

(Translated from Arabic)

**Permanent Mission of the Kingdom of Bahrain
to the United Nations**

Geneva/Vienna

Reply to urgent appeal No. UA BHR 6/2017, dated 9 July 2017, concerning the deaths of five individuals, the injury of dozens of protestors and the arbitrary detention of at least 286 individuals in the context of incidents that took place in the village of Duraz

I. Regarding Issa Qassim: To ascend a religious pulpit is to take on an important human and religious responsibility, and people who do so assume a weighty and sacred mantle. They must not, therefore, exploit that position to further their political goals, foment sectarianism or undermine the security of society. However Issa Qassim, having acquired Bahraini citizenship, turned to extremism and relinquished the obligations of citizenship and coexistence in favour of subservience to a foreign power. He also attempted to undermine the Constitution, the law and the institutions of State, to rend society along sectarian lines and to impose a new regional model based on sectarian and confessional divisions. In order to achieve that goal, he created organizations that answered to foreign political and religious mentors. These extremist positions have become apparent over the last few years.

In his sermons and fatwas, Issa Qassim exploited the pulpit to advocate doctrines of theocracy and of absolute adherence to men of religion. He applied this doctrine to political matters, in the interests of a foreign power, based his dictates on foreign interests and encouraged extremism and violence, thereby fomenting confessional hatred among people and endangering civil peace. It should also be pointed out that violence and terrorism — particularly explosions targeting law enforcement officials and the general public — have become more frequent since Issa Qassim issued a number of extremist fatwas validating the use of violence.

Issa Qassim sought to achieve his goals by establishing religious groups that targeted Bahraini society. He used “religious fatwas” to influence the ordinary public and to strike at the concept of rule of law, particularly vis-à-vis elections where he attempted to make participation or non-participation, voters’ choices and political involvement all subject to the pulpit. This extended to all areas of public life, with no consideration for the law, thereby contravening the traditions underpinning Bahraini society and violating the Constitution. In order to carry out his instructions, which he presented as a religious duty, terrorist groups targeted both voters and candidates in recent rounds of parliamentary elections that he had called to embargo, thereby impeding the political and reform process in Bahrain.

One of the most notable groups that Issa Qassim has established and supported outside the framework of the law is known as [REDACTED], which was dissolved by court order in 2014. By continuing to support the Council, even after its dissolution, he challenged the principle of the supremacy of the law and overstepped the limits of freedom of opinion and expression and freedom of association, infringing national security and public order, which are protected under the Constitution and international treaties, in particular the International Covenant on Civil and Political Rights, ratified by Bahrain under Act No. 56 of 2006.

Issa Qassim acquired Bahraini citizenship but failed to fulfil the concomitant obligations. He was instrumental in harming the superior interests of the country and overlooked his duty to protect those interests. He was therefore stripped of his citizenship in accordance with article 10 (c) the Bahraini Nationality Act, which states that persons may be stripped of Bahraini nationality if they are “instrumental in harming the interests of Bahrain”.



The purpose of that legal provision is to preserve national security, stability and cohesion and to unite the various groups in society. For that same reason, certain actions are banned under domestic law and international treaties, including the International Covenant on Civil and Political Rights, article 20 (2) of which reads as follows: "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

It should be noted that Issa Ahmad Qassim was stripped of his citizenship under Decree No. 55 of 2016 and that, as of 5 July 2017, no case has been brought against him for violation of the Residency Act.

Regarding the accusations of money laundering and collecting funds without authorization: Sitting on Sunday 21 May 2017, the Fourth Higher Criminal Court sentenced Issa Ahmad Qassim Abdullah and others to a term of imprisonment of 1 year and to the payment of a fine amounting to 100,000 Bahraini dinars (BD) per head. The Court further ordered that the prison term be suspended for three years from the date on which the sentence became definitive. The accused persons had been charged with the acquisition and possession of money — the amount of which was determined by the investigations — and of knowingly concealing the nature and source of that money as resulting from the crime of collecting money without authorization. To that end, they carried out operations such as deposit, withdrawal, purchase, allocation and distribution in order to give the erroneous impression that the money had come from a legitimate source, as was revealed by the investigations.

The money found in the possession of the first accused was seized as was that deposited in his accounts at the Future Bank, which amounted to BD 3,367,301. Two pieces of real estate, clearly delineated and described, belonging to the same accused were also seized.

Issa Ahmad Qassim Abdullah and others were also fined BD 1,000 each for having collected money for public use without obtaining authorization, as was revealed by the investigations.

One of the convicted parties in the case lodged an appeal against the sentence and the first session for hearing that appeal has been set for 17 September 2017.

II. The security operation in Duraz: As part of its efforts to maintain security and public order and to uphold the law, and having taken all statutory measures against unlawful assemblies in Duraz, the Ministry of the Interior decided to launch a security operation, which took place on 23 May 2017. The intention was to arrest a number of terrorists and other dangerous individuals who were wanted by the law and had fled justice, and to put an end to the illegal activities that were taking place in the village and were affecting public interests. They included the erection of roadblocks and stages in the public highway and the chanting of unlawful slogans, thereby affecting public security and endangering civil peace.

In fact, the village had become a hideout for a group of persons on the run from justice and a springboard for numerous illicit activities such as abductions of young people who have been attacked, beaten, tortured and, in one case, killed, on the pretext that they were cooperating with the security forces. Moreover, security patrols in the Duraz area have come under fire on four occasions. These are acts of terrorism and have to be opposed. The most recent incident took place on 18 June 2017 when a terrorist bomb went off in Duraz claiming the life of one security officer and injuring two others who were in the course of carrying out their duties.

Since that illegal group was formed, the Ministry of the Interior has striven on more than one occasion to dissolve it peacefully. Roughly 48 hours before the operation was launched, a number of community leaders and influential figures in the village were asked to try and convince the members of the group to disperse and to cease their illegal activities.

However, the situation of illegality persisted and it therefore became necessary to launch a security operation to preserve national security, maintain civil peace and protect the interests of the people, particularly local residents. The security forces deployed widely in the area to engage with the illegal groups, who had taken cover behind screens and

barricades and were blocking roads and streets. They were given a warning and asked to disperse but they refused to comply and began throwing hand grenades and metal objects then attempted to attack the law enforcement officers with knives and axes. A number of officers suffered injuries ranging from the superficial to the serious; 31 of them were taken to hospital while a number of others were treated in the field.

This escalation led to the deaths of 5 persons while 286 lawbreakers were arrested many of whom turned out to be dangerous individuals already wanted by the authorities or previously convicted for terrorist offences. Many of them were arrested inside the dwelling of Issa Qassim, which is located in the area.

Following the arrests, it emerged that they had been involved in a number of other crimes, the most serious of which were: breaking out of correctional facilities in Bahrain, attacking law enforcement officials, attempted murder, causing explosions, membership of terrorist groups, planting bombs and possession of explosive devices.

We should point out that Bahrain abides by its international commitments and that any restrictions on the exercise of the right to freedom of peaceful assembly are consistent with the principles of international human rights law, including article 21 of the International Covenant on Civil and Political Rights, to which Bahrain acceded under Act No. 56 of 2006. According to that article, restrictions may not be placed on the exercise of this right except in conformity with the law and as necessary in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Thus the exercise of the right to peaceful assembly is regulated by the law, the aim being to protect participants in public gatherings as well as to preserve public safety and order and safeguard the rights of others.

Decree-Law No. 18 of 1973 on public meetings, marches and rallies, as amended by Act No. 32 of 2006, regulates the exercise of this right. In fact, people may exercise their right to peaceful assembly if participants act in a peaceful manner, do not disturb public order and safety or violate the rights of others.

In principle, then, public meetings are permissible and cannot be prohibited unless they disturb public safety or public order. Under the aforementioned legislation, the Chief of Public Security must be given written notice of the time place and subject-matter of any meeting. Certain times and places in which public meetings may not be held are defined in law; they include areas in proximity to hospitals, airports and shopping centres, as well as security zones.

We should also point out that the Minister of the Interior has issued a decree for the formation of a commission to investigate the security operation that took place in Duraz on 23 May 2017. The commission, which will look into the facts and allegations surrounding the incident, will seek to determine to what extent the security forces, in dealing with the demonstrators, abided by the law and by regulations governing the use of force. Once the outcome of the investigations have been announced, the necessary measures in that regard can be taken.

The Office of the Ombudsman — the mandate of which is set forth in Decree No. 27 of 2012 as amended by Decree No. 35 of 2013 — has not received any complaints relating to the incident in question.

On the basis of media reports, the Special Investigations Unit also launched a wide-ranging investigation into the circumstances of police actions towards the demonstrators gathered in Duraz on 23 May 2017 and it has taken a number of steps to investigate the deaths of Mohamed Ali Ebrahim Ahmed, Ahmed Jamil Ahmed al-Usfoor, Mohamed Kadhem Muhsin Ali, Mohamed Ahmed Hasan Hamdan and Mohamed Abdel Karim Hasan al-Akri. In that connection, the Unit has questioned relatives of the deceased as well as officers and men of the Public Security Forces who participated in the operation. It has also examined all relevant records of the investigations carried out by the Office of the Public Prosecutor and the reports of the autopsies on the victims. Furthermore, the Unit has asked the police to investigate the circumstances in which the deaths and injuries occurred. Those investigations are still ongoing.

To date the Unit has not received any reports from the arrested persons or their relatives alleging the use of torture or ill-treatment.

III. Laws regulating the use of force

In Bahraini law assemblies are regulated under Decree-Law No. 18 of 1973 on public meetings, marches and rallies, as amended, and any gathering that takes place outside that legal framework is considered to be unlawful. As such, it necessitates the intervention of the security forces to preserve public safety, order and morals and to protect lives and property, and they may take all the steps necessary to achieve that end.

Article 180 of the 1976 Criminal Code of Bahrain states: "If a law enforcement official sees five or more persons who have gathered for disorderly purposes, he may in his official capacity order them to disperse. After that he may intervene to disperse those who have disobeyed the order, arresting them and using force within reasonable limits against anyone who opposes resistance. He may not use firearms except in cases of extreme necessity or when life-threatening situations arise." Article 77 of the Code of Criminal Procedure states that law enforcement officials may, in the course of carrying out their duties, call upon the assistance of the military.

The manner in which the Public Security Forces may use force is set forth in the Act regulating their activities. According to article 12 of the Act, members of the Public Security Forces, in the course of carrying out their duty and whenever need dictates, have the right to use the degree of force necessary to carry out that duty, on condition that force is the only way to achieve their objective.

Article 13 of the Public Security Forces Act lists the occasions on which members of the Public Security Forces may use firearms. They have the right to carry arms and ammunition by order of the Minister of the Interior but they may only use those arms in specific circumstances such as, for example, to "break up gatherings, demonstrations or riots under the conditions and limits set forth in the Criminal Code."

The Minister of the Interior issued Ministerial Decree No. 24 of 2014, concerning basic principles on the use of force and firearms, the recommendations of which are intended to implement the relative United Nations instruments, particularly the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the United Nations in Havana in September 1990, and the Code of Conduct for Law Enforcement Officials adopted by the General Assembly of the United Nations in December 1979. All members of the Public Security Forces are required to abide by the basic principles enshrined in the Ministerial Decree, according to which, "police officers authorized to carry arms and use force are required to implement these principles scrupulously. Any conduct that falls outside the scope of the principles will be considered as an individual action for which the person concerned shall be liable under both criminal and disciplinary regulations". The Ministerial Decree also emphasizes the importance of adhering to "the principle of necessity in the use of force and firearms. Force and firearms are not to be used except in cases of extreme necessity. That necessity has to be properly evaluated and not overstepped, and there must be no means available other than the use of force or firearms, which must only be employed as a last resort and to achieve a legitimate objective, within the framework of international standards and domestic law. Moreover, the use of force and firearms is to cease when the necessity ends."

The Ministerial Decree continues: "Police have the right to use force and firearms as an exceptional measure, one that may only be employed with a legal justification and after all ordinary and non-violent possibilities have been exhausted. The use of force and firearms must be consistent with the legitimate purpose being pursued and with the seriousness of the offence." The Decree also makes clear provision for the situations and circumstances in which force and firearms may be used, including demonstrations and riots. In that connection the Decree states: "Without prejudice to the provisions contained in chapter I, part III, of the special section of the Criminal Code (Decree-Law No. 15 of 1976), assemblies that are unlawful but non-violent are to be dispersed without the use of force unless public order and safety are endangered and it is not practically possible to break up the gathering in any other way, in which case only the minimum necessary level of force may be used. However, If demonstrations or assemblies are violent or riotous, and if they

threaten the peace and security of society and involve criminal acts or attacks against law enforcement personnel, then the use of force and firearms becomes permissible. However, only the minimum necessary level of force may be used and firearms may only be employed in cases of extreme necessity, in accordance with the regulations contained in part III of these principles.”

IV. Adil Ahmed Marzuq Ahmed al- Marzuq and others: He was accused of unlawful assembly and riot in an incident that took place on 25 July 2016. The incident involved an estimated 140 individuals who participated in an unlawful assembly and riotous acts at the house of Issa Qassim, and the investigations pointed to the involvement of Adil al-Marzuq and six others: [REDACTED], Ali Ahmed Kadhem, [REDACTED], Mohamed Jaafar Mohamed and [REDACTED], two of whom — Mohamed Jaafar Mohamed and [REDACTED] — were brought before the Office of the Public Prosecutor. They all denied involvement in the incident and were released. In sum, the Office of the Public Prosecutor determined on the basis of the documents that there were no grounds for bringing a case because the perpetrators remained unknown. It should be pointed out that Adil Ahmed Marzuq was not questioned, either in the police station or in the Office of the Public Prosecutor.

V. Diyaa Saeed Abbas Jasim al-Usoor: He was arrested on 23 May 2017 and the following charges were laid against him:

1. Participating in an unlawful assembly of more than five persons the purpose of which was to commit offences and disturb public security, using violence to achieve the purpose for which they had gathered;
2. Using force and violence against public officials (law enforcement officers) in order to prevent them from carrying out their duty;
3. Physically attacking law enforcement officials for purposes linked to terrorism;
4. Deliberately destroying vehicles belonging to the Ministry of the Interior for purposes linked to terrorism.

An unlawful assembly took place in Duraz on 23 May 2017 in which offences were committed and security personnel were attacked for terrorism-related purposes as participants sought to hinder law enforcement officials who were carrying out their duty to maintain public security and order. The investigations revealed that a number of outlaws, persons wanted in cases involving terrorism and other fugitives from justice had gathered near the home of Issa Qassim in Duraz in a sit-in that had lasted for nearly 11 months. The number of persons involved had grown considerably and they had in their possession hand grenades, knives, iron bars, Molotov cocktails and homemade rockets with which they intended to attack and kill law enforcement personnel. They had also blocked public thoroughfares in the area and were prejudicing the interests and the freedom of movement of citizens by burning tyres and using cement blocks to close roads. Some people were also using the sit-in as a refuge in which to hide out among the crowd.

The investigations also showed that, when the demonstrators learned that the security forces had entered the Duraz area to disperse the sit-in, they prepared themselves and their weapons to attack them. When, on 23 May 2017, the Public Security Forces of the Ministry of the Interior approached the area to disperse the sit-in and arrest wanted persons they began by calling out to the protestors, using various means, and telling them to break up their illegal gathering. As their calls went unanswered, the security forces then intervened to arrest the wanted persons and disperse the assembly, which had grown to very large proportions with some participants occupying the area around the house of Issa Qassim while others were inside. As the law enforcement officials approached, the demonstrators began attacking them with hand grenades, Molotov cocktails, iron bars and homemade rockets, their intention being to kill the officers for terrorist-related objectives. In the face of the protestors’ violent resistance, the law enforcement officers used the degree of force necessary to protect their lives and shield themselves from danger. Extremely violent clashes took place between the Public Security Forces and the protestors causing many injuries among security personnel and damage to a number of vehicles belonging to the Ministry of the Interior. During the course of the clashes a group of

protesters sought refuge in the area around the house of Issa Qassim or in the building itself. They then attacked security officials as the latter — having informed the owner of the house, Issa Qassim, of their intention to enter — entered the building to arrest them. This left numerous members of the Public Security Forces injured.

A number of the accused were caught red-handed in the midst of the demonstrators and law-breakers who were attacking the security forces. Their number included persons wanted for security-related offences and they were arrested by security personnel around and inside the house of Issa Qassim after putting up stiff resistance.

The accused person denied the charges made against him during his questioning at the Office of the Public Prosecutor. He was not accompanied by a lawyer and he bore no signs of injury.

For its part, the Office of the Public Prosecutor had the accused person examined by a doctor. A police investigation was launched and tests were carried out on seized items and electronic apparatus.

The case is still under investigation.

VI. The exercise of the right to freedom of peaceful assembly in Bahrain: We should point out once again that Bahrain abides by its international commitments and that any restrictions on the exercise of the right to freedom of peaceful assembly are consistent with the principles of international human rights law, including article 21 of the International Covenant on Civil and Political Rights, to which Bahrain acceded under Act No. 56 of 2006. According to that article, restrictions may not be placed on the exercise of this right except in conformity with the law and as necessary in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Thus the exercise of the right to peaceful assembly is regulated by the law, the aim being to protect participants in public gatherings as well as to preserve public safety and order and safeguard the rights of others.

- Legislative provisions that facilitate the exercise of the right to freedom of peaceful assembly:

1. The Constitution of the Kingdom of Bahrain

The right of peaceful assembly is enshrined in article 28 of the 2002 Constitution of the Kingdom of Bahrain. Under article 28 (a), individuals have the right to meet privately without permission or prior notification, and no member of the security forces may attend such private meetings. According to article 28 (b), public meetings are permissible in accordance with the conditions prescribed by law, provided that their purpose and means are peaceful and not contrary to morals.

2. The law regulating public meetings, marches and rallies

Decree-Law No. 18 of 1973 on public meetings, marches and rallies, as amended by Act No. 32 of 2006, regulates the exercise of this right. In fact, people may exercise their right to peaceful assembly if participants act in a peaceful manner, do not disturb public order and safety or violate the rights of others.

In principle, then, public meetings are permissible and cannot be prohibited unless they disturb public safety or public order. Under the aforementioned legislation, the Chief of Public Security must be given written notice of the time place and subject-matter of any meeting. Certain times and places in which public meetings may not be held are defined in law; they include areas in proximity to hospitals, airports and shopping centres, as well as security zones.

The law makes it clear that participants in a public gathering must not carry weapons — be they firearms, knives or incendiary materials — or sticks or blunt or edged instruments that are not usually carried in ordinary circumstances. The law also defines the penalties for anyone who contravenes those provisions.

On a practical level, as soon as the Ministry of the Interior is informed of a public gathering it takes all the steps necessary according to the law to enable people to exercise their legal right to peaceful assembly, in order to protect participants and to defend the rights of others.
