

**Cosmetic Reforms: Assessing Bahrain's Implementation of the BICI
Recommendations Ten Years Later**

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About Us

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

The vast majority of our operations are carried out in Bahrain, while a small office in exile, founded in 2011, is maintained in Copenhagen, Denmark, to coordinate our international advocacy program. For more than 18 years, BCHR has carried out numerous projects, including advocacy, online security trainings, workshops, seminars, media campaigns and reporting to UN mechanisms and international NGOs. BCHR has also participated in many regional and international conferences and workshops in addition to testifying in national parliaments across Europe, the EU parliament, and the United States Congress. BCHR receives its fund from the Norwegian Human Rights Fund (NHRF), National Endowment for Democracy (NED), Sigrid Rausing Trust (SRT), CIVICUS, the International Federation for Human Rights (FIDH), IFEX and Digital Defenders Partnership (DDP).

BCHR has received several awards for its efforts to promote democracy and human rights in Bahrain.

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List of Acronyms

BICI	Bahrain Independent Commission of Inquiry
BCHR	Bahrain Center for Human Rights
GoB	Government of Bahrain
SIU	Special Investigation Unit
PPO	Public Prosecution Office
Mol	Ministry of Interior
Mol Ombudsman	Office of the Ombudsman at the Ministry of the Interior
CID	Criminal Investigation Directorate
NSA	National Security Agency, and since July 2020, National Intelligence Agency (NIA)
CAT	The Convention Against Torture
NSC	National Safety Courts
PDRC	Prisoners and Detainees Rights Commission
BDF	Bahrain Defense Force
WGAD	UN Working Group on Arbitrary Detention
GFBTU	General Federation of Bahrain Trade Unions
CSO	Civil Settlement Office
IAA	Information Affairs Authority
BTA	Bahrain Teachers' Association
UNESCO	United Nations Educational, Scientific and Cultural Organization
HCMC	High Commission for Media and Communication
SMC	Salmaniya Medical Complex

Introduction

Ten years ago, a popular uprising in Bahrain erupted with high hopes of democratic transition. Since then, the country has been in turmoil. The 2011 uprising is not the only one in Bahrain's contemporary history but rather a continuation of decades of struggle for equal participatory rights and representative government. The 14 February Uprising started with a few thousand protesters and within a few days attracted hundreds of thousands of Bahrainis from different backgrounds, age groups, and sectarian affiliations. In response, the government of Bahrain (GoB) dispatched its security forces to quell the protests using excessive force. After a month of demonstrations, the King announced a "State of National Safety" for three months, starting 15 March 2011.

The Royal Decree No. 18 of 2011, declaring the "State of National Safety," granted security forces broad powers to enforce its provisions, charged the Military Prosecution to issue arrest warrants and initiate criminal proceedings, and established the National Safety Courts (military courts) to try "crimes that have led to the declaration of a state of national safety" and those committed in contravention of the national safety measures.¹ There were mainly four security agencies responsible for the implementation of the Royal Decree: Bahrain Defense Force (BDF), the Ministry of Interior (MoI), the National Security Agency (NSA), and the National Guard. The interpretation of the law by the security and judicial bodies has paved the way for grave violations of human rights, including arbitrary deprivation of life, torture in detention, unfair trials in addition to arbitrary arrests, prolonged detentions without judicial authorization, solitary confinement, among other violations. This period witnessed the demolition of religious structures, summary mass dismissal of employees in the private and public sectors, arbitrary expulsion of hundreds of students and revocation of their scholarships, and a systematic crackdown on activists, opposition leaders, trade unionists, and anyone who participated or supported the pro-democracy movement.

Under international pressure, the King established the Bahrain Independent Commission of Inquiry (BICI), consisting of five international human rights experts and lawyers, issuing Royal Decree No. 28 of 2011. The BICI was created to "investigate and report on the events occurring in Bahrain in February/March 2011, and any subsequent consequences arising out of the aforementioned events, and to make such recommendations as it may deem appropriate."² In November 2011, the Commission handed over its report to

¹ Royal Decree No. 18 of 2011, accessible at <http://www.alwasatnews.com/elections/page/604927.html>

² Royal Decree No. 28 of 2011, accessible at <https://www.peaceagreements.org/viewmasterdocument/1414>

the King. It found that the security forces systematically violated fundamental human rights during the reporting period. They used excessive force against protesters, unlawfully killed civilians, tortured detainees, and engaged in “terror-inspiring behavior” and that the lack of accountability of officials within the security system has led to a culture of impunity. The BICI report highlighted grave violations of due process rights before the National Safety Courts and established that a great number of defendants were tried in relation to the exercise of their rights to freedom of expression, assembly, and association.

The report noted that the GoB should have realized that demolishing Shia religious structures “would be perceived as a collective punishment.” It also addressed the incitement of hatred and derogatory language used in the media coverage of the events, concluding that “the authorities attempted to restrict the freedom of expression and opinion of Bahraini media personnel,” and that the opposition lacks adequate access to mainstream media in Bahrain. The legality of the dismissals of both employees and students was contested by the BICI and deemed arbitrary. In conclusion, the BICI report stated 26 recommendations that constituted a roadmap for genuine reform in Bahrain.

Following the acceptance of the BICI report finding and recommendations by the King, the GoB has carried out several legal and institutional reforms. In May 2016, the GoB announced that the implementation of all BICI recommendations had been completed. However, Bahrain Center for Human Rights (BCHR) assessment has found otherwise.

Ten years on, the pro-democracy movement leaders are still behind bars, the major opposition political parties are outlawed, and the only independent newspaper in the country is indefinitely suspended. The GoB’s crackdown on free expression is in full force, as well as attempts to intimidate its critics into silence. The government officials responsible for killing dozens of protesters and torturing hundreds have not been held accountable, nor have those who directed the crackdown, as the government human rights bodies have proved ineffective. Most importantly, the grievances that sparked the 2011 uprising remain unaddressed. On the contrary, the GoB has escalated its repression, systematically and thoroughly closing civil and political space.

In assessing the BICI 26 recommendations, BCHR found that the GoB has fully implemented only one recommendation, while the others are either partially implemented or not implemented. Regarding the majority of the recommendations, although the GoB has acted on them, they have not been sincerely implemented, where the steps taken are not deep and comprehensive enough to bring about genuine change, or the bodies responsible for the implementation are not independent and effective. The half-hearted reforms

indicate that the GoB has not been serious enough in addressing the issues raised in the report and has no intention so far to make substantial changes.

Timeline of a Decade of Turmoil in Bahrain

2011

14 February – Anti-government protests erupt throughout Bahrain, demanding political, social, and economic reforms. One protester is killed. At the protester's funeral the next day, another person is killed.

17 February – The police storm Pearl Roundabout, the focal point of protesters, killing four people and injuring dozens.

Large-scale demonstrations and rallies continue during February and March, met with police excessive use of force.

14 March – The Peninsula Shield Force arrives in Bahrain at the request of the GoB.

15 March – The King announces a "State of National Safety" for three months, empowering the security forces to end the uprising. The security forces clear the protesters' camp at Pearl Roundabout, impose curfew in many parts of the capital, ban all public gatherings, and arrest thousands of protesters.

Between 17 March and 9 April 2011, the authorities arrest 13 prominent activists and opposition figures, known as "Bahrain 13," and try them before military courts.

18 March – The GoB demolish Pearl Roundabout, the uprising symbol.

29 March – Parliament approves the resignation of eleven al-Wefaq MPs, the main opposition party in the country. They step down in protest of violence against demonstrators.

7 April – The authorities dissolve the Bahrain Teachers' Association for their involvement in the uprising.

1 June – The "State of National Safety" is lifted, and the King calls for national dialogue.

29 June – The King issues a royal decree, establishing the Bahrain Independent Commission of Inquiry (BICI), composed of international human rights experts, to investigate and report on the events of February/March 2011.

2 July – The first round of the state-led national dialogue begins. Two weeks later, al-Wefaq withdraws.

October – The US suspends Bahrain arms deal, saying that it will consider a special investigation of alleged human rights abuses in Bahrain before moving ahead with the deal.

23 November – The BICI hands over its report to the King, documenting grave human rights violations. The King accepts its findings and recommendations, initiating a number of legal and institutional reforms.

21 December – UN High Commissioner for Human Rights calls Bahrain to unconditionally release political prisoners as a confidence-building measure.

2012

The demonstrations continue throughout 2012, met by riot police firing tear gas, rubber bullets, and stun grenades.

9 March – Bahrain witnesses the biggest anti-government rally since the beginning of the uprising. It is called for by Sheikh Isa Qasim, the most prominent Shia cleric in Bahrain, in support of political prisoners.

15 March – The European Parliament adopts a resolution calling on Bahrain to conduct impartial investigation into the human rights violations and unconditionally release peaceful protesters and political prisoners.

18 May – Another large anti-government rally is held in protest of union plans with Saudi Arabia.

9 July – An administrative court orders the dissolution of the Islamic Action Association (Amal), an opposition political party.

16 August – Prominent human rights defender Nabeel Rajab is sentenced to three years in prison for calling for and participating in “illegal assembly.”

23 August – UN experts demand an end to the campaign of persecution against human rights defenders in Bahrain.

4 September – The Court of Appeal upholds the sentences of “Bahrain 13,” where seven are life terms.

6 November – The Ministry of Interior revokes the citizenship of 31 people, including activists and lawyers, accusing them of “damaging the security of the state,” the first in a series of similar citizenship revocations.

2013

February – The second round of national dialogue starts, proving unfruitful.

April – The authorities indefinitely postpone the planned visit of the UN Special Rapporteur on Torture.

August – The GoB introduces an amendment to the 1973 Law on Public Gatherings, further restricting the rights to freedom of assembly.

September – Opposition parties withdraw from the second round of national dialogue after the detention of a senior al-Wefaq member.

The GoB passes a new law restricting opposition activities, where political parties are required to secure advance government permission to meet with foreign diplomats in Bahrain and abroad and that a Foreign Ministry representative accompany them in such meetings.

29 September – A Bahrain court sentences 50 individuals, including human rights defender Naji Fateel, to jail terms ranging from 5 to 15 years for allegedly being part of the February 14th Youth Coalition, who was behind the call for demonstrations on 14 February 2011.

2014

April – The King approves law maximizing the prison sentence for “insulting the king.”

10 June – A group of 47 states signs a joint statement at the UN Human Rights Council on Bahrain, raising concern of the human rights situation in the country and urging the GoB to release all those imprisoned for exercising their fundamental rights, address reports of torture and ill-treatment, and expedite the full implementation of the BICI recommendations.

24 July – The GoB introduces a legal amendment empowering the Minister of Interior, with cabinet approval, to revoke the citizenship of any Bahraini who “aids or is involved in the service of a hostile state” or who “causes harm to the interests of the Kingdom or acts in a way that contravenes his duty of loyalty to it.”

October – Al-Wefaq is banned for three months.

November - The GoB introduces a legal amendment, creating a separate prosecution office for terrorism-related crimes. According to this amendment, the Public Prosecution can detain a suspect for an initial period of 28 days without charges or investigation.

22 November – Bahrain holds a parliamentary election, boycotted by al-Wefaq.

28 December – Sheikh Ali Salman, al-Wefaq Secretary-General, is arrested.

2015

10 March – The security forces use excessive and disproportionate force to quell unrest in Jau prison, torturing and ill-treating inmates for weeks.

16 June – Sheikh Ali Salman is sentenced to four years in prison on speech-related charges, later increased to nine years.

9 July – The European Parliament adopts a resolution on human rights in Bahrain. It calls for the dropping of charges and immediate and unconditional release of all human rights defenders and political activists, urging the GoB “to swiftly implement all the recommendations in the BICI report.”

August – Two US congressmen introduce legislation to impose a ban on the sale of arms to Bahrain. The bill would prohibit the sale of certain weapons to Bahrain until the State Department certifies that Bahrain has fully implemented all of the BICI recommendations.

2016

14 June - A Bahraini court orders the dissolution of al-Wefaq and the closure of all its offices across the country.

20 June – Sheikh Isa Qasim’s citizenship is revoked for allegedly inciting sectarianism.

30 June - Seven US senators urge Secretary of State John Kerry to pressure the GoB to undertake political and social reforms.

18 July – The UN Secretary-General deplores the dissolution of al-Wefaq and the stripping of citizenship of Sheikh Isa Qasim, calling it “the latest in a series of restrictions of the rights to peaceful assembly, freedom of association, and freedom of expression in Bahrain.”

16 August – UN rights experts urge Bahrain to end the persecution of Shias.

September - The Obama Administration withholds a sale of F-16 combat aircraft to Bahrain on human rights grounds.

2017

15 January – Bahrain ends the de facto moratorium on executions, carrying out death sentences against Sami Mushaima, Ali al-Singace, and Abbas al-Sameea.

April – The King ratifies a constitutional amendment giving military courts jurisdiction over civilians.

23 May – The security forces violently disperse a peaceful sit-in in Diraz in support of Sheikh Isa Qasim, killing five individuals and arresting 286.

31 May – A court orders the dissolution of the secular-left opposition party National Democratic Action Society (Wa'ad).

4 June - The GoB suspended the only independent newspaper al-Wasat indefinitely.

16 June – Five UN Special Rapporteurs urge the GoB to halt its orchestrated crackdown on civil society.

10 July – Nabeel Rajab is sentenced to two years in prison for “disseminating false news, statements, and rumors.”

17 July – The King ratifies the Alternative Penalty Law, allowing courts to impose non-custodial sentences after a detainee serves half of their sentence.

2018

June - The GoB bans through legal amendment members of dissolved opposition parties from running for election ahead of the November parliamentary election.

4 November – Sheikh Ali Salman is handed down a life term on espionage charges.

31 December - The Court of Cassation upholds a five-year term against Nabeel Rajab.

Between January and November 2018 – Bahraini Courts strip 258 persons of their citizenship, bringing the total to 764.

24 November – Bahrain holds its second general election since the uprising with major opposition political parties dissolved.

2019

20 April – The King reinstates the citizenship of 551 individuals.

30 May – The Minister of Interior makes liable to punishment anyone who follows “inciting accounts” on social media.

27 July – Ali al-Arab, Ahmad al-Malali, and a third man are executed.

15 August – Prisoners in Jau prison and Dry Dock Detention Center begin a hunger strike to protest conditions in detention.

2020

20 February – The Belgian Senate adopts a resolution on the human rights situation in Bahrain. The resolution highlight ongoing human rights violations in Bahrain and strongly condemns the use of the death penalty, urging the GoB to address the issues raised in the resolution.

March – The authorities release 1486 prisoners due to the health risk posed by Covid-19.

9 June – Nabeel Rajab is released under the Alternative Penalty Law.

In 2020, there are 27 individuals on death row in Bahrain.

2021

11 March – The European Parliament votes overwhelmingly in a plenary session to adopt an urgent resolution condemning human rights abuses in Bahrain.

April – Covid-19 outbreaks in Jau prison.

The security forces violently dismantle a peaceful sit-in in Jau prison after the death of prisoner Abbas Mal Allah, who was denied timely access to essential health care.

Under the Alternative Penalty Law, about 60 political prisoners are released, including Mohammed Jawad Parweez, one of “Bahrain 13.”

23 November 2021 marks the tenth anniversary of the King's adoption of the BICI recommendations.

Assessment of Bahrain's Implementation of the BICI Recommendations

1715. To establish an independent and impartial national commission consisting of personalities of high standing representing both the GoB, opposition political parties and civil society to follow up and implement the recommendations of this Commission.

On 26 November 2011, the King of Bahrain ordered the establishment of a national commission concerned with examining the recommendations included in the BICI report. The commission is mandated to “place its proposals in this regard, including recommendations, necessary laws, procedures and how recommendations are implemented,”³ in accordance with the BICI recommendation No. 1715. Royal Order No. 45 of 2011 created the National Commission outlining its responsibilities and setting February 2012 as the deadline for completing its work, which was later extended to March 2012 by the Royal Order No. 9 of 2012. It delivered its lone report on 20 March 2012. Mr. Ali Bin Saleh Al Saleh, the chairman of the appointed National Assembly’s upper house (the Shura Council), presided over the National Commission consisting of 18 members appointed by the Royal Order No. 48 of 2011.⁴

The BICI explicitly stipulated that the National Commission should be representative of both the GoB and the opposition and civil society to ensure its independence and impartiality. However, the pro-government members and those affiliated with it formed the majority in the National Commission. Fifteen members were believed to be pro-government,⁵ i.e., 78.94 percent of the National Commission composition, while members who held or had held government positions amounted to 63.15 percent, including three current and former ministers. On the other hand, only two members were considered representative of the opposition, accounting for 10.52 percent of the National Commission.⁶ These numbers should be evaluated in light of the opposition's representation in the Bahraini parliament at the time, where the main political opposition party, al-Wefaq

³ Royal Order No. 45 of 2011, Article 3, available at http://www.biciactions.bh/wps/themes/html/BICI/pdf/1715/royal_decree_45_2011_en.pdf

⁴ Royal Order No. 48 of 2011, Article 1, available at http://www.biciactions.bh/wps/themes/html/BICI/pdf/1715/royal_decree_48_2011_en.pdf

⁵ Amnesty International, “Flawed Reforms: Bahrain Fails to Achieve Justice for Protesters”, April 2012, p. 13, available at <https://www.amnesty.org/download/Documents/24000/mde110142012en.pdf>

⁶ For more about the National Commission’s members, see http://www.biciactions.bh/wps/portal/BICI/%21ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3h_Rw9Pd3d3A3d_F0t/dl3/d3/L2djQSEvUUt3QS9ZQnZ3LzZft0FISUdHRzBHTzZVOTBJUFZ/index.html

National Islamic Society, won 18 seats in the 2010 parliamentary elections in Bahrain, that is, 45 percent of the elected National Assembly's lower house (the Council of Representatives).⁷

The GoB initially invited four individuals to represent the opposition, including two members of al-Wefaq, who refused their nominations. Al-Wefaq and other opposition parties voiced objection to the inadequate representation of the opposition and civil society and lack of transparency in setting up the Commission and expressed concern that "the body's role was merely consultative and not given powers to implement reform recommendations."⁸ In comparison, two pro-government political parties, al-Asala Islamic Society and al-Menber National Islamic Society were offered a seat each in the National Commission although they had only three and two seats in the 2011 Bahraini Council of Representatives, respectively. Overall, the political opposition and civil society were starkly underrepresented in the National Commission and had no role nor were consulted about its formation and later its activities with the predominance of the pro-government figures, casting doubts on its independence and impartiality.

The National Commission March 2012 report highlighted its work as a follow-up body and reported on the steps taken by the GoB. According to the report, the National Commission proposed legal amendments, regulations, and actions in line with the BICI recommendations. It also asked for clarifications, reviewed laws and ministerial resolutions, and requested information on the progress made.⁹ Nonetheless, the National Commission's proposals are not legally enforceable. The Royal Order No. 45 of 2011 provides for the National Commission's right to make recommendations and proposals, but it does not address their legal effect, nor does it obligate the concerned authorities to implement them, giving the National Commission an advisory rather than an executive character. It has no legal authority to carry out the reforms proposed by the BICI; its proposals do not constitute binding obligations on the GoB.

On 29 April 2012, the cabinet authorized the Minister of Justice, Islamic Affairs, and Endowments to continue the follow-up process, where he created a unit under his direct supervision to this effect. On 28 May 2012, the minister announced that the establishment of the BICI Follow-Up Unit had been approved. In addition to reporting and following up, the Unit was tasked with coordinating between the various

⁷ For more about the 2010 parliamentary election results in Bahrain, see http://archive.ipu.org/parline-e/reports/arc/2371_10.htm

⁸ Al-Jazeera, "Bahrain creates panel to study unrest report", 27 November 2011, available at <https://www.aljazeera.com/news/2011/11/27/bahrain-creates-panel-to-study-unrest-report>

⁹ Report of the National Commission in charge of the implementation of the BICI recommendations, 20 March 2012, available at http://www.biciactions.bh/wps/themes/html/BICI/pdf/report/nc_report_en_1.pdf

governmental bodies concerned with the implementation.¹⁰ The representation of the opposition and civil society is unclear in the Unit because a list of all its members has not been released. Its mandate and powers were not disclosed either. The BICI Follow-Up Unit released four reports in June 2012, November 2012, December 2013, and February 2014.¹¹

The reports of the BICI Follow-Up Unit were somewhat misleading by providing an unrealistic assessment of the progress made. For example, the Unit's November 2012 report, which was released on the first anniversary of the issuance of the BICI report, claimed that the government has taken "all necessary legislative and administrative procedures" for the implementation of 18 out of the 26 recommendations set out by the BICI and that it initiated the implementation process of another four recommendations.¹² The Unit reiterated this claim with the December 2013 report, which concluded that 18 recommendations were "fully implemented," seven were "being implemented," and one is non-applicable.¹³ On the other hand, other assessments at the time have found Bahrain's compliance with the BICI report to be much lower.

The Project on Middle East Democracy (POMED) released a report in November 2012 assessing Bahrain's implementation of the BICI report. The report found that "the Government of Bahrain has fully implemented three of the BICI report's 26 recommendations. Two other recommendations were impossible to properly evaluate due to a lack of available information, and 15 recommendations have only been partially implemented." The report also concluded that "the government has made no meaningful progress toward six of the recommendations, which are precisely the most important steps that need to be taken"¹⁴ In August 2013, the US Department of State submitted a report to Congress on the same subject, which determined that only five recommendations were "fully implemented" and the Bahraini government has taken steps to partially

¹⁰ Bahrain News Agency, 28 May 2012, accessible at <https://www.bna.bh/en/ArchiveDetails.aspx?archiveId=10232>

¹¹ The reports of the BICI Follow-Up Unit are available at <http://www.biciunit.bh/en/reports.html>

¹² The BICI Follow-Up Report, November 2012, available at <http://www.biciunit.bh/reports/BICI%20Report-%20English%20-%20Nov%202012.pdf>

¹³ The BICI Follow-Up Unit report, December 2013, available at http://www.biciunit.bh/reports/Final%20Report_EN_Dec_2013.pdf

¹⁴ Project on Middle East Democracy, "One Year Later: Assessing Bahrain's Implementation of the BICI Report", November 2012, available at <https://pomед.org/wp-content/uploads/2013/12/One-Year-Later-Assessing-Bahrains-Implementation-of-the-BICI-Report.pdf>

implement 15 recommendations, while it has not taken meaningful steps to implement five recommendations.¹⁵

Bahrain's implementation of this recommendation is largely cosmetic. The National Commission does not have the power to follow through with the recommendations, nor does the Follow-Up Unit. Also, the lack of representation of the opposition and civil society in these follow-up mechanisms renders them highly unbalanced in favor of the government, negatively affecting the impartiality of their outputs. This lack of impartiality is reflected in their reports, which have superficially assessed the government's work toward implementing the BICI recommendations and have prematurely concluded that most of them have been fully implemented.

1716. To establish a national independent and impartial mechanism to determine the accountability of those in government who have committed unlawful or negligent acts resulting in the deaths, torture and mistreatment of civilians with a view to bringing legal and disciplinary action against such individuals, including those in the chain of command, military and civilian, who are found to be responsible under international standards of "superior responsibility".

On 27 February 2012, the Attorney General established a special unit named the Special Investigations Unit (SIU) within the Public Prosecution Office (PPO) by Resolution No. 8 of 2012, in response to the BICI recommendation No. 1716. The SIU is mandated to determine the criminal accountability of government officials for crimes of killing or torture or mistreatment of civilians, including those in the chain of command under the principle of superior responsibility.¹⁶ The SIU is supposed to carry out its investigations in line with the Istanbul Principles on investigating and reporting torture. The Attorney General Resolution No. 26 of 2013 guides the activities of the SIU, setting forth its jurisdiction, formation, responsibilities and stipulating the code of conduct of its staff.¹⁷

The SIU has broad powers in relation to holding government officials accountable for crimes of torture and ill-treatment and represents the prosecution in cases referred to criminal courts. It is mandated to summon

¹⁵ The US Department of State Report to Congress entitled "Implementation of Recommendations by the Bahrain Independent Commission of Inquiry", August 2013, available at

<http://adhrb.org/wp-content/uploads/2015/06/State-Report-on-Implementation-of-BICI-3-2.pdf>

¹⁶ The Attorney General's Resolution No. 8 of 2012, Article 4, available at <http://www.biciunit.bh/en/decision-of-creating-SIU.html>

¹⁷ The Attorney General's Resolution No. 26 of 2013, available at <http://www.biciunit.bh/en/pdf/Resolution-26-2.pdf>

“any executive branch officer” and to take legal action to impose applicable penalties against any person who fails to appear before it. It has the power to carry out periodic or unannounced inspections of prisons and detention centers and issue precautionary decisions to transfer victims from the place of incarceration to any other detention center. The SIU is also authorized to liaise “with any local and international entity to obtain information or evidence in respect of incidence under investigation.”¹⁸ Individuals, civil society organizations, and the media can report incidents of torture and ill-treatment committed by government officials to the SIU.¹⁹ The Attorney General may also refer any case to the SIU for investigation, as may the Office of the Ombudsman at the Ministry of the Interior (MoI Ombudsman), according to a memorandum of understanding between the two, signed on 1 July 2013.²⁰

The SIU is part of the PPO hierarchy and functions under the Attorney General’s supervision, to whom it reports. It is staffed by individuals seconded by the PPO and the Ministry of Interior (MoI). The creation of the SIU within the PPO was in consultation with international legal experts, who put forward the establishment of “a distinct and independent investigative prosecutorial unit” that would “report to, and come under the overall supervision of the Attorney General.”²¹ However, it was the SIU’s association with the PPO that has raised questions about its impartiality and independence considering the latter’s non-observance of international human rights standards.

Ceartas - Irish Lawyers for Human Rights produced a report in 2013 examining the role of Bahrain’s Attorney General in human rights violations and his suitability as an Executive Committee member of the International Association of Prosecutors. The report highlighted a “pattern of failure on the part of the Attorney General to ensure that due process and fair procedures are applied.”²² It concluded that the PPO is not “capable of investigating matters of torture, nor is it in a position to investigate impartially. In addition, the office has

¹⁸ Ibid., Article 6.

¹⁹ Ibid.

²⁰ Memorandum of Understanding Between the MoI Ombudsman and the Special Investigation Unit, Article 2, available at <http://www.biciunit.bh/en/pdf/MoU%20Ombudsman%20Investigation%201.pdf>

²¹ The GoB appointed a number of independent legal experts to advise on the implementation of the BICI institutional recommendations. The external legal advisory group submitted their recommendations to the GoB on 15 February 2012. The document is accessible at http://menachambersbh.com/en/wp-content/uploads/2015/12/external_legal_advisory_en.pdf

²² Report of Ceartas (Irish Lawyers for Human Right) on Bahrain’s Attorney General, April 2013, p. 10, available at http://www.lwrc.org/ws/wp-content/uploads/2013/05/CEARTAS-Report.April_2013.pdf

shown patterns of failure in the use of its statutory powers to supervise and investigate state detention facilities, which in turn has fostered a culture of impunity towards torture.”²³

The PPO has been involved in human rights violations even before the 2011 Uprising. For example, in August 2010, the Bahraini authorities arrested 23 individuals for allegedly being part of a “terrorist network,” including Dr. Abduljalil al-Singace, a university professor, activist, and prominent opposition figure. The Human Rights Watch documented “systematic procedural and substantive violations of due process by Bahrain’s criminal courts in these cases,” including denial of access to a lawyer, the right to prepare a legal defense, not allowing counsel to attend interrogations, among other violations.²⁴ The Human Rights Watch noted the PPO lack of impartiality:

The prosecution’s criminal investigation appeared more concerned with obtaining information on the political views of the defendants and their connections to domestic and international organizations than with pursuing a criminal prosecution. Prosecutors questioned some of the 23 defendants regarding their political beliefs and opinions, including on subjects such as the boycott of Bahraini parliamentary election (...) and constitutional reform.²⁵

After the outbreak of the uprising, on 22 February 2011, the 23 defendants were released, ending the prosecution.

These politically motivated prosecutions have regularly been used to silence dissidents and intimidate government opponents, and the PPO has played a key role in this. It has brought charges against individuals exercising their rights to freedom of expression and assembly, accepted coerced confessions through torture, and condoned allegations of torture and ill-treatment. In 2015, Human Rights Watch reported six cases in which detainees reported their torture at the Criminal Investigation Directorate (CID) to the PPO, and not only did the PPO failed to take any action, but it also ordered the return of two of them to the CID after refusing to make confessions. Only one case of those has resulted in an investigation.²⁶ The BICI report also indicated that,

²³ Ibid., executive summary.

²⁴ Human Rights Watch, “No Justice in Bahrain: Unfair Trials in Military and Civilian Courts”, February 2012, p. 39, available at <https://www.hrw.org/sites/default/files/reports/bahrain0212webwcover.pdf>

²⁵ Ibid., p. 40.

²⁶ Human Rights Watch, “The Blood of People Who Don’t Cooperate”, November 2015, p. 29, available at https://www.hrw.org/sites/default/files/report_pdf/bahrain1115_4upload.pdf

in some cases, “judicial and prosecutorial personnel may have implicitly condoned” the lack of accountability within the security system in Bahrain.²⁷ Therefore, the PPO’s oversight over the SIU negatively impacts its credibility.

Not only is the independence and impartiality of the SIU in question but also its effectiveness. The GoB has provided several statistics on the SIU’s work since its inception. In February 2014, the BICI Follow-Up Unit reported that the SIU had received 150 complaints, 30 of which ended in prosecutions of 51 officers and non-commissioned officers, and that seven cases resulted in findings of guilt involving nine defendants.²⁸ In January 2015, the SIU provided Amnesty International with other statistics covering the period from its establishment until the end of 2014, in which the SIU had prosecuted 93 members of the security officers on criminal charges in 44 separate cases.²⁹ Nine of the 44 cases involving 23 members of the security forces were related to death caused by torture or other violence, and 35 cases involving 70 members of the security forces were related to assault, torture, or ill-treatment. By the end of 2014, only 15 officers were convicted in criminal courts.³⁰ As for the period from January 2015 until December 2020, the SIU received 902 complaints, in which 69 were referred to criminal courts, according to the SIU monthly and quadrimester statements, meaning that the percentage of referrals to the courts during this period is only 7.64 percent.³¹

The number of investigations in crimes of torture and ill-treatment conducted by the SIU does not correspond to the enormity of the numbers and cases documented by the BICI and subsequently by local and international organizations. Moreover, the percentage of cases referred to criminal courts has been low compared to the total number of cases investigated, few of which ended in convictions, as we will discuss in recommendation No. 1722(a).

²⁷ The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para. 1698, available at <http://www.bici.org.bh/BICIreportEN.pdf>

²⁸ The BICI Follow-Up Report “Moving Beyond 2011”, February 2014, p. 33, available at <http://www.biciunit.bh/reports/BICI%20Implementation%20report%20ENGLISH.pdf>

²⁹ Amnesty International, “Window- dressing or Pioneers of Change?”, 2016, p. 31, available at <https://www.amnesty.org/download/Documents/MDE1150802016ENGLISH.PDF>

³⁰ Ibid.

³¹ These statistics are based on the official numbers published by the SIU on its Instagram account [@siu.bah](https://www.instagram.com/siu.bah). For more on the work of the SIU, check the Bahrain Center for Human Rights report “Defective and Deficient: A Review of Bahrain’s Human Rights Bodies”, May 2021, pp. 8-13 and Appendix 1 (pp. 32-36), available at <https://bahrainrights.net/?p=13624>

Most importantly, the SIU has failed to uphold the principle of “superior responsibility” although the BICI clearly established the existence of a “culture of impunity.” The few prosecutions carried out by the SIU have been of low-ranking officers, and no senior officials have been brought to justice. The external legal advisory group, appointed by the GoB to advise on implementing the BICI institutional recommendations, also stressed that the investigative prosecutorial unit has “the responsibility to determine accountability both of an individual character and in respect of systemic and institutional issues.”³² While the SIU’s ability to address the former has been limited, it has failed completely to address the latter.

The creation of the SIU has not served the purpose expressed in the BICI recommendation No. 1716. It has not been able to end the culture of impunity nor achieve accountability at all levels of responsibility in Bahrain, as stipulated in the BICI report. It has structural and functional deficiencies impeding its ability to take up this role. Therefore, this recommendation is partially implemented.

1717. To place the office of the Inspector General in Mol as a separate entity independent of the Ministry’s hierarchical control, whose tasks should include those of an internal “ombudsman’s office”, such as that which exists in many other countries. The new Inspector’s General’s office should be able to receive individual or organizational complaints (...) and have the authority to conduct disciplinary and criminal proceedings (...). The office should also promulgate and enforce police professional standards and carry out legal and sensitivity training for police officers.

In response to the BICI recommendation No. 1717, Decree No. 27 of 2012, amended by Royal Decree No. 35 of 2013 established the office of the Ombudsman at the Ministry of Interior (MoI Ombudsman), and the Minister of Interior issued the Police Code of Conduct on 30 January 2012.

The MoI Ombudsman was established to “ensure compliance with professional standards of policing set forth in the Code of Conduct for the Police, as well as in the administrative regulations governing the performance of civil servants.”³³ It is headed by the Secretary-General followed by his deputy, both are appointed by a Decree.³⁴ Four directorates make up the MoI Ombudsman and report to its head: the Complaints Directorate, the Monitoring of Prisons and Detention Facilities Directorate, the International Co-

³² The recommendations of the external legal advisory group to the GoB, 15 February 2012, p.3.

³³ For more on the MoI Ombudsman, see <https://www.ombudsman.bh/en/about/>

³⁴ Royal Decree No. 27 of 2012, Article 2, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=173>

operation and Development Directorate, and the Human Resources and Finance Directorate.³⁵ The Royal Decree No. 27 of 2012 created another entity within the MoI, the Directorate of Audit and Internal Investigations, which functions under the supervision of the MoI Ombudsman.³⁶

The Directorate of Audit and Internal Investigations is empowered to receive, review, and examine complaints against members of the security forces justifying disciplinary proceedings.³⁷ It is not obliged to refer these complaints to the MoI Ombudsman, except in the event of death or serious mistreatment, acts that seriously impact public confidence in policing, or upon the request of the Secretary-General of the Ombudsman.³⁸ As for the MoI Ombudsman, in addition to receiving, reviewing, and examining complaints against members of the security forces, it is mandated to conduct investigations on its initiative into wrongful acts that “leads to a negative impact on the public’s confidence in the employees of the Ministry of Interior” and carry out visits to prisons and detention centers to ensure their compliance with the law.³⁹ After concluding its investigation, it either directs the competent authority in the MoI to bring disciplinary proceedings against violators or refer the case to the SIU if it would justify a criminal prosecution.⁴⁰

The MoI Ombudsman lacks independence and impartiality to hold MoI personnel accountable and “enforce police professional standards.” While the BICI stipulated the creation of an entity independent of the MoI hierarchical control, the MoI Ombudsman functions under the latter’s supervision and reports to it. Bahrain’s MoI Ombudsman does not even fully comply with the international standards for the work of ombudsman institutions set by the International Ombudsman Institute (IOI), in which it is a voting member.

The Secretary-General of the MoI Ombudsman and his deputy are appointed upon the recommendation of the Minister of Interior and the approval of the Prime Minister. Its staff is appointed by the head of the MoI Ombudsman “in accordance with procedures set out by him/her and agreed upon by the Minister of the Interior.”⁴¹ The Directorate of Audit and Internal Investigations’ work is also “determined by a

³⁵ Royal Decree No. 35 of 2013, amending Royal Decree No. 27 of 2012, Article 2, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=11323>

³⁶ Royal Decree No. 27 of 2012, Article 4.

³⁷ Royal Decree No. 35 of 2013, amending Royal Decree No. 27 of 2012, Articles 4 and 9

³⁸ Royal Decree No. 35 of 2013, amending Royal Decree No. 27 of 2012, Article 9 & Royal Decree No. 27 of 2012, Article 11.

³⁹ Royal Decree No. 35 of 2013, amending Royal Decree No. 27 of 2012, Article 12.

⁴⁰ Royal Decree No. 27 of 2012, Article 10.

⁴¹ Ibid., Article 2.

decision of the Minister of Interior.”⁴² In other words, the Minister of Interior supervises and approves the staffing of the body responsible for holding him accountable. Furthermore, the law vaguely stipulates that the Secretary-General and his/her deputy are removed by Royal Decree upon the proposal of the Minister of the Interior and the approval of the Prime Minister for “failure to perform duties.”⁴³ There is no provision clarifying the grounds for failure, leaving it to the discretion of the Minister of Interior.

Neither the appointments of the MoI Ombudsman staff nor dismissals are conducted under clear and transparent guidelines, even carried out upon the approval and recommendation of the Minister of Interior, whom they are supposed to hold accountable. The MoI Ombudsman’s formation, activities, staffing, and reporting do not involve any public or parliamentary participation, inconsistent with international standards.⁴⁴ Its budget is part of the overall budget of the MoI,⁴⁵ which also contributes to its lack of independence.

According to the MoI Ombudsman annual reports, the office received 2161 complaints between July 2013 and April 2020. Of these, 545 were referred to “relevant bodies” for further investigation. The referrals were as follows:

- seven to the PPO,
- 215 to the SIU,
- 319 to the security prosecution (an MoI internal entity),
- four to a disciplinary committee (an MoI internal entity).

Over these eight years, the MoI Ombudsman initiated 35 investigations into police misconduct (28 between July 2013 and April 2014) and documented 54 deaths in detention.⁴⁶ Overall, only 9.94 percent of these complaints were referred to the SIU for a possible criminal prosecution, most of which did not end in criminal courts, as the referral rate by the SIU was very low, as we discussed earlier. The MoI Ombudsman annual reports did not explain what steps were taken to follow up on the cases referred to the SIU, how many cases of those

⁴² Ibid., Article 4.

⁴³ Ibid., Article 7.

⁴⁴ For more about the MoI Ombudsman compliance with international standards (the Venice Principles), see the BCHR report “Defective and Deficient: A Review of Bahrain’s Human Rights Bodies”, pp. 18-20.

⁴⁵ Royal Decree No. 27 of 2012, Article 16.

⁴⁶ The annual reports of the MoI Ombudsman are available at <https://www.ombudsman.bh/en/periodic-public-reports/>

ended in prosecution⁴⁷, how and why 1001 complaints were resolved or not upheld, and what happened to complaints under investigation.

On more than one occasion, the MoI Ombudsman has failed to carry out its mandate and hold MoI personnel accountable, most notably, in the aftermath of Jau prison unrest in March 2015. The security forces at Jau prison used excessive and disproportionate force against inmates, firing tear gas and birdshot into prison buildings and indiscriminately beating inmates. After quelling the unrest, the police at Jau prison continued to ill-treat the prison population for months as a form of collective punishment, using various types of physical and psychological abuse.⁴⁸ In response, the MoI Ombudsman interviewed 156 inmates, of whom 15 made formal complaints, which were referred to the SIU.⁴⁹ It is unknown how many of these complaints ended in prosecution, and despite the large number of inmates who were tortured and mistreated, the MoI Ombudsman initiated only four investigations that year.⁵⁰ Overall, it is unclear how the prison administration was held accountable. On the other hand, 57 inmates were sentenced to additional jail terms of 15 years for “acts of chaos, riots, and rebellion inside (prison) buildings,” including human rights defender Najji Fateel, who did not reportedly participate in the riots.⁵¹

In 2015, Amnesty International reported at least 10 cases where the MoI Ombudsman failed to act promptly on allegations of enforced disappearance from detainees’ families. Some of them later alleged they were subjected to torture and other ill-treatment. In these cases, “the Ombudsman either responded with a very long delay to the relatives who submitted the complaint, responded only after the detainee was later allowed to call their relatives, or responded but ill-treatment or inadequate medical access continued.”⁵² In seven other

⁴⁷ The first three reports of the MoI Ombudsman provided the number of cases “pending in courts” and the number of “convictions”; the other four did not.

⁴⁸ BCHR, BIRD, and ADHRB, “Inside Jau: Government Brutality in Bahrain’s Central Prison”, May 2015, pp. 15-20, available at http://www.bahrainrights.org/sites/default/files/file_attach/Inside-Jau.pdf

⁴⁹ Human Rights Watch, “The Blood of People Who Don’t Cooperate”, p. 49.

⁵⁰ The Second Annual Report of the MoI Ombudsman (2014-2015), p. 13, available at <https://www.ombudsman.bh/en/periodic-public-reports/>

⁵¹ Reuters, “Bahrain court sentences 57 men to 15-year terms for prison violence”, 25 January 2016, available at <https://www.reuters.com/article/bahrain-security-court-idINKCNOV31FE?edition-redirect=in>

⁵² Amnesty International, “Window- dressing or Pioneers of Change?”, p. 22.

cases, it has failed to keep complainants informed about its investigations into their complaints, not adhering to international standards.⁵³

The MoI Ombudsman has so far demonstrated inability and unwillingness to hold the MoI personnel accountable nor enforce police professional standards, failing to demonstrate independence, impartiality, and effectiveness in carrying out its mandate. The GoB has failed to create an ombudsman institution in accordance with international standards, rendering recommendation No. 1717 not sincerely implemented.

1718. To amend the decree establishing the NSA to ensure that the organization is an intelligence gathering agency without law enforcement and arrest authorities. The NSA should also have an independent office of inspector general to carry out the same internal “ombudsman” functions mentioned above with respect to the MoI. Legislation should be adopted to provide that even during the application of a State of National Safety the arrest of persons should be in accordance with the Code of Criminal Procedure.

The National Security Agency (NSA), currently the National Intelligence Agency (NIA),⁵⁴ was established in May 2002 by Decree No. 14. The law stipulated its mandate in vague terms, giving it the powers to “maintain national security (...) monitor and detect all activities harmful to the national security of the Kingdom, its institutions and regime, and all that threatens the security and safety of the nation (...) as well as to develop security plans necessary to confront all ordinary and exceptional circumstances.”⁵⁵ The Minister of Justice’s Resolution No. 2 granted the NSA law enforcement and arrest authorities in 2003,⁵⁶ which was confirmed by Decree No. 117 of 2008.⁵⁷

The NSA was heavily involved in 2011 human rights violations. It was one of four primary government agencies responsible for the implementation of Royal Decree No. 18 of 2011, declaring the “State of National Safety.” The NSA officially performed 179 arrests, including leading opposition figures, pursuant to arrest

⁵³ Ibid., p. 24.

⁵⁴ The name of the National Security Agency (NSA) was amended to become the National Intelligence Agency (NIA) by Royal Order No. 30 in July 2020.

⁵⁵ Decree No. 14 of 2002, Article 4, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=1233>

⁵⁶ The Minister of Justice’s Resolution No. 2 of 2003, Article 1, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=10622>

⁵⁷ Decree No. 117 of 2008, Article 1, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=4638>

warrants issued by the Military Prosecutor and the Code of Criminal Procedures.⁵⁸ According to the BICI report, the security forces, including the NSA, failed to present arrest warrants and performed arrests using unnecessary excessive force accompanied by “terror-inspiring behavior” and unnecessary damage to property.⁵⁹ The BICI documented physical, psychological, and sexual abuse in the NSA custody. It also determined that the death of Abdulkarim Fakhrawi, a businessman and co-founder of the independent newspaper al-Wasat, was “attributed to torture while in the custody of the NSA.”⁶⁰

Following the adoption of the BICI recommendations by the GoB, Royal Decree No. 115 of 2011 rescinded the NSA’s law enforcement powers, restricting its mandate to collecting information and requiring that cases needing arrest be referred to the Mol.⁶¹ Decree No. 28 of 2012 established the Office of the Inspector General and the Office of Professional Standards within the NSA. While the former is empowered to receive, examine, and investigate complaints of abuse and mistreatment conducted by the NSA personnel,⁶² the latter’s mandate includes preparing a “code of conduct”⁶³ and executing training programs for the NSA personnel as well as receiving and examining internal complaints related to the NSA.⁶⁴

Revoking the law enforcement powers of the NSA was one of the few BICI recommendations considered by independent organizations to be fully implemented. However, the GoB backtracked on its decision, where Decree No. 1 of 2017 stipulated that the NSA restore its arrest and investigatory powers in relation to “terrorist crimes.”⁶⁵ A government official stated that this decision was taken given the “high risk of terror crimes” that necessitates prompt action and that the NSA law enforcement powers are restricted to these crimes.⁶⁶ This decision should be considered in light of the textual ambiguity and lack of clarity of what constitutes a terrorist crime in Bahraini law. Bahraini anti-terrorism law has been instrumentalized to crush

⁵⁸ The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para.154.

⁵⁹ Ibid., para. 1178.

⁶⁰ Ibid., para. 1005.

⁶¹ Royal Decree No. 115 of 2011, Article 4 and Article 5 (bis), available at http://www.biciactions.bh/wps/themes/html/BICI/pdf/1718/decree_115_2011_reorganisation_nsa_en.pdf

⁶² Royal Decree No. 28 of 2012, Article 1, available at http://www.biciactions.bh/wps/themes/html/BICI/pdf/1718/decree_28_2012_creation_of_nsa_ombudsman_en.pdf

⁶³ Resolution No. 31 of 2012 issuing a code of conduct for the NSA employees, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=9302>

⁶⁴ Royal Decree No. 28 of 2012, Article 10.

⁶⁵ Decree No. 1 of 2017, Article 1, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=13161>

⁶⁶ Bahrain News Agency, 5 January 2017, available at <https://www.bna.bh/en/ArchiveDetails.aspx?archiveId=48617>

dissent and criminalize freedom of expression and assembly. For example, the prominent human rights defender Abdulhadi al-Khawaja, who is serving life imprisonment, was sentenced under provisions of the anti-terrorism law, among other provisions of the 1976 Bahraini Penal Code and Law No. 32 of 2006 with respect to Public Meetings, Processions, and Gatherings.⁶⁷ On the other hand, the UN Working Group on Arbitrary Detention found al-Khawaja's detention arbitrary in July 2012 due to his exercise of the fundamental rights to freedom of expression, peaceful assembly, and association and called for his immediate release.⁶⁸

As with the Mol Ombudsman, several factors adversely affect the independence of the NSA's Office of the Inspector General; mainly, the nomination of the Inspector General by the Head of the NSA,⁶⁹ who can also recommend the Inspector General dismissal on the vague pretext of "failure to perform duties."⁷⁰ In addition, the Inspector General submits half-yearly reports to the Head of the NSA, who forward them to the Prime Minister.⁷¹ Practically, the NSA's Office of the Inspector General functions under the control of the NSA and reports to it, raising questions about its independence and impartiality, and since it does not issue public reports, it is not possible to judge its effectiveness.

This recommendation is not implemented. The restoration of law enforcement and arrest functions to the NSA vis-à-vis "terrorist crimes" is contrary to the BICI recommendation No.1718. Considering the

⁶⁷ In May 2011, Abdulhadi al-Khawaja went on trial before the National Safety Court. He was sentenced to life in prison on 22 June 2011 for "organizing and managing a terrorist organization," "attempt to overthrow the Government by force and in liaison with a terrorist organization working for a foreign country," and the "collection of money for a terrorist group." Al-Khawaja was charged under articles 122 (spying for a foreign country), 148 (attempt to overthrow the government), 160 (promotion of changing the government), 161 (obtaining publications that incite overthrowing the government), 168 (libel affecting public security), 172 (inciting sectarian hatred), 173 (inciting criminal acts) and 216 (insulting the army) of the 1976 Bahraini Penal Code. He was also charged under articles 1 and 6 of Law No. 58 of 2006 With Respect to the Protection of Community against Terrorist Acts, and under articles 1, 2, 3, 9, and 13 of Law No. 32 of 2006 with respect to Public Meetings, Processions, and Gatherings. He was convicted based on confessions he made under torture. No evidence was presented in court to support the charges raised against him. For more about al-Khawaja case, see University of Minnesota (Human Rights Library), Working Group on Arbitrary Detention, Opinion No. 6/2012, available at <http://hrlibrary.umn.edu/wgad/6-2012.html>

⁶⁸ The opinion adopted by the UN Working Group on Arbitrary Detention No. 6/2012, 13 July 2012, accessible at <https://digitallibrary.un.org/record/730786?ln=en>

⁶⁹ Royal Decree No. 28 of 2012, Article 2.

⁷⁰ Ibid., Article 5.

⁷¹ Ibid., Article 4.

questionable independence and lack of clarity about the effectiveness of the NSA Office of the Inspector General, the detainees are unsafe in the NSA custody, as Human Rights Watch has expressed.⁷²

1719. *To adopt legislative measures requiring the Attorney-General to investigate claims of torture and other forms of cruel, inhuman or degrading treatment or punishment, and to use independent forensic experts. Such procedures should guarantee the safety of those raising such claims. Furthermore, the legislation should provide for remedies for any person claiming retribution for having raised a claim of torture or other forms of cruel, inhuman or degrading treatment or punishment.*

In 2012, the GoB introduced several legislative amendments to the Public Security Forces Law of 1982, the Code of Criminal Procedures, and the 1976 Bahraini Penal Code, in response to the BICI recommendation No. 1719.

Decree-Law No. 49 of 2012 amended the Public Security Law of 1982, excluding “crimes related to cases of alleged torture, inhuman or degrading treatment or related death” from military crimes,⁷³ which are within the jurisdiction of the Disciplinary Court of the Public Security Forces.⁷⁴ The GoB added a provision to the Code of Criminal Procedures, by which “giving the Attorney General exclusive authority to investigate allegations of torture and other forms of ill-treatment” committed by government officials, as expressed by the BICI Follow-Up Unit.⁷⁵ Decree-Law No. 53 of 2012 states that “the Public Prosecution shall exercise its jurisdiction over allegations of torture, inhuman or degrading treatment, or related death, whenever they occur” and in cases referred to it by the MoI Ombudsman or the NSA Inspector General.⁷⁶

The wording adopted in the law does not obligate the Attorney General to investigate allegations of torture and ill-treatment but only gives him the jurisdiction over these crimes. This shortcoming in the law was pointed out in the report of the US Department of State to US Senate Committee on Foreign Relations in 2016, where it noted that the law “does not require the Attorney General to investigate” and recommended that

⁷² Human Rights Watch, “Bahrain: Arrest Powers restored to Abusive Agency”, 31 January 2017, available at <https://www.hrw.org/news/2017/01/31/bahrain-arrest-powers-restored-abusive-agency>

⁷³ Decree-Law No. 49 of 2012, Article 1, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=4265>

⁷⁴ Law No. 3 of 1982 concerning the Regulation of the Public Security Forces, Articles 83 and 88, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=5517>

⁷⁵ The BICI Follow-Up Unit report, December 2013, p. 12.

⁷⁶ Decree-Law No. 53 of 2012, Article 2, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=5848>

Bahrain “implement further legal measures to mandate that the Attorney General investigate all credible claims of torture.”⁷⁷

Moreover, the PPO demonstrated a lack of independence and unwillingness to investigate torture and ill-treatment cases and hold perpetrators accountable during the 2011 Uprising. It failed to act upon the gross and systematic human rights violations when it had the jurisdiction to do so. Hundreds of people were tortured and ill-treated in prisons that the PPO was empowered to inspect, prior to the legal amendments made in response to the BICI recommendations, including having access to “the prison books, arrest and imprisonment warrants, to obtain copies thereof, to have contact with any prisoner and to hear from him any complaint that he may have,” according to Article 63 of the Code of Criminal Procedures. The PPO was also authorized to take disciplinary action against law enforcement officers who commit “a breach of their duties,” not preventing “the commencement of a criminal action,”⁷⁸ yet it failed to initiate any criminal proceedings against human rights violators.

The PPO has no credibility to investigate human rights violations since it is complicit in them. On 31 July 2016, Hassan Jassim Hasan al-Hayky, a 35-year-old Bahraini citizen, died in custody from injuries he sustained during torture at the CID, according to his family. Al-Hayky reported his torture to the PPO, but instead of investigating his allegations, they ordered his return to the CID, where he was “subjected to further acts of torture.”⁷⁹ At the time, BCHR received information that al-Hayky was allegedly subjected to sexual abuse on 10 July 2016 by officials at the PPO, who forced him to sign a confession. He was denied access to a lawyer during the investigation despite his multiple requests for one, and when his lawyer headed there, he was falsely told that al-Hayky had not yet been brought in.⁸⁰ When al-Hayky’s lawyer stated that his deceased client had wounds and bruises on his body, confirming “beyond any doubt the existence of a criminal suspicion behind the death,” the PPO accused him of “spreading false news.” After a quick investigation, the SIU concluded that

⁷⁷ The US Department of State Report to the US Senate Committee on Foreign Relations, June 2016, available at <https://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

⁷⁸ Bahrain Code of Criminal Procedures, Articles 44 and 63, available at http://vertic.org/media/National%20Legislation/Bahrain/BH_Code_Criminal_Procedure.pdf

⁷⁹ Alkarama, a shadow report submitted to the Committee against Torture in the context of the second periodic review of Bahrain, 20 March 2017, pp. 5-6, available at https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BHR/INT_CAT_CSS_BHR_26960_E.pdf

⁸⁰ Bahrain Center for Human Rights, “Suppressing Dissent and Sustaining Impunity: Torture in Bahrain 2015-2016”, 2017, p. 5, available at <http://bahrainrights.org/sites/default/files/BCHR%20-%20Torture%20Report%202017%20final.pdf>

the death was due to natural causes.⁸¹ Similarly, the PPO condoned Mohamad Ramadan's allegation of torture, who was later convicted based on a coerced confession and sentenced to death on 29 December 2014 even though he showed public prosecutor signs of torture on his body.⁸²

In November 2012, after one year of the BICI report issuance, professor Cherif Bassiouni, the head of the BICI, pointed out the inadequacy of the PPO work toward achieving accountability, saying,

the public prosecution has yet to investigate over 300 cases of alleged torture, some involving deaths in custody, and there has been no investigation, let alone prosecution, for command responsibility, even at the immediate supervisory level, of people killed in custody as a result of torture.⁸³

The PPO reluctance and unwillingness to tackle police misconduct and crimes have contributed to the "culture of impunity" indicated in the BICI report. As long as the law does not require the Attorney General to investigate crimes of torture and ill-treatment, this legal amendment has little effect, as the Attorney General had the jurisdiction to act upon these crimes beforehand.

Regarding the other elements of recommendation No. 1719, Law No. 50 of 2012 added new provisions to the Code of Criminal Procedures, allowing torture or ill-treatment claimants, against whom an act of vengeance was committed due to filing charges, the right to civil litigation against the accused if the act of vengeance "constitutes a crime," and this provision applies during the state of national security.⁸⁴ It is unclear what procedures are in place to protect torture claimants from acts of revenge nor the remedies provided for them in case of retribution for having raised such claims.

Before the 2012 legal amendments, the Bahrain Penal Code had not provided a clear definition for torture although it was penalized. Law No. 52 of 2012 amended Articles 208 and 232, setting forth a definition of torture to bring the Bahraini law more in line with the Convention Against Torture (CAT), which Bahrain ratified in 1998. The new provisions stipulate a prison sentence for any public servant "who inflicts severe pain or suffering, whether physical or psychological, on a detainee or a person under his/her control in order to

⁸¹ Ibid., pp. 5-7.

⁸² For more about Mohammad Ramadan case, see the BCHR report "Defective and Deficient: A Review of Bahrain's Human Rights Bodies", pp. 10-11.

⁸³ Human Rights Watch, "Bahrain: Promises Unkept, Rights Still Violated", 22 November 2012, available at <https://www.hrw.org/news/2012/11/22/bahrain-promises-unkept-rights-still-violated>

⁸⁴ Law No. 50 of 2012, Article 1, available at http://www.biciactions.bh/wps/themes/html/BICI/pdf/1719/amendment_criminal_procedure_en.pdf

obtain information, extract confession, punish, intimidate, or coerce him or another person.” The punishment would be a life sentence if torture leads to death.⁸⁵ The amendment also sets forth imprisonment for any public servant who threatens with any of these acts, or if such acts are committed by another party at the public servant’s instigation, or with his/her consent or acceptance.⁸⁶ However, no official has been sentenced to life in prison for killing a detainee or using excessive deadly force against a protester.

This legal amendment has not resulted in adopting a more serious and transparent approach in dealing with cases of torture and ill-treatment. It has not deterred the security apparatus from engaging in these acts, nor has ended impunity. By February 2014, “the harshest penalty applied” was ten years’ imprisonment⁸⁷ for two police officers for beating Isa Ibrahim Saqer to death in custody,⁸⁸ which was later commuted to two years on appeal.⁸⁹ Unacceptably, prosecutors charged the perpetrators with only assault without intent to kill.

Giving the Attorney General jurisdiction over cases of torture and ill-treatment without obligating him to investigate into them does not fulfill the BICI recommendation No. 1719, particularly considering the PPO apparent unwillingness to carry out its mandate in this regard, nor the lack of solid protection mechanisms for those who file complaints against the perpetrators, nor the absence of clear stipulation for remedies for those who are subjected to reprisals. Therefore, this recommendation is not implemented.

1720. To make subject to review in ordinary courts all convictions and sentences rendered by the National Security Courts where fundamental principles of a fair trial, including prompt and full access to legal counsel and inadmissibility of coerced testimony, were not respected be subject to full review in the ordinary courts.

The Royal Decree No. 18 of 2011, declaring the “State of National Safety,” established two-tiered special military courts called the National Safety Courts (NSC). These courts had the jurisdiction to investigate and adjudicate crimes that “brought about the State of National Safety” and those “committed in contravention of orders and decisions issued by the authority charged with implementing national safety measures,” i.e., the commander-in-chief of the Bahrain Defense Force (BDF), and “any other crimes this authority decides to refer to them.”⁹⁰ The Royal Decree mandated the Military Prosecution to initiate proceedings before the NSC,

⁸⁵ Law No. 52 of 2012, Article 1, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=4274>

⁸⁶ Ibid.

⁸⁷ The BICI Follow-Up Unit report, February 2014, p. 17.

⁸⁸ The SIU press release No. 17, 12 March 2013, available at [http://www.biciunit.bh/en/pdf/Press%20Release%20\(17\).pdf](http://www.biciunit.bh/en/pdf/Press%20Release%20(17).pdf)

⁸⁹ The SIU press release No.31, available at [http://www.biciunit.bh/en/pdf/Press%20Release%20\(31\).pdf](http://www.biciunit.bh/en/pdf/Press%20Release%20(31).pdf)

⁹⁰ Royal Decree No. 18 of 2011, Article 7, available at <http://www.alwasatnews.com/elections/page/604927.html>

comprising a lower court and a higher appellate chamber, where the BDF commander-in-chief was empowered to appoint three judges to each.⁹¹

The BICI considered that the articles invoked to convict defendants before the NSC were used “to punish those in the opposition and to deter political opposition” and raised concerns about their conformity with international human rights law. It found that they were applied to “repress legitimate criticism of the GoB”⁹² and that some articles were used, “namely, as a means of repressing freedom of assembly and punishing those who seek to exercise that right.”⁹³ The commission estimated that 300 individuals were convicted under these articles,⁹⁴ while the Human Rights Watch found that 402 defendants were convicted by the NSC on “transparently political charges,” of whom 116 were convicted only of such charges.⁹⁵ Several grave violations of due process occurred during proceedings before the NSC, including not informing detainees of the charges against them, not providing meaningful access to a lawyer, prohibiting defendants from testifying in court, and the admissibility of coerced confession and statements before the court, as documented by the BICI.⁹⁶ The commission concluded that “a pattern of due process violations occurred at the pre-trial and trial levels that denied most defendants elementary fair trial guarantees.”⁹⁷ Most importantly, trying civilians before military courts is contrary to the proper administration of justice.

The “State of National Safety” was lifted on 1 June 2011, but the NSC continued to hear cases that had been already referred to them, pursuant to Article 13 of the Royal Decree No. 18 of 2011. On 29 June 2011, the King ordered that “all cases and appeals still pending before the National Safety Courts are referred to the ordinary courts,” and that “the judgments of the National Safety Appeal Court may be challenged before the Court of Cassation [a civilian court].”⁹⁸ However, Royal Decree No. 28 of 2011 revised Royal Decree No. 62 of 2011 by distinguishing between felony and misdemeanor cases. It stipulated that the NSC were still competent to hear all felony cases in which proceedings had already begun and affirming the transfer of misdemeanor

⁹¹ Ibid., Articles 8 and 9.

⁹² The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para. 1279,1280, and 1284.

⁹³ Ibid., para. 1286.

⁹⁴ Ibid., para. 1289.

⁹⁵ Human Rights Watch, “No Justice in Bahrain: Unfair Trials in Military and Civilian Courts”, February 2012, p. 11.

⁹⁶ The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para. 1647.

⁹⁷ Ibid., para. 1702.

⁹⁸ Royal Decree No. 62 of 2011, Articles 1 and 2, available at

http://www.biciactions.bh/wps/themes/html/BICI/pdf/1720/decre_e_62_2011_en.pdf

cases pending before the NSC to ordinary courts.⁹⁹ In January 2012, the Supreme Judicial Council formed a judicial committee to review all rulings rendered by the NSC, in response to BICI recommendation No. 1720.¹⁰⁰ The NSC were disbanded in October 2011.

The judicial committee reported that it reviewed 165 rulings by the NSC that convicted 502 individuals, of which 135 were transferred to ordinary courts for revision.¹⁰¹ The number of cases referred from the Military Prosecution to the PPO was 1622 after lifting the “State of National Safety,” where the latter closed 1185 cases and dropped 334 cases related to freedom of opinion and expression.¹⁰² Despite the transfer of a large number of cases from the NSC to civilian courts, the transfers did not result in new trials. The US Department of State in its report to Congress in 2013 noted that judges continued to “permit trial records and evidence used in the NSC to be used in the civilian courts, including confessions allegedly extracted under torture or duress.”¹⁰³ The head of the BICI commented on the rulings of Bahrain’s highest court confirming convictions despite credible allegations of torture as “legally unsound,” citing the court’s decision to uphold an individual’s conviction and accept his confession because he had made it days before his torture.¹⁰⁴

In the cases of the 21 leading activists and opposition figures, 14 of whom tried before the NSC in person, the civilian courts upheld their convictions and sentences although they were denied basic due process rights.¹⁰⁵ The High Criminal Court of Appeal upheld the convictions and sentences of 13 of them on 4 September 2012, and on 6 January 2013, the Cassation Court confirmed the verdict.¹⁰⁶ The BICI documented

⁹⁹ Royal Decree No. 28 of 2011, Articles 1 and 2, available at

http://www.biciactions.bh/wps/themes/html/BICI/pdf/1720/decreed_28_2011_en.pdf

¹⁰⁰ The BICI Follow-Up Unit report, December 2013, p. 14.

¹⁰¹ Letter from the Deputy Head of the Supreme Judicial Council, Head of the Cassation Court, to the Deputy Prime Minister, 27 February 2012, available at

http://www.biciactions.bh/wps/themes/html/BICI/pdf/1720/letter_supreme_judicial_council_to_dpm_en.pdf

¹⁰² Ibid.

¹⁰³ The US Department of State Report to Congress entitled “Implementation of Recommendations by the Bahrain Independent Commission of Inquiry”, August 2013, p. 3.

¹⁰⁴ Human Rights Watch, “Bahrain: Promises Unkept, Rights Still Violated”, 22 November 2012.

¹⁰⁵ On 22 June 2011, the National Safety Court sentenced Abdulhadi al-Khawaja, Hassan Mshaima, Abdelwahab Hussain, Dr. Abdeljalil al-Singace, Abdeljalil al-Miqdad, Mohammad Habib al-Miqdad, and Saeed Mirza al-Nuri to life in prison. Mohammad Hassan Jawad, Mohammad Ali Ridha Ismail, Abdullah al-Mahroos, and Abdulhadi Abdullah Hassan al-Mukhodher, were sentenced to 15 years in prison. Ebrahim Sharif and Salah Abdullah Hubail al-Khawaja were given five-year prison terms. Alhur Yousef al-Somaikh received a prison sentence of two years. On 28 September 2011, the National Safety Court of Appeal upheld the convictions and sentences against the 14 leading activists and opposition figures.

¹⁰⁶ Amnesty International, “Jailed Opposition Leader in Critical Condition”, available at

in detail the torture and ill-treatment of many of them, and Amnesty International considered them “prisoners of conscience who should be immediately and unconditionally released.”¹⁰⁷ The Military Prosecution “failed to provide any evidence that the accused used or advocated violence” during the 2011 protests.¹⁰⁸ The main incriminating evidence in the case before the High Criminal Court of Appeal (civilian court) was the “confession of two defendants, allegedly obtained under torture and testimonies from officers allegedly involved in the defendants’ torture.”¹⁰⁹ They were sentenced on charges related to their rights to freedom of expression, assembly, and association, including “attempting to overthrow the government,” broadcasting “false and tendentious news and rumors,” and “incite people to engage in demonstrations,” among other charges. Human Rights Watch pointed out that “none of these activities could legitimately be characterized as criminal, even if the defendants had committed them. Yet the judges convicted each defendant on the basis of nothing more.”¹¹⁰

This recommendation is partially implemented. Providing a fair trial for those denied due process rights was the main objective of this recommendation. Transferring cases from the NSC to civil courts relying heavily on the NSC findings without dismissing evidence extracted under torture or dropping charges related to freedom of expression, assembly, and association does not fully meet this objective.

1722. The Commission makes the following recommendations with regard to the use of force, arrest, treatment of persons in custody, detention and prosecution in connection with the freedom of expression, assembly and association.

1722 a. To conduct effective investigations in accordance with the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions of all the deaths that have been attributed to the security forces. Likewise, all allegations of torture and similar treatment be investigated by an independent and impartial body, following the Istanbul Principles. The investigation of both types of alleged violation should be capable of leading to the prosecution of the implicated individuals, both direct and at all levels of responsibility, with a view to ensuring that punishment be consistent with the gravity of the offense.

<https://www.amnesty.org.uk/urgent-actions/jailed-opposition-leader-critical-condition>

¹⁰⁷ Amnesty International, “Flawed Reforms: Bahrain Fails to Achieve Justice for Protesters”, April 2012, p.26.

¹⁰⁸ Ibid., p. 28.

¹⁰⁹ Amnesty International, “Bahrain: Reform Shelved, Repression Unleashed”, November 2012, p. 31, available at <https://www.amnesty.org/download/Documents/24000/mde110622012en.pdf>

¹¹⁰ Human Rights Watch, “No Justice in Bahrain: Unfair Trials in Military and Civilian Courts”, February 2012, p.12.

1722 b. To establish a standing independent body to examine all complaints of torture or ill-treatment, excessive use of force or other abuses at the hands of the authorities. The burden of proving that treatment complies with the prohibition of torture and other ill-treatment should be on the State.

Recommendations No. 1716, 1719, and 1722 (a), and 1722 (b) significantly overlap as they revolve around conducting independent investigations into the security forces human rights violations, achieving accountability, and ending impunity.

The BICI documented widespread abuse by Bahrain's security apparatus during the 2011 Uprising and found that they followed "a systematic practice of physical and psychological mistreatment, which in many cases amounted to torture, with respect to a large number of detainees in their custody."¹¹¹ The commission received 559 complaints concerning the mistreatment of persons in custody between 1 July 2011 and 23 November 2011 alone.¹¹² It established that many of those were "subjected to coercion in signing confessions or admitting to accusations of criminal conduct," which fall within the meaning of torture as defined in the CAT,¹¹³ concluding that "this could not have happened without the knowledge of higher echelons of the command structure of the MoI and NSA."¹¹⁴ The BICI was of the view that "the lack of accountability of officials within the security system has led to a culture of impunity, whereby security officials have few incentives to avoid mistreatment of prisoners or to take action to prevent mistreatment by other officials."¹¹⁵

Thirty-five deaths occurred between 14 February and 15 April 2011 linked to the uprising. The BICI attributed the death of 19 civilians to the security forces, of which five were caused by torture in custody.¹¹⁶ By December 2020, BCHR reported over 100 unlawful killings and deaths caused by the security forces' misconduct and excessive use of force, including 17 children, among causes of death: direct shots with live ammunition, torture and beating to death, deprivation of adequate medical attention in police custody, and suffocation with tear gas.¹¹⁷¹¹⁸ Besides the hundreds of complaints received by the BICI concerning

¹¹¹ The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para. 1238.

¹¹² Ibid., para. 1695.

¹¹³ Ibid., para. 1697.

¹¹⁴ Ibid., para. 1179.

¹¹⁵ Ibid., para. 1240.

¹¹⁶ Ibid., para. 1703.

¹¹⁷ For a full list of the names of those killed by Bahraini security forces since 2011, see Appendix 2.

¹¹⁸ This list was previously published by BCHR and is not exhaustive, as BCHR noted at the time of publication. The original list is available at <http://www.bahrainrights.org/en/node/3864>

mistreatment in the security forces custody, the SIU and the MoI Ombudsman jointly received over 3000 complaints from their inception till the end of 2020,¹¹⁹ but it is unclear how many of those are related to torture. Since 2011, dozens of torture and ill-treatment cases have been documented by local and international human rights organizations. Up against this, the Gob's efforts to effectively investigate, prosecute, and punish perpetrators have been significantly inadequate.

Until 5 November 2012, the SIU had investigated 92 deaths allegedly related to the 2011 Uprising, including the cases cited in the BICI report. The investigations were closed in 45 cases "due to lack of evidence of any criminal act," and two cases were closed "due to legal self-defense," while 12 cases were referred to courts.¹²⁰ Amnesty International reported that "most of the victims' families were not even told, nor were they given any adequate explanation of why the cases had been dismissed or details of the investigations. They have also not been told whether they can appeal against the decisions," in contravention of the Istanbul Principles on investigating and reporting torture.¹²¹ In 2014, the head of the BICI commented on the inadequacy of the GoB's accountability mechanism, saying that the cases cited in the report "have not been adequately investigated, they have not been adequately prosecuted," and that "the accountability mechanism leaves much to be desired."¹²²

In the cases of civilian deaths attributed to the security forces cited in the BICI report, the SIU referred 15 security forces personnel to criminal courts:

- nine were acquitted;
- two were sentenced to a 10-year term, commuted to two years on appeal;

The list includes the names of the three young men executed on 15 January 2017, as their deaths were deemed extrajudicial killings by the UN Special Rapporteur on Extrajudicial Killings, on that, see <https://www.bbc.com/news/world-middle-east-38627679>

It also includes the names of the two young men executed on 27 July 2019 under similar circumstances.

¹¹⁹ See the numbers in recommendations No. 1716 and 1717.

¹²⁰ BICI Follow-Up Report, November 2012, pp. 8-9.

¹²¹ Amnesty International, "Crackdown and hollow promises ahead of Bahrain Grand Prix", 17 April 2013, available at <https://www.amnesty.org/en/latest/news/2013/04/crackdown-and-hollow-promises-ahead-bahrain-grand-prix/>

¹²² Al-Monitor, "Bassiouni: Bahrain's progress limited by 'piecemeal' approach to reforms", 13 June 2014, available at <https://www.al-monitor.com/originals/2014/06/cherif-bassiouni-bici-bahrain-uprising-violations.html>

- four were sentenced to seven years in prison, where three sentences were reduced to three years and one sentence to six months on appeal.

It should also be noted that the prosecutors charged the defendants with only “assault” in these cases, where the court later amended the charge to murder in some of them.¹²³ Although initiating criminal proceedings against several security forces members in relation to the 2011 Uprising was a step forward, these penalties are inconsistent with the gravity of the offense, and in many cases, the perpetrators have not been brought to justice. Additionally, no senior officials of those who directed the crackdown have faced prosecution under the principle of “superior responsibility,” which the SIU should uphold according to its founding legal instrument. Until January 2015, only 16 of those charged held the rank of First or Second Lieutenant or Lieutenant-Colonel.¹²⁴

This pattern of leniency toward the crimes of the security apparatus has continued over the past ten years. In November 2013, the High Criminal Court found a police officer not guilty of the death of Salah Abbas Habeeb Ahmed Mousa, who was shot dead during a demonstration in 2012.¹²⁵ Mousa’s family and their lawyer have been denied access to the investigation.¹²⁶ In March 2016, the Bahraini Higher Court of Appeal reduced sentences of one officer and two policemen from five years to two years’ imprisonment for the death of 36-year-old Hasan Majeed al-Shaikh who was tortured to death on 6 November 2014 at Jau prison. Al-Shaikh was placed in solitary confinement after being severely beaten. According to his prison inmates, he screamed for several hours before prison guards then removed his body.¹²⁷ Similarly, a police officer was acquitted of the killing of Fadhel Abbas Muslim Marhoon in April 2015 and sentenced to three months in prison for shooting Sadeq al-Asfoor, who was traveling with Marhoon, in the stomach.¹²⁸ Following an SIU appeal the officer was convicted of killing Marhoon and sentenced to three years’ imprisonment on 31 March 2016.¹²⁹

The report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on Bahrain to the Working Group on the Universal Periodic Review (UPR) in February 2017 pointed to the

¹²³ For more on these cases, see Appendix 1.

¹²⁴ Amnesty International, “Window- dressing or Pioneers of Change?”, 2016, p. 32.

¹²⁵ The SIU press release No. 35, 25 November 2013, available at [http://www.biciunit.bh/en/pdf/Press%20Release%20\(35\).pdf](http://www.biciunit.bh/en/pdf/Press%20Release%20(35).pdf)

¹²⁶ Amnesty International, “Crackdown and hollow promises ahead of Bahrain Grand Prix”, 17 April 2013.

¹²⁷ Bahrain Center for Human Rights, “Suppressing Dissent and Sustaining Impunity: Torture in Bahrain 2015-2016”, 2017, p. 7.

¹²⁸ Amnesty International, “Bahrain 2016”, 31 May 2016, available at <https://www.amnesty.de/jahresbericht/2016/bahrain>

¹²⁹ Amnesty International, “Window- dressing or Pioneers of Change?”, 2016, p. 32.

widespread reports of torture “inside and outside of detention facilities, during and prior to detention and during interrogation.”¹³⁰ According to the report, from 2014 to June 2016, seven people were sentenced to death in unfair trials marred by torture allegations, which had not been “properly investigated.”¹³¹ The SIU and other GoB’s human rights bodies have failed to effectively address torture complaints “with detainees often identifying the agency and sometimes the name and rank of the alleged torturers.” In 2020, Amnesty International reported that “there is no known record of a successful prosecution for torture to force a confession in the past four years.”¹³² The few trials that resulted in convictions against members of the security forces concerned mostly civilian deaths at the hands of the police, not torture or ill-treatment. The Human Rights Watch concluded in 2015 that “the SIU has not conducted investigations or prosecutions that have led to the conviction of any individuals for acts of torture in cases relating to Bahrain’s political unrest.”¹³³

On 31 July 2020, the Court of Cassation upheld the death sentences on Mohammad Ramadan and Hussein Ali Moosa although they were convicted and sentenced based on confessions extracted through torture. Both submitted complaints to the MoI Ombudsman and the SIU regarding the torture and ill-treatment to which they were subjected at the CID. The result of the SIU’s investigation was inconclusive, which the International Rehabilitation Council for Torture Victims (IRCT) reviewed in July 2020. The IRCT concluded that the SIU’s investigation of Mohammad Ramadan and Hussain Moosa’s allegations of torture “fails to meet the minimum professional standards and minimum international legal standards to which the Kingdom of Bahrain is subject.” It is “insufficient and thereby ineffective under law. Additionally, serious concerns are raised regarding the institutional independence and impartiality of the Special Investigation Unit and its investigation.”¹³⁴ Since 2017, Bahrain has executed six individuals, of whom five were allegedly tortured.¹³⁵

¹³⁰ The report of the Office of the United Nations High Commissioner for Human Rights on Bahrain to the Working Group on the Universal Periodic Review, 14 February 2017, para. 22, available at

https://www.upr-info.org/sites/default/files/document/bahrain/session_27_-_may_2017/a_hrc_wg.6_27_bhr_2_e.pdf

¹³¹ Ibid., para. 18.

¹³² Amnesty International, “Bahrain 2020”, available at

<https://www.amnesty.org/en/countries/middle-east-and-north-africa/bahrain/report-bahrain/>

¹³³ Human Rights Watch, “The Blood of People Who Don’t Cooperate”, November 2015, p. 25.

¹³⁴ Independent expert review of the Special Investigation Unit’s investigation into torture allegations of Hussain Moosa and Mohammed Ramadhan, the International Rehabilitation Council of Torture Victims, 1 July 2020, available at

https://irct.org/uploads/media/2020_07_01_PUB_IRCT_Statement_MRamadhan_HMoosa_FINAL.pdf

¹³⁵ Human Rights Watch, “Bahrain: Joint Letter to Member and Observer States of the United Nations Human Rights Council Delegates”, 15 September 2020, available at

<https://www.hrw.org/news/2020/09/15/bahrain-joint-letter-member-and-observer-states-united-nations-human-rights-council>

Currently, 27 individuals have been sentenced to death, where the majority are at imminent risk of execution.¹³⁶

The GoB maintained that they established the SIU in response to the BICI recommendations on accountability, but it lacks the independence and effectiveness to carry out this mandate. Over 150 out of nearly 200 cases of alleged torture or other ill-treatment, deaths in custody and allegedly unlawful killings documented by Amnesty International, between 14 February 2011 and 30 September 2016, have not been referred to courts by the SIU.¹³⁷ The SIU does not comply with many of the Istanbul Protocol provisions, with which it is supposed to be in line.¹³⁸ Moreover, in addition to the lenient sentences handed down to the perpetrators in the few cases that ended in convictions, the US Department of State 2013 human rights report on Bahrain stated that “it was unclear if the courts enforced any of the sentences and if security officers were actually in prison following sentencing.”¹³⁹

Besides the SIU within the PPO, there are currently five other governmental oversight bodies created in fulfillment of the proposed reforms in the BICI report:

- The Office of the Ombudsman at the Ministry of the Interior (Mol Ombudsman).¹⁴⁰
- The Directorate of Audit and Internal Investigations at the Mol.
- The Office of the Inspector General within the NSA.¹⁴¹
- The Prisoners and Detainees Rights Commission (PDRC).¹⁴²
- the National Institution for Human Rights (NIHR).

The six institutions are mandated to receive complaints of torture and ill-treatment and act upon them. However, their effectiveness in ending impunity and holding government officials accountable has been limited, as we discussed earlier. The Committee against Torture, in its concluding observations on the second and third periodic reports of Bahrain, expressed concern “at the substantial gap between the amended

¹³⁶ Human Rights Watch, “Bahrain: Events of 2020”, available at <https://www.hrw.org/world-report/2021/country-chapters/bahrain>

¹³⁷ Amnesty International, “Window-dressing or Pioneers of Change?”, 2016, p. 32.

¹³⁸ For more on this, see BCHR report “Defective and Deficient: A Review of Bahrain’s Human Rights Bodies”, pp. 12-13.

¹³⁹ The US Department of State, 2013 Country Reports on Human Rights Practices: Bahrain, accessible at <https://2009-2017.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dldid=220348>

¹⁴⁰ For our assessment of the Mol Ombudsman work, see recommendation No. 1717.

¹⁴¹ See recommendation No. 1718.

¹⁴² See recommendation No. 1722 (d).

legislative and institutional frameworks and their effective implementation in practice with regard to the obligations of the [CAT].”¹⁴³

The prevalence of torture and ill-treatment reports, despite the legal and institutional reforms followed by the adoption of the BICI recommendations, reflect the government’s unwillingness to sincerely address human rights violations. These reforms have neither substantially improved the systematic ill-treatment in security forces custody nor achieved redress for many victims in the past ten years. The lack of independence, effectiveness, and transparency in the formation mechanisms of the oversight bodies, the low number of convictions in unlawful killing cases and prosecutions in torture cases, the failure to hold senior officials accountable render the BICI recommendations No. 1722 (a) and 1722 (b) not fully implemented.

1722 c. To implement an extensive program of public order training for the public security forces, the NSA and the BDF, including their private security companies, in accordance with UN best practices. To ensure future compliance with the Code of Conduct for Law Enforcement Officials, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the security forces should be trained in the human rights dimensions of detention and interrogation, and in particular the obligation to refuse to participate in any actions involving torture and other prohibited ill-treatment.

The Minister of Interior issued Resolution No. 14 stipulating a code of conduct for police on 30 January 2012 and Resolution No. 24 on the Basic Principles on the Use of Force and Firearms on 12 February 2014, pursuant to the BICI recommendation No. 1722 (c).¹⁴⁴ They were formulated in line with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The BICI Follow-Up Unit reported in 2013 that “all police officers and personnel were

¹⁴³ The Committee against Torture, Concluding observations on the second and third periodic reports of Bahrain, 29 May 2017, para. 6, available at

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsqYPuFZC34VM6MoD0Mvs%2BS%2BhcJl3TUrOvvF%2FGuWWUtDMNTj4IYASRqLw7nbC8lcS25V04LG18FMQtufqvlxyVSqBsgx3LVglkkCx%2BAGXg%2BL>

¹⁴⁴ Ministerial Resolution No. 14 of 2012 on the Code of Conduct for Police Officers, January 2012, accessible at

https://www.policinglaw.info/assets/downloads/2012_Bahrain_Police_Code_of_Conduct.pdf

Ministerial Resolution No. 24 of 2014 on the Basic Principles on the Use of Force and Firearms, February 2014, accessible at

<https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=6825>

trained on [the code of conduct]" and that it was circulated to all the MoI departments for implementation and included in training and education curricula.¹⁴⁵

The MoI conducted a "broad training program" starting January 2012 for its personnel covering a range of topics: the rules of public order, competency development, and human rights with a focus on guarantees of the rights of the accused.¹⁴⁶ These training sessions were run both internally at the MoI and by external actors. The MoI introduced new training sessions to the Police Academy on appropriate conduct by police officers. Until February 2014, 5500 MoI personnel "at all levels of responsibility - officers, non-commissioned officers, and recruits - have received training in the human rights aspects of law enforcement," according to the BICI Follow-Up Unit.¹⁴⁷ The MoI also signed an agreement with an international organization to provide training sessions to police officers. Both the BDF and the NSA initiated similar human rights training programs.

Although the GoB has conducted the proposed training by the BICI for its security forces personnel, these training sessions have not brought about tangible changes in the security forces' behavior, as reports of police misconduct have been pervasive during the last decade. In 2012, the year in which the Bahraini security apparatus introduced the training program, BCHR documented over 30 deaths attributed to excessive use of force by the police, of which

- 22 deaths attributed to exposure to tear gas,
- five deaths as a result of direct shots by the police with birdshot, live ammunition, or tear gas canister,
- three deaths from injuries due to beating or torture,
- and one death due to inadequate health care in police custody.¹⁴⁸

The death of Yousif Ahmed Muwali on 13 January 2012 was the first in police custody after the GoB promised reforms, where he had been detained at the CID. The MoI announced his death after police reportedly found his body floating in the water. The MoI tried evading the responsibility of his death, where "a state doctor reported the cause of death as drowning and ruled out signs of violence." However, a report from a second

¹⁴⁵ The BICI Follow-Up Unit report, December 2013, p. 20.

¹⁴⁶ *Ibid.*, p. 19.

¹⁴⁷ The BICI Follow-Up Report "Moving Beyond 2011", February 2014, p. 39.

¹⁴⁸ See Appendix 2.

autopsy performed by an independent forensic pathologist concluded that “Mowali was electrically tortured and unconscious when he drowned.”¹⁴⁹

On 23 May 2017, five were killed and 286 others arrested in Diraz peaceful sit-in dispersal due to police use of excessive force. UN experts condemned the operation, stating,

for use of force by security forces in managing peaceful protests to be legal, it must be necessary and proportionate, and aim at protecting the right to life. The reported use of tear gas, shotguns equipped with birdshot and lethal anti-personnel weapons by security forces to disperse a peaceful demonstration was neither necessary or proportionate and therefore excessive, qualifying the five deaths as unlawful killings. It is tragic that while security forces are meant to protect life, their actions have shown otherwise.¹⁵⁰

It was the highest number of deaths in a single day at the hands of the security forces since the implementation of the training sessions on “the use of force to show more restraint, to use less tear gas and birdshot, and to improve transparency.” Many of those arrested that day reported torture and ill-treatment in police custody, and 167 individuals were convicted in a mass trial, where the conviction rate was 97 percent. Earlier, on 26 January 2017, one individual at this sit-in had been fatally shot by security forces. He died of his injuries two months later on 24 March.¹⁵¹ On the other hand, no one has been held accountable for the excessive use of force against these peaceful protesters, killing five and injuring dozens.

The latest example of Bahrain security forces’ unnecessary and disproportionate use of force was in April 2021, when they violently dismantled a peaceful sit-in in Jau prison after the death of prisoner Abbas Mal Allah, who had been denied timely access to essential health care. The security forces used “stun grenades and beat detainees on their heads, badly injuring many of them.” Afterward, 33 prisoners were moved to another building and held incommunicado, unable to contact their families or lawyers.¹⁵²

¹⁴⁹ Al-Jazeera, “Autopsy finds torture behind Bahrain drowning”, 18 May 2012, available at

<https://www.aljazeera.com/features/2012/5/18/autopsy-finds-torture-behind-bahrain-drowning>

¹⁵⁰ “Bahrain must end worsening human rights clampdown, UN experts say”, 16 June 2017, available at

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21762&LangID=E>

¹⁵¹ Amnesty International, “New Mass Trial of Protesters in Bahrain”, 18 March 2019, available at

<https://www.amnesty.org/download/Documents/MDE1100022019ENGLISH.pdf>

¹⁵² OHCHR, Press briefing notes on Bahrain, 30 April 2021, available at

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27042&LangID=E>

The GoB has partially implemented recommendation No. 1722 (c). It carried out legal amendments to improve the performance of the security forces and bring it into line with UN best practices in this regard. It also introduced training programs in human rights for the security apparatus. However, it did not "ensure the future compliance" with these best practices. One of the essential factors that ensure compliance is holding the violators accountable, which the GoB has not been doing well so far.

1722 d. To avoid detention without prompt access to lawyers and without access to the outside world for more than two or three days. In any event, all detention should be subject to effective monitoring by an independent body. Moreover, every person arrested should be given a copy of the arrest warrant and no person should be held incommunicado. Arrested persons should have access to their legal counsel and family visits in the same way as any person detained under the Bahrain Code of Criminal Procedure.

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

In response to the BICI recommendations No. 1722 (d) and 1722 (g) aimed at guaranteeing the rights of the detainee and preventing ill-treatment in custody, the GoB has introduced several legal and institutional reforms.

A ministerial resolution issued on 22 December 2011 introducing new procedures that require any detainee to be presented with an arrest warrant, provided with prompt communication with a lawyer, and allowed family visits.¹⁵³ Ministerial Decree No. 13 of 2012 opened a pretrial detention center in the Dry Dock Prison for the detention of all persons charged with crimes, but not yet convicted, operating under the rule of the Directorate of Reform and Rehabilitation. It was subjected to the oversight of different bodies, including the PPO.¹⁵⁴

Law No. 39 of 2014 amended articles of the Code of Criminal Procedures on the duration of pretrial detention. The law stipulated that an arrest warrant is only valid for seven days following the handover of the suspect, giving the Public Prosecutor the power to submit an application to a lower court judge to issue a warrant for up to a further 15 days, or for successive periods amounting in total to not more than 30 days. The High Criminal Court can extend the detention for successive terms not exceeding 30 days upon the request of the Public Prosecutor "if the investigation is not completed," and in all cases, "the period of detention in custody

¹⁵³ The BICI Follow-Up Unit report, December 2013, p. 21.

¹⁵⁴ Ministerial Decree No.13 of 2012, available at

http://www.biciactions.bh/wps/themes/html/BICI/pdf/1722d/ministerial_order_13_2012_temporary_detention_centre_en.pdf

shall not be more than six months.”¹⁵⁵ Although the amendment limited the Public Prosecutor’s ability to extend the total duration of pretrial detention from 45 to 30 days, it still allows the court to extend it to six months. However, the duration of pretrial detention in cases prosecuted under Bahrain’s anti-terrorism law is even of greater concern.

In November 2014, the GoB introduced another legal amendment, creating a separate prosecution office for terrorism-related crimes. According to this amendment, the Public Prosecution can detain a suspect for an initial period of 28 days without charges or investigation, after which the Public Prosecutor has three days to interrogate the suspect and press charges, or for up to six months upon the decision of the Attorney General.¹⁵⁶ This prolonged period of pretrial detention puts the detainees at risk of torture. Many have been disappeared or subjected to incommunicado detention and torture during this initial period. One of the latest opinions rendered by the UN Working Group on Arbitrary Detention (WGAD) on Bahrain in June 2020 found the deprivation of liberty of 19 individuals, who were arrested between 2015 and 2016 and tried in a mass trial in May 2018, arbitrary. All of the detainees were disappeared for varying periods. Fourteen of them were disappeared for periods ranging from 20 to 30 days, and two were subject to incommunicado detention, during which they were tortured and denied access to legal counsel. None of them were presented with an arrest warrant or informed of the reasons for the arrest.¹⁵⁷

Documentation by independent human rights organizations during the past decade shows that the crimes of enforced disappearance, incommunicado detention, denial of access to legal counsel, and torture to extract confessions for a specific group of detainees are not individual acts in Bahrain’s criminal justice system, but rather the norm. A report prepared by BCHR and Bahrain Youth Society for Human Rights (BYSHR), covering the period between November 2014 and June 2015, found that more than 400 persons subjected to enforced disappearances during the documentation period:

- Ninety-five percent of 241 individuals arrested by security forces over the eight months were subjected to enforced disappearance for periods ranging from several hours to up to one month, where authorities held the arrestees incommunicado and did not allow them to contact their families

¹⁵⁵ Law No. 39 of 2014, amending Articles 147, 148, and 149 of the Code of Criminal Procedures, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=11843>

¹⁵⁶ Decree-Law No. 68 of 2014 amending some provisions of Law No. 58 of 2006 regarding the Protection of Society from Terrorist Acts, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=10012>

¹⁵⁷ Human Rights Council: Working Group on Arbitrary Detention, Opinion No 5/2020 at its 87th session between 27 April and 1 May 2020, available at https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A_HRC_WGAD_2020_5_Advance_Edited_Version.pdf

or lawyers. Seventy-five percent of arrestees reported torture and ill-treatment at the hand of the security forces.

- 200 cases of enforced disappearance in detention for periods ranging from two weeks to more than one month were documented, specifically in Jau prison after the March 2015 unrest. The Jau prison administration prevented prisoners from visits, calls, or any contact with their families, during which the majority reported torture and ill-treatment.¹⁵⁸

The extensive arrests continued during the last four months of 2015, where three human rights organizations, including BCHR, documented 421 arrests, including 53 minors. More than half of these arrests were carried out by house raids, in which arrest or search warrants were rarely presented. Security forces entered houses with no warning neither identified themselves; some of them in plain clothes. The majority of detainees were physically and verbally abused during or after arrest, including beating with batons and wooden sticks as well as kicking and punching. A number of arrestees were subjected to enforced disappearance for periods ranging from several hours to up to three weeks. In total, only 24 percent of arrests conducted during the documentation period were in line with international law, i.e., 319 persons were unlawfully detained.¹⁵⁹

In the face of these violations, the monitoring bodies have proven ineffective. For example, in 2018, Bahrain National Institution for Human Rights (NIHR), whose mandate was amended in 2014 to bring it in line with the Paris Principles, issued a fact finding report on the allegations of human rights violations against a number of convicts in the case known as (1/Terrorism/2017). In this case, a military court sentenced six men to death, four of which commuted to life imprisonment by the King, and seven to seven years in prison with the revocation of their citizenship on terrorism-related charges. There were serious allegations of enforced disappearance, torture, and coerced confessions. In its quest to refute the allegations, the NIHR relied on a belated forensic report to prove the absence of torture and on months-delayed family visits to prove that there was no enforced disappearance.¹⁶⁰ The NIHR, like the MoI Ombudsman and the SIU, lacks the independence to address these violations and hold perpetrators accountable.¹⁶¹

¹⁵⁸ BCHR and BYSHR, “Enforced Disappearances”, August 2015, available at

<http://www.byshr.org/wp-content/EnforcedDisappearances-Report-BCHR-and-BYSHR-August-2015.pdf>

¹⁵⁹ BCHR, BIRD, and ADHRB, “From the Ground: Arbitrary and Unlawful Arrest in Bahrain”, 10 February 2016, available at <https://www.adhrb.org/2016/02/8768/>

¹⁶⁰ Fact-Finding Report of the National Institution for Human Rights on the Allegations of Torture and Enforced Disappearance Crimes against a number of Convicts in the case known as (1/Terrorism/2017), 2018, available at http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/download/nihrt1r_en.pdf

¹⁶¹ For more on the NIHR, see BCHR report “Defective and Deficient: A Review of Bahrain’s Human Rights Bodies”, pp. 22-29.

In 2013, the GoB established another oversight body, the Prisoners and Detainees Rights Commission (PDRC) with jurisdiction to “monitor prisons, detention centers, juvenile welfare and detention centers, and other places wherein persons may be incarcerated.”¹⁶² It is mandated to conduct announced and unannounced inspections to “verify the conditions of inmates and treatment they receive in order to ensure that they are not subjected to torture, inhumane treatment or indignity.”¹⁶³ The PDRC functions as a National Preventive Mechanism (NPM) although it is not within the meaning of the Optional Protocol to the Convention against Torture (OPCAT), as Bahrain is not a signatory. Its independence and ability to carry out its mandate is questionable, where it is financially dependent on the Mol Ombudsman and works under its chairmanship. The appointment of PDRC members lacks transparency. There are no clear guidelines on how these members are nominated by the concerned bodies nor their selection mechanism besides being appointed by a Royal Decree. Moreover, it has not adopted a clear mechanism to protect individuals who engage with it nor to follow up with authorities in relation to the implementation of its recommendations.

While PDRC has carried out a total of twenty visits since 2014, including four follow-up visits, notorious places of deprivation of liberty, such as Jau prison and the CID, were visited once throughout the seven years since its inception. It has not demonstrated seriousness and persistence in addressing pressing issues, especially the ill-treatment of political prisoners. It has failed to challenge the government narratives regarding systematic torture and ill-treatment in places of incarceration. Overall, it lacks the independence and effectiveness to guarantee the rights of prisoners and detainees.¹⁶⁴

In December 2011, the International Committee of the Red Cross (ICRC) signed a memorandum of understanding with Bahrain’s Mol after months of engaging in a dialogue with the authorities. According to the memorandum, the GoB gives the ICRC “access to all detainees held in connection with the unrest.” The visits were carried out by a team of five ICRC delegates, including one physician, where they held private talks with detainees to assess detention conditions and treatment. The ICRC has not discussed its findings and recommendations publicly.¹⁶⁵ Therefore, it is unclear to what extent the GoB has cooperated with the ICRC and to what extent they have responded to its recommendations.

¹⁶² Royal Decree No. 61 of 2013, Article 1, available at

https://www.theioi.org/downloads/e7or3/Bahrain_OM_Decree%20of%20the%20Commission%20of%20the%20Rights%20of%20Detainees_20140828.pdf

¹⁶³ Ibid., Article 3.

¹⁶⁴ For more on the PDRC, see BCHR report “Defective and Deficient: A Review of Bahrain’s Human Rights Bodies”, pp. 14-16.

¹⁶⁵ ICRC, “Bahrain: ICRC begins visits to detainees”, 7 February 2012, available at

<https://www.icrc.org/en/doc/resources/documents/interview/2012/bahrain-detention-interview-2012-02-07.htm>

The GoB accompanied these bodies with an “internal oversight,” which is “centered chiefly on the process by which individuals are arrested, detained, and brought to trial,” involving electronic logging of arrests, police monitoring systems, and other oversight tools. The GoB adopted a computerized monitoring system called the Unified Criminal Justice System – Najm in Arabic – by which every detainee is tracked, and officers are alerted “if a suspect has been in detention for 48 hours without a further authorization for his detention having been obtained.” According to the BICI Follow-Up Unit, the GoB has installed audio-visual monitoring equipment in all investigation and detention rooms, including the CID and all 22 police stations in Bahrain. They prepared unmonitored rooms “in which suspects may have privileged discussions with lawyers.” The PPO also procured audio-visual recording equipment for interrogation rooms.¹⁶⁶

The GoB has not released any data or statistics on the Unified Criminal System work. How many alarms have sounded monthly or yearly? What are the procedures taken in such cases? How many cases of enforced disappearance or arbitrary arrest has it been able to detect or prevent? In light of this lack of data, its effectiveness cannot be evaluated. Moreover, the functionality of this “alarm system” has been contested by legal professionals. They maintained that “officials generally use the system for tracking wanted people and assisting in their prosecution, rather than compelling officials to release details to family members,” and there is no evidence such alarms are in place,¹⁶⁷ which further raises questions on this system’s objective and utility.

Despite the critical role of the audio-visual monitoring in preventing ill-treatment, it has had minimal impact on deterring abusers, as abuse occurs in unmonitored parts of investigation and detention facilities. The Committee against Torture recommended the GoB in May 2017 that detainees “be interrogated, in all cases and in all places of deprivation of liberty, exclusively in interrogation rooms equipped for that purpose so that video recordings can be made,” as “the interrogations during which ill-treatment and torture are inflicted often occur in other parts of [security forces] facilities in order to avoid them being recorded.”¹⁶⁸ This kind of monitoring has not been quite effective not only in pretrial detention but also in prison after sentencing. Testimonies from Jau prison inmates demonstrate that “the abuse of prisoners in the prison often takes place in the lobbies and in the bathrooms, where there are no CCTV cameras.”¹⁶⁹ Besides, there have been reports of

¹⁶⁶ The BICI Follow-Up Unit report, February 2014, pp. 22-25.

¹⁶⁷ BCHR, BIRD, and ADHRB, “Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years on”, 2015, p. 24, available at https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2015/11/Shattering_the_Facade_Web.pdf

¹⁶⁸ The Committee against Torture, Concluding observations on the second and third periodic reports of Bahrain, 29 May 2017, para. 14.

¹⁶⁹ BCHR, BIRD, and ADHRB, “Inside Jau: Government Brutality in Bahrain’s Central Prison”, May 2015, p. 22.

unofficial detention and interrogation facilities, away from any monitoring.¹⁷⁰ Overall, it is unclear if all interrogations are recorded, as “legal practitioners report that interrogation footage has not been used in court proceedings. When lawyers have requested interrogation footage as evidence, PPO and MoI officials have not shared access.”¹⁷¹

The multiplicity of monitoring bodies over prisons and detention centers has not improved the performance of the security forces or deter violations, nor the adopted regulations. Over the last decade, the pattern of violations to the detainees’ rights documented by the BICI has continued, and the abusive practices followed by the security forces in carrying out arrests and conducting investigations have not changed in the majority of the cases documented by human rights organizations. Accordingly, the BICI recommendation No. 1722 (d) is not implemented, while recommendation No. 1722 (g) is partially implemented.

1722 e. The Commission recommends that the GoB establish urgently, and implement vigorously, a program for the integration into the security forces of personnel from all the communities in Bahrain.

In response to this recommendation, the MoI adopted a plan to “recruit 500 Bahraini men and women from all sects and in all governorates to join the Community Police,” and this to be the first batch followed by others.¹⁷² Ministerial Order No. 5 of 2012 established two interview committees for the appointment of male and female officers. The order stipulated that the two committees carry out their work in line with the recruitment standards of the Public Security Forces and the recommendations of the BICI.¹⁷³ In 2012, the GoB recruited 355 new officers, including 100 female officers, in the implementation of this plan.¹⁷⁴ The GoB runs a community police program in the Royal Police Academy, from which 577 new officers graduated in June 2012 and 504 in October 2015. The US Department of State reported in 2016 that the total number of community police that have graduated from the Royal Police Academy is 1500.¹⁷⁵

¹⁷⁰ The US Department of State Report to Congress entitled “Implementation of Recommendations by the Bahrain Independent Commission of Inquiry”, August 2013.

¹⁷¹ BCHR, BIRD, and ADHRB, “Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years on”, 2015, p. 28.

¹⁷² Report of the National Commission in charge of the implementation of the BICI recommendations, 20 March 2012, p. 49.

¹⁷³ Ministerial Resolution No. 5 of 2012, available at

http://www.biciactions.bh/wps/themes/html/BICI/pdf/1722e/order_5_2012_interview_committee_en.pdf

¹⁷⁴ The US Department of State Report to Congress entitled “Implementation of Recommendations by the Bahrain Independent Commission of Inquiry”, August 2013, p. 6.

¹⁷⁵ The US Department of State Report to the US Senate Committee on Foreign Relations, June 2016, p. 7.

The recommendation No. 1722 (e) came in light of the Bahraini security sector's discriminatory hiring practices. The GoB does not release detailed employment figures in the security sector; however, many studies, reports, and leaked documents indicate a policy of exclusion of Bahraini Shiites from security forces, especially in senior positions. In 2009, a leaked document, obtained by BCHR, revealed that "NSA is formed on a sectarian basis," where "the percentage of Shiite citizens [who constitute the majority of the population] employed at the NSA does not exceed 4 percent, and they work as informants and in the low-level jobs."¹⁷⁶ Similarly, the representation of Shia at the BDF is "as tiny, a few percent at most," according to educated guesses,¹⁷⁷ in which senior positions are reserved for the royal family, while the rest of the officers consist of "a princely class of Bahraini Sunnis who are carefully vetted according to their family background, history, and political orientation."¹⁷⁸ Although the integration of Shiite citizens at the MoI is better than its counterparts in the security sector, Shiites are "mostly in administrative roles, accounting for approximately 10 percent."¹⁷⁹

The GoB has not only excluded Bahraini Shiites in favor of their Sunni compatriots but also heavily engaged in hiring foreign-born Sunni personnel into the security forces. At the beginning of 2011, foreign nationals reportedly accounted for 40 percent of the MoI employees.¹⁸⁰ This number increased during the 2011 Uprising, during which the GoB reportedly recruited "over 2500 former soldiers from Pakistan for service in both the MoI's riot police and the National Guard."¹⁸¹ Pakistanis make up at least 18 percent of the Royal Bahraini Air Force and a third of the police force.¹⁸² According to a leaked document, 499 Jordanian police officers were on the MoI payroll in 2014.¹⁸³ Foreign nationals constituted a larger proportion of the NSA, at 64 percent, mostly of Asian nationalities, according to the leaked document in 2009.¹⁸⁴

¹⁷⁶ BCHR, "Dangerous Statistics and Facts about the National Security Apparatus", 8 March 2009, available at <http://www.bahrainrights.org/en/node/2784>

¹⁷⁷ Brian Doodley, an article for the Huffington Post, "Bahrain's Soldier Sailor Sunni Shia Struggle", 7 February 2014, available at https://www.huffpost.com/entry/bahrains-soldier-sailor-s_b_4745595

¹⁷⁸ Carnegie Endowment for International Peace, "Bahrain's Fragility and Security Sector Procurement", 26 February 2019, available at <https://carnegieendowment.org/2019/02/26/bahrain-s-fragility-and-security-sector-procurement-pub-78443>

¹⁷⁹ ADHRB, "Sectarian Discrimination and Extremism in Bahrain's Security Forces: Questions for US Policy", November 2017, p. 5, available at https://www.adhrb.org/wp-content/uploads/2017/11/2017.Sectarianization-of-Security-Forces_White-Paper.pdf

¹⁸⁰ *Ibid.*, p.6.

¹⁸¹ *Ibid.*

¹⁸² *Ibid.*

¹⁸³ *Ibid.*

¹⁸⁴ BCHR, "Dangerous Statistics and Facts about the National Security Apparatus", 8 March 2009.

The lack of adequate representation of the Shiites, despite being the largest sect of the Bahraini society, in the security forces exacerbate their resentment, besides the political and economic marginalization and lack of representation in senior positions in the public sector at large, especially since they have been disproportionately targeted by the security forces, as the BICI reported that all but nine of the 559 complaints of torture and ill-treatment, which they had received, were Shia Muslims. As Human Rights First put it:

Many locals view the police not as protectors of their security or their rights but as agents of repression who often do not understand their culture or context. (...) A large, dissatisfied section of the country is barely represented in its security forces, contributing to wider grievances about a lack of job opportunities for Shi'as in the government and political unrest.¹⁸⁵

Additionally, many view this policy as an attempt to alter the demographic balance among the country's citizens, as many of the foreign-born personnel recruited into the security forces have been granted "expedited naturalization" and other benefits, such as housing.¹⁸⁶

Recruiting more Shiites into the community police does not rectify this situation, especially that the community police "have been marginalized, and their contribution is limited to inconsequential locations and very ordinary events."¹⁸⁷ The Minister of Interior announced in 2011 that the new jobs would be created in "the Coast Guard, Traffic Directorate, Directorate of Nationality, Passports, and Residence Affairs, and the Civil Defense (fire department)."¹⁸⁸ As Bahrain Watch commented, "creating jobs in [these] departments would not achieve the spirit of the recommendation, as these departments are not active in confronting demonstrations and do not do police work."¹⁸⁹ There is no evidence that the GoB has taken more steps to integrate Shiites into all other security forces branches. Moreover, the US Department of State reported in 2016 that "Bahraini Shia have been among those integrated into the community police and the police cadets, but not in significant numbers."¹⁹⁰

The stark underrepresentation of the Bahrain Shia in the security forces and the deliberate policy of marginalization cannot be addressed by the meager initiative of the MoI. There is no evidence that the GoB has

¹⁸⁵ Human Rights First, "How to Bring Stability to Bahrain: Blueprint for US Government Policy", February 2015, pp. 7-9, available at <https://www.humanrightsfirst.org/sites/default/files/How-to-Bring-Stability-to-Bahrain.pdf>

¹⁸⁶ ADHRB, "Sectarian Discrimination and Extremism in Bahrain's Security Forces: Questions for US Policy", November 2017, p. 6.

¹⁸⁷ Project on Middle East Democracy, "One Year Later: Assessing Bahrain's Implementation of the BICI Report", November 2012, pp. 14-15.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ The US Department of State Report to the US Senate Committee on Foreign Relations, June 2016, p. 7.

halted its discriminatory recruitment policy in the security sector, especially in critical bodies and positions. Therefore, recommendation No. 1722 (e) is not implemented.

1722 f. To train the judiciary and prosecutorial personnel on the need to ensure that their activities contribute to the prevention and eradication of torture and ill-treatment.

In November 2012, the BICI Follow-Up Unit reported that “two-thirds of the members of the judiciary received (...) extensive training in subjects of special importance, particularly the protection of human rights in criminal procedures, and international and regional standards on criminal justice and human rights.”¹⁹¹ The GoB signed an agreement with the International Institute for Higher Studies in Criminal Sciences, of Italy, aiming at providing technical assistance and training sessions to members of the judiciary in the field of protection of human rights. Under this agreement, three training courses were conducted in 2012, in which sixty judges and members of the PPO participated.¹⁹² The American Bar Association Rule of Law Initiative cooperated with the GoB by providing a team of legal experts to provide recommendations on enhancing the capabilities of Bahrain’s judicial system and the development of the SIU. It also provided training in the field of inspection of detention centers and prisons for judges and members of the PPO and developed training programs for defense lawyers in the protection of the rights of the accused and the skills required to guarantee those rights.¹⁹³

By February 2014, 101 prosecutors and judges had undergone human rights training out of a total of approximately 220, and 42 judges and members of the PPO had been sent to foreign training seminars. The GoB has invited many international experts and NGOs to train the judiciary inside Bahrain, including the Association for the Prevention of Torture, experts from Germany, Morocco, and Egypt, and chief prosecutors of the International Criminal Tribunals for the Former Yugoslavia and Rwanda. The PPO also ran a training program, where prosecutors visited legal and human rights institutions abroad, meeting legal experts as a part of the program.¹⁹⁴

Despite this extensive human rights training to the judiciary and prosecutorial personnel in Bahrain, unfair trials have persisted. Over the last decade, the judiciary has played a prominent role in the crackdown that followed the 2011 Uprising. Hundreds of people were prosecuted on charges of rioting, illegal assembly, spreading false news, inciting hatred of the regime, and terrorism-related crimes in trials that have not followed

¹⁹¹ The BICI Follow-Up Report, November 2012, p. 31.

¹⁹² Ibid.

¹⁹³ Ibid., pp. 31-33.

¹⁹⁴ The BICI Follow-Up Unit report, February 2014, p. 40-41.

the minimum of international fair trial standards. On the other hand, the judicial system has failed to provide redress to dozens of families and victims of security forces' human rights violations by acquitting many perpetrators of torture and extrajudicial killings and issuing light sentences against the few who were convicted inconsistent with the gravity of their offenses. After one year of the BICI report issuance, its chief commented, "you can't say that justice has been done when calling for Bahrain to be a republic gets you a life sentence and the officer who repeatedly fired on an unarmed man at close range only gets seven years,"¹⁹⁵ referring to the case of Hani Abd al-Aziz Jumaa.

The case of the February 14 Coalition is one of many in which Bahrain's criminal courts convicted persons for exercising their basic human rights in a mass trial. On 29 September 2013, fifty individuals were convicted in a mass trial basically on charges of establishing and joining a group with the aim of changing the constitution. The evidence presented in court to establish guilt regarding these charges consisted of confessions made by ten defendants, testimonies from two investigative officers, and a number of recordings and photographs showing some defendants organizing and participating in demonstrations and calling on social media for participation as well as conducting interviews in media outlets explaining the coalition's mission. While the basis for convictions on the charges of committing espionage for Iran and attending training camps in Iran and Iraq was attending a conference in Tehran in 2013 and one defendant's passport, which showed travel to Iraq in 2013 besides confessions made by a number of defendants. "Despite the striking lack of evidence of any legitimately criminal activity, the court sentenced 16 defendants to 15-year terms, 4 defendants to 10-year terms, and the remaining 30 defendants to 5 years in prison."¹⁹⁶

Another case in point is that of Sheikh Ali Salman, the Secretary-General of Bahrain's main opposition party al-Wefaq, who is serving a life sentence in Jau prison. In his first trial, he was sentenced on 16 June 2015 to two years in prison for "public incitement to loathing and contempt of a sect of people which will result in disrupting public order" and "publicly insulting the Interior Ministry", and to another two years in prison for "publicly inciting others to disobey the law." His trial was considered unfair by many international human rights organizations, and his detention was deemed arbitrary in an opinion rendered by WGAD in September 2015.¹⁹⁷ Amnesty International, whose observers attended the trial, reported that

¹⁹⁵ Human Rights Watch, "Bahrain: Promises Unkept, Rights Still Violated", 22 November 2012.

¹⁹⁶ Human Rights Watch, "Criminalizing Dissent, Entrenching Impunity: Persistent Failures of the Bahraini Justice System Since the BICI Report", 2014, pp. 23-25, available at https://www.hrw.org/sites/default/files/reports/bahrain0514_forUpload.pdf

¹⁹⁷ The opinion adopted by the UN Working Group on Arbitrary Detention No. 23/2015, 17 September 2015, accessible at https://www.ohchr.org/Documents/Issues/Detention/Opinions2015AUV/Opinion%202015%2023_Bahrain_Salman_AUV.pdf

[Ali Salman's] lawyers have complained to the court that the evidence used against him consisted of excerpts of his speeches taken out of context, and asked the judge to play recordings of the speeches in full to the court. The judge repeatedly rejected this request as well as demands by the lawyers to call defense witnesses to testify in court. The judge arbitrarily interfered in the defense team's cross examination of key witnesses, including of the officer who carried out the investigation into Sheikh Ali Salman, by objecting to their questions or rephrasing them. During the last trial session, the judge allowed the prosecution to submit additional pleading in writing but suspended the hearing after a few minutes without allowing the defense lawyers to submit further documents as evidence.¹⁹⁸

While serving his first sentence, he was sentenced in a second trial to life imprisonment on 4 November 2018 on "trumped-up spying charges," which was described by Amnesty International as "a travesty of justice."¹⁹⁹

The lack of fair trial guarantees is a systematic problem in Bahrain's criminal justice system. In February 2014, a group of 97 lawyers submitted a memorandum to the vice-president of the Supreme Judiciary Council, highlighting several obstacles preventing them from defending their clients:

- No information about the whereabouts of detained suspects for weeks at a time.
- Lawyers often receive notice of their clients' interrogation outside of office hours and with only a few hours' notice.
- The PPO and some judges ignore evidence and allegations of torture and admit coerced confessions in criminal proceedings.
- In several cases, the judge refuses the lawyers' request to include the defendants' identification of the person who tortured or ill-treated them into the session minutes and refuses to assign the PPO to investigate.
- In many cases, the judge requests that defendants be expelled from the courtroom after identifying the person who tortured or abused them.²⁰⁰

In the case of Mohammad Ramadan and Hussein Ali Moosa, who are at imminent risk of execution, the SIU, despite its inconclusive investigations into their torture complaints, recommended that "the courts reconsider the verdicts against Moosa and Ramadan in light of a newly uncovered medical report by an Interior

¹⁹⁸ Amnesty International, "Opposition Leader's Sentence Reduced Again", 13 April 2017, available at <https://www.amnesty.org/download/Documents/MDE1160682017ENGLISH.pdf>

¹⁹⁹ Amnesty International, "Bahrain: Opposition leader Sheikh Ali Salman unlawfully convicted", 4 November 2018, available at <https://www.amnesty.org/en/latest/news/2018/11/bahrain-opposition-leader-sheikh-ali-salman-unlawfully-convicted/>

²⁰⁰ Human Rights Watch, "The Blood of People Who Don't Cooperate", November 2015, pp. 54-55.

Ministry doctor that had not been available during the initial trial,” in its 18 March 2018 report. The SIU concluded that there is a “suspicion of the crime of torture (...) which was carried out with the intent of forcing them to confess to committing the crime they were charged with.”²⁰¹ Yet, the Court of Cassation upheld their death sentences on 31 July 2020. The Committee against Torture in May 2017 expressed concern at “the widespread use of forced confessions as evidence in courts and at the absence of information of any cases in which officials have been prosecuted and punished for extracting confessions (...) the widespread acceptance by judges of forced confessions (...) and the refusal of judges to take into account in court visible signs of torture shown by the defendants.”²⁰²

These breaches of due process and violations of fair trial standards raise questions about the judicial system’s independence. The trials of political prisoners in the past ten years have illustrated that the Bahraini judiciary has not been impartial. This concern is also expressed by the UN Human Rights Committee in November 2018, where it pointed that “in practice, the judiciary is neither fully independent nor impartial,” adding that “the Committee is concerned about the fact that judges are appointed by royal order and that several of them have renewable employment contracts of one to three years, a circumstance that jeopardizes the security of their tenure.”²⁰³

Recommendation No. 1722 (f) is partially implemented. Although the GoB has conducted training programs for the judiciary, these programs have not had the desired positive impact.

1722 h. *To review convictions and commute sentences of all persons charged with offences involving political expression, not consisting of advocacy of violence, or, as the case may be, to drop outstanding charges against them.*

On 24 December 2011, the Attorney General announced that all charges involving the right to freedom of expression would be dropped; thus, speech-related charges were dropped in 334 pending cases, according to the report of the National Commission. On 2 January 2012, the Supreme Judicial Council announced that all convictions related to freedom of expression will be reviewed by a committee of civilian judges with a view to

²⁰¹ Human Rights Watch, “Bahrain: Death Sentences Despite Torture Claims”, 9 March 2020, available at <https://www.hrw.org/news/2020/03/09/bahrain-death-sentences-despite-torture-claims>

²⁰² The Committee against Torture, Concluding observations on the second and third periodic reports of Bahrain, 29 May 2017, para. 16.

²⁰³ Human Rights Committee, Concluding observations on the initial report of Bahrain, 15 November 2018, para. 45, available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPpRiCAqhKb7yhsiMkkhmRBkQVncBdFYxdTy6GQja8djUQQUivDIkVKQlmvIZ%2BgwjT2jYggAyZn1IEZ2xZ7Toz4WtpBozJ3jO9IHJFL35H4amdve496VljbPAP>

commuting the sentences.²⁰⁴ The GoB also introduced Law No. 51 of 2012, which amended Articles 168, 169 of the Bahrain Penal Code, added Article 69 (bis), and repealed Articles 134 (bis) and 174.²⁰⁵²⁰⁶

The BICI Follow-Up Unit claimed in the February 2014 report that the GoB has been working to “strengthen freedom of expression.” In reality, attacks on freedoms have intensified since the release of the BICI report. After 2011, the GoB has carried out a systematic campaign against dissidents, including human rights defenders, and scores of individuals have been incarcerated based on the exercise of basic rights, such as freedom of expression or peaceful assembly. The amended legal articles are only part of a legal system that punishes dissenting voices, and they are even loose, which facilitates their use in prosecuting those who express their opinion peacefully. Furthermore, over the last ten years, the GoB has introduced several new restrictive laws.

Article 168 penalizes the act of spreading “false or malicious news” disruptive of public security. The amendment provided that the statement can only be subject to criminal penalties for damaging national security “if it deliberately incites violence; it is likely to incite such violence, and there is a direct and immediate connection between the statement and the occurrence or the likelihood of occurrence of such violence.” In the case of the 21 leading activists and opposition figures, the Supreme Court of Appeal justified its decision of upholding the life-term against seven of them on terrorism-related charges and using force to overthrow the government by arguing that “the force need not necessarily be military because terrorism can be the result of moral pressure”²⁰⁷ although the prosecution failed to provide evidence at trial that the defendants used or advocated violence. Such judicial reasoning confirms that amending this article does not protect those who express their opinion in a peaceful manner. Most importantly, the term “damaging to national security” is ambiguous and indefinite and has been instrumentalized by the GoB to crush dissent.

Article 69 (bis) provides that “restrictions defined in this or any other law on the freedom of expression shall be construed as limited to those which are compatible with the values of a democratic society.” This legal amendment is meaningless with dozens of legal provisions in the Bahrain Penal Code restricting the exercise of the rights to freedom of expression:

²⁰⁴ Report of the National Commission in charge of the implementation of the BICI recommendations, 20 March 2012, p. 54.

²⁰⁵ Law No. 51 of 2012, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=4271>

²⁰⁶ The repealed articles penalized attending conferences abroad without the government permission to discuss the social, political, or economic situation in Bahrain in a way that weakens the financial confidence in the country or undermine its prestige as well as producing, possessing, importing, or exporting pictures designed to offend to the country’s reputation.

²⁰⁷ Human Rights Watch, “Criminalizing Dissent, Entrenching Impunity: Persistent Failures of the Bahraini Justice System Since the BICI Report”, 2014, p. 2.

- Article 133 penalizes up to 10 years in prison the deliberate dissemination in wartime of false or malicious news, statements, or rumors to cause damage to military preparations.
- Article 134 penalizes releasing abroad false or malicious news to undermine financial confidence in the State, affecting its prestige or position.
- Article 160 criminalizes calling for “the overthrow or changing the political, social or economic system of the State where the use of force, threat or any other illegitimate method is noticed.”
- Article 161 makes liable to punishment anyone who “possesses, either personally or through others or maintains publications or literature containing the promotion or dissemination of anything” that is provided for in Article 160.
- Article 165 makes liable to punishment “any person who incites with the use of one of the publication methods to develop hatred of the ruling regime or show contempt towards it.”
- Articles 166 and 167 criminalize calling for the resignation of the Amir, Prime Minister, or a minister or his deputy through “violence, threat or any other illegitimate method.”
- Article 214 makes liable to imprisonment “any person who offends the Amir of the country and the national flag emblem.”
- Article 215 makes liable to imprisonment any person “who offends in public a foreign country or an international organization based in the State of Bahrain or its president or representative,” and “such organization's flag or official emblem.”
- Article 216 makes liable to imprisonment any person who “offends by any method of expression the National Assembly, or other constitutional institutions, the army, law courts, authorities or government agencies.”
- Article 222 makes liable to imprisonment any person “who offends with the use of signs, saying, writing or by any other method a civil servant or officer entrusted with a public service during or by reason of carrying out the duties of his office or service.”²⁰⁸

It has to be noted that the term “illegitimate method” is problematic because it can be participation in unauthorized peaceful assemblies or joining unlicensed peaceful political groups.

The GoB has been constantly invoking these articles against dissidents. Articles 133, 134, 215, and 216 were invoked against prominent human rights defender Nabeel Rajab, who has been in and out of prison since 2012, in two separate cases, in which he was sentenced totally to seven years in prison. He was charged with

²⁰⁸ The Bahrain Penal Code of 1976, available at https://menarights.org/sites/default/files/2016-12/BHR_PenalCode_1976.EN_.pdf

spreading false news abroad and sentenced to two years in prison on 10 July 2017, in relation to television interviews that he gave in 2015 and 2016, and with spreading false rumors in wartime, insulting governing authorities, and insulting a foreign country concerning comments he made on Twitter in March 2015 alleging torture in Bahraini prisons and criticizing the Saudi-led campaign in Yemen, on which he was sentenced to five years in prison on 21 February 2018. The WGAD considered the articles with which Rajab was charged “are so vague and overly broad that they could, as in the present case, result in penalties being imposed on individuals who had merely exercised their rights under international law.”²⁰⁹ It pointed out that “there is a strong presumption that the deprivation of liberty also constitutes a violation of international law on the grounds of discrimination based on political or other views.”²¹⁰ The WAGD concluded that Rajab detention is arbitrary and falls within categories II and V.²¹¹

In 2014, the King approved Law No. 1 of 2014, which amended Article 214 of the Penal Code, making “insulting the king” punishable up to seven years in prison and up to 10,000 dinars (\$26,500) in fine.²¹² The year before, BCHR has documented 30 cases in which individuals prosecuted, tried, and sentenced on the charge of “insulting the king,” including human rights defenders Hussein Jawad, in relation to a speech he gave in November 2013, and Zainab Al-Khawaja, for tearing a photo of the King. At least nine were sentenced to one year in prison,²¹³ while Zainab al-Khawaja was sentenced to three years in prison in December 2014.

The crackdown on peaceful critics has continued unabated over the last decade, including summons, travel bans, imprisonment, and harassment. Between December 2014 and July 2015, the GoB arrested and prosecuted three secretary generals of opposition political parties. In addition to the arrest of Sheikh Ali Salman on 28 December 2014, the Secretary-General of al-Wefaq, who is currently serving a life sentence,²¹⁴ the GoB

²⁰⁹ The opinion adopted by the UN Working Group on Arbitrary Detention No. 13/2018, 13 August 2018, para. 29, accessible at https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session81/A_HRC_WGAD_2018_13.pdf

²¹⁰ Ibid., para. 34.

²¹¹ Category II: When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20, and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26, and 27 of the Covenant.

Category V: When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinions, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings.

²¹² Law No. 1 of 2014, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=6803>

²¹³ BCHR, “Limited Freedom of Expression in Bahrain: Arrested for Insulting the King”, 2013, available at <http://bahrainrights.org/sites/default/files/Insulting%20the%20King%2C%20Test%20.pdf>

²¹⁴ See recommendation No. 1722 f.

arrested Ebrahim Sharif, former Secretary-General of the National Democratic Action Society (Waad), and Fadhel Abbas, the Secretary-General of the Democratic Unity Gathering Society (al-Wahdawi). Sharif is one of the 21 leading activists and political figures arrested in 2011 and released in June 2015. He was re-arrested after just 19 days and charged with “inciting violence” and “promoting the overthrow of the government” for a speech he gave. Fadhel Abbas was arrested on 26 March 2015 for a statement that al-Wahdawi published on Twitter calling Bahrain’s involvement in the war on Yemen unconstitutional. Sharif was sentenced to one year in prison, while Abbas was handed down a five-year term for “spreading false information that could harm the military operations of Bahrain and its allies.”²¹⁵

In May 2017, Ebrahim Sharif and another three opposition figures, activist Abdul Nabi al-Akri, Waad member Fareedha Ghulam, and former Waad Secretary-General Radhi al-Moussawi, were prevented from leaving the country without any clarifications.²¹⁶ Sharif was sentenced again to six months in prison and a fine of 500 dinars on a speech-related charge in March 2019. He was sentenced for “publicly insulting” the Sudanese president under Article 215 of the Bahrain Penal Code.²¹⁷

Sheikh Maytham al-Salman, an internationally recognized interfaith leader and peace activist, and the recipient of the 2015 Advocate for Peace Award from the Interfaith Communities United for Justice, has been prosecuted on numerous occasions for speech-related charges. Upon returning to Bahrain from abroad, he was arrested at Bahrain International Airport and charged in August 2015 with “inciting hatred against the regime” under Article 165 of the Bahrain Penal Code, in relation to tweets calling for fighting against discrimination and extremism in Bahrain.²¹⁸ In January 2016, the PPO charged al-Salman with “incitement of hatred towards the system of government and expressing views on an ongoing trial with the intent to change public opinion,” also

²¹⁵ ADHRB, “September Champions for Justice: Bahrain’s Imprisoned Politicians”, 9 September 2015, available at

<https://www.adhrb.org/2015/09/september-champions-for-justice-bahrain-imprisoned-politicians/>

²¹⁶ Bahrain Mirror, “Bahraini Authorities Ban 4 Activists from Travelling”, 9 May 2017, available at

<http://www.bahrainmirror.com/en/news/38439.html>

²¹⁷ Amnesty International, “Bahrain: Opposition leader sentenced for “publicly insulting” Sudanese president”, 13 March 2019, available at

<https://www.amnesty.org/en/latest/news/2019/03/bahrain-opposition-leader-sentenced-for-publicly-insulting-sudanese-president/>

²¹⁸ Columbia University Global Freedom of Expression, “Arrest of Inter-Faith Activist and Columbia Global Freedom of Expression Expert Maytham Al-Salman”, 10 August 2015, available at

<https://globalfreedomofexpression.columbia.edu/updates/2015/08/arrest-of-inter-faith-activist-and-columbia-global-freedom-of-expression-expert-maytham-al-salman/>

under Article 165.²¹⁹ The charges stemmed from a speech he gave on 27 December 2015, criticizing the prosecution of al-Wefaq's Secretary-General, Sheikh Ali Salman, and questioning the legality of his detention.

Between June and September 2016, twenty-four individuals, including human rights defenders, former prisoners of conscience, a lawyer, and a journalist, have received official travel bans or been prevented from traveling abroad to participate in human rights advocacy visits. Nedal al-Salman, a human rights defender and the current president of BCHR, was one of those placed under a travel ban. She was stopped at Bahrain International Airport on 29 August 2016 and prevented from traveling to take part in advocacy meetings in Geneva, ahead of the UN Human Rights Council session in September.²²⁰ Her travel ban was lifted three years later in 2019.

These cases are among dozens of cases in which the authorities have punished people for exercising their right to freedom of expression. The Bahraini government not only has not dropped the charges related to political expression but also intensified its repressive campaign against the government critics and those who object to its policies, the latest of which was against retired colonel Mohammed al-Zayani, who was sentenced to two years in prison for "insulting the judiciary," concerning a statement on Instagram talking about corruption in the judiciary.²²¹ Therefore, recommendation No. 1722 (h) is not implemented.

1722 i. *To commute the death sentence imposed for murder arising out of the events of February/March 2011.*

Five individuals were sentenced to death by the NSC after being convicted of killing police officers during the protests of 2011. Ali Hassan al-Singace, Qasim Hasan Matar, Saeed Abduljalil Saeed, and Abdul Aziz AbdulRidha were sentenced to death in April 2011 for the alleged killing of two police officers. On 22 May 2011, the death sentences of Matar and Saeed were commuted to life imprisonment on appeal, while confirmed for al-Singace and AbdulRidha although the former's lawyer presented evidence that he had a broken leg during the time of his alleged crime. The trial was marred by torture allegations, and the only

²¹⁹ Columbia University Global Freedom of Expression, "Bahrain: An Analysis of the Legitimacy of Charges against Sheikh Maytham al-Salman", 10 February 2016, available at

<https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2016/02/Sheikh-Maytham-Al-Salman-Legal-Statement.pdf>

²²⁰ Amnesty International, "Bahrain: End heightened crackdown on peaceful critics", 1 September 2016, available at

<https://www.amnesty.org/download/Documents/MDE1147492016ENGLISH.pdf>

²²¹ Bahrain Mirror, "Court Sentences Colonel al-Zayani to Two Years in Jail over Charge of Insulting Judiciary", 8 July 2021, available at

<https://bahrainmirror.com/en/news/59910.html>

evidence against them made public were confessions.²²² The Court of Cassation overturned the death sentences of al-Singace and AbdulRidha on 9 January 2012; both are currently serving life-term in Jau prison.²²³

Ali Yousef Abdul Wahab al-Taweel was sentenced to death by the NSC on 29 September 2011 for allegedly running over a policeman on 15 March 2011. The Court of Appeal upheld the sentence on 23 January 2013. He was also subjected to numerous human rights violations, including torture, coerced confession, denial of access to legal counsel, and prolonged solitary confinement.²²⁴ Al-Taweel's death sentence was reduced to life imprisonment by the Court of Cassation on 8 October 2015.²²⁵

Although the GoB fully implemented this recommendation by commuting the death sentences issued by the NSC, it did not investigate the defendants' allegations of torture, nor did the civilian courts refrain from relying on the findings of the military courts in establishing guilt, especially coerced confessions. Furthermore, over the subsequent years, the GoB has substantially increased the use of the capital punishment and expanded its scope. For example, Decree-Law No. 20 of 2013 penalizes bomb attacks which result in casualties with death or life sentence, while it was "a prison sentence" before the amendment.²²⁶ A wide range of offenses is penalized by death, even non-lethal ones, such as drug trafficking.

The GoB lifted its moratorium on the death penalty in January 2017. In July 2021, Reprieve and the Bahrain Institute for Rights and Democracy (BIRD) found that "execution rates in Bahrain have risen by 20 % since 2011. Between 2011 and 2020, at least six executions were carried out [all of whom alleged torture], compared to five in the previous decade. Death sentences in Bahrain have risen by over 600 % in the last decade. Between 2011 and 2020, Bahrain has sentenced at least 51 people to death [65 percent alleged

²²² BCHR, "Two protesters were sentenced to death and five given life imprisonment", 15 June 2011, available at <https://bahrainrights.net/?p=3607>

²²³ BCHR, BIRD, and ADHRB, "Shattering the Façade: A Report on Bahrain's Implementation of the BICI Recommendations Four Years on", 2015, p. 31.

²²⁴ BCHR, "Bahrain: Court upholds death sentence based on coerced confessions", 10 February 2013, available at <https://bahrainrights.net/?p=5268>

²²⁵ BCHR, BIRD, and ADHRB, "Shattering the Façade: A Report on Bahrain's Implementation of the BICI Recommendations Four Years on", 2015, p. 31.

²²⁶ Decree-Law No. 20 of 2013 amending some provisions of Law No. 58 of 2006 regarding the Protection of Society from Terrorist Acts, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=11438>

torture].” Also, “the number of people on death row facing imminent execution in Bahrain has increased by 2500 % over the past decade from one person at the end of 2010 to at least 26 in 2021.”²²⁷

1722 j. *To compensate and provide remedies for the families of the deceased victims in a manner that is commensurate with the gravity of their loss.*

1722 k. *To compensate and provide remedies for all victims of torture, ill-treatment or prolonged incommunicado detention.*

There are three mechanisms to address recommendations 1722 (j) and (k): the National Fund for the Compensation of Victims, the Special Compensation Courts, and the Civil Settlement Office (CSO).

Decree No. 30 of 2011 established the National Fund for the Compensation of Victims under the auspices of the Minister of Human Rights and Social Development.²²⁸ This mechanism was created in line with the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.²²⁹ The law grants victims of February and March 2011 violent events and their aftermath, who suffered material, moral, or physical damages, the right to claim compensation.²³⁰ The law stipulates that “the payment of compensations conditions the issuance of a final criminal verdict from court convicting the party responsible of the act.”²³¹

Decree No. 13 of 2012, issued to regulate the National Fund, reconfirms the need to obtain “a final court verdict” against the perpetrators before applying for compensation.²³² This legal provision significantly limits the number of those entitled to compensations, in addition to being inconsistent with the internationally agreed-upon principles in this regard, according to which it is supposed to have been formulated. The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law explicitly stipulate that “a person shall be considered a victim regardless of whether the perpetrator of the violation is identified,

²²⁷ Reprieve and BIRD, “From uprising to executions: the death penalty in Bahrain, ten years on from the Arab Spring”, July 2021, p. 3, available at https://birdbh.org/wp-content/uploads/2021/07/Reprieve_BahrainDeathPenalty_24.06.2021_25.pdf

²²⁸ Decree No. 30 of 2011, Article 1, available at

http://www.biciactions.bh/wps/themes/html/BICI/pdf/1722j/decree_30_2011_national_fund_en.pdf

²²⁹ Ibid., Article 2.

²³⁰ Ibid., Article 3.

²³¹ Ibid.

²³² Decree No. 13 of 2012, Article 7, available at

http://www.biciactions.bh/wps/themes/html/BICI/pdf/1722j/decree_13_2012_regulation_national_fund_en.pdf

apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.”²³³ Moreover, the number of convictions in unlawful killings by the security forces is very low compared to the total number of deaths attributed to the security forces since 2011, and there are no successful convictions in torture cases.²³⁴

Another two mechanisms have been established to “expedite access to compensation.” The Supreme Judicial Council established in February 2012 Special Compensation Courts, which was created to “speed up the process of the filed cases against the State.” The Minister of Justice launched the Civil Settlement Initiative, under which applicants can “settle their claims in a consensual manner.” The Civil Settlement Office (CSO) was created to receive applications from the families of the deceased victims, those with physical injuries, and any other case determined by the Ministry of Justice.²³⁵ An overall budget of 26 million USD was allocated by the GoB for financial settlements. In February 2014, the BICI Follow-Up Unit reported that the CSO received 48 applications from the deceased’s families in the first stage, where 39 cases were compensated with a total of 6.2 million USD. It also received 421 applications in the second stage from victims who had suffered physical harm; of these, 193 were assessed by the medical examiner, with no further details.²³⁶

These compensation mechanisms lack transparency. It is unclear how effective the Special Compensation Courts are, how many victims have been able to receive compensation through them, and there is no “evidence that this specialized mechanism has led to additional prosecutions or a higher rate of payoff from the compensation fund.”²³⁷ As for the CSO, there have been reports about families refusing to accept compensation from the CSO “due to conditions that the government placed on accepting settlements, such as agreeing not to pursue additional lawsuits.”²³⁸ Additionally, it is unclear how efficiently the funds were disbursed in the second stage and how many victims received compensation. How many of these people have claimed compensation for torture or ill-treatment while in detention? How were cases of torture and ill-

²³³ The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly Resolution 60/147 of 16 December 2005), Principle 5, accessible at <https://www.ohchr.org/en/professionalinterest/pages/remedyandrepairation.aspx>

²³⁴ See recommendations 1716, 1717, 1719, 1722 (a) and (b).

²³⁵ Statement by the Minister of Justice regarding the Civil Settlement Initiative, available at http://www.biciactions.bh/wps/themes/html/BICI/pdf/1722j/announcement_minister_justice_settlement_en.pdf

²³⁶ The BICI Follow-Up Unit report, February 2014, p. 16.

²³⁷ Project on Middle East Democracy, “One Year Later: Assessing Bahrain’s Implementation of the BICI Report”, November 2012, p. 18.

²³⁸ The US Department of State Report to the US Senate Committee on Foreign Relations, June 2016, p. 9.

treatment, which have not been investigated by authorities or have been investigated but not ended in prosecution, handled? What about the recent torture and ill-treatment cases?

Recommendations 1722 (j) and (k) are partially implemented. In addition to the drawbacks in the compensation mechanisms, the GoB interpreted the BICI recommendations "to compensate and provide remedies" narrowly and focused on material compensation even though Decree No.13 of 2012 stipulates that the committee, managing the National Fund, may decide on non-financial means of compensation, such as "ensuring non-recurrence." However, these means have not been addressed in any government reports. Under international law, remedies and reparation for victims of gross human rights violations focus more on non-material aspects, such as "equal and effective access to justice," "rehabilitation, satisfaction, and guarantees of non-repetition," restitution, including restoration of liberty and enjoyment of human rights, "effective measures aimed at the cessation of continuing violations," "judicial and administrative sanctions against persons liable for the violations," and "strengthening the independence of the judiciary," among others. The GoB reform efforts are lagging in all of these areas.

1723. The Commission makes the following recommendations with regard to demolition of religious structures, termination of employees of public and private sectors, dismissal of students and termination of their scholarships.

1723 a. To ensure that the remaining dismissed employees have not been dismissed because of the exercise of their right to freedom of expression, opinion, association or assembly.

1723 b. To use all its powers to ensure that public corporations and other employers who dismissed employees for failure to appear for work at the time of the demonstrations treat them in a way that is at least equal to that provided by the GoB to civil servants.

Trade unions, mainly the General Federation of Bahrain Trade Unions (GFBTU), which represents more than 70 trade unions in Bahrain, and the Bahrain Teachers' Association (BTA), called for a number of strikes during the 2011 Uprising in protest to the government's excessive use of force against peaceful protesters, on the one hand, and calling on the improvement of the socio-economic conditions of workers, on the other hand. In response, the government has carried out a campaign of harassment and oppression against trade unionists. Participation in these strikes and supporting demonstrations has led to imprisoning union leaders, dismissing

and prosecuting thousands of workers, the majority of them were trade unionists, and banning BTA in April 2011.²³⁹

The BICI documented over 4500 dismissals from both the public and private sectors. Several government agencies and private sector companies involved in the dismissals claimed that many of them were based on absence from work, but the BICI indicated that they were “in fact motivated by retaliation against employees suspected of being involved in the demonstrations.”²⁴⁰ The BICI also reported that it received anecdotal evidence suggesting that “government representatives directly encouraged companies to dismiss employees suspected to be involved in the events of February/March 2011.”²⁴¹ The committee refuted the absenteeism argument, “as a substantial number of employees were dismissed for absences shorter than the periods proscribed as punishable by an employer.”²⁴² The dismissals were not only illegal but also discriminatory, with the committee noting that “Shia employees were often treated differently from similarly-situated employees who were not Shia, thus creating a reasonable presumption that many were subjected to discrimination.”²⁴³

The violations were not limited to dismissals, but also included bringing criminal charges against union leaders. In September 2011, Mahdi Abu Deeb, the president of BTA, was sentenced to ten years in prison by the NSC on charges of “using his position within the BTA to call for a strike by teachers, halting the educational process, inciting hatred of the regime and attempting to overthrow the ruling system by force, possessing pamphlets and disseminating fabricated stories and information.” Jalila al-Salman, his deputy, received a three-year sentence. Their sentences were reduced to five years and six months, respectively, by a civilian court of appeal in October 2012. Both were tortured and ill-treated in custody.²⁴⁴ Rula al-Saffar, head of the Bahrain Nursing Society, was detained for five months in 2011, during which she was tortured and ill-treated and released on 21 August 2011. The NSC convicted and sentenced al-Saffar to 15 years in prison on charges of “incitement to overthrow the Bahraini government, spreading false information, and participating in an illegal

²³⁹ BCHR, “Trade Unionism in Bahrain: Restrictions, Violations, and Attempts to Mold and Infiltrate”, 1 May 2021, available at <https://bahrainrights.net/?p=13869>

²⁴⁰ The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para.1450.

²⁴¹ *Ibid.*, para. 1446.

²⁴² *Ibid.*, para. 1449.

²⁴³ *Ibid.*, para. 1453.

²⁴⁴ Global Coalition to Protect Education from Attack, “Education Under Attack 2014 – Bahrain”, 27 February 2014, available at <https://www.refworld.org/docid/55505d0611.html>

public gathering.” Her conviction was overturned by a civilian court in June 2012.²⁴⁵ The government has also commenced prosecutions against leaders at Gulf Air, DHL, GARMCO, BAPCO, among others, “with the clear intent of undermining the union.”²⁴⁶

On 15 June 2011, a number of Workers’ delegates filed a complaint under Article 26 of the ILO Constitution against the government of Bahrain regarding its non-observance of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which it ratified in 2000.²⁴⁷ The complaint argued that the dismissals in the wake of the 2011 Uprising were based on the workers’ political opinions, beliefs, and trade union affiliation. In March 2012, the government of Bahrain, GFBTU, and the Bahrain Chamber of Commerce and Industry (BCCI) signed a Tripartite Agreement concerning the issues raised in the framework of the Complaint and a Supplementary Tripartite Agreement in March 2014.²⁴⁸

The Tripartite Committee set up to settle the dismissals has helped reinstate or compensate the majority of the dismissed workers. Nonetheless, in September 2018, 55 cases were still pending, and the International Trade Union Confederation (ITUC), which is the world’s largest trade union federation representing 200 million workers in 163 countries,²⁴⁹ and the GFBTU maintained that there were irregularities in the implementation of the Tripartite Agreement.²⁵⁰ Some workers were reinstated in lower positions than the ones they held before dismissal, and some were arbitrarily dismissed shortly after being reinstated. Others accepted early retirement under pressure or did not receive proper compensation for losing their income during the dismissal period and other violations of the Tripartite Agreement. The ITUC and GFBTU also reported that

²⁴⁵ Human Rights First, “Stories from Bahrain’s Crackdown: Dr. Rula al-Saffar”, 7 April 2014, available at

<https://www.humanrightsfirst.org/blog/stories-bahrains-crackdown-dr-rula-al-saffar>

²⁴⁶ ITUC, “Universal Periodic Review – Bahrain”, 17 November 2011, available at

https://lib.ohchr.org/HRBodies/UPR/Documents/session13/BH/JS1_UPR_BHR_S13_2012_JointSubmission1_E.pdf

²⁴⁷ Complaint concerning the non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made by delegates to the 100th Session (2011) of the International Labor Conference under article 26 of the ILO Constitution, available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_176474.pdf

²⁴⁸ Follow-up to the conclusions of the Committee on the Application of Standards, International Labor Conference 108th session, 2019, available at

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3962139,103396,Bahrain,2018

²⁴⁹ For more about the International Trade Union Confederation (ITUC), see <https://www.ituc-csi.org/about-us>

²⁵⁰ Follow-up to the conclusions of the Committee on the Application of Standards, International Labor Conference 108th session, 2019.

after the signing of the Tripartite Agreement of 2014, 17 new cases of dismissals occurred for the same reasons that led to the dismissals of 2011, i.e., political opinions, beliefs, and trade union affiliation.²⁵¹

The GoB's efforts to suppress and control dissent has expanded to include the workplace. It amended the Workers Trade Union Law, where the Decree-Law No. 35 of 2011 restricts freedom of association further, gives the Minister of Labor the power to choose the union that represents workers in international fora, and prohibits "those who are proven responsible for the violations that have called for the dissolution of a trade union or its board of directors" from nominating themselves for membership in the board of directors of any trade union except after five years from the dissolution; the last provision targeted union leaders who were imprisoned in 2011.²⁵² This amendment has also paved the way for new unions more conciliatory with the government to emerge.

The GFBTU was the only labor federation in Bahrain until July 2012, when a new trade union federation was established, the Bahrain Labor Union Free Federation (BLUFF), and it has attracted thousands of workers since. The new BLUFF claimed that the GFBTU has become "too political" and "not labor-related anymore" and considered the strike called for by GFBTU in March 2011 unlawful although the BICI established that it was "within the permissible bounds of the law."²⁵³ Many were skeptical about the creation of the BLUFF, and experts considered it an attempt to "split the union movement."²⁵⁴ The emergence of the BLUFF in the aftermath of the 2011 Uprising, denouncing the GFBTU and making its main goal to distance workers from the popular struggle, raised questions about the purpose of its establishment and relationship with the government, especially that several unions representing workers at major companies with ties to the government joined the BLUFF.²⁵⁵

Overall, the GoB has not taken any steps toward addressing discrimination in the workplace based on political opinion or the exercise of freedom of expression. The Bahraini Labor Law for the Private Sector of 2012 deems dismissal from work based on "sex, color, religion, belief, social status, family responsibilities, a female

²⁵¹ Ibid.

²⁵² Decree No. 35 of 2011, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=5378>

²⁵³ The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para. 1448.

²⁵⁴ BBC, "New Bahrain trade federation splits union movement", 17 November 2012, available at <https://www.bbc.com/news/world-middle-east-20324436>

²⁵⁵ BCHR, "Trade Unionism in Bahrain: Restrictions, Violations, and Attempts to Mold and Infiltrate", 1 May 2021.

worker's pregnancy, childbirth or suckling her infant" or "trade union membership" unfair.²⁵⁶ However, there is no explicit wording that prohibits discrimination on the basis of political opinion or expression nor solid protection mechanisms in place, as stipulated in the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111).²⁵⁷ Besides, the reports of unresolved cases, demotions, forcing some employees to sign loyalty pledges or pressure them into early resignation, arbitrary dismissals, and other violations make recommendations No. 1723 (a) and (b) partially implemented.

1723 c. *To reinstate all students who have not been criminally charged with an act of violence and to put in place a procedure whereby students who were expelled on legitimate grounds may apply for reinstatement after a reasonable period of time, and to adopt clear and fair standards for disciplinary measures against students and to ensure that they are applied in a fair and impartial manner.*

A demonstration at the University of Bahrain on 13 March 2011, involving approximately 400-500 students, resulted in expelling 481 students from both the University of Bahrain and Bahrain Polytechnic, suspending 50, and issuing "final warnings" to 12; also the scholarships of 97 students were revoked.²⁵⁸ Some of those students were "ostensibly prevented from ever again attending an institution of higher education in Bahrain."²⁵⁹ In taking these "disciplinary measures", the universities "often applied arbitrary and unclear standards," according to the BICI.²⁶⁰ The BICI concluded that the universities "took indiscriminate disciplinary action against students based on their involvement in the February/March 2011 demonstrations, and thereby infringed on their right to free expression, assembly and association."²⁶¹

In the February 2014 report, the BICI Follow-Up Unit stated that 419 students and all the 97 scholarships, which had been revoked, were reinstated by the Ministry of Education. The universities readmitted all expelled students, including the 59 students charged with "criminal acts," where the GoB announced that "the expulsions would only be for those students convicted by civilian courts for crimes of violence," but the total number of those has not been revealed nor what are the readmission procedures for

²⁵⁶ Law No. 36 of 2012, Article 104, available at

<https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/91026/105342/F265276925/BHR91026%20Eng.pdf>

²⁵⁷ Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Article 1, accessible at

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111

²⁵⁸ The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para. 1463 and 1652.

²⁵⁹ *Ibid.*, para. 1494.

²⁶⁰ *Ibid.*, para. 1497.

²⁶¹ *Ibid.*, para. 1498.

them.²⁶² The Unit also reported that the University of Bahrain prepared a draft amendment of University bylaws, with the American Bar Association technical advice, and that the United Nations Educational, Scientific and Cultural Organization (UNESCO) would then review it.²⁶³ It is unclear if the University of Bahrain has adopted the amendments, as the GoB has not reported on that.

The University of Bahrain also dismissed at least 100 faculty and staff between April and August 2011. Security forces detained and questioned 15 professors from three universities, mainly for “participating in illegal marches,” “chanting anti-government slogans,” and “breaching their duties.”²⁶⁴ At least 78 students were arrested, and many of them were tried before the NSC for “incitement to overthrow the government,” “illegal gathering,” and “broadcasting false news.”²⁶⁵ There have been numerous reports of forcing readmitted students to sign loyalty pledges. Students, professors, and university staff continued to report harassment and intimidation for supporting the pro-democracy demonstrations, even after the reinstatement.²⁶⁶

The Ministry of Education has not made any serious effort to develop mechanisms to prevent a recurrence of what happened and protect the right of students and faculty members to freedom of expression, association, and assembly. It also introduced more restrictive legal provisions. Resolution No. 1 of 2011, amending Resolution No. 1 of 2006 for Issuing the Bylaws of Faculty Members of the University of Bahrain, adds five items to the responsibilities of faculty members, including refraining from

- “engaging in any political or sectarian activity,”
- “calling for or participating in any gathering within the university, or participating in any activity that affects the security of the state and society,”
- “participating in unauthorized demonstrations inside or outside the university that harm Bahrain's reputation at home and abroad and damage its academic reputation,”

²⁶² The BICI Follow-Up Unit report, February 2014, p. 11.

²⁶³ The BICI Follow-Up Unit report, June 2012, p. 32, available at <http://www.biciunit.bh/reports/BICI%20Follow%20Up%20Unit%20English%20Report%20-%20June%202012/files/assets/basic-html/index.html#1>

²⁶⁴ Human Rights Watch, “Bahrain: Reinstate Ousted Students, Faculty”, 24 September 2011, available at <https://www.hrw.org/news/2011/09/24/bahrain-reinstate-ousted-students-faculty>

²⁶⁵ BCHR, “Bahrain Students: Expelled, detained, and prosecuted for expressing their views, as the country starts the National Dialogue”, 7 August 2011, available at <https://bahrainrights.net/?p=3996>

²⁶⁶ Human Rights Watch, “Bahrain: Reinstate Ousted Students, Faculty”, 24 September 2011.

- and “taking any action that infringes the national values and the prestige of the state or the university, or that harms the Bahraini society, or that harms the prestige of the faculty member himself/herself, whether inside or outside the university.”²⁶⁷

The Resolution adopts vague and poorly defined terms allowing it to be used to silence criticism and opposition. It also amends Article 44 of the Resolution No. 1 of 2006 for Issuing the Bylaws of Faculty Members of the University of Bahrain, reducing the number of the disciplinary committees' members from six to two in addition to the president,²⁶⁸ but nothing in the law ensures fair treatment.

UNESCO Recommendation concerning the Status of Higher-education Teaching Personnel, adopted by the General Conference at its twenty-ninth session, clearly stipulates that

higher-education teaching personnel, like all other groups and individuals, should enjoy those internationally recognized civil, political, social and cultural rights applicable to all citizens. Therefore, all higher-education teaching personnel should enjoy freedom of thought, conscience, religion, expression, assembly and association as well as the right to liberty and security of the person and liberty of movement. They should not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through freely expressing their opinion of state policies and of policies affecting higher education. They should not suffer any penalties simply because of the exercise of such rights.²⁶⁹

Nothing justifies restricting the civil and political rights of faculty members of Bahrain higher education. The legal amendment introduced in 2011 is a clear violation of the faculty members' rights and freedoms and a breach of international standards.

Similarly, no information is available about amending the University of Bahrain Student Misconduct Bylaws, by which the Ministry of Education highly restricts the students' rights to freedom of expression, association, and assembly. Article 2 stipulates that “calling for opposing legitimate institutions or violating the values of national unity,” “calling for any gathering within the university or participating in it without prior

²⁶⁷ Resolution No. 1 of 2011, amending Decision No. 1 of 2006 for Issuing the Bylaws of Faculty Members of the University of Bahrain, Article 2, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=9034>

²⁶⁸ Ibid., Article 1.

²⁶⁹ UNESCO Recommendation concerning the Status of Higher-education Teaching Personnel, adopted by the General Conference at its twenty-ninth session, Paris, 21 October - 12 November 1997, para. 26, available at http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html

permission from the competent authorities at the university,” and “participating in demonstrations and sit-ins without obtaining a prior license from the relevant university authorities inside university buildings,” among others, expose students to disciplinary penalties. The penalties are subject to the discipline committees’ discretion without guarantees of fair treatment.²⁷⁰ Resolution No. 46 of 2013, issued by the Chairman of the Board of Trustees of Bahrain Polytechnic, stipulates a misconduct bylaw for Bahrain Polytechnic students almost identical to the one of the University of Bahrain, with the same restrictions.²⁷¹

Although the Ministry of Education reinstated the majority of the students of the University of Bahrain and Bahrain Polytechnic, it is unclear what protective measures were taken to ensure the students and faculty members are treated fairly and impartially when exercising their civil and political rights. The current bylaws do not respond to this requirement. Accordingly, recommendation No. 1723 (c) is partially implemented.

1723 d. To follow up on the statement by HM King Hamad to the effect that the GoB will consider rebuilding, at its expense, some of the demolished religious structures in accordance with administrative regulations. The Commission welcomes the GoB addressing this question at the earliest possible time.

The BICI identified 30 Shia religious structures that were demolished by the GoB between 1 March and 11 May 2011. It stated that the administrative orders for the demolition of these structures were based on violation of administrative requirements. However, the timing of the demolitions raised its concern, as they “would be perceived as a collective punishment and would therefore inflame the tension between the GoB and the Shia population.”²⁷² The GoB pledged to rebuild all 30 structures, and it has allocated 7,948,790 USD to the reconstruction program, according to the BICI Follow-Up Unit. The latter’s report stated that up to February 2014, ten of the demolished religious structures had been rebuilt, and 17 were under reconstruction, while the procedures to regularize the status and location of the remaining three were underway. The rebuilding program was supposed to be completed by 2014.²⁷³

In 2016, the US Department of State reported that “22 mosques had been completely reconstructed, four appeared to have complete structures with utilities, but were not open, and one had a nearly complete

²⁷⁰ Resolution No. 4 of 2006 Promulgating Regulation of Professional Conduct Violations for University of Bahrain Students, Article 2, 3, and 8 – 12, available at

http://offline.uob.edu.bh/en/images/About_UOB/Bylaws_and_Regulations/19-RegulationofProfessionalConductViolationsforUniversityofBahrainStudentsEnglish.pdf

²⁷¹ Resolution No. 46 of 2013, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=6799>

²⁷² The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para. 1334.

²⁷³ The BICI Follow-Up Report “Moving Beyond 2011”, February 2014, pp. 15 – 16.

structure, but a wall around the site implying construction was ongoing,” while three has not been rebuilt.²⁷⁴ Of those 22 completely rebuilt, seven were reconstructed by the Shia community where they were located,²⁷⁵ not by the GoB, which did not reportedly reimburse the community.²⁷⁶ The GoB has also moved three reconstructed mosques from their original locations “due to their proximity to major roads,” upsetting the Shia Community.²⁷⁷ In 2018, the GoB announced completing the reconstruction of 27 religious structures identified by the BICI. On the other hand, al-Wefaq reported in April 2019 that “11 Shia mosques out of 30 mosques destroyed or damaged in 2011 had not been repaired or reconstructed, some of them were transformed into public parks or completely removed.”²⁷⁸

This recommendation is partially implemented. Although the BICI recommended that the GoB rebuild “some of the demolished religious structures in accordance with administrative regulations,” the government pledged to rebuild all of them, a pledge that has not been fulfilled. To date, there are at least three mosques identified in the BICI report that have not been reconstructed, in addition to reports that the GoB moved three rebuilt mosques from their original locations and did not reimburse the Shia community for rebuilding seven.

1724. The Commission makes the following recommendations with regard to media incitement issues.

1724 a. To consider relaxing censorship and allowing the opposition greater access to television broadcasts, radio broadcasts and print media. The continuing failure to provide opposition groups with an adequate voice in the national media risks further polarizing the political and ethnic divide.

The BICI stated that all radio and television broadcasts in Bahrain are state-controlled by the Bahrain Radio and Television Corporation, including the Bahrain News Agency, and six out of the seven daily papers are pro-government, and that “it is clear that the media in Bahrain is biased towards the GoB.”²⁷⁹ It found that “the GoB exercised censorship over local media outlets and that this intensified in response to the events of February/March 2011.”²⁸⁰ The Commission concluded that “the continuing failure to provide opposition

²⁷⁴ The US Department of State Report to the US Senate Committee on Foreign Relations, June 2016, p. 11.

²⁷⁵ US Department of State Annual Report on International Religious Freedom, 2015, available at <https://2009-2017.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

²⁷⁶ BCHR, BIRD, and ADHRB, “Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years on”, 2015, p. 37.

²⁷⁷ US Department of State Annual Report on International Religious Freedom, 2015.

²⁷⁸ US Department of State Annual Report on International Religious Freedom, 2019, available at <https://www.state.gov/wp-content/uploads/2020/06/BAHRAIN-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

²⁷⁹ The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para. 1588,1589, and 1640.

²⁸⁰ Ibid., para. 1633.

groups with an adequate voice in the national media risks further polarizing the political and ethnic divide in Bahrain. The lack of access to mainstream media creates frustration within opposition groups and results in these groups resorting to other media such as social media.”²⁸¹

In response, the GoB pledged to carry out a media reform program “aimed at creating a transparent and modern supervisory authority for media in Bahrain which allows freedom of expression to flourish.”²⁸² The Information Affairs Authority (IAA), closed in 2016, was assigned to develop a national media strategy in consultation with a team of French media experts. The IAA signed training contracts with International media outlets. In June 2013, the GoB created the High Commission for Media and Communication (HCMC) by Decree No. 47 of 2013, responsible for “drawing up the general policy for media and communication in the Kingdom of Bahrain and following up on its implementation.”²⁸³

Ten years on, the steps taken by the GoB have not improved censoring nor allowed the opposition greater access to mainstream media. Between February 2011 and the end of 2020, Bahrain Press Association documented over 1700 infringements of media freedoms and freedom of expression in public and virtual spheres in Bahrain. In 2020, there were 111 infringements of media freedoms, including “51 judicial procedures or referrals to the Public Prosecution, 25 arrests and 12 cases of summoning for interrogation, in addition to 23 cases of various forms of violation, including threats, blocking websites, layoffs, as well as introducing legislation restricting freedom of speech.”²⁸⁴ These measures targeted lawyers, journalists, bloggers, and ordinary citizens for expressing their views on domestic and regional issues. After the death of Bahrain’s former Prime Minister in November 2020, ten people were arrested for “publishing insulting and illegal phrases after the death of Sheikh Khalifa bin Salman al-Khalifa.”²⁸⁵

Bahrain is categorized as “not free” by Freedom House, as it scored 11 and 12 in the Freedom in the World Annual Report in 2020 and 2021, respectively.²⁸⁶ The 2021 report on Bahrain highlighted several issues:

²⁸¹ Ibid., para. 1640.

²⁸² The BICI Follow-Up Unit report, February 2014, p. 43.

²⁸³ Decree No. 47 of 2013, Article 1, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=11383>

²⁸⁴ Bahrain Press Association, “Bahrain 2020: Freedom in Quarantine”, 2020, available at http://www.bahrainpa.org/wp/wp-content/uploads/2021/04/BPA_2020R_Eng.pdf

²⁸⁵ Ibid., p. 20.

²⁸⁶ Freedom in the World is an annual global report on political rights and civil liberties, composed of numerical ratings and descriptive texts for each country and a select group of territories. The combination of the overall score awarded for political rights and the overall score awarded for civil liberties, after being equally weighted, determines the status of Free, Partly Free, or Not Free. The final score is calculated out of 100.

Self-censorship is encouraged by the vaguely worded Press Law, which allows the state to imprison journalists for criticizing the king or Islam or for threatening national security. A 2016 edict requires newspapers to apply for a one-year renewable license to publish online. The government selectively blocks online content, including opposition websites and content that criticizes religion or highlights human rights abuses.²⁸⁷

The GoB also arbitrarily refuses to renew the credentials of Bahraini journalists working with foreign media outlets. By the end of 2020, six journalists remain behind bars.²⁸⁸

The Press Law of 2002, still in effect at the time of writing, is highly restrictive to freedom of expression and opinion. Articles 19 and 20 are regularly invoked to shut down media outlets for "publishing materials that undermine the system of government in the country or its official religion, or breach morals, or attack religions in a way that disturbs the public peace." The law prevents any publications issued abroad from entering the country on the pretext of preserving "public order, morals, religions, or for other considerations related to the public interest." Articles 68, 69, and 70 are used to crush dissent by criminalizing criticism of the king, incitement to overthrow the government, and insulting governmental bodies.²⁸⁹ The GoB has been working on a new press law, described by Bahrain Press Association as "a crime for Bahrain and journalists."²⁹⁰

The HCMC, created to liberalize media in Bahrain and relax censorship, introduced more restrictive regulations instead of addressing those already in place. In December 2015, the Vice President of the Authority issued a resolution further censoring media content. The Resolution No. 1 of 2015 sets new standards for all media outlets under which they should operate, including "respect for the system of government in Bahrain," "refrain from broadcasting and publishing any information, news, or other materials that would lead to disturbing the Kingdom's relations with other countries," "not to offend leaders of the Gulf Cooperation Council (GCC)" and other friendly states, and "not to employ or support, directly or indirectly, at home and abroad, any person or any media outlet which has orientations that harm the Kingdom, any of the GCC countries," or other friendly states.²⁹¹ According to this resolution, violating any of these standards could lead to the closure of the

²⁸⁷ Freedom House, "Freedom in the World 2021", available at <https://freedomhouse.org/country/bahrain/freedom-world/2021>

²⁸⁸ Ibid.

²⁸⁹ Decree-Law No. 47 of 2002 Regulating the Press, Printing, and Publishing, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=5831>

²⁹⁰ Bahrain Press Association, "New Press Law "a Crime" for Bahrain and Journalists; Government Must Cease Action", 8 November 2019, available at <http://www.bahrainpa.org/wp/?p=537>

²⁹¹ Resolution No. 1 of 2015, Article 1, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=12053>

media outlet.²⁹² It has to be noted that the HCMC members are appointed by a royal decree, and it is currently chaired by a royal family member.²⁹³

Overall, the GoB strictly censors media content, regularly blocking websites without referring the cases to a court. In 2011, Reporters Without Borders reported that the IAA blocked and shut down more than 1000 websites, including human rights websites, blogs, and online forums.²⁹⁴ In 2013, Freedom House' the Freedom on the Net Report indicated that "39 percent of all sites reportedly blocked in Bahrain are related to politics."²⁹⁵ The Telecommunications Regulatory Authority (TRA) in Bahrain ordered all telecommunications companies to employ a centralized, TRA-managed system for blocking websites in 2016.²⁹⁶ In 2019, the Anti-Cybercrime at the MoI threatened legal action against people who follow "inciting accounts that promote sedition" and circulate their posts.

The latest report by Freedom House on the Freedom on the Net on Bahrain found the following:

- The content seen as critical of the government is regularly removed from websites, and authorities employ pressure on users through arrests and interrogations to force the removal of content.
- The decision-making process and government policies behind the blocking of websites are not transparent.
- Internet users exercise a high degree of self-censorship.
- Self-censorship on Twitter has become acute, with users expressing increasing fear of facing prosecution for discussion of anything beyond sports, lifestyle topics, and political views in line with those of the government.
- Government authorities and pro-government trolls work effectively to manipulate the online information landscape in Bahrain.
- Only outlets that operate from outside Bahrain can report on local politics freely, and many independent foreign-based sites are subject to blocking within Bahrain.

²⁹² Ibid., Article 3.

²⁹³ Royal Order No. 29 of 2013, available at <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=11373>

²⁹⁴ Reporters Without Borders, "Internet Enemies 2011: Countries Under Surveillance – Bahrain", 2011, accessible at <https://www.refworld.org/docid/4d82268a21.html>

²⁹⁵ Freedom House, "Freedom on the Net 2013 – Bahrain", 2013, accessible at <https://www.refworld.org/publisher,FREEHOU,,BHR,52663b015,0.html>

²⁹⁶ Freedom House, "Freedom on the Net 2020 – Bahrain", available at https://freedomhouse.org/country/bahrain/freedom-net/2020#footnoteref6_q1oltqj

- The restrictions on online content appear to be disproportional and inconsistent, leading to a lack of balance in the views online.²⁹⁷

Once again, these findings raise questions about the purpose of establishing the HCMC, its independence, and its effectiveness in carrying out its mission of liberating the media and easing censorship.

As for the mainstream media, the GoB suspended the only independent newspaper al-Wasat in June 2017 indefinitely. The decision for suspension came after al-Wasat published an opinion article on June 4 supporting a rural uprising in Morocco. The current indefinite suspension is the fourth for the paper since its foundation in 2002.²⁹⁸ In February 2015, al-Arab TV was closed permanently after hours of interviewing al-Wefaq senior member Khalil al-Marzooq.²⁹⁹ Before its dissolution, al-Wefaq, the main opposition party, had officially requested to open a satellite channel many times, and its request remained unanswered.³⁰⁰ Currently, the opposition does not have a mainstream media outlet in Bahrain and is not allowed proper access to the existing ones.

This recommendation is not implemented. Over the last decade, the GoB has not addressed excessive media censorship nor reformed its media legal and institutional framework. On the contrary, it has introduced more restrictive laws and regulations and systematically tried to marginalize the opposition.³⁰¹

1724 b. *To establish professional standards for the media and other forms of publications that contain an ethical code and an enforcement mechanism, designed to uphold ethical and professional standards in order to avoid incitement to hatred, violence and intolerance, without prejudice to internationally protected rights of freedom of expression.*

1724 c. *To undertake appropriate measures including legislative measures to prevent incitement to violence, hatred, sectarianism and other forms of incitement which lead to the violation of internationally protected human rights, irrespective of whether the source is public or private.*

“Much of [media] material contained derogatory language and inflammatory coverage of events, and some may have been defamatory,” the BICI found after viewing a selection of material from national television,

²⁹⁷ Ibid.

²⁹⁸ Human Rights Watch, “Bahrain: Only Independent Newspaper Shut Down”, 18 June 2017, available at <https://www.hrw.org/news/2017/06/18/bahrain-only-independent-newspaper-shut-down>

²⁹⁹ The US Department of State Report to the US Senate Committee on Foreign Relations, June 2016, p. 11.

³⁰⁰ Bahrain Press Association, ““Al-Arab” Channel Experience in the light of TV Media in Bahrain”, available at <http://www.bahrainpa.org/wp/?p=321>

³⁰¹ For more on freedom of expression in Bahrain, see recommendation 1722 (h).

radio, and print media.³⁰² It found that “the authorities attempted to restrict the freedom of expression and opinion of Bahraini journalists, photographers, bloggers and media personnel,” and “there was a tendency in the Bahraini media to defame protesters, both during and after the events of February/March 2011.”³⁰³ Both anti and pro-government journalists were targeted through social media.³⁰⁴

In response to the BICI recommendations to address media incitement issues, the GoB created the HCMC, responsible for “guaranteeing the freedom of opinion and expression and compliance with laws, with the independence and neutrality of all information and communication media, as well as compliance with objectivity and pluralism in opinions and ideas.”³⁰⁵ It is empowered to monitor and ban “any substance that provokes hatred” and to receive complaints in this regard.³⁰⁶ Additionally, the government-backed Bahraini Journalists Association issued a press charter in January 2012, and a media reform plan was developed by the IAA in consultation with French media experts.³⁰⁷ In January 2013, the Cabinet formed a committee to combat hatred and sectarianism, with a mandate to propose and adopt policies and programs to address hate speech.³⁰⁸

The press charter prohibits “alignment with racist calls, or that involve contempt or hatred of religions, or that promote discrimination or contempt for the opinion or belief of a sect of society.”³⁰⁹ However, mainstream media in Bahrain allow attacks, contempt, and defamation of anti-government figures. There have been accusations of treason and systematic attacks on dissidents, including human rights defenders, as well as negative stereotyping of the opposition in the media during the last ten years. While the GoB has been diligent in pursuing its critics, it turned a blind eye to those defaming the opposition and inciting hatred toward dissidents. Republishing a critical international human rights report on Bahrain invokes accusations of treason in Bahraini papers.³¹⁰ Waging a defamation campaign against participants in UN human rights events goes

³⁰² The report of Bahrain Independent Commission of Inquiry (BICI) 2011, para. 1629.

³⁰³ *Ibid.*, para. 1634 and 1635.

³⁰⁴ *Ibid.*, para. 1638.

³⁰⁵ The BICI Follow-Up Unit report, December 2013, p. 40.

³⁰⁶ The National Commission, Progress and Actions Taken, accessible at http://www.biciactions.bh/wps/portal/BICI/%21ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gLAXNHQ093A3eLMec/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZfT0FISUdHRzBHT0Q5OTBJUFA/indexb18a.html?WCM_GLOBAL_CONTEXT=/wps/wcm/connect/egov+english+library/bici/progress+and+actions+taken/action1724b

³⁰⁷ *Ibid.*

³⁰⁸ The BICI Follow-Up Unit report, February 2014, p. 43.

³⁰⁹ Bahraini Journalists Association, “Press Honor Code”, accessible at http://www.bahrainijournalists.org/References_and_documents/Meethaq

³¹⁰ Al-Bilad local newspaper, 5 May 2016, available at <https://www.albiladpress.com/news/2016/2760/columns/400249.html>

unchecked.³¹¹ Calling for the purification of society from members of dissolved political societies does not lead to investigations nor dismissal³¹² nor attacking Shia Arabs and call them agents of a foreign country,³¹³ nor promoting discrimination against a sect and contempt for their culture and beliefs.³¹⁴

The media discourse in Bahrain contains a great deal of incitement of hatred towards the opposition and accusations of treason.³¹⁵ As there is a close correlation between religion and political identities in Bahrain, there has been constant anti-Shia commentary in media publications.³¹⁶ Overall, the media scene only reflects a governmental policy of discrimination against Shia citizens. In 2021, the Freedom House report indicated that “Shiite clerics and community leaders often face harassment, interrogation, prosecution, and imprisonment.”³¹⁷ In August 2016, UN experts voiced concern about “the systematic harassment of the Shia population by the authorities in Bahrain.” They stated that “the intensified wave of arrests, detentions, summons, interrogations and criminal charges brought against numerous Shia religious clerics and singers, human rights defenders and peaceful dissidents is having a chilling effect on fundamental human rights,” stressing that “Shias are clearly being targeted on the basis of their religion.”³¹⁸

³¹¹ Al-Watan local newspaper, 23 September 2012, available at

<https://alwatannews.net/article/29441/%D8%A7%D9%84%D9%88%D8%B7%D9%86-%D8%AA%D9%83%D8%B4%D9%81-%D9%82%D8%A7%D8%A6%D9%85%D8%A9-%D8%A7%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%83%D9%8A%D9%86-%D8%A8%D8%AA%D8%B4%D9%88%D9%8A%D9%87-%D8%B3%D9%85%D8%B9%D8%A9-%D8%A7%D9%84%D8%A8%D8%AD%D8%B1%D9%8A%D9%86-%D9%81%D9%8A-%D8%AC%D9%86%D9%8A%D9%81>

³¹² Al-Bilad local newspaper, 23 May 2018, available at <https://www.albiladpress.com/news/2018/3508/columns/499077.html>

³¹³ Al-Watan local newspaper, 22 May 2018, available at

<https://alwatannews.net/article/773141/Opinion/%D8%A7%D9%84%D8%AD%D8%B1%D8%A8-%D8%B9%D9%84%D9%89-%D8%A5%D9%8A%D8%B1%D8%A7%D9%86-%D9%88%D9%82%D9%88%D8%AF%D9%87%D8%A7-%D8%B4%D9%8A%D8%B9%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8>

³¹⁴ Al-Watan local newspaper, 22 April 2018, available at <https://alwatannews.net/article/769122>

³¹⁵ Al-Ayam local newspaper, 22 January 2016, available at

<https://www.alayam.com/Article/courts-article/401840/%D8%A7%D9%84%D8%AA%D8%AD%D8%B1%D9%8A%D8%B6-%D9%88%D8%A7%D9%84%D8%AA%D8%A8%D8%B1%D9%8A%D8%B1.html>

³¹⁶ The US Department of State 2015 International Religious Freedom Report, accessible at

<https://2009-2017.state.gov/j/drl/rls/irf/2015/nea/256261.htm>

³¹⁷ Freedom House, “Freedom in the World 2021”.

³¹⁸ OHCHR, “UN rights experts urge Bahrain to end the persecution of Shias”, 16 August 2016, available at

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20375>

The Bahrain Penal Code criminalizes inciting others “to hate or show contempt for a certain faction.”³¹⁹ However, the GoB has been selective in applying such provisions, using them mainly to crush dissent. The US Department of State report on the implementation of the BICI recommendations pointed to the double standards adopted by the GoB in dealing with religious incitement citing the case of a Bahraini journalist found not guilty for making anti-Shia comments, as they were “of a political nature,” while several opposition figures remain imprisoned on incitement-related charges.³²⁰ In the case of lawyer Abdullah al-Shamlawi, he was convicted on the charges of “inciting hatred of a religious sect” and “deliberately causing inconvenience to others by using telecommunication devices” in June 2020. The second charge stemmed from an incorrect comment on social media in 2018, on which he was interrogated at the time by the PPO and faced no charges. It was reported that other people who posted the same misinformation were not charged, indicating “an apparent determination to punish al-Shamlawi under any available pretext.”³²¹ The data since 2011 clearly indicates that the incitement-related legal provisions are invoked disproportionately against opponents of the government, emptying them of their content.

Recommendation No. 1724 (b) is partially implemented. The measures taken by the GoB have not been adequate to curtail incitement of hatred in Bahraini media, as it has continued to use inflammatory and sectarian rhetoric. The GoB has been selective in applying legal constraints, instrumentalizing the law to undermine freedom of speech and silence critical voices. While the government has taken some steps to combat the incitement of hatred at the media level, it has not taken meaningful steps at other levels as recommended by the BICI. The government-formed “anti-hate” committee’s work cannot be identified, as there was no reporting on it. It has to be noted that in May 2021, the King announced the preparation of “a new and comprehensive bill to combat hate speech, extremism and contempt for religions,”³²² but up to date no legislative measures have been taken. Accordingly, recommendation No. 1724 (c) is not implemented.

1725. The Commission makes the following recommendations with respect to better understanding and appreciation of human rights including respect for religious and ethnic diversities.

³¹⁹ Bahrain Penal Code, Articles 172, and 309.

³²⁰ The US Department of State Report to the US Senate Committee on Foreign Relations, June 2016, p. 13.

³²¹ Human Rights Watch, “Bahrain: Lawyers Prosecuted on Speech Charges”, 9 September 2020, available at <https://www.hrw.org/news/2020/09/09/bahrain-lawyers-prosecuted-speech-charges>

³²² Al-Ayam local newspaper, 3 May 2021, available at <https://www.alayam.com/alayam/first/905765/News.html>

1725 a. To develop educational programs at the primary, secondary, high school and university levels to promote religious, political and other forms of tolerance, as well as to promote human rights and the rule of law.

The Ministry of Education formed a human rights committee to follow up on the implementation of this recommendation. It signed a five-year memorandum of understanding with UNESCO, by which the latter provides technical assistance to develop new curricula promoting human rights, the rule of law, and tolerance and review the state of the existing curricula. New compulsory courses on human rights and citizenship were introduced both in schools and the University of Bahrain. According to the BICI Follow-Up Unit, the Ministry organized more than 400 lectures and activities between 2011 and 2014 promoting human rights, unity, and forgiveness. It also carried out a social reconciliation national program.³²³

Although the GoB has worked to integrate human rights principles into the curricula, it has not addressed important issues in the education content. First, the Sunni-Maliki is the only jurisprudence taught in Bahraini schools. Islamic education is compulsory in Bahrain, and the GoB imposes the teaching of Maliki jurisprudence in both public and private schools, not taking into consideration other Sunni schools of thought and Shia Jaafari jurisprudence, even though Shia constitute the majority of the population.³²⁴ Imposing the education of one jurisprudence on all does not help in promoting religious tolerance or inclusiveness, and it is also contrary to international law, which stipulates that states should respect “the liberty of parents and, when applicable, legal guardians to (...) ensure the religious and moral education of their children in conformity with their own convictions.”³²⁵

Second, citizenship education, which is also compulsory, stands as problematic, where “loyalty to the nation is often synonymous with loyalty to the ruler,” and “good citizens” are those loyal to the political leadership.³²⁶ This coupled with reports that the GoB adopted “biased pedagogical material discrediting those engaged in human rights activism,” in which students were required to give their opinions on “the acts of

³²³ The BICI Follow-Up Report “Moving Beyond 2011”, February 2014, pp. 46-48.

³²⁴ Salam for Democracy and Human Rights, “Education in Bahrain: Discrimination Prevails over Excellence”, 24 January 2021, available at

<https://salam-dhr.org/wp-content/uploads/2021/01/education-in-bahrain-discrimination-prevails-over-excellence.pdf>

³²⁵ International Covenant on Economic, Social and Cultural Rights, Article 13, available at

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

³²⁶ The Carnegie Papers, “A Review of Citizenship Education in Arab Nations”, May 2013, p. 20, available at

https://carnegieendowment.org/files/education_for_citizenship.pdf

sabotage and criminal activities against the kingdom perpetrated in 2011,” indicates an attempt on the part of the GoB to instrumentalize education to criminalize dissent and vilify dissidents.³²⁷ This type of political indoctrination and attempts to ostracize the opposition does not go well with the spirit of this recommendation. Moreover, there is an omission of the history of the Baharna (Shia) who lived in what is today Bahrain before 1783 in school textbooks, signaling further marginalization of those.³²⁸

The human rights education introduced into the school curricula is a step forward; however, the GoB has not taken serious measures to address other discriminatory issues in the education system to prompt political and religious tolerance. Adopting more inclusive education content that is reflective of the Bahraini society is key to fully implement this recommendation. For now, this recommendation is partially implemented.

1725 b. *In general, the Commission recommends to the GoB the development of a national reconciliation program that addresses the grievances of groups which are, or perceive themselves, to be deprived of equal political, social and economic rights and benefits across all segments of Bahrain’s population.*

The Ministry of Human Rights and Social Development prepared the National Social and Economic Reconciliation Plan (NSERP). The social component of the plan involved “social and cultural activities and programs aimed at promoting peaceful coexistence,” where the Ministry allocated 318000 USD to 20 development programs in the field of national cohesion. It also carried out educational workshops for children and rehabilitation, cultural, and health-related programs. The economic part of the plan focused on improving living standards through increasing salaries, enhancing existing welfare programs, and provision of financial grants.³²⁹

On the political level, since 2011, there have been three state-led rounds of national dialogue. The first national dialogue took place on 2 July 2011, bringing together 300 representatives of different segments of Bahraini society. The political opposition was represented by only 35 seats. After two weeks, al-Wefaq announced its withdrawal, stating that “the society was vastly underrepresented and marginalized in the

³²⁷ BCHR, “Education in Bahrain: Discrimination and NO Place for Freedom of Expression”, 23 January 2021, available at <https://bahrainrights.net/?p=13343>

³²⁸ BCHR, BIRD, and ADHRB, “Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years on”, 2015, p. 42.

³²⁹ The National Social and Economic Reconciliation Plan (NSERP), accessible at http://www.biciactions.bh/wps/themes/html/BICI/pdf/1725b/national_reconciliation_plan_en.pdf

dialogue.” The first dialogue resulted in timid constitutional amendments that fell short of the opposition’s demands. The second round started in early 2013 and was more balanced in terms of representation. In May 2013, the opposition suspended their participation in the dialogue after raids by the security forces on the house of Sheikh Isa Qasim, the most prominent Shia cleric in the country, and again in September 2013 after the detention of al-Wefaq Deputy Secretary-General on terrorism-related charges.³³⁰ The second round was unsuccessful, as was the third. Throughout 2014, there were attempts to resume the dialogue, ending in the announcement by the Crown Prince of a five-point framework to structure further dialogue in September covering redefining electoral districts besides legislative, executive, judicial, and security reforms. Eventually, the opposition boycotted the November 2014 elections, and no more rounds of national dialogue were carried out.³³¹

While the GoB was inviting for these national dialogue rounds, it was simultaneously carrying out a wide-range crackdown on protesters, activists, and opposition leaders. During these three years, the GoB has introduced more restrictive laws, prosecuted more critics, imprisoned more protesters, and its security forces unlawfully killed dozens, as we discussed earlier. Most importantly, the leaders of the pro-democracy uprising and other prisoners of conscience were still behind bars and today still are. The social, economic, and political measures taken by the GoB do not respond to the requirements of national reconciliation stipulated in this recommendation. While the BICI called for addressing the grievances that led to the 2011 Uprising, the most important of which are discrimination and lack of political representation, the GoB has implemented shallow reforms and escalated its repression.

In June 2014, the head of the BICI pointed to the GoB’s lack of action toward addressing these grievances, highlighting his view on some of the reason behind the 2011 Uprising:

There are very very fundamental social and economic issues involved in the Shiite population that need to be addressed, and have not been addressed. (...) The level of education and other public services within these communities are not adequate enough. When you have people who do not have the hope

³³⁰ Al-Jazeera Center for Studies, “Bahrain’s National Dialogue Faces a Stalemate”, 10 October 2013, available at <https://studies.aljazeera.net/en/reports/2013/10/2013101091036321935.html>

³³¹ The Arab Gulf States Institute in Washington, “Prospects for National Reconciliation in Bahrain: Is It Realistic?”, 2015, available at https://agsiw.org/wp-content/uploads/2015/04/Moritz_Bahrain.pdf

of seeing themselves as equal citizens, as having equal opportunities in a particular country, living in mostly economic underprivileged areas in high-density population areas, they explode.³³²

Since the BICI report release, the GoB has not addressed the discriminatory practices against Shia; they have been intensified. Systematic marginalization in political space, employment, housing policies, the education system, and media is continuing unabated.

In October 2015, several UN Special Rapporteurs wrote to the GoB to express concern about the “alleged patterns of continuous discrimination against Shia citizens (mainly Baharna and Ajam), which have been taking place since 2011 and which are undermining their rights to freedom in the area of religion, expression and culture.” The UN experts referred to the different forms of discrimination practiced against Shia citizens, including “destruction of places of worship and other signs of the presence of Shia citizens in the country, their marginalization in the historical narratives of the country, misinformation regarding their religious and cultural identity through the educational system and the media, as well as violence.”³³³ The experts also highlighted the exclusion of many Shia Ajam from Bahraini citizenship, citing a 2008 report which estimated that 2000 stateless families reside in Bahrain deprived of social welfare programs. During the last ten years, hundreds more were arbitrarily deprived of their citizenship. In 2014, the GoB introduced a legal amendment empowering the Minister of Interior to strip the citizenship of a person who “aids or is involved in the service of a hostile state” or who “causes harm to the interests of the Kingdom or acts in a way that contravenes his duty of loyalty to it.” This vaguely worded amendment was used against the GoB critics, 232 in 2018 alone.³³⁴ In 2019, the King reinstated the nationality of hundreds.³³⁵ These practices do not give way to any national reconciliation, nor the leveled-up campaign against the political opposition since 2016.

On 3 June 2012, the Ministry of Justice filed a lawsuit against the Islamic Action Association (Amal), an opposition party, later dissolved under the pretext of failing to “convene a general conference for more than four years” and “taking its decisions from a religious authority that calls openly for violence and incites

³³² Al-Monitor, “Bassiouni: Bahrain’s progress limited by ‘piecemeal’ approach to reforms”, 13 June 2014.

³³³ OHCHR, accessible at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=13962>

³³⁴ Human Rights Watch, “Bahrain: Hundreds Stripped of Citizenship”, 27 July 2018, available at <https://www.hrw.org/news/2018/07/27/bahrain-hundreds-stripped-citizenship>

³³⁵ Reuters, “Bahrain king reinstates nationality to 551 citizens tried in courts”, 21 April 2019, available at <https://www.reuters.com/article/us-bahrain-security-idUSKCN1RX0HW>

hatred.”³³⁶ A Bahraini court ordered the dissolution of al-Wefaq and ordered the closure of all its offices across the country on 14 June 2016. The decision steered local and international condemnation. The US State Department expressed its concern and urged Bahrain to reconsider its decision. The following year, the authorities dissolved the last major political opposition party, the National Democratic Action Society (Waad), on 31 May 2017, accusing it of “advocating violence, supporting terrorism and incitement to encourage crimes.” These allegations were described as “baseless and absurd” by Amnesty International.³³⁷ In June 2016, Sheikh Isa Qasim’s citizenship was revoked, and in July 2017, he was handed down a one-year suspended prison sentence for alleged “money laundering and collecting funds illegally.”³³⁸ In June 2018, the GoB banned members of dissolved opposition parties from running for election ahead of the November parliamentary election.³³⁹ The harassment, prosecution, and imprisonment of dozens of opposition figures and dissidents³⁴⁰ and outlawing the opposition political parties have crushed any hope for meaningful dialogue and national reconciliation.

Based on everything stated in this report, this recommendation is not implemented.

³³⁶ Human Rights Watch, “World Report 2013: Bahrain,” available at <https://www.hrw.org/world-report/2013/country-chapters/bahrain>

³³⁷ BCHR, “Bahrain: Ten Years of Repression and the International Community Disregard”, 14 February 2021, available at <https://bahrainrights.net/?p=13363>

³³⁸ Ibid.

³³⁹ Middle East Eye, “Bahrain bans members of dissolved parties from running in election”, 12 June 2018, available at <https://www.middleeasteye.net/news/bahrain-bans-members-dissolved-parties-running-election>

³⁴⁰ See recommendation 1722 (h).

Conclusion

Ten years after the issuance of the BICI report, Bahrain still lingers in unrest. The justice, redress, and national reconciliation promised with the full implementation of the BICI recommendations have yet to be reached. While the GoB has been promoting to the international community its full implementation of the BICI recommendations, it has intensified its repressive policies, deepening societal division and entrenching injustice.

BCHR has found that the GoB has fully implemented one recommendation, partially implemented 17 and has not taken meaningful steps toward eight. The reforms undertaken by the GoB have only scratched the surface, not bringing about tangible changes. They have not improved the performance of the security apparatus, nor ended impunity. The judicial and prosecutorial independence is still questionable, and the discriminatory practices are still in place. Most importantly, they have not changed the general attitude toward dissent nor the approach to dissidents. This view was also expressed by two former BICI commissioners, stating, "the system as a whole finds dissent more dangerous than official criminality," and there is "no sign that they have moved away from that position."³⁴¹

The legal and institutional reforms were not followed by honest implementation on the ground, where there is a gap between the official legal framework and practical implementation regarding many issues addressed in the BICI report. Besides, many legal amendments have been mostly vaguely worded, allowing for political exploitation. This gap is more evident concerning the institutional amendments. The established oversight bodies have starkly proved ineffective in addressing the security forces' human rights violations and achieving accountability. Their inability to carry out their mandates can be attributed mainly to a lack of independence. The government human rights bodies were designed with loopholes that allow for government control and prevent them from being completely independent, with no meaningful participation from civil society or parliament. Over the last decade, the GoB has not been serious in ending impunity, especially at the highest level of government. Notably, it still acts upon cases of torture as individual acts, not a systematic practice, as established by the BICI, negatively affecting its ability to tackle the problem.

³⁴¹ BBC, "Bahrain's justice system under scrutiny", 30 January 2013, available at <https://www.bbc.com/news/world-middle-east-21188144>

Bahrain's criminal justice system still unjustifiably treats dissent as a threat to "national security." The GoB has yet to acknowledge the legitimacy of voicing dissent and the right to peacefully criticize government bodies and officials. Moreover, the GoB has created an atmosphere of intimidation, not only by harassing, prosecuting, and imprisoning dissidents but also by allowing mainstream media, which it controls, to shame and ostracize them. Because of the correlation between political and religious identities in Bahrain, attacking the opposition often involves sectarian rhetoric, which the GoB tolerates, instilling sectarian divisions and hindering long-lasting national reconciliation.

Above all, the political, economic, cultural, and social marginalization that sparked the 2011 Uprising has not been addressed. On the contrary, people peacefully protesting this injustice and supporting change have been systematically targeted, and the civil and political space to express protest has been further closed. The fact that the government has fully implemented only one recommendation in a decade raises the question of whether it will implement these recommendations at all. Addressing the issues raised in the report is a prerequisite to long-term stability in Bahrain. However, the events of the last decade indicate hitherto a lack of political will on part of the government to move forward.

Appendix 1

This table contains the accountability measures taken by the GoB with connection to the cases of killing of civilians cited in the BICI report and attributed to the security forces during the 2011 Uprising.

Name	Date of Death	Cause of Death	Accountability Measures
Isa Abdul Hassan Ali Hussein & Ali Ahmed Abdullah al-Moumen	17 February 2011	Use of excessive force by police officers	Two police officers were charged with assault. The court amended the charges to murder, ultimately acquitted both defendants. ³⁴²
Hani Abd al-Aziz Juma	19 March 2011	Use of excessive force by police officers	A police officer was charged with assault. The court amended the charge to murder at the beginning of the trial then reinstated the assault charge and sentenced him to seven years' imprisonment, commuted to six months on appeal. ³⁴³
Fadel Salman Ali Salman Matrouk	15 February 2011	Use of excessive force by police officers	Two police officers were charged with assault. The court concluded that the defendants had acted in legitimate self-defense. ³⁴⁴
Ali Isa Ibrahim al-Saqr & Zakaria Rashed Al Asheeri	9 April 2011	Torture in custody	Five police officers were referred to court. Two police officers were charged with assault. They were sentenced to a 10-year term with connection to Saqer's death, commuted to two years on appeal, and acquitted of the charges involving Asheeri. ³⁴⁵

³⁴² Human Rights Watch, "Criminalizing Dissent, Entrenching Impunity: Persistent Failures of the Bahraini Justice System Since the BICI Report", 2014, pp. 40-42.

³⁴³ Ibid., pp. 37-39.

³⁴⁴ Ibid., pp. 42-44.

³⁴⁵ Ibid., pp. 44-48.

Abdulkareem Ali Hassan Fakhrawi	11 April 2011	Torture in custody	Two officers were charged with assault and sentenced to seven years in prison. The sentences were reduced to three years on appeal. ³⁴⁶
Ali Abdulhadi al-Mushaima	14 February 2011	Use of excessive force by police officers	A police officer was sentenced to seven years in prison reduced on appeal to three years. ³⁴⁷
Isa Abdulhasan Ali Hussain	17 February 2011	Use of excessive force by police officers	The Third High Criminal Court found two police officers innocent of the charges made against them in connection to Hussain's death. ³⁴⁸
Jaber Ibrahim Mohamed al-Awiyat	12 June 2011	His death was attributed to the Mol	The case was dismissed based on "lack of any indications of a criminal act." ³⁴⁹
Ali Mansoor Ahmed Khodhair	16 February 2011	Use of excessive force by police officers	Up to November 2012, the case was under investigation. No one is known to have been charged with involvement in his death. ³⁵⁰
Mahmoud Makki Ahmed Abutaki	17 February 2011	Use of excessive force by police officers	Up to November 2012, the case was under investigation. No one is known to have been charged with involvement in his death.
Ahmed Farhan Ali Farhan	15 March 2011	Use of excessive force by police officers	Up to November 2012, the case was under investigation. No one is known to have been charged with involvement in his death.

³⁴⁶ Ibid., pp. 48-50.

³⁴⁷ ADHRB, "ADHRB Condemns the Reduction in Sentence for Officer Responsible for Ali Mushaima's Death", 21 October 2013, available at <https://www.adhrb.org/2013/10/adhrb-condemns-the-reduction-in-sentence-for-officer-responsible-for-ali-mushaimas-death/>

³⁴⁸ BICI Follow-Up Unit Report, November 2012, Attachment (2), pp. 63-112.

³⁴⁹ Ibid.

³⁵⁰ According to the November 2012 report of the BICI Follow-Up Unit, nine out of 19 civilian deaths documented by the BICI were still under investigation by the SIU. The SIU has not provided updates on these cases.

Jaafar Mohamed Abed Ali Salman	16 March 2011	Shot by police officers	Up to November 2012, the case was under investigation. No one is known to have been charged with involvement in his death.
Jaafar Abdullah Ali Hassan	16 March 2011	Shot by security forces	Up to November 2012, the case was under investigation. No one is known to have been charged with involvement in his death.
Isa Radhi Abedali	16 March 2011	Use of excessive force by police officers	Up to November 2012, the case was under investigation. No one is known to have been charged with involvement in his death.
Hassan Jassim Hassan Makki	3 April 2011	Torture in custody	Up to November 2012, the case was under investigation. No one is known to have been charged with involvement in his death.
Abdul Ridha Mohammed Hassan Buhameed	21 February 2011	Use of excessive and unnecessary lethal force	Up to November 2012, the case was under investigation. No one is known to have been charged with involvement in his death.
Steven Abraham	16 March 2011	His death was attributable to the BDF	Up to November 2012, the case was under investigation. No one is known to have been charged with involvement in his death.

Appendix 2

This table contains the updated list of the unlawful killings and deaths caused by the security forces' misconduct and excessive use of force in Bahrain since 2011. It should be noted that an older version of this list was previously published by BCHR.

	Name	Age	Gender	Location	Date of Death	Cause of Death	Brief
106	Ahmad al-Malali	24	Male	Jau prison	7/27/2019	Execution	Ahmad was convicted in a mass trial marred by torture allegations and sentenced to death on 31 January 2018. On 6 May 2019, the Court of Cassation upheld his death sentence.
105	Ali al-Arab	25	Male	Jau prison	7/27/2019	Execution	Ali was convicted in a mass trial marred by torture allegations and sentenced to death on 31 January 2018. On 6 May 2019, the Court of Cassation upheld his death sentence.
104	Mohammed Abdul Karim al-Ekry	18	Male	Diraz	5/23/2017	Shotgun	Mohammad was killed during the Diraz peaceful sit-in dispersal by security forces. The sit-in was held in support of Sheikh Isa Qasim. The security forces dispersed the sit-in using excessive force, killing five.
103	Ahmad Jamil Ahmed Mohammed al-Asfour	34	Male	Diraz	5/23/2017	Shotgun	Ahmad was killed during the Diraz peaceful sit-in dispersal by security forces. The sit-in was held in support of Sheikh Isa Qasim. The security forces dispersed the sit-in using excessive force, killing five.
102	Mohammed Ahmad Hassan Hamdan	22	Male	Diraz	5/23/2017	Shotgun	Mohammad was killed during the Diraz peaceful sit-in dispersal by security forces. The sit-in was held in support of Sheikh Isa Qasim. The

							security forces dispersed the sit-in using excessive force, killing five.
101	Mohammed Ali Ibrahim al-Sari	28	Male	Diraz	5/23/2017	Shotgun	Mohammad was killed during the Diraz peaceful sit-in dispersal by security forces. The sit-in was held in support of Sheikh Isa Qasim. The security forces dispersed the sit-in using excessive force, killing five.
100	Mohammed Kazem Mohsen Ali Nasser	44	Male	Diraz	5/23/2017	Shotgun	Mohammad was killed during the Diraz peaceful sit-in dispersal by security forces. The sit-in was held in support of Sheikh Isa Qasim. The security forces dispersed the sit-in using excessive force, killing five.
99	Mustafa Hamdan	18	Male	SMC	3/24/2017	Live bullets	Mustafa was shot in the head when security forces attacked a peaceful sit-in in Diraz in support of Sheikh Isa Qasim on 26 January 2017. He was in a coma when he died two months later at Salmaniya Medical Complex (SMC).
98	Mohammed Mulla Hassan Sahwan	45	Male	Jau prison	3/16/2017	Lack of medical care at Jau prison	Mohammad was shot by birdshot bullets in his leg, neck, and head during a demonstration in Sanabis in April 2011. He was not treated properly out of fear of getting arrested at the hospital. Fragments of a shotgun remained in his head. On 27 May 2012, Mohammad was sentenced to 15 years in prison in a case known as "Qatar Cell." In Jau prison, Mohammad suffered chronic pain and did not receive adequate medical attention.

97	Abdullah al-Jooz	22	Male	Nuwaidrat	2/20/2017	Under suspicious circumstances	On 20 February 2017, Abdullah died under suspicious circumstances while being chased by security forces in Nuwaidrat village. A statement by the Mol claimed that Abdullah died as a result of a fatal injury he sustained after falling off a building while attempting to flee.
96	Mustafa Yosif	35	Male	Diraz	2/9/2017	Live Bullets	On 9 February 2017, Mustafa was shot in his chest in Bahrain's territorial waters. Security forces opened fire on the boat while he, along with others, was attempting to flee the country by sea.
95	Mahmood Yahya	22	Male	Bani Jamra	2/9/2017	Live Bullets	On 9 February 2017, Mohamood died as a result of being shot in the head and chest in Bahrain's territorial waters. Security forces opened fire on the boat while he, along with others, was attempting to flee the country by sea.
94	Rida Abdullah Isa al-Ghasra	29	Male	Bani Jamra	2/9/2017	Live Bullets	On 9 February 2017, Rida was shot in his head, chest, and pelvis in Bahrain's territorial waters. Security forces opened fire on the boat while he, along with others, was attempting to flee the country by sea.
93	Abbas al-Samea	27	Male	Jau prison	1/15/2017	Execution by firing squad	The execution came less than a week after the Court of Cassation upheld his death sentence on 9 January 2017. He was convicted in an unfair trial marred by torture allegations.

92	Ali al-Singace	21	Male	Jau prison	1/15/2017	Execution by firing squad	The execution came less than a week after the Court of Cassation upheld his death sentence on 9 January 2017. He was convicted in an unfair trial marred by torture allegations.
91	Sami Mushaima	42	Male	Jau prison	1/15/2017	Execution by firing squad	The execution came less than a week after the Court of Cassation upheld his death sentence on 9 January 2017. He was convicted in an unfair trial marred by torture allegations.
90	Hassan Majeed al-Shaikh	36	Male	Jau prison	11/6/2014	Torture and ill-treatment in detention	Hassan was tortured to death on 6 November 2014 at Jau prison. He was placed in solitary confinement after being severely beaten. According to his prison inmates, he screamed for several hours before prison guards then removed his body.
89	Sayed Mahmood Sayed Mohsen Sayed Ahmed	14	Male	Sitra	5/21/2014	Shotgun	Mahmood was pronounced dead on arrival at Sitra Medical Center after being ambushed, chased, and shot at close range with a shotgun by police during a funeral procession in Sitra.
88	Abdulaziz Mousa al-Abbar	27	Male	Saar	4/18/2014	Shot with tear gas canister and shotgun	BCHR received information that Abdulaziz was shot directly in the head with a tear gas canister on 23 February 2014, in addition to being injured with a shotgun when the riot police used excessive force to suppress a protest. Abdulaziz was in a coma when he died on 18 April 2014.

87	Jaffar Mohammed Jaffar al-Durazi	23	Male	Daih	2/26/2014	Torture and lack of medical care at prison	Jaffar was arrested on 30 December 2013. On 26 February 2014, the head of the Reformation and Rehabilitation Directorate announced his death while receiving medical treatment at SMC due to sickle cell anemia disease (SCD). BCHR received information that Jaffar was subjected to torture and ill-treatment, and he was denied adequate medical attention in police custody.
86	Fadhel Abbas Muslim Marhoon	19	Male	Diraz	1/25/2014	Live Bullets	Fadhel was disappeared for 18 days. The Mol announced his death on 25 January. Photos of his body showed what appears to be a gunshot wound in the back of his head.
85	Yousif Ali al- Nashmi	31	Male	Musalla	10/11/2013	Torture and deprivation of adequate medical treatment	He was arbitrarily arrested on 17 August 2013. Yousif was tortured in custody. He died due to the deprivation of adequate medical treatment.
84	Hussain Mansoor Abdullah Kadhem	33	Male	Malkiya	7/29/2013	Car crash while he was being transferred to a police station	Hussain had a mental disability; nonetheless, he was arrested by police on 29 July 2013. Hussain died due to the injuries he sustained in a car crash while he was being transferred to a police station after arrest. The accident was caused by a police officer's reckless driving.
83	Mahmood Isa al-Jazeera	20	Male	Nabih Saleh	2/22/2013	Shot with tear gas canister	Mahmood died due to a direct shot with a tear gas canister in the head.

82	Hussain Ali Ahmed Ibrahim	16	Male	Daih	2/14/2013	Shotgun	Hussain was shot with a shotgun at close range.
81	Qasim Habib	8	Male	Karbabad	1/26/2013	Tear gas suffocation	Qasim died as a result of tear gas suffocation.
80	Habib Ibrahim	87	Male	Malkiya	1/12/2013	Tear gas suffocation	Habib died as a result of tear gas suffocation.
79	Bassil al-Qattan	44	Male	Shakhura	12/19/2012	Tear gas suffocation	Bassil died as a result of tear gas suffocation.
78	Mahdi Ali Marhoon	84	Male	Ma'ameer	10/17/2012	Tear gas suffocation	Mahdi died of tear gas suffocation. He had been hospitalized two months earlier also because of tear gas suffocation. His house in Ma'ameer was targeted with tear gas several times.
77	Mohammed Mushaima	22	Male	Daih	10/2/2012	lack of medical care at prison	Mohammed died due to a lack of adequate health care while in detention.
76	Ali Hussain Neamah	17	Male	Saddad	9/28/2012	Shotgun	Ali died after being fatally shot with a shotgun at close range by the riot police in a peaceful protest.
75	Hussam al-Haddad	16	Male	Muharraq	8/17/2012	Shotgun	Hussam was shot with a shotgun, which made him fall to the ground. Then, one of his family members witnessed him being repeatedly kicked by a man in civilian clothing while security forces stood watching.
74	Shabeer Mammed	27	Male	Sanad	4/22/2012	Tear gas suffocation	Shabeer was an Indian national. He was found dead in his room in Sanad village. Local residents said that the houses close to Shabeer's house were attacked with tear gas the night before.

							His death is linked to tear gas suffocation.
73	Salah Abbas Habib	36	Male	Bilad al-Qadeem	4/21/2012	Shotgun	Salah was arrested, beaten, and shot with a shotgun by security forces.
72	Khadija Mohammed Ali	40s	Female	Ma'ameer	4/5/2012	Tear gas suffocation	Khadija was hospitalized after exposure to tear gas. She laid in the ICU for three months before she passed away.
71	Ahmad Ismael Hussain al-Samadi	22	Male	Salmabad	3/31/2012	live ammunition	Ahmad was shot in the right thigh by armed civilians.
70	Ahmad Abdul Nabi Abdul Rasool	30	Male	Shahrakan	3/24/2012	Tear gas suffocation	According to his family, Ahmad died due to tear gas suffocation. Tear gas was shot directly into the family house, breaking the window. After that, Ahmad had trouble breathing and was constantly coughing. When his family insisted he go to the hospital, he refused, fearing arrest.
69	Abdat Ali Abdul Mohsen	40s	Female	Aali	3/23/2012	Tear gas suffocation	Abdat died from tear gas suffocation, according to her family. Abdat had suffered from breathing difficulties on 15 March, and she had been taken to the hospital where she stayed for a week. On 22 March, her house was tear-gassed again, her health deteriorated quickly, and died.
68	Sabri Mahfoodh Yousif	27	Male	Shahrakan	3/19/2012	Tear gas suffocation	His family confirmed to BCHR that his death was a result of tear gas suffocation.
67	Jaffar Jassim Radhi	41	Male	Maqsha	3/17/2012	Tear gas suffocation	Jaffar died after the severe deterioration of his health as a result of

							excessive tear gas inhaling that was shot directly at his house the previous night, 16 March 2012.
66	Fadhel al-Obaidy	22	Male	Diraz	3/10/2012	Shot with tear gas canister	Fadhel was shot in the head with a tear gas canister on 1 March 2012, when he was peacefully protesting. He was announced clinically brain dead the next day at the Bahrain International hospital, and he passed away on 10 March 2012. According to eyewitnesses, security forces continued to beat, punch and kick Fadhel after falling on the ground.
65	Sakeena Ali Marhoon	78	Female	Abu Saibea	3/6/2012	Tear gas suffocation	Sakeena died after suffering from the side effects of repeated inhalation of tear gas fired by security forces inside her house in February and March 2012.
64	Yahya Yousif Ahmed	1 MONTH	Male	Ras Ruman	3/5/2012	Tear gas suffocation	Yahya died after suffering from the side effects of tear gas inhalation.
63	Sayed Jaffar Salman al-Alawi	75	Male	Shakhura	3/1/2012	Beating led to deterioration of his health	Sayed Jaffar was beaten severely on 15 February 2011 by Bahrain security forces, leaving him with head and hip injuries. He fell into a coma. When he woke up from the coma, he lost his memory, and his health gradually deteriorated. He spent almost a year in hospital before his death.
62	Habib Kadhim al-Mulla	60	Male	Sehla	2/29/2012	Tear gas suffocation	Habib died due to tear gas suffocation. Days before his death, a tear gas canister was shot inside his house in

							Sehla, breaking the window. He was hospitalized at SMC. At the time, his brother told BCHR that it was the third time that Habib had suffocated from the tear gas fired by the security forces.
61	Abdah Hussain	68	Female	Sehla	2/25/2012	Tear gas suffocation	The cause of death was related to inhaling excessive amounts of tear gas that was fired excessively in the area where he lived.
60	Rose Nisha Naikarottu Baby Varghese	28	Female	Manama	2/21/2012	Tear gas suffocation	Rose was an Indian national. She fell into a coma during an asthma attack that her family said may have been caused by tear gas inhalation. She died on 21 February, a day before she was to be sent home to India for treatment.
59	Mansoor Salman Hassan	85	Male	Sitra	2/18/2012	Tear gas suffocation	Mansoor died due to deterioration of his health as a result of inhalation of tear gas, fired by security forces on 2 February 2012. He was transferred to SMC and stayed there until he died.
58	Ali Issa Abdulla al-Hayeki	48	Male	Samaheej	2/6/2012	Tear gas suffocation	Ali's family confirmed to BCHR that he suffocated from tear gas that was fired in front of his house in Samaheej.
57	Abdali Ali Mohamed	58	Male	Ma'ameer	2/1/2012	Tear gas suffocation	Abdali's house was attacked with tear gas on multiple occasions. He was exposed to tear gas on 27 January 2012 and was directly admitted to the hospital, where he stayed until his death.
56	Zahra Ali al-hawaj	69	Female	Noaim	2/1/2012	Tear gas suffocation	According to her family, Zahra was exposed to tear gas multiple times. The last was on 12 January 2012, and her

							health deteriorated afterward. She was admitted to the ICU the same night. Zahra suffered lung inflammation leading to her death.
55	Saeed Ali al-Sukari	65	Male	Aali/Noaim	1/25/2012	Tear gas suffocation	Saeed died due to tear gas suffocation, according to his family. Tear gas canisters were fired excessively in the area the night before his death.
54	Muntadher Saeed Fakhra	37	Male	Sanabis	1/25/2012	Torture	He died under torture in Hoorra police station within 24 hours of his arrest.
53	Mohammed Ibrahim Yaqoob	18	Male	Sitra	1/25/2012	Torture	Mohammed was a victim of a run over attempt by police the day he was arrested. After a few hours of his arrest, the Mol announced his death.
52	Mohamed Khamis al-Khunaizi	26	Male	Jidhafs	1/20/2012	Tear gas suffocation	Mohamed vomited after inhaling excessive tear gas, after which he went to sleep. He was found dead by his family a few hours later.
51	Yaseen Jassim al-Asfoor	14	Male	Maameer/Al Ekr	1/20/2012	Tear gas suffocation	Yaseen was hospitalized after inhaling excessive amounts of tear gas. His house was shot with three tear gas canisters that day. Since he suffered from acute asthma, he was admitted to the ICU immediately. However, his lungs collapsed, and he died after three weeks.
50	Salma Muhsin Abbas	81	Female	Barbar	1/15/2012	Tear gas suffocation	Salma died from tear gas suffocation after a tear gas canister was shot into her house.
49	Yousif Ahmed Muwali	24	Male	Qalali/Muharraaq	1/13/2012	Torture	Yousif had gone missing for five days when his mother went to the police station to file a missing person's report.

							She was told that Yousif was at the CID and that he was fine. Later, his death was announced by MoI. When the family was finally able to see his body, his uncle reports via the lawyer that there were clear marks of torture on Yousif's head and neck.
48	Fakhria Jassim al-Sakran	55	Female	Isa Town/Muharrarraq	1/3/2012	Tear gas suffocation	Fakhria died after inhaling a lethal dose of tear gas.
47	Sayed Hashim Sayed Saeed	15	Male	Sitra	12/31/2011	Shot with tear gas canister	Sayed Hashim was shot with a tear gas canister in the face, which caused his death.
46	Abdali Ali Ahmad	73	Male	Maqsha	12/17/2011	Tear gas suffocation	Abdali died due to tear gas inhalation. He was hospitalized due to breathing difficulties after a night of excessive firing of tear gas by the security forces near his house along the Budaiya highway.
45	Sajida Faisal	5 DAYS	Female	Bilad AlQadeem	12/11/2011	Tear gas suffocation	Sajida died from tear gas suffocation according to her parents.
44	Zahra Saleh	27	Female	Safera/Daih	12/7/2011	Hit with metal rod in the head	Zahra was hit with a metal rod in the head on 18 November 2011. The government insisted that the protesters had hit her and that she had turned to the security forces for protection. A Human rights activist went to the hospital, as well as a member of al-Wefaq, to try to speak to Zahra, where both were stopped, questioned then turned away by MoI employees. Also, in Bahrain, it is highly

							unlikely for anyone to turn to police for protection, especially someone supporting the protests, as evident from her Facebook page.
43	Abdul Nabi Kadhem	44	Male	Aali	11/23/2011	His car was hit deliberately by a police car	Abdul Nabi was fatally wounded when his car was intentionally hit by a fast-moving police vehicle, forcing him to collide with a wall of a building.
42	Ali Yousif Badah	16	Male	Sitra	11/19/2011	Run over by a police car	Ali was killed when he was run over by a police car during a protest in the capital Manama. He died immediately.
41	Ali Hasan al-Dehi	70	Male	Daih	11/3/2011	Beaten to death	Ali died of his injuries after riot police attacked him. He died in the hospital after suffering a cardiac arrest.
40	Ahmad Jaber al-Qattan	16	Male	Shakhura	10/6/2011	Shotgun	Ahmad was shot with a shotgun at close range by the security forces during a protest, causing his death. He was immediately taken to the hospital, where he died in the ER.
39	Jaffar Lutf Allah	74	Male	Abu Saibea	9/30/2011	Tear gas suffocation	Jaffar was admitted to the hospital on 18 September 2011 after inhaling tear gas, as reported by his family to al-Wasat newspaper. The security forces fired tear gas canisters excessively in the area where he lived. Jaffar's death was announced on 30 September 2011.
38	Jaffar Hasan	28	Male	Demistan	9/18/2011	Beating	The security forces stormed Jaffar's house twice in search of his wanted brother, each time they beat him up severely. His health deteriorated due to the kicking on his chest, and he was

							taken to SMC for treatment. He stayed in the ICU at SMC from 8 August 2011 until he passed away on 18 September 2011.
37	Sayed Jawad Ahmad	36	Male	Sitra	9/14/2011	Tear gas suffocation	Sayed Jawad died after inhaling tear gas fired at protesters. He died in the hospital.
36	Ali Jawad Ahmad al-Shaikh	14	Male	Sitra	8/31/2011	Shot with tear gas canister	Ali died from a head injury after being hit by a tear gas canister thrown by riot police.
35	Isa al-Taweel	50	Male	Sitra	7/31/2011	Tear gas suffocation	Isa died due to tear gas suffocation. A tear gas canister was fired into his house, filling his room with smoke. He uses a wheelchair, thus was unable to leave his room quickly. Inhaling an excessive amount of tear gas caused health complications, as a result of which he died. His family was threatened not to speak about the cause of death.
34	Zainab Hassan Ahmed al-Jumaa	39	Female	Sitra	7/15/2011	Tear gas suffocation	Zainab suffocated after inhaling tear gas fired by riot police at demonstrators in her home town of Sitra. She is disabled and was not able to move out of the room.
33	Majeed Mohammed Abdulaal	30	Male	Sehla	6/30/2011	Shotgun	Majeed was shot directly with a shotgun. He was attacked by armed civilians (thugs) on his way to his home in Sehla. Majeed was admitted to SMC on 15 March with severe head injuries. His family was not allowed to visit him in the hospital. He disappeared after

							the army took over SMC, and his death was announced on 30 June at the BDF hospital. The authorities refused to admit the cause of death.
32	Jaber al-Elewat	43	Male	Musalla	6/12/2011	Torture	Jaber was released from prison then died after one day due to torture in prison. There were signs of torture on his body, and he suffered severe pain in his stomach before his death.
31	Sayed Adnan Sayed Hassan	44	Male	Markh	6/23/2011	Tear gas suffocation	Sayed Adnan died as a result of tear gas suffocation. Police fired tear gas at a religious event in Diraz. He died in the hospital.
30	Salman Isa Abuldrees	63	Male	Manama	6/3/2011	Shot with rubber bullet	Salman was injured on 16 March with a rubber bullet during a protest. It was not confirmed if he was a protester or was just passing by the area on that day. His family was not able to visit him in the hospital until the day he was announced dead.
29	Zainab al-Tajar	69	Female	Sanabis	6/2/2011	Tear gas suffocation	Riot police started to attack a peaceful protest with shooting tear gas, where Zainab was passing by. The massive amount of tear gas made her suffocate and die.
28	Mohammed Abdulhussain Farhan	6	Male	Sitra	4/30/2011	Tear gas suffocation	Mohammed died due to tear gas suffocation, where riot police fired tear gas canisters at houses in Sitra on 29 April 2011. He was admitted to the ICU, where he died the next day.
27	Aziza Hassan Khamis	25	Female	Bilad AlQadeem	4/16/2011	Stress and trauma	Riot police broke into her house at midnight. She witnessed riot police

							beating up one of her relatives, directing a gun at her, and threatening her. As a result, her glucose levels spiked, making her faint, and then she died.
26	Kareem Fakhrawi	49	Male	Karbabad	4/12/2011	Torture	Kareem, a businessman, a co-founder of the al-Wasat newspaper, and al-Wafaq member, died in the NSA custody. He reportedly was last seen at the Exhibition Centre Police Station on 3 April 2011, as he went there to file a complaint about a raid on his relative's house. Marks of torture were visible on his body.
25	Zakariya Rashid Hassan al-Ashiri	40	Male	Dair	4/9/2011	Torture	The Mol announced his death on 9 April 2011 in a detention center, six days after his arrest, on charges of inciting hatred, disseminating false news, promoting sectarianism, and calling for the regime's overthrow on online forums. He moderated an online forum providing updates about the protests. His family rejected the Mol claim that he died as a result of sickle cell anemia complications. Marks of torture were visible on his shoulder and wrist.

24	Ali Isa Saqer	31	Male	Sehla	4/9/2011	Torture	The Mol announced his death on 9 April 2011 in a detention center. He had been arrested on charges of attempting murder of policemen by trying to run over them with his car. The Mol claimed that "the suspect created chaos at the detention center, prompting the security forces to interfere to bring the situation under control, but he resisted them, sustaining injuries in the process. He was taken to the hospital and later died." Weeks after his death, Bahrain T.V showed Ali's "confessions" on 28 April 2011.
23	Sayed Hameed Mahfoodh al-Sari	61	Male	Saar	4/6/2011	Beating to death	Sayed Hameed had been reported missing on 5 April 2011. The Mol reported finding his body lying in Saar on 6 April. His family alleged that he was killed by police. The Mol announced that it was investigating his death and that the examination showed no signs of beating or attack. However, photos of his body showed clear signs of beating similar to the ones on the body of Abdul-Rasoul al-Hujairi (No.15 on this list).
22	Hassan Jassim Mohammed Makki	39	Male	Karzakan	4/3/2011	Torture	The Mol announced his death on 3 April 2011 in a detention center, where he had been kept since his arrest on 28 March. He was arrested on suspicion of involvement in the unrest. The General Inspector of the Mol, Ibrahim

							Habib al-Ghaith, claimed that the cause of death is a hereditary blood disease suffered by the detainee.
21	Sayed Ahmad Sa'eed Shams	15	Male	Saar	3/30/2011	Shotgun	Sayed Ahmad was a student in Diraz Secondary School. He died on the way to the American Mission Hospital in Saar after being shot in the face by security forces.
20	Isa Mohammed Ali Abdullah	71	Male	Ma'ameer	3/25/2011	Tear gas suffocation	Isa died of tear gas suffocation in his house after police fired extensive tear gas in the village of Ma'ameer. His family called the emergency room, but there was no response from SMC. Ma'ameer was blockaded by police forces, which made it difficult for ambulances to reach the village. According to his sons, they were forced by the MoI to sign a statement that their father's death was of natural causes.
19	Aziz Jumma Ayyad	33	Male	Al-Hajar	3/24/2011	Torture	Aziz worked at the Bahrain Defense Force (BDF) for ten years. His family lost contact with him for ten days, during which the BDF denied his detention. On 24 March, the family was contacted by the authorities, telling that Aziz was admitted to the military hospital. Two hours later, they were contacted again, informing them that Aziz had died of a heart attack. According to his death certificate, Aziz died nine days earlier.

18	Hani Abdul-Aziz Abdullah Jumah	33	Male	Khamis	3/24/2011	Shotgun	<p>Hani left the family's house at about 5 p.m. on 19 March. His father told Human Rights Watch his son was responding to a cry for help outside just as riot police began sweeping through the neighborhood. Fifteen minutes later, a witness said, Hani was seen running from Khamis Roundabout pursued by eight riot police wearing helmets. "Hani was running toward the nearby building, which was under construction, and the police were 15 meters behind him," the witness said, "He ran straight past my house." Another witness said he had seen police chasing Hani into an empty apartment building under construction, but only realized an hour-and-a-half later that he had not left the building after the police did. Local residents went to search for him. They found him unconscious, lying in a large pool of his blood. He sustained massive injuries to his knees and arm caused by being shot at close range with a shotgun. HRW examined the scene of the attack on 22 March, three days afterward, and found fragments of bone, which a medical expert confirmed to be fragments of knee bone consistent with being shot at close range, as well as a tooth and pieces of human tissue still stuck to the</p>
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							wall and ceiling of the empty room, apparently the result of the velocity of the shots that maimed Hani.
17	Bahia Abdelrasoul al- Aradi	51	Female	Manama	3/21/2011	Shot in the head	Bahia was a nurse. She was shot in the head on 15 March by a sniper. She was on the phone with her younger sister when she was shot. According to witnesses who came to her aid from nearby houses, they were also shot at by the military vehicles parked on a highway near al-Gadam Roundabout. Bahia's family refused to take her body when they were asked to sign a paper saying that she died in a car accident. The final official death certificate stated that Bahia died as a result of "severe brain injury"
16	Jawad Mohammed Ali Shamlan	48	Male	Al-Hajar	3/20/2011	Shotgun	Jawad worked for the security forces. He died of a gunshot in the stomach with signs of beating on his back. On 16 March, he went to work at Khamis police station but did not come back home. A person answered his mobile saying to the family that Jawad was killed. The family was unofficially informed that he was at the Military hospital. On 21 March, a relative recognized his body at the morgue at SMC.

15	Abdul Rasoul Hassan al-Hujairi	38	Male	Bouri	3/20/2011	Beating to death	Abdul Rasoul was stopped at a checkpoint on 17 March. The Mol reported finding his body in a remote area in Awali and contacted his family on 20 March to receive his body. Signs of harsh beating were visible all over the body.
14	Aklas Miah	50	Male	Sitra	3/15/2011	Shot in the head	Aklas was a Bangladeshi national. He died as a result of a bullet wound in the head during an attack on Sitra by security forces, reportedly while defending women protestors. He was buried on 23 March in Gulap Gong village in Sylhet, Bangladesh.
13	Isa Radhi al-Radhi	47	Male	Sitra	3/19/2011	Beating to death and shotgun	Isa was missing for four days when his family was called to pick up the body. He was severely beaten all over his body and his skull and neck were broken. His legs had shotgun pellets. The official death certificate stated that the cause of death was a broken skull and brain bleeding.
12	Ahmad Abdulla Hassan	22	Male	Daih/Hammad Town	3/16/2011	Shotgun	Ahmad died as a result of bird shotgun wounds in the neck, back, and legs when the security forces stormed the Pearl Roundabout on 16 March 2011.
11	Jaffar Mohammed Abdali	41	Male	Karraneh	3/16/2011	Live bullet	Jaffar was killed with a live bullet pierced arm and settled in his chest on his way to the Pearl Roundabout to reinforce the protestors' lines during the security forces assault on the encampment.

10	Jaffer Abdulla Ma'yuf	30	Male	Aali	3/16/2011	Shotgun and live bullet	Jaffer was shot with birdshot in the leg during the attack on the Pearl Roundabout and then with a live bullet on the back, settling in his chest. They could not take him to SMC. They took him to Jidhafs medical center, which was not equipped to treat such cases. He was bleeding heavily, so they took him to Ibn Nafees Hospital (private hospital), but he died on the way.
9	Steven Ibrahim	48	Male	Manama	3/16/2011	Live bullet	Steven was an Indian national. He worked as a security guard. Steven was shot in the chest on 16 March 2011, after the attack on the protesters on the Pearl Roundabout. He was standing on the terrace of a building in Manama when Bahrain security personnel reportedly fired at him during air surveillance of the protesters. He bled to death.
8	Ahmad Abdulla Farhan	30	Male	Sitra	3/15/2011	Shot in the head	Ahmad was shot in the head with a stun grenade at point-blank range. He was refueling his car at a petrol station on the outskirts of his hometown, Sitra, when it came under attack from heavily armed troops belonging to the Bahraini Defense Force and Saudi army. He was shot in the head.

7	Abdul Redha Mohammed Buhmeid	32	Male	Malkiya	2/21/2011	Shot in the head	Abdul Redha was shot in the head at a close range on 18 February, when Bahraini army forces shot anti-government demonstrators who tried to approach the Pearl Roundabout in order to remove the injured protesters still there from the previous night's attack. He died in the hospital.
6	Ali Mansoor Khudhair	53	Male	Sitra	2/17/2011	Shotgun	Ali died as a result of shotgun wounds. He died after 91 pellets pulled from his chest on 17 February, after riot police used excessive force to disperse protesters camping at the Pearl Roundabout in Manama.
5	Mahmood Ahmed Makki (Abu-Takki)	23	Male	Sitra	2/17/2011	Shotgun	Mahmood died as a result of shotgun wounds. He was woken up at 2:30 am by the security forces, pointing a gun at his head, despite the cries of "we are peaceful!" He was killed after being exposed to fissile bullets during the army raid on protesters while he was in the Pearl Roundabout.
4	Ali Ahmed Abdulla al-Moumen	23	Male	Sitra	2/17/2011	Shotgun	Ali left his home in Sitra early in the morning, bound for the Pearl Roundabout. He was killed after being exposed to fissile and rubber bullets during his attempts to help medics saving wounded people, when security forces stormed the Pearl Roundabout. He was shot with a bullet in the hip. Main arteries were cut in both legs, which caused him to bleed to death.

3	Isa Abdul-Hassan	60	Male	Karzakan	2/17/2011	Shotgun	Isa was killed in the Pearl Roundabout after being exposed to a fissile bullet straight in the head which leads to skull burst and brain scattering. Medical evidence indicated that he was probably shot from within two meters.
2	Fadhel Salman al-Matrook	31	Male	Mahooze	2/15/2011	Shotgun	As police tried to disperse people gathered for the funeral of the first victim of the uprising, Fadhel was killed. He was exposed to fissile and rubber bullets, which penetrated his chest and heart, causing his death.
1	Ali Abdulhadi Mushaima	21	Male	Daih	2/14/2011	Shotgun	Ali was shot in the back, reportedly with birdshot, at a demonstration on 14 February in al-Daih village. He was taken to SMC in Manama but died one hour later.