



Bahrain: “2015” Human Rights Violations from Practice to Policy

A documentary report on human rights violations





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Thanks and Acknowledgements

The Bahrain Center for Human Rights (BCHR) expresses its deep thanks to local and international organisations which have supported the actions and work of human rights groups in Bahrain and throughout the world. We would especially like to thank the National Endowment for Democracy, which has supported this report and many of BCHR's activities. This report was prepared by the documentation team of BCHR, who remain anonymous for their security, under the leadership of its President Nabeel Rajab.

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About Us

The Bahrain Center for Human Rights (BCHR) is a non-profit non-governmental organisation established in 2002 and registered with the Bahraini Ministry of Labour and Social Affairs. However, the government repealed this decision and shut down BCHR in 2004, following the arrest of its President at the time, the prominent human rights defender Abdulhadi Al-Khawaja. His arrest came on the back of a conference he organised to discuss poverty in Bahrain – the government considered such activities a direct incitement to oppose the ruling regime and an attempt to spread propaganda encouraging acts targeting national security. Since 2011, Al-Khawaja has been serving a life sentence as a result of his human rights activities. Current President Nabeel Rajab spent more than two years in prison between 2012 and 2015 as a result of his work. At the time of writing, he is still forbidden from travel as of his most recent release.

In 2007, Minister of Culture and Media Mai Al-Khalifa – a member of the ruling family in Bahrain – announced a decision to close BCHR's website, as well as 26 other websites including foreign sites that dealt with the human rights and political situation in Bahrain.

Despite these decisions, and the arbitrary practices used to target BCHR and its activists with prison, judicial cases and security measures, it has remained an important and highly dependable human rights group. It has garnered respect and support from the Bahraini public, as well as from the international community, thanks to its continuing work to strengthen human rights in the country.

BCHR has won a number of national and international prizes in honour of its efforts. These include:

- The Rafto Prize Award for human rights (Norway) – 2013
- The Stieg Larsson Prize (Sweden) – 2012
- Roger N. Baldwin Medal of Liberty (US) – 2012
- Index on Censorship Freedom of Expression Prize – 2012
- The Silbury Prize (UK) – 2012
- Ion Ratiu Democracy Award for BCHR President Nabeel Rajab (US) – 2012



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BCHR aims to build a prosperous, democratic country that respects the values of equality and freedom that is free of discrimination and human rights violations. It encourages, empowers and supports individuals and organisations to support their own human rights, and those of others. It struggles to spread and strengthen the values of democracy and human rights, according to international standards, covenants and charters. BCHR also aims to strengthen freedom and basic civil, political and economic rights, fight discrimination in all its forms and spread a culture of respect for human rights and equality by supporting and protecting victims and the oppressed.

For more information, contact BCHR at: info@bahrainrights.org, and visit: bahrainrights.org



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EXECUTIVE SUMMARY

Bahrain is a constitutional monarchy. The King is responsible for appointing a Prime Minister, who has retained his position since 1971. Citizens do not have the power to change the Prime Minister – the King appoints the cabinet ministers, half the National Council and court judges. In 2015, the authorities were responsible for a large number of human rights violations: the number of politically-motivated arrests increased, as did allegations of torture and ill treatment either aimed at forcing confessions during interrogations or carried out in prison after sentences were handed down. Allegations of torture in prison came in large part from Jaw Prison, which was the scene of widespread human rights violations and systematic torture against detainees. Moreover, there was an increase in the use of the security forces and the judiciary to target social media activists as well as human rights defenders. There was a complete ban on peaceful demonstrations and assemblies of opposition parties, and the majority of demonstrations that did take place were suppressed. The judiciary continued to carry out politically-motivated trials that do not conform to the basic standards of fair trials as set out by international covenants. Anti-terror laws have been exploited to punish activists and those who took part in peaceful demonstrations. The United Nations¹ and a number of international organisations² have urged that these same laws be re-examined because they include extreme and vague articles that are unclear, and risk violating international standards for human rights and fair trials.

During 2015, restrictions were also imposed on civil, religious and political rights using new laws and practices that impede various freedoms including freedom of opinion and expression and freedom of the press. The authorities also restricted the right to privacy and stripped a number of political opponents and Shia clerics of their citizenship, going so far as to deport some of them. Discrimination against and systematic exclusion of members of the Shia sect in Bahrain not only continued throughout 2015, but in fact increased.

Since 2011, Bahrain has seen a wave of popular protest demanding political reforms, an end to systematic discrimination and respect for human rights. These demonstrations led to the formulation of a new Emergency Law, or what is called the National Peace law, that was announced in 2011. The security apparatus implemented by the Emergency Law remains in

¹ <http://bchr.hopto.org/BCHR/wp-content/uploads/2010/10/Bahrain-law-on-counter-terrorism-UN-Expert.pdf>

² <http://bchr.hopto.org/en/node/3449>



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place today, and the number of detainees and prisoners doubled to around 4,000. The demonstrations also led to the deaths of around 97 people, as well as the wounding and arrest of thousands. The policy of enforced disappearance came to the fore among the security forces and the judiciary, despite recommendations put forward by the Bahrain Independent Commission of Inquiry (BICI), established by the King, and those proposed by the UN and international human rights organisations.

The following period saw the establishment of state-owned human rights organisations, according to recommendations by the Independent Investigation Board. These included the National Institution for Human Rights (NIHR), the Office of the Ombudsman, part of the Ministry of the Interior, the Special Investigations Unit, part of the prosecutor general's office, and the Commissariat of Prisoners. However, although the establishment of these bodies was a positive step, they did not help improve the human rights situation. Their true role appears to have been simply to improve the image of the government in the eyes of the international community, without contributing to any progress in improving the human rights situation on the ground. Quite apart from the fact that the general prosecutor and the courts are used as a tool to pursue political activists and human rights defenders, it remains a fact that the government has not ordered investigations into a single high-level military figure over the severe human rights violations that have taken place in recent years, which include torture and unlawful killing of protesters.

The President of BCHR, Nabeel Rajab, was re-arrested in 2015 a few months after his release in late 2014³, having spent two years in prison between 2012 and 2014. He was detained for four months over a Tweet – he still has a court case pending over the same Tweet, and could face up to 10 years in prison. Rajab remains subject to a travel ban.

The following report is a summary of the human rights violations BCHR documented over the course of 2015. There were many other reports of violations that BCHR was not able to investigate and report on due to the victims' fear and unwillingness to come forward.

³ <http://bchr.hopto.org/en/node/7470>

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Chapter One: Arbitrary Arrest

Since the wave of detentions that followed the suppressing of the popular uprising in March 2011, the authorities have continued the daily arrests of citizens. In 2015, BCHR documented 1,883 arrests related to the popular movement that has been calling for political reform since 2011. Among these arrests, 237 were of children under the age of 18, and 34 were women. BCHR believes that the true number of arrests may be far higher, since many of those affected and their relatives may be unwilling to come forward due to fear of retribution by the security apparatus.

According to the data gathered by BCHR, the majority of these arrests were carried out in an arbitrary way. Most of the arrestees reported being detained following unlawful raids on their

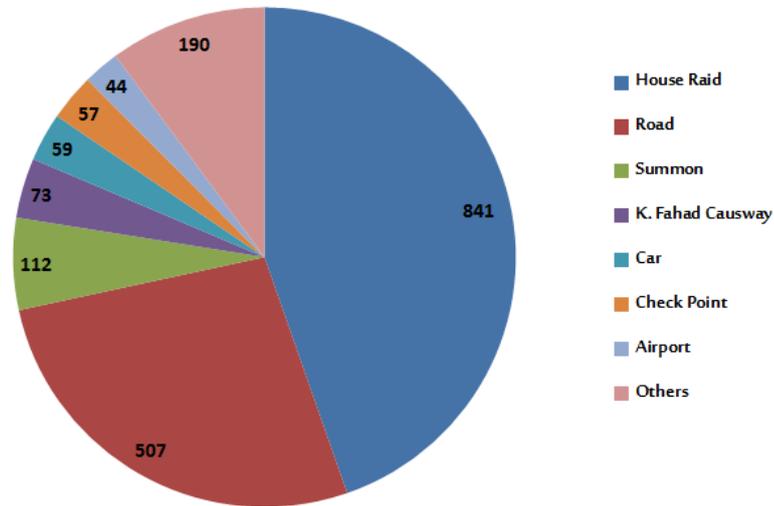


houses (46%). The majority were arrested at dawn without any permission or court order for the arrest or for a house search. Another 26.9% of the arrests were carried out in the street following the suppression of ongoing protests and marches. Some of those arrested during marches were wanted by the security forces, or had been the subject of charges handed down in connection to the popular protest movement since 2011.

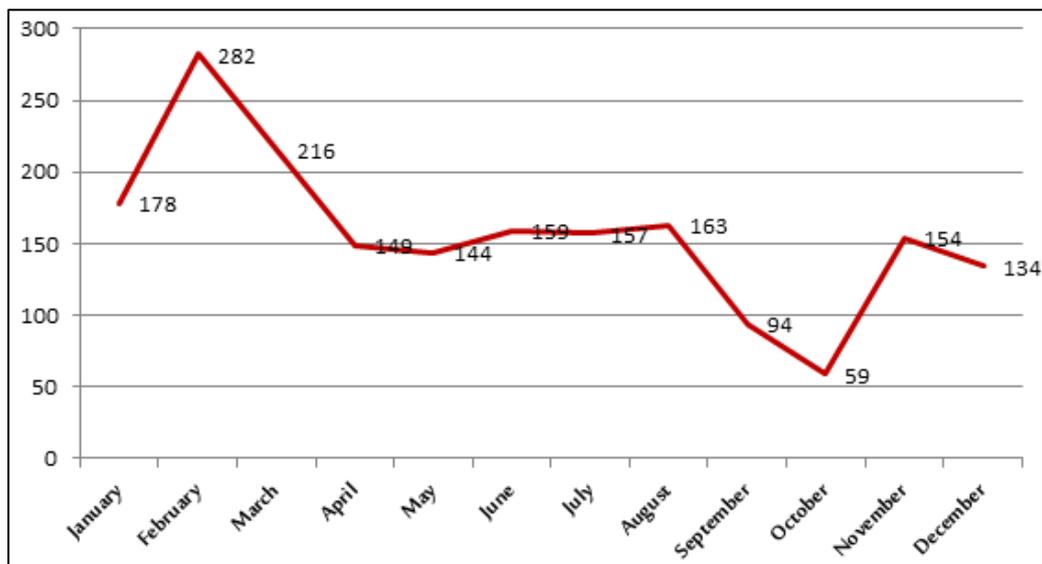
Archive image of citizens being arrested by the security forces

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The following diagram sets out the details of the arrests documented by BCHR in 2015:



February 2015 saw the highest rate of arbitrary arrests – 282 people were arrested, including 33 children under 18, and three women, all in relation to a variety of cases. The following diagram details the number of these arrests, according to information received by BCHR:



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Chapter Two: The Policy of Enforced Disappearance

Enforced disappearance is considered one of the most common policies used in Bahrain. It spreads fear in society – it impacts not only those it directly affects, but also their entire family.

Relatives of victims of enforced disappearance report feelings of fear, desolation and emotional exhaustion. A joint working group set up by BCHR and Bahrain Youth Society for Human Rights documented 441 cases of enforced disappearance between November 2014 and November 2015. Most of those who experienced enforced disappearance over this time were disappeared for periods ranging between a number of days and months⁴.



Archive image of relatives of detainees at a sit-in outside the Office of the Ombudsman

The working group concluded that “the government has subjected the majority of those arrested to this practice, which violates human rights. Journalists, human rights activists, ordinary citizens and even children, are subjected to this brutal practice.” Some relatives of victims of enforced disappearance were not informed of their loved ones' whereabouts for periods of up to several weeks. According to the report prepared by BCHR, 37% of cases of enforced disappearance were of children under the age of 18.

In 98% of the cases that were documented, the Criminal Investigations Directorate (CID) denied that they were holding detainees when relatives came to ask about them. Family members also enquired about their loved ones with the Office of the Ombudsman, but the majority said they had not been given any information of their relative's whereabouts or condition. Others said they had simply received no reply to their enquiries.

Among the cases documented in the report was that of 14-year-old Mohammed, who was arrested during a raid on his neighbour's house. He was released, but his father was told to bring him to a police station when he was called. On 8 December 2015, Mohammed's father took him to a police station as demanded, and the boy was arrested. After two days he was

⁴ <http://bchr.hopto.org/en/node/7611>

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referred to the prosecutor general following two days of enforced disappearance. As for Talib, a 28-year-old, he was arrested in the street by plain-clothes police officers on 31 March 2015, and was held at the CID for seven days, a period in which his family say he suffered torture.

Previously, in 2011, a report issued by the BICI⁵, documented 169 cases of enforced disappearance during the demonstrations that took place in February and March of that year (See specifically Article 1293 of that report, Page 398, Investigation Six: Allegations of Enforced Disappearance). It also mentioned reports of 1,000 cases of the same practice. The BICI confirmed that, in the cases it had information about, detainees were forcibly disappeared for periods ranging between a number of days to several weeks, sometimes stretching to months. In this period, relatives did not know how their relative was being detained or their whereabouts. Additionally, the United Nations Working Group on Enforced or Involuntary Disappearances⁶ (UNWGEID) (103), convened in May 2014, found that the government of Bahrain had continued to implement a systematic policy of enforced disappearance over the preceding two years (2012-2013). Because of this, the working group designated Bahrain as a country of concern⁷.

Chapter Three: Torture and Ill Treatment

BCHR has recorded numerous complaints and allegations of torture and ill treatment against detainees, aimed at forcing confessions. BCHR has also documented many cases of torture and ill treatment of people who have already had sentences passed against them. The most prominent of these is what happened in Jaw Central Prison in March 2015.



Archive image of tear gas being fired at detainees of Jaw Central Prison

⁵ <http://www.bici.org.bh/BICIreportEN.pdf>

⁶ <http://www.alwasatnews.com/news/916626.html>

⁷ <http://www.ohchr.org/EN/Issues/Disappearances/Pages/Annual.aspx>

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The victims of these events are numbered in the hundreds, including people with light, medium and severe physical injuries. This is likely the first time that BCHR has documented such widespread and systematic torture against government-held prisoners serving sentences in the central prison. The last time BCHR received reports of similar cases was in the same prison, in 2010.



The most recent events began on 10 March 2015, when police and guards at Jaw Central Prison began implementing strict measures in response to a riot by a number of prisoners, who were protesting their ill treatment and living conditions. The measures taken by prison authorities included psychological and physical torture, preventing prisoners from accessing medical care and crowding hundreds of detainees into areas not designed to hold anywhere near such numbers. This last practice continues to represent a systematic failure on the part of the authorities responsible for Jaw Central Prison.

Archive image showing marks of ill treatment reported by a detainee at Jaw Central Prison during the events of March

All the detainees of wings 1, 3, 4 and 6 were subject to collective punishment⁸ – prison authorities sought to put down the riot by firing tear gas and birdshot, and beating violently on the doors of locked cells. Police then transferred prisoners to open areas in the courtyard, where they were beaten, verbally abused, humiliated, starved and prevented from washing, contacting the outside world or seeing visitors for a number of weeks⁹.

⁸ <http://bchr.hopto.org/en/node/7462>

⁹ <http://bchr.hopto.org/en/node/7547>

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Archive image of a sit-in by detainees protesting overcrowding and neglect by the prison authorities



Archive image of a detainee at Jaw Central Prison lying in a corridor because of overcrowding in the cells

Although an investigation was subsequently opened into the large-scale violations that occurred in Jaw Central Prison, the authorities also led a swift mass trial that resulted in 57 prisoners being handed 15-year sentences in January 2016¹⁰. BCHR has also been targeted for seeking to shed light on what happened in the prison. This targeting includes the arrest of BCHR's President, Nabeel Rajab, in April 2016 because of tweets he published in which he uncovered the violations, information which was also published in the *Huffington Post*. He was released after four months of detention, but remains banned from travel as a result of the case. He has been recalled for investigation, along with another BCHR member, Enas Oun¹¹.

The majority of cases of torture reported to BCHR occurred at the CID in Al-Adaliya. Detainees there reported being subjected to psychological and physical torture, and being threatened into making forced and false confessions. The majority of these were in relation to the movement demanding democracy and the continuing protests against the government's policies. The methods of torture and ill treatment mentioned most often in the testimonies were: blindfolding, handcuffing, being forced to stand for long periods of time, violent beatings, punching, beatings on the feet with rubber pipes and electrical wire, beatings with whips and metal or wooden rods, electrocution, sleep deprivation, sexual harassment, subjection to extreme temperatures, cursing and verbal abuse, threats of rape, and sectarian abuse of Shia detainees. These practices are all acknowledged as forms of

¹⁰ <http://www.alwasatnews.com/news/1072488.html>

¹¹ <https://www.hrw.org/news/2015/05/06/bahrain-allegations-severe-prisoner-abuse>

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torture by the Convention against Torture, to which Bahrain became a signatory in 1998. In this context, the continuing reports of this kind of torture by large numbers of detainees leads BCHR to believe that torture in Bahrain is practiced in a systematic and organised fashion. In no way can cases be considered as isolated incidents – they could not occur with such frequency without the knowledge of officials in government institutions.



Archive image of BCHR head Nabeel Rajab inspecting the injury of a released Jaw Central Prison detainee

During 2015 dozens of detainees were sent down in trials after being forced to make confessions under torture. The courts routinely ignored such allegations, and they did not lessen the nature or severity of punishments handed down to these detainees.



In February 2015, the Fourth-Tier Criminal Court sentenced Abbas Al-Samia to death for killing the Emirati police officer, Tariq Al-Shahi, in February 2014. Al-Samia reports being subjected to psychological and physical torture in the first hours after his arrest. He said that the officials responsible for his arrest beat and kicked him violently, even when he was inside the police car before he was taken to the CID, where he was subjected to different kinds of torture. Al-Samia informed his family that he was kicked and beaten every half hour in the interrogation room, while he was blindfold and handcuffed. His family also said he had reported that one of the interrogators insulted his sect, his family and prominent religious figures from the Shia sect. During his detention Al-Samia was also electrocuted and had cold water poured over his body. His hand was wrenched behind his back while he lay on the ground, and somebody stood on his back until he could no longer breathe. Al-Samia says he was left without food or water for three days, in addition to the severe torture he suffered, which led to a marked drop in blood pressure and internal

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bleeding, especially around his stomach and left leg. He was then forced to sign confessions that came pre-written, and that he says he had no choice but to agree to.



On 16 November 2015, the Court of Appeal upheld a death sentence against the military officer Mohammed Ramadan, who was accused of killing a police officer, Abdel Wahid Sayyid Mohammed Faqir. He was also accused of attempting to kill others by planting a bomb in Al-Dir. Ramadan was arrested on 18 February 2014 and subjected to severe torture at the CID. Even a report by the prosecutor general's forensic pathologist found, two weeks after his arrest, that there were signs of torture on his body. The pathologist's report found the following: "The suspect Mohammed Ramadan Isa attended a session today ...and during the appointment an inspection of his body found twin strips of painful bruising around 13 cm long and 1 cm wide. The bruising is bright purple in colour and stretching from the top of the back of his right thigh. When asked where the bruising came from, he said he didn't know. The report's summary simply stated that "we are certain that the bruising described above is an injury caused by a strike from a blunt instrument of some kind. Such injuries usually heal within under 20 days, as long as there no other complications."

In the same year, government-run official human rights organisations like the Office of the Ombudsman and the Special Investigations Unit reported receiving numerous testimonies of ill treatment and torture. In its report¹², the General Secretariat said it had received 908 complaints, and that it considered this an endorsement of the body's role. However, investigations by BCHR have revealed that information gathered by government bodies has had no impact on the sentences handed down against suspects, or the judicial procedures that have continued regardless of these accusations. Moreover, the majority of investigations these bodies say they have carried out appear to have been aimed more at absorbing the negative reactions of family members and entreaties by international human rights organisations than at establishing the true facts. In the majority of cases there has been no noticeable outcome, and nobody has been brought to justice. This has only happened in a tiny minority of cases, in which the accused have been handed extremely

¹² <http://www.bna.bh/portal/news/671254>



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light sentences that are not commensurate with the severity of the crimes they committed. This has strengthened the perception of a culture of impunity for members of the security apparatus. On 27 November 2015, the prosecutor general said it had acquitted 67% of the security personnel who had cases against them¹³.

A 2011 report by the BICI found that large numbers of those arrested had been subject to torture and other kinds of physical and psychological violations while in detention. This finding pointed to the existence of specific behavioural practices used by government agencies against certain types of prisoners.

The amount and nature of the physical and psychological ill treatment that is reported indicates that it is part of a premeditated policy that aims in some cases to bring about forced confessions and in others simply to punish and exact revenge. These findings were followed by recommendations demanding an end to this policy. However, up to the time of writing BCHR has continued to receive complaints alleging torture and ill treatment.

The Bahraini government continues to refuse entry to the UN's Special Rapporteur on Torture, who has requested a visit to Bahrain several times in recent years. Juan Mendez, the current Special Rapporteur, has expressed his displeasure at the ongoing postponement of his visits to Bahrain to monitor prison conditions and to investigate complaints of torture that have reached him previously.

In his report to the 28th session of the UN Human Rights Council in Geneva, Mendez included his comments on the reactions of governments to his questions about allegations of torture, under the remit of his role as UN Special Rapporteur on Torture. Mendez concluded that the government of Bahrain did not safeguard the physical or psychological safety, and failed to investigate allegations of torture by a number of individuals who had submitted complaints that fell under the remit of his work.

Mendez concluded that the government had not responded satisfactorily to the questions it was asked, not to mention that it had failed to comply swiftly and sufficiently with the Human Rights Council's resolution 25/13, as well as failing to comply with its obligations under international law. These include investigating and trying in a court of law all those

¹³ <http://www.alwasatnews.com/news/1050174.html>



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suspected of links to torture, beatings and treatment classified as cruel, inhumane, humiliating or retributive according to the stipulations of the Convention against Torture¹⁴.

Chapter Four: The Policy of Silencing and Violating the Right to Freedom of Expression

Freedom of opinion and expression is a fundamental human right. It is a basic step towards the protection of other rights and freedoms; without this right, corruption can become entrenched, human rights violations become widespread and free societies are transformed into authoritarian ones. Based on this principle, various international covenants and treaties include passages that confirm these rights. Article 19 of the Universal Declaration of Human Rights¹⁵ stipulates that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” This right is an essential pillar for democratic states and societies.

Since 2011 the authorities have attempted to enforce procedures and legislation that clamp down on freedoms and violate the basis of these rights. Thousands of citizens have been detained over cases relating to the popular movement that has been demanding political reform and human rights. In 2015, BCHR documented more than 1,800 cases in which activists have been arrested in relation to this democracy movement. Many of those arrested were targeted because of opinions they expressed in speech, writing or by participating in gatherings and peaceful protests putting forward human rights demands. By the end of 2015, all the prominent political leaders of large opposition groups were in prison for expressing opinions critical of the policies and orientations of the ruling authorities¹⁶.

Prosecution of Internet and social media users

The authorities have also punished a number of bloggers because of their activities on social media and their criticism of government policies, particularly on Twitter. In 2015 the authorities arrested 25 Internet and social media users, among them the President of BCHR, Nabeel Rajab. He was arrested in April 2015 over Tweets in which he criticised the war on

¹⁴ <http://www.alwasatnews.com/news/969802.html>

¹⁵ <http://www.un.org/en/universal-declaration-human-rights/index.html>

¹⁶ <http://bchr.hopto.org/en/node/7626>



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Yemen and shared images and information about torture that had taken place in Jaw Central Prison early in 2015.

At least 12 Internet and social media users are still behind bars at the time of writing. The authorities issued heavy sentences for material published on the Internet, which total over 25 years for the 12 people. Many of these sentences relate to criticism levelled against Saudi Arabia. The year began with a wave of arrests in January 2015 targeting those who had commented critically or satirically on the death of the late King of Saudi Arabia, Abdullah Al-Saud. A total of 11 people were arrested, some of whom received prison sentences of up to three months¹⁷. The arrests also included those who were critical of the military campaign being led by Saudi Arabia in Yemen, with at least three people being detained. It also targeted those who criticised the Saudi administration's handling of the 2015 hajj season, which saw hundreds of people die— at least one person was arrested over this. Another prominent new trend in 2015 was the persecution of critics of the House of Representatives. At least three bloggers were arrested in July 2015 on suspicion of “insulting the House of Representatives” after they criticised the parliament for agreeing to a budget that included a deficit of 1.5 million dinars, and would cancel subsidies for basic staples¹⁸.

As a result of such judicial cases, the owner of the website Bahrain Gate – which is supportive of the government – was forced in July 2015 to shut down the site and all of his private social media accounts after he was referred to trial on charges of insulting a candidate for parliament during the run-up to elections in 2014. The trial began in September 2015¹⁹.

Prosecution of broadcasters and suppression of the press

The increased repression in 2015 also affected those working in the media, including photographers – at the time of writing, nine of them still remain in detention. In February 2015, the photographer Ahmed Al-Fardan was sentenced to three months in prison for “intending to congregate unlawfully²⁰.”

¹⁷ <http://bchr.hopto.org/en/node/7244>

¹⁸ <http://bchr.hopto.org/en/node/7577>

¹⁹ <http://www.alwasatnews.com/news/1009366.html>

²⁰ <http://www.bahrainrights.org/en/node/7704>

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On 11 November 2015, photographer Hussam Surur was sentenced to three years in prison while a second, Ahmed Zein Al-Din, was sentenced to 10 years in prison²¹. A third, Mustafa Rabia, was also sentenced to 10 years in prison for “participating in the arson of a security centre”. On 23 November 2015, photographer Ahmed Mousawi was sentenced to 10 years in prison after being accused of photographing anti-government marches and distributing telephone cards to protesters. Mousawi's citizenship was also revoked²². Mousawi informed relatives who visited him in detention that he had been subjected to extreme torture while in custody of the CID, including being hung from a door, electrocuted and beaten on the genitals. He was also forced to stand upright for four consecutive days while stripped naked. According to Mousawi's testimony, his lawyer was not allowed to attend his interrogation at the prosecutor general's headquarters²³.



Archive image of solidarity sit-in for detained journalists

On 1 August 2015, Bahraini authorities also arrested the satirical artist Mansour al-Jadawi (known as “Sanqima”) after he published sound recordings including what the Interior Ministry called “material that denigrates one of the noble sectors of Bahraini society.” His arrest came after he published on social media a sound recording in which he criticised the discrimination practised by the Interior Ministry's police force²⁴.

²¹ <http://bchr.hopto.org/en/node/7661>

²² <https://www.instagram.com/p/-bjCQVuhAo/>

²³ <http://bchr.hopto.org/en/node/6779>

²⁴ <https://www.youtube.com/watch?v=O1y0e0YJfds>



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On Monday 28 December 2015 the security forces arbitrarily arrested the journalist Mahmoud Al-Jaziri²⁵ after he published a report about a statement by a representative on the Shura Council regarding a demand that housing units be taken away from residents whose citizenship has been revoked²⁶.

On 6 August 2015, the Media Affairs Body released a written warning to *Al Wasat* newspaper regarding an article by one of the outlet's writers, Hani Al-Fardan. The warning mentioned that "the column written by Hani Al-Fardan, published by *Al Wasat* newspaper on Saturday 1 August 2015 in issue number 4711, contains incorrect information and is considered as such to violate Law 47 of 2002 regarding press, printing and publication regulations. The Media Affairs Body is sending your newspaper this warning under the remit of Article 84 of that law. The body stresses that you must publish the warning in your next issue in accordance with the text of the aforementioned article." *Al Wasat* was prevented from publishing for one day in August due to a news article it published about deaths during the military campaign in Yemen. The Media Affairs Body said it had halted the newspaper's publication because it had "broken the law and persisted in publishing and promoting material that may lead to divisions in society and impact on the kingdom of Bahrain's relations with other states." On 8 August 2015, the Media Affairs Body said it had "decided to allow *Al Wasat* newspaper to resume its publishing and circulation activities," clarifying that the decision was taken "after the newspaper confirmed that it will abide by the law."

Probably the most egregious violation of freedom of the press and media committed by the authorities last year was in February, when the Al Arab news television channel was taken off the air after just one day of broadcasting. This took place immediately after the channel hosted a Bahraini opposition figure.

Laws that restrict freedom of expression

The Bahraini authorities continued their ongoing policy of enforcing laws that restrict freedom of expression. On 21 September 2015, the Council of Ministers agreed on a law setting²⁷ out the parameters of supervision and censorship of media output that requires all visual, audio, textual and electronic media organisations to take into consideration a number of rules and regulations when preparing work. The foremost among these is to consider the sovereignty of the Kingdom of Bahrain and respect for its ruling government,

²⁵ Journalist at Alwasat Newspaper

²⁶ <http://bchr.hopto.org/en/node/7676>

²⁷ <http://www.bna.bh/portal/news/687825>

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its leading figures, its organisations and its governing bodies. The decision also stipulates that media organisations must “abstain from circulating or publishing any information, news or other material that may disrupt relations between the Kingdom and other states, and must abide by the principle of respect for religions. They must not infringe the Kingdom's national or religious identity, and must refrain from harming national unity and social cohesion.”

These restrictions imposed on the practice of the right to freedom of opinion and expression could lead Bahrain to being designated a country opposed to press freedom. The number of points awarded to Bahrain by Reporters without Borders in its press freedom index 2015 left the kingdom ranked 163rd worldwide.

Chapter Five: Prohibition of Protests and Assembly throughout the Country

In response to attempts to practice freedom of peaceful protest and assembly, the authorities have gradually restricted this fundamental right until by 2013 it was effectively completely banned. In 2006 the authorities issued the Law on Assembly and Protest, which imposed restrictions on the right to assembly. In 2012 they issued a new amendment to the law that imposed further restrictions that put a stop to protests and assembly, as well as demanding fines from people found violating it. Interior Minister Rashid bin Abdullah Al-Khalifa issued a decision stating that all marches and assemblies would be stopped, and that no occasion would be allowed to take place unless it could be proved that it aided stability and the security situation, with the aim of preserving national unity and social cohesion and preventing all forms of extremism by any party²⁸.



Archive image of a sit-in demanding the release of Sheikh Ali Salman, head of al-Wefaq

²⁸ <http://www.alwasatnews.com/news/712404.html>
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Freedom of assembly, organisation and expression is an internationally recognised right. However, rather than repealing this harmful decision, in 2013 the Bahrain House of Representatives approved a law that forbids demonstrations in the capital Manama.

This law led the office of the UN High Commissioner for Human Rights to criticise Bahrain with the following statement: “We repeat once again that we are concerned about the restrictions on demonstrations and general gatherings.”

The office called on the government of Bahrain to abide by its international obligations as regards to protecting human rights in general, including respecting the rights to freedom of expression, peaceful assembly and association, especially Article 20 of the Universal Declaration of Human Rights, which stipulates that “everyone has the right to freedom of peaceful assembly and association.”

Additionally, Article 21 of the International Covenant on Civil and Political Rights states that “the right to peaceful assembly is an important right in a democratic society whose public authorities are overseen by public opinion²⁹.”

In the period between 12 and 14 February 2015, namely the period marking four years since the start of a popular uprising in February 2011, BCHR documented more than 120 peaceful marches³⁰ that were violently dispersed³¹ by the security forces, leading more than 100 people to succumb to various injuries³².

On the anniversary of Independence Day on 14 August 2015, BCHR documented at least five demonstrations that were dispersed using tear gas and birdshot.

²⁹ <https://goo.gl/jz8HWO>

³⁰ https://www.youtube.com/watch?v=x9OMMYxV_Sk

³¹ <https://www.youtube.com/watch?v=s3bs3a5PdK8&feature=youtu.be>

³² <http://www.bahrainrights.org/en/node/7607>

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Group of archive images showing injuries suffered by citizens during the suppression of protests to mark the 2015 anniversary of the "February Uprising"

Although legally demonstrations are only forbidden in the capital Manama, it is clear to all observers of Bahraini affairs that anti-government gatherings are forbidden throughout the country. Peaceful protests and gatherings that have not obtained special permission from the Interior Ministry are violently suppressed and participants are handed exaggerated prison sentences.



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Group of images showing the suppression of peaceful marches and ongoing popular protests

In 2015, the Al-Wefaq National Islamic Organisation announced that the Interior Ministry had refused to issue notifications for more than 140 peaceful gatherings proposed by opposition forces, without logical justification or legal reason³³.

During various periods previously, the authorities have sought to pursue such tactics – but the policy of arbitrarily forbidding protests and peaceful gatherings really came to the forefront in 2015.

Chapter Six: Targeting of Opposition Figures and Human Rights Activists and Retaliations against them using the Judicial System

Since the start of the uprising on 14 February 2011, the Bahraini authorities have arbitrarily arrested thousands of citizens in connection with various cases related to their activities with popular opposition demonstrations and protests. Many are still at risk of retribution by the authorities as a result of their legal and peaceful activities.

³³ <http://alwefaq.net/cms/2015/12/15/43593/>

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They have been a target of enforced disappearance, systematic torture and ill treatment aimed sometimes at forcing confessions from them, and sometimes at silencing them. Many of them have had their citizenship revoked, and some have been deported. Large numbers of them have been handed harsh prison sentences, with the aim of stopping the demonstrations that are continuing up to the time of writing. The majority of opposition leaders and figures remain either behind bars or in exile. By the end of 2015 all the prominent political leaders of large opposition organisations were in prison.



Archive image of the head of al-Wafaq and the head of Waed, both imprisoned for expressing their political views

In July 2015, Bahraini authorities re-arrested Ibrahim Sharif, the political leader and former secretary general of Waad (the National Democratic Action Society), just a few weeks after his most recent release. His arrest in July followed a speech he gave at a public gathering to commemorate a victim of unlawful killing. He was subsequently accused of “inciting contempt hatred of the regime³⁴.”

On 16 June 2015 a court ruled against the secretary general of the Al-Wafaq National Islamic Society, the largest opposition group in the country. Sheikh Ali Salman was sentenced to four years in prison. He had been arrested on 28 December 2014 and charged in relation to speeches he gave between 2012 and 2014. It was alleged that these speeches incited hatred of the regime, called for the country's rulers to be brought down by force, encouraged

³⁴ <http://www.bahrainrights.org/en/node/7642>



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young people to believe that demonstrating against the authorities is a religious duty, denigrated the judiciary and the executive authorities, and incited sectarian hatred. He was also accused of allegedly receiving foreign support, disseminating false statements and reports aimed at stirring up panic and breaching the peace and of taking part in marches and gatherings that led to material damage³⁵.

On 26 March 2015, the authorities detained the former secretary general of the National Democratic Assembly (Al-Wahdawi), Fadil Abbas Ali³⁶. This was in connection with a statement released by the organisation that condemned the war on Yemen led by Saudi Arabia along with a coalition of ten other states. The prosecutor general's office said that it had "completed its research into the complaint submitted by Administration for Investigations and Criminal Evidence. This related to a statement issued by the head of a political organisation, which included certain insinuations about military proceedings undertaken currently by Bahrain along with closely allied nations with the aim of restoring legitimacy and stability to Yemen. It has been decided that he should be detained pending investigation." The prosecutor general referred Abbas to the Fourth-Tier Criminal Court, and in June 2015 he was jailed for five years.

In the evening of 31 December 2015, the security forces summoned for questioning the human rights defender Sheikh Maytham Al-Salman, the political leader of Al-Wefaq Khalil Marzouq, Jamil Kazem, Mohammed Al-Gharifi and the secretary general of Al-Waad Reza Al-Mousawi in connection with speeches given at a public assembly hosted by Al-Wefaq in solidarity with the detained secretary general of Al-Wefaq, Sheikh Ali Salman. According to their lawyers, Khalil Marzouq and Mohammed Al-Gharifi were referred to the prosecutor general on suspicion of inciting hatred of the regime. This was not the first time these activists had been subjected to pressure from the Bahraini authorities. Sheikh Maytham Al-Salman – who is famous for his work in the field of human rights, especially relating to religious freedom and counter-extremism – had previously been arrested in 2015 at Bahrain Airport and taken to the CID, where he was interrogated by government investigators for hours.

Likewise, Jamil Kazem was arrested on 14 January 2015 and sentenced to several months in prison over a tweet that was critical of the government. Similarly, Khalil Marzouq was

³⁵ <http://bchr.hopto.org/en/node/7215>

³⁶ <http://bchr.hopto.org/en/node/7463>

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arrested and accused of inciting hatred of the regime and of the system of leadership during a speech he gave to Al-Wefaq³⁷.



Image of civilian members of the security forces arresting Jamil Kazem

The majority of well-known human rights defenders have either remained behind bars or been forced by their security situation and the systematic targeting they face to live outside the country and run their affairs from there. Abdulhadi Al-Khawaja, BCHR's founder, is still serving a life sentence in prison. Likewise the activist Naji Fateel, deputy head of Bahrain Youth Society for Human Rights, has received prison sentences totalling 30 years. Both men have been accused of crimes relating to terrorism, though they are prominent figures known for calling for peaceful progress towards social justice and human rights. Similarly, in December 2015, Hussain Jawad was sentenced to two years in prison for amassing capital unlawfully³⁸. Jawad is President of the European-Bahraini Organisation for Human Rights, and lives in the French capital Paris where he fled after his release on bail and before this sentence was passed against him.

Less than a year after he was released following two years in prison, BCHR President Nabeel Rajab was arrested again in April 2015 over tweets he published. These tweets related to allegations of torture at Jaw Central Prison documented by BCHR, while others criticised the war in Yemen. He was released in July of the same year but was subject to a travel ban, which remains in place at the time of writing. In December 2015, his lawyers applied to the prosecutor general – for the fourth time – to have the ban lifted so he could accompany his wife on a trip to get medical treatment abroad³⁹. However, to date the authorities have yet

³⁷ <http://bchr.hopto.org/en/node/7677>

³⁸ <http://www.ebohr.org/en/?p=3687>

³⁹ <http://bchr.hopto.org/en/node/7693>



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to respond. A number of international organisations, as well as the European Parliament, have also called on Bahrain to lift the travel ban and stop targeting human rights defenders.

The UN Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst, has placed Bahrain high on the list of states that have seen an increase in attempts to punish human rights defenders. He has sent notices regarding 32 cases of human rights defenders being punished, with Bahrain at the forefront of these. During his speech to the 28th session of the UN Human Rights Council in Geneva, Forst indicated that Bahrain is a state that still carries out campaigns of intimidation, public exposure, arbitrary arrest, direct threats and arbitrary attacks against human rights defenders⁴⁰.

The UN rapporteur also expressed his concern at the increasing tactics of intimidation and retribution carried out against human rights defenders, stressing that “these acts are unsuitable and unacceptable” and demanding that those responsible for threats face justice. He reminded listeners that the UN is based fully on free co-operation with civil society, warning that without this co-operation, the organisation has no legitimacy.

A large number of former opposition members of parliament have clearly been targeted for their opposition to the ruling powers while in parliament, or because they have expressed opinions critical of the bodies of the state and officials from the ruling family. They have been targeted in many ways – some have been pursued in the courts, imprisoned and tortured, while others have had their Bahraini citizenship revoked. Some have had false cases launched against them in court. This is all in addition to the security and judicial harassment that they have faced as a result of their work. Their former or current membership of parliament has not protected them from this. For example, on 14 January 2015, the former MP Jamil Kazem, a member of the opposition Al-Wefaq party, was arrested and sentenced to six months in prison for “denigrating the elections.” The Minister of Justice pursued this charge against the former MP over tweets in which he discussed the misuse of funds during elections⁴¹.

The Inter-Parliamentary Union has designated Bahrain as one of the seven most dangerous Middle Eastern states for parliamentarians active in the field of human rights⁴².

⁴⁰ <http://bahrainrights.org/en/node/7549>

⁴¹ <http://bchr.hopto.org/en/node/7229>

⁴² <http://www.ipu.org/press-e/pressrelease201412081.htm>



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Chapter Seven: Stripping of Citizenship as a New Policy to Stifle the Voices of the Opposition

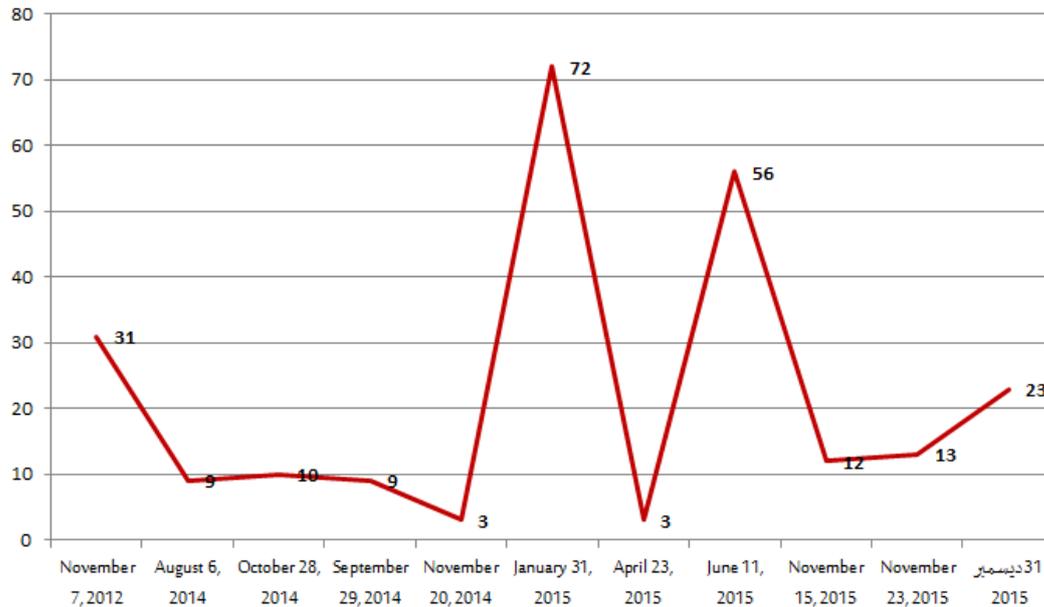
The government of Bahrain in 2015 used a policy of revocation of citizenship and exile as a tool to punish opposition politicians and human rights defenders. This tactic was also used to intimidate Shia citizens of Bahrain, particularly those with an Iranian background. This has a negative impact not just on the individuals directly targeted, but also on their relatives and members of their extended families including their children. The principle of targeting individuals has been overtaken by the policy of collective punishment that includes families of those affected. It is creating a new class of stateless people who lack citizenship – this is increasing social problems in the country and entrenches feelings of discrimination and marginalisation among victims of this policy and their families. The policy has also widened the gulf between the government and the opposition.

Journalists, writers, bloggers, political activists and human rights defenders are all among those who have had their citizenship revoked. In 2015 the authorities revoked the citizenship of 202 Bahraini citizens. 130 of these cases occurred after the individuals were convicted under anti-terror laws, while 72⁴³ came as a result of a decision issued by the Interior Ministry in January 2015 without prior notice or legal recourse. Among those affected were the well-known Bahraini blogger Ali Abdel Imam, the journalist Ali Al-Diri and Professor Masoud Jahrami. Among the list of 72 people whose citizenship was revoked in this way were 11 people targeted for allegedly belonging to a terrorist organisation or the so-called Islamic State. It seems that the tactic of releasing lists of people whose citizenship will be revoked that include both individuals wanted for terrorism and peaceful opposition figures is an attempt to muddy the waters and mix up the legitimate peaceful opposition with extremist groups, to the extent that one might conclude that all victims of the revocation of citizenship are linked to terror.

⁴³ <http://bchr.hopto.org/en/node/7264>

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The following diagram demonstrates the number of people whose citizenship was revoked between 7 November 2012 and 31 December 2015:



The courts base the legitimacy of the rulings to revoke citizenship on Article 2 of Law 20, 2013, which governs the protection of society from terrorist acts and which states that: “in addition to the punishment handed down, the convicted individual may have their citizenship revoked if they are found to have committed the crimes referred to in Articles 5, 9, 12 and 17 of this law. Citizenship can only be revoked by permission of the King of Bahrain.”

BCHR considers this severe punishment and attempts to prove its legal legitimacy part of an attempt to put pressure on activists, and intimidate others to prevent them exercising their right to express their opinions freely and peacefully demand their legitimate rights. This is particularly the case since those whose citizenship is stripped lose their rights as citizens. Moreover, the phrase “protecting society from terrorist acts” is very vague – no amendment has been handed down to clarify it, despite the severe punishments that are handed down under its guise. Such actions contradict Article 15 of the Universal Declaration of Human



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Rights, which states that “1) Everyone has the right to a nationality” and “2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality⁴⁴.”

Those whose citizenship has been revoked cannot own or trade real estate, and are prevented from accessing housing, social support and free healthcare. They also face problems with accessing legal representation, registering for education services and getting jobs. However, the biggest problem they face is being pursued by the courts for “unlawful residency,” despite efforts to engage sureties who can sponsor their stay in the country, as is the case for foreign citizens threatened with deportation. When a person's citizenship has been revoked, spouses, families and children are negatively impacted, left unable to get an identity card or benefit from the parent's financial capital or access any of the services that the government provides to Bahraini citizens.

Chapter Eight: Discrimination against Shia in Bahrain

The Bahraini constitution sets out the right to freedom of conscience and religious sect, and the freedom to hold religious meetings and marches according to the customs and traditions in place in Bahrain. The constitution also forbids discrimination on the basis of religion or sect. However, the Bahrain government practices systematic discrimination against Shia – there are no laws forbidding religious discrimination, and no known procedures by which one might complain about this practice. On the ground in Bahrain, the discrimination and marginalisation faced by members of the Shia sect is one of the biggest causes of social problems and the demonstrations that have rocked the country for some decades but that has increased over the past five years.

Instead of putting in place laws that forbid discrimination and marginalisation on sectarian grounds, the Bahraini government has stopped such legislation coming before parliament on the pretext that it would harm foreign investment in the country⁴⁵.

Article 18 of the Bahrain constitution stipulates that “all people are equal in the respect they are due, and all citizens are equal under the law in terms of their rights and obligations. There must be no discrimination between them on the basis of gender, origin, language, religion or sect.” However, this article has remained merely an article of the constitution,

⁴⁴ <http://bchr.hopto.org/en/node/7080>

⁴⁵ <http://www.alwasatnews.com/news/391558.html>



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and has not been translated into laws or implemented in the realities and practices of daily life.

By the end of 2015, there had still been no recompense for many of those who lost their jobs in 2011 due to their sectarian affiliations during the protests of that year. Those who have returned to work have mostly been given different jobs, mostly on a lower level than those they were dismissed from. Others were laid off almost as soon as they returned to work, either through early retirement or dismissal for other reasons.

In 2011, ministries and some large companies that are partly or wholly owned by the state arbitrarily dismissed hundreds of Shia employees who had taken part in the political marches and large-scale demonstrations that were taking place at the time⁴⁶.

There is also clear discrimination in Shia villages and regions of Bahrain, which can be seen on a municipal level as well as in terms of the healthcare and services available. In Jidhafs, south of the capital Manama, the Jidhafs Health Centre opened in 1978 to serve the needs of over 70,000 people living in 42 residential complexes⁴⁷. The centre only has capacity to serve 25,000 people. In Karkazan, south-west of the capital Manama, the authorities have turned the municipal headquarters into a security hub, which has meant citizens are unable to access municipal assistance close to their houses and are forced to visit other municipal centres far from where they live, which is an extra burden⁴⁸.

The security and judicial apparatus has also continue to arrest and pursue large numbers of Shia citizens. In 2015, BCHR documented more than 1,800 arrests related to demonstrations, most of which had a sectarian element. Among those arrested were religious figures and prominent opposition leaders like Sheikh Ali Salman, Sheikh Hassan Isa, Sheikh Abdel Zahra Al-Mubashir, Sheikh Isa Al-Qufas, Sheikh Sadeq Al-Shakhouri and others. Over 15 religious figures are behind bars, either in detention or in prison. They face vague and politically-motivated charges relating to terrorism or to inciting hatred of the regime, which can carry sentences of up to life in prison. These charges usually have no credibility. The year saw the arbitrary revocation of citizenship and deportation of members of the Shia sect. Bahrain uses anti-terror legislation against political opponents and those taking part in Shia demonstrations. A number of UN rapporteurs and experts have attested to this in their

⁴⁶ <http://bchr.hopto.org/en/node/3879>

⁴⁷ <http://goo.gl/JwEAQv>

⁴⁸ http://manamavoice.com/news-news_read-16090-0.html



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communications with the government of Bahrain, especially experts concerned with the violation of freedom of expression and the freedom to establish religious organisations.

The rapporteurs on cultural rights, extreme poverty, human rights and freedom of expression have mentioned receiving testimonies relating to a system of relentless discrimination against Shia citizens since 2011 that impacts their rights to freedom of religion, expression and culture. They added that “such discrimination takes the form of 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 violence⁴⁹.”

The recommendations put forward by the Bahrain Independent Commission of Inquiry (BICI), led by Dr. Cherif Bassiouni, called for professional standards to be put in place governing media and published materials including an executive instrument to enable professional and moral standards to be enforced and to prevent rhetoric that incites hatred, violence and lack of tolerance. The recommendations stressed that this should be done in accordance with internationally-recognised rights to freedom of expression, and called for the appropriate steps to be taken, including in the legislature, to prevent incitement to hatred and violence.

Despite the aforementioned recommendations, the government and the media outlets affiliated with it have continued to disseminate propaganda and views that incite hatred against the Shia community and their beliefs. The security forces and the prosecutor general have also continued to summon large numbers of Shia religious figures for questioning over sermons they have given⁵⁰. There are also no Shia religious programmes on the official religious television channel.

The Sunni sect of Islam is the sole source and reference point taught at state schools throughout the country. Schools do not teach Twelver Shia customs, apart from in the case of one private institution that specialises in them. Similarly, there have been no organisations for Shia clerics since the only such group in the country was dissolved in 2014.

In 2015, a large number of Shia mosques were destroyed or damaged, and had shots fired at them on multiple occasions, without any proper investigation or attempts to bring the

⁴⁹ [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_\(6.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_(6.2015).pdf)

⁵⁰ <http://bchr.hopto.org/en/node/7559>

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perpetrators of these crimes to justice. In some cases the Interior Ministry said it was opening investigations into the events⁵¹, but these have never led to a perpetrator being identified or brought in for questioning. These investigations have in fact had no noticeable outcome, leading to the perception that they were not serious and had no credibility. The majority of mosques that were destroyed for sectarian reasons in 2011 have still not been rebuilt – the government has repaired just five of them, meaning that at least 25 have yet to be reinstated. Worshippers at these mosques still have to pray in the rubble of the courtyard. In some cases the government has even built gardens and parks over the land previously occupied by the mosques, provoking a strong reaction among the Shia community⁵².

Shia worshippers are still forbidden from visiting some of their holy sites and religious shrines. These include the mausoleum of Sheikh Ibrahim bin Malik Al-Ashtar and the Saasaa bin Souhan Mosque. Both have been targeted by sabotage attempts and had rubbish thrown at them⁵³.



Archive image of the damage to Saasaa bin Sawhat Mosque

⁵¹ <http://www.alwasatnews.com/news/1057693.html>

⁵² <http://www.alwasatnews.com/news/788150.html>

⁵³ <http://www.alwasatnews.com/news/644307.html>

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Officials from the Interior Ministry have also confiscated Shia religious banners and posters from public streets and private property, as well as attacking a number of tents used to provide food during Shia religious events⁵⁴.



Image showing members of the security forces confiscating banners and posters during Ashoura

Throughout 2015 Shia mosques continued to be subject to attack. The mosque in Aali was destroyed, and its contents were ransacked, while a fire was started at the Sheikh Darwish Mosque in Al-Deraz by elements said by the official security apparatus to be “unknown.” The same occurred at Abdel Saleh Mosque in Al-Hamla twice in a two-month period, with the second incident taking place in December 2015. In June 2015, the Al-Kheif Mosque in Al-Dir was ransacked and its religious texts desecrated⁵⁵.

Shia mosques and places of worship have remained a target for the security forces whenever protests and demonstrations take place in Shia-majority areas. Photographs taken by citizens in residential areas have shown members of the security forces deliberately targeting the windows of mosques with tear gas canisters, sound bombs and rubber bullets.

⁵⁴ <http://bchr.hopto.org/en/node/7644>

⁵⁵ <http://www.alwasatnews.com/news/999226.html>

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Image showing a Shia mosque targeted with gunfire

BCHR has documented several cases of restrictions on the right to religious freedom during the festival of Ashura⁵⁶, with flags and banners confiscated, and posters carrying information about the celebrations torn down. 57 such cases were documented in 2013, and 79 in the following year. In 2015 there were 169 documented cases, including the interrogation of preachers, organisers of religious events and ordinary participants in celebrations. These cases also include use of excessive force in dispersing participants in the festivals, and the confiscation and destruction of objects related to the celebrations.

⁵⁶ Special Shi'a ceremonies related to the anniversary of the martyrdom of Imam Hussain, the second son of the daughter of Prophet Mohammed, who brought the religion of Islam



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Although the Shia community is in the majority in Bahrain, making up 60% of the population, they remain marginalised from the political, judicial and legislative structure. Only 15% of members of the executive authority are Shia, while Sunnis and members of the ruling family make up the other 85%. To be exact, six of 29 members of the Council of Ministers (the Prime Minister, his representatives and the other ministers) are Shia, while three out of 29 deputy ministers are Shia. Of a total of 85 positions in the executive branch of government, only nine are filled by Shias. For the most part Shia officials are assigned to service-related ministries that have little power on general policy. Even in these ministries, Shia officials remain confined to nominal roles, while the real work of these organisations is done from outside, mostly by security and military bodies, as is the case with the Health Ministry.

The judiciary is divided between the Constitutional Court, the Legal and Legislative Affairs Body, the Prosecutor General and the High Council of Judges, which oversees the courts and the administration of searches. Overall, only 12% of the judiciary is Shia.

Discrimination against the Shia community extends to the assigning of university scholarships to high school graduates. BCHR has documented the cases of many students who achieved high marks but were not given a study scholarship, or who were awarded amounts that do not meet their needs, meaning that they are indirectly deprived of the opportunity to study the specialist subject of their choice. In 2011, the Education Ministry brought in a new system that meant that applicants for scholarships must have achieved at least 60% in their studies, and 40% in a personal interview. A number of students have previously complained of being asked aggravating questions during their interviews, relating to their political orientations and their loyalty to the ruling family⁵⁷. Assessing the eligibility of students for scholarships is carried out according to their personal views, with a primary focus on awarding them to supporters of the ruling regime.

Chapter Nine: National Institution for Human Rights Organisation, the Office of the Ombudsman and the Special Investigation Unit

During the pro-democracy protests that began in February and March of 2011, and the violent reaction that followed, King Hamad Al-Khalifa appointed the Bahrain Independent Commission of Inquiry (BICI) as a result of international pressure to investigate allegations of

⁵⁷ <http://bchr.hopto.org/en/node/7584>



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human rights abuses committed by the military and the security forces during the wave of demonstrations. The BICI finally issued a nearly 500-page report including its findings following investigations. It concluded that the Interior Ministry and the national security apparatus had pursued a policy of systematic physical and psychological ill treatment of detainees. In many cases, this ill treatment was so severe as to constitute torture. The BICI recommended the establishment of a non-biased, independent instrument to bring to account those accused of committing human rights abuses including torture and ill treatment. It also suggested the setting up of the Office of the Ombudsman under the remit of the Interior Ministry, as well as the Special Investigations Unit. These bodies were in fact set up in 2012, a year after the uprising began.

In August 2014, an official law was signed mandating the establishment of the National Institution for Human Rights (NIHR). Though BCHR considers the setting up of this body to be a positive step, it has not yet seen any contribution the body has made to lessen the human rights violations committed by the security apparatus. The body has instead made it its mission to improve Bahrain's image from a human rights perspective, rather than focusing on combating the human rights violations that continue to be committed on a daily basis.

The Office of the Ombudsman has failed to provide the transparency that would be required by victims and their families to gain their trust and prove that its investigations are carried out in earnest. Nor does it have the power to bring to account senior security officials accused of committing torture. As the Ombudsman does not have this capacity, cases are referred to the Special Investigations Unit, which takes decisions over whether to try officials responsible for torture or not.

The reports and statements issued by the Ombudsman have remained very general. The body has given no specific details as to the types and methods of violations it documented or heard about. So far it has only released figures relating to the cases it has been told about, without specifying the judicial procedures that have begun against those responsible for human rights violations or the accusations or judgements levelled against them. The Ombudsman's affiliation to the Interior Ministry, which is responsible for the majority of human rights violations, has harmed its credibility and the trust that victims and their families have in its independence as a body.

In March 2016 one of the most significant cases came before the Ombudsman, attracting the attention of the general public. The case was brought by families of the men detained in

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Jaw Central Prison in the aftermath of the assaults that took place there, which had caused concern among many international organisations over the violations of prisoners' rights. Up to the time of writing of BCHR's annual report, despite the publication of several international reports and statements regarding the violations that occurred inside Jaw Prison, the Ombudsman has remained silent on the matter. So far it has not published a report, but has simply stated that it has received complaints from the families of prisoners.

The Special Investigations Unit (SIU) has also failed on several occasions to bring to justice the high-level officials and security personnel responsible for ill treatment and torture of detainees⁵⁸, despite dozens of cases being brought before it, according to its own reports. Even the very few cases that have been referred to court by the SIU have been characterised by attempts to deceive the court using weak evidence, leading the majority of defendants to be found innocent or be handed down light sentences. The SIU's ability to conduct independent and detailed investigations has even been called into question by the National Institution for Human Rights, which was set up by the government.

One of the cases that has been explored by the SIU is that of an incident in January 2015 in which birdshot was fired on a single demonstrator from very close range. A video showing the incident very clearly was circulated on social media.



Image of a man moments after he received an injury to the face



Image of a man moments before he received an injury to the face, according to the video that captured his injury

⁵⁸ <http://www.alwasatnews.com/news/963058.html>
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The SIU said in January 2015 that it had “identified the police officer accused of injuring the victim and immediately summoned him for questioning. It has been decided that he opened fire using the firearm in his possession with the intention of dispersing the crowds that had gathered and were stirring up a riot. He did not intend to harm anyone.”

The SIU said it had charged the officer with causing bodily harm and ordered that he be detained for seven days⁵⁹ pending investigation. However, the court later exonerated him⁶⁰, and the report gave no mention of the victim or the injuries caused to him.

In another case brought before the SIU over the torture of detainees to extract confessions, the Criminal Court acquitted all five suspects – an officer and four other police personnel – because of contradictions in the victim's testimony during the investigation, the medical examiner's report and what the court called the “implausibility of the event⁶¹.”

In the case of Hassan Al-Sheikh, a detainee at Jaw Central Prison who was tortured to death, the SIU said in November 2014 that the accused had “confessed in the presence of his lawyer to the crime of torture and that he had caused the victims (prison detainees) severe physical and intangible pain with the aim of extracting confessions and information. This included the victim who died. He did not intend to cause this death.”

In May 2015, the court handed down sentences of between one and five years in prison to six defendants for the crime of killing under torture. Such sentences are in no way comparable to those handed down to opposition activists and are not commensurate with the crime of murder⁶².



Image showing traces of the torture that Hassan al-Sheikh was subjected to before his death at the hands of police officers at Jaw Central Prison

⁵⁹ <http://www.alwasatnews.com/4521/news/read/955008/4521/news/read/955155/1.html>

⁶⁰ <http://goo.gl/DdisbR>

⁶¹ <http://goo.gl/Z4TCcd>

⁶² <http://mirror.no-ip.org/news/24279.html>



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In November 2015, Reporters Without Borders learned that the SIU had decided not to begin criminal proceedings against suspects accused of torturing a Bahraini journalist from the AFP agency, Nazeeha Saeed, when she was detained at Al-Refaa police station for interrogation regarding her coverage of pro-democracy protests in the capital in 2011.

In 2015, the National Institution for Human Rights (NIHR) appeared to be the most cautious – it did not issue a single new report over the course of the year. Instead, it repeated a previous report and the recommendations within it, to which the authorities had previously paid little attention. Its reports also did not include transparent details about the body's visits to Jaw Central Prison or other facilities. Rather, officials from the organisation said their report based on prison visits had been submitted only to the Interior Minister. The issue of independence remains a central issue that the NIHR suffers from.

The other central problem this organisation faces is its lack of power to compel the Bahraini government to sign up to various UN conventions and agreements on human rights, or to amend laws to ensure they comply with international human rights standards. It has also failed to submit a report into the human rights situation to any international body connected to the UN Human Rights Council.

On 3 December 2015, the NIHR published its second annual report, which came months late and covered the developments that took place in 2014. The report was for the most part structural, in that it mentioned the laws governing the organisation and its principles, as well as some subjects of importance, but did not mention the majority of the systematic human rights violations committed by the Bahraini government. The report also apologised for its failure to put in place recommendations in its first annual report due to circumstances surrounding the elections and its new employees.

In general, Bahrain's National Institution for Human Rights fails when it comes to adhering to and respecting international laws and regulations governing human rights. It also lacks the power to present the results of its findings and reports to the general public if the government and security bodies do not want it to. As a result, the NIHR has a long road ahead if it wants to secure trust on an international level and a real defender of human rights in Bahrain.



Human Rights Violations from Practice to Policy

Recommendations

Based on the above, BCHR calls on the Bahraini authorities to do the following:

1. Release all political prisoners and human rights defenders and find a way to enter into dialogue with opposition forces as a way out of the current political crisis, which stems in the main from the human rights violations that the country witnessed in 2015 and the preceding years.
2. Put an end to the current systematic discrimination on sectarian and religious grounds against members of the Shia community, and put in place laws that forbid this practice which goes against the rights to justice and equal citizenship. The authorities must work to establish a body to monitor and document these continuing violations and propose suitable solutions, as well as working to empower marginalised sectors of society that have been victims of this discriminatory policy. This empowerment must be political, social and economic.
3. Cease using the anti-terror laws until they are revised and amended to ensure they are compatible with international human rights standards, as the UN has demanded previously. The authorities must stop exploiting anti-terror laws and measures against peaceful opposition activists and human rights defenders.
4. Stop producing legislation that is incompatible with international human rights standards, and amend existing laws so they comply with international human rights covenants and agreements, particularly those to which Bahrain is a signatory.
5. Give the monitoring organisations established by the government an effective role in monitoring human rights abuses. The Office of the Ombudsman must be separated from the Interior Ministry, and authorities must stop trying to influence these bodies.
6. Put an immediate stop to systematic torture, and bring to justice those responsible for human rights violations. The authorities must act to put a stop to the current culture of impunity. The Special Rapporteur on Torture must be allowed to visit Bahrain urgently.
7. Freedom of opinion and expression must be strengthened, and individuals who criticise the ruling powers or oppose its policies in peaceful ways must be protected. The authorities must stop producing legislation that violates freedom of expression and the press, and suspend those that are already in place as a first step towards abrogating them.
8. Stop targeting human rights defenders, and bring about a healthy environment so that they can do their duty and establish independent organisations concerned with human rights.
9. Stop targeting peaceful opposition activists and allow political opponents to work without restrictions and without judicial and security persecution.



Human Rights Violations from Practice to Policy

10. Sign up to the Optional Protocol to the Convention Against Torture, as well as to the appendix of the International Covenant on Civil and Political Rights.
11. Allow international human rights organisations and investigations from the UN to enter the country, and allow journalists, broadcasters and writers to enter the country and carry out their journalistic work.
12. Stop the policy of revoking citizenship from citizens and deporting them from the country for any reason, and find a solution to the problems of the stateless population that were caused by this policy.
13. Submit periodic state reports to councils springing from international human rights agreements, particularly the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Racial Discrimination.