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*Presentazione del rapporto: Una decade di Oppressione. Autoritarismo in Bahrein, 2011-2021*

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Presenta Drewery Dyke, Presidente del Rights Realisation Centre, insieme con:

- Dr Andrew McIntosh - ricercatore e quality control presso SALAM DHR, autore del rapporto, presenta il lavoro e le conclusioni della ricerca;
  - Ali Abdulemam - Attivista e blogger Bahreinita, rifletterà sugli eventi del 2011;
  - Matar Ebrahim Matar - ex Parlamentare del Bahrein nel partito di opposizione Al-Wefaq, ora sciolto, interviene sulla storia e sul futuro dei partiti di opposizione;
  - Julia Legner, esperta di diritti umani, circa il più ampio impatto dei disordini del 2011
  - Staci Strobl, Professoressa di Diritto penale all'University of Wisconsin Platteville, sugli eventi del 2011 rispetto a un secolo di repressione, e
  - Masana Ndinga-Kanga, CIVICUS, Responsabile dell'Advocacy e Campagne, nonché del Fondo di risposta alle crisi, si interroga sull'impatto globale dei disordini del 2011 e sul come l'esperienza internazionale possa influenzare quella del Bahrein
- 20-30 minuti dedicati al dibattito
  - Per organizzare un colloquio privato con gli ospiti è possibile contattare Drewery Dyke (+447800989221)

Bahrein - Diritti umani e democrazia rappresentano l'unica risposta alle pervasive pratiche di tortura, violenza e oppressione che hanno caratterizzato l'ultimo decennio

*Soltanto una riforma politica a tutto tondo, con al centro i diritti umani e la sovranità del popolo, può sbloccare lo sviluppo sostenibile di cui hanno bisogno uomini e donne del Bahrein*

Il rapporto di Salam for Democracy and Human Rights (SALAM DHR), *"Una decade di Oppressione: Autoritarismo in Bahrein, 2011-2021"*, documenta il drammatico decennio di pratiche autoritarie in Bahrein e il triste catalogo di violazioni dei diritti umani perpetrate dal governo.

Riflettendo sulle conclusioni e raccomandazioni del rapporto di prossima pubblicazione, Jawad Fairouz, Presidente di SALAM DHR, ha affermato che *"Solo una riforma politica a tutto tondo, con al centro i diritti umani e la sovranità delle persone, può sbloccare lo sviluppo sostenibile di cui ha bisogno il popolo del Bahrein,"* aggiungendo che *"il Bahrein ha tutti gli strumenti per adottare riforme in materia diritti umani ma, probabilmente, il Governo non ne ha la volontà"*.

Il rapporto di Salam DHR si compone di oltre 50 sezioni e si snoda in un excursus storico, compresa la cronologia degli eventi del 2011, per arrivare al triste catalogo di violazioni dei diritti umani perpetrate dal governo negli ultimi 10 anni, analizzando anche le conclusioni d'indagine della Commissione indipendente d'inchiesta del Bahrein. Nel rapporto viene denunciato

come il governo sostenga di aver dato seguito alle raccomandazioni della Commissione d'inchiesta, benché non abbia mai adottato le riforme necessarie in materia di diritti civili, politici ed economici, sociali e culturali.

Nel corso dell'ultimo decennio, infatti, il governo ha furtivamente archiviato i casi giudiziari a carico dei funzionari accusati di aver violato i diritti dei bahreiniti. Questa deresponsabilizzazione politica rispecchia l'incapacità e la riluttanza del governo stesso di fornire risposte a coloro i cui cari sono stati uccisi, feriti o - ancora oggi - sono vittime di detenzione arbitraria.

Allo stesso modo, il ricorso alla pena capitale, alla tortura e la privazione illegittima della cittadinanza sono esempi di come quella ferita sociale, apertasi a *Febbraio 2011* sia, ad oggi, tutt'altro che rimarginata.

Il rapporto di Salam sottolinea come le pratiche di abusi perpetrate dalle autorità mantengano una postura repressiva e includano, tra le altre:

- Le affermazioni del governo rivolte ai partner internazionali circa il rispetto dei diritti umani benché, in realtà, sin dal 2011 è violata la libertà di espressione; le libertà di riunione a associazione sono praticamente inesistenti, come testimoniano la chiusura, voluta dal governo, di tutti i media indipendenti e degli organi di informazione politica ritenuti di opposizione, nonché il controllo capillare dei social media e il divieto imposto ai leader politici politicamente "sgraditi" di candidarsi alle elezioni - tutto ciò in aperta violazione della legislazione internazionale;
- L'impiego di sistemi di spyware al fine di informatizzare i soprusi a carico dei dissidenti politici e dei difensori dei diritti umani, costringendoli al silenzio;
- La strumentalizzazione della cittadinanza quale "diritto ai diritti", poiché viene arbitrariamente revocata al fine di mettere a tacere e bandire chi si oppone al potere, pratica quasi feudale e totalmente inconciliabile con gli standard delle Nazioni Unite poiché in linea più con un regime autoritario che con una monarchia costituzionale quale è il Bahrein;
- Le pratiche securitarie e quelle volte a disgregare la società, facendo leva su motivi religiosi e identitari, portando all'exasperazione il divario settario tra le varie comunità che compongono il tessuto sociale e, in concomitanza, accumulando ricchezza e il potere della minoranza sunnita, di cui fa parte la famiglia al potere
- L'esplicito rifiuto di perseguire giuridicamente i funzionari responsabili delle violazioni dei diritti fondamentali da loro messe in atto e la totale assenza di trasparenza sulle relative vicende giudiziarie

Il rapporto di Salam denuncia, infine, come nonostante le gravi violazioni perduri il sostegno internazionale al governo del Bahrein, in particolare da parte del Regno Unito e degli USA, e che la comunità internazionale ha timidamente portato avanti al più delle "semi-condanne", occasionali e sbrigative, a dispetto degli standard internazionali e del principio di universalità dei diritti umani.

Jawad Fairouz ha concluso auspicando che *"l'amministrazione Biden e il Segretario di Stato Antony Blinken aprano un nuovo capitolo nelle relazioni con il Bahrein."* Aggiunge che *"se l'appello di Joe Biden all'unità in patria può essere tradotto all'estero, ciò significherà compiere passi concreti per promuovere la giustizia in Bahrein e, con essa, l'inclusione socio-politica indispensabile come base per la sicurezza e lo sviluppo sostenibile. L'attuale stato delle cose porterà solo a un nuovo 2011 ."*

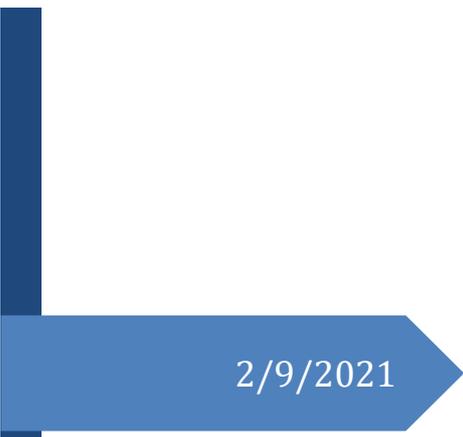
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Per maggiori informazioni:

Presidente - Jawad Fairouz @JawadFairouz (Inglese e Arabo) +44 7449926577

Autori - Dott. Andrew McIntosh (Inglese) +44 7801256685, Abbas Taleb @abbastalebb (Francese, Arabo, Inglese) +31 617679486

Portavoce - Drewery Dyke @drewerydyke (Inglese, Francese) +44 780989221



2/9/2021

# Decade of Oppression

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## **Executive Summary**

This report is a ten-year retrospective on the condition of human rights, democratic representation, and the rule of law in Bahrain since the 2011 Uprising and the violent crackdown by security forces that followed. It has drawn upon Bahrain's social and political history to examine and explain why and how the situation there has worsened since liberal-democratic reforms were promised by King Hamad Isa bin Al Khalifa, in accordance with the recommendations of the Bahrain Independent Commission of Inquiry in 2011.

Salam for Democracy and Human Rights has examined several areas where the Government of Bahrain has failed to reform: guaranteeing fundamental freedoms of speech, expression and political assembly, endeavouring to end sectarianism and religious discrimination, ending authoritarian, inhumane and illegal practices such as torture, enforced disappearances and the revocation of nationality, and providing accountability and redress to perpetrators and victims over the past decade. Our research shows that the Government of Bahrain has attempted to create a narrative of reform for international audiences whilst failing to meet the expectations set by the UN and tightening its control over numerous facets of everyday life in Bahrain. Whilst promising and advertising reform, Bahrain has instead become a security state.

### **Methodology**

This report has been composed as a companion to the Report of the Bahrain Independent Commission of Inquiry, published in November 2011. It provides context to the current human rights situation in Bahrain and how it has developed since 2011. This considers the legal framework, findings and recommendations of the BICI Report. Moreover, this report utilises numerous human rights reports on Bahrain over the past decade from NGOs, including Amnesty International, Human Rights Watch, ADHRB and Salam DHR, as well as attention given from journalists. It has also made use of scholarly analyses on the nature of sectarianism and authoritarianism in Bahrain and, to a lesser extent, Saudi Arabia, notably Marc Owen Jones, Simon Mabon and Ala'a Shehabi.

These sources have been amalgamated in the hope that their information can be recognised via multiple disciplines both how the Government of Bahrain participates in human rights abuses and how it attempts to obfuscate such practices and legitimise itself on the global stage.

## **Acronyms**

<b>ADHRB</b>	Americans for Democracy and Human Rights in Bahrain
<b>BCHR</b>	Bahrain Center for Human Rights
<b>BDF</b>	Bahrain Defense Force
<b>BICI</b>	Bahrain Independent Commission of Inquiry
<b>BIRD</b>	Bahrain Institute for Rights and Democracy
<b>BYSHR</b>	Bahraini Youth Society for Human Rights
<b>CID</b>	Criminal Investigation Directorate
<b>CRC</b>	Convention on the Rights of the Child
<b>FSCID</b>	Forensic Science/Criminal Information Directorate
<b>GCC</b>	Gulf Cooperation Council
<b>GDCIFS</b>	General Directorate of Criminal Investigation and Forensic Science
<b>GDRR</b>	General Directorate of Reformation and Rehabilitation
<b>GoB</b>	Government of Bahrain
<b>HRW</b>	Human Rights Watch
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>JWD</b>	Jaffaria Waqf Directorate
<b>MoI</b>	Ministry of Interior
<b>MoJ</b>	Ministry of Justice and Islamic Affairs
<b>NIHR</b>	National Institute for Human Rights
<b>NSA</b>	National Security Agency
<b>SIU</b>	Special Investigation Unit
<b>SSFC</b>	Special Security Force Command
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations

<b>UPR</b>	Universal Periodic Review
<b>US</b>	United States
<b>WGAD</b>	United Nations Working Group on Arbitrary Detention

## **Introduction**

Andrew McIntosh

Democratic protests and unrest in 2011 resulted in thorough, violent suppression from the Bahraini authorities. The Pearl Uprising ended in failure; as protestors laid dead, hundreds were jailed, and Gulf Cooperation Council (GCC) military forces occupied the country at the invitation of the Al Khalifa family. A political purge followed, where the opposition parties who partook in the protests were banned, their assets liquidated by the Government of Bahrain (GoB). In the aftermath, the Bahrain Independent Commission of Inquiry (BICI) was established, with a panel of international experts, to catalogue the prolific human rights abuses that took place during the protests and subsequent crackdown.

The BICI report made numerous recommendations to the GoB that would prevent the atrocities of the Pearl Uprising from being repeated. However, the BICI report and its recommendations were controversial from the time of their release. It has long been criticised for taking evidence of ‘wrong-doing’ provided by the GoB and allowing its findings to become a platform for propaganda from Bahrain’s Interior Ministry (especially in the Arabic version of the document).<sup>1</sup> Moreover, the committee has failed to hold the GoB to account in instances where it has only paid lip-service to the committee’s recommendations or ignored them entirely. This lack of international accountability has ultimately allowed the ruling Al Khalifa family to tighten its grip on the judiciary and the Bahraini people, rather than subject them to the rule of law and international accords on human rights.

Since 2011, the GoB has not only failed to adopt most of the BICI’s recommendations and reform, but has also used its considerable authority within the country to suppress freedom of speech and freedom expression and assembly, control information, suppress political parties and strengthen a regime that systematically violates human rights through oppressive tactics such as disappearances and torture. Despite thousands calling for the Kingdom of Bahrain to reform and liberalise in 2011, it is even more authoritarian today, where many of the voices who demanded reform have been imprisoned, are living in exile or have been effectively silenced by the regime.

The purpose of this report is to catalogue oppressive practices that have crystallized in Bahrain since 2011 and how they are enmeshed with its history of Al Khalifa and British rule. It examines both how the Bahraini system and its methods have changed since the Pearl Uprising and how they have also, regrettably, remained the same. Bahrain has historically struggled to reform its autocratic governance, systems of patronage and violent suppression of dissent.

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<sup>1</sup> Nabeel Rajab [“BCHR Open Letter to Head of the Bahraini Independent Commission of Inquiry \(BICI\) re statement to”](#), *Bahrain Centre for Human Rights*, 9 August 2011.

## **A Short History of Bahrain**

Andrew McIntosh

### *Tribal Affiliations and the State*

Throughout Bahrain's modern history, the material, political and cultural dominance of the Sunni Arab Al Khalifa tribe has been enforced through sometimes brutal sectarian violence towards the island's Shi'a population: the indigenous *Baharna* and Persian *Ajam* ethnic groups, who make up between 58-70 percent of the overall population.<sup>2</sup> For this reason, the line between sectarian and racist policies has always been thin, because being Shi'a has historically been a racialized other (particularly Iranian) in Bahraini society. Given that the Al Khalifa are a ruling ethnic and sectarian minority, violence and repression has long been essential to maintaining the country's asymmetrical power structure.

Social scientist Ala'a Shehabi has argued that the history of Bahrain has produced a kleptocratic ethnocracy, where one ethnic group, the Al Khalifa tribe, has captured the instruments of the state in order to protect their financial and political privileges.<sup>3</sup> At the heart of this regime is the "ruling core" of mostly Al Khalifa family members, who have a high degree of personal influence over policy. Consequently, an Al Khalifa hegemony has been created, and is reproduced through the social, political and legal institutions that reflect the values and interests of this dominant ethnic group.<sup>4</sup>

In this context, Bahrain's history differs from that of its neighbours. Unlike sheikhdoms such as Qatar and Kuwait, where ruling families have assimilated themselves into the local population, the historical rule of the Al Khalifa family has been one where they "jealously guard their identity/image as 'settler-rulers'".<sup>5</sup> Unlike many modern nations, where rulers attempt to identify themselves as members of the community, the Al Khalifa have defined themselves by their exclusiveness and general isolation from the public.<sup>6</sup> Consequently, there is little to no shared concept of citizenship or belonging among Bahrainis. They are not united by shared values, civic rights, faith or ethnicity. Bahrain's wealth and its people are viewed as the possessions or subjects of the king and his conquering tribe.<sup>7</sup> As is the case with several other Gulf states, Bahrain's ruling tribe legitimises leadership over the nation's elites, but

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<sup>2</sup> Ian Siperco, "Bahrain's Sectarian Challenge," *Middle East Policy Council*, 22 October 2010, <http://www.mepc.org/articles-commentary/commentary/bahrain-s-sectarianchallenge?>

<sup>3</sup> Ala'a Shehabi and Marc Owen Jones, *Bahrain's Uprising: Resistance and Repression in the Gulf*, London: Zed Books Ltd, 2015.

<sup>4</sup> Thorsten Sellin, *Culture Conflict and Crime*, New York, NY, Social Science Research Council, 1938.

<sup>5</sup> Abdulhadi Khalaf, *Contentious Politics in Bahrain: From Ethnic to National and Vice Versa*, The Fourth Nordic Conference on Middle Eastern Studies: The Middle East in a Globalising World, Oslo, 13-16 August 1998, [www.smi.uib.no/pao/khalaf.html](http://www.smi.uib.no/pao/khalaf.html)

<sup>6</sup> Fuad Khuri, *Tribe and State in Bahrain: The Transition of Social and Political Authority in an Arab State*, Chicago: University of Chicago Press, 1981, p 236.

<sup>7</sup> Marc Owen Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, pp 5-6.

it also erodes the coherence of a sovereign state, where the majority of the nation's people do not share a culture, faith or – in many cases – even a national identity with those who rule them.<sup>8</sup>

This highly unequal system has successfully evaded major challenges to its leadership because of Bahrain's petrol wealth. The discovery of oil in 1931 effectively transformed Bahrain's economy. Over the course of the twentieth century, the kingdom pivoted from a British colonial possession that largely focussed on pearl trading to a petrol state that mass exports fossil fuels. Like its Gulf neighbours, this made Bahrain considerably wealthy and allowed the Al Khalifa to build a rentier state to maintain its power. It also enabled the government to ward off discontent by investing in social welfare programmes that have 'privileged' citizens based on their loyalty. This kind of administrative reform was regularly pushed forward under British colonial administration, who were mindful that although they had enabled forms of kleptocratic clientelism, peace could not be maintained if accruing benefits continued without some form of wealth sharing with the wider population.<sup>9</sup>

This description, however, is incomplete. Classical state-centred and rentier-state sovereignty does not fully describe Bahrain's royal sovereignty and the system that governs it. Rentier states, commonly applied to oil-producing Gulf nations, posit their sovereignty as a product of controlling internationally valuable resources. People living in rentier states are often stereotyped as economically reliant, politically malleable, and socially passive while the state is characterised as authoritarian, unaccountable and separate from the public.<sup>10</sup> Regimes in rentier states possess a degree of autonomy from their society. The use of natural resources by regimes across the Gulf allows their leaders to create an alternative social contract, where citizens pay little or no tax but only have a limited political voice. Rentier states have economies that are typically state driven, with institutions designed to reflect local customs<sup>11</sup> that are distributed across networks of patronage.<sup>12</sup> Bahrain's history of recurring protest movements, however, shows that the top-down structures that produce the cycles of instability that define stereotypical Gulf rentier states doesn't fully describe the Bahraini system. For this reason, scholars and pundits alike have described Bahrain as "late-rentier" or "neo-rentier" since it has depleted its oil reserves but retains rentier-like characteristics.<sup>13</sup>

Bahrain's remaining natural wealth has been used to moderate conflict with its population and within its ruling family, where patronage (*makramat*) has been used to pacify and co-opt influential segments and members of society. The practice of *makramat*, underpinned by the neo-rentier state, has resulted in 'dispossession by accumulation': the accumulation of state wealth and endogamy between members of the same tribe have consolidated an accumulative structure, resulting in a power elite with numerous cultural and legal mechanisms designed to preserve their monopoly over all resources.<sup>14</sup> By retaining the country's wealth in the hands of a highly privileged few, based on tribe and sect, the regime has made inequality more acute. Consequently, the Al Khalifa have increasingly resorted to violence and repression to maintain their minority rule and monopoly over political power, wealth and privileges.

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<sup>8</sup> Simon Mabon, *Houses Built on Sand: Violence, Sectarianism and Revolution in the Middle East*, Manchester: Manchester University Press, 2020, p 76.

<sup>9</sup> *Ibid*, pp 65-66.

<sup>10</sup> Matthew Grey, "A Theory of Late Rentierism in the Arab States of the Gulf?" *Occasional Paper 7* (Center for International and Regional Studies, 2011), p 6.

<sup>11</sup> Alexander Bligh, 'The Saudi Religious Elite (*ulama*) as Participant in the Political System of the Kingdom', *International Journal of Middle East Studies*, 17:1, (1985), pp 37– 50.

<sup>12</sup> Simon Mabon, *Houses Built on Sand*, Manchester: Manchester University Press, 2020, p 79.

<sup>13</sup> Shehabi, "Inviolable Sheikhs and Radical Subjects: Bahrain's Cyclical Sovereignty Crisis", *The Arab Studies Journal*, No 1, (Spring 2016), pp 232-233.

<sup>14</sup> David Harvey, *The New Imperialism*, New York: Oxford University Press, 2003, p 148.

Although this has been carried out through repressive tactics and prolific human rights abuses, for the past century, the Al Khalifa tribe has retained power through a coercive national system that promotes sectarianism among the Bahraini population and a dependency on international hegemons for protection from foreign and domestic threats.

### *Bahrain's Colonial Legacy: Designing a Sectarian Police State*

The Kingdom of Bahrain's history has been coloured by sectarian and colonial interests since its founding. The ruling Al Khalifa family conquered the island of Bahrain in 1783 and established a form of 'settler colonialism' that subjugated the indigenous *Baharna* population. Political scientists such as Marc Owen Jones argue settler colonial rule in Bahrain included a conquering mindset, where the ruling Al Khalifa family has regarded the island's resources, subjects and lands as their rightful property and inheritance, while aspects of Bahrain's history that do not conform to this narrative are ignored or suppressed.<sup>15</sup>

The history of Bahrain under the rule of the Al Khalifa can be characterised by two key trends: the ethnic and sectarian segregation of the nation's peoples to the advantage of the Al Khalifa tribe, and reliance on greater hegemons for protection that also limit the nation's sovereignty and democratic control. The influence of these third parties is intertwined with the history of Bahrain and its current policies.

A small island nation, Bahrain's rulers learnt over the centuries that their best strategy for survival against aggressive neighbours was to become a protectorate of powers that can keep them safe and negotiate their sovereign rights from within that sphere of influence. In 1868, following war with Qatar, Bahrain became a suzerain of the British Empire. In return, the rule of the Al Khalifa was officially recognised. It was an arrangement that effectively shielded Bahrain from Omani, Ottoman and Persian expansionism whilst strengthening British naval power and trade in the Indian Ocean.

British colonial authorities often carefully balanced Great Britain's national interests and values with the desires of the Al Khalifa family. This resulted in the British having a legacy both as a colonial power that harshly suppressed critics and dissenters, and as a governing force that attempted to curtail the violent excesses of the Al Khalifa, particularly towards the *Baharna*. The modus operandi of colonial administration in Bahrain was to maintain the stability of the country as a British protectorate, which facilitated trade and served as a strategic location in the Gulf. Although this, at times, resulted in the British limiting the influence of the Al Khalifa, it also meant that movements for independence and democracy in Bahrain were repeatedly suppressed. Practices that Bahrain engages in today, such as systematic violence against protesters by police, mass censorship in the media, and the torture and exile of dissidents were pioneered during its colonial period.

Although these practices date back to the 1920s, they became more acute and widespread during the Cold War, as British authorities feared Bahrain could be influenced and possibly destabilised by Communist, Nasserist and Islamist movements. In 1966, Ian Henderson, a colonial policeman awarded the George Medal for his role in quashing the Mau Mau rebellion, was installed as the head of security. Henderson became the former Director General of the State Security Investigation Department and Advisor to the Ministry of Interior. He oversaw the National Security Agency's operations for thirty

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<sup>15</sup> Marc Owen Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 1.

years amid wide-ranging allegations of torture during his tenure.<sup>16</sup> Henderson is often credited as one of the principle architects of Bahrain's modern police state, having been accused of overseeing torture and extrajudicial killings as well as fostering mass surveillance by recruiting opposition politicians and activists to inform on their colleagues.<sup>17</sup> More extreme accusations claim that he partook in at least one sexual assault during interrogation, digitally raping a political prisoner.<sup>18</sup>

Following independence from Britain in 1971, the Bahraini government and Al Khalifa royal family remained close with the United Kingdom and British intelligence. Ian Henderson, for instance, continued working for the NSA and Bahrain's newly independent security apparatus continued to recruit experienced British personnel with the purpose of reinforcing national security and crushing political dissent. The main difference was that the Al Khalifa had fewer restraints upon them regarding how security would be used against the Shi'a population following independence. The trend established during Bahrain's colonial period, where security forces began recruiting foreigners en masse to police the local population has continued to develop and expand since independence. Today, Bahrain is one of the most heavily policed countries in the world, where 45 of the 1,000 people in Bahrain are members of the Ministry of Interior (MoI) and as many of 1 in every 635 Bahrainis have been arbitrarily detained, disappeared, tortured, raped, killed, or otherwise abused by the police.<sup>19</sup> It is a system built upon and maintained by sectarian practices that pit Bahrain's Shi'a and Sunni populations against one another.

### *Post-Independence Sectarianism and Modern Suzerainty*

Throughout the history of twentieth-century Bahrain, Shi'a Bahrainis have been relegated to second-class status, along with urban labourers from South Asia, as the Sunni regime has sought to maintain political control by empowering the Sunni minority. Although political life is far more complex than a binary sectarian difference, Shi'a groups have historically been viewed as a source of opposition.<sup>20</sup> One report for a Bahraini ministry, composed shortly after the 1979 Iranian Revolution, noted:

[T] here is a dangerous challenge facing Bahraini society in the increased role of the Shī'a [and] the retreat of the role of the Sunna in the Bahraini political system; namely, the problem concerns the country's national security and the likelihood of political regime change in the long term by means of the current relationships between Bahrain's Shī'a and all the Shī'a in Iran, Iraq, Saudi Arabia's eastern region, and Kuwait.<sup>21</sup>

Much like the history of Iraq, perceptions of interference dominate relations between the Al Khalifa regime and its Shi'a population, coloured by decades of suspicion of Iranian interference in domestic

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<sup>16</sup> Simon Mabon, *Houses Built on Sand*, Manchester: Manchester University Press, 2020, p 48.

<sup>17</sup> "Chambers of Death: A Report that Monitors the Violations of the National Security Agency (NSA) in Bahrain", Salam for Democracy and Human Rights, August 2017, p 69.

<sup>18</sup> Interview between the LSE Middle East Centre and Marc Owen Jones, 10 November 2020.

<sup>19</sup> "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior", Americans for Democracy & Human Rights in Bahrain, 2019, p 5.

<sup>20</sup> "Simmering Unrest in Bahrain" (*The Guardian*, 17.04.08), available at [www.theguardian.com/world/us-embassy-cables-documents/150213](http://www.theguardian.com/world/us-embassy-cables-documents/150213) (accessed 30.11.20).

<sup>21</sup> Salah Al Bandar, "Al- bah. rayn: al- khiyār al- dīmūqrātī wa āliyāt al- iqs.a", unpublished report prepared by the Gulf Center for Democratic Development (September 2006), cited in Justin Gengler, 'Royal Factionalism, the Khawalid, and the Securitization of 'the Shi'a Problem' in Bahrain', *Journal of Arabian Studies*, 3:1 (2013), pp 53– 79.

affairs.<sup>22</sup> These perceptions have had a detrimental impact upon Shi'a politics in Bahrain, as Shi'a political parties such as Al Wefaq have historically experienced widespread discrimination, their leaders frequently jailed, tortured and stripped of their nationality.<sup>23</sup>

Bahrain's sectarian policies and use of political coercion and violence increased following independence. Although the British authorities engaged in torture in Bahrain, methods became crueler and sometimes lethal in the 1980s, as anxieties over the Iranian Revolution coalesced into institutionalised persecution of Bahrain's Shi'a as potential Iranian agents. It was during this period that policing, and the use of torture took on a more sectarian nature. From the 1980s to present, Shi'a prisoners have frequently had their sect and ethnicity insulted during interrogation and are denied access to the religious materials such as prayer rugs. This kind of mistreatment is either ignored or, in more extreme cases, encouraged by the openly sectarian voices such as Bahraini's state media, which has engaged in efforts to depict Shi'a protesters as violent revolutionaries loyal to Iran or as religious zealots.<sup>24</sup> This is partially related to Bahrain's close relationship with Saudi Arabia, which has overtly discriminatory practices against its Shi'a population and views Iran as a rival to its regional hegemony. The imbalanced power relationship between the Al Khalifa and the rest of Bahrain's population has meant that they have historically relied upon external protectors. This way, Bahraini's ruling minority has never depended wholly on the support, material, political or otherwise, of their subjects.<sup>25</sup> Instead, alliances forged with outsiders strengthen the family's grip over internal affairs while retaining its local exclusiveness.<sup>26</sup> When the British withdrew from Bahrain, the Al Khalifa almost immediately sought a new protector.

For Bahrain, which is oil-poor compared to its Gulf neighbours, moving closer to Saudi's orbit has maintained its ability to sustain its rentier state. By 1974, Bahrain had, according to one British diplomat, become economically and politically dependent on Saudi Arabia.<sup>27</sup> The Saudis have provided Bahrain with support in the form of a 10 billion dollar "Marshall Plan." This aid program has funded projects in the less carbon-rich GCC member states, namely Bahrain and Oman. The Saudi government has provided these grants on a project basis rather than as cash sums to ensure their use.<sup>28</sup>

Increased monies from Saudi and the GCC, ostensibly to alleviate social unrest in Bahrain through funding of social welfare programmes, have primarily benefited ruling elites such as the Al Khalifa and their allies. Moreover, the swift arrival of Saudi troops to quell unrest 2011 suggests the decision to enact the National Safety Law was not solely a Bahraini one but also by Saudi Arabia, acting as its de

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<sup>22</sup> Fawaz bin Mohammad Al Khalifa, "The Gulf States Are Stuck Between Isil and Iran" (*Telegraph*, 21.01.16), available at [www.telegraph.co.uk/news/worldnews/middleeast/bahrain/12113355/The-Gulf-states-are-stuck-between-Isil-and-Iran.html](http://www.telegraph.co.uk/news/worldnews/middleeast/bahrain/12113355/The-Gulf-states-are-stuck-between-Isil-and-Iran.html) (accessed 21.11.20).

<sup>23</sup> Interview between Simon Mabon and a former Bahraini MP, 2015; Mabon, *Houses Built on Sand*, Manchester: Manchester University Press, 2020, pp 81-82.

<sup>24</sup> Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 256.

<sup>25</sup> Fuad Khuri, *Tribe and State in Bahrain: The Transition of Social and Political Authority in an Arab State*, Chicago, University of Chicago Press, 1981, p 238.

<sup>26</sup> *Ibid.*

<sup>27</sup> Robert Tesh, Form at a Glance (FAAG), 24 June 1974, FCO8/2180, The National Archives.

<sup>28</sup> Shehabi, "Inviolable Sheikhs and Radical Subjects: Bahrain's Cyclical Sovereignty Crisis", *The Arab Studies Journal*, No 1, (Spring 2016), p 245.

facto suzerain.<sup>29</sup> This suzerainty-like arrangement with Saudi Arabia is a newer, more diffuse form of patronage that places trust in the Al Khalifa ruling family to deliver on their mutual self-interest.<sup>30</sup>

The change in suzerain from the United Kingdom to Saudi Arabia in 1971 has altered strategic decision making within the Al Khalifa regime, prompting changes in its nature, intensity and types of repression. Following the 2011 Uprising, renewed efforts of censorship appear to have been driven forward by Saudi Arabia. A leaked cable from the-then Saudi Foreign Minister Saud bin Faisal bin Abdulaziz Al Saud indicated that unrest in 2011 had prompted Saudi Arabia to ask Bahrain for co-operation between its media agencies to adopt strategies to counter what it claimed were efforts by foreign agencies to attack the reputation of Bahrain and Saudi Arabia.<sup>31</sup> Other leaked documents from the Saudi Foreign Ministry show increasing overreach by Saudi Arabia in determining what should or should not be shown on television in Bahrain and regional satellite channels.<sup>32</sup> These policies have also manifested at the local level. In January 2015, Bahraini authorities arrested nine people for making statements on social media that were deemed defamatory to the late king ‘Abd Allah of Saudi Arabia.<sup>33</sup>

This shift in policy, meant to appease Saudi Arabia, has also resulted in political strategies that are explicitly designed to obstruct democratisation and exclude Bahrain’s Shi’a from political life.<sup>34</sup> Leaked Saudi cables have made it explicit that their funding has sought to ensure “the Kingdom’s interest and exclude any Shi’a influence in the projects it presents to Bahrain.”<sup>35</sup>

### *Unrest: A History of Uprisings and Crackdowns*

Bahrain’s modern history can be characterised by short periods of unrest followed by long periods of suppression by the authorities. Bahrain’s size, geography, imbalanced power structure and proximity to numerous major powers means that social movements which challenge the status quo pose an immediate danger to the country’s leadership. Historically, Bahrain’s rulers have sought to contain and neutralise these perceived threats as quickly and thoroughly as possible. The methods used, however, have differed depending on Bahrain’s suzerain, as well as the sectarian and ethnic composition of the protest movements involved.

In the 1920s and 1950s, the primary methods used by the British to suppress independence movements in Bahrain were the censorship of publications and exile of opposition leaders to remote locales such as the island of St Helena. Moreover, the British intelligence frequently sought to turn members of the opposition groups into informers that could effectively monitor and undermine social movements. The British hoped to circumvent labour unrest in sectors such as petroleum during this period via the importation of “docile” workers from places such as Persia and South Asia. This tactic ultimately failed when mass layoffs from the British Petroleum Company became the catalyst for the 1965 March Intifada, where leftists and student groups merged into a mass demonstration against colonial rule. Five

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<sup>29</sup> Simon Mabon, ‘The Battle for Bahrain: Iranian-Saudi Rivalry’, *Middle East Policy Council*, vol. xix, no. 2, 2012; Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, pp 73, 223.

<sup>30</sup> Shehabi, “Inviolable Sheikhs and Radical Subjects: Bahrain’s Cyclical Sovereignty Crisis”, *The Arab Studies Journal*, No 1, (Spring 2016), p 245.

<sup>31</sup> F. Al Saud, ‘Secret and Urgent’, Kingdom of Saudi Arabia Ministry of Foreign Affairs, 2011-2012 1433 Hijra), Wikileaks, <https://wikileaks.org.saudi-cables/doc46685.html> [Arabic].

<sup>32</sup> Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 269.

<sup>33</sup> Amnesty International, *Behind the Rhetoric: Human Rights Abuses Continue in Bahrain Unabated*, London, Amnesty International Publications, 2015.

<sup>34</sup> Nebil Husayn, “Mechanisms of Authoritarian Rule in Bahrain”, *Arab Studies Quarterly*, Vol 37, No 1, (Winter: 2015), p 48; Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 54.

<sup>35</sup> Bushehri, "#SaudiCables

protesters were killed during the crackdown by police during a month of mass demonstrations.<sup>36</sup> The lessons learnt by the British and Al Khalifa from the March Intifada were that security and intelligence services should be hyper vigilant against “foreign” ideologies such as communism and Nasserism and, more importantly, that movements that unite Sunni and Shi’a Bahrainis present the greatest danger to regime’s stability.

The late 1970s and early 80s were a period intense of sectarian suppression. This followed four key events that changed Bahrain’s geopolitical relations: the suspension of the Bahraini Constitution and the subsequent mass arrests of leaders of the opposition in 1975, the Iranian Revolution in 1979, the outbreak of the Iran-Iraq War in 1980, and an attempted coup d’état against the Al Khalifa by the Islamic Front for the Liberation of Bahrain, a Shi’a Islamist group, in 1981. Pre-existing anxieties about Iranian designs to annex Bahrain, which predated the revolution, and long-standing ethnic biases towards Shi’a Bahrainis resulted in the enforced disappearances, torture and execution of political dissidents, who were generally categorised as Iranian agents, regardless of their political affiliation. Shi’a clerics were specifically targeted during this period, given that many were community leaders. This created a cycle in which Shi’a clerics would agitate for the release of their colleagues, only to be arrested themselves. Sheikh Jamal Ali Al Asfoor, for example, was arrested in 1981 for being an “Iranian agent”, due to his background marching for the release of Shi’a clerics, including his father. Upon being detained, he was taken to Al Qaala prison and tortured.<sup>37</sup> The overtly sectarian character of this suppression and the reality of Iran presenting a geopolitical threat to Bahrain, along with a lack of democratic control, meant the GoB was able to carry out these suppressive tactics with impunity.

Those enduring democratic deficits led to the so-called Uprising of Dignity from 1994-1999, where Bahrain’s leftists, liberals and Islamists joined forces to demand parliament and the 1973 Constitution be restored. Following the arrest of Ali Salman, a protest leader, demonstrations became violent, resulting in a crackdown from authorities. Rubber bullets and tear gas were used, and the newspaper *Al Wasat* reported that live ammunition had been used on protesters as well.<sup>38</sup> In December 1995 and January 1996 a mall and hotel were bombed, with no casualties. In response, members of the opposition were arrested without charge or any evidence that connected them to the incidents. Regardless of their arrest, bombings continued intermittently, killing eight people.

The Bahraini government blamed the violence and bombings on a Hezbollah cell operating within the country at the behest of Iran, whilst Human Rights Watch stated the claim was not credible.<sup>39</sup> The accusation was used to justify mass arrests and excessive use of force in the name of combating terrorism. 500-600 were arrested and, by the time the violence subsided, 40 civilians had been killed, mostly by security forces in Shi’a villages. However, the protests also had limited success. The unrest ended after King Hamad Isa bin Khalifa ascended to the throne in 1999 and initiated reforms that returned Bahrain to constitutional rule in 2001. However, Hamad directly oversaw the drafting of a new constitution and manipulated parliament to ensure that the majority of the Bahraini population would not have representation commensurate with its population. The regime ultimately took the reins of “reform” and squashed dissent whilst doing so. Although the regime had never been in danger of falling

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<sup>36</sup> The names of the civilians killed were Faisal Algassab, Abdullah Saeed Alghanim, Jassim Khalil Abdullah, Abdullah Hussain Bunawda, Abdulnabi Sarhan, and Abdullah Marhoon.

<sup>37</sup> Salam for Democracy and Human Rights, *Kingdom of Persecution: The Targeting of Shi’a Religious Clerics in Bahrain, 2011-2017*, p 20.

<sup>38</sup> *Al Wasat*, 30 April 2005. Retrieved 16 November 2020, "[عبدالوهاب حسين](http://www.alwasatnews.com/news/460775.html)" [Arabic], <http://www.alwasatnews.com/news/460775.html>

<sup>39</sup> “Routine Abuse, Routine Denial: Civil Rights and the Political Crisis in Bahrain”, Human Rights Watch, UNHCR, 1 January 2006, retrieved 16 November 2020, <https://www.refworld.org/docid/45cafc9e2.html>

during the Uprising, the 1990s set a dangerous precedent: when oppositional factions united in Bahrain, they could force reform onto the government and claim small victories. When protests began in 2011, the regime remembered this outcome and ensured it would not be repeated.

## **The 2011 Uprising and the BICI Report**

Andrew McIntosh

### *Chronology of the 2011 Uprising*

In January of 2011 calls for mass protests, inspired by demonstrations in Tunisia and Egypt, began circulating among Bahrainis on Facebook and Twitter. The primary motivations were to demand political, economic and social reform. It also sought to challenge the unfair distribution of land, which is limited and prohibitively expensive to most Bahrainis, to the Al Khalifa and their allies at extremely low cost. Over the next month an online community coalesced into the Youth of the February 14<sup>th</sup> Revolution.

In early February they issued a statement, where they called for demonstrations from 14-15 of February, the tenth anniversary of the referendum on the National Action Charter and the ninth anniversary of the 2001 Constitution being adopted. They outlined a list of steps they believed were needed to facilitate “change and radical reforms in the system of government and the management of Bahrain, the absence of which [had] caused continuous unease in the relationship between the people and the regime.”<sup>40</sup> Those demands included investing authority in parliament and elected officials, banning members of the royal family from holding top positions in government, guaranteeing freedom of expression, depoliticising the judiciary, releasing all political prisoners and human rights activists, and establishing an investigation into the political naturalisation of targeted migrants. Although they were not the movement’s architects, Secretary General of the Al Wefaq National Islamic Society, Sheikh Ali Salman, and leading Shi’a cleric Sheikh Issa Qassim, encouraged their supporters to join the demonstrations and protest peacefully.<sup>41</sup> Qassim also called for ending torture and religious discrimination.

On 14 February 2011, over 6000 Bahrainis took part in what was estimated to be 55 protests of various sizes nation-wide.<sup>42</sup> There were skirmishes between protesters and police, resulting in the death of Ali Almeshaima, the first casualty of the Uprising, and injuries suffered by protesters and police. The following morning, protesters and police clashed at Almeshaima’s funeral procession. The situation escalated as police and mourners began exchanging tear gas and sound grenades. Police reportedly fired live shotgun rounds at protesters, resulting in the death of Fadel Salman Ali Salman Matrouk, who was shot in the back. His death only intensified public anger, resulting in limited incidents of violence across the country. Meanwhile, thousands of peaceful protesters congregated and built a tent city at the GCC Roundabout, also known as Pearl Roundabout.

On 17 February, whilst the government was engaging in dialogue with the political opposition, an order was given for the police to clear the protesters and tent city from the Pearl Roundabout. As police fired tear gas, rubber bullets and shotgun rounds into protesters, Mahmood Maki Ahmed Abutaki, Ali Mansoor Ahmed Ahmed Khudair and Ali Ahmed Abdulla Ahmed were killed. All three were fatally injured by shotgun rounds fired at close range, and several police officers were injured whilst scuffling with protesters, which were heavily publicised by state media.<sup>43</sup> The Bahrain Defence Force (BDF) was deployed in Manama that evening.

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<sup>40</sup> Report of the Bahrain Independent Commission of Inquiry, 23 November 2011, pp 66-67.

<sup>41</sup> BICI, 23 November 2011, p 67.

<sup>42</sup> Ibid, p 70.

<sup>43</sup> BICI, 23 November 2011, pp 74-75.

In a refutation of government narratives placing blame on protesters, a coalition of seven opposition political societies (Al Wefaq, Wa'ad, the Islamic Action Society, the National Democratic Assemblage, the Nationalist Democratic Society, the Al Ikha' National Society and the Al Menbar Progressive Democratic Society) declared the clearing of Pearl Roundabout a massacre, perpetrated by the police, and demanded members of the Council of Ministers resign and a new constitution drafted. They were buttressed by the Bahrain Teacher's Society, who issued a call for a mass strike on 20 February.

Despite calls for non-violence from the government and Al Wefaq, a pattern of violent confrontations between protesters and security forces that ended in the use of excessive, lethal force by authorities continued. Incidents of pro-government vigilantes attacking demonstrators also manifested. During this period, the GoB and opposition groups discussed the possibility of meeting to negotiate de-escalation and reforms, but this never came to fruition.

On 19 February, protesters re-occupied Pearl Roundabout and police withdrew. By 17:00 there were 15,000 demonstrators present.<sup>44</sup> Demonstrators of numerous political and ideological persuasions claimed they would not leave until their demands for reform were met.<sup>45</sup> That evening, the Crown Prince addressed Bahraini television, claiming a new era was beginning, where all problems would be discussed openly and honestly, and that he was planning to lead a national dialogue.<sup>46</sup>

On 20 February Bahrain witnessed the largest mass strike in its history, as teachers, public and private sector workers and medical professionals took part in demonstrations demanding constitutional reform, social justice and economic equality, as well as voicing their support for the 14 February movement.<sup>47</sup> Protesters congregated at the Salmaniya Medical Complex and erected tents, where opposition politicians and medical staff gave speeches.

On 22 February, up to 150,000 people took part in a mass rally dubbed the "Martyrs' March" to honour the demonstrators who had lost their lives to security forces over the past several days, a small number of police and other government employees joined the demonstration, where many protesters chanted "The people demand the removal of the regime".<sup>48</sup> That evening, the GoB pardoned 308 individuals convicted of crimes against state security, hoping to mollify the crowds. This gesture failed, however, as demonstrations gained "revolutionary momentum" over the next several days, attracting more people who demanded change from the government. During this period, demonstrations were both at their largest and most peaceful, as mass strikes and disruption of traffic were the most common means of pressuring the regime. The goal of the protests had, however, taken on a new dimension. Emboldened by their popular support, many participants among the opposition and the populace now demanded that the Al Khalifa regime relinquish power so that Bahrain could begin a peaceful transition into a new era.

On 3 March a sectarian clash occurred in Hamad Town and violence between police and protesters resumed. The seven opposition parties released an official statement claiming the Prime Minister, the Ministry of Defence and the Ministry of Interior were responsible for the violence and that the GoB deliberately promotes sectarianism.<sup>49</sup> On 7 March a group of opposition factions joined a coalition to create a republic in Bahrain. Over the next several days, peaceful protests intensified across the nation and security forces withdrew. The conspicuous absence of law enforcement resulted in a wave of

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<sup>44</sup> Ibid, pp 81-82.

<sup>45</sup> Ibid, p 82.

<sup>46</sup> Ibid, p 82.

<sup>47</sup> Ibid, p 96.

<sup>48</sup> Ibid, p 88

<sup>49</sup> BICI, 23 November 2011, p 110.

vandalism and looting. Security forces, however, had not abandoned their posts but had been ordered to withdraw and wait.

On 13 March, whilst the Crown Prince was engaging in dialogue with the populace and opposition and promising reform, he was preparing to declare martial law, having requested military assistance from the GCC. The following evening, GCC Jazeera Shield Forces arrived in Bahrain to assist Bahraini forces and secure the country's petrol assets. On 15 March martial law was declared for a period of three months. Violent clashes with security forces and protesters followed across the country, resulting in deaths and fatalities on both sides. At that time, the Government of Bahrain ceased to express an interest in dialogue with the opposition.

During this period, the government carried out a systematic crackdown on protests and justified its actions through discourses on loyalty. Protesters were publicly accused of treason, whilst pro-government partisans were portrayed as loyal, patriotic citizens.<sup>50</sup> On 16 March security forces took part in clearing operations across the country, including Pearl Roundabout. Protests at Bahrain Financial Harbour and SMC were cleared next with the assistance of BDF and National Guard, and a curfew was imposed. Numerous civilians were killed during this period of "pacification". In the early hours of 17 March, the GoB began arresting opposition figures. Plain clothed police officers broke into the homes of the accused, often without warrants or official charges, and frequently threatened members of the household, including women and children.<sup>51</sup> On 18 March, the GoB banned demonstrations and protests and mass arrests began, where prisoners were often mistreated and tortured. Over the next several days there were violent, lethal clashes between security forces and demonstrators as towns were cordoned off and pacified.

On 24 March the GoB began blaming the protests on Iran, Hezbollah and their sympathisers and labelled that vague, latter group as "terrorists". Mass arrests of Shi'a clerics began. Security forces used tear gas, sound bombs, rubber bullets and shotgun rounds to disperse protesters more liberally. Those arrested reported being blindfolded, beaten and having their Shi'a faith and religious symbols insulted. Police also arrested individuals at checkpoints found to have anti-government materials in their cars or saved on electronic devices such as laptops, mobile phones and cameras.<sup>52</sup> As order was restored, Shi'a mosques were either attacked by vigilantes or demolished by the GoB. In autumn 2011, the GoB banned all public rallies and demonstrations, which they claimed would be temporary. It, along with numerous acts of censorship and securitisation, have effectively blocked all mainstream avenues of dissent in the country since.<sup>53</sup>

### *The BICI Report: Findings and Shortcomings*

The Bahrain Independent Commission of Inquiry was unique in that it was a fact-finding mission established by King Hamad Isa Al Khalifa and conducted with the United Nations Commission on Human Rights. The committee consisted of independent international experts, who were considered both knowledgeable and objective. The committee consulted a large array of institutions and victims and claimed that it would determine its work on its own and without interference by the GoB. Moreover,

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<sup>50</sup> Nebil Husayn, "Mechanisms of Authoritarian Rule in Bahrain", *Arab Studies Quarterly*, Vol 37, No 1, (Winter: 2015), p 48; Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 34.

<sup>51</sup> BICI, 23 November 2011, p 148.

<sup>52</sup> BICI, 23 November 2011, p 158.

<sup>53</sup> *The New York Times*, 30 October 2012, "Citing Violence, Bahrain Bans All Protests in New Crackdown", Kareem Fahim.

the establishment of the commission was lauded by the United States, United Kingdom, European Union and Arab League.

In November 2011, the BICI reported its conclusions, which included, but are not limited to:<sup>54</sup>

- Both the GoB and the opposition shared responsibility in allowing events to unfold as they did.
- Confrontation with demonstrators involved the use of lethal force and resorted to a heavy deployment of Public Security Forces that led to the death of civilians.
- Many detainees were subjected to torture and other forms of physical and psychological abuse while in custody. That mistreatment was systematic.
- There was a lack of accountability of officials within the security system in Bahrain that led to a culture of impunity, whereby security officials had few incentives to avoid the mistreatment of prisoners or to take action to prevent their mistreatment by other officials.
- There was no discernible link between specific incidents that occurred in Bahrain during February and March 2011 and the Islamic Republic of Iran.
- 35 people were killed during the unrest, including five members of the security forces.

The BICI's findings were comprehensive, but also controversial. There had been criticism and concern from organisations such as the Bahrain Centre for Human Rights that the GoB's ostensible openness to co-operation was in fact an opportunity for them to influence experts as they gathered evidence. Nabeel Rajab went as far as to comment that panel members such as Cherif Bassiouni were "willing to espouse the view of the political establishment whilst paying lip-service to the concept of a fair and independent enquiry"<sup>55</sup>, something Bassiouni vehemently denied.<sup>56</sup> Yet, despite serious criticisms of the regime from the BICI, their conclusions fell short of condemnation. Moreover, it places a degree of blame on citizens, who had far less power and agency than the GoB, citing incidents of violence against police officers from protesters as well as xenophobic violence against migrants by Shi'a citizens.

From a historical perspective, the conclusions of the BICI Report are arguably incomplete. Although the report cites a history of inequality in Bahrain, it failed to recognise there are patterns of unrest and repression in Bahrain, where mass protests have been the only effective means of affecting political change within the kingdom and that the response and tactics from the government have typically been harsh and in violation of international law. Given the Al Khalifa family's historical disinterest in reform, violent persecution of Shi'a citizens, and false accusations against dissenters as foreign agents, the committee did not fully contextualise the significant mistrust that exists between Bahraini Shi'a and security forces, as well as the opposition and GoB. It also did not take into account that the state's use of deadly force contributed to the radicalisation of the protests' demands from reform to regime change, whilst calls from protesters for regime change led to hardliners in the GoB security apparatus to halt the Crown Prince's program of reconciliation and resume a violent campaign of containment.<sup>57</sup>

Moreover, in several instances, the committee failed to distinguish the acts of violent protesters from opposition figures that unequivocally called for peaceful protests and denounced acts of violence. The protests consisted of a diffuse group of Bahrainis of numerous ideological and political viewpoints,

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<sup>54</sup> Ibid

<sup>55</sup> Nabeel Rajab, "BCHR Open letter to Head of the Bahraini Independent Commission of Inquiry (BICI) re-statement to", Bahraini Centre for Human Rights, August 2011.

<sup>56</sup> BICI "[Bahrain Commission of Inquiry Statement on events at their offices](#)" Archived 16 July 2011 at the [Wayback Machine](#), BICI, 15 August 2011.

<sup>57</sup> Husayn, "Mechanisms of Authoritarian Rule in Bahrain", *Arab Studies Quarterly*, Vol 37, No 1, (Winter: 2015), p 36.

with no central leadership, Bahraini security forces could not say the same. This failure to make a clear distinction between disorganised and systematic violence has allowed the GoB and its sympathisers to equivocate and ultimately trivialise the systemic, asymmetrical level of violence it directed against protesters during the Uprising. From a human rights prospect, these “muddied waters” have not only provided the GoB and its security forces cover to continue practices such as sectarian policing and torture, but allowed them to expand these methods over the past decade in the name of counter-terrorism and national security.

Although the motivations of the BICI appear transparent, those of the GoB remain obscure, as it had welcomed investigations by these human rights experts in 2011 but has not allowed UN human rights inspectors into the country since 2006. Moreover, it has largely ignored or obfuscated findings from the BICI that might tarnish its image and failed to implement most of the committee’s recommendations.

### *BICI Recommendations: Failure to Reform*

The BICI made several key recommendations to the Government of Bahrain as it concluded its inquiry. These included:

- Establishing an independent and impartial Commission to examine laws and procedures applied in the aftermath of the Uprising.
- Establishing independent and impartial mechanisms to hold security forces accountable and create an internal “ombudsman’s office” to regulate the MoI.
- Adopt legislative measures requiring the investigation of claims of torture and ill-treatment and establish an independent regulating body to investigate claims of torture.
- Review all convictions and sentences rendered by the National Security Courts to ensure trials in Bahrain are fair.
- Implement public order training for public security forces such as the NSA and BDF.
- Allow independent monitors to ensure accused individuals have access to an attorney.
- Review and commute sentences given for political crimes.
- Compensate victims of torture and the families of deceased victims.
- Relax media censorship and take measures to avoid the incitement of hatred and violence through the media.
- Promote tolerance and national reconciliation through education and dialogue.

Since 2011 the Government of Bahrain has generally implemented superficial reforms, ignored recommendations and, in some instances, moved backwards. Despite forming an independent to examine laws and procedures, Bahrain ended its moratorium on the death penalty on January 2017, when it executed three young Shi’a men for a bombing that resulted in the deaths of three police officers. It was the first time the death penalty had been used in Bahrain since 2010. The trial was characterised by violations of due process and allegations that the confessions of the accused were extracted through torture.<sup>58</sup>

In 2011 and 2012, the GoB accepted two major reform packages that included proposals aimed at stemming the tide of abuse perpetrated by the MoI and transforming its agencies into professional law enforcement institutions: the recommendations of the BICI and the recommendations of its second UN Universal Periodic Review (UPR) cycle, respectively. It has refused to fully implement any of these recommendations. The MoI has continued to commit the same severe human rights violations

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<sup>58</sup> Human Rights Watch, ‘World Report: 2019- Bahrain, <https://www.hrw.org/world-report/2019/country-chapters/bahrain>

specifically cited in these reform proposals: arbitrary detention, enforced disappearance, torture and excessive force. The GoB has concurrently intensified the restrictions on basic human rights that MoI personnel are tasked with enforcing. Moreover, the MoI has explicitly failed to fully implement BICI and UPR recommendations to end impunity for police abuse through the creation of its internal Ombudsman's Office. No senior officials have been convicted, and only in extreme circumstances are low-level officers prosecuted. When they are, it is on charges that are incommensurate with the offense or are quietly dismissed on appeal. Many of these officers and their commanders have not only evaded punishment but have in fact been promoted to coveted posts elsewhere in the ministry or the government.<sup>59</sup>

The established Internal Ombudsman is institutionally flawed, disabled by its legislation, which grants the security forces undue influence over their operations and prevents it from independently pursuing disciplinary action.<sup>60</sup> The Ombudsman is tasked with investigating reports of abuse committed by MoI personnel, through the receipt of complaints from victims, their families or their representatives. However, it has no authority to charge or prosecute officers suspected of wrongdoing. If a complaint is found to have merit or evidence of malfeasance is otherwise uncovered, the Ombudsman must refer the case to the Inspector General or Interior Ministry Undersecretary for internal disciplinary action, or to the Special Investigative Unit (SIU) of the Ministry of Justice's Public Prosecution Office for criminal prosecution.<sup>61</sup>

The MoI exercises far more than an advisory role in wielding formal and informal influence over the appointment and operation of the Ombudsman and the Office's staff, ultimately compromising their independence from the personnel they are meant to investigate.<sup>62</sup> Moreover, the Ombudsman's Office and Inspector General have not reformed the culture of impunity within the MoI. Its rates of criminal and disciplinary referrals are extremely low, and the Ombudsman's Office itself has reported that the PPO's SIU, the Inspector General, and other MOI agencies have repeatedly blocked its investigations.<sup>63</sup> The Ombudsman's criminal referral rates are also extremely low – at an average annual rate of only six per cent – and have precipitously declined since the Office's establishment. Despite an overall increase in complaints since it was established, its rates of referral to the PPO or SIU have dropped from twelve per cent in 2013/2014<sup>64</sup> to six per cent in both 2014/2015<sup>65</sup> and 2015/2016,<sup>66</sup> down to just one per cent

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<sup>59</sup> "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior", Americans for Democracy & Human Rights in Bahrain, 2019, p 73.

<sup>60</sup> *Subservient and Unaccountable: A Shadow Report on the Bahraini Ministry of Interior's Ombudsman and Bahrain National Institute for Human Rights*, ADHRB and BIRD, 2014, [http://birdbh.org/wp-content/uploads/2014/10/ADHRB\\_Mechanism\\_Final-0814\\_Web.pdf](http://birdbh.org/wp-content/uploads/2014/10/ADHRB_Mechanism_Final-0814_Web.pdf)

<sup>61</sup> "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior", Americans for Democracy & Human Rights in Bahrain, 2019, p 73.

<sup>62</sup> *Ibid*, p 75.

<sup>63</sup> *First Annual Report 2013/2014*, Ministry of Interior, Office of the Ombudsman, Kingdom of Bahrain, 2014, <http://ombudsman.bh/mcms-store/pdf/610-First%20Annual%20Report%20%202013-2014-2812251.pdf>.

<sup>64</sup> *First Annual Report 2013/2014*, Ministry of Interior, Office of the Ombudsman, Kingdom of Bahrain, 2014, <http://ombudsman.bh/mcms-store/pdf/610-First%20Annual%20Report%20%202013-2014-2812251.pdf>.

<sup>65</sup> *Second Annual Report 2014-2015*, Ministry of Interior, Office of the Ombudsman, Kingdom of Bahrain, 2015, <http://ombudsman.bh/mcms-store/pdf/Annual%20Report%20English%202015.pdf>

<sup>66</sup> *Third Annual Report 2015-2016*, Ministry of Interior, Office of the Ombudsman, Kingdom of Bahrain, 2016, <http://www.ombudsman.bh/mcms-store/pdf/862-Ombudsman%20Annual%20Report%20E%202015-2016%20L.R-120350.pdf>

in 2016/2017.<sup>67</sup> In the entire history of the Ombudsman, only 120 officers have been tried, let alone convicted, and no officer has ever been sentenced to more than seven years in prison.<sup>68</sup>

In some instances, the Ombudsman appears to aid the very institution it's meant to police. For example, after MOI personnel detained and tortured Husain Ali al-Sahlawi in 2012, an official from the Ombudsman's Office was sent to investigate al-Sahlawi's allegations that he was denied medical treatment for injuries he sustained while incarcerated in Jau Prison.<sup>69</sup> The Ombudsman Officer later misrepresented al-Sahlawi's statements, incorrectly reporting that he had received medical care. Subsequently, a different officer from the Ombudsman's Office coerced al-Sahlawi into signing documents that he was unable to read. According to al-Sahlawi, the officer threatened to kill or subject him to further reprisal if he and his family did not stop submitting complaints. The officer told him that complaining to the Ombudsman was useless and that he would die in his prison cell.<sup>70</sup>

There are instances where the Ombudsman's Office has interrogated complainants about their relationships with international human rights organisations rather than investigating their complaints. In 2018, after a complaint was submitted to the Ombudsman on behalf of a detainee, the Office summoned his father to answer questions about the allegations. The officer was particularly interested if this individual could be located in Bahrain.<sup>71</sup> Dissidents have much to fear from such inquiries because torture remains common and largely unpunished in Bahrain.

After receiving the BICI Report, the GoB accepted that systematic torture had taken place in Bahrain during 2011—despite their claims to the contrary throughout the investigation. However, efforts at redress have been largely cosmetic, and they obscure the institutionalisation of torture within Bahrain's security forces. The government's promise of reforms designed to mitigate the occurrence of future torture have been executed in a manner designed to mitigate accountability.<sup>72</sup>

After the king reinstated the NSA's full law enforcement authority in January 2017, reversing BICI Recommendation 1718, MOI and NSA officials have engaged in torture and reprisals against activists at locations such as Muharraq Station. Prominent human rights defender, Ebtessam al-Saegh, was summoned for interrogation at the Muharraq station in January 2017 and NSA officers told her that her work gave Bahrain a "bad image," warning that her next visit would be different. In May 2017, after al-Saegh returned from the UN Human Rights Council in Geneva, she was summoned to the Muharraq office and tortured by NSA officials. All of the torture and ill-treatment al-Saegh endured was linked to demands that she cease her human rights work<sup>73</sup> and her case has been cited by the UN<sup>74</sup> as a clear

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<sup>67</sup> *Fourth Annual Report 2016-2017*, Ministry of Interior, Office of the Ombudsman, Kingdom of Bahrain, 2017, <http://www.ombudsman.bh/mcms-store/magazine/en/2016-2017/#1>

<sup>68</sup> *CCPR/C/BHR/Q/1/Add.1 List of issues in relation to the initial report of Bahrain - Replies of Bahrain to the list of issues*, Kingdom of Bahrain, 22 February 2018, <http://undocs.org/en/CCPR/C/BHR/Q/1/Add>; "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior", *Americans for Democracy & Human Rights in Bahrain*, 2019, pp 75-77.

<sup>69</sup> "Profiles in Persecution: Husain Ali al-Sahlawi," ADHRB, 6 October 2017, <https://www.adhrb.org/2017/10/profiles-in-persecution-husain-ali-al-sahlawi/>

<sup>70</sup> "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior", *Americans for Democracy & Human Rights in Bahrain*, 2019, p 78.

<sup>71</sup> *Ibid.*

<sup>72</sup> *BICI Report*, p 298

<sup>73</sup> "Profiles in Persecution: Ebtessam Abdulhusain al-Saegh," ADHRB, 11 July 2017, <https://www.adhrb.org/2017/07/profiles-persecution-ebtesam-abdulhusain-al-saegh/>

<sup>74</sup> *UA BHR 9/2017*, Office of the High Commissioner for Human Rights, 13 July 2017, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23218>

act of reprisal.<sup>75</sup> Likewise, in April 2017, NSA personnel tortured and sexually assaulted Najah Ahmed Yousif, a former civil servant in Bahrain's Labour Market Regulatory Agency (LMRA), at their Muharraq facility after she posted critical social media posts. Yousif was forced to sign a prepared confession and sentenced to three years in prison for her posts.<sup>76</sup> According to some estimates, at least 15 people were tortured at the Muharraq facility in 2017,<sup>77</sup> and ADHRB documented 13 separate incidents at the station that year, as well as two arbitrary detentions so far in 2018.<sup>78</sup> These acts have been committed under the guise of anti-terror legislation.

The introduction of Bahrain's Anti-Terrorism Law has provided security forces expansive powers to arrest and detain, procedures that often include torture and ill-treatment. Those suspected of engaging in a variety of different acts stipulated in the anti-terror law can be detained for up to 60 days without being charged.<sup>79</sup> Preliminary incarceration can be renewed by an order from the High Court for up to six months.<sup>80</sup> Terrorism-related acts, a broadly defined category, are treated as criminal cases in Bahrain, with prescribed penalties detailed in the Anti-Terrorism Law of 2006 and Articles 155 and 168 of the Penal Code.

In 2015, the US Central Intelligence Agency claimed that whilst they believed there are terrorism cases that involve violent acts against security services in Bahrain, they have concerns that the GoB utilises counterterrorism laws – specifically revocation of citizenship – to prosecute and harass individuals for their criticism of the government.<sup>81</sup> The MoI has expanded its infrastructure and scope to keep pace with a rising array of restrictions justified by these laws, and taken an active role in their development. Ministry leaders and other security apparatuses routinely act on their own wide interpretations of these ambiguous legal provisions, imposing ad hoc bans on evolving forms of activism or dissent against new government policies, from criticism of “the approach Bahrain has taken [in the Yemen conflict]” since 2015,<sup>82</sup> to “any expression of sympathy with... Qatar or opposition to ... Bahrain” stemming from their ongoing diplomatic dispute since 2017.<sup>83</sup>

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<sup>75</sup> “UN Assistant Secretary-General for Human Rights Cites Bahrain as ‘Egregious’ Perpetrator of Reprisals,” ADHRB, 22 September 2017, <https://www.adhrb.org/2017/09/un-assistant-secretary-general-for-human-rights-cites-bahrain-as-egregious-perpetrator-of-reprisals>

<sup>76</sup> BIRD, “Sexually Assaulted Bahraini Female Activist Sentenced to Three Years in Prison over Facebook Comments Criticizing Formula One Race in Bahrain,” 25 June 2018, <http://birdbh.org/2018/06/breaking-sexually-assaulted-bahraini-female-activist-sentenced-to-three-years-in-prison-over-facebook-comments-criticizing-formula-one-race-in-bahrain/>

<sup>77</sup> Phill Miller, “Britain Trained a Bahraini Police Chief Who Presided Over Abuse of Political Dissidents,” *Vice News*, 6 April 2018, [https://www.vice.com/en\\_uk/article/43b4k9/britain-trained-a-bahraini-police-chief-who-presided-over-abuse-of-political-dissidents](https://www.vice.com/en_uk/article/43b4k9/britain-trained-a-bahraini-police-chief-who-presided-over-abuse-of-political-dissidents)

<sup>78</sup> “Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior”, *Americans for Democracy & Human Rights in Bahrain*, 2019, pp 86-87.

<sup>79</sup> Bahrain Center for Human Rights, ‘The Terrorism Law in Bahrain: A Tool to Silence Dissidents’, 13 March 2014, [www.bahrainrights.org/sites/default/files/Terrorism%20in%20bahrain%20-%20FINAL.pdf](http://www.bahrainrights.org/sites/default/files/Terrorism%20in%20bahrain%20-%20FINAL.pdf)

<sup>80</sup> Article 29, Law no 58, Protecting Society from Terrorist Acts, July 2006, [www.gov.bh/AdvancedSearchDetails.aspx?id=2125#.U49LEfldXD1](http://www.gov.bh/AdvancedSearchDetails.aspx?id=2125#.U49LEfldXD1); Bahrain Center for Human Rights, “The Terrorism Law in Bahrain”.

<sup>81</sup> United States State Department Country Report Terrorism in Bahrain 2014 (footnote 168); Cordesman, Markusen, and Jones, *Stability and Instability in the Gulf Region in 2016: A Strategic Net Assessment*, *Center for Strategic and International Studies (CSIS)*, 15 Jun 2016.

<sup>82</sup> Quoted in Justin Gengler, “The Political Economy of Sectarianism: How Gulf Regimes Exploit Identity Politics as a Survival Strategy,” in Frederic Wehrey (Ed.), *Beyond Sunni and Shi'a: The Roots of Sectarianism in a Changing Middle East*, Oxford University Press: 2017, Print.

<sup>83</sup> “Bahrain says it will jail Qatar supporters for up to five years,” *The Telegraph*, 8 June 2017, [yearshttps://www.telegraph.co.uk/news/2017/06/08/bahrain-says-will-jail-qatar-supporters-five-years/](https://www.telegraph.co.uk/news/2017/06/08/bahrain-says-will-jail-qatar-supporters-five-years/).

The effects of this legislation have been tangible. Whilst promising reform and democratisation in the aftermath of the Uprising, the GoB has effectively choked dissent on all levels of society, making democratisation impossible. The 2019 EIU Democracy Index classifies Bahrain as an “authoritarian regime”, ranked 149 out of 167 countries, with an average score of 2.55/10.<sup>84</sup> Freedom House has scored Bahrain 11/100– “Not Free,”<sup>85</sup> with political rights scored 1/40. It cites Bahrain’s record of banning independent media, suppressing social media activity<sup>86</sup> and partaking in “arbitrary or unlawful interference with privacy; restrictions on freedom of expression, the press, and the internet, including censorship, site blocking, and criminal libel.”<sup>87</sup>

These laws, and their interpretation by security forces, have allowed authorities to incarcerate citizens on little more than suspicion of wrongdoing. Thousands of arrests related to nonviolent acts of expression, association and assembly are documented every year in Bahrain, resulting in the arbitrary detention of peaceful demonstrators, political activists, journalists, religious leaders and human rights defenders. The Bahrain Center for Human Rights reported that in 2013 alone, there were “38 terrorism cases where 318 defendants, including women and children, were sentenced to prison, or [were] awaiting verdicts”.<sup>88</sup> Hundreds more have been detained in the absence of any documentation or official reason for arrest, with coerced confessions extracted under torture, often to provide retroactive justification. Arbitrary detention is strongly correlated with torture in Bahrain, and the arbitrarily detained are at an extremely high risk of experiencing other human rights abuses like enforced disappearance and an unfair trial.<sup>89</sup>

With security forces given carte blanche via legislation and an informal culture of largess towards policing, personal integrity violations have greatly increased. Since 2011, arrests have shifted from a leader focussed approach to mass arrests; the system has changed from individual criminalisation to collective punishment. This is particularly true of the arrest and targeting of Bahrain’s Shi’a population. Torture has become more prevalent, consistent, and routinised. In 2018, there were 570 discrete incidents of torture perpetrated by MoI agencies. Torture is ubiquitous across initial detention centres overseen by the Criminal Investigation Directorate (CID) and local police directorates, as well as facilities like Jau and Isa Town prisons, which are under the remit of the General Directorate of Reformation and Rehabilitation (GDRR). Violence against detainees is casual and commonplace. MoI personnel employ a range of torture methods varying in sophistication and cruelty. As one detainee described it in 2017, prisoners are subjected to “every type of torture you can imagine.” The most common method is the simplest: beating with fists, weapons, or blunt objects. Other methods include forced standing, hanging or stress positions, electric shocks, and sexual assault, including rape. Over

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<sup>84</sup> The Economist Intelligence Unit, “Democracy Index 2019: Bahrain”, <http://www.eiu.com/Handlers/WhitepaperHandler.ashx?fi=Democracy-Index-2019.pdf&mode=wp&campaignid=democracyindex2019>

<sup>85</sup> Freedom House, Freedom in the World, 2020, <https://freedomhouse.org/country/bahrain/freedom-world/2020>, accessed 04 December 2020.

<sup>86</sup> Human Rights Watch, Human Rights Watch, ‘World Report: 2019- Bahrain, <https://www.hrw.org/world-report/2019/country-chapters/bahrain>

<sup>87</sup> US State Department, *Bahrain 2019 Human Rights Report*, <https://www.state.gov/wp-content/uploads/2020/03/BAHRAIN-2019-HUMAN-RIGHTS-REPORT.pdf>

<sup>88</sup> Bahrain Center for Human Rights, ‘The Terrorism Law in Bahrain’; “Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior”, Americans for Democracy & Human Rights in Bahrain, 2019, p 14.

<sup>89</sup> “From the Ground: Arbitrary and Unlawful Arrests in Bahrain,” ADHRB, BCHR, and BIRD, 10 February 2016, <http://www.adhrb.org/2016/02/8768/>; “Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior”, Americans for Democracy & Human Rights in Bahrain, 2019, p 39.

200 cases of MoI officials depriving detainees of water, food, sleep, and access to a toilet have been recorded in the past year.

In nearly a quarter of the cases documented, torture survivors reported that security forces either prevented them from praying or subjected them to sectarian insults, hate speech or other forms of religious discrimination. Shi'a Muslim detainees are typically targeted for this form of abuse. In several cases, MoI interrogators forcibly removed detainees' toenails, forced them to drink urine, stabbed or lacerated them, pepper sprayed them or forcibly injected them with a drug or unknown substance. In addition to direct abuse, in 2019 there were 100 cases were recorded of personnel threatening detainees and their family members with torture, sexual assault or other harm, such as fabricated criminal charges. Officers often falsely inform detainees that their loved ones are already in custody and at imminent risk of being raped, tortured or killed. A smaller number of detainees have reported that MoI staff have personally threatened to kill them, including placing a pistol to their head. Survivors of torture sessions regularly suffer from persistent and lasting effects of their abuse, some of which result in permanent injury or death.<sup>90</sup>

GDRR officers also use torture as a form of control, punishment, and humiliation within the prison system, and they have been increasingly implicated in initial interrogations. In 2017, for example, MoI personnel temporarily transferred 16-year-old Hussain Marhoon to Jau's interrogation facilities after torturing him at Exhibition Police Station in Manama; at Jau. The officers hung him by his arms and legs and proceeded to beat him until blood was streaming from his face.<sup>91</sup> Such acts have proliferated because of a culture of largess towards sectarian policing, and the tacit approval of Bahrain's leadership.

In 2013, the prime minister's son, Shaykh Khalifa bin Salman Al Khalifa was filmed telling a man accused of torture that both he and the Al Khalifa were above the law.<sup>92</sup> This flagrant disregard for human rights reform hasn't gone unnoticed by experts from the BICI. In accordance with BICI recommendations, the Bahraini Thirteen, also known as *rumūz* ("leading figures")<sup>93</sup> were re-tried under a civilian court. The original rulings, however, were upheld, despite evidence being based on confessions extracted under torture.<sup>94</sup> Cherif Bassiouni expressed his outrage at this decision, declaring: "I cannot think of a more egregious and specious legal decision."<sup>95</sup>

Since their arrival at Jau Prison, the *rumūz* have been isolated from the general population and are not allowed time to exercise in the prison yard. They are rarely permitted to leave their cells and are commonly denied visitation rights for months at a time. When visits are permitted, guards scrutinise all their communications.

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<sup>90</sup> "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior", Americans for Democracy & Human Rights in Bahrain, 2019, p 44.

<sup>91</sup> "Profiles in Persecution: Hani and Hussain Marhoon," ADHRB, 12 April 2018, <https://www.adhrb.org/2018/04/profiles-in-persecution-hani-and-hussain-marhoon/>

<sup>92</sup> Jones, 'Rotten Apples', p 228.

<sup>93</sup> The names of the Bahraini Thirteen are: Abdulhadi al-Khawaja, Abdulhadi al-Mukhodher, Abduljalil al-Miqdad, Abduljalil al-Singace, Abdulla al-Mahroos, Abdulwahab Hussain, Hasan Mushaima, Ibrahim Sharif, Mohamed Habib al-Miqdad, Mohamed Hasan Jawad, Mohamed Ismail, Sa'eed al-Nuri and Salah al-Khawaja.

<sup>94</sup> "Champions for Justice: The Bahrain 13," ADHRB, 8 May 2015, <http://www.adhrb.org/2015/05/may-champions-for-justice-the-bahrain-13/>

<sup>95</sup> Human Rights Watch, 'Bahrain: Promises Unkept, Rights Still Violated', 22 November 2012, [www.hrw.org/news/2012/11/22/bahrain-promises-unkept-rights-still-violated](http://www.hrw.org/news/2012/11/22/bahrain-promises-unkept-rights-still-violated); Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, pp 197, 224.

Restrictions on the *rumūz* have gradually intensified. In recent years, they have been denied access to pencils, paper and toilet tissue from Jau Prison administrators. Since March 2017, prison authorities have banned clothes, undergarments, soap, razors and other hygiene products from outside the prison whilst concurrently barring political prisoners from accessing the commissary to purchase these items, preventing detainees from accessing hygiene products or other essentials. Since October 2017, the prison administration has confiscated virtually every personal item belonging to the *rumūz*, including all books and writing materials. In 2017, guards began arbitrarily subjecting them to invasive strip searches and have limited the distribution of their medication as a means of forcing them to attend the clinic in shackles to receive their prescriptions rather than receiving refills in their cells.<sup>96</sup> Although the Bahraini Thirteen have infamously been singled out for abuse as political prisoners, they are not alone.

It is currently estimated that between 3,000 and 4,000 of Bahrain's current population of detainees are political prisoners. They are often held on specious charges, coerced into confessions, or charged with criminalised political activity or human rights activism. These estimates are supported by Bahrain's extremely low rates of non-political crime and a high rate of convictions under anti-terror laws, which essentially criminalises dissent. Even without factoring the number of non-political prisoners incarcerated, these statistics make Bahrain the highest per capita jailer in the Middle East and North Africa region, with authorities reportedly unable to expand their facilities fast enough to accommodate the rapidly increasing prison population.<sup>97</sup> Additionally, Bahrain's official figures exclude pre-charge detainees, whose numbers are unknown. Many of them have been held illegally, for short-terms, and/or in unofficial locations such as black sites. This makes it impossible to determine the true number of political prisoners in Bahrain.<sup>98</sup>

International condemnation for Bahrain's post-2011 actions has also been muted, as nations that praised the efforts of the BICI Commission appear unwilling to reconcile the promise of the Committee's recommendations for a reformed, liberal Bahrain with the reality of an authoritarian system that continues to preserve its minority rule through coercion and control.

As of 2020, Bahraini authorities have banned all independent media from operating in the country, dissolved all opposition groups, revoked the nationalities of domestic critics, cracked down on critical online posts and promoted a sectarian security state to maintain power. Despite declarations from the GoB that it has liberalised and opened itself up to the world, it has spent the last decade ensuring the pathway to representative democracy and inalienable human rights for its people remains closed.

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<sup>96</sup> "High-Profile Political Leaders and Human Rights Defenders Face Ongoing Degradation, Punishment, and Restrictions on Access to Medical Care," ADHRB, BIRD, and ECDHR, 27 October 2017, <http://www.adhrb.org/2017/10/high-profile-political-leaders-and-human-rights-defenders-face-ongoing-degradation-punishment-and-restrictions-on-access-to-medical-care/>; "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior", Americans for Democracy & Human Rights in Bahrain, 2019, pp 51, 54.

<sup>97</sup> *Report on the Unannounced Visit to the Jau Rehabilitation & Reformation Center (JRRC)*, PDRC, MOI, Kingdom of Bahrain, 2015, [http://www.pdrc.bh/mcms-store/pdf/2a23f018-109f-45cd-b5ae-4240de3d6e2b\\_Jau%20English%20Final.pdf](http://www.pdrc.bh/mcms-store/pdf/2a23f018-109f-45cd-b5ae-4240de3d6e2b_Jau%20English%20Final.pdf)

<sup>98</sup> "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior", Americans for Democracy & Human Rights in Bahrain, 2019, p 25.

## **Freedom of Expression, Association and Assembly**

Abbas Taleb

### *Freedom of Expression*

The right to freedom of expression is guaranteed and protected by several international law instruments, and by the Constitution of Bahrain.

Article 19 of the Universal Declaration of Human Rights provides: <sup>99</sup>

*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.*

The International Covenant on Civil and Political Rights (ICCPR),<sup>100</sup> to which Bahrain is a state party, provides in Article 19:

- 1. Everyone shall have the right to hold opinions without interference.*
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
- 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
  - (a) For respect of the rights or reputations of others;*
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.*

Similarly, article 32 of the Arab Charter on Human Rights,<sup>101</sup> to which Bahrain is a state party, “guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries.”

Freedom of expression is also enshrined in the Constitution of Bahrain.<sup>102</sup> Article 23 provides:

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<sup>99</sup> See Universal Declaration of Human Rights 1948, available at:

[https://www.ohchr.org/en/udhr/documents/udhr\\_translations/eng.pdf](https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf)

<sup>100</sup> See the International Covenant on Civil and Political Rights (ICCPR) 1966, available at:

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

<sup>101</sup> See the Arab Charter on Human Rights 1994, available at: <https://www.refworld.org/docid/3ae6b38540.html>

<sup>102</sup> See the Constitution of Bahrain 2002, available at:

<https://www.wipo.int/edocs/lexdocs/laws/en/bh/bh020en.pdf>

*Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and publish it by word of mouth, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.*

Article 24 of the Constitution states:

*With due regard for the provisions of the preceding Article, the freedom of the press, printing and publishing is guaranteed under the rules and conditions laid down by law.*

Article 31 of the Constitution provides:

*The public rights and freedoms stated in this Constitution may only be regulated or limited by or in accordance with the law, and such regulation or limitation may not prejudice the essence of the right or freedom.*

In the past decade, the Government of Bahrain has deepened its criminalization of the peaceful exercise of freedom of expression. Vaguely framed laws and regulatory limitations have been implemented to silence activists, journalists, politicians, and religious leaders for the exercise of their right to peaceful expression.

The government uses the Bahrain Penal Code to restrict freedom of expression. According to the BICI, it has used this legislation to punish dissidents and those in the opposition and to deter political opposition. Around 1300 people were arrested during the 2011 uprising pursuant to Articles 165, 168, 169 and 179 of the Bahrain Penal Code,<sup>103</sup> of which 300 were convicted. Restrictions in these articles are broadly defined, which allows the authorities to target activists and the opposition, violating international human rights law and the Constitution.<sup>104</sup>

Article 165 of the Penal Code provides:

*Any person who uses one of the publication methods to incite hatred towards the ruling regime or show contempt towards it shall be punished with imprisonment.*

Article 168 provides:

*A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD 200, or either penalty, shall be imposed upon any person who wilfully broadcasts any false or malicious news reports, statements or rumours, or spreads adverse publicity, if such conduct results in disturbing public security, terrorising people or causing damage to public interest.*

*The same penalty shall be imposed upon any person who possesses, either personally or through others, any documents or publications containing anything provided for in the preceding*

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<sup>103</sup> See Bahrain Penal Code of 1976, available at:

[http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=1602#.X\\_DbneAo\\_Q](http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=1602#.X_DbneAo_Q)

<sup>104</sup> Bahrain Independent Commission of Inquiry, REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY, 23 NOVEMBER 2011, p. 303.

*paragraph, if they are intended for distribution or reading by others, and upon any person who possesses any publishing, recording or promotion device intended, even on a temporary basis, for the printing, recording or broadcast of any of the above.*

Article 169 provides:

*A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD 200, or either penalty, shall be imposed upon any person who publishes by any method of publication untrue reports, falsified or forged documents or falsely attributed to other person should they undermine the public peace or cause damage to the country's supreme interest or to the State's creditworthiness.*

The BICI noted that several people were arrested and charged with the possession and distribution of material calling for the fall of the regime. Other people were charged with inciting hatred towards the regime. Several were charged with spreading false rumours likely to disturb public orders. Others were charged with inciting others to attend unauthorized gatherings.<sup>105</sup>

The BICI found Article 165 of the Penal Code “was applied in a way that infringes upon the freedoms of opinion and expression by excluding from the public debate opinions that express opposition to the existing system of government in Bahrain, as well as opinions that call for any peaceful change in the structure or system of government or for regime change”. The Commission also found that Article 168 of the Penal Code places broad restrictions that raise concerns, and that Articles 165, 168 and 169 were applied by the authorities to repress legitimate criticism of the Government of Bahrain.

After the 2011 Uprising, Bahrain continued to violate the right to freedom of expression. In April 2014, an amendment to Article 214 of the Penal Code increased the maximum sentence to seven years for insulting the king. Mahdi al-Basri, a Bahraini lawyer, was one of at least five individuals sentenced to prison in 2013 for insulting the king on social media.<sup>106</sup> In addition, the government has also approved amendments to Article 364 of the Penal Code which would increase the penalty for “insulting” Parliament, security forces, judges or public interests to two years’ imprisonment, and increased the punishment for publicly encouraging others to “defame” to three years’ imprisonment, or longer for slander in the media.<sup>107</sup>

The persecution of former Members of Parliament has been particularly serious since 2011. The vast majority of opposition MPs have moderate and peaceful views, in regard to their justifiable demands for political reform, transparency, rule of law, and the empowerment of Parliament, etc. These demands have been branded by authorities as “extremist and radical” propaganda. Consequently, several former MPs have been targeted and punished for their political views, many of whom come from different backgrounds and sections of society. Khalil Marzooq, Matar Matar, Osama Al-Tamimi, Hasan Sultan,

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<sup>105</sup> Ibid, p. 303-306.

<sup>106</sup> See Human Rights Watch, ‘World Report 2014: Bahrain’ and ‘World Report 2015: Bahrain’, available at: <https://www.hrw.org/world-report/2014/country-chapters/bahrain> and <https://www.hrw.org/world-report/2015/country-chapters/bahrain>

<sup>107</sup> See Human Rights Watch, “Interfere, Restrict, Control: Restraints on Freedom of Association in Bahrain,” 20 June 2013, available at: <https://www.hrw.org/report/2013/06/20/interfere-restrict-control/restraints-freedomassociation-bahrain>

Hasan Isa, Jawad Fairouz, Jalal Fairouz, Khalid Abdilaal, Sayed Jamil Kadhem, Majeed Al-Sabi' have been targeted by the government due to their critical stance against the government.<sup>108</sup>

Furthermore, there are currently several political prisoners or prisoners of conscience, who are serving long or lifetime prison sentences for the sole purpose of expressing their opinion in opposition to the government. The following are some of the cases of prisoners of conscience:

**Sheikh Ali Salman:** Secretary General, al-Wefaq National Islamic Society, Bahrain's largest opposition group. The government arrested Sheikh Ali Salman on 28 December 2014 in connection with statements he had made in speeches in 2012 and 2014, including his speech at the party's General Assembly meeting two days earlier, on 26 December 2014.<sup>109</sup> In it, he spoke about the determination to obtain power in Bahrain via democratic, peaceful means, and achieving the demands of the 2011 uprising; and the intent to hold those responsible for committing human rights abuses to account. He also highlighted the need for equality for all Bahrainis, including the ruling family. His arrest took place a few days after he was re-elected for a fourth term as Secretary General of al-Wefaq.

His trial before the High Criminal Court began on 28 January 2015. International observers attended. The content and context of his speeches formed a basis of dispute in court and his lawyers complained to the court that the excerpts of his speeches presented in court were taken out of context and asked for the complete versions to be played to the court, including the sections relating to the peaceful nature of his party's demands. The judge repeatedly *"rejected this request as well as demands by the lawyers to call defence witnesses to testify in court. The judge arbitrarily interfered in the defence 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 defence lawyers to submit further documents as evidence."*<sup>110</sup>

On 16 June 2015, Bahrain's High Criminal Court sentenced Salman to four years imprisonment following an unfair trial. He received two years imprisonment 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 another two years in prison for "publicly inciting others to disobey the law". The court acquitted him of "incitement to the promotion of the change of the political system by force, threats and other illegal means".

The Prosecution appealed the acquittal. The charges referred to speeches he made in 2012 and 2014, including at his party's General Assembly, in which he reaffirmed his party's determination to achieve, through peaceful means, the reform demands of the 2011 uprising, and to hold those responsible for human rights violations to account. He also stressed the need for equality for all Bahrainis. An appeal hearing opened before the Court of Appeal in Manama on 15 September 2015. The prosecution called for the maximum penalty and for the acquittal to be reversed. During a prison visit ahead of the first

<sup>108</sup> Salam DHR, GIDHR, BFHR, 'Bahrain's Compliance with the International Covenant on Civil and Political Rights', 121<sup>st</sup> Session-ICCPR, Shadow Report, 2017, available at:

[https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BHR/INT\\_CCPR\\_ICO\\_BHR\\_28328\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BHR/INT_CCPR_ICO_BHR_28328_E.pdf)

<sup>109</sup> This text draws on Salam for Democracy and Human Rights - "Who is a prisoner of conscience? Sheikh Ali Salman as a model", 27 May 2020, available at: <https://salam-dhr.org/?p=4032>

<sup>110</sup> Amnesty International - Urgent Action / Further Information: Bahrain - Opposition leader's sentence reduced again, AI Index MDE 11/6068/2017, 3 April 2017, available at: <https://www.amnesty.org/download/Documents/MDE1160682017ENGLISH.pdf>

session of the appeal, prison officers prevented Sheikh Ali Salman from discussing his case in private with his lawyers. During the second appeal hearing on 14 October 2015, the judge once again denied his lawyers' request to play video recordings of Sheikh Ali Salman's speeches to demonstrate that excerpts used as evidence to sentence him were taken out of context, without giving any basis for this denial. His lawyers submitted their defence, pleading in writing, and then in court but were interrupted throughout the hearing by the Public Prosecution. Sheikh Ali Salman was allowed to make a 15-minute statement to the court in which he denied all the allegations against him and said that he was seeking political and constitutional change through peaceful means and was being prosecuted for his beliefs.

On 30 May 2016, the Court of Appeal upheld his conviction and extended his prison sentence from four to nine years, thus reversing his earlier acquittal. His appeal was marred by irregularities, including violations of the right to adequate time and facilities to prepare a defence. In September 2015, the UN Working Group on Arbitrary Detention called on the Bahraini authorities to release Sheikh Ali Salman immediately and to grant him adequate compensation. On 17 October 2016, the Court of Cassation ordered him to be retried by the Appeal Court, but on 12 December 2016, it upheld the nine-year prison sentence. On 3 April 2017, the Court of Cassation in Bahrain reduced the prison sentence to four years in prison for the second time. However, in November 2017, the Government of Bahrain charged him and two others with maintaining intelligence contacts with Qatar, revealing national defence secrets and accepting financial sums all of which undermine the "political, economic position and national interests with the purpose of overthrowing the regime" in Bahrain. The charges were based on recorded telephone conversations he had with the-then Prime Minister and Minister of Foreign Affairs of Qatar, Sheikh Hamad Bin Jassim Bin Jabr Al Thani, in 2011. Bahrain's state broadcasters aired the recording in August 2017. On 21 June 2018, the High Criminal Court acquitted him and two others, Sheikh Hassan Ali Juma Sultan and Ali Mahdi Ali Al-Aswad, both tried in absentia, on charges of spying based on the recordings. On 4 November 2018, following an appeal by prosecutors, the Bahrain High Court of Appeals overturned the acquittal and convicted all three men, who were then sentenced to life imprisonment.<sup>111</sup>

**Abdulhadi al-Khawaja:**<sup>112</sup> dual Denmark-Bahrain citizen and Co-Founder of the Bahrain Center for Human Rights. With a long history of activism, the government had arrested him in 2004 and 2007. During the unrest in 2011, he organized peaceful awareness-raising events and conducted human rights education sessions. He reportedly said that he had intentionally kept himself away from the Pearl Roundabout in order to avoid providing the authorities with a pretext to arrest him. As one of the "Bahrain 13" (human rights defenders, political leaders, clerics and bloggers detained during the 2011 uprising), he was arrested in April 2011. In June 2011, a military court sentenced him and eight others to life imprisonment on charges of, *inter alia*, "seeking to overthrow the government" and "espionage". The Government of Bahrain denied him access to his lawyer during his initial 20 days in detention, during which time he was tortured and tried before a military court in contravention of international standards. He attempted to speak at trial hearings on four separate occasions and to make multiple complaints about the torture he endured but, in each instance, judges silenced him and refused to

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<sup>111</sup> Amnesty International - Bahrain: Verdict on opposition leader is bitter blow to freedom of expression, 29th January 2019, available at: <https://www.amnesty.org/en/latest/news/2019/01/bahrain-verdict-on-opposition-leader-is-bitter-blow-to-freedom-of-expression/>

<sup>112</sup> For additional information, see Frontline Defenders, Case Summary: <https://www.frontlinedefenders.org/en/case/case-history-abdulhadi-al-khawaja#case-update-id-1205>

investigate the claims. He has repeatedly undertaken hunger strikes to draw attention to the injustice he and others have faced. He is currently being held at Jau Prison.

**Naji Fateel:**<sup>113</sup> Member of the Board of Directors of the Bahraini human rights NGO Bahrain Youth Society for Human Rights (BYSHR). Detained since 2007, he has reportedly endured torture and had been the target of death threats during the 2011 Bahraini uprising. On 15 November 2013, a lawyer mandated by international human rights organisations was denied entry into Bahrain to observe his trial. On 29 May 2014, the Appeals Court of Bahrain upheld a 15-year sentence against him. In September 2019, prison authorities transferred him to solitary confinement. On 9 August 2020, he began a hunger strike to protest conditions. He is held at Jau Prison.

**Dr Abdel-Jalil al-Singace:** Former al-Wefaq member, in 2005 he joined and became spokesman for the Haq Movement for Liberty and Democracy; former chair of University of Bahrain Engineering Department. One of the “Bahrain 13”.

**Hassan Mushaima:** General Secretary of the Haq Movement for Liberty and Democracy; one of the leading figures of rights-based activities from the 1980s through to the 1990s. He was arrested and held for over four months in 2009, then released with a royal pardon. He was detained alongside scores of others on 17 March 2011.<sup>114</sup> He was tried as one of the “Bahrain 13”. In 2018, his son Ali Mushaima began a hunger strike outside the Bahraini embassy in London, protesting the denial of medical treatment for political prisoners including his father. In November 2020, Ali Mushaima made a number of statements regarding his father’s medical condition, asserting that: he was twice hospitalized due to a serious deterioration in health; on 10 November 2020, Jau Prison authorities transferred him to the Accident and Emergency ward at the Bahrain Defence Force Hospital, where staff put him on an emergency respirator, and that despite a renewed medical request for specialist care, they returned him to prison after about six hours.<sup>115</sup>

**Abdulwahab Hussain:** Among the leaders of rights-based activism in the 1990s; he returned to politics in 2009 to co-found the al-Wafa’ Islamic Movement, becoming its spokesperson. One of the “Bahrain 13”, officers ill-treated him during his arrest in March 2011. During interrogation, he stated that National Security Agency officials subjected him to forms of water torture, such as waterboarding, in order to extract a “confession”. Officials kept him in solitary confinement for several weeks and denied him access to medical assistance. He was one of those sentenced to life imprisonment by a military court in June 2011. He is held at Jau Prison.

**Sayed Nizar Alwadaei:** Human Rights activist. According to the 7 January 2019 Opinion set out by the UN Working Group on Arbitrary Detention, (WGAD), the Bahraini authorities arbitrarily detained Sayed Nizar Alwadaei in March 2017.<sup>116</sup> On 7 May 2017 he was tried on vague charges relating to

<sup>113</sup> For additional information, see Frontline Defenders, Case Summary:

<https://www.frontlinedefenders.org/en/case/case-history-naji-fateel>

<sup>114</sup> BBC - Bahrain unrest: Shi’a dissident Hassan Mushaima returns, 26 February 2011, available at:

<https://www.bbc.co.uk/news/world-middle-east-12587902>

<sup>115</sup> See: Twitter / Ali Mushaima, available at:

<https://twitter.com/AMushaima/status/1327306790346887169?s=20> ,

<https://twitter.com/AMushaima/status/1318937942170152961> ,

<https://twitter.com/AMushaima/status/1326597253788790791> and others.

<sup>116</sup> UN Human Rights Council - Working Group on Arbitrary Detention (WGAD) - Opinions adopted by the Working Group on Arbitrary Detention at its eighty-second session, 20–24 August 2018 - Opinion No. 51/2018

national security, and on 30 October 2017 a court sentenced him to three years imprisonment. On 29 November 2017, the authorities set out further charges. At a court session on 20 December 2017, he alleged that he faced torture and that his trial was in contravention of Article 15 of the Convention against Torture and Article 14 of the international Convention on Civil and Political Rights. Bahrain responded to the WGAD on 29 May 2018. On 4 June 2018, the WGAD expressed regret that the Bahraini government did not reply substantively and failed to address the “*catalogue of alleged due process and fair trial violations*”. In its 7 January 2019 Opinion, paragraph 101, WGAD determined that his deprivation was in contravention to specific articles of the ICCPR and that his detention was arbitrary.

Moreover, the Government of Bahrain imposes censorship by the vaguely worded Press Law 47/2002,<sup>117</sup> which criminalizes criticism of the regime, Islam and Arab and Muslim countries. The Ministry of Information Affairs and the Ministry of Interior monitor and censor the media. Journalists are under imminent risk of arrest and detention for criticizing or investigating the government. According to Freedom House, six journalists remain behind bars until today, the authorities refused to renew the credentials of several Bahraini journalists working with foreign media outlets and international journalists often face difficulty obtaining visa to enter Bahrain. The authorities also selectively block online content, including opposition websites and content that criticizes religion or highlights human rights abuses.<sup>118</sup>

According to the BICI, during the 2011 uprising, a number of journalists were arrested for reporting on the protests. Two journalists died while in the custody of the police and National Security Agency.<sup>119</sup>

In February 2015, *Al-Arab TV* was suspended indefinitely, just hours after its launch, following the broadcast of a live interview with the Deputy Secretary-General of the largest political opposition society Al-Wefaq, Khalil Marzooq, regarding the January 2015 decision to revoke citizenship from 72 people.<sup>120</sup> Bahrain’s only independent newspaper, *Al Wasat*, was suspended on 2 April 2011. The government alleged that the paper had published “false news and photographs” in the editions published on 26 and 29 March 2011. *Al-Wasat* was permitted to resume publishing on 4 April, but this permission for publication was only given after the Editor-in-Chief, Managing Editor and Local News Editor were forced to resign.<sup>121</sup> The paper was suspended two times later on and finally shut down in 2017. In August 2015, it was suspended for two days, with no reason given. In January 2017 it was suspended again for three days for “inciting division, jeopardizing national unity, and disrupting public peace”. On June 4, 2017, the authorities ordered the immediate indefinite suspension of *Al Wasat*, which was described by

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concerning Sayed Nazar Naama Baqquer Ali Yusuf Alwadaei, Mahmood Marzooq Mansoor and Hajar Mansoor Hassan (Bahrain), A/HRC/WGAD/2018/51, 7 January 2019, available at:

[https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A\\_HRC\\_WGAD\\_2018\\_51.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_51.pdf)

<sup>117</sup> See Press Law 47/2002, available at:

[http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=5831#.X\\_EcX-Ao80o](http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=5831#.X_EcX-Ao80o)

<sup>118</sup> Freedom House, ‘Freedom in the World’, 2020, available at:

<https://freedomhouse.org/country/bahrain/freedom-world/2020>

<sup>119</sup> Bahrain Independent Commission of Inquiry, REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY, 23 NOVEMBER 2011, p. 307.

<sup>120</sup> Article 19, BIRD, Joint Submission for the UPR of Bahrain, for consideration at the 27th session of the UN working group in April-May 2017, 4 October 2016, available at: [https://www.upr-info.org/sites/default/files/document/bahrain/session\\_27\\_-\\_may\\_2017/js2\\_upr27\\_bhr\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/bahrain/session_27_-_may_2017/js2_upr27_bhr_e_main.pdf)

<sup>121</sup> Bahrain Independent Commission of Inquiry, REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY, 23 NOVEMBER 2011, p. 389-390.

Human Rights Watch as one of the very few independent news sites in the entire Gulf region. The government claimed it had “created discord and damaged Bahrain’s relations with other countries.”<sup>122</sup>

Bahrain also widened its suppression of online and social media activity in the past decade, prosecuting people for expressing their freedom of speech online. The prominent human rights activist, Nabeel Rajab, was arrested in 2012 and imprisoned for several years for his “involvement in illegal practices and inciting gatherings and calling for unauthorised marches through social networking sites.” After his release in May 2014, he was arrested again in April 2015 and imprisoned for a different set of tweets in which he mentioned ongoing torture in Bahrain’s Jau Prison and criticized Bahrain’s participation in the Saudi-led military campaign in Yemen.<sup>123</sup> Rajab, the co-founder of the Bahrain Centre for Human Rights, was released on June 9, 2020 under the alternative sanctions law.<sup>124</sup>

According to Amnesty International, between June 2016 and June 2017 only, at least 169 peaceful critics and their relatives were subject to one or more of the following measures for speaking out against the authorities: summons, arrest, interrogation, prosecution, imprisonment, travel ban, and threat of imprisonment or torture of them or their relatives. Human rights defenders, lawyers, journalists, political activists and leaders, Shi’a clerics, and peaceful protesters have been particularly targeted.<sup>125</sup>

According to Human Rights Watch, in March 2018, the Interior Ministry “threatened to punish harshly those who criticised the government online, saying it was already tracking accounts that “departed from national norms, customs and traditions.”<sup>126</sup> In May 2019, the Interior Ministry threatened on twitter that it will prosecute those who follow “inciting accounts” or share their posts.<sup>127</sup>

The GoB uses surveillance software - called Pegasus - to silence and undermine the individual security of human rights activists. It serves to limit freedom of expression, by creating an environment in which individuals understand that their every speech, meeting and movement can be surveilled and used against them. According to the Israeli newspaper Haaretz, the Israeli cyberarms firm, NSO Group Technologies sold spyware branded as Pegasus to Bahrain.<sup>128</sup> While NSO Group has asserted that the spyware enables authorized governments to “combat terror and crime”, it has no control over the use of the technology, the penetration of which is based on a user opening a link to, for instance, a seemingly benign offer of an online or digital service or package. Pegasus spyware is capable of reading text messages, tracking calls, collecting passwords, mobile phone tracking, accessing the target device's

<sup>122</sup> Human Rights Watch, ‘Bahrain: Only Independent Newspaper Shut Down’, 2017, available at: <https://www.hrw.org/news/2017/06/18/bahrain-only-independent-newspaper-shut-down>

<sup>123</sup> Front Line Defenders, ‘Case History: Nabeel Rajab’, available at: <https://www.frontlinedefenders.org/en/case/case-history-nabeel-rajab>

<sup>124</sup> Human Rights Watch, ‘Bahrain: Prominent Activist Nabeel Rajab Freed from Prison’, 2020, available at: <https://www.hrw.org/news/2020/06/10/bahrain-prominent-activist-nabeel-rajab-freed-prison>

<sup>125</sup> Amnesty International, ‘NO ONE CAN PROTECT YOU’, Bahrain’s year of crushing dissent, 2017, available at: <https://www.amnesty.org/download/Documents/MDE1167902017ENGLISH.PDF>

<sup>126</sup> Human Rights Watch, ‘Bahrain Events of 2018’, available at: <https://www.hrw.org/world-report/2019/country-chapters/bahrain>

<sup>127</sup> See tweets of the Ministry of Interior on the matter, available at: [https://twitter.com/moi\\_bahrain/status/1134148380312178689](https://twitter.com/moi_bahrain/status/1134148380312178689)

<sup>128</sup> Haaretz - With Israel's Encouragement, NSO Sold Spyware to UAE and Other Gulf States / The Israeli spyware firm has signed contracts with Bahrain, Oman and Saudi Arabia. Despite its claims, NSO exercises little control over use of its software, which dictatorships can use to monitor dissidents, 25 August 2020, available at: <https://www.haaretz.com/middle-east-news/.premium-with-israel-s-encouragement-nso-sold-spyware-to-uae-and-other-gulf-states-1.9093465>

microphone(s) and video camera(s), and gathering information from apps.<sup>129</sup> For example, the 14 September 2020 podcast of Frontline Defenders, human rights defender Hussain Radhi, of the Bahrain Center for Human Rights spoke of the 2019 phishing link used by the GoB to gain access to his personal data. He explained his fear that the authorities will use information to blackmail him, his associates, or his family and how that will force him to self-censor.<sup>130</sup>

### *Freedom of Peaceful Assembly*

The right to freedom of peaceful assembly is guaranteed by international human rights law, including the Universal Declaration of Human Rights and the ICCPR. It is also protected by the Constitution of Bahrain.

Article 20 of the Universal Declaration of Human Rights states:

*1. Everyone has the right to freedom of peaceful assembly and association.*

Article 21 of the ICCPR states:

*The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.*

Article 28(b) of the Constitution of Bahrain provides:

*Public meetings, parades and assemblies are permitted under the rules and conditions laid down by law, but the purposes and means of the meeting must be peaceful and must not be prejudicial to public decency.*

According to the BICI, during the 2011 uprising, several people were arrested and prosecuted under Articles 179 and 180 of the Penal Code, for exercising their right of freedom of assembly.<sup>131</sup>

Article 179 of the Penal Code provides:

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<sup>129</sup> See also The Guardian - NSO Group points finger at state clients in WhatsApp spying case / In court filing, Israeli spyware company says it does not operate technology it provides, by Stephanie Kirchgaessner, 7 April 2020, available at: <https://www.theguardian.com/world/2020/apr/07/nso-group-points-finger-at-state-clients-in-whatsapp-spying-case>

<sup>130</sup> Frontline Defenders - Podcast: Season 2, Episode 9 - Watched & Monitored: Protecting HRDs from Surveillance, 14 September 2020, available at: <https://www.frontlinedefenders.org/en/podcast>. Hussain Radhi, Bahrain: 01:20 - 04:38 and Bill Marczak, The Citizen Lab, Canada: 04:39 - 16:11. See, also, the work by Citizen Lab: Hide and Seek / Tracking NSO Group's Pegasus Spyware to Operations in 45 Countries, Bill Marczak, John Scott-Railton, Sarah McKune, Bahr Abdul Razzak, and Ron Deibert September 18, 2018, available at <https://citizenlab.ca/2018/09/hide-and-peek-tracking-nso-groups-pegasus-spyware-to-operations-in-45-countries/> referenced in the same podcast.

<sup>131</sup> Bahrain Independent Commission of Inquiry, REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY, 23 NOVEMBER 2011, p. 305.

*If one or more of those assembled attempts to use violence for the realisation of the purpose for which they have assembled, their action shall be deemed as a riot. The penalty for each person who knowingly takes part in such a riot shall be a prison sentence and a fine not exceeding BD 500, or either penalty.*

Article 180 provides:

*If one of the public authority officers finds that five persons or more have demonstrated with the intent of causing a riot, he may in such capacity order them to disperse. Thereafter, he shall be empowered to take the necessary measures for dispersing those who have not complied with the order by arresting them and may use force within reasonable limits against any person resisting that order. He may not use firearms except in extreme necessity or when someone's life is threatened. Persons still demonstrating after the issue of the order to disperse while being aware of such order shall be liable for imprisonment and a fine not exceeding BD 300, or either penalty.*

In the past decade, Bahrain not only restricted the right to peaceful assembly, but it has also officially banned all public protests.

The BICI mentioned in its report that Articles 179 and 180 of the Penal Code were used by Bahraini courts to convict people who oppose the government, as the use was mainly as means of repressing freedom of assembly and punishing those who exercise that right during the protests. The Commission found that the “cumulative effect of articles 179 and 180 of the Penal Code is to place overly broad restrictions on the right of assembly, which is protected by the Constitution of Bahrain, the ICCPR and the Arab Charter.”<sup>132</sup>

In addition to the penal code, the government uses Law 18/1973 on Public Meetings, Processions and Gatherings<sup>133</sup> and its amendments under Law 32/2006<sup>134</sup> and Law 22/2013<sup>135</sup> which have imposed an official ban on all protests in the capital Manama, to restrict the right to peaceful assembly. Restrictions on freedom of assembly are broadly defined in these laws, which allows the criminalization of peaceful assemblies and arbitrary application of the law.

While protests continued to a certain extent in the years following 2011, protests erupted over the country once again following the arbitrary revocation of Bahrain's leading Shi'ite Muslim cleric, Sheikh Issa Qassem's nationality in June 2016, and particularly in Duraz, where he lives. The protests continued for almost 11 months. In response, the government cracked down on those exercising their right to peaceful assembly. Between June and November 2016, over 70 activists, protesters and Shi'a clerics were charged with participating in “illegal gathering”, while security officers used live ammunition against protesters. According to Human Rights Watch, Sheikh Maytham al-Salman, “one of the most high-profile Shi'a clerics charged with illegal gathering” claimed that police insisted that he remove his clerical turban and robes, refused his request to shower and change his clothes, and kept him in interview rooms for 26 hours without sleep. He said he believed the insistence that he remove

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<sup>132</sup> Ibid, p. 312-313.

<sup>133</sup> See Law 18/1973 on Public Meetings, Processions and Gatherings, available at: [http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=5794#.X\\_DfluAo\\_Q](http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=5794#.X_DfluAo_Q)

<sup>134</sup> See Law 32/2006, available at: [http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=5466#.X\\_Dfi-Ao\\_Q](http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=5466#.X_Dfi-Ao_Q)

<sup>135</sup> See Law 22/2013, available at: [http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=11471#.X\\_DgFuAo\\_Q](http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=11471#.X_DgFuAo_Q)

his religious attire was intended to “insult and intimidate a Shi’a cleric.” Credible Bahraini sources told Human Rights Watch that authorities questioned or brought charges against more than 50 Shi’a clerics in the aftermath of the Duraz protests.<sup>136</sup>

On 26 January 2017, 18 years old boy Mustapha Hamdan was shot in the back of the head in Duraz by security officers. Hamdan was taken to the Salmaniya Medical Complex where he died on 24 March.<sup>137</sup>

In May 2017, with the continuous sit-in in Sheikh Issa Qassem’s house in Duraz and following his sentencing to one year in prison, hundreds of armored vehicles of security forces encircled Duraz and attacked protesters. The raid resulted in the death of one child and four men: 17-year-old Mohammed Abdulnabi al-Ekri; Mohamed Kazem Mohsen Zayn al-Deen; Mohammad Ali Ibrahim Ahmad al-Sari; Ahmad Jamil Ahmad Mohammad al-Asfoor; Ahmad Hassan Mohammad Hamdan. Additionally, hundreds were injured and 286 were arrested.<sup>138</sup>

In February 2019, the High Criminal Court sentenced 167 people that were arrested at the 2017 sit-in outside the home of Bahrain’s Sheikh Issa Qassem to between six months and 10 years in prison. 56 of the defendants were handed 10-year prison terms, while the majority received one-year terms.<sup>139</sup>

In late 2020, Bahrain’s normalization agreement with Israel was met with some anger, as anti-normalization protests erupted in the country, especially in the capital Manama. The authorities responded by arresting some organizers and participants, as well as summoning them and forcing them to sign an order to not participate in any future activities on the streets.<sup>140</sup>

Until today, there are hundreds of activists, opposition leaders, clerics, academics, and people that are not affiliated with any political or religious groups incarcerated for peacefully exercising their right to freedom of assembly.

### Freedom of Association

The right to freedom of Association is enshrined in international human rights law.

Article 20 (2) of the Universal Declaration of Human Rights states:

*No one may be compelled to belong to an association.*

Article 22 of the ICCPR provides:

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<sup>136</sup> Human Rights Watch, “Bahrain Events of 2016”, available at: <https://www.hrw.org/world-report/2017/country-chapters/bahrain>

<sup>137</sup> Amnesty International, “NO ONE CAN PROTECT YOU”, Bahrain’s year of crushing dissent, 2017, available at: <https://www.amnesty.org/download/Documents/MDE1167902017ENGLISH.PDF>

<sup>138</sup> Ibid.

<sup>139</sup> Reuters “Bahrain sentences 167 people to prison in crackdown on dissent”, ,2019, available at: <https://www.reuters.com/article/us-bahrain-security-idUSKCN1QV25V>

<sup>140</sup> Middle East Monitor, “Bahrain: Anti-normalisation protests despite security restrictions”, 2020, available at: <https://www.middleeastmonitor.com/20201024-bahrain-anti-normalisation-protests-despite-security-restrictions/>

*1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.*

*2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.*

In the past decade, legislation and government's actions have restricted the ability of social, civil, cultural and sports clubs to function, because of their pivotal role in shaping political debate. NGOs have long been a target for the government, with the uprising putting them under greater threat. Law 21/1989 of Associations<sup>141</sup> authorizes the government to dissolve organisations and interfere, restrict and control the activities of civic organisations. The Law also prohibits civil society organisations from engaging in politics. According to Human Rights Watch, authorities suppress civil society and restrict freedom of association in three main ways: “by arbitrarily rejecting registration applications and intrusively supervising NGOs; taking over and dissolving—more or less at will—organisations whose leaders have criticized government officials or their policies; and severely limiting the ability of groups to fundraise and receive foreign funding.

For example, in 2010, the Ministry of Social Development replaced the Bahrain Human Rights Society's board after its secretary general criticized authorities for violating the due process rights of detained opposition activists; In April 2011, the Ministry of Social Development dissolved the Bahrain Teachers' Society after its leaders took part in February-March 2011 pro-democracy protests. In April 2011, authorities replaced Bahrain Medical Society's board members with a pro-government board; In November 2011, the ministry cancelled the results of Bahrain Lawyers' Society election after the group elected perceived government critics to the board.”<sup>142</sup>

Since 2006, the following human rights NGOs, cultural, and political societies been dissolved: Bahrain Centre for Human Rights, the Ulama Islamic Scholars Council, Al Resala Cultural Society, Islamic Enlightenment Society (Taw'iyah), Islamic Action Society (Amal Party), Al Wafaq National Islamic Society, the National Democratic Action Society (Wa'ad).

Law 26/2005 on Political Societies<sup>143</sup> created the legal basis for the existence of Political societies that function similarly to political parties (not allowed in Bahrain). Law 26/2005 prohibits political societies that contradict Bahrain's system of government and interpretation of Sharia. Authorities use the law to prohibit political societies, dissolve them and control their freedom of association. A political society can be suspended.

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<sup>141</sup> See Law of Associations, available at:

<https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=1574>

<sup>142</sup> See Human Rights Watch, “Interfere, Restrict, Control: Restraints on Freedom of Association in Bahrain,” 20 June 2013, available at: <https://www.hrw.org/report/2013/06/20/interfere-restrict-control/restraints-freedomassociation-bahrain>

<sup>143</sup> See Law 26/2005 on Political Societies, available at:

[http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=4895#.X\\_Dik-Ao\\_Q](http://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=4895#.X_Dik-Ao_Q)

In July 2012, a court dissolved the Amal political society for failing to “convene a general conference for more than four years” and “taking its decisions from a religious authority who calls openly for violence and incites hatred.”<sup>144</sup>

In June 2016, Al-Wefaq, the largest opposition group was forcibly dissolved by a court for “fostering violence and terrorism”, and had its assets liquidated, based on the Ministry of Justice and Islamic Affairs request. Authorities presented no evidence to support their allegations.

In 2017, the National Democratic Action Society (Wa’ad), the largest secular party, also faced forced dissolution following claims that its members “incited terrorism”.<sup>145</sup>

In June 2018, the King ratified an amendment to Law No. 14 of 2002<sup>146</sup> that permanently prevents some individuals from running for parliamentary elections, including those previously convicted to a jail sentence of six months or more, and leaders and members of dissolved political organisations. These conditions applied to almost all political activists and political societies (de facto political parties), as many political leaders have been arbitrarily punished with jail sentences, while political groups have been forcibly dissolved in the past years. Opposition activists and politicians were also banned from voting in the 2018 parliamentary elections, running for municipal elections, and from establishing or being board members in civil society associations.

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<sup>144</sup> See Human Rights Watch, “Interfere, Restrict, Control: Restraints on Freedom of Association in Bahrain,” 20 June 2013, available at: <https://www.hrw.org/report/2013/06/20/interfere-restrict-control/restraints-freedomassociation-bahrain>

<sup>145</sup> See Salam for Democracy and Human Rights, “Bahrain: A Deepening Spiral of Repression”, 2018, available at: [https://salam-dhr.org/wp-content/uploads/2019/02/انكليزي\\_التقرير\\_السنوي\\_لعام\\_2018.pdf](https://salam-dhr.org/wp-content/uploads/2019/02/انكليزي_التقرير_السنوي_لعام_2018.pdf)

<sup>146</sup> See Law No. 25 of 2018 amending Law No. 14 of 2002: <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=14264>

## Segregation and Political Oppression

Andrew McIntosh

### *Sectarian Policies & Policing*

Sectarianism currently functions as one of the principle pillars of control in Bahrain. The Government of Bahrain engages in policies that have normalised Sunni Arab beliefs whilst marginalising or demonising anything labelled Shi'a or "Iranian", a label often extended to the *Baharna* and *Ajam*. Bahraini society is currently designed to isolate and police its Shi'a population as a form of social engineering. This manifests in multiple ways, from religious persecution, discrimination in the police and other security forces, the segregation of neighbourhoods, poor media representation and the importation of 'docile labour' and foreign security forces meant to displace and regulate the Shi'a population.

For decades, Bahrain has both implicitly and explicitly segregated its Shi'a population into disparate, containable units. Since 2011, the GoB has sought to limit and tightly control Shi'a community leadership. Government-run television stations do not broadcast Friday sermons from Shi'a mosques, whilst sermons from Sunni mosques appear regularly on these channels.<sup>147</sup> Currently, the only Shi'a organisation permitted is the Jaafari Shi'a Endowment Administration, which is directly run by the Ministry of Justice and Islamic Affairs, with its board members appointed by Royal Decree. In June 2014, the GoB dissolved the Islamic Awareness Society and the Clerics Council. Police summons were also sent out to Shi'a clerics who led these institutions. They were charged with infractions such as raising money without a licence.<sup>148</sup> From 2011-2017, 73 Shi'a religious scholars were arrested, 60 within a period of two months. It has been reported that whilst in custody, clerics have had their faith insulted, been verbally abused as well as psychologically and physically tortured to force confessions.<sup>149</sup>

Numerous Shi'a community leaders and holy men have been banned from preaching, had their nationalities revoked, been imprisoned or, in the most extreme cases, sentenced to death in absentia. Shi'a religious figures who are permitted to preach are supervised by the state, being required to provide their sermons to government handlers in advance. This has facilitated an environment where pious Shi'a Bahrainis must choose between aligning their faith with state-sponsored clerics or segregating themselves at the risk of being labelled extremists or traitors. In either case, the Shi'a community is cast as one that is separate and untrustworthy in Bahraini society.

The practice of segregation is also evident in Bahrain's town planning. For example, in a contradictory communique called the "Shi'a of Bahrain", Simon Collis, the Second Secretary in Bahrain from 1981 to 1984, noted that "There is no discrimination against the Shi'a in the allocation of government housing, loans or land sales by the Ministry of Housing". However, in the same paragraph Collis wrote that the consequence of this was institutional discrimination in other sectors: "Given the population structure the Shi'a, therefore, occupy the majority of new Government housing, except in Isa Town, where a semi-official system of land and housing grants to BDF officers and senior government officials favours the Sunni, who are over-represented in these positions."

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<sup>147</sup> CIA Report on Bahrain 2016 (footnote 166); Anthony H Cordesman, Max Markusen, Eric P. Jones, *Stability and Instability in the Gulf Region in 2016: A Strategic Net Assessment*, *Center for Strategic and International Studies (CSIS)*, 15 Jun 2016.

<sup>148</sup> Salam for Democracy and Human Rights, *Kingdom of Persecution*, 2011-2017, pp 32, 30.

<sup>149</sup> *Ibid*, pp 31-32, 35.

Collis alluded to conscious efforts by the GoB to implement the social engineering of religious demographics, especially in the capital of Manama. He noted that government housing schemes had attempted to mix religious communities, especially in Manama, in order to purposely dilute Shi'a political influence. Collis's allusion to displacing Shi'a communities in Manama was also motivated by the value of the land there. "The inner-city Shi'a quarters of Manama are prime targets for redevelopment for political reasons as well as economic and social in the neutral sense."<sup>150</sup>

Sequestering the Shi'a population in particular regions of Bahrain, where educational, social, and municipal services are generally viewed as inferior to those in Sunni communities,<sup>151</sup> serves multiple sectarian purposes, besides the distribution of valuable land to Sunni Arabs and the Al Khalifa. Before 2014, Bahrain's electoral boundaries were redrawn to minimise the impact of Shi'a votes in elections. The new boundaries meant that Sunni constituencies numbering only a few hundred were given the same voting power as Shi'a blocks consisting of thousands of citizens. In some cases, one Sunni vote equalled 21 Shi'a votes. Members of the ruling family, namely two influential Al Khalifa brothers – the Minister of State for Cabinet Affairs Shaykh Ahmed bin Attiyatallh and President of the Royal Court Shaykh Mohammed bin Attiyatallh – led this "effort to contain the electoral process".<sup>152</sup> This sort of sectarian gerrymandering is only possible if the Shi'a are only permitted to live in certain areas.

More importantly, the ghettoization of Shi'a communities, a consequence segregation, explains how riot police are capable of heavy-handed tactics, such as launching dozens of tear gas canisters into whole villages, concern of angering non-Shi'a, Sunni or expatriate residents.<sup>153</sup> These sites of violence are out of sight and out of mind from Bahrain's more privileged peoples. Between February 2011 and March 2012, 24 people, mostly from Shi'a neighbourhoods, died from tear gas-related injuries.<sup>154</sup> Physicians for Human Rights have argued that Bahraini authorities were "weaponizing toxic chemical agents", and intentionally using tear gas to impair people's health, and in particular those of the Shi'a sect.<sup>155</sup>

This practice is particularly dangerous for children and the elderly. In 2013, MoI forces killed 87-year-old Habeeb Ibrahim and eight-year-old Qassim Habib after they launched tear gas rounds into the villages of Malkiya and Karbabad.<sup>156</sup> Both died of asphyxiation as a result of tear gas inhalation.<sup>157</sup> Furthermore, Americans for Democracy and Human Rights in Bahrain has accused the MoI of firing teargas canisters in such a manner as to increase the risk of direct damage to individuals and inflict blunt

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<sup>150</sup> Simon Collis, "The Shi'a of Bahrain", Bahrain Internal Political, 1984, FCO8/5442, The National Archives; Marc Owen Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, pp 75-76.

<sup>151</sup> Cordesman, Markusen, and Jones, "Stability and Instability in the Gulf Region in 2016: A Strategic Net Assessment", *Center for Strategic and International Studies (CSIS)*, 15 June 2016.

<sup>152</sup> Elizabeth Monroe, "Bahrain Political Scene Part II"

<sup>153</sup> Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 156.

<sup>154</sup> Physicians for Human Rights, "Weaponizing Tear Gas: Bahrain's Unprecedented Use of Toxic Chemical Agents Against Civilians", August 2012, [https://s3.amazonaws.com/PHR\\_Reports/Bahrain-TearGas-Aug2012-small-pdf](https://s3.amazonaws.com/PHR_Reports/Bahrain-TearGas-Aug2012-small-pdf)

<sup>155</sup> Ibid.

<sup>156</sup> "Individuals Killed by Government's Excessive Use of Force Since 14 February 2011," BCHR, 6 February 2015, <http://www.bahrainrights.org/en/node/3864>

<sup>157</sup> Ibid.

physical trauma.<sup>158</sup> In November 2014, police officers shot a man in the face with a teargas canister. His eye was dislodging from its socket and he was left with concussive injuries.<sup>159</sup>

Even when used properly, teargas, birdshot, baton rounds and other purportedly non-lethal equipment can cause serious injuries or death, but the Special Security Force Command (SSFC) and other police personnel typically deploy these munitions offensively to attack targeted assemblies – a process of “weaponizing” the equipment with intent to maximize the potential damage done.<sup>160</sup> This kind of weaponization has enabled institutions such as the MoI to employ deadly force against pro-democracy demonstrations under the guise of riot suppression.<sup>161</sup>

Since 2011, police have consistently fired shotguns loaded with birdshot ammunition directly at individuals’ vital organs and at close range, either negligently or deliberately increasing the likelihood of serious injury and death. In one case in May 2014, police fired birdshot at 14-year-old Sayed Mahmood Sayed Mohsen Sayed Ahmed during a funeral procession in Sitra. The pellets, shot from a range of two to three meters, penetrated his lungs and heart, killing him.<sup>162</sup> Additionally, in January 2015, authorities fired birdshot at two different demonstrations, wounding both participants and bystanders.<sup>163</sup> In one of the incidents, birdshot hit 14-year-old Mohammed Mahdi al-Sawad in the face as he was playing outside of his grandparent’s house. Al-Sawad is now blind in one eye as a result of the injury.<sup>164</sup>

In addition to crowd-control instruments, MoI personnel have also weaponized police vehicles to run over or otherwise batter targeted individuals. 17-year-old Ali Abdulghani died from injuries sustained after MoI personnel from the Hamad Town station attempted to apprehend him in March 2016.<sup>165</sup> The courts sentenced Abdulghani to five years imprisonment on charges related to his participation in demonstrations, and witnesses reported that security personnel ran him over twice with their car while making their arrest.

More than 100 people have died in connection with the GoB’s security campaign against the pro-democracy protest movement since 2011 – 86 of these constitute extrajudicial killings that implicated

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<sup>158</sup> “Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior”, Americans for Democracy & Human Rights in Bahrain, 2019, p 58.

<sup>159</sup> *Country Reports on Human Rights Practices for 2014: Bahrain*, DOS, US Government, 2015, <http://www.state.gov/j/drl/rls/hrrpt/2014humanrightsreport/index.htm#wrapper>

<sup>160</sup> Holly G. Atkinson, MD, FACP, and Richard Sollom, MA, MPH, *Weaponizing Tear Gas: Bahrain’s Unprecedented Use of Toxic Chemical Agents Against Civilians*, Physicians for Human Rights, August 2012, <http://physiciansforhumanrights.org/library/reports/weaponizing-tear-gas.html?referrer=https://www.google.com/>

<sup>161</sup> “Bahrain Hopes of Reform Crushed Amid Chilling Crackdown on Dissent,” Amnesty International, 2015 <https://www.amnesty.org/en/latest/news/2015/04/bahrainhopes-of-reform-crushed-amid-chilling-crackdown-on-dissent/>

<sup>162</sup> “Individuals Killed By Government’s Excessive Use of Force Since 14 February 2011,” BCHR, 6 February 2015, <http://www.bahrainrights.org/en/node/3864>; and “Bahrain: 14 Year-Old Shot And Killed By Police,” BCHR, 21 May 2014, <http://bahrainrights.org/en/node/6887>; and *Country Reports on Human Rights Practices for 2014: Bahrain*, US Department of State, 2015, <http://www.state.gov/j/drl/rls/hrrpt/2014humanrightsreport/index.htm#wrapper>

<sup>163</sup> *Country Reports on Human Rights Practices for 2015: Bahrain*, DOS, US Government 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>164</sup> Ibid.

<sup>165</sup> “Immediate and Impartial Investigation Needed After Death of Teenager,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 4 April 2016, <http://www.adhrb.org/2016/04/immediate-impartial-investigation-needed-death-teenager>

the MoI.<sup>166</sup> The majority of these killings took place from 2011 to 2014, and they are linked predominantly to the SSFC and the weaponization of teargas and other crowd control equipment. A smaller number of deaths have been linked to torture by CID personnel and/or the denial of medical care in the custody of the General Directorate of Criminal Investigation and Forensic Science (GDCIFS) and the GDRR. MoI personnel, along with a re-empowered NSA, have intensified their use of excessive force in recent years, resulting in increased rates of extrajudicial killings.<sup>167</sup> They are the result of paramilitary policing tactics, largely conducted in segregated Shi'a neighbourhoods, which often cannot be seen from highways and other public areas.

Paramilitary policing involves the “military style deployment of large police and army formations, numerous detentions and arrests as well as use of water cannons, mounted police and dogs, tear gas, and rubber bullets”.<sup>168</sup> These areas are frequently subjected to house-to-house raids by organisations such as the MoI and SSFC, although victims and their families were often unable to identify the specific MoI agency or agencies participating in the initial attack as a result of the perpetrators’ clothing (masks, plainclothes, all-black uniforms, etc.), lack of warrant or general chaos.<sup>169</sup> According to data collected by the Bahrain Center for Human Rights (BCHR), violent MoI protest raids have subsequently increased in recent years, with at least 120 in 2015,<sup>170</sup> 155 in 2016<sup>171</sup> and 232 in 2017.<sup>172</sup> These police actions have resulted in injuries and deaths.

On May 23, 2017 security forces used excessive, lethal force in a raid on a sit-in protest in the village of Duraz. Security forces killed five demonstrators,<sup>173</sup> wounded dozens and arrested 286. The sit-in had been in place since June 2016 outside the home of Sheikh Isa Qassim, widely regarded as the spiritual leader of the Shi'a opposition group Al-Wefaq, after authorities had revoked his citizenship. The GoB claimed their objective was to “apprehend terrorists operating in the area and clear illegal roadblocks and obstructions.”<sup>174</sup>

In 2016, the US Central Intelligence Agency reported that the GoB continued to monitor religious activities and rhetoric, intervening in activities it deemed as “political” rather than “legitimate” religious

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<sup>166</sup> “Individuals Killed by Government’s Excessive Use of Force Since 14 February 2011,” BCHR, 4 April 2011 (Updated 15 January 2017), <http://www.bahrainrights.org/en/node/3864>

<sup>167</sup> “Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior”, *Americans for Democracy & Human Rights in Bahrain*, 2019, p 61.

<sup>168</sup> A. Juska and C. Woolfson, ‘Policing Political Protest in Lithuania,’ *Crime, Law and Social Change*, vol 57, no. 4, 2012, p. 405.

<sup>169</sup> “Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior”, *Americans for Democracy & Human Rights in Bahrain*, 2019, p 28.

<sup>170</sup> *Bahrain: ‘2015’ Human Rights Violations from Practice to Policy*, BCHR, 2016, <http://bahrainrights.org/sites/default/files/BCHR%20Annual%20Report%202015.pdf>

<sup>171</sup> *Annual Report Bahrain 2016*, BCHR, 2017, <http://www.bahrainrights.org/en/node/8501>

<sup>172</sup> BCHR presents two different statistics for 2017, reporting that approximately 232 protests were “dispersed using tear gas, and in some cases using live ammunition known locally as birdshot,” but that as early as July 2017 a total of 628 protests had been “suppressed.” The total number of protests attacked by the MOI is likely higher, with the exact level of force varying. See: See BCHR annual reports for general statistics on yearly protest rates: “Overview of the human rights violations in Bahrain: Jan-June 2017,” BCHR, 13 July 2017, <http://bahrainrights.org/en/node/8876http://www.bahrainrights.org/sites/default/files/No%20Right%20to%20Rights-interactive.pdf>; and *No Right to Rights*, BCHR, 2017, <http://www.bahrainrights.org/sites/default/files/No%20Right%20to%20Rights-interactive.pdf>

<sup>173</sup> The five demonstrators killed were Mohammed Ali al-Sari, Mohammed Kadhem Mohsen, Ahmad Jamil Al-Asfour, Ahmed Hamdan and Mohammed al Ekri.

<sup>174</sup> World Report 2018: Bahrain, Human Rights Watch, <https://www.hrw.org/world-report/2018/country-chapters/bahrain>

activities, and that there were reports of arbitrary arrests, excessive use of force and mistreatment. This has been buttressed by public officials sometimes alleging Shi'a opposition members are supporters of terrorism. In October 2016, Minister of Media Affairs Sameera Rajab, accused Isa Qassim of supporting terrorists in Bahrain. That same month, parliamentarian Jassim Al-Saeedi gave a sermon where he implored God to destroy the Shi'a.<sup>175</sup>

These tactics have had tangible results. The GoB accurately states that unrest has dissipated since 2011, with protests being far less intense since mid-2014. According to Shi'a activists, however, the main reasons for this are that the presence of security forces, who use heavy-handed methods, on Bahraini streets have only increased since 2011, the GoB having recruited thousands more personnel and adding entire new departments over the last seven years<sup>176</sup> and that most Shi'a community leaders have been imprisoned, usually serving long sentences.<sup>177</sup>

In the case of Bahrain, the regime's distrust of its Shi'a majority has caused a near permanent sense of anxiety and perceived threat from them. This means that the GoB is locked in a cycle of violence: feeling the need to frequently use suppressive tactics to isolate and suppress the Shi'a population whilst claiming their resentment of such treatment makes them untrustworthy. For example, in the immediate aftermath of the 2011 protests, security forces damaged or destroyed at least 53 Shi'a mosques and religious institutions.<sup>178</sup> Of these, at least 28 were entirely demolished, and the government has still failed to fully rectify the situation more than seven years later.<sup>179</sup> One of the reasons this cycle continues is because the Shi'a have little to no representation in law enforcement and security forces and no effective means to influence them.

### Foreign Security Forces and "Docile Labour"

The Bahraini police have a long history of discrimination against the nation's Shi'a, something that has exacerbated sectarian and ethnic tensions. *Bahrani* Shi'a have generally been excluded from the police. As of 2011, it was believed that around 50 per cent of Bahrain's security apparatus are foreign Sunna, and there is reason to believe the number has increased in the past decade. Since 2011, the GoB has made some progress in carrying out BICI recommendations to increase recruitment of Shi'a in police positions. Representatives of the Shi'a community estimate that the MoI has employed approximately 400 Shi'a in community police and school guard positions, but also reported that Shi'a were not represented in institutions such as the riot police.<sup>180</sup> All of Bahrain's security institutions, however, are

<sup>175</sup> CIA Report on Bahrain 2016 (footnote 166); Anthony H Cordesman, Max Markusen, Eric P. Jones, Stability and Instability in the Gulf Region in 2016: A Strategic Net Assessment, *Center for Strategic and International Studies (CSIS)*, 15 Jun 2016.

<sup>176</sup> *Bahrain: '2015' Human Rights Violations from Practice to Policy*, BCHR, 2016, <http://bahrainrights.org/sites/default/files/BCHR%20Annual%20Report%202015.pdf> p 11.

<sup>177</sup> Observations and interviews from Zoltan Barany in Bahrain in 2012-2015; Zoltan Barany, 'The Bahrain Defence Force: The Monarchy's Second-to-Last Line of Defense', *Center for Strategic and International Studies (CSIS)*, 2016. 37-49. Accessed November 12, 2020. doi:10.2307/resrep23128.9; Heiko Wimmen, 'Divisive Rule: Sectarianism and Power Maintenance in the Arab Spring: Bahrain, Iraq, Lebanon and Syria,' *SWP Research Paper 4* (Berlin, March 2014), p 7.

<sup>178</sup> *Submission for Bahrain's List of Issues Prior to Reporting (LOIPR) under the Convention on the Elimination of All Forms of Racial Discrimination*, ADHRB, July 2017, [http://www.adhrb.org/wp-content/uploads/2018/03/ADHRB-CERD-LOIPR\\_July-2017.pdf](http://www.adhrb.org/wp-content/uploads/2018/03/ADHRB-CERD-LOIPR_July-2017.pdf)

<sup>179</sup> "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior", *Americans for Democracy & Human Rights in Bahrain*, 2019, p 69.

<sup>180</sup> Cordesman, Markusen, and Jones, 'Stability and Instability in the Gulf Region in 2016: A Strategic Net Assessment', *Center for Strategic and International Studies (CSIS)*, 15 June 2016.

marked by severe sectarian discrimination, that ranges from biased recruitment practices to the dissemination of radical anti-Shi'a training materials.

Overall, a very small portion Bahrain's security personnel are hired from the Shi'a population,<sup>181</sup> with the armed services drawing disproportionately on local and foreign Sunni recruits.<sup>182</sup> In 2015, estimates placed Shi'a consist of approximately two-five per cent of all security personnel<sup>183</sup> – MoI, BDF, National Guard, and intelligence agencies<sup>184</sup> Moreover, Shi'a applicants are expected to produce a “certificate of good behaviour”, which is then processed by the Forensic Science/Criminal Directorate at the GDCIFS, an agency with reputation for abusive practices against Shi'a citizens and an institution implicated in cases of explicit anti-Shi'a discrimination, such as the use of hate speech during torture.<sup>185</sup> Such “bureaucratic hoops” are not required of foreign, non-Shi'a personnel.

Although there is a great deal of reliance on non-Gulf personnel in Bahraini security apparatus, since the 2011 Uprising, the GoB has relied more heavily on neighbouring Gulf countries for recruitment and assistance. At least 500 policemen from the United Arab Emirates entered Bahrain in 2011 to augment Bahraini security forces.<sup>186</sup> The Emirati policemen remained in Bahrain until at least March 2014.<sup>187</sup> In April 2014, the *Bahrain Mirror* published leaked documents revealing that there were at least 499 Jordanian citizens working in the Bahraini security sector.<sup>188</sup> According to Pakistan's foreign minister

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<sup>181</sup> The academic consensus is clear on this matter. For example, see: Staci Strobl, “The Roots of Sectarian Law and Order in the Gulf: Bahrain, the Eastern Province of Saudi Arabia, and the Two Historical Disruptions,” in Frederic Wehrey (Ed.) *Beyond Sunni and Shi'a: The Roots of Sectarianism in a Changing Middle East*, Oxford University Press: 2017, Print.

<sup>182</sup> 2010 government statistics indicated that approximately 86,700 people (54,600 Bahraini citizens and 28,000 non-Bahrainis) work in “public administration and defense.” In 2006, defense analysts Anthony Cordesman and Khalid al-Rodhan reported that Bahrain's overall defense/security sector manpower was 21,360. See K.T. Abdulhameed,, “Bahrain's Migrant Security Apparatus,” in Abdulhadi Khaladfi, Omar al-Shehabi, and Adam Hanieh, *Labor Migration and Citizenship in the Gulf*, Pluto Press: 2015, Print.; Anthony Cordesman and Khalid R. al-Rodhan, *The Gulf Military Forces in an Era of Asymmetric War*, Center for Strategic and International Studies (CSIS), 28 June 2006, [https://csis-prod.s3.amazonaws.com/s3fs-public/legacy\\_files/files/media/csis/pubs/060728\\_gulf\\_bahrain.pdf](https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/media/csis/pubs/060728_gulf_bahrain.pdf); Maryam al-Khawaja, “Beneath Bahrain's Shi'a-versus-Sunni narrative, only the tyrants benefit,” *The Guardian*, 27 October 2012, <http://www.theguardian.com/commentisfree/2012/oct/27/bahrain-shi'a-versus-sunni-narrative>.

<sup>183</sup> Ian Siperco, “Bahrain's Sectarian Challenge,” Middle East Policy Council, 2015, <http://www.mepc.org/commentary/bahrains-sectarian-challenge?print=>

<sup>184</sup> Sectarian profiling and recruitment of foreign mercenaries have enabled the regime virtually to avoid recruiting Shi'as in the four main security agencies that are in charge of protecting the ruling elites and were hence directly involved in the repression of the 2011 uprising: the Bahrain Defense Force, the National Guard, the police forces depending on the Ministry of Interior and the National Security Agency [sic].” Laurence Louer, “Sectarianism and Coup-Proofing Strategies in Bahrain,” *Journal of Strategic Studies*, May 2013, pg. 246, <https://americanuniversity.ares.atlassys.com/ares/ares.dll?SessionID=O035453420U&Action=10&Type=10&Value=86648>; “Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior”, *Americans for Democracy & Human Rights in Bahrain*, 2019, pp 66-67.

<sup>185</sup> Ibid.; and Laurence Louer, “Sectarianism and Coup-Proofing Strategies in Bahrain,” *Journal of Strategic Studies*, May 2013, <https://americanuniversity.ares.atlassys.com/ares/ares.dll?SessionID=O035453420U&Action=10&Type=10&Value=86648>

<sup>186</sup> J. Lessware, ‘State of Emergency Declared in Bahrain’, *The National*, 16 March 2011, [www.thenational.ae/news/world/middle-east/state-of-emergency-declared-in-bahrain](http://www.thenational.ae/news/world/middle-east/state-of-emergency-declared-in-bahrain)

<sup>187</sup> *The National*, ‘Emirati Officer Dies in Bahrain Bomb Explosion’, 3 March 2014, [www.thenational.ae/world/emirati-officer-dies-in-bahrain-bomb-explosion](http://www.thenational.ae/world/emirati-officer-dies-in-bahrain-bomb-explosion)

<sup>188</sup> *Bahrain Mirror*, ‘Bahrain Mirror Publishes Important Document Regarding Jordanian Police: 499 Policemen are costing Bahrain 1.8 Million Dinars Per Month’, 3 April 2014, <http://bmirror14feb2011.no-ip.org/news/14724.html>

Naila Chohan, 10,000 Pakistanis were serving in Bahraini's "defence services" in 2014.<sup>189</sup> It is estimated that Pakistanis alone make up a third of the MoI police force.<sup>190</sup> Many of Bahrain's Public Security Forces are recruited from Yemen, Syria, Jordan and other countries in the Arab world, although the military tends to be predominantly Bahraini. These practices have eroded the legitimacy of the institution to Bahrain's Shi'a, as well as the ability to win their consent for policing. The consequence has been a contentious disposition to policing operations from authorities, especially when they involve political protest.<sup>191</sup> The Shi'a are frequently regarded as a social and political threat by the GoB. Apart from containment and segregation, this characterisation has also resulted in social engineering policies that seek to dilute them demographically.

For decades, the employment of what is perceived as "docile labour" from abroad, South Asia especially, has been encouraged in Bahrain. The Indian subcontinent is viewed as a key source of labour and management by the GoB and Bahraini employers. These labour policies have caused tensions and occasionally unrest during periods of high unemployment in Bahrain. Nonetheless, the calculated assumption made by the GoB is that the risk of creating unrest through unpopular hiring policies is preferable to hindering the use of foreign labour that strengthens the regime and furthers its interests.

According to Bahraini law, Arab applicants with 15 years residence and non-Arab applicants with 25 years residence are eligible to apply for citizenship. However, this already racist citizenship legislation is not applied uniformly or fairly. The GoB has allowed foreign Sunni employees of the security services who had lived in the country for fewer than 15 years to apply for citizenship. Shi'a and Sunni communities have reported that these naturalised citizens receive government-provided housing more quickly than non-naturalised citizens, whose names remained on waiting lists for houses.<sup>192</sup>

While many of these expatriates find employment in the judiciary or the school system, the vast majority serves in the security forces. As revealed by a former adviser to the Cabinet Affairs Ministry, Dr. Salah al-Bandar, in 2006,<sup>193</sup> the GoB has granted citizenship to at least 100,000 foreign Sunnis in the last 15-20 years, with an accelerated pace of naturalisation since 2011.<sup>194</sup> The path to expedited political naturalisation for security officers – often earned through demonstrated loyalty to the monarchy – is a key hiring incentive that "is virtually impossible for other migrants in the country"<sup>195</sup> who typically face significant hurdles to access even basic social services.<sup>196</sup>

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<sup>189</sup> P. Muhammed, 'Foreign Relations: Tit-for-Tat Proposed over Visa Rejections', *The Express Tribune*, 1 April 2014. <http://tribune.com.pk/story/689833/foreign-relations-tit-for-tat-proposed-over-visa-rejections>

<sup>190</sup> Zoltan Barany, *The Bahrain Defence Force: The Monarchy's Second-to-Last Line of Defense*, Center for Strategic International Studies, 9 December 2016, [https://csis-prod.s3.amazonaws.com/s3fs-public/publication/161214\\_Bahrain\\_Defence\\_Force.pdf](https://csis-prod.s3.amazonaws.com/s3fs-public/publication/161214_Bahrain_Defence_Force.pdf)

<sup>191</sup> Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, pp 146-147, 154.

<sup>192</sup> Cordesman, Markusen, and Jones, 'Stability and Instability in the Gulf Region in 2016: A Strategic Net Assessment', *Center for Strategic and International Studies (CSIS)*, 15 June 2016.

<sup>193</sup> "'Al-Bandar Report': Demographic engineering in Bahrain and mechanisms of exclusion," BCHR, 30 September 2006, <http://www.bahrainrights.org/en/node/528>; The al-Bandar papers, leaked by a civil servant, revealed an inter-ministry plan to employ foreign Sunni nationals and grant them citizenship at a fast rate, thereby proportionally reducing the Shi'a demographic from a majority to a minority.

<sup>194</sup> Justin Gengler, "Bahrain Drain: Why the King's Sunni Supporters are Moving Abroad," *Foreign Policy*, 5 September 2014, <https://www.foreignaffairs.com/articles/middleeast/2014-09-05/bahrain-drain>

<sup>195</sup> K.T. Abdulhameed, "Bahrain's Migrant Security Apparatus," in Abdulhadi Khaladf, Omar al-Shehabi, and Adam Hanieh, *Labor Migration and Citizenship in the Gulf*, Pluto Press: 2015, Print.

<sup>196</sup> "Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior", *Americans for Democracy & Human Rights in Bahrain*, 2019, pp 67-68.

Since 2011, the GoB has reportedly naturalised thousands of foreigners in a “decade-long program of naturalising foreign Sunna in return for police and military service”.<sup>197</sup> Both illegal naturalisation and the use of migrant labour is meant to ensure that oppositional movements must contend with either docile labour or naturalised government loyalists. In most cases, Bahrain’s migrant population, both as labourers and security forces, are segregated from the rest of Bahraini society. In some cases, they’re discouraged from learning Arabic so they cannot effectively communicate with the Bahraini population at large. This method of demographic engineering reduces the likelihood of a broad-based resistance to the regime whilst maintaining the loyalty of the coercive arm of the state.<sup>198</sup>

The privileges granted by citizenship in Bahrain, however, are highly conditional. Until recently, the king had the authority to grant and revoke citizenship. The GoB has de-naturalised more than 700 Bahrainis since 2012.<sup>199</sup> In March 2018 Amnesty International reported that 115 citizens were stripped of citizenship in a single mass trial. Lynn Maalouf, Amnesty International’s Middle East Research Director, stated: “The Bahraini government is using revocation of nationality – rendering many of its citizens stateless in the process – and expulsion, as tools to crush all forms of opposition, dissent and activism.”<sup>200</sup> The majority of those affected are members of the Shi’a community, many of them having been rendered stateless. Typically, the victims of this legislation are forced into exile, but given that being stateless in Bahrain is a crime, they may be deported to foreign country or imprisoned indefinitely if they remain in Bahrain. Whilst still in Bahrain, they are unable to own property or open bank accounts, access healthcare and social services, or enrol in education. Additionally, because Bahrain’s legislation prevents women from passing Bahraini citizenship to their children, the de-naturalisation of men is sometimes used as a form of collective punishment where a dissident’s entire family is made to suffer.<sup>201</sup>

Through these tactics, which encourage the arbitrary removal of citizenship from dissidents and the naturalisation of those seen as likely to be pro-government; the government has undertaken social engineering designed to make citizenship more pliable to the ruling elite. The GoB has effectively reduced institutional and organisational mechanisms available to opposition groups to challenge the status quo.<sup>202</sup>

Bahrain’s naturalised loyalists are not exempt from this form of punishment. In 2013, it was reported that the GoB deported 500 Pakistani workers serving as special forces in Bahrain for participating in strikes.<sup>203</sup> These alterations to how citizenship can be bestowed and revoked have completely re-written Bahrain’s social contract: Bahraini citizenship is often a conditional status or “gift” bestowed or rescinded by the ruler, as opposed to an inalienable right enjoyed by all citizens.<sup>204</sup> It places any citizen who wishes to speak out against the government, much less change it, in considerable danger.

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<sup>197</sup> J. Gengler, ‘Bahrain’s Sunni Awakening’, Middle East Research and Information Project (MERIP), 17 January 2012, [www.merip.org/mero/mero011712](http://www.merip.org/mero/mero011712)

<sup>198</sup> Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 103.

<sup>199</sup> “Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior”, *Americans for Democracy & Human Rights in Bahrain*, 2019, p 35.

<sup>200</sup> Amnesty International, Bahrain: Citizenship of 115 people Revoked in ‘Ludicrous’ Mass Trial, [www.amnesty.org/en/latest/news/2018/05/bahrain-citizenship](http://www.amnesty.org/en/latest/news/2018/05/bahrain-citizenship)

<sup>201</sup> “Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior”, *Americans for Democracy & Human Rights in Bahrain*, 2019, p 36.

<sup>202</sup> Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 106.

<sup>203</sup> *Daily Pakistan*, 9 May 2014, <http://dailypakistan.com.pk/09-May-2014/100742> [Urdu].

<sup>204</sup> Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 100.

*“Reform” and the Rentier State*

In response to international criticisms of human rights violations, the GoB has constructed a narrative that claims the country is in a perpetual state of reform. Given the importance of repression as a tool of hegemonic power maintenance, the act of claiming “democratic reform” is often a tool designed to weaken social movements or opposition whilst preserving the status quo.<sup>205</sup> This approach is typical of states within the GCC, “reform” having been a regular characteristic of political life over the past 40 years: new constitutions, reform of existing constitutions, electoral experiments and a range of other reforms are promised to ensure the survival of authoritarian regimes.<sup>206</sup> These reforms, however, have involved acts of public relations, patronage and censorship in Bahrain.

For example, in 2019 Bahrain amended its citizenship revocation laws, restricting the power to strip nationality to the cabinet. Under the amendments, the king and the judiciary claim to no longer have the power to unilaterally strip Bahrainis of their citizenship for national security or terrorism crimes. Bahrain has also reinstated the citizenship of 698 individuals who had their nationality revoked on terrorism or national security charges defined by vague criteria, but almost 300 individuals remain stripped of their Bahraini nationality.<sup>207</sup> Additionally, those with their citizenship restored do not enjoy full rights in respect to housing, social allowances, social welfare, and healthcare, and continue to face discrimination.<sup>208</sup>

The GoB has spent far more time advertising this development whilst ignoring the fact that no one has been held accountable for the wrongs done to these citizens, and that Bahrain’s power structure allows the king to rule by decree via numerous avenues. Moreover, Bahraini’s law-making system is overtly loyal to the king, many of its members being his relatives with a history of violating Bahraini law to benefit the royal family. There has been no systemic change. The Bahrainis who have had their citizenships restored have little reason to believe they shouldn’t fear their government. That enduring fear has effectively silenced many activists.

Since 2011, Bahrain and Saudi Arabia have gone to great lengths to rehabilitate the island’s image in the international community. In the aftermath of the 2011 Uprising, renewed efforts of censorship appear to have been driven by Saudi Arabia. A leaked cable from the-then Saudi Foreign Minister Saud bin Faisal bin Abdulaziz Al Saud indicated that the 2011 Uprising compelled Saudi Arabia to ask Bahrain for co-operation between its media agencies to adopt strategies to counter what it claimed were efforts by foreign agencies to attack the reputation of Bahrain and Saudi Arabia.<sup>209</sup>

In order to market the narrative that Bahrain and, by extension, Saudi Arabia, have been acting defensively against Iranian agents – a narrative meant to stigmatise the country’s pro-democracy movement – the GoB has gone into business with numerous Washington and London-based PR firms. The GoB spent \$32,504,997 on PR-related activities between 2011-2012.<sup>210</sup> Some of these firms have created ostensibly independent websites and social media accounts that attempt to influence public

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<sup>205</sup> Ibid, p 38.

<sup>206</sup> Mabon, *Houses Built on Sand*, Manchester: Manchester University Press, 2020, p 65.

<sup>207</sup> *World Report 2020 - Bahrain*, Human Rights Watch, <https://www.hrw.org/world-report/2020/country-chapters/bahrain>

<sup>208</sup> For more information on revocation of citizenship in Bahrain and the name of the victims, See SALAM DHR’s advocacy campaign “*Ana Bahraini*” at: <https://www.anabahraini.org/>

<sup>209</sup> Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 269.

<sup>210</sup> Bahrain Watch, *PR Watch: Dragon Association*, 2012, <https://bahrainwatch.org/pr/dragon-associates.php>

opinion, whilst others have attempted to arrange high-level meetings between Bahraini policymakers and influential Western government officials.<sup>211</sup>

Many of these companies focus on lobbying international newspapers to remove material critical of the regime. For example, Dragon Associates, a London-based firm, forced the *Guardian* newspaper to temporarily take down an article written by Bahraini activist Nabeel Rajab and journalist John Lubbock. The article detailed how torture had occurred at Bahrain's F1 track, a showpiece location the GoB drive to promote business-friendly Bahrain.<sup>212</sup> The complaint from Dragon Associates was likely strategically timed ahead of the Bahrain F1, and although the *Guardian* eventually put the piece back up again, they only did so after tickets for the F1 had been put on sale.<sup>213</sup>

Although institutional violence is always at the disposal of the regime, Bahrain's powerful classes use their immense wealth and privileges to buy silence and complicity from the Bahraini people. Neo-patrimonialism not only involves the distribution of resources as a means of maintaining support, but also the allocation of prominent political positions and portfolios, cultivating loyalty and of circumventing political unrest.<sup>214</sup> For example, in an attempt to assuage protests in February 2011, the king of Bahrain provided cash payments of 1,000 Bahraini dinars to every Bahraini family, a gesture that ultimately failed to placate the populace. Although this general policy of patronage continues, it has not been enough, especially when the motivations of protesters have moved beyond demands for improved living standards. The reliance of the Al Khalifa on traditional *makramat* and patronage highlight both the deficit of democracy in Bahrain and an unwillingness to rectify it.

The redistribution of rents in Bahrain has previously mitigated aspects of political unrest, but it is also a source of instability and discontent. Increased monies from Saudi and the GCC, ostensibly to alleviate social unrest through the funding of social welfare programmes, inevitably benefits members of the ruling elite, however.<sup>215</sup> And as the gap between haves and have-nots continues to widen, the tactic of *makramat* will continue to have diminishing returns, and the regime will increasingly turn to censorship and violence when faced with unrest.

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<sup>211</sup> Bahrain Watch, 'Bahrain Govt Hires 18 Western Companies to Improve Image after Unrest', 23 August 2013, <https://bahrainwatch.org/blog/2012/08/23/bahrain-government-hires-18-western-companies-to-improve-image-after-unrest/>

<sup>212</sup> Interview between Marc Owen Jones and Brain Whitaker, February 2012.

<sup>213</sup> Bahrain Watch, *PR Watch: Dragon Association*, 2012.

<sup>214</sup> Mabon, *Houses Built on Sand*, Manchester: Manchester University Press, 2020, p 75.

<sup>215</sup> Jones, *Political Repression in Bahrain*, Cambridge: Cambridge University Press, 2020, p 73.

## **Torture and Ill-treatment**

Shareen Patel

### *Systemic Torture, Mistreatment and Its Overseers*

Torture is considered as one of the most serious human rights violations and constitutes a direct attack on the core of the integrity and dignity of a human being.<sup>216</sup> Legal instruments, such as the 1948 Universal Declaration of Human Rights and the Geneva Conventions of 1949 and its Additional Protocols of 1977 set out the prohibition of torture under international human rights law. This prohibition is non-derogable and absolute; ultimately, it is a *jus cogens* norm. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Bahrain has been party to since February 18, 1998, defines “torture” as:

*Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.<sup>217</sup>*

Whilst the Bahrain Constitution itself asserts “no one shall be subjected to physical or mental torture, or inducement, or undignified treatment”, ongoing evidence coming from various sources depicts how torture is an ongoing practice in Bahrain. For example, military personnel practiced torture on a large scale in the Salmaniya Medical Complex, where the medical staff and those who worked in hospital services, such as the kitchen and hygiene services, were severely beaten as they entered and exited the main gate of the hospital. This is despite Bahrain systematically dismissing these claims. When Bahraini authorities are willing admit to the practice of torture, officials assert that it was a “one-off” occurrence. It can be said that torture remains a central component to Bahrain’s justice system<sup>218</sup>, and the NGO Americans for Democracy & Human Rights in Bahrain claims torture to be “the single most common human rights abuse” in Bahrain.<sup>219</sup> Bahrain does not implement measures to prosecute and redress victims. Furthermore, even trying to hold perpetrators to account has proved difficult and, in some cases, impossible given that Bahraini officials act under a level of impunity. It is said that many cases of torture that resulted in killing activists, journalists and dissidents, passed without investigation and accountability. It is the lack of domestic legislation to provide reparations and redress to victims in Bahrain that constitutes a major obstacle to punish those responsible for crimes.

The Report of the Bahrain Independent Commission of Inquiry found that techniques of mistreatment included blindfolding and handcuffing, forced standing, severe beatings, use of electro-shock devices and cigarettes, beatings of soles of feet (falaqa), verbal abuse, sleep deprivation, threats of rape, abuse of a sexual nature, hanging, solitary confinement, exposure to extreme temperatures, and other

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<sup>216</sup> Nowak (2012: 307).

<sup>217</sup> UN General Assembly (1984).

<sup>218</sup> Alhajee (2020).

<sup>219</sup> Americans for Democracy & Human Rights in Bahrain (2019a: 43).

humiliating and degrading techniques.<sup>220</sup> The Commission obtained a substantial number of claims of mistreatment taking place during interrogation by the Ministry of Interior's Criminal Investigation Directorate.<sup>221</sup> These forms of torture and mistreatment have been overseen by various individuals<sup>222</sup>, such as Sheikh Rashid bin Abdullah Al Khalifa, Sheikh Mohammed bin Abdullah Al Khalifa, Sheikh Nasser bin Hamad Al Khalifa who according to a written statement submitted by ADHRB to the Human Rights Council has been directly implicated in the torture of activists and is known as the 'Torture Prince' of Bahrain<sup>223</sup>, Khalifa bin Ahmed Khalifa, Brigadier Abdulaziz Mayoof al-Rumaihi, Brigadier Abdulsalam Yousef al-Oraifi, Brigadier Mubarak bin Huwail al-Merri, Lieutenant Colonel Adnan Bahar, Colonel Bassam Mohammed al-Muraj and his subordinate Lieutenant Fawaz al-Sameen, Major Maryham Al-Bardouli, Tariq al-Hassan, Abdullah al-Zayed, Ebrahim Habib al-Ghaith, Yussef Hassan Al-Arabi, Fawaz Hassan al-Hassan, and Abdullah Khalifa al-Jairan. Apart from the members of the Royal Family, these individuals are a mix of Director-Generals of the Ministry of Interior and various police departments. Moreover, despite their implication in torture, several of them have not been subject to any investigations and others have been promoted within their relevant departments.

According to Amnesty International, "the main purpose of torture appears to be to extract "confessions", force detainees to implicate others in crimes, and obtain information"<sup>224</sup>. Reports published by the Human Rights Watch (HRW) and Amnesty International include case studies of victims who have been tortured to elicit a "confession" and mistreated. The following paragraphs provide details (as depicted through these reports) of the victims who have suffered these gross human rights violations.

**Hussain Jawad** was put onto a bus after being arrested. He was denied access to a toilet, leading him to urinate in his clothes. Upon arriving at the CID, he was grabbed by the neck and forced to stand facing a wall in a corridor. He was then subjected to punches, kicks and verbal abuse, and spat upon by passing officers. At the CID, he was placed in an extremely cold, small cell between interrogation sessions. He received threats of being hung from the ceiling by his handcuffs and being on the receiving end of electric shocks from officers. During one interrogation session, Jawad said that an officer squeezed his genitals causing him extreme pain and threatened to force a bottle into his anus. After that session, Jawad agreed to confess and was taken to the Office of the Public Prosecutor. He said he had told the Prosecutor about his torture, yet he was ordered to be returned to the CID. Jawad told HRW that upon his return, during an interrogation session, eight or nine CID officers repeatedly punched and kicked him all over his body.<sup>225</sup>

**Mohamed Bader** said that during an interrogation session, up to six CID officers punched, kicked and slapped him whilst shouting abuse. During this session, Bader was kept naked, blindfolded and handcuffed. He told HRW that officers had him face down on the ground and lifted upwards by his handcuffs, causing his arms to go upwards from behind towards his shoulders. This caused him extreme pain. On his first day of interrogation, CID officers beat him to the point of unconsciousness, leading

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<sup>220</sup> Bahrain Independent Commission of Inquiry (2011: 288-290).

<sup>221</sup> Ibid (53).

<sup>222</sup> Several of these names were included in a letter sent by ADHRB to the Secretary of State in 2019 requesting Bahraini individuals involved in human rights violations to be barred from entering the United States. See the letter here: <https://www.adhrb.org/2019/05/adhrb-sends-public-letter-to-secretary-of-state-calling-for-bahraini-individuals-involved-in-human-rights-violations-to-be-barred-entry-to-us/>.

<sup>223</sup> Americans for Democracy & Human Rights in Bahrain (2019c: 3).

<sup>224</sup> Amnesty International (2015: 46).

<sup>225</sup> Human Rights Watch (2015a: 30-31).

him to have a head x-ray in hospital. When Bader refused to “confess” to involvement with Hezbollah, he was subjected to electric shocks to his knees and ribs. In another interrogation session, officers brought in a man who claimed to be a “Sheikh”. The “Sheikh” told Bader to confess. However, when Bader once again refused to do so, the “Sheikh” told officers to hang him [Bader]. Officers moved Bader’s handcuffs in front of his body, and he was suspended from a door frame, during which an object was forced into his anus. Whilst suspended, the extreme pain he felt caused him to lose consciousness.<sup>226</sup>

Like Hussain Jawad, **Ahmed al-Fardan** was arrested and put onto a bus where he was beaten by officers who accused him of taking part in protests. Al-Fardan is an award-winning photographer. When he denied the accusations levied against him in custody, he was slapped around the head and ears and claimed that one officer grabbed and squeezed his penis. Upon arrival at the CID, he was placed in an extremely cold cell for two hours, despite making complaints to officers of having severe pain in his groin. He was told to remain standing, however, and the pain eventually caused him to collapse. Responding to his collapse, officers splashed water in his face and kicked him in the stomach and chest; one kick in his chest caused him to wet himself.<sup>227</sup>

**Hussain Ali Abbas al-Bahrani** was arrested at a funeral, where he was taking photographs. Following his arrest, he was taken to an empty building with three others who had been arrested and the officers beat them with sticks and pipes. They were then taken to Al-Khamis police station where officers told al-Bahrani to make a “confession” to burning a police car. They warned that if he didn’t, he would be beaten and subjected to electric shocks. He was slapped in the face by one officer and when he continued to deny burning the police car, he endured electric shocks. These shocks were to his left shoulder, resulting in him falling over. He told HRW that he was not able to stand after these electric shocks and that four or five police officers beat him until he lost consciousness.<sup>228</sup>

**Mohamed Sudif** was also placed on a bus after being arrested, blindfolded and handcuffed. Similarly, he was placed in a very small, cold cell, adding that his had a bright fluorescent light. During his first interrogation session, he was beaten by at least two officers who told him to “confess”. For one hour, he was slapped on the back, head and face, and punched in the stomach. During another interrogation, he remained blindfolded and handcuffed and was stripped from the waist down. Sudif said that he was subjected to far more severe torture and at one point, was hit on the head with a chair.<sup>229</sup>

Brothers **Hussain Abu Sa’ada** and **Ahmed Abu Sa’ada** were arrested and incurred similar forms of mistreatment as the aforementioned individuals, where they were handcuffed, blindfolded and forced to stand in a very cold cell. Hussain said that when he was in his cell, CID officers came and punched him on his head and back. Furthermore, when officers weren’t happy with the forced confession he made, he was taken out of the room, beaten and told to add more details. Ahmed said that whilst he was in his cell, officers came and slapped him, telling him to “stand like a donkey”.<sup>230</sup>

**Hassan Asahiri** was arrested and taken to CID headquarters, where he was blindfolded, handcuffed and placed in solitary confinement. He spent three days in a small and extremely cold cell before his first interrogation session. He told HRW that his interrogation session started with him being threatened

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<sup>226</sup> Ibid (32).

<sup>227</sup> Ibid (34).

<sup>228</sup> Ibid (44).

<sup>229</sup> Ibid (37-38).

<sup>230</sup> Ibid (39-41).

with electric shocks and beatings on the soles of his feet. Asahiri was told that he had been detained for charges relating to the burning of tyres and bombings in Riffa and al-Qurrayeh. When questioned surrounding the latter charge and if he had planned the operation or designed and planted the bomb, he was punched on the back and chest. He was told that if he wanted them to stop and if he wanted to see his family again, then he had to make confessions. After three hours, he was told that he would be raped if he didn't confess. Asahiri told HRW that officers beat his penis with a hose until he could no longer feel the pain, and one officer forced his fingers into his anus. He said he was subject to three days of torture and interrogation by CID officers, with the first day being the most violent and degrading.<sup>231</sup>

**Sayed Ahmed al-Wadaei**, age 17, endured two separate periods of detention. He was mistreated during both. His first detention occurred after he was arrested and beaten during a peaceful protest. On arrival at al-Hura police station, officers beat him once again whilst parked outside. When he was arrested the second time, he was told that he was being taken to Wista police station, but instead was taken to the CID. At the CID, an officer handcuffed his hands behind his back and blindfolded him. He was forced to stand in a corridor for several hours where he was faced with insults from passing officers, with one telling him that he was going to be raped.<sup>232</sup>

**Ali Jamil Marhoon** was also arrested when he was at a protest. During and after his arrest, he was punched and kicked. In the police vehicle, a gun was pointed at his head and he was told that if he did not admit to being paid to protest, he would be shot. He was taken to Nabi Sahal police station where three officers slapped and kicked him and ripped his off t-shirt. During a filmed interview with a police officer, blood on his body was visible.<sup>233</sup>

Two women **Nafeesa al-Asfoor** and **Rayhana al-Mousawi** were arrested whilst participating in a protest. Each told their families that during their interrogation, they had endured torture and ill-treatment by police officers. In an interview with Amnesty International, al-Asfoor said that her head was hit against a wall by one officer, was forced to remove her clothes and subjected to insults and humiliation whilst blindfolded. Al-Mousawi said in her interview that she was beaten and received threats of being subjected to electric shocks and rape.<sup>234</sup>

**Ahmed Mohammad Saleh al-Arab** was arrested and tortured during protests that took place a year after the Bahrain uprising. He went into hiding, however, and was arrested again in January 2014. His family did not know his whereabouts at that time but were able to visit him at Jau Prison a month later. During that visit, he told his family that he had been tortured by CID officers during his interrogation whilst blindfolded. He was forced to confess to possessing weapons, but during a police search at his family home, no weapons were found. According to his family, al-Arab was then stripped naked, suspended and beaten on his body and genitals and sexually assaulted. Al-Arab claimed that he endured this torture for five or six days, overseen by the CID, where he was transferred to every day after spending his nights in Riffa Prison.<sup>235</sup>

**Mohammad 'Ali al-Oraibi** was violently arrested at the airport after a religious trip to Syria. He was taken to the CID, where he was blindfolded, beaten and kicked. He was placed in a very small room,

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<sup>231</sup> Ibid (36-37).

<sup>232</sup> Ibid (41-42).

<sup>233</sup> Ibid (42-43).

<sup>234</sup> Amnesty International (2015: 53-54).

<sup>235</sup> Ibid (47).

soaked in water and exposed to extremely cold air conditioning for two hours. He was moved from hot and cold rooms and forced to stand still for long durations. He said he was tortured for five days, which included being stripped naked, subjected to electric shocks to his genitals, beaten with a stick all over his body, and being suspended in the “scorpion” position causing him severe pain. He claimed that those interrogating him inserted a wooden stick into his anus on more than one occasion whilst mocking him. Al-‘Oraibi said that the day before being taken to the Public Prosecution Office, he was subjected to beatings, electric shocks, and threatened with more torture if he withdrew his “confession”.<sup>236</sup>

**Abbas Jamil al-Samea’** was arrested and taken to the CID, where he remained for 25 days. His mother said that in a photograph published and circulated by the Ministry of Interior, her son was scarcely recognisable due to his swollen face. When al-Samea was visited in prison by his family, he was pale, shivering and unable to concentrate. He told his family that he was beaten, deprived of sleep, denied adequate food and water, burnt with cigarettes, suspended and sexually assaulted and threatened with death. When he made a complaint to the Public Prosecution Office about being tortured to make a “confession” to a serious crime, he was ignored by the prosecutor and no action was taken. Instead, the prosecutor threatened to return him to the CID where he would be tortured again if he refused to confess.<sup>237</sup>

**Sami Mirza Ahmad Mshaimae** was arrested and detained at the CID, where he was stripped naked, beaten all over his body, subjected to electric shocks, and raped with an object being inserted into his anus. He also lost his front teeth by being beaten on his mouth.<sup>238</sup> Al-Samea’ and Mshaimae, along with one other individual, were sentenced to death for alleged involvement in the Al-Daih bomb blast. They were sentenced to death and executed on 15 January 2017.<sup>239</sup> Section 4 will delve deeper into the use of the death penalty in Bahrain.

**Sadeq Jaafer Mansoor al-Shabani** was arrested and transferred to the CID. He was unable to attend his own trial due to torture marks being visible on him. He was then detained at Dry Dock Prison where his family visited him and whom he told that since the day he was held at the CID until his court date, he was tortured. This torture included being stripped naked and raped with a plastic pipe being inserted into his anus. He also had hot and cold water poured onto his genitals.<sup>240</sup>

**Mohamed Badr al-Sheikh** was also arrested and taken to the CID where he spent five days. During these days, he was stripped naked, blindfolded, handcuffed, beaten and subjected to electric shocks, resulting in him receiving medical treatment twice. He was insulted and humiliated by officers who placed a shoe in his mouth and beat him if the shoe fell out when he was answering their questions. He was also held in the “scorpion” position and threatened with rape.<sup>241</sup>

**Ali Ahmed Ibrahim Haroon** was arrested and detained at the CID for one week, during which he was put in stress positions, beaten, sleep-deprived and forced to stand for long durations. In May 2014, he escaped prison and fled to Iran due to his continued torture and ill-treatment. Unable to travel to Europe, he flew to Hong Kong and then Thailand. However, he was arrested by Thai authorities who beat and

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<sup>236</sup> Ibid (48).

<sup>237</sup> Ibid (49).

<sup>238</sup> Ibid.

<sup>239</sup> Reprieve [no date.a].

<sup>240</sup> Amnesty International (2015: 49-50).

<sup>241</sup> Ibid (54).

kicked him. He was also prevented from praying. Despite calls for him not to be returned to Bahrain, his family said he was shackled and put on a wheelchair, being forced to board the plane and beaten by three Bahraini security officials, resulting in bleeding from his ear and eyes.<sup>242</sup>

Cousins **Salman 'Issa Ali Salman** and **Ali Maki Ali Salman** were arrested, taken to an unmarked car, and handcuffed and severely beaten. They were taken to the CID, where they were tortured. According to their family, both men had their hands and legs handcuffed for the 13 days they were said to have been interrogated at the CID. For their first four days, they were denied food and water and kept in a very cold room. Salman endured electric shocks and was burnt with an iron, and Ali was kicked and beaten on his genitals. Both men had fractured noses and swollen, bruised faces when their family visited them.<sup>243</sup>

### *Mass Incarceration and Prison Conditions*

According to a study prepared by the International Center for Criminal Policy Research, Bahrain ranked first in the Arab World in terms of the number of people incarcerated. With the smallest population amongst the Gulf States, it has more than 4,000 political prisoners.<sup>244</sup> Bahrain has used the tactic of mass trials and mass incarcerations. A report published by the HRW made evident that in 2014, the courts in Bahrain sentenced over 200 defendants to long term prison sentences; at least 70 of which were sentenced to life imprisonment.<sup>245</sup> Moving to 2019, figures showed that in April that year, a Bahraini court sentenced 139 people for terrorism offences after one of the biggest mass trials in the country; 69 of whom were sentenced to life.<sup>246</sup>

Human rights organisations have put pressure on Bahrain concerning its prison conditions, of which includes neglect of hygiene and maintenance of facilities, violation of privacy, absence of prisoners' access to education, overcrowding, and poor health care.<sup>247</sup> Prison conditions are deteriorating, and this has been the case in all four official prisons in Bahrain. However, it is more rigorous in Dry Dock Prison and Jau Central Prison compared to the women's prison (Isa Town) and the juvenile prison. **Hajer Mansoor** has been jailed in Isa Town for nearly three years. She told The Independent that she is kept in her cell for nearly 24 hours a day and is only allowed drinking water when having meals.<sup>248</sup> The Bahrain Institute for Rights and Democracy found that in April 2019, female inmates were unable to buy hygiene products for three weeks due to being blocked from going to the prison shop.<sup>249</sup>

Overcrowding is a significant problem in Jau Central Prison, where systematic abuses have been on the increase since 2017 under the eye of the new director of the Ministry of Interior prison system, Brigadier Abdulsalam Yousef al-Oraifi.<sup>250</sup> The official who is currently in charge of Jau Central Prison, Lieutenant Colonel Adnan Bahar, has also overseen torture practices and mistreatment alongside al-Oraifi. An outbreak of violence occurred in the prison due to its overcrowding and poor conditions. To

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<sup>242</sup> Ibid (50).

<sup>243</sup> Ibid (50-51).

<sup>244</sup> Oppenheim (2020).

<sup>245</sup> Human Rights Watch (2015b).

<sup>246</sup> McKernan (2019).

<sup>247</sup> El Yaakoubi (2020).

<sup>248</sup> Oppenheim (2020).

<sup>249</sup> Ibid.

<sup>250</sup> Americans for Democracy & Human Rights in Bahrain (2018c).

give an example, in 2015, with a capacity of 456, Prison Building 4 contained 1020 prisoners instead. Overcrowding constitutes a violation of prisoners' basic human rights.<sup>251</sup> Furthermore, it causes tension and hostility amongst inmates and when complaints are made, inmates are punished with lengthy periods of solitary confinement.<sup>252</sup> When the prisoners were protesting against the overcrowding, they were tear gassed, humiliated, beaten and tortured.<sup>253</sup> Whilst calls to the Bahraini government have come from the international community to make improvements to the conditions within the prison, they have been ignored.

The coronavirus pandemic has made conditions within the prison walls significantly worse. Despite Bahraini officials claiming to be taking the necessary measures to ensure the safety of prisoners during this time, no action has been taken. There have been internationally wide calls made to Bahraini authorities to release prisoners who are at high-risk of catching the virus. Prisons and detention centres are the most vulnerable to infectious diseases and their conditions do not allow for social distancing. Jau Central Prison officials have used denial of medical treatment as a form of punishment and this presents a serious risk to prisoners who are high risk and who are more likely to catch the virus.

A Bahraini activist named **Abdullah Habeeb Swar**, one out of the hundreds of opposition politicians, activists, journalists and human rights defenders that have been sentenced in mass trials, developed a bad cough which lasted several days.<sup>254</sup> Given that a continuous cough is one of the main symptoms of the virus, his fourteen other cellmates feared that he may have contracted it and that there was a high possibility that he would spread it throughout their overcrowded cell.<sup>255</sup>

### Enforced Disappearances

The International Convention for the Protection of All Persons from Enforced Disappearance was entered into force on 23 December 2010. The aims of the Convention are to prevent enforced disappearances from occurring, to punish the perpetrators, to put an end to impunity and to provide protection to the rights of the victims of enforced disappearance plus their families.<sup>256</sup> The Working Group on Enforced or Involuntary Disappearances (WGEID) has previously requested a visit to Bahrain, however, nothing has come of it. A main task of the Working Group is to aid families in determining the whereabouts or fate of their family members who have disappeared. Bahraini authorities are known to use enforced disappearance against civilians who oppose or provide criticism of the regime.<sup>257</sup> Unfortunately, it has been used on a wider and more systematic scale since 14 February 2011; the start of the mass pro-democracy protests.<sup>258</sup> Those who have disappeared at the hands of the State include human rights defenders, political opposition leaders, journalists, activists, and students.

A country report published by the U.S. Department of State shows that the anti-terror measures that have been put in place in Bahrain which have enabled human rights violations to take place, including

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<sup>251</sup> Bahrain Institute for Rights and Democracy (2015: 2).

<sup>252</sup> Ibid.

<sup>253</sup> Ibid.

<sup>254</sup> El Yaakoubi (2020).

<sup>255</sup> Ibid.

<sup>256</sup> Bahrain Center for Human Rights (2013: 4).

<sup>257</sup> Ibid (5).

<sup>258</sup> Ibid.

enforced disappearances.<sup>259</sup> Since the Uprising, the Bahraini government has undertaken thorough efforts to prosecute political opposition leaders who act with legitimacy, and human rights defenders under its terrorism laws, as well as through laws such as Law of Associations that ultimately prevent civil society organisations from functioning independently and freely.<sup>260</sup> In June 2011, a special military court convicted 21 opposition leaders for national security crimes, which included acts of “terrorism”, giving speeches criticising Bahrain’s human rights abuses and suggesting and participating in peaceful protests.<sup>261</sup> Criminalising participation in peaceful civil society activity and dissolving opposition political societies are weak and unjustifiable approaches used by the State to manage dissent.<sup>262</sup> Individuals such as **Abdul-Hadi al-Khawaja** and **Nabeel Rajab**, who have been imprisoned for their human rights work and for publishing criticism of the government’s actions on social media. This demonstrates the extent to which peaceful dissent is criminalised in Bahrain.<sup>263</sup> Overall, such criminalisation of individuals and the dissolution of political societies are violations of human rights.<sup>264</sup>

Individuals who are subjected to enforced disappearance are left incommunicado with their location and/or wellbeing not disclosed. This can last from several days to 100+ days, depending on the crime that the individual has been accused of. According to an Annual Report submitted to the Human Rights Council by the WGEID, which included information received by a credible source, Bahraini authorities have been arresting and forcibly disappearing its citizens on a systematic level since 2012.<sup>265</sup> The source submitted that between March 2010 and July 2018, there were 145 documented enforced disappearances in the Kingdom of Bahrain. In 89 of those cases, the individuals reported that they had been tortured or otherwise ill-treated during their forced disappearance.<sup>266</sup> Seemingly during that period, more males than females had disappeared, as the report indicates that out of the 145 disappearances; 130 were male and 15 were female. Female activist **Zakeya Isa Ali Albarboori** and her niece, student **Fatema Dawood Hasan Ahmed Juma** were charged for allegedly being involved in terrorist activities. They were arbitrarily arrested and endured a 2-week-long enforced disappearance. From 21 May 2018 until 6 June 2018, they had disappeared and were incommunicado.<sup>267</sup>

In 2017, NGOs such as The Bahrain Institute for Rights and Democracy and Amnesty International expressed concern for the whereabouts of **Al-Sayed Alawi Hussain al-Alawi**. Al-Alawi did not come home from work one day, after which his family found out that he had been detained by State officials. His family had not heard from him since 14 December 2016, nor had his family obtained any information surrounding his whereabouts or well-being.<sup>268</sup> A case study carried out by ADHRB indicated that Al-Alawi’s family went to and from the CID office in their neighbourhood to find out his whereabouts, with officials refusing to give them a definitive answer as to whether he was in their custody or not. They were then told that he had been transferred to Dry Dock Prison, yet when they went there to visit him, prison officials told them that he was not there. His family eventually received a call from Al-Alawi on a blocked number. He was not able to reveal his location or when they could

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<sup>259</sup> Jadallah (2018: 26).

<sup>260</sup> Ibid (27).

<sup>261</sup> Ibid (28).

<sup>262</sup> Ibid (32).

<sup>263</sup> Ibid (29).

<sup>264</sup> Ibid (32).

<sup>265</sup> Working Group on Enforced or Involuntary Disappearances (2018: 26).

<sup>266</sup> Ibid.

<sup>267</sup> Bahrain Institute for Rights and Democracy (2018a).

<sup>268</sup> Amnesty International (2017).

visit him.<sup>269</sup> Judge Antônio Cançado Trindade, a member of the International Court of Justice has described “disappearance” as “one of the most cruel and perverse violations of human rights”<sup>270</sup>. Given that enforced disappearance is a crime committed by the Bahraini authorities and that such authoritative figures act under the umbrella of impunity, this human rights violation is not taken seriously, nor is it even considered to be a crime.<sup>271</sup>

*Isolation, Deprivation, De-humanisation and Neglect*

When individuals are incarcerated, they are frequently subjected to solitary confinement, deprived of adequate amounts of food and water, humiliated by prison officers, and neglected. This can have severe impacts on their physical and mental health. The Gulf Institute for Democracy and Human Rights emphasises that prisoners are often deprived of their basic human rights, such as “the right to food, visits, communications, education, medical care and religious practice”<sup>272</sup>. Furthermore, an investigation carried out by Amnesty International revealed an ongoing pattern of what could be considered as medical negligence in the Bahraini penitentiary system, with individuals who are suffering from serious medical conditions being denied the required specialist care and medication.<sup>273</sup> Without the care and medication they need, prisoners are left in agony, a de facto form of torture. Hajer Mansoor, a woman incarcerated in Isa Town, has been denied access to her medical records and was unable to receive her diagnosis for worrying breast cysts.<sup>274</sup> Mansoor is not allowed visits from her children, nor is she allowed to speak to other inmates.<sup>275</sup>

As stated earlier on, prisoners who complain about prison conditions within are placed in isolation. The same goes for prisoners who express any criticism. Political prisoners, **Ali Hajji** and **Naji Fateel** were placed in solitary confinement on 12 November 2018. The Bahrain Institute for Rights and Democracy expressed their concern on 15 November 2018, meaning that these two individuals had been isolated for a minimum of three days.<sup>276</sup> At the time of this writing, it is unknown for just how long they endured solitary confinement. When they were placed in solitary confinement, both were left incommunicado.<sup>277</sup> In a letter sent by the Bahrain Institute for Rights and Democracy on 14 November 2018 on behalf of Hajji to the Foreign and Commonwealth Office, Hajji stated “the conditions in Jau Prison severely damage both my physical and mental wellbeing. I have not seen my family in 20 months in protest for the visitation system in place. Last summer, I ended my hunger strike after 26 days, as I had received promises from prison official, Turki al-Jowder, that my suffering would end. These promises never materialised”<sup>278</sup>. On 2 September 2019, Fateel was once again transferred to solitary confinement and isolated from the rest of the inmates, as well as prohibited from receiving visits and phone calls from his family and lawyers.<sup>279</sup> Fateel has been in a critical health condition since starting a hunger strike,

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<sup>269</sup> Americans for Democracy & Human Rights in Bahrain (2017).

<sup>270</sup> Ibid.

<sup>271</sup> Bahrain Center for Human Rights (2013: 7).

<sup>272</sup> Gulf Institute for Democracy and Human Rights (2017).

<sup>273</sup> Amnesty International (2018).

<sup>274</sup> Ibid.

<sup>275</sup> Oppenheim (2020).

<sup>276</sup> Bahrain Institute for Rights and Democracy (2018c).

<sup>277</sup> Ibid.

<sup>278</sup> Ibid (2018b).

<sup>279</sup> Front Line Defenders [no date].

yet he is being deprived of the necessary medical treatment.<sup>280</sup> The Bahrain Forum for Human Rights has emphasised that an inmate has the right to access the required treatment freely when necessary and if it is not available within the prison, they have a right to be transferred to a public hospital.<sup>281</sup>

In 2020, imprisoned journalist **Mahmoud Al-Jaziri**<sup>282</sup> was placed in solitary confinement the day after making reports on the danger of the coronavirus and the conditions inside Bahraini prisons. In an audio clip posted to YouTube on April 7, Al-Jaziri is heard disputing reports that the authorities have taken measures to protect prisoners from the spread of the coronavirus, and that family visits usually made in-person have been replaced by video calls.<sup>283</sup>

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<sup>280</sup> Ibid.

<sup>281</sup> Bahrain Mirror (2020).

<sup>282</sup> TIME (2020).

<sup>283</sup> Committee to Protect Journalists (2020).

## **The Death Penalty**

Shareen Patel

### **Ending Moratorium**

Bahrain had in place a seven-year *de facto* moratorium on the death penalty. It, however, came to an end the moment the Bahraini government executed 3 men on 15 January 2017 – **Sami Mushaima, Ali Al-Singace** and **Abbas Al-Samea**. Mushaima was violently arrested in March 2014, when security forces raided his home. According to Reprieve, he was targeted by State officials due to the links his family had to political opposition.<sup>284</sup> After enduring various forms of torture and mistreatment, the government charged Mushaima with assembling and setting off an explosive that killed three police officers.<sup>285</sup> Mushaima was illiterate and for that reason, did “not possess the skills required to create a remote-controlled explosive”<sup>286</sup>. His death sentence was issued on 27 February 2015, on the grounds of premeditated murder. At the time of his execution, Mushaima was 42 years old. Al-Singace had also been harassed and tortured by state officials due to his family’s ties to the political opposition.<sup>287</sup> Reprieve claims that the Bahraini police wanted al-Singace to become an informant, however, al-Singace refused.<sup>288</sup> He was sentenced to death without appearing in court. At the time of execution, he was 21 years old. Al-Samea, a teacher, was at a school at the time of the bombing and was arrested three hours later after the incident took place.<sup>289</sup> When he was executed, he was 27 years old. The families of each of the men had visited the prison where they were detained the day before the execution. However, at the time of the visits, the guards did not tell them whether the men were about to be executed or not.<sup>290</sup> These executions were Bahrain’s first since the uprising in 2011 and the United Nations condemned them as extrajudicial killings.<sup>291</sup>

On 27 July 2019, **Ali al-Arab, Ahmad al-Malali** and a third man who was a citizen from Bangladesh were executed. This occurred despite calls from the international community to bring a stop to their executions.<sup>292</sup> Al-Arab and al-Malali were convicted of terrorism offences in a mass trial; a trial of which was tainted by allegations of torture and serious due process concerns.<sup>293</sup> Bahrain uses its Anti-Terror laws to enable human rights violations. Its ‘Anti-Terrorism Act’ is used as an excuse to justify illegal sentences against peaceful citizens solely due to the fact that these citizens are exercising their rights for freedom of expression and peaceful assembly, which are rights guaranteed not only by international covenants but also, supposedly, by the Constitution of Bahrain.<sup>294</sup> At the time of execution, al-Arab was 25 years old and al-Malali was 24 years old.

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<sup>284</sup> Reprieve [no date.b]

<sup>285</sup> Americans for Democracy & Human Rights in Bahrain (2015: 8)

<sup>286</sup> Ibid (7)

<sup>287</sup> Reprieve [no date.b]

<sup>288</sup> Ibid

<sup>289</sup> Bahrain Institute for Rights and Democracy (2017)

<sup>290</sup> Reprieve [no date.b]

<sup>291</sup> The Telegraph (2017)

<sup>292</sup> Amnesty International (2019)

<sup>293</sup> Human Rights Watch (2020)

<sup>294</sup> al-Assad (2020)

The method that Bahrain uses for the death penalty is shooting via a firing squad. King Hamad bin Isa Al Khalifa has the final say on approving or revoking one's death sentence. Human Rights Watch asserts that "Bahrain's use of the death penalty is contrary to international human rights law, statements of UN human rights experts, and various UN bodies"<sup>295</sup>. Importantly, Bahrain is party to the International Covenant on Civil and Political Rights (ICCPR), which encompasses Article 6(1): *every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*<sup>296</sup> It is evident that Bahrain is acting in contrast to the principle set out under the ICCPR. Due to the deteriorating political and human rights situation in Bahrain, the Gob continues to pursue a "policy of revenge" by issuing a death sentence upon those who oppose Bahraini policy and to suppress their voices.<sup>297</sup>

It has been said that Bahrain is following in the footsteps of Saudi Arabia, albeit operating on a smaller scale in comparison<sup>298</sup>. Bahraini laws do not limit the use of the death penalty to the most severe crimes.<sup>299</sup> Moreover, courts in Bahrain are "increasingly sentencing people to death", and it is the coerced confessions made via torture practices which are used to provide grounds for issuing the death penalty.<sup>300</sup> Given the end of the *de facto* moratorium on the death penalty, it can be said that the use of it has now worsened amid a lack of censure from Western allies, such as Washington and London who prioritise security and oil, rather than human rights.<sup>301</sup>

A recent development surrounding Bahrain and its use of the death penalty is that in October, the Bahraini government debated a draft bill proposing the death penalty for bringing nuclear waste into the country.<sup>302</sup> The draft bill asserts that fines of up to 1 million Bahraini dinars will be applicable to any individual who is found guilty of either importing, burying, storing or disposing of nuclear waste in any manner within the Bahraini borders.<sup>303</sup> The form of transport used, should one decide to bring in nuclear waste will make no difference to the penalty – the fine will be the same whether it is via sea, air or land.<sup>304</sup> The draft law also bans individuals and companies pursuing environment-polluting activities or damaging natural resources or wildlife in the Kingdom of Bahrain.<sup>305</sup> It should be noted that few people in Bahrain would have access to nuclear waste. However, it's possible this draft law is being put in place because it provides the legal framework for any future accusations against people who are acting as Iranian agents, claiming that they are aiding the country's nuclear programme.

### *Death Penalty for Political Crimes*

On 10 October 2020, also known as the "World Day Against the Death Penalty", the Bahrain Center for Human Rights renewed their demand for the release of detainees who have been sentenced to death

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<sup>295</sup> Human Rights Watch (2019)

<sup>296</sup> International Covenant on Civil and Political Rights (1966)

<sup>297</sup> Bahrain Center for Human Rights (2020)

<sup>298</sup> Americans for Democracy & Human Rights in Bahrain (2015: 1)

<sup>299</sup> The Advocates for Human Rights (2018: 2)

<sup>300</sup> Ibid

<sup>301</sup> al-Assad (2020)

<sup>302</sup> Times of Bahrain (2020)

<sup>303</sup> Ibid

<sup>304</sup> Ibid

<sup>305</sup> Ibid

as a means of revenge by the Bahraini State for their political opposition activities, or for the retrial in a way that guarantees the availability of judicial procedures that are consistent with the conditions of fair trails.<sup>306</sup>

From 2014 until April 2019, 37 Bahrainis were sentenced to death.<sup>307</sup> Out of the 37, 23 death sentences were issued on political grounds.<sup>308</sup> Expressions of political dissent or criticism of the Bahraini regime can result in punishment as severe as death. Furthermore, The Advocates for Human Rights assert that “many crimes are eligible for the death penalty simply if they result in death, regardless of whether the death was an intentional killing”.<sup>309</sup>

On 25 September 2020, Americans for Democracy & Human Rights in Bahrain gave an oral intervention at the United Nations Human Rights Council session 45. They made evident that at the time of the intervention, 26 people were facing execution in Bahrain, 12 of whom are political prisoners who have had their sentences upheld by the Court of Cassation and have exhausted all legal remedies.<sup>310</sup> Carrying out the death penalty with no respect for due process is a violation both of Bahrain’s Constitution and of international law.<sup>311</sup>

Whilst the Bahraini Government does not publicly release the names of individuals who are on death row, the below are individuals who have received public attention from the international community surrounding their circumstances, and who have been sentenced to death for political reasons.<sup>312</sup> Each received the death sentence between the period of 2018-2020:

- Maher Abbas al-Khabbaz – sentenced: 29 January 2018.
- Hussein Ibrahim Ali Hussein Marzouq – sentenced: 26 February 2018.
- Sayed Ahmed Fawad Abbas al-Abbar – sentenced: 21 May 2018.
- Hussein Ali Mahdi Jasim – sentenced: 21 May 2018.
- Salman Isa Ali Salman – sentenced: 4 June 2018.
- Mohamed Radi Abdullah Hasan – sentenced: 25 February 2019.
- Hussein Abdullah Marhoun – sentenced: 20 May 2019.
- Mousa Abdullah Mousa Jaafar – sentenced: 3 June 2019.
- Hussein Abdullah Khalil Rashid – sentenced: 15 June 2020.
- Zuhair Ibrahim Jasim Abdullah – sentenced: 15 June 2020.
- Mohamed Ramadhan Issa Ali Hussain – sentenced: 13 July 2020.
- Hussein Ali Mousa Hasan Mohamed – sentenced: 13 July 2020.

The above 12 individuals have had their death sentences confirmed by the Court of Cassation, the highest court in Bahrain. This means that once this Court upholds the death sentence of an individual, he/she can no longer appeal it and has to wait for the final stage of the process, which is the King’s ratification of their sentence.<sup>313</sup> As you can see, since the start of 2020, the Court of Cassation has

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<sup>306</sup> Bahrain Center for Human Rights (2020)

<sup>307</sup> Americans for Democracy & Human Rights in Bahrain (2019b)

<sup>308</sup> Ibid

<sup>309</sup> The Advocates for Human Rights (2018: 5)

<sup>310</sup> Americans for Democracy & Human Rights in Bahrain (2020)

<sup>311</sup> Ibid

<sup>312</sup> Ensemble contre la peine de mort (ECPM) (2020)

<sup>313</sup> Americans for Democracy & Human Rights in Bahrain (2018a)

upheld the death penalty for four men, who have no further avenue to make an appeal.<sup>314</sup> The continued application of the death penalty has been a topic of concern for the United Kingdom.<sup>315</sup> The following 4 paragraphs will briefly depict the case details of the above individuals. It should be acknowledged that there is limited public information surrounding the cases of these individuals given that, as already said, the government does not release any names to begin with.

**Maher Abbas al-Khabbaz** was sentenced to death for his alleged involvement in a premeditated murder of a police officer at an event. He was arrested without a warrant three days after the incident took place and where an alibi was present. He was accused of employing a flare gun and explosive materials.<sup>316</sup> He was sentenced to death despite credible evidence that he had been tortured into signing a “confession” and he was subjected to serious due process violations.<sup>317</sup> He was first sentenced to death on 19 February 2014, however, it was appealed later on that same year and a retrial took place ultimately ending in the original decision being upheld, with the Court of Cassation confirming the sentence in January 2018.<sup>318</sup> It should be emphasised that al-Khabbaz is illiterate and was blindfolded when he was forced to sign the “confession”.

**Hussein Ibrahim Ali Hussein Marzouq** was arrested and tortured to sign a “confession”, which was then presumably used against him during his trial.<sup>319</sup> He was charged with around 12 crimes, including being involved in a bombing that killed a teacher, possessing explosives and weapons, communicating and conspiring with a foreign country, and being trained by the Iranian Revolutionary Guard. When he was sentenced to death in 2017, he was stripped of his nationality.

**Sayed Ahmed Fawad Abbas al-Abbar** was arrested by the National Security Agency (NSA) agents and transferred to the Criminal Investigations Directorate (CID), where he was tortured for five days to sign a “confession”. He was sentenced to death on charges relating to unlawful assembly with intent to undermine the Constitution of Bahrain, terrorism and premeditated murder.<sup>320</sup> Similarly, **Hussein Ali Mahdi Jasim** was arrested by NSA agents without a warrant. He was subsequently charged with three separate counts: 1) unlawful assembly, 2) unlawful possession of a firearm, and 3) burning a security vehicle in an incident killing a security officer. He was sentenced to death for the murder of a security officer.<sup>321</sup> **Salman Isa Ali Salman** was arrested by police officers and taken to the CID, where he was tortured and coerced into signing a “confession”. His right to counsel was denied.<sup>322</sup>

**Mohamed Radi Abdullah Hasan** was arrested by police officers and NSA officers. He was taken to an NSA facility and tortured there. He was sentenced to death for his alleged involvement in participating in a bombing, and he was stripped of his nationality.<sup>323</sup> **Hussein Abdullah Marhoun** was issued the death sentence after the death of a policeman during a bombing. Marhoun was charged with murder, possessing explosives and unauthorised weapons, detonating an explosive device, using

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<sup>314</sup> Foreign, Commonwealth and Development Office (2020)

<sup>315</sup> Ibid

<sup>316</sup> Americans for Democracy & Human Rights in Bahrain (2015: 6-7)

<sup>317</sup> Ibid (2018a)

<sup>318</sup> Ibid

<sup>319</sup> Palais des Nations (2018: 2)

<sup>320</sup> Ibid

<sup>321</sup> Ibid

<sup>322</sup> Ibid (1)

<sup>323</sup> Ibid (4)

explosives, endangering public and private transportation, damaging public property and training for the use of weapons plus explosives for the purpose of committing crimes.<sup>324</sup>

**Mousa Abdullah Mousa Jaafar** was arrested in April 2016, after having been on the ‘wanted’ list since 2012 for participating in protests and allegedly causing damage to VIVA Telecom Company, and the burning of tyres amongst other charges. His family were unaware of his arrest and only found out after speaking to witnesses. He was taken to the CID where he was tortured for two weeks, after refusing to make a “confession” on several occasions. He received his death sentence for the killing of a policeman.<sup>325</sup> The case details of **Hussein Abdullah Khalil Rashid** and **Zuhair Ibrahim Jasim Abdullah** were brought to light during Early Day Motions within the UK Parliament.<sup>326</sup> It was highlighted that neither man was permitted to attend their final appeal hearing and that despite three United Nations experts documenting due process violations, including Zuhair enduring torture for 13 days, both men exhausted all legal remedies.

The most recent cases of individuals being sentenced to death concern two men, **Mohamed Ramadhan Issa Ali Hussain** and **Hussain Ali Moosa Hasan Mohamed**. Mohamed was arrested on 18 February 2014 by CID officers and taken to the CID facility where he allegedly endured torture for four days to “confess” to killing a police officer. He was convicted and sentenced to death in December 2014, which was upheld by the Court of Appeals in May 2015 and confirmed by the highest court in Bahrain, the Court of Cassation in November 2015. Nevertheless, on 28 March 2018, the Special Investigation Unit (SIU) and the Ministry of Justice asked to return Mohamed’s case to the Court of Cassation for a re-examination due to new evidence, including medical reports depicting indications of torture.<sup>327</sup> Nevertheless, despite this new evidence being brought forward, his death sentence was confirmed once again by the Court of Cassation in 2020.

Hussain was arrested on 21 February 2014 by CID officers for allegedly being involved in a bombing in Al-Daih on 14 February that same year. After being brought to the CID, he was tortured to sign a “confession”, which was then used against him in the trial.<sup>328</sup> He was convicted and sentenced to death on 29 December 2014, which was upheld by the Court of Appeals in May 2015 and confirmed by the Court of Cassation on 16 November 2015. The SIU and the Ministry of Justice requested a re-examination of his case on the same day as the request was made for Mohamed’s case, where similarly, medical reports came to light which included evidence of torture. According to Amnesty International, Mohamed refused to sign a “confession” although he endured beatings and electrocution, and Hussain said that he was forced to “confess” and incriminate Mohamed after he was suspended by the limbs and beaten for numerous days. Both men were sentenced to death after being convicted of killing a policeman and after enduring a grossly unfair trial.<sup>329</sup>

A further six individuals have been sentenced to death in political cases *in absentia*, and their sentences are at the Court of Cassation stage. As stated, this means they have no means to appeal. Most of them have had their citizenships revoked and are living in exile. Thus, they are situated ‘outside Bahrain’. This is particularly dangerous since even if someone has their citizenship restored, they are likely to be

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<sup>324</sup> Bahrain Mirror (2019)

<sup>325</sup> Palais de Nations (2018: 4); Americans for Democracy & Human Rights in Bahrain (2018d)

<sup>326</sup> UK Parliament (2020)

<sup>327</sup> Palais des Nations (2018: 5)

<sup>328</sup> Ibid

<sup>329</sup> Amnesty International (2020)

vulnerable to prosecution should they ever return to Bahrain. Most of them have family in Bahrain yet cannot be with them due to the fear of facing prosecution and being sentenced to death, with their sentences highly unlikely to be appealed. These six individuals are:

- Al-Sheikh Habib Abdullah – sentenced: 25 April 2018.
- Al-Sayed Mortada Majid Ramadan Alawi al-Sandi – sentenced: 25 April 2018.
- Mohamed Ibrahim al-Touq – sentenced: 25 February 2019.
- Ahmed Mohamed Ali Zein al-Deen – sentenced: 20 May 2019.
- Sayed Mohamed Sayed Qasim Fadhel – sentenced: 20 May 2019.
- Hussein Ali Ahmed Dawoun – sentenced: 20 May 2019.

The death sentences of **Al-Sayed Mortada Majid Ramadan Alawi al-Sandi** and **Al-Sheikh Habib Abdullah** were upheld by Bahrain’s Military Court of Cassation. Using military courts to try civilians is a violation of international fair trial standards.<sup>330</sup>

### *A Broken Judiciary System*

Since criminal jurisprudence determines that the judge of criminal courts has discretion in applying the sentence, the reality of the criminal courts in Bahrain has proven that the judge considers this discretion to be personal and not subject to substantive consideration. Hence why some consider the judiciary system in Bahrain to be ‘broken’. International rights organisations, as well as bodies of the United Nations, have questioned the credibility of the Bahraini security authorities and the fairness of litigation in Bahrain.<sup>331</sup>

The international human rights community, led by the United Nations and the Human Rights Council, is particularly opposed to the death sentence, especially those issued by courts ruled by a non-independent and prejudiced judiciary. The Bahraini judiciary has been and continues to be suspected of being neither independent nor balanced.<sup>332</sup> It has been said that the regime in Bahrain is a “family dictatorship”, that practices “rule by law”, meaning that the ruling Al Khalifa family decides what to do and then simply implements it without any input from elsewhere.<sup>333</sup> With the king’s hegemony over the judiciary, it has arbitrarily characterised the rights of human rights activists, politicians, and opinion and expression cases, making the sentences of those convicted amount to the death penalty. It continues to ignore the complaints of the victims and continues to issue unfair sentences and it does not investigate cases related to the extraction of confessions under torture.

Fair trial problems remain a central issue. For example, when 20 doctors and other medical personnel from the Salmaniya Medical Complex were convicted of political offences, the presiding judge at their trial would not permit the defence counsel to cross-examine prosecution witnesses, nor would they allow the defendants to testify.<sup>334</sup> As already stated, Bahrain is a party to the ICCPR. Within the international covenant is Article 14(1): *All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law,*

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<sup>330</sup> Americans for Democracy & Human Rights in Bahrain (2018b)

<sup>331</sup> Bahrain Mirror (2019)

<sup>332</sup> BBC News (2013)

<sup>333</sup> Islamic Human Rights Commission (2016)

<sup>334</sup> Human Rights Watch (2012: 5)

*everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.* The Bahraini government continues to issue death sentences from arbitrary trials that do not have the guarantees and principles of a fair trial. Moreover, many individuals who have had the death sentences issued upon them have been violated of their right to a fair trial and their right to counsel.

When Bahraini officials or police officers are accused of torture or murder, they are often acquitted by the judiciary, and this is not an uncommon occurrence. For example, the Bahraini judiciary acquitted the police officers accused of killing blogger Zakaria Al-Asheeri under torture in April 2011. They were acquitted despite the fact that there was overwhelming evidence of torture, given that it was evident on Al-Asheeri's body. Plus, there were testimonies of witnesses to the court who identified the defendants present at the trial session. In the cases of Mohamed Ramadhan Issa Ali Hussain and Hussain Ali Mousa Hasan Mohamed, Bahrain's judiciary blatantly ignored evidence of the court concerning torture. What has become evident is that the judiciary does not correctly investigate the complaints and allegations put forth from torture victims during trials. Nor has it opened any such investigation into the complaints and allegations that are monitored and documented by international human rights bodies and organisations, including what is indicated in the report of the United Nations Human Rights committees and special procedures of the UN. With the Bahraini judiciary not guaranteeing that any court ruling would exclude confessions under torture, it is violating Article 15 of the Convention Against Torture (which Bahrain has been party to since 1998), the Bahraini Constitution and the penal code. It has been argued that there is a lack of fair judicial transparency operating in Bahrain, meaning that those who commit human rights violations are not held accountable, and this constitutes as a "blatant attack against the minimum standards of human rights stipulated in international conventions".<sup>335</sup> At present, it is extremely difficult to determine whether or not Bahrain will re-enter a *de facto* moratorium on the death penalty, or in fact, whether they will comply with the provisions set out under the International Covenant on Civil and Political Rights.

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<sup>335</sup> al-Assad (2020)

## Arbitrary Revocation of Nationality

Abbas Taleb

Nationality is the legal bond between the State and the individual. It provides for rights and obligations on the part of both the state and the individual. The right to a nationality is described as the “right to have rights”, since it is the legal requirement for the exercise of other fundamental freedoms.<sup>336</sup> Although states have the freedom to decide who can obtain a nationality by their own domestic laws, international human rights law limits this freedom with obligations concerning the gaining and losing nationality. The right to a nationality is enshrined in several international human rights instruments, including the Universal Declaration of Human Rights in its Article 15, which states that “Everyone has the right to a nationality” and “No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”<sup>337</sup>

The arbitrary deprivation of nationality renders affected individuals stateless, which puts them at risk of being deprived of their human rights because of legal limitations and makes them subject to many human rights violations. The international legal definition of a stateless person is “a person who is not considered as a national by any State under the operation of its law.”, as stated in Article 1(1) of the 1954 International Convention relating to the Status of Stateless Persons.<sup>338</sup> This simply means that a person is stateless if he/she does not have a nationality of any country. While some people are born stateless, other people become stateless. Unfortunately, Bahrain uses the arbitrary revocation of nationality of its citizens as a weapon of political suppression and punishment for dissent. Over the years, the Government of Bahrain has used this tool of oppression by unlawfully targeting political opposition leaders, human rights activists, journalists, academics, religious scholars and even people who do not have any religious or political affiliation. After the 2011 uprising, hundreds of citizens were arbitrarily stripped of their nationality by royal decrees, judicial rulings and ministerial orders.

The regime has intensified the use of revocation as a form of punishment since 2011. 985 Bahrainis have been arbitrarily stripped of their citizenship since 2011, either by a royal decree, order of the Interior Ministry or court.

### A Brief Historical Background

The revocation of nationality has been an instrument for Bahraini authorities to punish political dissent over the last century. The first time it was used was in 1954 when a national leader, Abdul-Rahman Al-Bakir, was stripped of his Bahraini nationality for his political activism against colonial authorities. He was deported, along with several opposition figures, to the island of Saint Helena, in the south of the Atlantic Ocean. In the 1960s and 70s, Bahraini authorities barred individuals that were considered “political opposition” from returning to Bahrain after studying abroad. This continued into the 1980s,

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<sup>336</sup> The phrase “the right to have rights” was first used by Hannah Arendt in the 1949 article “The Rights of Man: What are They? And again in her book “The Origins of Totalitarianism” in 1951. This famous phrase became the subject of series of interpretations later on.

<sup>337</sup> See the Universal Declaration of Human Rights available at:

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

<sup>338</sup> See the International Convention relating to the Status of Stateless Persons 1954, available at:

<https://www.unhcr.org/protection/statelessness/3bbb25729/convention-relating-status-stateless-persons.html>

where hundreds of citizens with Persian heritage were forcibly deported to Iran and deprived of their nationality. In early 2001, during the launch of the National Action Charter, the authorities implemented limited reforms to meet popular demands. Nationalities were re-instated, but only for some. This resulted in many formerly exiled citizens returning to Bahrain, hopeful of stability after the referendum on the National Action Charter was voted for by a majority.<sup>339</sup>

### Legislation on the Revocation of Nationality

Since the 2011 Uprising, all citizenship revocations were based on the following legislations: The Bahraini Nationality Law of 1963;<sup>340</sup> Law No. 21 of 2014 amending the Bahraini Nationality Law of 1963;<sup>341</sup> Decree No. 20 of 2013, amending Law No. 58 of 2006 on Protecting Society from Terrorist Acts.<sup>342</sup> The articles of these legislation, which provide for the revocation of nationality in certain circumstances, are unconstitutional and violate international law.

#### 1- **The Bahraini Nationality Law of 1963:** Article 10 states the following:

*“10 - By order of His Majesty the Ruler, it is permissible to revoke the Bahraini nationality from anyone who enjoys it in the following cases:*

*(a) If they entered the military service of a foreign country and remained in it despite the order issued by the government of Bahrain to leave it, or:*

*(b) If they aid or are involved in the service of an enemy country, or:*

*(c) If they cause damage to state security”*

This Article provides for the revocation of nationality for those who enjoy it in certain cases, only by a king’s order. The law remained in effect even after the Constitution of 1973, as well as the Constitution of 2002. According to Article 17 of the 2002 Constitution,<sup>343</sup> a Bahraini national cannot be stripped of his nationality except in the case of treason, and in other cases as prescribed by law. However, Article 31 of the Constitution provides that the limitation or regulation of public rights and freedoms stated in the Constitution may not prejudice the essence of the right or freedom. This means that Article 10 of the Bahraini Nationality Law of 1963, especially paragraph (c) which gives the power to revoke nationality of those who “cause damage to state security”, which is vague and provided the opportunity for the authorities to interpret it in any way possible to arbitrarily revoke citizenships, is in violation of Articles 17 and 31 of the 2002 Constitution.

<sup>339</sup> See “Bahrain: Stripping of Nationality a Weapon for Political Suppression”, available at:

<https://www.anabahraini.org/2015/07/30/salam-bahrain-stripping-of-nationality-a-weapon-for-political-suppression/>

<sup>340</sup> The Bahraini Nationality Law of 1963, available at:

<https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=4357>

<sup>341</sup> Law No. 21 of 2014 amending the Bahraini Nationality Law of 1963 available at:

<https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=9978>

<sup>342</sup> Decree No. 20 of 2013 amending Law No. 58 of 2006 on Protecting Society from Terrorist Acts, available at:

<https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=11438>

<sup>343</sup> See Bahrain’s 2002 Constitution, available at:

<https://www.wipo.int/edocs/lexdocs/laws/en/bh/bh020en.pdf>

**2- Law No. 21 of 2014 amending the Bahraini Nationality Law of 1963:** Under this law, the Interior Minister has the power to propose the revocation of nationality after the approval of the cabinet, in certain cases. The Article states the following:

*“By a decree based on the proposal of the Minister of Interior and after the approval of the Council of Ministers, the Bahraini nationality may be revoked from anyone who enjoys it in any of the following cases:*

*a) If they enter the military service of a foreign country and remain in it despite the order issued by the government of the Kingdom of Bahrain to leave it.*

*b) If they aid or engage in the service of an enemy country.*

*c) If they cause harm to the interests of the Kingdom or act in a manner that contradicts the duty of loyalty to it.”*

Not only does this amendment The Interior Minister give the power to revoke citizenship, but it also amends paragraph (c) in a manner allowing the arbitrary use of this Article. “causing harm to the interests of the kingdom act in a manner that contradicts the duty of loyalty to it ”is worded vaguely, which allows for a wide interpretation by the authorities to target dissidents. This Article allows for the arbitrary revocation of citizenship, which is also a clear violation of the 2002 Constitution.

In addition, Article 11 of the same law provided for the reinstatement of nationality by the order of the king. The Article states the following:

*“By order of the King, it is permissible to restore the Bahraini nationality to whoever has lost it for any reason under the provisions of this law, without prejudice to the provision stipulated at the end of Article (7) Paragraph (1) of this Law.”*

**3- Decree No. 20 of 2013 amending Law No. 58 of 2006 on Protecting Society from Terrorist Acts:** Article No. (24) bis of this law states the following:

*”In addition to the prescribed punishment, a ruling is passed to revoke the nationality of the convicted person in the crimes stipulated in Articles (5) to (9), (12) and (17) of this law. The ruling of revoking nationality shall not be enforced except after the approval of the King of the country.”*

This Article allows criminal courts in Bahrain to hand down revocations of citizenship for those who are convicted of national security or terrorism crimes. After the promulgation of this Royal Decree, Bahraini criminal courts stripped the citizenships of hundreds of individuals over the past decade through mass trials that lacked the procedural safeguards necessary to ensure a fair trial. In April 2019, a statement issued by the Office of the High Commissioner for Human Rights stated the following: “The UN Human Rights Office has long urged Bahrain to bring its overly broad counter-terrorism and counter-extremism legislation in line with its international human rights obligations”, quoting High Commissioner Bachelet. The statement also added the following: “Various UN human rights mechanisms have repeatedly called on Bahrain to take specific steps to amend its counter-terrorism legislation, and to ensure that citizenship is not revoked except in accordance with international

standards and under independent judicial review.”<sup>344</sup> This law was widely used by the courts to target human rights defenders and political activists.

**Decree No. 16 of 2019 on amending Bahraini Nationality Law of 1963:**<sup>345</sup> With the efforts of human rights defenders, international and Bahraini human rights organisations, including Salam DHR through its “Ana Bahraini” campaign, the UN and various states, Bahrain has been under massive pressure for its arbitrary citizenship revocations. On 25 June 2019, Decree No. 16 of 2019 on amending Bahraini Nationality Law of 1963, restricting the power to revoke nationality to the cabinet. Under this Decree, the judiciary no longer has the power to strip Bahraini citizens of their nationality. Once again, the amendment to the Nationality Law from outside the legislative authority was issued by a royal decree, which replaces the text of Article 10 of the Bahraini Nationality Law. This article was replaced by the transfer of power from the king to the Minister of Interior, who shall issue a reasoned decision through the Council of Ministers to revoke the Bahraini nationality in the cases mentioned in the same article before the amendment. In addition, a fourth case was added, which is in the case of (conviction / court ruling) against a Bahraini for one crime of the crimes stipulated in the Law on Protecting Society from Terrorist Acts (the Terrorism Law), and these previously were within the powers of the criminal judge and were transferred to the Minister of Interior. Article 10 was replaced with the following:

*“It is permissible, by a reasoned decision from the Council of Ministers based on the proposal of the Minister of Interior, to revoke Bahraini nationality from anyone who enjoys it in any of the following cases:*

- 1- If they entered the military service of a foreign country and remained in it despite the order issued by the government of the Kingdom of Bahrain to leave it.*
- 2- If they aid or become involved in the service of an enemy state.*
- 3- If they cause harm to the interests of the Kingdom or act in contradiction to the duty of loyalty to it.*
- 4- If they are convicted of one of the crimes stipulated in Articles (5) to (9), (12) and (17) of Law No. (58) of 2006 regarding the protection of society from terrorist acts.”*

### Arbitrary Revocation of Nationality Since 2011

Since the 2011 Uprising, 985 Bahrainis have been stripped of their citizenship since 2011. In April 2019, the king ordered the citizenship of 551 Bahrainis to be restored, bringing the number of those made stateless to 434.

The first cases of revoking nationality after the uprising were on 7 November 2012, when an administrative order issued by the Bahrain Ministry of Interior was published by the Bahrain News

<sup>344</sup> OHCHR, “UN Human Rights Chief Deeply Concerned by Mass Terrorism Convictions in Bahrain”, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24502&LangID=E>

<sup>345</sup> See Decree No. 16 of 2019 on Amending Bahraini Nationality Law of 1963, available at: <https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=15018>

Agency. The decision stripped 31 individuals of their nationality under Article 10 of the Bahraini Nationality Law of 1963 for “causing damage to the security of the state”.<sup>346</sup> All the individuals’ citizenship rights were removed without due process and none of them received any official notification from the authorities at the time of the decision. The individuals include two former parliamentarians, human rights and political activists and religious scholars. The decision was issued by the Interior Minister, who had no power to issue such decisions under the same law, which states that only the king has the authority. Sameera Rajab, a spokesperson and Minister for the Bahraini Government, had stated that: “It is true that the stripping of citizenship is reserved as a power for the King, but he has ordered it in this circumstance and given the Interior Minister powers to circumvent the usual procedures.”<sup>347</sup>

In 2013 and 2014, the king expanded the legal grounds for the deprivation of Bahraini nationality. First, in July 2013, the king issued Decree No. 20 of 2013,<sup>348</sup> amending Law No. 58 of 2006 of Protecting Society from Terrorist Acts. The Decree enabled the Bahraini courts to revoke the nationality of any citizen convicted of a terrorist offence. Second, in July 2014, Law No. 21 of 2014 amending the Bahraini Nationality Law of 1963,<sup>349</sup> which gave the Ministry of Interior the power to revoke nationality by administrative order.

In 2014, Bahrain revoked the nationality of 21 citizens. In August 2014, a Bahraini court stripped the citizenship of 9 people convicted on charges of “participation in an illegal organization and having ties with Iran”, based on Decree No. 20 of 2013, amending Law No. 58 of 2006 of Protecting Society from Terrorist Acts. The Court of Appeal cancelled the decision on January 27, 2015. On September 9 other individuals lost their nationality for “smuggling arms into the country”. A defence lawyer involved in the case claimed that their confessions were extracted under torture.<sup>350</sup> In November, a Bahraini court sentenced three Bahrainis to 10 years in prison and revoked their nationality.<sup>351</sup>

In 2015, 208 people had their nationality arbitrarily revoked. On 31 January, a statement was circulated in the media and published by Bahrain News Agency, revoking the nationality of 72 individuals. The official Decree No. 8 of 2015 was published in the Official Gazette on 5 February 2015.<sup>352</sup> The Decree stated that the nationalities of the 72 individuals were revoked on the basis of:

- Article 10(c) of the Bahraini Nationality Law of 1963 amended by Amended by Law No. 21 of 2014, which stipulates that “By decree based on the proposal of the Minister of Interior and after the approval of the Council of Ministers, Bahraini nationality may be revoked from those who

<sup>346</sup> the list of the 31 individuals available on “Ana Bahraini” website: <https://www.anabahraini.org/>

See HRW, “Bahrain: Citizenship Rights Stripped Away”, available at:

<https://www.hrw.org/news/2014/08/21/bahrain-citizenship-rights-stripped-away>

<sup>347</sup> Salam DHR, “Bahrain: Stripping of Nationality a Weapon for Political Suppression”, available at:

<https://www.anabahraini.org/2015/07/30/salam-bahrain-stripping-of-nationality-a-weapon-for-political-suppression/>

<sup>348</sup> Decree No. 20 of 2013 amending Law No. 58 of 2006 of Protecting Society from Terrorist Acts, available at:

<https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=11438>

<sup>349</sup> Law No. 21 of 2014 amending the Bahraini Nationality Law of 1963 available at:

<https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=9978>

<sup>350</sup> BIRD, “Stateless in Bahrain: 52 Nationalities Revoked”, available at: <http://birdbh.org/2014/11/stateless-in-bahrain-52-nationalities-revoked/>

<sup>351</sup> Salam DHR, “Bahrain: Stripping of Nationality a Weapon for Political Suppression”, available at:

<https://www.anabahraini.org/2015/07/30/salam-bahrain-stripping-of-nationality-a-weapon-for-political-suppression/>

<sup>352</sup> See Decree N. 8 of 2015, available in Arabic at: <https://www.legalaffairs.gov.bh/Media/LegalPDF/D0815.pdf>

enjoy it in any of the following cases:... c. If they cause harm to the interests of the Kingdom or acts in a manner that contradicts the duty of loyalty to it.”

- The recommendations of the National Council issued in its special session held on July 28, 2013, and the second recommendation, which stipulated that "Bahraini nationality shall be revoked from all perpetrators and instigators of terrorist crimes."

- The Ministry of Interior's report on the involvement of these individuals in carrying out some activities and actions that cause harm to the interests of the Kingdom and contradict the duty of loyalty to it.

All the individuals' citizenship rights were removed without due process, and none of them received any official notification from the authorities at the time of the decision. There were no trials or investigations. The list included 50 members of Bahrain's civil society, including a former Member of Parliament, eight religious scholars, journalists and one academic. Additionally, 136 individuals lost their nationality with most cases by trial before criminal courts under Decree No. 20 of 2013 amending Law No. 58 of 2006 of Protecting Society from Terrorist Acts.<sup>353</sup>

In 2016, Bahrain revoked the nationalities of 90 citizens. These cases include the following: On 4 February 2016, King Hamad bin Isa Al-Khalifa issued Decree No. 11 to revoke the citizenship of the citizen Raed Ali Houssein Hourani and his family, over activities that harm the interests of the country.<sup>354</sup> On May 25, 2016 Hamad issued Decree No. 38 of 2016, revoking the citizenship of three members of the National Guard for engaging in "activities that harm the interests of the Kingdom."<sup>355</sup> The High Criminal Court sentenced 10 defendants to life, two others to 10 years in prison and ordered the revocation of citizenship of the 12 defendants. The defendants were charged with the formation of an illegal terrorist group "Saraya Al-Ashter". On 31 May, the High Criminal Court also revoked the citizenship of the 11 suspects in the "Dar Kulaib Warehouse" case. On June 16, 2016, Chief of Terror Crimes Prosecution, Advocate General Ahmed Al Hammadi, said that the High Criminal Court had issued its verdict against 10 suspects in the case of the so-called "Hezbollah of Bahrain" terrorist group and ordered the revocation of their citizenship.<sup>356</sup> On June 20, 2016, Decree No. 55 of 2016 revoked the citizenship of Ayatollah Sheikh Isa Qassim, the prominent leader of the Shi'a sect in Bahrain.<sup>357</sup>

In 2017, 2018 and 2019, 156, 298 and 181 citizens arbitrarily lost their nationalities, respectively. These cases include mass trials in 2018 and 2019. In January 2018, the fourth High Criminal Court issued sentences against 60 dissidents, of which 47 were stripped of their citizenship. In May 2018, Bahrain's Fourth High Criminal Court handed prison sentences to 115 Bahraini nationals and revoked their

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<sup>353</sup> GIDHR, "Revoking Citizenships: the Silent Execution", available at: <https://www.anabahraini.org/wp-content/uploads/2019/09/Revoking-Citizenships-the-Silent-Execution.pdf>

<sup>354</sup> Decree No. 11 of 2016, available at:

<https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=12242>

<sup>355</sup> Decree No. 38 of 2016, available at:

<https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=12698>

<sup>356</sup> GIDHR, 'Revoking Citizenships: the Silent Execution', available at: <https://www.anabahraini.org/wp-content/uploads/2019/09/Revoking-Citizenships-the-Silent-Execution.pdf>

<sup>357</sup> Decree No. 55 of 2016, available at:

<https://www.legalaffairs.gov.bh/AdvancedSearchDetails.aspx?id=12766>

citizenship over terrorism-related charges.<sup>358</sup> In February 2019, Bahrain's Fourth High Criminal Court revoked citizenship of 25 individuals on charges related to terrorism. In April 2019, Bahrain's Fourth High Criminal Court handed prison sentences ranging from three years to life imprisonment to 139 citizens and stripped the nationalities of 138 of them.<sup>359</sup> There were several similar cases of revocation of nationality from 2017 to 2019.

By 2019, the total number of Bahraini citizens stripped of their nationality was 985. These unfair trials over the years, that did not follow due process and international legal standards, have not gone unnoticed by the international community. Bahrain's criminal justice system has failed to deliver impartial justice and, according to Human Rights Watch, they "Play a key role in maintaining the country's highly repressive political order." For example, in September 2012, a Bahraini court classified classic tools of peaceful protest as acts of terrorism, reasoning that terrorism can be the result of "moral pressure," while affirming the long-term sentences of government critics who had advocated for the establishment of a republic in Bahrain."<sup>360</sup>

On April 18, 2019, The High Commissioner for Human Rights Michelle Bachelet issued a statement condemning the revocation of the nationality of Bahrainis and expressing her grave concern about the ruling of a Bahraini court to revoke the nationality of 138 persons in one case. According to information obtained by the United Nations, 17 of the convicted persons are minors, ranging in age from 15 to 17 years. The United Nations statement stated that revoking citizenship "should not be arbitrary" and not be motivated by discriminatory motives such as race, colour, sex, language, religion, political or other opinion, nationality or social origin." Bachelet expressed concern about testimonies of torture and ill-treatment of some of the accused and stressed that "The UN Human Rights Office has long urged Bahrain to bring its overly broad counter-terrorism and counter-extremism legislation in line with its international human rights obligations. Tuesday's convictions give rise to serious concerns about the application of the law, particularly through a mass trial that reportedly lacked the procedural safeguards necessary to ensure a fair trial."<sup>361</sup>

With the efforts of human rights defenders, international and Bahraini human rights organisations, including Salam DHR through its "Ana Bahraini" campaign, the UN and various states, Bahrain has been under massive pressure for its arbitrary citizenship revocations. On April 20, 2019, the King of Bahrain reinstated the citizenship of 551 individuals who had their citizenship stripped through a court order.<sup>362</sup>

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<sup>358</sup> See Bahrain Institute for Rights and Democracy "BIRD", "Revocation of Citizenship, 2018, available at: <http://birdbh.org/?s=revocation+of+citizenship&category=&year=2018&month=&format=>

<sup>359</sup> Ibid.

<sup>360</sup> HRW, "Bahrain: Citizenship Rights Stripped Away", available at:

<https://www.hrw.org/news/2014/08/21/bahrain-citizenship-rights-stripped-away>

Also see HRW, "Bahrain: A System of Injustice", available at: <https://www.hrw.org/news/2014/05/28/bahrain-system-injustice>

<sup>361</sup> OHCHR, 'UN human rights chief deeply concerned by mass terrorism convictions in Bahrain', available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24502&LangID=E>

<sup>362</sup> See Reuters, "Bahrain King Reinstates Nationality to 551 citizens tried in courts":

<https://www.reuters.com/article/us-bahrain-security/bahrain-king-reinstates-nationality-to-551-citizens-tried-in-courts-idUSKCN1RX0HW>

## Salam DHR statistics on the Revocation of Nationality in Bahrain:

Year	Number
2012	31
2013	0
2014	21
2015	208
2016	90
2017	156
2018	298
2019	181
Total	985
Reinstated by the king	551
Total number today	434

## **Violations of International Law**

Abbas Taleb

Bahrain's arbitrary revocation of nationality violates various international law instruments. The right to a nationality is enshrined in several international legal instruments, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Arab Charter on Human Rights.

An explicit prohibition of arbitrary deprivation of nationality is recognized under Article 15 of the 1948 Universal Declaration of Human Rights, which states:<sup>363</sup>

*"1. Everyone has the right to a nationality.*

*2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."*

Article 12 of the International Covenant on Civil and Political Rights (ICCPR), of which Bahrain is a party since 2006, provides that:<sup>364</sup>

*"4. No one shall be arbitrarily deprived of the right to enter his own country."*

The right of a child to a nationality is enshrined in the provisions of the 1989 Convention on the Rights of the Child (CRC).<sup>365</sup> Bahrain has been a party to the CRC since 1992. Article 7 provides that:

*"The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents."*

While Article 8(1) states that:

*"States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference."*

Furthermore, Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), in which Bahrain is a party since 1990, obliges States to:<sup>366</sup>

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<sup>363</sup> See the Universal Declaration of Human Rights, available at:

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

<sup>364</sup> See the International Covenant on Civil and Political Rights (ICCPR), available at:

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>365</sup> See the right of a child to a nationality is enshrined in the provisions of the 1989 Convention on the Rights of the Child (CRC), available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>366</sup> See the Convention on the Elimination of All Forms of Racial Discrimination (CERD), available at: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

*“Prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:*

*...(d) (iii) The right to nationality;”*

Article 24 of the Arab Charter on Human Rights adopted by the League of Arab States, of which Bahrain is a founding party, states that:<sup>367</sup>

*“No citizen shall be arbitrarily denied of his original nationality, nor denied his right to acquire another nationality without legal basis.”*

### *Effects of the Revocation of Nationality on the Victims*

The arbitrary revocation of nationality denies victims the ability to enjoy their rights: political and civil rights, or social, economic and cultural rights. The effects of the victims of revocation of nationality in Bahrain have been the following:

- Denial of state services, housing, education, health, etc.
- Denial of the right to obtain decent and formal work.
- Denial of access to banking and banking transactions.
- Deprivation of the right to travel.
- Denial of obtaining nationality for new-borns after revoking the nationality of the father.
- Deprivation of the right to vote.
- Denial of acquiring a pension.
- Deprivation of the registration of movable and immovable property.
- Deprivation of financial aid for those with limited income.
- Deprivation of participation in civil societies.
- Deportation and exile from their homeland, some of them with their families.

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<sup>367</sup> See the Arab Charter on Human Rights adopted by the League of Arab States, available at: <https://www.refworld.org/docid/3ae6b38540.html>

### *The Case of Ibrahim Karimi*

On 7/11/2012, the Bahraini News Agency published a decision issued by the Ministry of Interior stripping the nationality of 31 individuals, including Mr. Ibrahim Karimi. The decision came by surprise for the 31 individuals, who learned about it in the media and without any official notification from the authorities.

Mr. Karimi has been arbitrarily arrested several times by the Bahraini authorities for exercising his right to freedom of expression, association, and peaceful assembly. In February 1981, he was arrested and detained for peacefully protesting the GoB and he was imprisoned for three months, where he was allegedly tortured and ill-treated by prison officials. Shortly after being released, his nationality was revoked and he was deported without any legal measures or justification, and with no official papers. Mr. Karimi remained in exile for 21 years, living between Lebanon and Europe, until he returned to Bahrain in 2002, when the king announced reforms in the kingdom, including a general amnesty that had his nationality reinstated.

During the 2011 Bahraini uprising, Mr. Karimi was arrested by the National Security Agency on 14 April and detained for two months in a National Security Agency prison in the Serdab Castle, where he was allegedly tortured and ill-treated. He was accused of spreading false rumours and incitement to hatred against the regime, and he was sentenced for a year in prison. After appealing the decision, Mr. Karimi was acquitted after spending eleven months in prison.

After Mr. Karimi was released from prison in April 2012, he heard via the media about the Interior Minister's decision to strip him and 30 other individuals of their nationality. These individuals included two former members of parliament, political and human rights activists, religious scholars, one lawyer and others who had no religious or political affiliation. None of these individuals were officially notified of the decision by the authorities. The decision was published by the Bahraini News Agency, and it was issued on the basis of Article 10(c) of the Bahraini Nationality Law of 1963, which allows for the deprivation of nationality of citizens causing "damage to the security of the state". What was remarkable about this decision was that it was not only unconstitutional and in violation of international law, but it was also deemed to be void, as the Bahraini Nationality Law of 1963 states that the deprivation of nationality must be issued by a royal decree. This meant that the decision could not be issued by the Ministry of Interior in the first place. Additionally, none of the individuals had any previous communications on the matter of this decision, investigations or even questioning.

Mr. Karimi appealed the decision through his lawyer Mohammed Isa Al-Tajir, on 28/2/2013. The lawyer stated at the time that the revocation of nationality decision was derived solely from the Interior Minister, and that no consultation was done with the king, making the decision itself tainted with a jurisdictional defect, as it was issued by an authority that had no powers to pass such a decision, and no delegated powers to do so either. On 29/04/2014, the First Civil Court denied the appeal of Mr. Karimi, on the basis that the government has the full right to assess what harms the integrity and stability of its internal and external security, and basically the issuance or revocation of citizenship is not subject to judicial oversight.

After his nationality was revoked, Mr. Karimi had no other nationality and was rendered stateless by the decision. He was later arrested for a day and forced to hand over his ID, passport and any other official papers to the authorities. He was also called into investigation regarding his illegal stay in the country, which meant that he was subject to the Immigration Law and was obliged to leave the country. Mr. Karimi was charged for illegally staying in the country without a valid residence permit, and on 28/10/2014, the Fifth Lower Criminal Court ordered his deportation. His lawyer lodged an appeal the next day, and the deportation order was halted until the court issued its verdict.

On 26 September 2015, Mr. Karimi was arrested at his home in al-Dair by policy officers without an arrest warrant. The officers took mobile phones that belonged to him and his family, and a very small electric-shock device that his wife used for protection. He was interrogated at the Criminal Investigations Directorate without a lawyer present, about a Twitter account “FreejKarimi” that criticized Saudi Arabia over the deaths of hundreds of people during Hajj. Although he denied being the owner of the account, he was allegedly tortured and forced to sign a confession pleading guilty to the charges for being the owner of the twitter account the electric-shock device.

During his trial before the Fifth Lower Criminal Court in Manama, defence witnesses were not allowed to be summoned. On 31 March 2016, the Court sentenced him to two years of imprisonment and a fine of 2,000 Bahraini Dinar for “publicly inciting hatred and contempt against the regime”, “publicly insulting the king” and “publicly insulting Saudi Arabia and its king”. He was also sentenced to one-month imprisonment for “possession of an electric-shock device without authorization from the Ministry of Interior”. Meanwhile, in a separate case, the Court of Appeals in Manama upheld Ibrahim Karimi’s deportation order on 8 March 2016. After serving his sentence in Jaw prison, Mr. Karimi was deported to Iraq on 30/10/2017. Mr. Karimi currently lives in Mashhad, Iran with his family.

### *The Case of Masaud M. Jahromi*

On Saturday 31/1/2015, Masaud Mirza Jahromi, an academic at Ahlia University in Manama, was having lunch with his family when he suddenly began receiving messages from some of his friends, asking him if stories about his nationality being revoked are true. At that time, a list of 72 Bahraini nationals whose nationalities were revoked by a royal decree was circulating on social media. Dr. Jahromi saw his name on the list without receiving any official notification by the Bahraini authorities.

Dr. Jahromi’s hardship with statelessness has a long history. He is from a Bahraini family of Persian origins that has been present in the country for more than a century. However, only some of his family members were able to obtain the Bahraini nationality, while the rest of the family were considered “Bidoon” (without nationality), for racial and sectarian reasons. Dr. Jahromi’s statelessness was an obstacle for his academic ambitions, as he was only able to obtain a temporary travel document available for one use and for a limited time, to continue his university studies outside the country. After he finished his Master’s in Control Engineering and Information Technology from UMIST in the United Kingdom, he was accepted for a PhD programme in Network Engineering at the University of Kent. In the summer of 1999, just before finishing his PhD thesis, Dr. Jahromi was obliged to return to Bahrain to visit his sick mother. His stay in Bahrain lasted for almost two years because the authorities refused to give him another travel document, which made him unable to return to England and defend his PhD thesis. It was not until 2001, after Bahrain implemented some reforms, that Dr. Jahromi finally gained the right to a Bahraini nationality and was able to obtain his PhD.

At the time of the 2011 February Uprising in Bahrain, Dr. Jahromi was a professor at Ahliya University in Manama, and the president of a cultural centre that works on bringing together the Muslim community with the non-Arab communities in the country. Even though he was not in the country at the beginning of the protests, and did not participate in any political or public event at the time, Dr. Jahromi was arrested on 14 April 2011, when security forces raided his house in the middle of night and dragged him out in front of his family, without providing any legal reasons or explanation. After five months in jail, which allegedly included torture, ill-treatment, constant humiliation and solitary confinement for two months, he was put on trial before on the charge of “participating in an unlicensed protest”. The reason behind Dr. Jahromi’s arrest and torture was his position as an academic who supports human rights and partaking in activism for social and cultural justice. He was released from jail after the second hearing, and the court’s judgment after 10 months was to sentence him to four months in prison. Dr. Jahromi returned to his work and pursued an academic life, away from the media and political activities. He had no political activity, even on social media, until the 2014 parliamentary elections, when he decided not to participate, like many of the Bahrainis, who boycotted.

After it was circulated on social media on 31/01/2015, the official Decree No. 8 of 2015 was published in the Official Gazette on 5/02/2015[36], which included a list of 72 Bahraini nationals whose nationalities were revoked, including the name of Masaud Jahromi. The Decree stated that the nationalities of the 72 individuals were revoked on the basis of:

- Article 10(c) of the Bahraini Nationality Law of 1963 amended by Amended by Law No. 21 of 2014, which stipulates that “By decree based on the proposal of the Minister of Interior and after the approval of the Council of Ministers, Bahraini nationality may be revoked from those who enjoy it in any of the following cases:... c. If they cause harm to the interests of the Kingdom or acts in a manner that contradicts the duty of loyalty to it.”
- The recommendations of the National Council issued in its special session held on July 28, 2013, and particularly the second recommendation, which stipulated that "the Bahraini nationality shall be revoked from all perpetrators and instigators of terrorist crimes."
- The Ministry of Interior's report on the involvement of these individuals in carrying out some activities and actions that cause harm to the interests of the Kingdom and contradict the duty of loyalty to it.

What was remarkable about this decision was that it had targeted academics, human rights activists, political activists and religious scholars, without any legal prosecution or trial for the accusations mentioned in the Decree. What these individuals had in common was their boycott for the 2014 parliamentary elections and their opposition to the government. Dr. Jahromi and seven others appealed the decision before the First Major Civil Court. The Court rejected the appeal on 7/12/2015 on the basis that the government has the full right to assess what harms the integrity and stability of its internal and external security, and the issuance or revocation of citizenship is not subject to judicial oversight.

On 5/02/2015, Dr. Jahromi was summoned to the Immigration and Passports Department to hand over his passport and ID card, after receiving a phone call the previous day. He was also asked to sign a pledge stating that his attendance is obligatory upon request, and within two weeks, a decision must be taken: either to leave Bahrain or change his residency status. This meant that his Iranian wife was also liable to be deported from Bahrain because her residency was issued on the basis that she was the spouse of a Bahraini national. Unfortunately, Dr. Jahromi's wife, Mrs. Elham Shakeri, was finishing her Master's in Bahrain at the time and on the verge of undertaking a PhD. Due to a prohibition of undertaking any activity in Bahrain because of the revocation of nationality of her husband, she was unable to continue her studies. All of these things contributed to Mrs. Shakeri's psychological and physical breakdown, she was hospitalized several times for treatment, and after the doctors insistence, she agreed to travel to Iran for treatment and visit her family, after they made sure that she could return to Bahrain before her residence visa expired.

After receiving a court summons considering his illegal residence in Bahrain, Dr. Jahromi addressed the Immigration and Passports Department on 4/16/2015, explaining to them that he does not have any other nationalities, and that he was ready to obtain a Bahraini sponsor in order get his life back in his country, or they issue him a temporary passport in order to easily leave the country. His request was not taken into consideration, and the Lower Criminal Court ordered his deportation from the country on 14/05/2015. Dr Jahromi appealed the decision. When the course of the Court of Appeals changed after a series of formal postponements, and it became clear that his deportation was inevitable, he submitted a letter to the Minister of Interior on 25/02/2016, asking him to delay the implementation of the forced deportation ruling until the end of his son's school year. His wife was still receiving treatment in Iran and under the supervision of her family and her doctors, therefore Dr Jahromi was the only one able to take care of their child. Concurrently, he met with the president and vice-president of the National Institution for Human Rights and asked them to intervene to postpone the implementation of the deportation in case the appeal was denied.

After failing to receive any promises from the National Institution for Human Rights or any reply from the Minister of Interior, Mrs. Shakeri had to risk her health and fly back to Bahrain on 6/04/2016. The same day, Dr. Jahromi's appeal was denied. The next morning, he received a call from the Immigration Department requesting his attendance. Dr. Jahromi went with his wife to the National Institution for Human Rights and met the vice president, claiming that the president of the foundation was personally following the matter and that the jurists affiliated with the foundation recommended submitting a request to delay execution of the judgment to the judge of the court of execution by Dr. Jahromi's attorney. The request was submitted by the latter, but the judge did not comment on the request and did not return the file to the concerned employee. After constant calls from the Immigration and Passports Department, Dr. Jahromi repeated the same answer: that he was awaiting the judge's verdict. However, after noticing some threatening hints, he took the decision to go to them.

Upon arriving, an employee and security guard were waiting for Dr. Jahromi. It was made clear to him that the judge's decision wouldn't be valid, and the implementation should be immediate. Dr. Jahromi asked me to choose his destination, so he chose the United Kingdom. The employee said it was not possible because it requires a visa. He was then offered to choose from three countries: Iraq, Lebanon, or Turkey (all of these countries grant the Bahraini passport holder an entry visa at the airport). After some arguments with the employee, Dr. Jahromi chose Lebanon. He was later escorted to the airport, where just before takeoff he was handed a passport issued on the same day and valid for one year, which states the nationality "of Bahraini residents". Dr. Jahromi flew to Beirut, where he still lives today with his family.

It is important to mention that until today, Dr. Jahromi has not received his legal dues from the Social Security Fund. Right after his citizenship was revoked, he was fired from his work at Ahliya University, under pressure from the Minister of Education (according to the university's president). Knowing that the university is private, the dues for Dr. Jahromi are the sum of monthly deductions from his salary since he began working in 2003. After the court ordered his deportation, he reviewed the Social Security Fund Management and submitted all the papers required, but his application was put on hold by the Social Security Fund's vice president. Following his deportation, Dr. Jahromi requested his pension through his lawyer, however, the answer was that the dues for those who had their citizenships revoked are frozen based on a decision issued by "higher authorities".

### *Justice Denied*

From 2012 to 2019, a total of 985 individuals were arbitrarily stripped of their nationality either by a court order, a royal decree or ministerial order. Today, the total number is 434, after the king reinstated 551 citizenships in 2019. The laws under which citizenships were revoked are unconstitutional and violate international law. Bahrain has been using the revocation of nationality as a tool of oppression by targeting human rights and political activists, members of the opposition, journalists, religious scholars, academics and even those who are not affiliated with political or religious movements. The majority of those who lost their nationality were rendered stateless and continue to face immense obstacles to enjoying their basic human rights.

The revocation of nationality has had serious effects on the victims, denying them the ability to exercise their civil and political rights as well as their social, cultural and economic rights. Most of the victims who were still in Bahrain at the time of the revocation of their citizenship, faced prosecution for staying in the country "illegally" and eventually deported. The order of citizenship revocation not only had a massive detrimental effect on the victims, but also on their family members. New-borns of the victims were denied Bahraini nationality and deprived of their basic rights as a result. As it was demonstrated in the cases of Masaud M. Jahromi and Ibrahim Karimi, the authorities have used this legislation without any legal justification, and allowed no serious grounds for challenging these arbitrary decisions under the basis that the government has the full right to assess what harms the integrity and stability of its internal and external security, and that the revocation of citizenship is not subject to judicial oversight. After the promulgation of Decree No. 16 of 2019 on amending Bahraini Nationality Law of 1963, restricting the power to revoke nationality to the cabinet only, Bahraini citizens are still at risk of being stripped of their nationality for opposing the ruling family.

### **Religious Persecution**

Abbas Taleb

Over the past decade, the Government of Bahrain has increased its systematic discrimination against the Shi'a population as an act of reprisal for the 2011 uprising, despite the Pearl Uprising attracted both Shi'a and Sunni Bahrainis. The first casualties of the government's retribution were Shi'a religious structures. Several Shi'a Mosques, *Hussaineyat* and shrines were demolished by Bahraini security

forces, while others were targets of vandalism. The Bahraini Shi'a population's freedom to exercise their religion is continuously violated through means such as restricting annual Shi'a rituals related to Ashura (the annual commemoration of Imam Hussain martyrdom, grandson of Prophet Mohammed). Since 2011, the GoB has persisted in transforming Ashura into an occasion where it can exercise its policy of collective punishment upon Shi'a citizens through the methodical restraint of religious expression and practice of religious rites.

This section will examine the GoB's demolition and vandalism of Shi'a religious structures in the aftermath of the 2011 Uprising, based on the findings of the BICI, and the violation of Shi'a religious rites in Bahrain, especially during the 2020 Ashura commemoration.

### *Vandalism and Demolition of Shi'a Religious Structures*

In the aftermath of the 2011 Uprising, the BICI documented the destruction of 53 religious sites and structures.<sup>368</sup> The commission investigated 30 sites that were heavily damaged. Bahrain's Jaafari Shi'a religious structures can be separated into the following categories: mosques, *Hussainiya*, *madyafa* and shrines. The BICI identified mosques, *Hussainiya* and shrines that were demolished between 1 March 2011 and 11 May 2011. Out of the 30 religious structures investigated by the BICI, 28 were mosques, one *Hussainiya* and one a shrine.<sup>369</sup>

**The 28 demolished Shi'a mosques were the following:**<sup>370</sup> Masjid Al Imam Al Hasan, Masjid Salman Al Faresi, Masjid Al Imam Al Baqer, Masjid Al Mo'men, Masjid Abou Thir Al Ghiffari, Masjid Al Douweira, Masjid Al Imam Al Sadeq, Masjid Al Imam Al Hadi, Masjid Al Imam Al Jawwad, Masjid Al Sheikh Youssef, Masjid Ein Rastan, Masjid Amir Mohamed Mohamed Barbagi, Masjid Fedak Al Zahraa, Masjid Al Rasool Al A'azam, Masjid Al Baqei, Masjid Al Imam Al Sajjad, Masjid Sayeda Zeinab, Masjid Al Imam Ali, Masjid Om Al Baneen, Masjid Abou Taleb, Masjid Salman Al Mohamadi, Masjid Al Imam Al Hasan Al Askari, Masjid Al Imam Al Ali, Masjid Fatima Al Zahraa, Masjid Al Sadeq, Masjid Al Kouweikebat, Masjid Al Sheikh Al A'abed, Masjid Al Wateyya – Masjid Saheb Al Aser wa Al Zaman.

The demolished mosque/*Hussaineya* identified by the BICI was Masjid wa Ma'atam Al Imam Al Hadi.<sup>371</sup> The demolished Shi'a shrine was Maqam Kadam Al Mahdi–Al Wateyya.<sup>372</sup>

According to the BICI, the Shi'a places of worship were demolished by the Bahraini government, in particular by the Ministry of Interior's Department of General Security and the Department of Riot Police.<sup>373</sup> Additionally, the Commission received reports with allegations of plain-clothed agents working for the National Security Agency.<sup>374</sup> In addition to security forces, municipal forces also participated in demolitions.<sup>375</sup> While most of the religious structures were demolished by manual tools

<sup>368</sup> Bahrain Independent Commission of Inquiry, "REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY", 23 NOVEMBER 2011, p. 319.

<sup>369</sup> *Ibid*, p. 320.

<sup>370</sup> *Ibid*.

<sup>371</sup> *Ibid*.

<sup>372</sup> *Ibid*.

<sup>373</sup> *Ibid*, p. 321.

<sup>374</sup> *Ibid*, p. 323.

<sup>375</sup> *Ibid*, p. 325.

(sledgehammers) and heavy machinery (loaders, bulldozers, cranes and heavy trucks), the BICI reported that two mosques, Al Kouweikebat, in Al Kawra Village, and Al Sayeda Zeinab mosque, in Hamad Town, were burned.

The BICI also noted that “During the course of their field visits, commission investigators were informed that General Security and/or riot police forbade locals from removing Qurans and other religious artefacts from the places of worship prior to their demolition.”<sup>376</sup>

While the GoB argued that the demolitions were ordered for security reasons, stating that some mosques were used for attacks on security personnel, the BICI noted that the administrative orders did not invoke security grounds, they were based on violations of administrative requirements. Moreover, the commission concluded that with concern to the timing of the demolitions, which were related to the uprising, the manner in which the demolitions were conducted, and the fact that the religious structures were Shi’a, the demolitions could be perceived as collective punishment of the Bahraini Shi’a population.<sup>377</sup>

According to the U.S. Department of State, although the GoB reported in 2018 it had concluded reconstruction of 27 of the 30 Shi’a religious structures that were destroyed in 2011, Al-Wefaq opposition society reported that 11 of the 30 Shi’a mosques that were destroyed or damaged in 2011 had not been repaired or rebuilt.<sup>378</sup>

In addition to the demolitions, several Shi’a mosques became frequent targets of vandalism following the state of emergency imposed in 2011. Imam Al-Sadiq Mosque, in Duraz, was subjected to vandalism and robbery by security forces on May 13, 2011. Sa’sa’ah Ibn Suhan Mosque, one of the most ancient mosques in Bahrain, was vandalised by security forces and sealed in iron sheets on March 15, 2011. Additionally, the following mosques were vandalised and targeted by security forces in 2011: Imam Ali (A.S) Mosque, Al-Musharaf Mosque, in the village of Jidhafs, Sheikh Yaacoub Mosque, in the district of Noaim, Al-Anwar Mosque, in the village of Al-Daih, Sheikh Ali ibn Lotfollah Mosque, in the village of Jid Al-Haj and Sheikh Mohsin Mosque, in the village of Duraz. In 2015, the Grand A’ali Mosque, the Sheikh Darweesh Mosque, in the village of Duraz, Al-Abd Al-Saleh Mosque, in the village of Al-Hamla were vandalised.<sup>379</sup>

### *Violations of Shi’a Religious Rituals*

Since 2011, the Government of Bahrain has persisted in transforming Ashura – and, in a more general manner, the months of Muharram and Safar of the Islamic hijri year – into an occasion of collective punishment upon Shi’a citizens through the methodical restraint of religious expression and practice of religious rites.

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<sup>376</sup> Ibid.

<sup>377</sup> Ibid, p. 329.

<sup>378</sup> U.S. Department of State, “2019 Report on International Religious Freedom: Bahrain”, Office of International Religious Freedom, available at: <https://www.state.gov/reports/2019-report-on-international-religious-freedom/bahrain/>

<sup>379</sup> International Conference on Persecution of Shi’a in Bahrain, The Persecution of Shi’a Citizens in Bahrain, available at: <https://oldsite.salam-dhr.org/wp-content/uploads/2016/04/Idtihad-Shi’aa-english.pdf>

Violations have thus far have been wide and varied. These include severe restrictions on prisoners exercising their religious rites and obstruction of religious displays, such as signs or any public display of grief; making it hard to participate in the external dress – whether of items or people – in black for mourning. Several reciters (*ruwadeed*) and administrators of Hussainiyat were arrested and investigated by security forces regarding the content of their speeches and elegies. In Manama, many preachers had their speeches censored in an attempt to prevent mass prayers on the night of Ashura. Some had their sermons contested and criminalised due to a “lack of consensus” on Islamic history. Several funeral processions were also attacked with teargas and rubber bullets. What remains a constant element underlying all these instances is their intentionality: they are borne out of a deliberate, state-sanctioned political statement that is part of an institution.

Violations have continued in 2020. Attempts were made to prevent the opening of Hussainiyat, threats were made to block the funeral processions, public signage of Ashura was removed, and successive summons were made by the police to preachers, reciters and chanters of Ashura lamentations. Hussainiyat administrators were also summoned after receiving several threatening phone calls. Moreover, several mosques and Hussainiyat were closed, with plans to close more.

It is here, already following a set of several security measures taken prior to the event and coinciding with security measures in place for the remembrance of Ashura, that Bahraini authorities took advantage of the Covid-19 pandemic to tighten their grip on religious practice with regards to the commemoration. On the 3<sup>rd</sup> of August, a statement was released by Bahrain’s Shi’a theologians, stating to the Shi’a populace that:

“Despite the fact the aforementioned call was to exercise religious freedom according to strict safety measures, Hussainiyat and mosques were not opened on the 6<sup>th</sup> of August as Ashura approached, whilst gyms, outdoor fields, and swimming pools were included in the reopening plans. Prior to that date, many sectors and organisations were opening up, and, soon after, the commercial sector was included. On the 15<sup>th</sup> of August, the Head of the Supreme Council of Health (SCH) Mohamed Bin Abdullah Al Khalifa announced the reduction of the sermon’s length and that the rites and mourning must be performed remotely. Hussainiyat were also only allowed a limited number of staff working on the live broadcasting in accordance to the precautionary measure. The Head of the SCH also regulated the duration of the live sermon to 20 minutes only, as well as preventing funeral processions, visitations, and banquet spreads, though people were allowed to engage in direct food deliveries to houses. The Jaffaria Waqf Directorate (JWD) called on people to stay committed to publicly displaying and dressing in mourning, clarifying that the speakers playing the sermon should start and end according to the duration of the broadcast.”

On the 16<sup>th</sup> of August, the religious leader of Shi’a citizens of Bahrain, Ayatollah Shaikh Eissa Ahmed Al Qassim, issued a statement, commenting that “no place in the country is to be re-opened with specific [health] regulations regarding mass gatherings without the procession of the funeral opening up first. The commemoration is not an afterthought, but at the forefront.”

In a meeting held by the Chairman of the JWD, Yousif bin Saleh Al Saleh, on the 16<sup>th</sup> of August via remote broadcasting with representatives from the funerary services and Hussainiyat, and two representatives from the Bahraini Ministry of Defence, Al Saleh remarked that “the JWD is merely an executive body affiliated with the Ministry of Justice, Islamic Affairs, and Waqf. [The JWD] works

within a framework of government agencies and is bound by its decisions, especially those concerning medical authorities and with what the world is currently undergoing with the Covid-19 pandemic”.<sup>380</sup>

The statement was an official acknowledgement of the non-independence of the JWD from the Ministry of Justice, Islamic Affairs, and Waqf, a violation of Articles 17 and 18 of the Bahraini Civil Law and of Islamic judgements specific to the Shi’a citizens. The JWD also sought to cause clashes between citizens and the administrators of the Hussainiyat with a statement it released on the 21<sup>st</sup> of August, titled ‘The Formation of an Organizing Committee from each Funerary Service to Structure the Reading of Hussain’s Elegies to Prevent Mass Gatherings’. The statement came at a time when Bahraini authorities were limiting and tightening space for freely performing religious rites.<sup>381</sup>

On the 26<sup>th</sup> of August, the Supreme Council of Islamic Affairs announced the gradual return of services in mosques, mass worship and religious gatherings in the foreseeable future, taking into account the necessary precautions and health measures, as well as the health recommendations of the specialised medical authorities, provided that a coordinated plan with the Ministry of Justice, Islamic Affairs, and Waqf is drafted. Harassment over practicing religious rites did not cease after the announcement, however.

### *The State’s Legal Obligation in the Protection of Religious Rites*

The practice of religious rites is an inherent individual and communal right. The Shi’a civilians who subscribe to the Ja’fari sect have their own specific religious rites, which the state must guarantee protection from any external forces who might want to infringe upon this right, hitherto enshrined in the Bahraini Constitution, Article 18 of the Universal Declaration of Human Rights, as well as several other international, regional and Islamic-country conventions. The nature of this right goes beyond the individual: as in the commemoration of Ashura, the exercise of these rights can be performed in a mass setting. Occurrences of exceptional circumstances regarding the commemoration should be handled accordingly with the parties concerned, such as sect practitioners, to set appropriate measures moving forward. With the exceptional circumstance of the Covid-19 pandemic, the nature of the situation requires a coordinated effort between the state and Shi’a theologians.

When the state’s response to such a situation is the imposition of excessive measures or attempts to prohibit public commemoration rites, an individual and community’s right to perform religious practices is infringed upon. As such, the state bears a legal obligation on two ends: firstly, through the recognition of the religious sect’s right to perform the commemorative rites of Ashura and through the acknowledgement of the Shi’a theologians as the appropriate delegation to coordinate the matter, and secondly, to consult with the proper organizers of the event, and ensure that no provocation or harassment of mourners occurs at their sites of commemoration. This is a legal responsibility of the state per Article 22 of the Bahraini Constitution, which states that:

*“Freedom of conscience is absolute. The State guarantees the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings in accordance with the customs observed in the country.”*<sup>382</sup>

<sup>380</sup> Bahrain Mirror article, available at: <http://bahrainmirror.com/news/58352.html>

<sup>381</sup> See JWD statement: <https://www.jwd.gov.bh/ar/latest/news/4054/>

<sup>382</sup> Bahrain’s 2002 Constitution, available at: <https://www.wipo.int/edocs/lexdocs/laws/en/bh/bh020en.pdf>

### Field-monitoring of 2020 Ashura Violations

Violations first began on the 9<sup>th</sup> of August 2020, specifically in Jau and Hidd prison, where numerous inmates went on hunger strike, demanding their right to perform the Hussainiya rites of Ashura. Consequently, five inmates of Jau prison were transferred from Building 14 to Ward 1 in the solitary confinement Building 15. The transfer was a punitive measure, following accusations by the prison administration of inciting detainees in building 14 to begin a hunger strike related to the right to receive treatment and to practice religious rites on 9 August.<sup>383</sup>

The Bahrain Forum for Human Rights, Salam for Democracy and Human Rights and Gulf Institute for Democracy and Hyman Rights documented the following violations in 2020:

#### **Summonses:**

- The heads and members of the funerary service of the Sitra area were summoned and threatened against engagement in funerary activities or organizing Hussainiya mourning operations for Ashura.
- The heads of the funerary services in the Al Musalla area were summoned to investigate the issue of their raising a flag bearing the name of Imam Al Hussein.
- Summoning of the cleric of the Al Na'eem area (20/08/2020).
- Summonses were issued to several homes in the Northern Governorate that displayed Ashura banners (21/08/2020).
- The head of funerary services in Easkan Al 'Aali was summoned and directed to shut off external speakers.
- The organisers of the funerary service and procession were summoned to Manama, where they were subjected to a long arduous investigation and threatened with the revocation of their civil rights as nationals.
- The organisers of a funerary service in Al Na'aem are were summoned to the police station for several charges, one of which was the use speakers (21/08/2020).
- Citizens of the Northern Governorate were summoned by the area's police and instructed to take down the black banners they were displaying, hand them over to the police and sign a pledge not to commit it again (22/08/2020).
- The administrative team of the mosques of Hamad Town was summoned to the police station in 17 Ring Road and told to stop all activities related to the reading and recitation of Hussainiya elegies and other private activities performed on the 10th of Muharram. Mosques that were engaged in broadcasting programs from external sources on their social media accounts were instructed to stop. The organisers were forced to sign pledges not to participate in reciting elegies, broadcasting activities or engaging in other Ashura rites.

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<sup>383</sup> Bahrain Forum For Human Rights, "Information on 5 Prisoners of Conscience Has been Cut Off Since July After a Hunger Strike for Demanding the Right to Treatment and to Practice Religious Rites", August 2020, available at: <https://bfhr.org/english/article.php?id=976&cid=148&st=prison>

- The organisers of funerary operations at the Al Zahra Congregational Mosque in Hamad Town, 10 Ring Road were summoned and told to stop all events related to Hussainiya elegies.
- The organisers of funerary operations at Al Sayed Majid, in the Al Qurayyah area, were summoned to the police station in Budaiya.
- The organisers of funerary operations at Al Sanabis, along with some of the reciters there, were summoned to the exhibition centre in Manama.
- In the Al Dair area, one civilian was summoned to the Samaheej police station and forced to sign a pledge prohibiting him from organising Ashura funerary processions and threatened with arrest if he continued to do so.
- Mohammed Al Haiki from the Al Muharraq area was summoned for raising a black Ashura banner over his house's rooftop.
- The organisers of funerary operations from the Al Qurayyah area were summoned to the police station in Budaiya.
- Several citizens in the Manama area were summoned.
- Dr. Wesam Khaleel was summoned and detained over his reading of the "Visit of Ashura" in one of the Hussainiyat.
- Several citizens of the Karrana area were summoned for displaying black banners from their houses.
- The organisers of funerary operations in Al Sammakeen, in Manama, were summoned.
- The administrators of Abu Saiba Hussainiya were summoned.
- Administrators of several funerary operations in the Al Muharraq area were summoned and forced to sign pledges prohibiting them from carrying out funerary processions.
- Many Shi'a theologians and preachers were summoned.

#### **Arbitrary Detention of Citizens, namely:**

- Cleric of Al Zahra Congregational Mosque, in Hamad Town, 10 Ring Road, was arrested for displaying two Ashura banners and released upon their removal.
- The detainment of Sheikh Ibrahim Al Ansari [upon writing this report, he is still detained].
- The civilian Abd Al Nabi Al Sammak.
- The civilian Nasser Ali Nasser.

#### **Arrests:**

- Seven civilians were arrested in the Dar Kulaib area for hanging Ashura flags and banners. They were released after being forcibly made to sign a pledge.

### **Security Orders for the Closure of Funerary Services and Mosques, Totalling Five Cases:**

- The funerary service of the Martyrs of Al Taff in the Al Na'eem area.
- The Mosque of Sayidda Khadeija in Hamad Town.
- The Al Zahra'a Mosque in Hamad Town, 4 Ring Road.
- The Al-Zahra'a Congregational Mosque in Hamad Town, 10 Ring Road; the locks were changed by the Ministry of Interior.
- The Imam Hasan Congregational Mosque and Centre in the Sadad area.
- Cases of Obstruction to Prevent Gatherings and Funerary Processions:
  - Prohibition on using loudspeakers during a funerary service in Al Sanabis.
  - Prohibition on using loudspeakers during funerary services in Al Qassab and Zubr, as well as several funerary services in towns near Manama.
  - Prohibition on using loudspeakers in Al Qaem ('Aj) funerary service in the Eskan Al 'Aali area.
  - Request to remove chairs set out for the congregation outside of the funerary service of Imam Ali (AS) in the Al Dair area.
  - Issuing a warning against the funerary service in the Malikiya area for carrying out central funerary processions on the 9th day of Muharram.
  - Issuing a warning to the funerary service in the Ansar 'Adala in the Duraz area for carrying out central funerary processions on the 10th day of Muharram.
  - Prohibiting one of the clerics of the Hamad Town mosque from broadcasting their Hussaini gathering on the mosque's official social media account.
  - Issuing warnings to civilians in the Karzakkan area regarding their annual convoy procession to the Malikiya area and informing them of the JWD's limitation to attendees for the funerary service.

It is worth noting that five of the obstruction cases were regarding broadcasting via speakers, even though the JWD permitted the use of speakers, provided that the broadcast duration did not extend over 20 minutes.

### **Cases of Ashura Flag and Banner Removals:**

- Ras Rumman
- South Sehla
- Samaheej
- Karzakkan

- Six incidents in the Al Dair area
- Sitra – Al Kharijiya and Sitra – Wadiyan following a call from the mayor of the capital to the Hussainiyat, demanding the removal of the black banner and flags.
- Hamad Town, 10 Ring Road.
- Dar Kulaib

Additionally, public displays of Ashura and mourning near the mosque in the Bilad Al Qadeem area were vandalised.

*Violations on the Commemoration of the Arba'eeniya of 2020/1442 AH:*

There were many instances of arrests and summonses on the commemoration of Imam Hussein's Arba'eeniya, which was dated this year on the 8<sup>th</sup> of October. The violations incurred by the security forces on the right to exercise religious rites, however, began before the commemoration event, where security authorities summoned human rights activists, warning them not to partake in the events.

On the 7<sup>th</sup> of October, the eve of the commemoration, Shi'a citizens throughout Bahrain took part in remembrance, an exercise of religious rites that was not free from provocations and instigations by security forces. The authorities invoked the Covid-19 pandemic as a reason to prevent the Hussainiya gatherings, yet, on the same night, did nothing to stop the throngs of people from celebrating the victory of a football team. The revellers ignored Covid-19 public health measures, such as social distancing, and many were not wearing medical face masks. It was a vastly different sight from the one in Hussainiya gatherings, where there was a strict adherence to the preventive measures.

<b>Acts of Provocation to Limit Practice of Ashura Rites</b>		
<b>Area</b>	<b>Date</b>	<b>Description</b>
<b>Al Muharraq</b>	<b>7-Oct-2020</b>	<b>Placement of security personnel outside a funerary service to prevent people from entering and taking part in commemoration rites.</b>
<b>Eskan Al 'Aali</b>	<b>7-Oct-2020</b>	<b>Quarrel between security forces and mourners amidst a congregation for the commemoration of the Arba'eeniya.</b>
<b>Karzakkan</b>	<b>7-Oct-2020</b>	<b>Confiscation of loudspeakers and dispersal of gather- ers at a funerary service in southern Karzakkan.</b>

<b>Bani Jamra</b>	<b>7-Oct-2020</b>	<b>Members of security forces took footage of a funerary service and the numbers of houses surrounding it.</b>
<b>Al Qurayyah</b>	<b>7-Oct-2020</b>	<b>Plain clothed members of security forces took photographs of gatherers [to identify later] and their license plates at Hussainiya on the commemoration of the Arba'eeniya.</b>

Some of the violations that occurred during the commemoration of the Arba'eeniya against practitioners have been indexed; they include 36 cases of summonses, 32 cases of arbitrary arrest, and 2 cases of arbitrary arrest on the grounds of commemorating Prophet Muhammad's death on the 16<sup>th</sup> of October.

<b>Summonses</b>				
	<b>Name</b>	<b>Area</b>	<b>Description</b>	<b>Date</b>
1	Ali Al Muhana	Al Daih	Second summons to the Sitra police station within a week, on the charge for calling against normalizing relations with Israel.	4-Oct-2020
2	Ali Al Muhana	Al Daih	Third summons to the Sitra police station within a week.	6-Oct-2020
3	Hajj Abdul Majeed Abdullah	Ras Ruman	Summoned to the Al Khamees police station.	6-Oct-2020
4	Sayyid Sa'eed 'Eisa Hussein	Sitra – Al Kharijiya	---	6-Oct-2020
5	Muneer 'Mushaimei	---	Summoned to the police station at the exhibitions center for the second time.	6-Oct-2020
6	Ali Al Jaziri	Al Daih	---	6-Oct-2020
7	Reciter Ahmed Al Majid	Karzakkan	---	6-Oct-2020
8	Reciter Habeeb Al Mehdi	Karzakkan	---	6-Oct-2020
9	Reciter Mehdi Sahwan	Manama	Summoned to Al Hooraa police station.	6-Oct-2020
10	Reciter Abdulmir Al Biladi	---	---	6-Oct-2020
11	Ali Al Muhanna	Al Daih	Fourth summons to the Sitra police station within one week to confirm that he is adhering to the pledges he signed from previous visits.	7-Oct-2020
12	Faisal Al Shamrookh	Al Sanabis	Director of the funerary service at Al Sana-bis, summoned to the police station at Al Hooraa.	8-Oct-2020
13	Reciter Al Sayyid Hussein Al Malki	Al Malikiya	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020

14	Mehdi Hussein Al Ali	Maqaba	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020
15	Reciter Mehdi Sahwan	Manama	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020
16	Ali Al Hulaibi	---	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020
17	Ahmed Abbas Ali	Karzakkan	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020
18	Hussein Saleh Al Qattan	Karzakkan	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020
19	Ahmed Said Khatem	Karzakkan	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020
20	Ahmed Jawad Ahmed	Karzakkan	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020
21	Abbas Muhammed Mehdi Al Ghasrah	Bani Jamra	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020
22	Al Sayyid 'Adel Hamza	Manama	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020
23	Reciter Qasim Marhoun	---	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	8-Oct-2020

24	Reciter Sadiq Muttar Fateel	Sitra - Mahaza	Summoned to the Sitra police station.	8-Oct-2020
25	Ahmed Nasser	Al Markh	Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.	9-Oct-2020
26	Hussein Al 'Sumai	Al Sanabis	Brother of the martyr Abbas Al Sumai.	12-Oct-2020
27	Reciter Mahmoud Al Fardan	Karzakkan	Summoned to the police station number 17.	12-Oct-2020
28	Muneer 'Mushaimei	Al Sanabis	Brother of the martyr Sami Mushaimei.	12-Oct-2020

29	<b>Muhammed Abbas</b>	<b>Al Sanabis</b>	---	<b>12-Oct-2020</b>
30	<b>Reciter Hussein Gambar</b>	---	<b>Summoned to Al Hooraa police station.</b>	<b>12-Oct-2020</b>
31	<b>Director of the Al Ja'afariya funerary service</b>	<b>Al Daih</b>	<b>Summoned to Al Khamees police station.</b>	<b>12-Oct-2020</b>
32	<b>Faisal Al Shamrookh</b>	<b>Al Sanabis</b>	<b>Director of the funerary service at Al Sanabis, summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.</b>	<b>Oct-2020-13</b>
33	<b>Ja'afer Al Shamrookh</b>	<b>Al Sanabis</b>	<b>Summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.</b>	<b>Oct-2020-13</b>
34	<b>Hassan Al Mu'alma</b>	<b>Al Sanabis</b>	<b>Chairman of the funerary service at Al Sanabis, summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya.</b>	<b>Oct-2020-13</b>
35	<b>Hani Yusef Al Kareem</b>	<b>Al Sanabis</b>	<b>Vice chairman of the funerary service at Al Sanabis, summoned to the police station at Al Hooraa on the charge of participating in the commemoration of Al Arba'eeniya</b>	<b>Oct-2020-13</b>
36	<b>Reciter Al Sayyid Ahmed Hashem 'Alawi</b>	<b>Al Sanabis</b>	<b>Summoned to Al Hooraa police station.</b>	<b>Oct-2020-14</b>

## **Religious Intolerance**

Jawad Fairouz & Andrew McIntosh

Over the past decade Bahrain has actively attempted to rehabilitate its image in the international sphere. Like the Kingdom of Saudi Arabia and the United Arab Emirates, Bahrain's new image has involved the presentation of its liberalisation to international audiences. Liberalisation in Bahrain, like in its Gulf neighbours, implies a newfound openness to the rest of the world, particularly investors. This includes ostensibly promoting gender equality, anti-racism and religious tolerance to international audiences. Bahraini has made several major overtures about religious plurality and tolerance.

In April 2019, Bahraini media magnified several heavily publicised symbolic religious acts. It inaugurated the renovation of the 200-year-old Sree Krishna Temple, with Indian Prime Minister Narendra Modi in attendance. It has since become a locus of diplomacy between Bahrain and India. The largest church in the GCC is currently under construction in southern Manama. Estimated to have cost \$30 million, it will serve as the headquarters of Catholic Church of the Northern Gulf. Shortly after Bahrain normalised relations with Israel, Manama's previously disused Bahrain Synagogue had its first morning minyan in 70 years. After decades of neglect, the government is now partaking in the temple's refurbishment, a development that has been circulated by pro-Saudi media outlets such as Al-Arabiya.

These restorations have accompanied an international charm offensive on social media, promoting Bahrain as a country that embraces religious plurality and tolerance. Such examples of this include MP and chair of CFC Council, Rehman Chisti praising Manama's diverse sites of worship in 2018. His kind words, which claimed Bahrain is a country that allows people to practice their faith freely, were shared by the Bahraini Embassy in the UK on Twitter. These accounts, shared through official Gulf media sources and through state social media accounts are part of a greater post-2011 narrative constructed by Bahraini government and its allies, which depicts the nation as modern, cosmopolitan, tolerant and diverse to audiences abroad. That narrative is also overtly exclusionary of Bahrain's Shi'a population, who have been omitted from the discourse of religious plurality and remain targets of sectarian state policies and hate speech. These narratives are not merely a vehicle of discrimination and censorship but are part of the cultural hegemony that has emerged in the aftermath of the failed 2011-Uprising, which culminated in the retaliatory destruction of Shi'a mosques and shrines and policing of Shi'a neighbourhoods.

The Pearl Uprising of 2011 attracted both Shi'a and Sunni Bahrainis, who were united by dissatisfaction with a lack of democratic representation and gross inequality between the royal family and the rest of the Bahraini population. Being a nation that has long utilised racism and sectarianism as a divide and rule tactic, the prospect of mass protests using the slogan "Not Shi'a, not Sunni, Bahraini" posed a significant symbolic threat to the hegemony of minority rule established and maintained by the Sunni Arab Al-Khalifa regime.

After the protests were violently suppressed and political opposition banned, Bahrain constructed a new hegemony that reaffirms a culture of religious inclusion and tolerance but also reinforces Sunni Arab primacy – the identity of the royal family and government – as the cultural "norm" whilst heavily regulating Shi'a activities on the island.

In the immediate aftermath of the 2011 protests, security forces damaged or destroyed at least 53 Shi'a mosques and religious institutions. Of these, at least 28 were entirely demolished. This included locations of great religious significance to Shi'a Bahrainis, such as the 400-year-old Sheikh Mohammed Al-Barbaghi Mosque, and the shrine to Sa'sa' bin Sohan, the revered companion to Ali. As of present, the government has failed to fully rectify this. Numerous holy sites either have not been rebuilt or have been rebuilt in new locations that obstruct them from public view, as representations of Shi'a Islam has increasingly been subject to government control.

Since 2011, the Bahraini government has sought to regulate Shi'a community leadership. Government-run television stations do not broadcast Friday sermons from Shi'a mosques, whilst sermons from Sunni mosques appear regularly on these channels. Currently, the only Shi'a organisation permitted is the Jaafari Shi'a Endowment Administration, which is directly run by the Ministry of Justice and Islamic Affairs, with its board members appointed by Royal Decree. In June 2014, the government dissolved the Islamic Awareness Society and the Clerics Council. Police summons have also been sent out to Shi'a clerics who led these institutions. They were charged with infractions such as raising money without a licence. From 2011-2017, 73 Shi'a religious scholars were arrested, 60 within a period of two months. In custody, clerics have had their faith insulted, been verbally abused, and psychologically and physically tortured to force confessions.

From 2011-2017, five Shi'a clerics have been banned from preaching, 19 have had their nationalities revoked, 37 have been imprisoned – eight of which were given life sentences – and three have been sentenced to death in absentia. Shi'a religious figures who are permitted to preach are supervised by the state, being required to provide their sermons to government handlers in advance. Events that are viewed as "spontaneous" or difficult to control, such as funerals and Ashura, have been repeatedly suppressed.

This past year, attempts were made to prevent the opening of Hussainiyat, threats were made to block funeral processions, public signage of Ashura was removed, and successive summons were made by the police to preachers, reciters, and chanters of Ashura lamentations. Additionally, several mosques and Hussainiyat were closed. The official reason given was to prevent the spread of Covid-19, yet gyms, outdoor fields, and swimming pools were re-opened during this same period. The Head of the Supreme Council of Health, Mohamed Bin Abdullah Al Khalifa, regulated the duration of the live sermon to 20 minutes. Funeral processions, visitations and banquet spreads were prevented. Moreover, Shi'a who partook in processions were widely vilified in the Bahraini press and on social media as backwards or zealous 'spreaders' of the pandemic. That narrative was intended for domestic audiences.

From an outside perspective, this considerable contrast between Bahrain's international image of religious tolerance abroad and the heavy-handed regulation of its Shi'a population at home can be viewed as inconsistent or hypocritical, but this duality serves a purpose. These narratives, in which Bahrain depicts itself as a beacon of religious tolerance whilst sectarian policing becomes more prolific, constructing a hegemony in which the Bahraini state has deployed institutions of its civil society to create a new post-2011 consensus. It is a hegemony in which the new, post-uprising Bahrain has assimilated egalitarian slogans of the 2011 Uprising and placed them under the authority of the Al Khalifa, whilst the country's Shi'a majority are selectively vilified as disloyal and dangerous. Thus, the edifices of their belief and culture are hidden from the world and slowly erased from Bahrain's story and memory.

### **Interviews with Victims and Activists**

Abbas Taleb

*Ebtisam Al-Saeegh (human rights activist and victim of torture)*

**How do you evaluate the situation in Bahrain over the past decade? What is the general feeling in the community about the violations that have occurred / are still occurring?**

There is a lack of seriousness in resolving the Bahraini political crisis, which has caused more human rights violations over the past decade. Justice has not been achieved for victims of torture, as the courts did not investigate the torture testimonies of defendants, and we still have not heard the truth about the circumstances of those killed under torture. What happened in 2011 is still happening in 2020: there is a policy of impunity for torturers, disinformation media tools and organisations that operate openly, which normalises injustice against citizens. And yet they fail because victims' voices are louder and genuine: unemployment is still rising, the middle-class has disappeared and poverty is rising.

A state of frustration is spreading in society due to the rule of a police state that ignores international recommendations, with coverage by governments that deals with the right to self-determination for peoples according to their interests.

**A decade after the 2011 Uprising, was there any accountability for the mass human rights violations that occurred? Is there any indication that there will be any accountability?**

There are mock courts for some junior officials whose names were mentioned in testimonies from survivors, but the courts have not delivered justice for the victims. Senior officials who gave the orders to commit serious human rights violations such as torture are still protected and under the state's immunity, while all human rights bodies, led by the National Committee for Human Rights, which were appointed by the king, confirmed people were subjected to physical and psychological torture in order to confess, which put them in prison, serving harsh sentences. Some of the victims were civilians tried by military courts, which only confirms that the judiciary in the country is not just or fair.

**The government is now working on a national action plan for human rights that does not include the opposition, human rights defenders or political activists. What is your opinion of that?**

Anything that is launched under any title that excludes a big segment of society is null; devoted to tyranny and a policy of exclusion and marginalization that leads to decisions inconsistent with the aspirations of the people. This repeated error made by the authorities causes the birth of a new movement every few years. A machine of repression will always result in a social explosion.

**How do you see the future under the current conditions of the country, will there be justice and fairness with the current system? What is your message to the international community?**

With a policy of impunity, there is no justice, and with the exclusion of opponents, there is no real participation or representation. This is how the balance of justice becomes flawed, as there are no real intentions from the current system to open the way for change. That is why there no trust can be built without adopting the foundations for transitional justice.

My message to the international community is that oppressed people are waiting for a real victory for their rights, and the right to self-determination represents the people who are eager for international support to deliver them justice and respect for the principles of human rights. Your support will contribute to strengthening these principles in societies deprived of justice.

“Bent el Sheikh” (identity withheld for their protection)

**How do you evaluate the situation in Bahrain in the past decade? What is the general feeling in the community about the violations that have occurred / are still occurring?**

There are mass violations of human rights by all standards: extrajudicial killings, torture and arbitrary arrests, while reinforcing a policy of impunity. The government is wasting public money to whiten its ugly face and Bahrain’s high public debt due to administrative corruption, lack of accountability, while it’s been attacking the rights of citizens such as retirees, depriving citizens of their most basic rights, and fighting them for their livelihoods. There has been a confiscation of freedoms in the name of rule of law that criminalises the right to criticise the authorities and their corruption. There is public discontent with these violations, the marginalisation of the people and the violation of their rights, and they hope for change and reform for the future of the country and the next generation.

**A decade after the 2011 Uprising, has there been any accountability for the mass human rights violations that occurred? Is there any indication that there will be any accountability?**

Perpetrators still enjoy full power under a policy of impunity. I do not think there are any indications that there are legal issues for perpetrators, but I hope I am wrong. I am truly waiting for their inescapable divine justice.

**The government is now working on a national action plan for human rights that does not include the opposition, human rights defenders or political activists. What is your opinion of that?**

In order for this plan to be completed, there should be participation by all organisations in civil society. Otherwise, it is fake and does not represent a real desire for reform.

**How do you see the future under the current conditions of the country, will there be justice and fairness with the current system? What is your message to the international community?**

There may be some slight changes that do not really sing, as they say. As for justice and fairness, I do not think it will be fulfilled. All that is happening in the country in terms of injustice, violations and killing outside the law, the one responsible in the first place is the ruler and nothing happens except by his order.

The international community should play a great role in putting pressure on the authorities and holding them accountable for their violations of human rights.

A Lawyer Activist (identity withheld for their protection)

**How do you evaluate the situation in Bahrain in the past decade? What is the general feeling in the community about violations that have occurred / are still occurring?**

In the past decade, a state of gross violations of human rights has prevailed: one that partakes in murder and imprisonment for exercising freedom of expression and opinion, trials outside the scope of justice

and verdicts based on confessions extracted under systematic torture. Today, society is frustrated with the injustice it has been subjected to and aspires to achieve justice and equity, provision of basic rights for all, and the pursuit of establishing all human rights principles

**A decade after the 2011 Uprising, was there any accountability for the mass human rights violations that occurred? Is there any indication that there will be any accountability?**

Yes, there has been some accountability and there were trials, but the situation has not changed and there are still violations, transgressions and infringements upon human rights.

**The government is now working on a national action plan for human rights that does not include the opposition, human rights defenders or political activists. What is your opinion of that?**

If the plan was national, it would include everyone, whether they are opposition or anyone else. Therefore, it is not a national plan because it does not include everyone.

**How do you see the future under the current conditions of the country, will there be justice and fairness with the current system? What is your message to the international community?**

The future, as is evident from the current circumstances, is dark and gloomy and does not bode well in all areas: at the religious, economic, and political level.

We demand a serious and real intervention from the international community, in which results are tangible and satisfy everyone: lift the state of persecution, injustice and violations. We also hope a general breakthrough is achieved in all areas and everyone enjoys a state of justice and fairness without any discrimination.

*A Journalist (identity withheld for their protection)*

**How do you evaluate the situation in Bahrain in the past decade? What is the general feeling in the community about violations that have occurred / are still occurring?**

The general feeling is one of extreme frustration at the bad conditions because there is no real desire to correct all the mistakes accumulated for decades, the most important of which is the imposition of a fair system of accountability. The perpetrators and instigators were not punished, despite the gravity of their crimes. On the contrary, they were rewarded.

**A decade after the 2011 Uprising, was there any accountability for the mass human rights violations that occurred? Is there any indication that there will be any accountability?**

After a decade, officials and perpetrators have not been held accountable for violations, which is one of the most striking headlines that accumulated public frustration, especially those took part in the extrajudicial killing of citizens in 2011. I do not see any positive sign of the existence of accountability intentions other than absolute confidence in God's justice.

**The government is now working on a national action plan for human rights that does not include the opposition, human rights defenders or political activists. What is your opinion of that?**

Any approach to a solution based on exclusion is in fact an exacerbation of aggravation and devotion to tyranny. The homeland is supposed to be an umbrella for all, not for one group without the other.

**How do you see the future under the current conditions of the country, will there be justice and fairness with the current system? What is your message to the international community?**

No solution can emerge in the future without liberating the national decision from blind subordination, and without imposing honest, real reforms that implement the principle of social justice, including accountability for the perpetrators and redress for the victims.

As for my message to the international community: your inability to act and your ignorance of these issues is a wound to us, and a betrayal of all the lofty principles that pushed for the formation of a true international community, aiming to affirm the basic principles of human rights.

*A Prominent Environmental Activist (identity withheld for their protection)*

**How do you evaluate the situation in Bahrain over the past decade? What is the general feeling in the community about violations that have occurred / are still occurring?**

My assessment of the situation in the past decade is that it was the most difficult and cruel thing that the people of Bahrain have suffered from since the advent of Al Khalifa rule in Bahrain.

**A decade after the 2011 Uprising, was there any accountability for the mass human rights violations that occurred? Is there any indication that there will be any accountability?**

There will be no voluntary accountability or investigations into violations and repressive practices by the regime, since that is what the regime wants. Every violation came with the blessing of their decision-makers.

**The government is now working on a national action plan for human rights that does not include the opposition, human rights defenders or political activists. What is your opinion of that?**

When the government senses international pressure or criticism, it rushes to implement programs and propaganda, such as forming investigation committees and others, all in order to exploit and continue the situation.

**How do you see the future under the current conditions of the country, will there be justice and fairness with the current system? What is your message to the international community?**

We must first agree that the demands of the people of Bahrain are no longer only a local matter, but an issue that has become regional after the war on Yemen, Trump's cancellation of the Iranian agreement, etc. But if there is a glimmer of hope in resolving the situation, it will depend on the regional results emerging. For example, the advent of President Biden, or if there were a Saudi-Iranian rapprochement. Otherwise, our situation will continue for a long time, with a regime that hates us.

*An Activist (identity withheld for their protection)*

**How do you evaluate the situation in Bahrain over the past decade? What is the general feeling in the community about violations that have occurred / are still occurring?**

There is no doubt that the past decade in Bahrain, starting in 2011, was among the worst in terms of security and human rights. It was reflected on all levels of development, economy, and even the educational upbringing of future generations. The (police) security mentality contributed to the militarisation of all educational, health and worship sectors, and even the militarisation of legislation based on a security mentality over this past decade, which in its entirety represents the longest political crisis in Bahrain's history.

Now that the security grip has been tightened on the movement, it is natural that surrender and fear will prevail in sectors of society. Tens of thousands were prisoned, thousands of others are still serving long sentences, and hundreds of civilians were killed, displaced, chased and dismissed from their jobs. Undoubtedly, it was a fatal blow.

**A decade after the 2011 Uprising, was there any accountability for the mass human rights violations that occurred? Is there any indication that there will be any accountability?**

A desire to get out of the bottleneck is the situation that prevails in public through a solution by one party (the government). No one imagines dialogue or negotiation with the opposition parties. No one expects accountability or transitional justice. But despite this, the public still remembers the bloody era. According to experts, transitional justice is the only guarantee of political stability.

**The government is now working on a national action plan for human rights that does not include the opposition, human rights defenders or political activists. What is your opinion of that?**

We live in the twenty-first century. There is no longer a place for monologue, dialogue is the only way to solve crises. The decision of the Bahraini government to go it alone with the solution means the continuation of the causes of the political crisis and postponing it to erupt with another spark to come. No "national action" plan can be national without including all parties, it is an authoritarian plan.

**How do you see the future under the current conditions of the country, will there be justice and fairness with the current system? What is your message to the international community?**

According to experts and the opinions of all those who preceded militants in India, South Africa and Latin America, everyone agrees that there is no way forward except through transitional justice, accountability and justice for the victims.

Our message to the international community is to stand with the victims of violations and put pressure on this direction. The solution from one side is a step backward, no doubt.

*An Activist (identity withheld for their protection)*

**How do you evaluate the situation in Bahrain over the past decade? What is the general feeling in the community about violations that have occurred / are still occurring?**

The situation in Bahrain is still somewhat complicated in terms of human rights and there are no clear matters. The general feeling, from my point of view, is a result of a difficult security and political situation, where a percentage of people are only waiting for their children to leave prison. There are no other human rights demands among the people, and this was a natural result of the fierce security grip that has been placed on Bahrain, like punishing every person who wants to talk about human rights or politics. For example, there is the case of Dr. Sharif Swar.

**A decade after the 2011 Uprising, was there any accountability for the mass human rights violations that occurred? Is there any indication that there will be any accountability?**

In fact, we have not seen, as local organisations, seen any real accountability for those responsible. There are only official media statements about accountability, but the violations themselves continue, and this is an indication of the absence of accountability. That contributes to stopping or reducing the violations.

**The government is now working on a national action plan for human rights that does not include the opposition, human rights defenders or political activists. What is your opinion of that?**

From my point of view, it is a mistake to banish civil rights organisations as well as human rights activists from the scene because they carry a vision and experience. They might help official authorities develop solutions to the human rights crisis.

**How do you see the future under the current conditions of the country, will there be justice and fairness with the current system? What is your message to the international community?**

Without doubt, there is a relative change from what it used to be, but as I mentioned above, the reason is, from my point of view, due to the fierce security grip, and not the result of a real solution, which is not a stable situation.

My message is we need more work and pressure for real human rights reforms that enhance an actual respect for human rights, guarantees of freedoms, and work on developing a transitional justice plan that would do justice to the victims.

## **Accountability for Past and Current Human Rights Violations in Bahrain**

Drewery Dyke

*“Five years have passed since the government [of Bahrain] agreed to adopt the measures the Bahrain Independent Commission of Inquiry report said were needed to address the serious human rights violations committed during the 2011 uprising and hold those suspected to be responsible to account. The Bahraini government claims that the human rights oversight bodies it created, the Ombudsman of the Ministry of Interior and the Special Investigations Unit, have served this purpose. Much work is still needed to break the country’s long-standing culture of impunity. The Ombudsman and the Special Investigations Unit need to urgently address their failings if they are not to lose credibility.”*

*[Amnesty International](#), 22 November 2016*

[Royal Decree No. 28 of 2011](#), which created The Bahrain Independent Commission for Investigation, addressed accountability under Article 10. It states that:

*The Commission is free to make any recommendations, in particular recommendations for further official investigation or prosecution of any person, including public officials or employees, recommendations for reconsideration of administrative and legal actions, and recommendations concerning the institutionalization of mechanisms designed to prevent the recurrence of similar events, and how to address them.*

Chapter VI of the [BICI report](#), entitled “Allegations of Human Rights - Violations Against the Person”, details cases in which specific Bahraini officials and other, unspecified officials were responsible for deaths or injuries.

In some cases, the report states that the government took steps to hold officials reportable. Paragraph 875 states:

*The MoI [Ministry of Interior] investigation into the death of Ali Isa Ibrahim Saqar has resulted in the prosecution of five individuals.<sup>384</sup> On 25 May 2011, the MoI referred charges of manslaughter against two MoI personnel to a military court. A further three MoI personnel have been charged with failing to report this crime. The Commission concludes that this death is attributable to Mr Saqar’s mistreatment while in custody.*

While the Office of the Public Prosecutor could be expected to deliver accountability pursuant to a well-founded claim, the BICI and subsequent measures resulted in the creation of five state bodies, each mandated to address questions of accountability:

1. The [BICI Follow-up Unit](#), a temporary body that ended its work around 2014.<sup>385</sup>
2. The [National Commission](#) to review the recommendations of the Bahrain Independent Commission of Inquiry Report, which also appears to have ceased operations: the last information on the site from 2013.
3. The **National Security Agency Ombudsman** mandated it to receive and examine complaints of human rights violations by NSA officers and refer relevant cases to other authorities, in coordination with the Office of the Public Prosecutor. In November 2016, Amnesty International stated that it had not published any reports.
4. The **Prisoners and Detainees Rights Commission** mandated in September 2013 to “safeguard detainees and prisoners against mistreatment, including by carrying out unannounced inspection visits to prisons and other places of detention”, it appears to exist in name alone, although up to 2016 it published, *inter alia*, prison inspection reports.<sup>386</sup>
5. The [Special Investigation Unit](#) (SIU) appears to occasionally tweet reports of its activities. In January 2021, it [reported](#) that Bahrain’s Attorney General established a “Victims and Witnesses Affairs Division”.

The impact or effectiveness of these institutions – are at best unclear or unknown. A further two institutions appear to be the only two that have effective operations at the time of writing. The:

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<sup>384</sup> A footnote here states that the individual is Case No. 23, details of which the BICI Commissioners set out in the report. See page 451 of the report.

<sup>385</sup> The last press release of this organisation is dated 2014. See: [http://www.biciunit.bh/en/pdf/Press%20Release%20\(59\).pdf](http://www.biciunit.bh/en/pdf/Press%20Release%20(59).pdf), accessed 29 January 2021

<sup>386</sup> Amnesty International: Bahrain - Window dressing or pioneers of a change? An assessment of Bahrain’s human rights oversight bodies, 21 November 2016, <https://www.amnesty.org/en/documents/mde11/5080/2016/en/>, accessed 28 January 2021, page 13.

1. [National Institution for Human Rights](#) (NIHR), is mandated to protect, uphold, develop, and promote human rights. It can, in theory, refer matters of concern to the Public Prosecutor.
2. [Ombudsman of the Ministry of the Interior](#), established in 2013, it “*informs the competent authority in the Ministry of Interior to take disciplinary action against violators employed by the ministry [and] informs the public prosecutor in the cases that constitute criminal offenses.*” On page 17 of its 2019/2020 [report](#) (the English version), it states that it received 50 complaints related to the administration of justice (see box) but it does not state what action it took, if any, to rectify them.

With regard to developing a culture of respect towards the rule of law and norms of accountability, the role of the NIHR appears equally in the balance. In a 18 December 2020 [statement](#) criticising human rights bodies and the Qatar-based *Aljazeera* broadcasting platform, the NIHR stated that it is “*fully prepared to cooperate with all bodies and organisations in order to reveal the truth and protect human rights.*” Yet neither it nor government nor parliamentary officials have replied to emails on 10 and 22 December 2020, in which SALAM DHR requested, of those bodies, to be involved in the “National Action Plan for Human Rights”.

Ombudsman of the Ministry of the Interior - 2019/2020 <a href="#">report</a> (page 17) <b>Organisations to Which Complaints Were Referred for Criminal / Disciplinary Investigation</b>	
<b>Directorate</b>	<b>Number of referred complaints</b>
Public prosecution	0
Special Investigation Unit	23
Security Prosecution	25
Disciplinary Committee	2
Total	50
<b><i>Flawed Methodology?</i></b> SALAM DHR is concerned that the Ombudsman’s office considers its cases arbitrarily. On 17 May 2020, and once again on 16 July 2020, SALAM DHR and four other human rights organisations wrote to the Ombudsman to express grave concerns over evidence that 12 individuals faced unfair trials in capital (death penalty) cases. <sup>387</sup> Directing our	

<sup>387</sup> The other organisations were Amnesty International, Ensemble Contre la Peine de Mort, Gulf Institute for Democracy and Human Rights and Organisation Mondiale Contre la Torture.

shared concern to the Public Prosecution, its 2019/2020 records nevertheless show that they received no complaints. On 11 August 2020, in the absence of a substantive response from the Ombudsman, the NGOs published their findings in an [Open appeal to His Majesty, King Hamad bin Isa Al Khalifa, Kingdom of Bahrain](#). On 19 July 2020, the Ombudsman wrote to SALAM DHR to inform it that a fair trial in death penalty cases was outside of its remit. If this institution is unable to investigate evidence of an unfair trial in death penalty cases.

RE: Questions about death penalty cases in Bahrain

19 July 2020 at 12:34 British Summer Time

From: inter <inter@ombudsman.bh>

To: [REDACTED] <[REDACTED]@salam-dhr.org>, [REDACTED] <[REDACTED]@salam-dhr.org>, Complaints <complaints@ombudsman.bh>

Cc: [REDACTED]

Dear sir/ madam,

Thank you for contacting the Ombudsman Office for Ministry of Interior in kingdom of Bahrain.

In line to its commitment to its jurisdiction, the Ombudsman Office is happy to investigate any complaints and/or assistance requests within that jurisdiction.

You will understand that the Ombudsman Office would not be able to provide any information regarding the mentioned concerns as it is out of its remit.

Hope you will find this helpful.

إدارة التعاون الدولي والتطوير  
Directorate of International Cooperation & Development

البنود العامة  
General Conditions  
2019/2020

SALAM DHR acknowledges, as set out in the BICI Report, that cases of alleged human rights violations have been passed on to the Public Prosecutor. A [press report](#) in May 2013 concerning the trial of a police officer accused of killing a demonstrator stated only that it had been adjourned. A [October 2013 report](#) of a conviction of a police officer, who reportedly shot a demonstrator dead, stated that officials reduced his sentence from seven to three years.

SALAM DHR has been unable to determine the exact number of officials whom the authorities tried, convicted, and imprisoned for reasons of criminality, negligence or in connection with human rights violations. We have been unable to derive a model of limited accountability in order to understand whom the authorities identified to carry the burden of state-apportioned responsibility for the violations sanctioned by the authorities. A mix of anecdotal and documented reports suggests that those who were often blamed were security officials from non-Bahraini backgrounds. All such reports are opaque and incomplete. They do not amount to evidence showing that the GoB takes accountability seriously or that post-BICI institutions are in any way credible.

### International Accountability

The Bahraini authorities are unable or unwilling to have state officials held accountable for criminal acts or human rights violations, from March 2011 onward. The oversight bodies established by the BICI process, along with the judiciary itself, lack the independence needed to investigate, prosecute, and imprison state officials for the crimes and violations they visited upon their fellow citizens fairly and equitably.

However, the advent of targeted sanctions arising from provisions passed by the United States, the Russia and Moldova Jackson–Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012, have inspired activists world-wide. On 7 December 2020, the [Council of the European Union adopted a Decision and a Regulation establishing the EU Global Human Rights Sanctions Regime](#). Other states have likewise enacted analogous legislation.

A legal innovation inspired by the concept of universal jurisdiction, such provision:

*[enables the EU \[or other, relevant state\] to target individuals, entities and bodies – including state and non-state actors – responsible for, involved in or associated with serious human rights violations and abuses worldwide, no matter where they occurred.](#)*

SALAM DHR is assessing whether and how such provisions can be deployed to advance accountability in the Bahraini context, whether in the EU or elsewhere. The organisation is aware of allegations made by, *inter alia*, ADHRB in respect to abuse reportedly meted out by various individuals.<sup>388</sup>

As the decade following the uprising unfolds, SALAM DHR, along with like-minded activists and organisations, will demand greater acknowledgement and accountability for the suffering that officials inflicted upon the people they were meant to protect and serve. The calls for justice and reparation remain unabated. Where the Bahraini legal-political context has failed, its international reflection has continued to provide a beacon for justice.

### **Conclusion: A Vision for Human Rights Reform in Bahrain**

Jawad Fairouz, Andrew McIntosh & Abbas Taleb

Although the GoB has consistently flouted recommendations set by the UN and other countries, it is not impervious to international pressure nor is it incapable of reform. Many of Bahrain's recent reforms

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<sup>388</sup> Several of these names were included in a letter sent by ADHRB to the Secretary of State in 2019 requesting Bahraini individuals involved in human rights violations to be barred from entering the United States. See the letter here: <https://www.adhrb.org/2019/05/adhrb-sends-public-letter-to-secretary-of-state-calling-for-bahraini-individuals-involved-in-human-rights-violations-to-be-barred-entry-to-us/>.

have been little more than window dressing to continue the Al Khalifa hegemony. However, that does not mean that Bahrain's small victories for human rights cannot expand from this progress.

Bahrain has the means to engage in comprehensive human rights reform. It should adopt a concept of reform within the framework of a work project and within a human rights methodology. This would be the first step to rooted and sustainable political reform in the kingdom.

This could be used to spearhead an integrated project for human rights reform that includes the visions, goals, mechanism means within the framework of an action programme, accompanied by a timeframe for implementation and follow-up. It is also necessary for a harmonising project that stressed transitional justice and redress and reparations to victims. This would be guided by international human rights standards.

In order for such a project could only be taken seriously, the GoB should take serious steps to enhance public and international confidence by releasing all prisoners of conscience, including but not limited to the "Bahraini Thirteen " and all other members of the political opposition. Most importantly, it must establish a comprehensive programme to implement all the recommendations made by the BICI in 2011 and subsequent recommendations by universal periodic review and international human rights bodies. It must also allow UN special rapporteurs to enter the country, with full co-operation from Bahraini authorities.

Moreover, following such recommendations would include amendments to local legislation and administrative decisions regarding international charters, conventions and treaties. This will require co-operation and co-ordination with relevant human rights organisations in Bahrain and abroad, as well as all UN international human rights bodies, for preparing programmes and plans for human rights reforms. This would involve restructuring the National Institution for Human Rights within an international framework, such as the Paris Principles.

The GoB must also commit to the rule of law and follow its own legislation. This entails ensuring there is a clear separation of powers within the Bahraini government, which would be accomplished by enacting laws and regulations that guarantee the independence and transparency of the judiciary. It must also ensure the independence of lawyers, guaranteeing their protection by law and allowing the Bar Association to operate without any interference by the authorities. Most importantly, it must allow lawyers to defend their clients without fear of reprisal.

The people of Bahrain deserve the right to right to freedom of speech and freedom of the press. They should have full access to information, such as news and opinions that do not necessarily align with the interests of the GoB. This would be an important step towards allowing them to exercise their right to participate in honest, free elections, in which citizens are permitted to participate in free inquiry/debate and check their own decision making.

Bahrain's security forces must be reformed. Security forces, and the perpetrators within them, must be subject to full accountability for gross human rights violations. They must also facilitate redress for those who have been victimised and ensure that victims are made aware that they have the right to reparations.

These reforms are critical to the liberalisation and democratisation of Bahrain, the very thing the country's rulers claim to be embarking upon. The primary difference, however, is that these goals would

unambiguously advance the interests of Bahrain's people, regardless of their ethnicity, sect or politics. Without them, the country remains subject to the whims of the ruling family, which has yet to guarantee even basic freedoms or security to their people.

### Recommendations

Movement towards a representative democracy that enshrines human rights and equality to all in practice will take considerable effort on the part of the government of Bahrain and the international community, but it is not an impossible task. Bahrain currently has the mechanisms to institute legal and administrative reforms, which would be critical to fostering representation and rule of law. The Government of Bahrain can take immediate steps to facilitate reform. To ease sectarian tensions and promote reconciliation, the Government of Bahrain should take active steps towards reform. In light of the above findings, Salam DHR makes the following recommendations.

#### **To the Government of Bahrain:**

- Immediately issue a standing, open invitation for UN Special Procedures to undertake missions to the country
- Take concrete steps to implement, without delay, the recommendations made by successive UN treaty bodies
- Reform the electoral law to allow better representation in the Bahraini Parliament
- immediately reincorporate all dissolved political parties
- Immediately and unconditionally release all prisoners of conscience who have been sentenced for exercising their right to freedom of expression, association or assembly
- Remove restrictions on freedom of association, including those in the Law on Political Associations (Law 26 of 2005 and its amendments) and on peaceful assembly, including those in the Law on Public Gatherings (Law 18 of 1973 and its amendments)
- Cease all persecution policies against the Shi'a religious faith, release religious scholars and leaders and cease the further demolition of Shi'a religious structures
- Immediately end the practice of arbitrary citizenship revocation
- Reinstatement full citizenship and concomitant rights to the hundreds of nationals whose citizenship has been revoked through executive orders or unfair court decisions since 2012, especially those targeted for the exercise of their fundamental human rights
- Repeal Article 10 of the Citizenship Law of 1963 which allows the Ministry 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"

- Repeal provisions contained in Decree Law No.47 of 2002, concerning the regulation of the press, printing, and publishing, under which journalists and activists can be prosecuted and given sentences up to five years in prison
- Repeal Article 88 of Decree Law No.47 under which journalists are required to obtain a licence from the Information Affairs Authority, to be renewed annually (in order to) work with foreign media outlets
- Immediately halt the implementation the death penalty, quash all death sentences, and declare a moratorium on its practice, in line with successive UN resolutions on the death penalty
- Adopt the Basic Principles on the Independence of the Judiciary adopted by the UN in 1985.

The international community has the means to facilitate these reforms. They can play an invaluable role as human rights champions.

#### **To the International Community:**

- Publicly urge the Government of Bahrain to halt the use of torture, including by the way of sexual torture
- Make the sale of any military, security, or police equipment or supplies subject to written guarantees that they will not be used in instances which could be construed as violations of international human rights or humanitarian law
- That current members of the United Nations Human Rights Council, publicly call on the government of Bahrain to engage with international human rights mechanisms, including by issuing an immediate, unconditional, and open invitation to UN special Procedures to visit the country
- Urge the government of Bahrain to respond promptly to the request to the visit of the UN Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment
- Urge the government of Bahrain to respond promptly to the request to the visit of the UN Special Rapporteur on freedom of religion or belief
- Allow the UN to utilise an international court to bring justice to all officials involved in abuses and torture
- Oppose and restrain death sentences lacking conditions of fairness, transparency and fair litigation and compel the Government of Bahrain to abolish the death penalty against political and human rights activists who exercise their right to freedom of expression

Bahrain's history and present have been one of suppression, but that shadow has always been cast by the light of potential reform. Even as Bahrain has grown more authoritarian over the past decade, this has occurred because the regime fears it could lose its monopoly on power because of pressure within the country and from the international community. Whilst the GoB has endeavoured to send a message

that reform can only happen on its terms, it is pressure from the international community and support for those silenced in Bahrain that continues to make genuine, lasting change possible.