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Human rights situations that require the Council's attention

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Extrajudicial Killings in Bahrain*

Since 2011, Bahrain faces political movements and a wide scope of protests, where excessive force is being used despite its peaceful nature. The authorities in Bahrain assigned international expert Dr. Mahmoud Cherif Bassiouni to found the Bahrain Independent Commission of Inquiry to conduct investigations regarding the events of February and March 2011 when the movements and protests began. Many victims fell because of the violations, torture and use of force on protesters. After the BICI concluded its investigations, it listed results that confirm the death of a number of victims because authorities didn't abide by the principles of using force and weaponry. Some cases were described as extrajudicial killings.

With some of the changes in the way the Bahrain government handles demonstrations, processions and assemblies continue to use excessive force on a large part of these demonstrations despite its peaceful nature. This is because the Bahraini government considers them to be illegal processions and assemblies for not giving prior notice to the Ministry of Interior Affairs, which led to tens of victims and injuries over the course of the past few years.

The Bahraini government describes opposing marches as violent or illegal merely because it did not give prior notice or it raises slogans opposing to the government or it refuses to disperse in rare cases. Most of the time, security forces practice excessive force on these demonstrations, although the law forbids this unless these assemblies act in such a way that authorizes such violence. This violence does not apply to most assemblies and processions in Bahrain in the past few years.

It is noteworthy to mention that in many cases, security forces continue to use force and collective punishment in the areas that demonstrations take place in even after demonstrators disperse. Security forces use, in many cases, force and weaponry without justification and in an inappropriate manner, as well as unjustified excessive use of tear gas, directly launched in houses. In some cases, tear gases are thrown at a low level and directly onto protesters, which led to many injuries and deaths, especially when at a short distance. All these are done in a manner that violates the principles of necessity and proportionality.

It is evident that all protests in Bahrain end peacefully with no violence whatsoever if security forces would not intervene to forcefully disperse them. The Bahrain Independent Commission of Inquiry similarly described, in its watch report, "the governmental authority's use of force". For example, paragraphs 1112 and 1113 as well as other paragraphs cite the security forces' violation of the law pertinent to the use of force in gatherings, which is the reality of matters to this day.

Paragraph 1112 describes the security forces' violation of the principles of necessity and proportionality and unjustified use of force; "An examination of the evidence presented to the Commission has revealed that PSF units involved in the events of February/March 2011 and subsequent events in many situations violated the principles of necessity and proportionality, which are the generally applicable legal principles in matters relating to the use of force by law enforcement officials. This is evident in both the choice of weapons that were used by these forces during confrontations with civilians and the manner in which these weapons were used. The following paragraphs address the issue of necessity and proportionality with respect to the use of shotguns, tear gas, rubber bullets and the conduct of security forces at checkpoints."

- The Court of Appeal acquitted a security officer who was sentenced to two months in jail and a fine of 50 Dinars on June 18, 2013, and suspension of any promotion for a year, after being convicted with physical assault and battering of a citizen in A'ali area. The assistant attorney for legal affairs at the Ministry of Interior stated after the video was broadcasted in some websites, showing a policeman assaulting a citizen in A'ali on December 23, 2012, that the officer was arrested and referred to military court.
- On June 23, 2013, the Higher Court of Appeal supported the ruling of the Court of First Instance that exonerated the police officer accused of torturing the journalist Nazeem Saeed. The court had acquitted on November 22, 2012 a female police officer from charges of torturing Nazeem during her arrest in the period of National Safety.

The case went through a number of phases, starting with looking into the case in military court, in which Nazeeha's attorney, Hamid al-Mala, stated that the military judicial system sentenced the defendant to a 200 Dinar fine on charges of physical assault on the journalist's body, and another 200 Dinars for slandering the litigant. The court also sentenced to suspend her raise for a year, after being convicted of not performing her job accurately and loyally, and not maintaining the honor of service and good reputation.

- On July 1st, 2013, the Higher Criminal Court acquitted a male and female officers accused of torturing 6 people from medical personnel during their arrest. The court had rejected the civil lawsuit. The Public Prosecution accused officer Mubarak Bin Howeil in March and April 2011 – as a public officer – of using means of torture, force and threats himself and through other, on Doctors: Mr Marhoun al-Wadaei, Ahmad Omran, Ghassan Dayf and Bassem Dayf. The Public Prosecution also charged the female police officer, Sheikha Noura Khalifa, as a public officer, of using means of torture, force and threats with Doctors Zehra al-Sammak and Khoulood al-Derazi.
- On July, 3, 2013, the First Higher Criminal Court acquitted a police officer of assault charges on a citizen in a police station. The Public Prosecution charged the officer, since he is a public officer of the Ministry of Interior, of assault with other unknown individuals on the safety of the victim, causing injuries described by the medical examiner. The injuries led to an unintentional chronic disability; a weakness in chewing and breathing, fatigue, and relative weakness in the lower right side of his body.
- Moreover, on September 15, 2013, The First Higher Criminal Court decided to release the policeman convicted of torturing Hussein Jamil Jaafar Ali Marhoun to extract a confession from him while naked, referring to a video broadcasted on June 11, 2013, on social media. What seemed to be a supposed investigation with a Bahraini man, showed that the man was undressed from the top, blood traces visible on his back¹.

This reduced sentence was ruled despite the announcement that the Chief of General Security General Tarek al-Hassan made on the Ministry of Interior's Twitter account. The announcement mentioned "opening an immediate investigation on the widespread video that showed a confession from a detained person who was incited to kill policemen," and indicated "taking the required legal action regarding the incident and suspending the culprits from work and referring them to interrogation."

The First High Criminal Court exonerated him from charges of assault to extract a confession, and rather convicted him with publically broadcasting a picture of the suspect without the Prosecution's permission. The Court ruled a sentence of 6 months in jail, and estimated a fine of 100 Dinars to suspend the ruling's execution. On June 26, 2014, the High Court of Appeal amended his judgment to fine him with 50 Dinars instead of 6 months in prison, on an offence of shooting and posting a video of a person in custody without the Prosecution's permission.

- On July 9, 2014, the Minor Criminal Court exonerated a policeman in two cases of assault on two brothers during their arrest after the 2011 events. The case details that the victims petitioned a complaint to the Public Prosecution's special unit about them being subjected to torture by a policeman. After investigations, the policeman was referred to court on charges of assault on the victims' bodily safety.
- One of the citizens who participated in the demonstrations in Bahrain that protested political opposition leader Sheikh Ali Salman's arrest, was shot by a shotgun in the head and at a very close range from an armored security vehicle. This led to severe injury. The Minor Criminal Court exonerated the policeman responsible for this incident on November 8, 2015 from charges of endangering the bodily safety of others².

In regards to the use of lethal excessive force, the Bahrain Independent Commission of Inquiry monitored a number of cases, which stated that the causes of death were the use of unjustified and unnecessary use of force by security forces that ultimately led to their deaths. Moreover, there are tens of cases that carried on even after the Bahrain Independent

¹ The video: <https://youtu.be/1iBrRtKxDGc>

² Link to video showing the incident: <https://www.youtube.com/watch?v=N1qG86TdgVI>

Commission of Inquiry's report, recorded by rights organizations and political and civil groups. Most of the extrajudicial killings were not prosecuted.

*Bahrain Forum for Human Rights (BFHR), NGO without consultative status, also shares the views expressed in this statement.