



PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-27) G/SO 214 (53-24)
BHR 3/2011

18 March 2011

Dear Ms. Abbas Radhi,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 6/4, 8/3, 7/36, 7/8, and 8/8.

In this connection, we would like to draw the attention of your Government to information we have received concerning the **worsening of the situation and excessive use of force against protesters by security forces** in the context of the ongoing peaceful demonstrations, which have been taking place across the country since 14 February 2011, calling for democratic reforms and fundamental freedoms.

According to the information received:

Since 14 February 2011, massive demonstrations have been peacefully taking place across the country calling for democratic reforms, including political rights and freedoms, the release of all political prisoners, a new constitution and an elected Government.

In the communication dated 17 February 2011, the Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment appealed to the Government of Bahrain to seek clarification concerning the deaths of several people and the excessive use of force by security forces in the context of the ongoing peaceful protests when the alleged use of tear gas, rubber bullets, shotguns and live ammunitions against peaceful demonstrators have resulted in at least 6 deaths and a high number of people injured between 14 and 17 February 2011. To date, no response has been received in relation to the circumstances regarding the cases of the persons named therein.

According to the new information received:

On 15, 16 and 17 March 2011 respectively, following the introduction of a three-month state of emergency by the King of Bahrain on 15 March 2011, Bahraini police reportedly attacked a number of villages, including Sitra, Ma'amer, Ali, Buri, Salmabad, Nuwaidrat, Bani Jamra and Duraz, and the protest camp on Pearl Roundabout, to contain the massive protests using tear gas, rubber bullets and shotguns. It is alleged that automatic weapons may also have been used to shoot live ammunition at protesters and passers-by. Plainclothes security personnel have also reportedly been using clubs, knives, swords and rocks to attack protesters. The electricity supply, telecommunications and water in villages and the area around the roundabout was cut.

On 16 March 2011, the Pearl Roundabout, where most anti-government protesters were asleep, was attacked by the Bahrain riot police and plain-clothed security. Many demonstrators were beaten and wounded with rubber bullets and shotgun pellets. At least seven protesters have reportedly been killed during the clashes of 15 and 16 March 2011, and many demonstrators sustained gunshot injuries. On 17 March 2011, **Mr. Mahmoud Makki Ali, Mr. Ali Mansour Ahmad Khudair, and Mr. Isa Abd al-Khusein**, were shot dead after security forces opened fire on protesters. **Mr. Isa Ali Ahmed al-Moamen** died in the hospital from fatal injuries caused by live ammunition. Reportedly, 255 patients have been taken to hospital in the early hours of 17 March 2011 many with severe injuries. It is also reported that on 15 March 2011, the police attacked the medical personnel at the scene of the attack preventing them from carrying wounded people to hospitals and from having access to the protesters' camp in the roundabout. Several ambulance drivers were attacked by riot police with batons as they tried to reach the wounded; 4 paramedics who arrived to pick up the wounded were reportedly beaten by the police. We were informed that riot police blocked access to the Sitra Health Centre where many of the injured were taken, while leaving other injured people lying unassisted in the streets.

Furthermore, the Ministry of Interior Force of Bahrain is alleged to have commandeered and occupied Salmaniya hospital, the main hospital in Manama, and to be blocking access to it. A group of nurses and doctors who tried to leave the hospital were reportedly beaten. The electricity at the hospital has reportedly been cut off, endangering the lives of critical care patients. Additional reports have been received that security forces have attacked medical workers, and that the wounded are now being treated in mosques or in private homes. Further allegations have been received that security forces have occupied smaller state and private medical centres.

In this context, we would like to draw your Government's attention to the statement issued by the UN High Commissioner for Human Rights on 17 March 2011, concerning the escalation of violence by security forces in Bahrain, in particular the reported takeover of hospitals and medical centres in the country, and the most recent communication dated 17 March 2011, sent by the Special

Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

We have also been informed that Bahraini activists, human rights defenders, leaders of the protest movement and political parties continue to receive threats on social networking websites. On 17 March 2011, five opposition leaders, namely **Mr. Hassan Mushaima**, Secretary-General of the Movement of Liberties and Democracy; **Mr. Ibrahim Shareef**, the Secretary-General of the National Democratic Action Society; **Mr. AbdulWahab Hussain**, the President of the Alwafa Islamic movement; **Mr. Kareem Radhi Hassan AlHadad**; **Mr. Abdul Jalil AlSankees**, the Board member of the Movement of Liberties and Democracy; and **Mr. Ali Al Ekri** have reportedly been arrested by the security forces. It is also reported that on 15 February 2011, **Mr. Mohammed al-Buflasa**, a former military officer was detained by the Bahrain Defense Forces after he spoke at the Pearl Roundabout, criticizing the Government and supporting the protesters. His fate and whereabouts remained unknown until after 17 days when on 4 March 2011, authorities announced that Mr. al-Buflasa was to face trial for “breaching the Bahrain Defense Force law” without providing further information. Reportedly, on 17 March 2011, the General Command of the Bahrain Defense Force issued a statement about the detention of several leaders “of the sedition ring who had called for the downfall of the regime and had intelligence contacts with foreign countries [...], incited [...] for the killing of citizens and the destruction of public and private property, resulting in the undermining of the social peace, the loss of innocent lives and the terrorizing of citizens and residents”.

It is further reported that the offices of the only opposition newspaper, *Al Wasat*, were attacked, and many NGO premises in the neighborhood have been stormed in an attempt to arrest those who were trying to cover the event and provide news to local and foreign media outlets.

Given the restrictions on the means of communication, the denial of medical aid and medical care to the injured protesters, serious concern is expressed about their physical and mental integrity. In addition, concerns are expressed about the physical and mental integrity of Bahraini demonstrators, activists, lawyers, politicians who have been arrested since the demonstrations began.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Government to ensure that the rights and freedoms of the peaceful demonstrators are guaranteed in compliance with the international obligations entered into by Bahrain.

We wish to stress that all States have the obligation to respect the fundamental right to life and security of the person as set forth in article 3 of the Universal Declaration of Human Rights (UDHR) and in article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), which Bahrain acceded to on 20 September 2006. No one shall be arbitrarily deprived of his life.

We are concerned at the numerous allegations of excessive use of force and would like to draw your Government's attention to principle 4 of the Basic Principles on the Use of Force and Firearms by Law Officials, which provides that, "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms." Furthermore, principle 5 provides that "Whenever the use of force and firearms is unavoidable law enforcement officials shall, (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment and (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment" (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990).

In respect of the alleged deaths as a result of the excessive use of force, we wish to stress that all States have the duty "to conduct thorough, prompt and impartial investigations into all suspected cases of extra-legal, arbitrary and summary executions" and to ensure that persons identified by the investigation as having participated in [such] executions ... are brought to justice" (Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, paras. 9 and 18). Likewise, Governments shall also make every effort to prevent the recurrence of such acts as required by principle 8.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned persons is arbitrary or not, we would like to appeal to your Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights.

We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Similarly, the attention of your Government is drawn to Resolution 8/8 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

In this context, and with regard to the allegation according to which the fate and whereabouts of Mr. Mohammed al-Buflasa, a former military officer remained unknown for 17 days, we would like to draw the attention of your Government to paragraph 7c of Human Rights Council Resolution 8/8, which "reminds all States that [...] detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment,

and urges all States to respect the safeguards concerning the liberty, security and dignity of the person.”

Furthermore, we would like to draw your Government’s attention to article 12 of the Convention against Torture, which requires the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, and article 7 of the Convention against Torture, which requires State parties to prosecute suspected perpetrators of torture. We would also like to draw your Government’s attention to paragraph 6b of Human Rights Council Resolution 8/8, which urges States “To take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment promptly and impartially examined by the competent national authority, to hold those who encourage, order, tolerate or perpetrate acts of torture responsible, to have them brought to justice and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and to take note in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a useful tool in efforts to combat torture”.

We would like to appeal to your Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that “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.”

Additionally, we would like to appeal to your Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the International Covenant on Civil and Political Rights, which provides that “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 interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.”

In this connection, we would like to refer your Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Government the following provisions of the Declaration:

- article 5, point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully;

- in addition, we would like to refer to the 2006 report to the General Assembly (A/61/312) (of the Special Representative of the Secretary-General on the situation of human rights defenders) and in particular to paragraph 98 which states that “in conformity with article 15 of the Declaration [on Human Rights Defenders], the Special Representative urges States to ensure that law enforcement agencies and their members are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies, including the Declaration on Human Rights Defenders, the Code of Conduct for Law Enforcement Officials and other relevant treaties, declarations and guidelines. The Special Representative also advises all States that all allegations of indiscriminate and/or excessive use of force by law enforcement officials should be properly investigated and appropriate action taken against the responsible officials”; and

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We wish to reiterate our recommendations contained in our previous urgent appeal and urge your Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. In order to prevent further deaths and injuries and to enable the peaceful demonstrations to take place, we urge your Government to refrain from excessive use of force and comply with international principles and norms governing the use of force and firearms. We suggest that your Government immediately give clear instructions to law enforcement and security officials in this regard.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summaries accurate? If yes, please provide information on the fate and whereabouts as well as the legal basis for the arrests of Mr. Hassan Mushaima; Mr. Ibrahim Shareef; Mr. AbdulWahab Hussain; Mr. Kareem Radhi Hassan AlHadad; Mr. Abdul Jalil AlSankees; and Mr. Mohammed al-Buflasa. If their fate and whereabouts are unknown, please provide the details on any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.

2. Please indicate what instructions have been given to police and security forces, in particular with regard to the use of force.

3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

5. Please indicate whether compensation will be provided to the victims or their families.

We undertake to ensure that your Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Ms. Abbas Radhi, the assurances of our highest consideration.

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