

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on extrajudicial, summary or arbitrary executions.**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27)  
BHR 9/2012

29 October 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 16/4, 15/21, 16/5, and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning **the excessive use of force by law enforcement officers during protests, which resulted in the death of two children.**

According to the information received:

On 28 September 2012, a protest took place in the village of Saddad in the northwest of Manama. The protest allegedly aimed at denouncing the continued detention of several peaceful protesters as well as the acquittal of two policemen who had been accused of having killed protesters. It is reported that law enforcement officers used shotguns during dispersal of the crowd. Mr. Ali Neamah, 17 years old, was reportedly shot dead, while another child less than 10 years old was severely injured. Reportedly, riot police fired tear-gas and flash-bangs at relatives and friends of Mr. Ali Neamah who attempted to rescue him after he was shot.

It is reported that the Ministry of Interior confirmed the death of Mr. Ali Neamah the following day, while claiming that the police had been attacked with Molotov cocktails and used "necessary and proportionate force to restore order".

It is alleged that Mr. Ali Neamah's death certificate indicates that the death was caused by gunshot injuries to his back and that he was not killed in the context of an act of self-defence.

According to reports, a similar event took place in Muharraq on the 17 August 2012. On that night, clashes between demonstrators protesting in support of Palestinian people and police forces reportedly occurred. Mr. Hussam Al Haddad, a 16-year-old boy, was shot dead by police forces using a shotgun before being severely beaten by a man in civilian clothing in front of police who allegedly did not intervene. The Ministry of Interior reportedly confirmed the death of Mr. Al Haddad a day later, but alleged that demonstrators had attacked police with Molotov cocktails.

Grave concern is expressed concerning repeated excessive use of force during peaceful assemblies in defence of human rights. Further concern is expressed concerning the aforementioned allegations of excessive use of force by law enforcement officials, which resulted in the deaths of two children.

Without, in any way, implying the accuracy of such allegations, we wish to recall that the right to freedom of peaceful assembly, as recognized under article 21 of the International Covenant on Civil and Political Rights (ICCPR), that the Government of Bahrain acceded to on 20 September 2006, must be enjoyed free of arbitrary restrictions. In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular its operative paragraph 1 that, "Calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely,... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law." The Special Rapporteur on the rights to freedom of peaceful assembly and of association also makes reference to paragraph 35 of his thematic report A/HRC/20/27, in which he emphasizes that "[t]he right to life (art. 3 of the Universal Declaration on Human Rights and art. 6 of the Covenant on Civil and Political Rights) and the right to be free from torture or cruel, inhuman or degrading treatment or punishment (art. 5 of the Declaration and art. 7 of the Covenant) should be the overarching principles governing the policing of public assemblies".

We would also like to refer to Excellency's Government to 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."

We would also like to refer your Excellency's 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 Excellency’s Government 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.

With regard to children human rights defenders taking part in demonstrations, we would like to refer to the 2007 report to the General Assembly of the Special Representative of the Secretary-General on the situation on human rights defenders in which she recommends to “take steps to create a conducive environment that allows children and young adults to associate and express views on matters affecting them as well as on broader human rights issues. Student protests have a high educational value as they are among the first experiences of public participation and human rights defense of students. Ensuring a conducive environment for student protests is a social investment in addition to a legal obligation” (A/62/225, paragraph 101 b)

With regard to the deaths of the children which allegedly occurred from the excessive use of force by the law enforcement officers, we would like to draw the attention of your Excellency’s Government to article 6 of the ICCPR, stating that “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”. In this respect, we wish to stress that, under international law, excessive use of force and firearms is not permitted when policing peaceful assemblies. Principle 12 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides that “everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the UDHR and the ICCPR, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.” The provisions in principles 13 and 14 restrict the use of firearms to situations of violent assemblies and provide that force and firearms may only be used as a last resort when unavoidable and require exercising the utmost restraint.

We would further like to recall Principle 4 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.” Finally, principle 7 requires that Governments ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law. (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).

Moreover, as 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, we would be grateful for your observations on the following matters:

1. Are the facts alleged in the above summary of the cases accurate?
2. Has a complaint been lodged on behalf of Mr. Ali Neamah and of Mr. Hussam Al Haddad?
3. Please provide the details and, where available, the results of any criminal investigation, prosecution and trial carried out in relation to deaths that occurred during these protests.
4. Please provide the details of the legal basis for the use of force against peaceful protesters during the assemblies held on 17 August and on 28 September 2012.
5. Please indicate what measures have been taken to ensure the use of force by the security forces comply with the rules and principles pertaining to proportionality and necessity.

We would appreciate a response within sixty days. Your Excellency’s Government’s response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency’s Government to take all necessary measures to guarantee that the right to peacefully assemble is 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. We also request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions