and nature of their speeches, and whether they included criticism of the authorities, or political affairs, or criticized historic religious figures. They have been charged with several charges such as "inciting hatred against the regime", "incitement to non-compliance with the laws", and "insulting symbol or figure respected by the Nation". As reported by a number of victims being subjected to ill-treatment such as long waiting periods before the investigation. The investigation aimed to inform the preachers and the religious chanters that they are under close observation, and they must be worried about talking about any political issue or a religious issue that can be projected on the current political situation.

257. Ibid.

The LHRD notes that in a number of documented cases, the interrogator tried to misinterpret the religious discourse to be considered a crime from the viewpoint of domestic law, which is a common practice by the authorities in the previous years.

The LHRD believes that the Bahraini authorities used legal powers in the investigation or prosecution as tools of intimidation and punishment against preachers and religious chanters to restrict their freedom of belief, and freedom of public expression, which are guaranteed by the International Covenant on Civil and Political Rights in articles (18) and (19). As the Human Rights Committee has guaranteed the right to expression "any form of thoughts that can be transferred to others or receiving such information (...)" "This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching".

And the International Covenant on Civil and Political Rights, contrary to the "laws that penalize the expression of views on the historical facts with the obligations imposed on States parties under the Covenant with regard to respect freedom of opinion and freedom of expression. And the Covenant does not permit imposing a general prohibition on the freedom of expression of false opinions or incorrect interpretations of past events. ^[258]

As for the interference in the religious affairs of the Shia community, the total cases were concentrated on summoning matams' care takers or those in charge of organizing religious events in order to remove alleged "irregularities" related to Ashura banners, or Hussain processions, or to hold them accountable for speeches delivered in their matams.

The LHRD is gravely concerned about one case relating to punishing individuals for raising funds for religious purposes, where a court has sentenced the cleric Sayed Sadiq Al-Maliki, to two years imprisonment after being found guilty of raising money without a license, while his religious function requires him to respond to donors to deliver the money and distribute it to the poor and needy. He was tried in accordance with the decree-law on the regulation of raising money for general purpose, which **"prohibits natural persons or legal persons collecting money for general purposes only after obtaining a license"** ^[259]. The law also imposes restrictions on money raising in a way that interferes with the freedom of religion or belief, or inconsistent, at least, with the right of civil society organizations in obtaining funds and resources.

258. The General Comment No. 34 by the Committee on Human Rights concerning freedom of expression. [Ibid.](#)

259. Decree Law No. 21 for 2013 concerning regulation of money raising for public purposes. (1 August 2013). Retrieved on 7 January 2016, from Legal Affairs Authority website: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=30466#.Vo45-BV96Uk>

The LHRD's concerns have increased by a statement by the Minister of Justice, dated January 3, 2016, of **"the necessity of obtaining a prior authorization to raise funds for religious purposes"**, calling on "all individuals who collect money or accept donations for religious purposes such as zakat, charity, building places of worship, and the clerics to head to the Ministry of Justice, Islamic Affairs and Endowments to apply for the license" ^[260], Which marks an arbitrary meddling in a religious affair, and punishment for persons who practice it.

The LHRD is gravely concerned about one case relating to punishing individuals for raising funds for religious purposes, where a court has sentenced the cleric Sayed Sadiq Al-Maliki, to two years imprisonment after being found guilty of raising money without a license, while his religious function requires him to respond to donors to deliver the money and distribute it to the poor and needy.

Rebuilding the Shia demolished mosques:

With the declaration of the State of National Safety (state of emergency) in March 2011, to suppress protests by the opposition political movement at the (Pearl Roundabout) at the time, Bahraini authorities have demolished 38 Shia mosques. BICI considered the demolition of the mosques **"as a collective punishment and would therefore inflame the tension between the GOB and the Shia population"**. ^[261] The BICI has paid inspection visits to (30) mosques only, due to lack of time. **"The 30 sites selected were those that had allegedly sustained the highest degree of damage"** ^[262]. The BICI's recommendation in this regard came to follow up what was adopted by the authorities on **"building places of worship at their own expense, in place of the demolished ones"**.

As seen by the LHRD, the Bahraini authorities seem not serious in rebuilding the demolished mosques in order to implement the BICI's recommendations on one hand, and to create better **"feelings in the community"** ^[263] on the other hand. In contrast, it is clear that the authorities are ready to elude the international community its seriousness authorities to show its lost

260. Justice Ministry urges commitment to law on fundraising. (3 January 2016). Retrieved on 7 January 2016, from Bahrain News Agency website: <http://www.bna.bh/portal/en/news/704407>

261. Bahrain Independent Commission of Inquiry (BICI). (Paragraph 1334). [Ibid.](#)

262. [Ibid.](#) (Paragraph 1307).

263. Moving beyond 2011: A Special Report Detailing the Government of Bahrain's Implementation of the Recommendations of the Bahrain Independent Commission of Inquiry. [Ibid.](#)

seriousness, when they informed a US delegation from the United States Commission on International Religious Freedom (USCIRF) in 2014 about rebuilding (10) out (30)of mosques. While the Commission concluded that **"the Shia community has borne the expenses of the building of (6) out of (10) mosques the government claimed that it has rebuilt them"** [264].



Imam Sadiq Mosque which has been built by the residents at the expenses

The lack of seriousness by the authorities in dealing with the re-building of mosques is clear through several practices. Only as seen by the LHRD, the authorities did not compensate people who have completed construction of mosques in their areas because of the procrastination of the authorities, although it was recommended by the U.S. Commission on International Religious Freedom, and despite the claims of some government officials who expressed the government's intention to compensate the Shia community for the expenses incurred [265].

In another practice, the authorities didn't build (4) mosques in their original locations which caused provocation for the Shia community. The authorities rebuilt Al-Barbaghi Mosque, Imam

264. Annual report of the US Commission on International Religious Freedom 2014 (Bahrain). (28 July 2014). Retrieved on 8 January 2016, from USCIRF website: <http://www.uscirf.gov/sites/default/files/Bahrain%202014.pdf>

265. Ibid.

Hassan Al-Askari mosque and Ain Rastan Mosque in different locations from the original ones, while a part of Abu Talib Mosque was cut.

Until 5 November 2015, the Islamic Affairs Undersecretary Fareed Al-Moftah said "the Jaffari Awqaf Directorate has received 13 Mosques from the last batch from the sites mentioned by the BICI report ^[266] which means that the authorities have closed the file of the demolished mosques while it hasn't completed 11 demolished mosques, including 3 mosques mentioned by the BICI report. In addition, the authorities eluded the public opinion again when they included two mosques built by the residents at their expenses in the "last bath list"; Imam Al-Jawad mosque and Imam Al-Hadi Mosque in Nuwidrat.

Totally 27 out of 38 demolished mosques have been rebuilt. Eight of the mosques have been rebuilt by the residents at the expenses. While the authorities rebuilt 19 mosques, including 4 mosques built in different locations from their original sites. There are still 11 demolished mosques, including 3 mosques visited by the BICI.

The authorities have closed the file of the demolished mosques while it hasn't completed 11 demolished mosques, (...) and eluded the public opinion again when they included two mosques built by the residents at their expenses in the "last bath list" .

266. By Royal directives: Jaffari Awqaf Directorate opens 13 mosques. (5 November 2015). Retrieved on 8 January 2016, from Bahrain News agency website: <http://bna.bh/portal/news/694776>

Rebuilding Shia demolished mosques

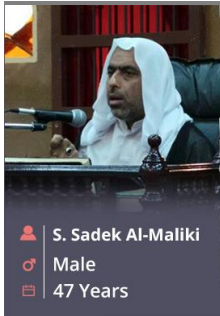
38 The total number of the demolished mosques



- ✓ The BICI has visited the demolished mosques and recommended rebuilding them
- ✗ The BICI couldn't visit the mosque because the investigation time wasn't long enough.
- ✗ The BICI couldn't visit the mosque because the investigation time wasn't long enough.
- ✗ The authorities did not comply with rebuilding the mosque in its original location and cut part of its land.

Case Studies

Case No. 25



S. Sadek Al-Maliki
Male
47 Years

Sayed Sadiq Al-Maliki is a preacher, an imam of a mosque, and a prominent social figure in his residential area (Malkiya). He is busy teaching and learning religious sciences. Due to his Islamic job as a religious cleric (Shiite), he receives charities, financial donations, and religious taxes, related to the Shiite sect, from individuals or institutions to distribute them among poor and needy people.

On April 5, 2015, Al-Maliki was arrested after being summoned to the General Department of Criminal Investigation where he was accused of "gathering funds without a license" for the purpose of financing terrorist and subversive activities. In his statement, Al-Maliki told the Department, "Within my responsibilities as a religious cleric, according to the Shiite sect, I receive charities and religious taxes and distribute them among poor and needy people. Some of those are dismissed employees or detainees imprisoned over the public protests." Al-Maliki denied financing any groups or individuals for any purposes except poverty and destitution.

After one day of his arrest, Bahrain's Public Prosecution ordered to keep Al-Maliki in custody for 7 days pending investigations over "gathering funds without a license" but ruled out the charge of "gathering funds to finance terrorist and subversive activities." Then on April 15, 2015, the Prosecution referred Al-Maliki to the court.

On April 29, 2015, Bahrain's Minor Criminal Court sentenced Al-Maliki to "2 years in prison after accusing him of gathering funds without a license." Until May 14, 2015, the Court of Appeal released him, while on January 31, 2016, the court reduced the sentence to 2 months in prison over the same charge.

Case No. 26



Mulla Abbass Al-Jamri
Male
46 Years

Mulla Abbas Al-Jamri is the son of the late famous preacher and religious poet Mulla Attiya Al-Jamri (died in 1981). He is one of the prominent preachers who are interested in religious historical research. Many listeners and mourners attend his majalis, especially at Ashura of every year.

On October 25, 2015, Al-Jamri was kept in custody pending investigation after Bahrain's Public Prosecution accused him of "inciting hatred against the regime" and "insulting an appreciated and revered figure of a sect". He was summoned twice and questioned about his religious sermons delivered at the commemoration of Ashura in 1437 hijri.

According to Al-Jamri's statement, the investigations he underwent in two security centers and in the Public Prosecution relied on introspection to condemn him through projecting unreal meanings over statements mentioned in his religious speech, which is considered a trial for his intentions. While explaining a Qur'anic verse, for example, (Al-Jamri) said "the Umayyad (the first dynasty in the history of Islam between the years 661 and 750) established the obedience of the leader or the ruler, even if he is immoral or dissolute." The investigator asked Al-Jamri, "Who do you mean by that?" It seems that the investigator put it in the context of "inciting hatred against the regime", but Al-Jamri responded, "I mean the origin of the idea, and I did not mention specific examples."

From the questions of the investigation, the Department found out that the investigation, apparently, resulted in accusing Al-Jamri of "insulting an appreciated and revered figure of a sect". That figure is Muawiyah ibn Abi Sufyan (the first caliph of the Umayyad Dynasty). He is a historical argumentative character that causes controversy among the Muslim sects and communities. Al-Jamri criticized that person since he contributed in fabricating religious sayings attributed to the Prophet of Islam, Mohammad (A.S.), according to the sources of the Sunnis, not the Shiites.

It is worth mentioning that Al-Jamri was released on probation, on November 5, 2015.

Case No. 27

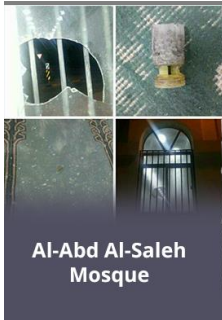


Sayed Majid Al-Mishal is a religious cleric and a preacher. He is the former president of the Islamic Scholars Council, which is considered the largest Shiite religious body in Bahrain. The Bahraini authorities had ordered to dissolve it after accusing it of "engaging in politics under a religious cover."

According to Al-Mishal's statement, he was summoned 5 times to security centers during the past two years. He was questioned about the speeches, which he delivered after performing Friday and congregational prayers, because they addressed the issues of public affairs and politics. Despite the fact that all the investigations ended without referring him to the Public Prosecution, he believes that their purpose was "putting an end to his religious activities related to the issues of public affairs and politics indirectly."

The most significant investigations carried out with Al-Mishal were on June 13, 2015 over his sermon on Friday at Imam Sadiq (A.S.) Mosque. He received a phone call requesting his presence at Al-Hooraa Police Directorate in order to interrogate with him, and he was not informed of the reasons. There, he was accused of "calling for unlicensed marches, describing the trial of the Secretary-General as (unfair), and accusing the authorities of tyranny, using violence, and repression." However, Al-Mishal believed that he did not commit any flagrant act and that what he expressed did not exceed the freedom of expression.

Case No. 28



Abdul Saleh Mosque is one of the Shiite mosques in the village of Hamala, which is located west of the Kingdom. Its unique location overlooks a main street that leads to farms and orchards owned by members of the ruling family.

During 2015, the mosque was targeted by (4) attacks, 3 of which were tear gas thrown by the security forces in separate days. In the last attack, on December 16, 2016, the mosque was fired at by live bullets, from unknowns, while the people were praying in it. It was the only time in which an official authority (the Directorate of Jaafari Awqaf (Endowment) announced **"filing a report on the incident to the security authorities of the Ministry of Interior to begin the investigations, reveal the source of fire, and take the necessary measurements"**.^[267] According to the information the department received, the Ministry of Interior, until writing this report, has not announced catching any suspects or punishing the perpetrators.

It is noteworthy that the department monitored 2 attacks with live bullets in the village of Hamala. The Ministry of Interior announced its intention to **"take the necessary legal measurements and begin the investigations to identify the identity of the perpetrators and bring them to justice"** ^[268]. However there is no information about any measurements taken by the Ministry for that incident. At the first time on October 17, 2015, an unknown fired live bullets at the Grand Obsequies of Hamala. At the second time on December 18, 2014, a masked person fired shotgun pellets on the protesters that were cutting off the main road. In spite of the fact that activists photographed the license plate of his car, the Ministry did not announce holding him accountable or arresting him.

267. Firing at Al-abd Al-Saleh Mosque in the village of Hamala, and no injuries. Al-Asfour: we filed a report to the "Interior". (17 December 2015). Retrieved on 13 January 2016, from Al-Wasat website: <http://www.alwasatnews.com/news/1057693.html>

268. Northern Police investigate damage in two community centres. (17 October 2015). Retrieved on 13 January 2016, from the website of Bahrain News Agency (BNA) <http://bna.bh/portal/en/news/691705>



The Results &

Recommendations

This report reviews some of the human rights violations targeted the activities of the peaceful Bahraini opposition, according to the LHRD's observations during the year 2015. The report address (8) major violations, are: arbitrary detention, restriction of freedom of expression, revocation of citizenship, prosecution of activists, torture and ill-treatment, the deprivation of freedom of assembly and association, arbitrary killings, and restrictions on religious freedoms.

In general, the LHRD concludes through the figures and facts reviewed in the report that the Bahraini authorities, during the year 2015, are still continuing to commit the same human rights violations observed by the LHRD in the past two years, which makes it difficult to believe that the Bahraini authorities had fulfilled its pledge to implement the BICI Report's recommendations, or to believe what they have been announcing for 4 years regarding completion of all recommendations. The following are the findings of the LHRD's report for 2015:

On arbitrary detention:

- 1) The Bahraini authorities have carried out a lot of arbitrary arrests, which are classified at minimum, within the second or third or both categories, according to the procedural definition adopted by the Working Group on Arbitrary Detention of the United Nations, against political opponents or opposition supporters.

On restricting freedom of expression:

- 2) The Bahraini authorities have imposed arbitrary restrictions on freedom of expression by imposing a total ban on demonstrations, and through exclusion of opinions circulating in public gatherings and the social media, which oppose the authorities and their policies in public debate.
- 3) The Bahraini authorities used a package of provisions in the penal code that criminalize peaceful expression of opinion in order to silence the voices of political opponents, human rights defenders, activists, journalists, and others who authorities believe they belong to the opposition supporters.

On Nationality Revocation:

- 4) The Bahraini authorities have used nationality revocation to punish politicians, media activists, human rights defenders, clerics and others from the opposition supporters, through ministerial decisions, royal decrees and court rulings.
- 5) The Bahraini authorities have provided the same legal pretext for arbitrariness in the revocation of citizenship, through the nationality law and the law of terrorism. While the nationality law allowed the nationality revocation through vaguely worded provisions, and expanded the powers of the authorities in this regard, the terrorism law authorized revocation of citizenship by court orders.

- 6) The Bahraini authorities have failed to provide the administrative or effective judicial review for the people who have had their nationalities revoked and filed lawsuits against them on charges of illegal stay.

On Activists Prosecution:

- 7) The Bahraini authorities have targeted politicians, media persons, and human rights defenders by involving them in malicious criminal cases, in order to punish them for their roles in the continuation of the peaceful opposition political movement and to isolate them from monitoring and protection of human rights.
- 8) The Interior Ministry has launched unnecessary preliminary investigations with activists and charged them without some charges without evidences aiming to intimidate them or restrict their activities.

On Torture and Ill-treatment:

- 9) The Bahraini authorities have continued their practice of systematic torture and ill-treatment, in order to force the victims to give information or confessions, or for the purpose of punishment, or in some cases due to sectarian discrimination. Most of the victims have been arrested for their participation or suspected participation in demonstrations or media coverage or violations documentation.
- 10) The integrators have used very painful but non-lethal torture methods, that don't leave signs on the body of the victim, in order to hide any evidence leading to accountability
- 11) The Bahraini authorities have used excessive force and practiced torture and extended organized means of ill- treatment against prisoners in connection to Jaw prison disturbances, in order to punish the prisoners and to take revenge from them, and to form self-censorship among the prisoners that contribute to keep them away from protests against poor prison conditions and minimum rights of prisoners.
- 12) The Ombudsman of the Interior Ministry and the Special Investigation Unit (SIU) of the Public Prosecution have failed to put an end to torture and ill-treatment in prisons, or to prevent the impunity of the perpetrators. While the Ombudsman t was unable to issue transparent reports on the increasing complaints received, as well as the steps taken to deal with those complaints, the SIU failed to hold the security officers involved in the torture and ill-treatment cases accountable.

On Deprivation of Freedom of Assembly and Association:

- 13) The Bahraini authorities have imposed a total ban on demonstrations held by the opposition, and denied granting any rally permission by the opposition forces in order to punish them for boycotting the parliamentary elections at the end of 2014, while the authorities have used excessive force to disperse the demonstrations, which did not respond to the ban.

- 14) The Gatherings law has imposed unnecessary and disproportionate restrictions to criminalize the right of peaceful assembly. On the other hand, the authorities' practices to enforce the law were characterized by arbitrary interpretation of the restrictions set forth in the International Covenant on Civil and Political Rights.
- 15) The Bahraini authorities have imposed arbitrary restrictions to the establishment of non-governmental organizations, especially the political ones and they have intervened in their affairs to unjustifiable extent up to suspension or dissolution or prosecution through the NGO's Law and the Political Societies Law.

On Arbitrary Killing:

- 16) The Bahraini authorities have continued to adopt impunity on the announced arbitrary killing cases or extrajudicial killings since 2011, including the cases highlighted by the BICI report, in addition to the lack of impartial and serious investigations to hold the direct perpetrators accountable. The authorities haven't also activated the principle of command responsibility to face any leaders involved in such violations.

On Restricting Religious Freedoms:

- 17) The Bahraini authorities have carried out many acts of vandalism against the Shia worship places and imposed restrictions on the religious ceremonies for this community, especially in Ashura Anniversary, in order to take revenge from the Shia sect who make up the main part of the opposition.
- 18) The authorities turned a blind eye for accountability of those involved in the sabotage of against Shia sect worship places, who do not belong to the government bodies, in limited cases.
- 19) The Bahraini authorities have targeted the religious activities of the Shia community over through the harassment of religious discourse practiced by clerics in their Friday sermons and in religious events, or the religious chanters in Hussaini processions or by the interference in the religious affairs of the sect.
- 20) The Bahraini authorities have failed to rebuild all Shia mosques demolished during the state of emergency in 2011 and they have also sought to delude the public opinion in this regard.

Once again, we renew our call to the international community, the UN High Commissioner for Human Rights, the Human Rights Council, the U.N. working groups on defending human rights, the special rapporteurs as independent experts, and all governmental and non-governmental human rights organizations to take serious actions towards the continuation of human rights violations committed by the Bahraini authorities against the opposition in Bahrain, to push them to take an initiative to make a real and tangible change in the human rights situation based on deep solutions that go beyond incomplete actions for some of the violations, and to make a solid base to stop the deteriorating situation of human rights in Bahrain in order to bring it up to the acceptable limit according to the international human rights standards, and to lead Bahrain to the level of good governance.

We call upon the international community to:

- 1) The countries involved, stop promoting Bahraini authorities' alleged reforms in human rights filed, for material interests, and to stop providing advice to the Bahraini authorities on how to mislead the international community with regard to their the human rights file.
- 2) Take a clear action towards the repressive behavior by Bahraini authorities, and assert publicly that the claims of the Bahraini authorities in their statements which are issued by their representatives, are merely superficial propaganda, and they do not reflect any real reform to address abuses committed since the start of the opposition political movement in 2011.
- 3) Take serious measures, in particular by the Human Rights Council Member States to add an item on the HR situation in Bahrain to the agenda of the of the Human Rights Council sessions, as one of the human rights cases that requires the Council's attention.
- 4) Adopt serious measure to pressure on the Bahraini authorities to respect human rights and to end the continued impunity in Bahrain, and to treat the reasons of the continued suppression through a fair and permanent solution of the crisis.

And we call upon the High Commissioner for Human Rights to:

- 5) Exert the utmost efforts to persuade the Human Right Council to add an item on the HR situation in Bahrain to the agenda of the HRC sessions, as it is one of the HR cases needing special care amid the systematic escalating violations by the Bahraini authorities where the political crisis is continuing.
- 6) Exert the utmost efforts to persuade the Human Right Council to appoint a special rapporteur to Bahrain, as soon as possible, to follow up the human rights situation in Bahrain, starting with the implementation of the UPR's recommendations by the Bahraini authorities, which Bahrain has pledged to implement and the BICI Report's recommendations and to end with stopping the practices of carelessness towards international human rights obligations and the lack of an effective response to the UNHCR and other international human rights mechanisms.

- 7) Urge the Bahraini authorities to sign an agreement that would allow establishing in Bahrain a country-level office for the Commissioner that may play an important role in monitoring accurately the ground situation of human rights. Such neutral and accredited body is capable to assess the situation regularly and face the intransigent attitude of the Bahraini authorities with their reluctance to accept the missions of the Special rapporteurs into the country and other accredited international human rights NGOs.
- 8) Underline constantly, more frankly and openly that the procedures taken by the Bahraini authorities with respect to investigation into HR violations cannot be considered a commitment of the authorities to principles of accountability and counter-impunity. It should be noted that stability in Bahrain requires the authorities to work seriously on prosecuting the culprits of HR violations, e.g., torture and arbitrary detention, either committed by high or low-level officials, and either by the passive or active role of such officials.
- 9) Declare clearly and firmly, with a view of the fact, that the failure of the Bahraini authorities to fulfill their obligations with respect to the International Covenant on Civil and Political Rights, where every citizen shall have right to take part in the conduct of public affairs as provided for in article (25) thereof, is the real reason of the continued deterioration of HR situation in Bahrain, especially with respect to the basic rights stated in the Universal declaration of Human Rights such as the rights to life, to security of person, and to freedom. And declare that yet no intention found with authorities in Bahrain to fulfill such obligations that would radically approach the HR problem in the country in line with the attempts of the Commissioner in this regard, and would defuse the propaganda of the authorities claiming that they exercise the good rule, respect the people's will and are making reforms up to demands of the people.

And we call upon the international organizations and the active non-governmental organizations to:

- 10) Intensify their visits to Bahrain, and to repeat applying for the Bahraini authorities to carry out such visits on a regular basis, to find out the details of the human rights situation in Bahrain.
- 11) Use the pressure tools available to push the Bahraini authorities to respect human rights, to meet their international obligations, to end impunity policies, and to put pressure on the international community to take serious actions against the Bahraini authorities in this regard.

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