Bahrain

Report confirms torture of doctors

In light of the Independent Commission of Inquiry’s findings into the Bahraini government’s treatment of doctors, Prof Eoin O’Brien writes that the RCPI and the RCSI must redeem themselves.

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The Report was presented to the King of Bahrain on November 23. The Commissioners examined over 8,000 complaints, conducted interviews with over 5,000 individuals and collected evidence in a 50-page document, which contains an abundance of harrowing detail. The Report presents the evidence in the context of both Bahraini law and international law, to which Bahraini is subject.

The report is a damning indictment of the both the Bahraini government and the military. It describes the actions of authorities as characterized by the use of torture and other forms of ill treatment, in violation of fundamental human rights.

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The Commissioners’ findings are supported by credible evidence, including interviews with medical personnel, patients, and other witnesses. The Commissioners were frank in their assessment of the situation.

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The Report confirms torture of doctors

The independent Commission of Inquiry, consisting of international legal and human-rights experts, to investigate and report on the events that had occurred in Bahrain during and after the Arab Spring protests and to make appropriate recommendations.

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must call into the question the validity of any of the sentences that have been passed. The Commission viewed the ‘lack of accountability’ of the judicial and prosecutorial personnel in the National Security Court as “a subject of great concern”, which was compounded by the acceptance of forced confessions in criminal proceedings in the special courts and even in the ordinary criminal courts.

Recommendations

The recommendations of the Commission were far-reaching and must leave many Bahrainis fearing the retributive consequences that must ensure if the recommendations are enacted. The government is to establish a “national independent and impartial mechanism to determine the accountability of those in government who have committed unlawful or negligent acts resulting in the deaths, torture and mistreatment of civilians with a view to bringing legal and disciplinary action against such individuals, including those in the chain of command, military and civilian, who are found to be responsible under international standards of superior responsibility”.

The government must, moreover, “adopt legislative measures requiring the Attorney-General to investigate claims of torture and other forms of cruel, inhuman or degrading treatment or punishment, and to ensure a separate forensic ‘medical experts’”. These recommendations should be capable of leading to the prosecution and conviction of the implicated individuals, both direct and at all levels of responsibility, in a view to ensuring that punishment be consistent with the gravity of the offence”.

Other recommendations include that legislation should provide for remedies for anybody claiming retribution for suffering a claim of torture or other forms of cruel, inhuman or degrading treatment or punishment, to be dropped or at least reviewed for persons charged with offences involving political expressions, victims of torture, ill treatment or prolonged incommunicado detention.

The Report calls for victims to be compensated, and for employees dismissed because of the exercise of their right to freedom of expression, opinion, association or assembly to be reinstated, and for death sentences for murder to be commuted.

Finally, the Commissioners warn that “the state should never again resort to detention without prompt access to lawyers” and access to the outside world. The Commissioners must be commended for their thoroughness in documenting the abuses against human rights that occurred in the aftermath of the Arab spring in Bahrain.

The government of Bahrain stands accused of serious crimes in contravention of the international treaties to which it is party and it is now called upon to find and punish the perpetrators of these crimes. It may well be that the members of Royal Family itself will be implicated in the atrocities that have occurred.

The question that must be answered is whether or not the King will endorse the recommendations of the Commission he established by royal decree. This seems unlikely, given one recent incident.

Front Line Defenders’s Adam Shapiro was an observer at the latest stage in the appeal by the 20 doctors and health professionals, including Irish-trained Dr Ghassan Daff, Dr Basim Daif and Dr Ali Al Ekri, who face sentences of between five and 15 years. At this appeal, the Attorney General granted permission for new evidence that had apparently been found in the back of an ambulance many months ago to be presented. When court officers finally managed to open three taped boxes, they were greeted by laughter from the court as they produced two Kalashnikovs, kitchen knives, swords, daggers and Molotov cocktails, among other sundry items of assault, only some of which were tagged and all of which were handled by the guards, thereby contaminating the original fingerprint evidence on the weapons.

The permission to allow this evidence to be presented, quite besides the fact that it is irregular, ignored the finding of the Commission, which clearly stated that “the allegations that medical personnel assisted the demonstraters in the form of supplying them with weapons to be unfounded.” The result of this new marriage of justice is that the doctors remain accused and must face what the Commission has shown to be a dysfunctional legal system by both Bahraini and international standards.

Given the ineptitude of the Bahraini legal system as highlighted in the Report, there would seem to be only two courses open to the King—either to drop all charges on legal grounds, or to grant pardons to the accused. Neither option is guaranteed but either event would be a welcome outcome of the Report and a chance for Bahrain to rebuild its democratic institutions.

Royal Colleges in Ireland

The RCSI and RCPA have been rightly criticised at home and abroad for failing to support their medical colleagues in Bahrain. They stood apart from international human rights organisation such as Front Line, Médecins Sans Frontières, Human Rights Watch and Physicians for Human Rights in condemning the Bahraini authorities.

As a result, the Colleges have been criticised by the Lancet and the BMJ, two of the world’s pre-eminent and most widely-read medical journals, with the latter accusing RCSI-Bahrain of complicity with the ruling regime. However, doctors who have been imprisoned without trial, tortured and damaged irreparably both physically and psychologically continue to face sentences of imprisonment ranging from five to 15 years. Is it not now time for the Colleges to face the Bahraini authorities and demand the release of all doctors, given the findings of the Royal Commission?

The Colleges need no longer fear that such a stance will damage their standing with the ruling regime in Bahrain, as the findings have been published at the request of the King, Ily so doing, even at this late stage, the Colleges could do much to restore not only their reputation, but also Ireland’s hard-earned international reputation in upholding human rights.

The report can be read at: http://iri.ms/efezm. Prof Marie Keane O’Rourke is a Professor of Molecular Pharmacology, Conway Institute, UCD.

Bahrain

detainees in the same cell were blindfolded and handcuffed, and forced to lie on their stomachs. On one of the mornings, the deceased began to experience hallucinations or confusion, whereby he began banging on the door, shouting his name. The prison guards shouted at him to be quiet and when he did not comply, they entered his cell. The witness heard the deceased being beaten and he heard him scream after each beating. The witness then heard a shuffling noise, after which the deceased’s shouts became muffled. The witness then heard a Pakistani say in Urdu, “He is dead.”

Perhaps one of the most important aspects of the Report is the serious criticism of the Bahrain judicial system, which

RCSI, Dublin: “The Colleges have been criticised by the Lancet and the BMJ”