

Chapter V — Events at Salmaniya Medical Complex

A. Factual Background

1. Chronology of events

674. Located about two kilometres from the GCC Roundabout in the Salmaniya district of the capital Manama, Salmaniya Medical Complex (SMC) is the only full-service public hospital in Bahrain. Opened in 1979, it has a capacity of approximately 1,200 beds²⁶⁶ and receives approximately 900-1,000 patients per day.²⁶⁷ In 2009, SMC employed 710 and 1,775 nurses, as well as other staff.²⁶⁸ SMC also houses the main morgue in the country.

675. On 14 February 2011, based on Ministry of Interior (MoI) and intelligence reports that extensive protests would take place in Bahrain, a state of emergency was declared by SMC administration in anticipation of injuries that might result from any potential clashes between security forces and protesters. A state of emergency is typically declared during periods of anticipated crisis. SMC also declared a state of emergency on 15 and 17 February and 13 and 16 March 2011. During the evening of 14 February, injured individuals began to gather in the parking lot²⁶⁹ in front of the SMC Emergency Section.²⁷⁰ At around 20:45, Mr Ali Mushaima died at SMC due to police shotgun pellet wounds sustained earlier during protests.²⁷¹ A group of several hundred individuals gathered at SMC. Some of these individuals, including journalists, entered the recovery room of the Emergency Section and took photographs of the admitted cases. Media interviews were conducted with the family of the deceased and other individuals. Anti-government chants were heard. According to Ministry of Health (MoH) records, on 14 February 2011, 26 emergency crisis patients presented at SMC and 117 patients were admitted, with four of these admissions being related to the protest.²⁷²

²⁶⁶ *Mechanisms to Reduce Waiting Lists at SMC*, Al Wasat News (16 February 2010), <http://www.scdbh.net/vb/archive/index.php/t-10150.html> accessed 3 November 2011 (*Arabic Text*).

²⁶⁷ *The ER of SMC Receives 900 Patients daily*, Al Wasat News (30 October 2008), <http://www.alwasatnews.com/2246/news/read/21484/1.html> accessed 3 November 2011 (*Arabic Text*).

²⁶⁸ Ministry of Health, http://www.moh.gov.bh/PDF/Publications/Statistics/HS2009/PDF/CH01-summary_2009.pdf p 10 accessed 3 November 2011.

²⁶⁹ Unless otherwise indicated, subsequent references to gatherings at SMC indicate gatherings in the parking lot in front of the Emergency Section.

²⁷⁰ Statement of Witness No. 2 in Case No. 191 of 2011.

²⁷¹ MoI events log for February and March 2011 p 7.

²⁷² File presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”. An emergency crisis patient refers to a patient whose injuries were connected to the events of February/March 2011.

676. On 15 February 2011, several hundred individuals gathered at SMC.²⁷³ A funeral procession for Mr Ali Almeshaima moved from SMC towards Jidhafs cemetery and clashes occurred between police and members of the procession. Crowds gathered at SMC and anti-government slogans were heard again. In the afternoon, persons participating in the march to Jidhafs cemetery proceeded towards the GCC Roundabout, which was soon overtaken by protesters. A medical tent was set up at the GCC Roundabout on 15 February 2011. It was run by SMC medical personnel. According to MoH records, on 15 February, 35 emergency crisis patients presented at SMC and 97 patients were admitted, with seven of these admissions being related to the protests.²⁷⁴

677. On 16 February 2011, crowds gathered at SMC and marched towards Um Al Hasam cemetery for the funeral of Mr Fadhel Al Matrook. According to MoH records, on 16 February, seven emergency crisis patients presented at SMC and 133 patients were admitted, with two of these admissions being related to the protests.²⁷⁵

678. Early in the morning of 17 February 2011, security forces started the first clearance of the GCC Roundabout. Police dismantled a medical tent that had been set up at the roundabout. Protesters, including persons injured during the clearance of the roundabout, headed towards SMC. Several hundred individuals gathered at SMC and chanted anti-government slogans. The MoH prevented ambulances from going to the roundabout, for the reasons discussed later in this section.²⁷⁶ Protesters and family members of the injured gathered outside SMC. A group of protesters attempted to head back towards the GCC Roundabout but was stopped by security forces, resulting in several casualties and the death of two protesters.²⁷⁷ An impromptu demonstration occurred in the SMC car park, with some medical personnel and doctors participating. The protesters criticised the Minister of Health, as detailed later in this section.²⁷⁸

679. The Bahrain Medical Society issued a statement condemning the use of violence against “peaceful protesters” and the prevention of medical workers from carrying out their duties, “which also resulted in injuries to members of the medical team”. In the afternoon a march organised by medical personnel took place at SMC, calling for the removal of the Minister of Health due to his failure to prevent attacks on medical personnel.²⁷⁹ Protesters attempted to retake the GCC Roundabout but were confronted by

²⁷³ MoI events log for February and March 2011 p 9.

²⁷⁴ File presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”.

²⁷⁵ File presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”.

²⁷⁶ SMC, *February 2011 Disaster Report*, submitted to the Commission as part of file entitled “UN.

²⁷⁷ MoI events log for February and March 2011 p 20.

²⁷⁸ Statement of Witness No. 2 in Case No. 191 of 2011; Interview with the Commission, 2 August 2011.

²⁷⁹ MoI events log for February and March 2011.

the police and several were injured and taken to SMC. Meanwhile, gatherings continued at SMC.

680. The Minister of Health, Dr Faisal Al Hammar, appeared on Bahrain Television the same night, stating that the situation at SMC was calm and orderly, and that there had been seven minor injuries. The Bahrain Medical Society and the Bahrain Dentists' Society issued a statement condemning the use of violence against "peaceful protesters" and announced that a committee would be formed to document injuries and alleged crimes committed against doctors and medical personnel. They criticised the Minister of Health for his inaccurate statement regarding the number of injuries and called for his resignation.²⁸⁰ Approximately 2,500 people gathered at SMC.²⁸¹ According to SMC records, on 17 February 2011, 131 emergency crisis patients presented at SMC and 89 patients were admitted, with 41 of these admissions being related to the protests.²⁸²

681. According to SMC records, on 18 February 2011, 61 emergency crisis patients presented at SMC and 66 patients were admitted, with 11 of these admissions being related to the protests.²⁸³

682. Crowds continued to congregate at SMC on 19 February 2011. Among the crowds were media personnel, who continued to have easy access to the Emergency Section and freely filmed footage of the arrival of the injured and conducted interviews throughout. Protesters marched towards the GCC Roundabout, where they were joined by a group of medical personnel. A new medical tent was set up at the roundabout, run by doctors and other medical personnel many of whom worked at SMC. Security forces withdrew from the roundabout. According to SMC records, on 19 February, 64 emergency crisis patients presented at the Emergency Section and 44 patients were admitted, with one of these admissions being related to the protests.²⁸⁴ Official records for the period from 14 to 19 February 2011 showed that there were 114 cases of gas inhalation, 103 cases of soft tissue injury, 11 cases of muscular skeletal injury, one injury by gunshot wound, 53 injuries caused by shotgun wounds and 27 other cases, amounting to a total of 309 cases.²⁸⁵

683. On 20 February 2011, a march organised by medical personnel and comprising several hundred people left from SMC and headed to the GCC

²⁸⁰ *The Second Announcement: the Bahrain Medical Society and the Bahrain Dentists Society*, Al Wasat News (19 February 2011), <http://www.alwasatnews.com/3088/news/read/528059/1.html> accessed 3 November 2011 (*Arabic Text*).

²⁸¹ MoI events log for February and March 2011 p 20.

²⁸² File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".

²⁸³ File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".

²⁸⁴ File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".

²⁸⁵ File presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".

Roundabout.²⁸⁶ Three tents and a podium for speeches were set up in the SMC car park, near the entrance to the Emergency Section.²⁸⁷

684. On 26 February 2011, a ministerial change was announced, with the previous Minister of Health, Dr Faisal Al Hamar, replaced by Dr Nezar Al Baharna. Protesters remained in the SMC car park, and erected tents and a podium.

685. On 11 March 2011, injured protesters and government supporters were sent to SMC and other health centres across Bahrain. According to SMC records, on 11 March, 173 emergency crisis patients presented at SMC and 73 patients were admitted, with five of these admissions being related to the protests.

686. On 13 March 2011, King Faisal Causeway was blocked by demonstrators and was then cleared by security forces.²⁸⁸ The injured were sent to SMC. Clashes also occurred at the University of Bahrain between pro-government and anti-government protesters, with many of the injured sent to SMC.²⁸⁹ In other parts of the country, clashes occurred between protesters and expatriates, with some of those injured sent to SMC. Footage shows some injured expatriates arriving at SMC with their hands tied, and medical staff escorting them out of the ambulance and seemingly pushing and pulling them into the Emergency Section.²⁹⁰ According to SMC records, on 13 March, 1,074 emergency crisis patients presented at the Emergency Section and 105 patients were admitted, with 40 of these admissions being related to the protests.²⁹¹

687. Also on 14 March 2011, according to MoH records, 54 emergency crisis patients presented at SMC and 71 patients were admitted, with eight of these admissions being related to the protests.²⁹²

688. On 15 March 2011, HM King Hamad declared a three month “State of National Safety”. Security operations took place in various parts of the country, particularly in Sitra.²⁹³ Many of those injured as a result of these operations were taken to SMC. According to MoH records, on 15 March, 35 emergency crisis patients presented at SMC and 139 patients were admitted, with 71 of these admissions being related to the protests.²⁹⁴

²⁸⁶ MoI events log for February and March 2011 p 27.

²⁸⁷ MoI events log for February and March 2011 p 31.

²⁸⁸ MoI events log for February and March 2011 p116.

²⁸⁹ MoI events log for February and March 2011 p 120.

²⁹⁰ YouTube,

<http://www.youtube.com/user/TrueBahrainTube?blend=4&ob=5#p/u/0/nDIU1IYKNiI>
accessed 3 November 2011.

²⁹¹ File presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”.

²⁹² File presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”.

²⁹³ MoI events log for February and March 2011 pp144-160.

²⁹⁴ File presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”.

689. On 16 March 2011, security forces began the second evacuation of the GCC Roundabout. Many of the injured were taken to SMC. BDF forces also began to take control of SMC, and arrested several individuals within the complex. According to MoH records, on 16 March, 89 crisis patients presented at SMC and 37 patients were admitted, with 22 of these admissions being related to the protests.²⁹⁵

690. Until 16 March 2011, when SMC was cleared by the GoB, the crowd of protesters at SMC varied in size between approximately 50 and 3,000 people. The three tents and the podium were used by protesters, with political speeches occurring throughout this period. The medical tent at the GCC Roundabout continued to operate until the second clearance of the roundabout by security forces on 16 March. Marches involving medical personnel also took place periodically after working hours.

691. The security operation continued on 17 March 2011. Several medical personnel were arrested and detained. Reports emerged of the detention of injured individuals, particularly on the sixth floor of SMC. According to MoH records, on 17 March, one emergency crisis patient presented at SMC and 31 patients were admitted, with one of these admissions being related to the protests.

692. In total, between 14 February and 17 March 2011, 2,034 emergency crisis patients presented at SMC and 3,328 patients were admitted, with 226 of these admissions being related to the protests.²⁹⁶ Eight people died at SMC between 14 February and 17 March as a result of injuries arising from the protests occurring in Bahrain at this time.²⁹⁷ According to MoH records, between 11 and 16 March, 1,437 emergency crisis patients presented at SMC and 518 patients were admitted, with 147 of these admissions being related to the protests.²⁹⁸ No corresponding information was provided by the MoH for the period from 21 to 24 March 2011.

693. On 23 March 2011, a Royal Decree was issued instating Dr Fatima Al Balushi as Acting Minister of Health in place of Dr Nezar Al Baharna.²⁹⁹

694. Between 16 March and the end of May 2011, a total of 64 medical professionals were detained or charged in relation to the events of February/March 2011 in Bahrain. Of these persons, 62 have been detained at

²⁹⁵ File presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”.

²⁹⁶ File presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”.

²⁹⁷ Deaths occurred on the following dates: 14 February (1); 15 February (1); 17 February (3); 21 February (1), 16 March (1), and 19 March (1). See file presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”, which includes official death certificates for these individuals.

²⁹⁸ File presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”.

²⁹⁹ *New Ministerial Appointments Pursuant to Two Royal Decrees: Al Homr for Housing and Al Baloushi for Health*, Al Wasat News (24 March 2011), <http://www.alwasatnews.com/3121/news/read/533865/1.html> accessed 3 November 2011 (Arabic Text).

some point, while the remaining two persons have so far remained at large. Of the total of 64 individuals, 13 were subsequently released without charge, while 51 have had cases brought against them. Three individuals have been convicted and are serving jail sentences.

695. On 6 June 2011, 48 medical professionals appeared before the National Safety Court. Of these persons, 28 doctors and medical professionals were charged with misdemeanours (Case No. 191 of 2011) and 20 others were charged with felonies (Case No. 282 of 2011).³⁰⁰ After a court hearing on 7 September 2011, all of the medical personnel still in detention were released pending final verdicts. On 29 September, the verdicts in the case involving the 20 medical personnel accused of felonies were announced. All were found guilty, and they were sentenced to the following terms: 13 individuals were sentenced to 15 years imprisonment; two individuals were sentenced to 10 years imprisonment; and five individuals were sentenced to five years imprisonment. However, all of these individuals remain free pending the outcome of an appeal now before the Higher Appellate Civil Court.³⁰¹ At the first hearing on 23 October 2011, the Attorney General withdrew charges against the medical personnel arising out of articles 165, 168 and 169 of the Bahrain Penal Code.

696. Pursuant to Decree Law No. 28 of 2011, all cases of misdemeanours not yet adjudicated by the National Safety Court were transferred to the ordinary civilian courts. Case No. 191 of 2011, involving the 28 medical professionals charged with misdemeanours, is currently pending before the Lower Criminal Court.

2. Allegations

697. The events at SMC from 14 February to 16 March 2011 form the main basis for the GoB's allegations against certain medical staff at SMC. The allegations that need to be investigated by the Commission fall into the following categories:

- a. Control and management of SMC;
- b. Spreading false rumours and information;
- c. Granting access to media;

³⁰⁰ The distinction between misdemeanours and felonies under Bahrain law is based on the penalty for a particular criminal offence. Misdemeanours are offences punishable by a term of imprisonment of less than three years and felonies are offences punishable by a term of imprisonment of three years or more. Felonies charged included: (1) possession of firearms and ammunition; (2) attempting to take over a government building and controlling access to it; and (3) attempting to overthrow the regime by advocating for change of the political system. Misdemeanours charged included: (i) disseminating false reports, statements or rumours aiming or seeking to damage the public security and which terrorise the population or cause damage to the public interest; (ii) publishing untrue reports and/or falsified documents undermining the public peace or causing damage; (iii) intimidating co-workers into not following the law; (iv) participating in unauthorised gatherings of more than five people; and (v) intentionally vandalising government property.

³⁰¹ There have only been appeals with respect to 18 of the 20 convicted medical staff as two of those convicted remain at large and have not lodged appeals.

- d. Unauthorised marches and gatherings by medical personnel;
- e. Discrimination based on ethnicity or sect;
- f. Illegal acquisition and use of medicine and medical facilities;
- g. Unlawful detention of patients; and
- h. Possession of firearms and weapons.

698. The GoB's account of events is based on the accounts of the MoI investigators who conducted the interrogations of the doctors. Witness No. 1 in Case No. 191 of 2011 gave a comprehensive summary of the GoB's version of events:

The witness states that there is information he has received from his secret sources that shows the complicity of a large group of employees from SMC, and others in the medical field, headed by [one of the accused doctors]. [This accused doctor] was in charge of forming this group in solidarity with the illegitimate demands of the saboteurs, who call for the fall of the regime, with the aim of spreading chaos and fear in Bahrain. The aim was to support them materially and morally by placing all the hospital's capabilities at their disposal and making it the main centre for conducting their illegal works. There is an organisational relationship between them (the medical group) and those who attended the GCC Roundabout. They imposed their total control on the sections of the hospital, and threatened doctors and other officials who objected to their methods. They set up tents for protesters in the parking lot of the hospital. They also set up a medical tent at the roundabout and supervised it and provided it with medicine from the hospital and other medical facilities. This included beds, stretchers and blood bags for protesters to use to stain their clothes to provide a false picture to the local and international media that they were injured during standoffs with security personnel.

They also went out in several unlicensed demonstrations in solidarity with the other protesters calling for the fall of the regime. They also organised numerous sit-ins at the hospital and used ambulance cars to carry protesters and their weapons, as well as hostages from Asian backgrounds to and from the hospital after abducting them and holding them in custody and assaulting them and transporting some of them as detainees to the GCC Roundabout. They directed ambulance cars in a haphazard manner throughout the Kingdom with the purpose of spreading terror among citizens and exciting the general public. This was intended to convey an untrue picture about injuries to protesters in order to pressure the Kingdom to hasten the achievement of their illegitimate aims and goals. They also seized knives and firearms with the intention of resisting security personnel if the latter tried to enter Salmaniya Hospital. They used a large group of

individuals from the roundabout armed with knives to guard all entrances and exits of the hospital with the intention of controlling those entering and exiting, and spreading terror among nationals and expatriates. The exits and entries of the hospital were blocked by ambulance cars and other vehicles. They also spread false and inaccurate information regarding the number of injured to tarnish the reputation of the Kingdom in the international media.

They performed unneeded surgical operations with the aim of aggravating any existing wounds that patients may have incurred, and filmed and broadcast these injuries to the international media. They planned and executed this with a terrorist motive, the aim of which was to subject the Kingdom to danger and to spread fear among its residents in solidarity with achieving the illegitimate aims of the roundabout protesters using force and threats.

699. The accused medical personnel, as well as denying the above allegations, have made their own allegations against the GoB and its supporters in relation to their conduct during the events of February/March 2011.³⁰² These allegations relate to the following:

- a. Mismanagement at SMC and lack of preparation to deal with events;
- b. Spreading of false rumours and accounts of what was happening at SMC during the protests;
- c. Attacks on medical staff at the GCC Roundabout;
- d. Refusal to send ambulances to assist the injured;
- e. Unlawful arrests and mistreatment of medical personnel by the authorities;
- f. Lack of access to medical care; and
- g. A media campaign against the accused medical personnel by Bahrain Television and government officials.

700. The first allegation is dealt with in Subsection (1) below, while the second allegation is dealt with in Subsection (2). The third, fourth, fifth, sixth and seventh allegations are dealt with in separate Subsections (9), (10), (11), (12) and (13), respectively.

(1) Control and management of SMC

701. All reports indicated that there were protests, and indeed chaos, in the SMC Emergency Section and the adjoining car park during February and

³⁰² These allegations are based on their own version of events. A variety of other documents support these allegations including statements of more than 30 defence witnesses in Case No. 191 of 2011, statements provided to the Commission, documents (eg receipts and minutes of meetings) presented to the Commission as proof, files from their lawyers and local human rights societies, and reports by international organisations.

March 2011.³⁰³ During this period, certain members of the medical staff at SMC allegedly gained control over the SMC's car park and Emergency Section and managed SMC without the permission of the authorities.

702. The GoB's grievances against the accused medical personnel focus on the three following allegations: (i) hundreds of protesters supported by the accused doctors took over the SMC car park and Emergency Section between 14 February and 16 March 2011; (ii) medical personnel and SMC administrators attempted to gain control over the administration of SMC; and (iii) medical personnel colluded with protesters, the Al Wefaq National Islamic Society (Al Wefaq) and other opposition and religious leaders in setting up tents and gaining control over SMC.

703. The Commission has received contradictory statements from the GoB and the accused medical personnel. Some witnesses stated that the accused doctors "hijacked" SMC and violated the rights of patients,³⁰⁴ while others stated that this never happened.³⁰⁵

704. There seems to be general recognition that SMC was not controlled by protesters, with the exception of certain limited areas, and that SMC generally continued to function normally. On the side of the GoB, an Undersecretary of the MoH, claimed that protesters were not in control of any part of the building, with the exception of the Emergency Section on the day of the second evacuation of the GCC Roundabout (16 March 2011). SMC was otherwise under the control of the administrators.³⁰⁶ He further stated that the exit and entrance into SMC were normal except in periods of emergency. On 9 March 2011, Bahrain Television aired a segment showing Dr Nezar Al Bahrana, the then Minister of Health, visiting SMC. The segment also included statements by him, medical personnel and patients of diverse backgrounds stating that the situation was calm and normal at SMC, and asking for individuals not to believe rumours regarding SMC.³⁰⁷

705. With respect to the operation of SMC, and some reorganisation measures that were being undertaken at the time, the Head of the Emergency Section stated that meetings occurred on 19 and 20 February 2011 between some of the accused doctors and the Assistant Undersecretary for Hospital Services, in order to discuss the management of SMC in a time of crisis.³⁰⁸ The Assistant Undersecretary for Hospital Services was representing the Minister, who was out of the country. Subsequently, the Assistant Undersecretary for Hospital Services suggested that he could assign specific tasks to some doctors in order to regulate the situation in the Emergency Section. This suggestion was accepted and put into action, with overall

³⁰³ Between 14 February 2011 and 28 March 2011, 226 patients were admitted to SMC for injuries related to the protests.

³⁰⁴ See Minutes of Commission meeting at SMC, 30 August 2011.

³⁰⁵ See witness statements given to the Commission, 2 August 2011, and witnesses mentioned below.

³⁰⁶ Interview with the Commission, 30 July 2011.

³⁰⁷ YouTube, <http://www.youtube.com/watch?v=ILi3COUIULI> accessed 3 November 2011.

³⁰⁸ Minutes of court hearing on 20 June 2011 in Case No. 191 of 2011.

authority remaining with him. The circumstances, however, were not entirely clear. The Head of Administrative Services at SMC³⁰⁹ and the Assistant Undersecretary for Primary Healthcare³¹⁰ stated that these meetings occurred but added that the general atmosphere at SMC was very tense and that during these two meetings SMC administrators were pressured and, at times, felt threatened. The Commission has seen video footage of medical personnel chanting aggressively and gesticulating outside the room where the meeting was apparently taking place.

706. Similarly, the Head of the Emergency Section, the Deputy Chief of Medical Staff and a BDF doctor stated that the accused doctors were part of a “parallel” programme or plan that aimed to “hijack” the hospital and its administrative systems.³¹¹ For example, it was alleged that there was a plan to take over the hospital paging system used to communicate between members of staff. It was suggested that one of the reasons that the protesters and their supporters among the medical staff wanted to take over the facility was because there was an agreement that SMC was immune from police intervention, and that security agencies were not allowed to enter the facility or use any force in its surroundings. The BDF doctor suggested that the decision to take over SMC would have been taken when the protesters and the political forces behind them felt that they had achieved their “political” purposes and wanted to follow through and capitalise on their success and control a high value site. The Deputy Chief of Medical Staff stated that in the meetings on 19 and 20 February, it seemed that some doctors were trying to take over the administration of SMC and to replace the department heads. This move was rejected, which led them to try and control the entry and exit of patients in the Emergency Section.

707. The Military Attorney General stated in the official indictment that one of the accused doctors led a group of doctors and nurses to rally at the GCC Roundabout, chant anti-regime slogans and occupy Bahrain’s largest hospital in order to further their goal of toppling the regime. He alleged that this group met on 17 February 2011 in the vicinity of the SMC Emergency Section. The following morning, they gathered at the house of one of the accused doctors for a meeting chaired by the leader of the accused doctors. At these meetings, they exchanged statements and discussed developments at the GCC Roundabout. The Military Attorney General alleged that they agreed to draft a statement calling for the sacking of the Minister of Health, while Al Wefaq would file an international complaint in this regard against Bahrain. According to the Military Attorney General the group then staged a silent vigil in the SMC courtyard, whilst on duty, in response to a call made by the doctor in whose house they had met. They read the statement they had drafted, urging the disruption of Bahrain’s security and stability. It was also alleged that on 19 February, the leader of the accused doctors and another accused doctor met at the SMC Radiology Department. They were later joined by a number of the other accused medical personnel. They agreed to meet the

³⁰⁹ Minutes of court hearing on 20 June 2011 in Case No. 191 of 2011.

³¹⁰ Interview with the Commission, 30 July 2011.

³¹¹ Interview with the Commission, 28 August 2011.

following day at 08:00 at the clinic of the leader of the accused doctors in order to form committees aimed at mobilising support for the anti-regime protests taking place at the GCC Roundabout. They proceeded by distributing roles among themselves.

708. The GoB alleged that the accused medical personnel were in active collusion with protesters and opposition groups, as well as foreign powers. This included helping protesters to set up tents and a second base at SMC. The GoB's version of events is mainly based on witness statements. For example, the Deputy Chief of Medical Staff stated that when she asked one of the accused doctors why he was supporting the demonstrators, and why he was helping in the takeover of the hospital, he said that "'they' had received promises from the US Embassy to take over the country".³¹² She added that a large meeting was held during which the doctors supporting the opposition made plans to take over SMC. This meeting was held despite the chaos at SMC and the fact that SMC needed the help of these doctors. However, these doctors were more interested in organising the takeover of SMC. This meeting was attended by a number of the accused medical personnel. The Deputy Chief of Medical Staff claimed that Al Wafaq had a "Shoura" council, and that some of the accused doctors were members of, or in collaboration with, such a council. She added that she had not previously known of the political affiliation of these doctors, but that once the events began they started to announce that they were "Wefaqs".

709. The Head of Administrative Services at SMC stated that tents were set up at SMC with the knowledge of one of the accused medical doctors.³¹³ According to the individual alleged to have been the leader of the accused doctors, this accused doctor cooperated with the protesters in setting up the tents, but that none of the other doctors did so.³¹⁴

710. On 13 September 2011, the group of 20 medical personnel who were convicted of various felonies submitted the following statement regarding their version of events:³¹⁵

We sat together for a coffee on 18 February giving support to each other for what happened on 17 February. Then we started thinking how we could assist the MoH. We decided that we would not do anything without the approval of the MoH. Therefore, the following day there was a meeting with [the Assistant Undersecretary for Hospital Services] to inform him that we as health team members would assist in anyway with his approval and supervision.

A meeting was held on Saturday 19 February in response to the events that had happened two days previously. A group of

³¹² Interview with the Commission, 28 August 2011.

³¹³ Minutes of court hearing on 20 June 2011 in Case No. 191 of 2011 (Military Prosecution Witness).

³¹⁴ Interview with the Commission, 27 July 2011.

³¹⁵ Email sent to the Commission on 13 September 2011.

doctors, among them... [the] Assistant Undersecretary for Hospital Services (AUS), attended the meeting. This occurred at around 08:30 on the third floor in the paediatric conference room. The number of doctors exceeded 40 including various consultants. Among them were the chairmen of departments including ICU [Intensive Care Unit], paediatric and OBS/GYN [Obstetrics and Gynaecology].

It was stated very clearly that the main goal of this meeting was to decide how to supplement and facilitate the role of the departments in case of a crisis that necessitates the presence of extra doctors, nurses and sources like operation theatres, anaesthesia and others. It was also clearly stated that this was not going to interfere with the functions of doctors on call in all departments. Their role was that of a liaison. In fact some doctors who were assigned these tasks were already chairmen of departments like ICU, OBS/GYN and paediatrics. [One of the accused doctors] for example was given responsibility for the operation theatre. Immediately after the meeting he called [the Chairman of Surgery] and [the Chairman of the Orthopaedic Department], and informed them about this. He emphasised that his role was just a facilitator and both actually had welcomed that. Luckily enough, no emergency happened until 13 March 2011. At the end of the meeting, [the Assistant Undersecretary for Hospital Services] approved everything and when asked if it was an official meeting, he clearly stated, yes approved by AUS. That was his exact remark.

711. One of the accused doctors stated that on 19 February 2011 she went to her department to ensure that the activation of the disaster plan was going well.³¹⁶ Everything seemed normal. She stated that she eventually heard a call for a meeting on the third floor for all doctors and she stated that the individual alleged to have been the leader of the accused doctors was responsible for that call. When she went to the meeting hall, it was closed and one of the workers from the operations room was not allowing people to enter. When people were allowed to enter the room, she saw that the individuals present in the closed meeting included the individual alleged to have been the leader of the accused doctors and several other doctors. She stated that it was unclear what had happened in the closed meeting.

712. One of the accused doctors told the Commission that a second meeting, which was open and attended by many more doctors, was convened by the individual alleged to have been the leader of the accused doctors. She observed that this doctor was nervous and in a bad mental state due to the uncertainty of the situation. He began by giving a presentation explaining that the meeting was being conducted in cooperation with the Assistant Undersecretary for Hospital Services, in light of the events of 17 February 2011, and that it had been agreed with him that another team would be

³¹⁶ Witness statement provided to the Commission, 4 August 2011.

activated in the Emergency Section. During this presentation, the Assistant Undersecretary for Hospital Services entered and commented on the present. There was an awkward scene when the convenor of the meeting asked everyone to clap for the Assistant Undersecretary for Hospital Services. It seemed that both of them had agreed on an allocation of responsibilities on the following basis: (i) one doctor would be responsible for the emergency team, given his experience with the Formula One; (ii) the convenor of the meeting would act as liaison between the protesters and SMC administrators; (iii) another one of the accused doctors was to be in charge of the operating theatre; and (iv) one of the accused doctors would be in charge of the ICU. They hoped that everyone would cooperate. The Deputy Chief of Medical Staff called the witness after the meeting to inform her about the meeting and about the team composed of the Assistant Undersecretary for Hospital Services and the doctor who had convened the meeting

713. One of the accused doctors reported that on 20 February 2011 she was informed that there was another meeting with an Undersecretary of the MoH. Most of the heads of sections were there, including the Head of the Emergency Section, and others. The current situation at SMC was discussed and the attendees were informed of what had been agreed with regard to the disaster team by the Assistant Undersecretary for Hospital Services and the doctor who had convened the meeting the day before. Each head of section then presented their part of the disaster team updates, and a circular on the situation was issued.³¹⁷

714. Regarding the crisis plans, the same accused doctor presented the Commission with a copy of the “disaster preparedness program” presentation given at the MoH on 7 February. The Chief of Medical Staff at SMC stated that in the Emergency Section there were a total of 56 doctors divided over three shifts, and during “disaster” mode more doctors were asked to join the Emergency Section team, especially on 14, 15 and 17 February 2011. Disaster mode was declared for about six hours each time.³¹⁸

715. A number of accused medical personnel stated that they felt that there were shortcomings in the emergency plan and the handling of the situation after the first clearance of the GCC Roundabout. They believe that the shortcomings of the MoH in preparing for and handling the events were the main reason for the chaos at SMC. They felt that they needed to offer their services on a voluntary basis at the GCC Roundabout medical tent in order to deal with the crisis.

716. The accused doctor who was given responsibility for the operating theatre stated that it was not true that he and the other accused doctors “hijacked” the hospital. He considered that it would be impossible to hijack a hospital for 30 days without the GoB intervening, and that it would be impossible for so few doctors to hijack the only public hospital in the country for so long. He stated that there were no administrative orders issued by hospital staff except senior SMC administration. Any hospital orders had to

³¹⁷ This circular was provided to the Commission.

³¹⁸ Interview with the Commission, 28 August 2011.

be signed by the Assistant Undersecretary for SMC or the Chief of Medical Staff. Concerned department heads carried out all administrative responsibilities. In practice, orders to doctors were solely from department heads, the Chief of Medical Staff and the Assistant Undersecretary. From an administrative point of view, SMC was operating as normal, meetings were being held and staff were instructed in accordance with the disaster plan. Although the families of the injured protesters gathered in the parking area outside the Emergency Section, this did not obstruct the entrance. The accused doctor further stated that hospital staff were busy treating casualties without interfering with the other events.³¹⁹ He stated that at the end of the day the doctors' responsibility was to deal with the injured and that any security concerns were the responsibility of security and administration.³²⁰ This position was supported by an MoH security guard who stated that security personnel have an agreement with the MoI that during crisis mode they would take over the administration of the SMC Emergency Section and that they would be responsible for the exits and entrances of the hospital, and that they would take orders from the management of SMC and not the doctors.³²¹

717. The accused medical personnel deny that they had any relationship with the protesters. Their version of events was supported by statements from Prosecution witnesses in these trials. For example, the Head of Administrative Services at SMC stated that the Assistant Undersecretary for Hospital Services had agreed that one of the accused doctors would deal with the demonstrators as he had obvious influence over them.³²²

718. One of the accused doctors stated that on 19 February 2011, two other accused doctors asked the protesters to leave the Emergency Section.³²³ There was an official meeting on 19 February, during which the Assistant Undersecretary for Financial Affairs asked the doctors to request the protesters to leave the Emergency Section. He further stated that none of the accused doctors were colluding with the protesters camped in tents at SMC, nor did the doctors order the protesters to stay there.

719. The medical personnel who were convicted of felonies submitted a joint statement to the Commission in which they asserted the following:

There was no relationship between doctors and protesters. Doctors were only involve[d] in the treatment of injured patients according to the nature of their injury. Hospital premises were under the total control of hospital administration.³²⁴

³¹⁹ Statement provided to the Commission by the Ministry of Health entitled "Salmaniya Medical Complex", 10 September 2011.

³²⁰ Witness statement provided to the Commission, 2 August 2011.

³²¹ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³²² Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011.

³²³ Interview with the Commission, 27 July 2011.

³²⁴ The medical personnel provided a copy of a press report in which the Assistant Undersecretary for Hospital Services made a statement to the same effect.

... There were two types of tents put outside the hospital at the car park in front of the emergency department: the medical tent was set by the hospital administration to accommodate anticipated floods of patients in case of disaster. This tent was authorised and supervised by hospital administration. The other tents were set by the protesters and doctors have nothing to do with them.³²⁵

720. An engineer at the MoH, stated that the engineering administration from the MoH set up the big tent in the car park based on orders from the hospital administration.³²⁶

721. A lawyer for several of the accused doctors, provided a copy of an email sent on 21 February 2011 by the Assistant Undersecretary for Primary Healthcare to all personnel working in healthcare. The email thanked the healthcare personnel for providing their services in a complete manner during the events.

722. According to the statement submitted by the accused medical personnel to the Commission:

Though few doctors are members of Al Wefaq which is an official Bahraini society operating legally under Bahrain law, it had no influence on them while they were performing their duties as professionals... Some other doctors are members of other political societies. We can confirm that doctors didn't give free room to religious scholars and Alwefaq MPs inside SMC, as the hospital was under the responsibility of SMC administration at all times.³²⁷

723. The authorities deny the allegations made against them by the accused medical personnel concerning the mismanagement of SMC. The GoB claims that the chaos and disorder was due to protesters and the accused medical staff. The SMC administration stated that in the two meetings that took place on 19 February, they were threatened and forced to allow the accused doctors to run the hospital. They therefore agreed to relocate some of those in charge of various sections, allowing the accused doctors to take control.

(2) Spreading False Rumours and Information

724. According to article 168 of the Bahrain Penal Code, as amended by Decree Law No. 9 of 1982, it is a violation of the law to deliberately disseminate false or malicious news, reports, statements or rumours, or produce any publicity, which disturbs public security.³²⁸ The authorities have alleged that the medical staff at SMC intentionally spread false rumours and

³²⁵ Email sent to the Commission on 13 September 2011 (original English text).

³²⁶ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³²⁷ Email sent to the Commission on 13 September 2011 (original English text).

³²⁸ See Findings and Conclusions to this Chapter.

information about the events taking place at SMC during the protests. Accusations have also been made that medical staff helped to stage certain events.

725. More specifically, the allegations are as follows: (i) medical staff provided false information to the media; (ii) medical staff provided blood to protesters, allowing them to spread blood on themselves in order to incriminate security forces; and (iii) medical staff gave atropine to some individuals in order to simulate nerve gas injuries.

726. An Al Jazeera video screened on 15 March 2011, showing a patient in a state of convulsions, was presented to the Commission as supporting the accusations regarding the administration of atropine.³²⁹ The accusation is that the atropine was used to create similar symptoms (a state of convulsions) to those displayed by an individual who has been exposed to nerve gas, in order to incriminate the security forces. One doctor stated that there was an order from two of accused doctors to give atropine to patients.³³⁰ An employee at SMC stated that he saw one doctor administer atropine to patients.³³¹

727. The accusations regarding protesters pouring blood on themselves in order to appear injured refer mainly to witness statements and video footage. An ambulance driver stated that during the protests at the Financial Harbour, which took place from 6 to 11 March 2011, he saw protesters throw blood on their clothes and bodies in order to appear injured.³³² Commission investigators also received video footage showing protesters pouring blood from blood bags onto their clothes.

728. Claims regarding the provision of false information to the media are based on eyewitness accounts, videos and the understanding that some have drawn from the statements made in these videos. The GoB alleged that some of the medical personnel exaggerated the extent of injuries. On the other hand, the medical personnel claim that government officials deliberately understated the number of injured persons. The Deputy Chief of Medical Staff stated that on 17 February 2011, one of the accused doctors was not making any effort to assist victims but was instead running around with an Al Jazeera crew.³³³ The next day, this doctor gave a statement that there were countless casualties lying all over the floor at SMC, despite the fact that the total number of people at SMC that day was actually less than the day before. According to the Deputy Chief of Medical Staff and other doctors, this doctor knew the real numbers and intentionally gave false statements to the media.

729. The GoB also accused protesters of impersonating medical staff. SMC administration presented a video that shows an individual falsely impersonating a doctor while giving an interview by telephone to an

³²⁹ YouTube, <http://www.youtube.com/watch?v=IIJPEdsDCo> accessed 6 November 2011.

³³⁰ Interview with the Commission, 30 July 2011.

³³¹ Minutes of court hearing on 30 June in Case No. 191 of 2011 (Military Prosecution witness statements).

³³² Interview with the Commission, 30 July 2011.

³³³ Interview with the Commission, 28 August 2011.

unidentified news channel.³³⁴ The hospital administration confirmed that the individual was not a staff member at SMC. There is no evidence indicating that the individual had any relationship with any of the accused medical personnel. The Commission has no record of medical staff responding to this allegation.

730. All the above allegations by the GoB have been denied by accused medical personnel. In response to the allegation that medical staff used atropine on patients in order to simulate nerve gas injuries. One doctor stated that on 13 March 2011 the medical crew at SMC witnessed strange injuries to protesters which involved spasms and convulsions that they were unable to identify clearly. They suspected that the injuries might be the result of a type of phosphorus or nerve gas. They subsequently dealt with the protesters in accordance with the symptoms using atropine, cortisone and oxygen. He further stated that it was a hectic day with many patients on the floor of the hospital and in the car park, including many cases of gas inhalation.

731. In relation to the allegation that protesters poured blood on themselves, the response of the accused medical personnel is based on Defence witness statements presented in Case No. 191 of 2011. These statements claim that any blood had to be signed for by a doctor and the person in charge of the blood bank, and that this would have made it extremely difficult, if not impossible, for doctors to obtain large quantities of blood without it being signed for.³³⁵

732. The accused medical personnel stated that interviews were given to foreign media, but deny that these contained any intentional false statements. The doctor referred to in paragraph 728 stated that he gave interviews to international media, such as Al Jazeera, regarding the incidents involving the hospital and the numbers of injured being treated at the hospital.³³⁶ On 18 February 2011, he gave an interview to Al Jazeera stating that there were hundreds of injured persons at SMC. He thought it was his duty to give a true and unaltered picture of what was going on inside the hospital. He considered that the information that the MoH was giving to the public and international media was simply incorrect. The number of injured persons was understated. He stated that the Minister of Health gave a statement that was completely inaccurate in relation to both the numbers of injured and incidents involving SMC. The Minister of Health had previously stated on television that there were only seven patients with minor injuries.³³⁷

³³⁴ Video received from MoH.

³³⁵ Minutes of court hearing on 20 June in Case No. 191 of 2011.

³³⁶ Witness statement provided to the Commission, 2 August 2011.

³³⁷ *The second announcement: the Bahrain Medical Society and the Bahrain Dentists Society*, Al Wasat News (19 February 2011), <http://www.alwasatnews.com/3088/news/read/528059/1.html> accessed 4 November 2011 (Arabic Text).

(3) Granting access to the media

733. This allegation relates to: (i) facilitating media access to SMC; (ii) giving interviews to the media; and (iii) compromising patient confidentiality.

734. Video footage shows that the media was able to conduct interviews and obtain footage from within SMC. The accused medical personnel have confirmed that they conducted interviews with the media inside the hospital.³³⁸ Both foreign media and Bahrain Television seem to have obtained footage from inside SMC, including footage of injured persons inside the hospital.

735. The GoB's view of events is that the accused medical personnel actively assisted the media, in particular international outlets, in gaining access to SMC. The Assistant Undersecretary for Primary Healthcare stated that media roamed freely inside the hospital.³³⁹ The Head of the Emergency Section stated that this occurred with the help of several doctors.³⁴⁰ The Chief Resident Doctor stated that he was operating on the protester Mr Fadhel Matrook (the second protester who died on 16 February 2011) when he was surprised by media suddenly entering the room, turning it into a media showroom.³⁴¹ An ambulance driver stated that he witnessed foreign reporters being allowed to use computers in order to send pictures, videos and medical reports.³⁴²

736. The accused medical personnel stated that while interviews were given to foreign media, the media were not allowed unfettered access to SMC. A different perspective was provided by one doctor who stated that as far as he was aware no orders were given by the hospital administration forbidding media access to SMC. Another doctor made a similar observation.³⁴³

(4) Unauthorised marches and gatherings by medical personnel

737. According to government accounts, medical personnel organised illegal marches and demonstrations, both inside and outside SMC. The Commission received several videos that show medical personnel involved in political chants inside SMC on 17 February 2011. Two videos of the same events show nurses and non-medical personnel chanting, "The people want the fall of the regime".³⁴⁴ Another video the same day shows some medical

³³⁸ Statement provided to the Commission, 2 August 2011. See also Al Jazeera video coverage, YouTube, <http://www.youtube.com/watch?v=4-5Ecwo3tgk> and <http://www.youtube.com/watch?v=IIJIPeDsDCo> accessed 4 November 2011.

³³⁹ Interview with the Commission, 30 July 2011.

³⁴⁰ Interview with the Commission, 30 July 2011.

³⁴¹ Interview with the Commission, 30 July 2011.

³⁴² Interview with the Commission, 30 July 2011.

³⁴³ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁴⁴ See YouTube, http://www.youtube.com/watch?v=QrT_2HFICFY&feature=related and <http://www.youtube.com/watch?v=KEGnByITVCo> accessed 4 November 2011.

personnel calling for the fall of the Minister of Health.³⁴⁵ There is also footage of a pro-government rally being held by some medical personnel within SMC, which was broadcast on Bahrain Television on 11 May 2011.³⁴⁶

738. The Commission received video footage recording protesters at SMC chanting discriminatory slogans such as, “Naturalised citizens get out”. Other video footage records protesters chanting, “Death to Al Khalifa” outside the emergency room.³⁴⁷

739. Regarding demonstrations by the accused medical personnel, an SMC employee stated that one of the accused doctors was in charge of demonstrations by medical personnel and that he had a close relationship with the demonstrators.³⁴⁸ This doctor and others encouraged medical personnel to participate in demonstrations. An SMC surgeon and two ambulance drivers provided similar accounts.³⁴⁹ A clerk at SMC stated that several of the accused doctors wore badges saying, “Sit-in until the regime falls”. One SMC employee stated that he heard several doctors call for the fall of the regime.

740. One of the accused medical personnel stated that although medical personnel did participate in demonstrations, this occurred after working hours.³⁵⁰ Another one of the accused doctors stated that a protest was organised by the medical team on 18 February 2011 to protest attacks on the medical personnel at the GCC Roundabout and the stoppage of ambulance services during the first clearance of the GCC Roundabout, but that this protest took place outside working hours.³⁵¹ He confirmed that other protests did occur, but always outside working hours, except for the spontaneous protest on 17 February immediately after the first clearance of the GCC Roundabout amid the rumours that ambulance drivers were prevented from accessing it. There are several videos of the protests in question, which seem to indicate that the protests occurred in the SMC car park area and in the area in front of the Emergency Section.³⁵²

741. According to the statement submitted by the accused medical personnel on 13 September 2011:

The nature of the marches was completely professional and focused on the poor management of the disaster by administration

³⁴⁵ YouTube, <http://www.youtube.com/watch?v=X101UunCFAU&feature=related> accessed 4 November 2011.

³⁴⁶ YouTube, <http://www.youtube.com/watch?v=AfUCEot6BgQ> accessed 4 November 2011.

³⁴⁷ Video footage received from BCHR.

³⁴⁸ Minutes of court hearing on 20 June in Case No. 191 of 2011 (Military Prosecution witness statements).

³⁴⁹ Report from the MoI entitled “Samples of some complaints by nationals against doctors and officials in Salmaniya Hospital regarding withholding treatment”; Interview with the Commission, 30 July 2011.

³⁵⁰ Interview with the Commission, 30 July 2011.

³⁵¹ Interview with the Commission, 27 July 2011.

³⁵² See, for example, the video of a protest by medical personnel on 18 February 2011. YouTube, <http://www.youtube.com/watch?v=YkufTYgKtTQ> and <http://www.youtube.com/watch?v=4SD-FP4BqWM&feature=related> accessed 19 November 2011.

team on February 17, 2011. [T]hese marches were spontaneously evolved by the presenting medics at the hospital following the attack on the Feb. 17 morning as a result of the medical responsibility following the immediate stoppage of the ambulance services by the administration and the attack [on] paramedics and drivers trying to evacuate the victims. [T]wo marches took place in front of the hospital, the first on Feb. 18th and the 2nd was on Feb. 20th. [B]oth were outside the working hours and not interfering with patient care or obstructing the hospital gates.³⁵³

(5) Discrimination based on ethnicity or sect

742. The authorities alleged that during the events of February/March 2011, certain members of the medical staff violated the Bahrain Medical Society Charter of Medical Ethics and discriminated against patients based on their ethnicity or sect. Such discriminatory acts against patients took the form of mistreatment, harassment, unlawful detention and denial of medical care. These allegations are based on, first, specific incidents surrounding the treatment of naturalised Bahrainis and expatriates on 13 March 2011 and, second, the overall drop in the number of patients attending SMC due to the security risk.

743. On 13 March 2011, clashes occurred between anti-government and pro-government protesters. These clashes resulted in injuries to expatriates and naturalised Bahrainis, some of whom were sent to SMC. Government accounts are based on first hand witness statements. An SMC surgeon testified in court that on 13 March 2011 he witnessed two individuals, one Bahraini and one naturalised Bahraini of Syrian descent, being taken to the Emergency Section with severe head injuries, apparently suffered during protests at the University of Bahrain.³⁵⁴ He said he heard one accused doctor shout, “Get these mercenaries away and throw them out and let BDF Hospital treat them”. Another accused doctor intervened and tried to calm him down and told him to keep his voice down. Another doctor then came and treated the patients, who were subsequently taken to BDF Hospital.

744. The SMC surgeon further stated that later that night he saw a Bahraini Shia security guard beating a Pakistani man in a wheel chair, so he went up to him and said, “If you do that again I will cut your hand off”. Nurses then intervened to calm the situation. Minutes later he went to the Emergency Section and saw three of the accused doctors with a Shia cleric talking in a low voice to an Asian man on a bed, which he thought was very suspicious. The Chief Resident Doctor stated that on 13 March 2011 he witnessed two Pakistanis, who had been brought in ambulances and who had their hands tied, being attacked by protesters.³⁵⁵ He stated that the doctor referred to in the preceding paragraph attacked one of the patients, pulling him violently, and

³⁵³ Email sent to the Commission on 13 September 2011 (original English text).

³⁵⁴ See Case No. 191 of 2011.

³⁵⁵ Interview with the Commission, 30 July 2011.

asked the Chief Resident Doctor not to “release the handcuffs of the animal”. He also witnessed this doctor attack other injured patients.

745. It was alleged that the accused medical staff discriminated against expatriates and did not give them similar treatment to that received by Shia patients. The Commission received video footage showing an interview given by one of the accused doctors to the media in which he stated that not all patients were protesters, but that some were expatriates who worked for the security forces. He shows a table housing the identification of patients, making no attempt to hide the identities of the patients. Other video footage depicts an SMC nurse treating a patient of Asian origin. While treating the patient she was asking him why he was hurting the Bahraini people.³⁵⁶

746. One account of a patient unable to reach SMC was provided by a woman who was three months pregnant at the time.³⁵⁷ She reported that due to road closures and protesters on the street, it took her approximately three or four hours to drive to her routine appointment at BDF Hospital. Once there, her physician noticed that she had uterine bleeding. He told her that she should go home and rest, but that if the bleeding continued she should call an ambulance or go to a hospital immediately. On 15 and 16 March 2011, she continued to bleed but was unable to go to a hospital because of road closures and chaos on the streets. She did not go to SMC because she had heard television reports that armed opposition protesters had occupied the hospital. She stated that she felt she could not go to SMC because, being Sunni, she did not think she would be safe or receive proper medical treatment there. On 17 March, she miscarried. She called BDF Hospital for an ambulance but they were unable to send an ambulance because of the security situation. Her husband drove her to a private clinic but after being admitted she found that she would not be able to afford treatment there and so she left. She was eventually admitted to Muharraq Hospital, where the attending physician told her that she had lost her baby and that this was because she had been unable to receive medical treatment during the two days of bleeding.

747. Bahrain Human Rights Watch Society presented a file to the Commission that included cases of three individuals who claimed that they were refused treatment or were verbally abused by medical staff at SMC because they were Pakistani.³⁵⁸

748. One doctor stated that one accused doctor gave her attention to injured Shia patients rather than Sunnis.³⁵⁹

749. The Commission received several complaints alleging discrimination against Sunni patients by medical staff at SMC. These included accusations of medical negligence and denial of medical care. The Commission received video footage of a man carrying a young child and attempting to enter

³⁵⁶ Video footage received from the MoI.

³⁵⁷ Witness statement provided to the Commission, 9 September 2011.

³⁵⁸ File on abuses against expatriate workers provided to the Commission by Bahrain Human Rights Watch Society.

³⁵⁹ Interview with the Commission, 30 July 2011; Minutes of court hearing on 30 June in Case No. 191 of 2011 (Military Prosecution witness statement).

SMC.³⁶⁰ The video shows three medical personnel who prevent him from gaining access to SMC. He states that if he were Shia he would not have been denied access.

750. The accused medical personnel rely on statements by Prosecution witnesses, as well as the video clips presented above. An Undersecretary of the MoH, stated that he did not witness discrimination in the treatment of patients by doctors.³⁶¹

751. The doctor referred to in paragraphs 743 and 744 denied the allegations either that he mishandled the patients or that he ordered their transferred to BDF hospital. A resident dentist stated that he worked under the authority of this doctor and that the doctor never asked him not to treat a particular patient and that he never saw him discriminate against any patients.³⁶² An SMC surgeon gave a statement to similar effect. He further stated that he saw this doctor treat a Bahraini police officer of Syrian descent. Another doctor stated that he received a call from the parents of the police officer, at which point he went to see him in the Emergency Section and reviewed the related medical reports. The doctor stated that the police officer's health was stable and he told him that his parents had been asking about him.³⁶³

752. A resident trainee doctor at SMC stated that she did not witness any discrimination against patients.³⁶⁴ She stated that protesters were extremely angry at the expatriates brought in on 13 March 2011 because expatriates were attacking protesters and perhaps working for the national security forces. The doctors were trying to protect the wounded expatriates and keep the protesters away from them. There is a video of an injured person of Asian background with a head wound being brought into SMC on 13 March, which shows him being treated by medical personnel.³⁶⁵

753. According to the statement submitted to the Commission by the accused medical personnel:

On 13 March 2011, all patients who came to A&E were treated by the doctors present regardless of their sect or nationality. This is witnessed by doctors involved in the treatment as well as staff nurses present at the hospital on that day. We would also like to bring to the attention of the Commission the testimony before the court of [the Head of the Emergency Section] delivered while

³⁶⁰ Video footage received from the MoI.

³⁶¹ Interview with the Commission, 30 July 2011.

³⁶² Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁶³ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁶⁴ Statement provided to the Commission, 10 August 2011.

³⁶⁵ YouTube, <http://www.youtube.com/watch?v=b1NiB2MR57c> accessed 4 November 2011.

under the oath. [It is important] to note that [the Head of the Emergency Section] was called as a prosecution [witness].³⁶⁶

754. The Head of the Emergency Section testified that on that day 16 expatriates were transferred from SMC to BDF hospital to receive the necessary treatment and that none of these individuals were held at SMC against their will. In addition, there was one expatriate who had suffered a fracture of the right shoulder and was operated upon by one of the accused doctors and another doctor.

755. The Head of Nursing at one SMC ward stated that she was with one of the accused doctors on 14 March 2011 when he treated two naturalised Bahrainis, and that one of them required an operation but the patient's father did not agree to have the operation performed.³⁶⁷

756. The GoB has suggested that the overall drop in the number of patients treated at SMC during February and March 2011 indicates that discrimination occurred at SMC. It is claimed that this proves that patients were too afraid to attend SMC due to the events occurring there. The Head of the Emergency Section at SMC stated that the number of individuals admitted daily dropped from approximately 1,000 to approximately 400 during the events, showing that the events were preventing or scaring patients from reaching SMC.³⁶⁸ He further stated that people were afraid of entering the hospital, even in the regular and outpatient clinics. An X-ray specialist stated that while nobody was denied treatment by doctors, many Sunnis were afraid to come to SMC due to the protests in the car park.³⁶⁹

757. The accused medical personnel have a different interpretation of the drop in the number of admissions. One SMC doctor, who was also a Defence witness, stated that patient numbers dropped during the period in question because minor injuries were no longer accepted.³⁷⁰

758. One accused doctor presented a file to the Commission that includes a copy of a memorandum sent by her and the Chairman of Surgery on 20 February 2011 requesting the official reduction of inpatient major and minor elective cases in order to make more beds available for any emergencies.³⁷¹ The memorandum was also sent to the Chief of Staff.

759. One of the accused doctors submitted a written statement in which he stated:

[T]he number of patients during the February-March period was comparatively less compared to previous months but this is self-explanatory in view of what the country went through during that

³⁶⁶ Email sent to the Commission on 13 September 2011 (original English text).

³⁶⁷ Minutes of court hearing of 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁶⁸ Interview with the Commission, 30 July 2011.

³⁶⁹ Interview with the Commission, 30 July 2011.

³⁷⁰ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁷¹ Witness statement provided to the Commission, 4 August 2011.

period. For example, 1,580³⁷² surgeries were performed during the month of February 2011, which is comparative to the number of surgeries performed in February 2010; which is equal to 1,808. On the contrary 1,169 surgeries were performed in March 2011, while 2,245 surgeries were performed in March 2010.³⁷³

760. He also stated that with the exception of 14, 17 and 18 February and 13-16 March 2011, when work was partially disrupted due to the events:

[A]ll clinics and the operating rooms were running and functioning normally. Hospital staff were attending the clinics, doing their usual jobs. The operating theatres were active and all elective surgeries were carried on as normal. Consultants and residents were attending theatres and performing surgeries within all different specialties.

The in-patients hospital visitors were able to attend and leave the hospital without being obstructed.³⁷⁴

761. He further stated that on the above-mentioned days of partial disruption:

[T]here were various kinds of injuries, which required the use of manpower, and various facilities like the Accident and Emergency cubicles, the outpatient clinics and operating rooms in order to cope with the large number of casualties. These alterations were verbally ordered by [the Undersecretary for the Ministry of Health], [Assistant Undersecretary for Hospitals], [the Assistant Undersecretary for Hospital Services] and the Chief of Medical Staff... This was witnessed by the hospital staff that were present at the hospital during the events. Furthermore, there were circulars which directed the chairpersons to instruct the hospital staff to reduce the number of admitted patients for elective surgery and cut down the operating list to 30% of the workload in case the operating rooms were needed to deal with emergency cases.³⁷⁵

(6) Illegal acquisition and use of medicine and medical facilities

762. It is alleged that medical personnel illegally acquired and used medicine and medical facilities, first, by providing equipment to the tent at the GCC Roundabout and, secondly, by allowing ambulances to carry protesters illegally.

763. The GoB claims that some of the medical equipment in the GCC Roundabout tent was taken from SMC illegally. Statements provided by

³⁷² See also file presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”.

³⁷³ Statement provided to the Commission, 10 September 2011.

³⁷⁴ Statement provided to the Commission, 10 September 2011.

³⁷⁵ Statement provided to the Commission, 10 September 2011.

senior SMC and government officials support such allegations. On 11 April 2011, the Assistant Undersecretary for Primary Healthcare stated on Bahrain Television that there were cases of medical equipment and medicine missing from SMC.³⁷⁶ On 3 May, the Minister of Justice in Bahrain, Shaikh Khalid bin Ali Al Khalifa, and the acting Minister of Health, Dr Fatima Al Balushi, held a press conference in which they claimed that large quantities of medical equipment and medicine had been stolen from SMC and taken to the GCC Roundabout during the events of February and March.³⁷⁷ These allegations are repeated in Case No. 191 of 2011.

764. The medical personnel deny such accusations, contending that all equipment sent to the tents was done so officially and legally. Their version of events relies on receipts, minutes of meetings and statements. The accused medical personnel allege that the GCC Roundabout tent was approved and supported by SMC officials.³⁷⁸ This included offering overtime pay for those involved in setting up tents, an offer that the medics refused. Minutes of official meetings approving the tent, emails regarding the tent and receipts of equipment sent to the tent have been provided to the Commission. A consultant doctor, who is the wife of one of the accused doctors, stated that no medical equipment was stolen from SMC.³⁷⁹

765. The same doctor stated that the administration at SMC knew about the tent at the GCC Roundabout and they had agreed to provide medical items to the tent through the Assistant Undersecretary for Hospital Services and the Undersecretary for Primary Healthcare. The administration also agreed to send an ambulance to be on stand-by in front of the tent from 19 February 2011. They stated that this action was taken and approved by the CEO of SMC and the Administrator of Health Services at SMC, and was facilitated by the Chief of Ambulance Services. Many telephone calls took place between two of the accused doctors, the Undersecretary for Primary Healthcare and the Assistant Undersecretary for Hospital Services regarding the establishment of the tent. These calls took place after 18 February.³⁸⁰ Means of facilitating the tent were also discussed in a meeting chaired by the Head of Primary Healthcare Services on 20 February.³⁸¹ The decision was taken at that meeting to provide the equipment and medications necessary to deliver the required medical treatment. One of the accused doctors was asked to follow up and execute that decision. The decision was followed by an official email from the Head of Pharmacy at SMC to one of the accused doctors on 20 February, which was copied to the Undersecretary for Primary Healthcare. On 22 February, the Chief of Medical Staff sent a letter to the CEO of SMC

³⁷⁶ YouTube, http://www.youtube.com/watch?v=BCO-BL_6swU accessed 4 November 2011.

³⁷⁷ YouTube, <http://www.youtube.com/watch?v=waGPqSAviiQ> accessed 4 November 2011.

³⁷⁸ Email sent to the Commission on 13 September 2011.

³⁷⁹ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁸⁰ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁸¹ A copy of the minutes of the meeting in question was provided to the National Safety Court in Case No. 191 of 2011.

regarding the provision of medical items and equipment to the medical tent at the GCC Roundabout. A copy of this letter was provided to the Minister of Health and the Assistant Undersecretary for Hospital Services. The accused doctors claim that on the basis of the evidence mentioned above, there was a formal approval of the medical tent at the GCC Roundabout.

766. A lawyer for several of the accused doctors provided the Commission with copies of three official documents and emails showing signed approvals for medical equipment to be sent to the tent at the GCC Roundabout.³⁸² One accused drew attention to the fact that the Gathering of National Unity, a pro-government political group, claimed publicly in the Al Watan Newspaper on 13 August that they had organised a voluntary committee in Muharraq in February.³⁸³ This committee took medicine and equipment from, and liaised with, MoH officials. He considered this to be proof that voluntary medical committees were allowed to be set up by parties other than those at the GCC Roundabout, and that they were allowed access to MoH medicine and equipment, but they were not charged and arrested.

767. Regarding the accusation that medical personnel used ambulances for illegal purposes, the University of Bahrain has submitted a report in which it claimed that ambulances were used to transport armed protesters in the clashes that occurred at its campus on 13 March 2011.³⁸⁴ One ambulance driver stated that a doctor asked him to transport an individual who was not hurt at all.³⁸⁵ An ambulance paramedic stated that he did not receive any orders from any of the accused medical personnel regarding ambulance movement between 14 February and 17 March 2011, except from the Head of Ambulance Services.³⁸⁶ A supervisor in the ambulance section, a paramedic and an assistant paramedic gave similar accounts.³⁸⁷

768. There is also some controversy as to whether the ambulances were used to support the activities of the demonstrators by transporting them from the GCC Roundabout to the University of Bahrain. According to the statement submitted to the Commission by the accused medical personnel, medical personnel did not facilitate the use of ambulances by protesters:

All ambulances [in] the period from 14th February till 16th March 2011 were operated in accordance with the rules and regulations set by MoH and led by the assigned staff. They were staffed by paramedics appointed by SMC. There were no breaches of these regulations.³⁸⁸

³⁸² Files provided to the Commission by lawyer for some of the accused medical personnel.

³⁸³ Interview with the Commission, 30 July 2011.

³⁸⁴ Report prepared by the University of Bahrain entitled "Actions Taken by the University of Bahrain in connection with the Events that Took Place in February and March 2011".

³⁸⁵ Interview with the Commission, 30 July 2011.

³⁸⁶ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁸⁷ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁸⁸ Email sent to the Commission on 13 September 2011 (original English text).

(7) Unlawful detention of patients

769. The main allegations regarding unlawful detention relate to the events that took place on 13 March, following clashes between protesters and expatriates. A video shows three injured expatriates of Asian background, with their hands tied, being pushed into SMC by medical personnel.³⁸⁹ The video shows medical personnel standing between the protesters and the injured individuals, with some of the gathered crowd trying to shove and kick the injured expatriates. The role of the medical personnel is disputed. The GoB's account of events is based on witness statements. One doctor reported that on 13 March he saw two Pakistanis who had been brought to SMC in ambulances with their hands tied behind their backs being attacked by protesters.³⁹⁰ The doctor referred to in paragraphs 743 and 744 was attacking one of the patients and pulling him violently and he asked the doctor not to "release the handcuffs of the animal". The doctor also reported seeing him attack other injured patients.

770. One doctor stated that injured Indians and Pakistanis were brought in ambulances to SMC against their will on 13 March.³⁹¹ He claimed that he was forced to stop helping the wounded by the accused medical staff. He was told not to remove the ties on their hands. He further reported seeing one of the accused doctors holding Asian patients by their necks. He then took their CPRs³⁹² and mobile phones from them and asked them where they worked. They replied that they were workers, but then he forced them to say that they worked with the police and that they had taken 20 dinars from the GoB to harm the protesters. He further threatened the patients by telling them that the accused doctors would call their family and that the accused doctors would kill them.

771. A news clip by Al Jazeera shows identification cards for some of the injured who had been brought in to SMC, purportedly identifying them as expatriates who worked for the MoI and other security agencies.³⁹³

772. The Head of the Emergency Section stated that on 13 March 2011 patients of Asian origin were treated by doctors in the Emergency Section and then transferred to BDF Hospital. The transfer took place after the person in charge of security informed him that the patients were in danger, so he coordinated with SMC to have them transferred to BDF Hospital.³⁹⁴

773. A number of witnesses gave statements to the Commission in which they denied these allegations. According to the statement submitted to the Commission by the accused medical personnel on 13 September 2011:

³⁸⁹ YouTube, <http://www.youtube.com/watch?v=sgsMF8q7KAY> accessed 4 November 2011.

³⁹⁰ Interview with the Commission, 30 July 2011.

³⁹¹ Interview with the Commission, 30 July 2011; Minutes of court hearing on 30 June in Case No. 191 of 2011 (Military Prosecution witness statements).

³⁹² Central Population Registration. This is an identification card.

³⁹³ YouTube, <http://www.youtube.com/watch?v=IIJIPedsDCo> accessed 5 November 2011.

³⁹⁴ Interview with the Commission, 30 July 2011.

The injured patients of Asian origin brought to SMC on March 13, 2011 were involved in violent clashes with the protesters in Manama. Some of these were actually thugs in civilian dress that attacked civilians using sticks, iron rods and stones. The protesters tried to defend themselves so they caught some of them and tied their hands. The ambulance took the injured people from both sides for treatment at SMC. These were so violent and were screaming at the medical staff who prevented them from untying their hands in the ambulance. The medical staff was actually trying to protect these thugs from the [outraged] protesters and calm them. Several of the medical staff surrounded them during their transport from the ambulance into the resuscitation room where they got the required medical treatment.

There was no maltreatment or abuse of them, as a matter of fact they had the treatment given to them by Senior Consultants after their formal hospital admission and obtaining the necessary consent for surgical treatment. According to [the Head of the Emergency Section's] court testimony, he mentioned that 16 individuals were not held against their will and were transferred to BDF hospital to receive the necessary treatment.

In addition, there was one patient who sustained a fracture of [the] right shoulder and was operated upon by [one of the accused doctors] and [another doctor]. Next day, he was reviewed by the team.³⁹⁵

774. An MoH security guard stated that he was present during the arrival of the Asian patients at SMC on 13 March 2011.³⁹⁶ He stated that the doctor referred to in paragraph 769 and the accused doctor referred to in paragraph 770 did not assault the patients in question but that they were among the doctors who treated them. A consultant at SMC, who is a member of the crisis team, stated that one of the accused doctors personally put his life in danger on 14 March to make sure that one of the injured expatriates was not attacked by the angry crowd at SMC.³⁹⁷

775. On 14 March 2011, Dr Nazar Al Baharna, the Minister of Health at the time, stated on Bahrain Television that there were no hostages at SMC, and that there was no discrimination in treatment based on sect or ethnicity.³⁹⁸

(8) Possession of firearms and weapons

776. The GoB's allegations regarding the possession of firearms and weapons by medical personnel are based on statements made by government

³⁹⁵ Email sent to the Commission on 13 September 2011 (original English text).

³⁹⁶ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁹⁷ Minutes of court hearing on 7 September 2011 in Case No. 191 of 2011 (Defence witness statements).

³⁹⁸ YouTube, <http://www.youtube.com/watch?v=Dj5SrHavx-k> accessed 5 November 2011.

authorities. On 13 March 2011, the MoI received a report that some of the medical personnel at SMC were distributing swords and firearms to protesters and ambulance personnel.³⁹⁹ Later that day, there was a further report to the same effect. The MoI reported finding knives inside the medical tents at the GCC Roundabout during the clearance operation on 16 March.⁴⁰⁰

777. An MoI officer who interrogated the accused medical personnel stated that two Kalashnikovs were found at SMC.⁴⁰¹ He stated that the doctors wanted to use them in case security forces entered SMC. The Military Attorney General stated that the accused medical personnel hid weapons and live ammunition provided by two of the accused doctors in the following places: (i) the supplies store near the Medical College; (ii) the suspended ceiling of one of the offices on the northeast side of SMC; and (iii) refrigeration room number 4117 located in Wards 45 and 46 on the fourth floor of the old building. Indeed, white weapons, including iron rods, a sword with a golden handle and metal blades, machetes and knives were found in the first location. Two Kalashnikovs were discovered in the second location.⁴⁰²

(9) Attacks on medical staff at the GCC Roundabout

778. A number of the accused medical personnel allege that they were attacked by security forces on 17 February 2011 during the first clearance of the GCC Roundabout. Other medical staff deny that this was the case. An Undersecretary of the MoH stated that one of the accused medical personnel and a former Al Wefaq MP started the false rumours that paramedics were attacked at the GCC Roundabout.⁴⁰³ The Head of the Emergency Section stated that one of the accused doctors encouraged the rumours.⁴⁰⁴

779. The Commission received evidence that supports the allegations of attacks on medical staff. Several statements and ambulance logs support the claim that some medical personnel were assaulted by security forces in the first clearance of the GCC Roundabout on 17 February 2011. At least two of the accused doctors were present in the medical tent at the GCC Roundabout at this time. Both claim that they were attacked and beaten although wearing clothing clearly identifying them as doctors. A video shows one of accused

³⁹⁹ MoI events log for February and March 2011, p 118.

⁴⁰⁰ MoI events log for February and March 2011, p 166. Pictures of confiscated weapons were presented to the Commission by the NSA.

⁴⁰¹ Minutes of court hearing on 20 June in Case No. 191 of 2011 (Prosecution witness cross-examination).

⁴⁰² *Military Public Prosecutor: National Safety Court Rulings in the Case against Doctors*, Bahrain News Agency (30 September 2011), <http://www.bna.bh/portal/en/news/474815#.ToY7UxWB8EA.twitter> accessed 5 November 2011.

⁴⁰³ Interview with the Commission, 30 July 2011.

⁴⁰⁴ Interview with the Commission, 30 July 2011.

doctors lying on a hospital bed claiming that he was attacked with sticks and beaten severely.⁴⁰⁵

780. The Chief of Ambulance Services at SMC stated that he and his colleagues were physically abused at checkpoints established by security forces.⁴⁰⁶

781. According to witness statements, patients were brought to SMC between 03:15 and 06:15. At 06:45, a call was received stating that an ambulance driver had been pulled out of an ambulance by police and assaulted, and then ordered to walk back to SMC. At 07:30, another ambulance driver was beaten and two paramedics were threatened with being shot if they returned to the GCC Roundabout. One paramedic stated that he was one of the paramedics who went to the GCC Roundabout at the time of the first clearance on 17 February 2011, and that he and other paramedics were severely beaten by police. He provided a copy of an official medical report issued to him on that day, which indicates that he suffered severe head injuries, as well as a copy of a newspaper article reporting on his case and attacks on other paramedics that day.⁴⁰⁷ The article includes a picture of his injuries.

782. The Commission received video footage that shows an injured paramedic being questioned by his colleagues upon arriving at SMC.⁴⁰⁸ He states that he was injured near the GCC Roundabout, and when asked by whom he states that he was attacked by members of the hospital administration.

(10) Refusal to send ambulances

783. The accused medical staff alleged that the authorities prevented ambulances from attending the GCC Roundabout on 17 February 2011.

784. One of the accused doctors⁴⁰⁹ and another doctor⁴¹⁰ both stated that they were stopped at a checkpoint and prevented from reaching the GCC Roundabout. According to the statement submitted to the Commission by the accused medical personnel:

On February 17 2011, ambulances were prevented from going to the pearl [GCC] roundabout at around 8:45 am. Thereafter, the injured patients were brought into the hospital by civilian cars. [The Assistant Undersecretary for Hospital Services] ordered [the Chief of Hospital Services] not to send any ambulances unless he

⁴⁰⁵ YouTube, <http://www.youtube.com/watch?v=4-5Eewo3tgk> accessed 4 November 2011. See also *Blood Runs Through the Streets of Bahrain*, The New York Times (17 February 2011), <http://www.nytimes.com/2011/02/18/opinion/18kristof.html> accessed 4 November 2011.

⁴⁰⁶ Witness statement provided to the Commission, 2 August 2011.

⁴⁰⁷ Witness statement provided to the Commission, 22 August 2011.

⁴⁰⁸ Video received from the MoI.

⁴⁰⁹ Witness statement provided to the Commission, 4 August 2011.

⁴¹⁰ Witness statement provided to the Commission, 23 August 2011.

received orders directly from him. The Chief of Ambulance Services was advised to mobilize ambulance cars away from SMC and not send them to pearl roundabout unless he [got] further instructions.⁴¹¹

785. The Chief of Ambulance Services at SMC stated that at 03:11 the ambulance dispatch room at SMC received a telephone call from police headquarters reporting injured protesters at the GCC Roundabout. The first ambulance arrived at the roundabout at 03:15. However, he was later prevented from reaching the injured at the GCC Roundabout and was ordered to stay at the hospital.⁴¹² When the ambulance drivers were finally allowed to leave SMC, they were stopped at checkpoints and some of them were abused. He stated that when he arrived at the roundabout, many of the injured had been moved. Later, the hospital's administration ordered ambulance drivers to move their ambulances away from SMC. He claimed that the dispatch logs did not record this instruction nor did they record that ambulance services were stopped on 17 February.⁴¹³

786. The clearance of the roundabout was accomplished in approximately one hour. The GoB stated that ambulances were denied access to the roundabout due to the security risk. By the time the decision was taken to prevent ambulances from accessing the GCC Roundabout, there were no injured protesters at the roundabout. The Head of the Emergency Section stated that the police prevented ambulance drivers from entering the roundabout after it had been emptied of protesters and the injured persons, as the roundabout was declared a "crime scene" and therefore access was prevented for the safety of the medical team.⁴¹⁴

787. The authorities also claimed that ambulances were moved to Ebrahim Khalil Kanoo Medical Centre due to the large number of people gathered in front of the Emergency Section at SMC and the tension in the area, which made it difficult for ambulance services to enter and exit SMC. Two ambulance drivers gave statements to similar effect.⁴¹⁵

(11) Unlawful arrests and mistreatment conducted by the authorities

788. Medical staff alleged that the authorities violated the rights of patients at SMC during March 2011. Several arrests were conducted while patients were admitted at the hospital. In addition, several incidents of mistreatment and physical abuse were reported.

789. The allegations against the GoB are supported by witness statements and three reports by non-governmental organisations (NGOs): Physicians for

⁴¹¹ Email sent to the Commission on 13 September 2011 (original English text).

⁴¹² Witness statement provided to the Commission, 2 August 2011.

⁴¹³ See "February 2011 Disaster Report" in file presented to the Commission by SMC entitled "Salmaniya Medical Complex Statistics between 14 February and 22 March 2011".

⁴¹⁴ Interview with the Commission, 30 July 2011.

⁴¹⁵ Interviews with the Commission, 30 July 2011.

Human Rights; Médecins Sans Frontières; and Human Rights Watch. These reports claim to be based on eyewitness accounts. It is alleged that on 16 March 2011, dozens of armed riot police, soldiers in military gear and armed individuals, presumably from security services or police, entered SMC and began detaining hospital patients on the sixth floor, specifically in Ward 63. According to these claims, the entry of doctors and nurses into Ward 63 was restricted from 16 March for an undetermined period (certainly for at least a week). In addition to preventing access to, and interfering with, patients, it was alleged that military officers also physically abused patients, detained them within the sixth floor and forcibly moved some patients to police stations, detention centres and BDF Hospital. Allegedly, some patients who voluntarily attempted to leave the hospital at this time were arrested at a checkpoint erected by the army at the entrance to the Emergency Section of SMC. It is also alleged that persons in need of medical attention were prevented from accessing SMC or were too scared to go there due to the ongoing clearance operation.

790. One individual was admitted to SMC on 17 February 2011 after sustaining injuries from birdshot in the eye and face. He claimed that on 17 March 2011 he felt it was no longer safe to remain in the hospital as he had seen soldiers in military fatigues entering the hospital.⁴¹⁶ He decided to leave the hospital even though he had not yet completed treatment. He alleged that at the exit of the Emergency Section a masked police officer in a blue uniform stopped him and demanded to see his medical records and hospital discharge forms. This individual was then arrested and taken by police car to Naim police station, where he was detained.

791. One doctor stated that on 16 March 2011 she was on call and she saw men in military uniform, blue police uniforms and individuals in civilian clothes physically abuse a nurse and a number of civilians.⁴¹⁷

792. Human Rights Watch reported that patients arriving at SMC with injuries resulting from the use of force by police (eg injuries caused by birdshot, sound bombs, tear gas and live ammunition) were detained and/or interrogated:

On March 28 Human Rights Watch entered the SMC's emergency room building after going through several checkpoints in an ambulance that was transferring from a private hospital to SMC a patient who had sustained pellet-gun injuries. Once inside, Human Rights Watch noticed groups of security and military officers, many of them walking around the halls of SMC with guns and black balaclava masks covering their faces. The several dozen security and military officers there at that time appeared to outnumber the patients then in and near the emergency building. As soon as the patient was transferred to an emergency room bed, Human Rights Watch witnessed at least five security and military

⁴¹⁶ Statement provided to the Commission, 9 September 2011.

⁴¹⁷ Interview with the Commission, 29 July 2011.

personnel surround the patient and question him regarding the circumstances of his injury. Human Rights Watch has been unable to obtain information about his subsequent well-being or whereabouts.⁴¹⁸

793. One individual stated that he was taken to SMC on 14 March 2011 with an open gunshot wound in his lower abdomen/pelvic area.⁴¹⁹ He claimed that on 18 March, a number of masked men in military fatigue and police dogs entered his hospital room late at night and began to interrogate him. They asked him how he had sustained his injury and began to hit him in his lower abdomen and pelvis, where he was wounded. The next day he was taken to the sixth floor of the hospital and told that he was under arrest.

794. Another individual stated that he was taken to SMC after sustaining injuries from an automobile accident.⁴²⁰ On 18 March 2011, he was interrogated by a number of military and security officers about the nature of his injuries. He claimed that officers asked each patient about their injuries and how they had sustained them. The patient in the bed next to him replied that he had sustained his injuries from birdshot, and officers immediately began to shout, curse and beat him. The individual alleged that the officers made all of the patients in the room get out of their beds and move into the hallway, where they were forced to stand against the wall for nearly four hours. He claimed that the officers slapped and beat the patients. At midnight the patients were allowed to go back to their hospital beds. He stated that he was then interrogated by police officers for approximately two hours. On 20 March 2011, the individual left SMC even though he had not completed treatment, because he was afraid of arrest or further abuse.

795. One doctor working at SMC during the events of February/March 2011, alleged that at 09:30 on 16 March 2011 she witnessed 20-30 armed and masked men in blue uniforms enter SMC through the entrance to the Emergency Section.⁴²¹ On 17 March, she was doing her rounds of the hospital when a masked police officer prevented her from entering an area of the sixth floor of SMC. She claimed that officers were checking identification and allowing only a limited number of physicians and nurses (only those who had patients in those wards and were on call at the time) past a security point on the sixth floor.

796. A GoB spokeswoman stated that on 24 March 2011 police and military forces had to surround, enter and take over SMC because:

Salmaniya was effectively being used as a co-ordination centre by protesters and had been overrun by political and sectarian activity... This includes the spreading of malicious propaganda by

⁴¹⁸ Human Rights Watch, *Targets of Retribution: Attacks against Medics, Injured Protesters and Health Facilities* (2011) p 28.

⁴¹⁹ Statement provided to the Commission, 27 August 2011.

⁴²⁰ Statement provided to the Commission, 11 September 2011.

⁴²¹ Statement provided to the Commission, 6 September 2011.

several senior members of the medical staff and the blocking of medical care, severely interrupting and endangering lives.⁴²²

797. The BDF did not deny that detention and interrogations occurred within SMC and that some of the patients were transferred to the sixth floor, where they were under the direct control of the BDF.

798. The BDF stated that at no point was live ammunition fired within the complex by the military or by helicopters monitoring the situation from above. The BDF also stated that no patients or staff members were prevented from accessing the hospital, no checks were carried out on those entering the hospital and no patients were prevented from receiving treatment.⁴²³

(12) Lack of access to medical care

799. It was alleged that injured persons avoided going to SMC during the protests due to the presence of security forces and the risk of arrest and mistreatment.

800. MSF prepared a public briefing paper entitled, “Health Services Paralyzed: Bahrain’s Military Crackdown on Patients” (April 2011). Médecins Sans Frontières (MSF) stated that many people in Bahrain were unable to access medical care at SMC during the events of mid-March:

Hospitals and health clinics are no longer places to go for the sick or injured, but are rather places to be feared. As the military cracks down on protesters and medical personnel Médecins Sans Frontières/Doctors without Borders (MSF) has witnessed patients with critical and life-threatening injuries refusing to go to the hospital due to high levels of fear...

Salmaniya Hospital is the public referral hospital for the whole of Bahrain. However, when MSF visited the hospital on 21 March, it was virtually empty. This is a direct result of the way in which the hospital has been used in the clashes between the military and opposition protesters.⁴²⁴

801. The human rights advocacy group Physicians for Human Rights, which was also present in Bahrain during the events in March, stated that:

Physicians for Human Rights interviewed ten patients who had been wounded by gunshot and needed follow-up medical care. All reported that they were too afraid to seek medical care at Salmaniya Hospital for fear of detention and mistreatment by

⁴²² *Clamp Restores Hospital Order*, Gulf Daily News (24 March 2011), <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=302433> accessed 5 November 2011.

⁴²³ *Clamp Restores Hospital Order*, Gulf Daily News (24 March 2011), <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=302433> accessed 5 November 2011.

⁴²⁴ Médecins Sans Frontières, *Health Services Paralyzed: Bahrain’s Military Crackdown on Patients* (2011) http://www.doctorswithoutborders.org/publications/reports/2011/Bahrain_BP_Final_06042011_2106_FR-EN%20LOGO.pdf accessed 5 November 2011.

security forces there. Hashem, a 12-year-old boy from Sitra, sustained shrapnel injury while demonstrating. He did not seek medical help for fear of arrest. PHR investigators reviewed photographs taken near the time of injury and also interviewed and examined the victim on 3 April 2011.⁴²⁵

802. One accused doctor reported her experiences working at a medical centre and the difficulties she experienced when calling for an ambulance. She stated that the centre received patients who had been injured by live bullets and shotgun pellets. She recalled one particularly bad case of an individual who she suspected had a lung injury. The doctor tried to call an ambulance to take the patient to SMC, but to no avail. The patient's relatives tried to take him to private care but she later heard that they were arrested. Two pregnant women about to give birth also arrived at the centre, but the centre was not able to deal with them. The doctor telephoned Dr Nezar Al Baharna, the then Minister of Health, but he was unable to provide an ambulance, medicine or blood to the centre. One of the pregnant women had gestational diabetes and a large baby, and required a Caesarean section. Although it was hazardous to perform a Caesarean section in such a small centre, the doctor had to perform the operation and fortunately it went well. Another case involved a male with an amputated thumb and index finger, who she heard was later detained by police. A man in his forties with shotgun injuries in several parts of his body came to the centre and was transferred to SMC the next day. The doctor had to stay at the clinic because of this man and the woman who required a Caesarean section, and also because the clinic was surrounded by police. She called the Assistant Undersecretary for Hospitals and the Assistant Undersecretary for Primary Healthcare about the situation, and she was told that it was best for her to stay at the clinic as they could not guarantee her safety.

(13) Bahrain Television and other government officials media campaign against the accused medical personnel

803. The accused doctors alleged that Bahrain Television and government officials conducted a sustained media campaign against them.

804. On 29 March 2011, Bahrain Television aired a recording of three security policemen recounting the circumstances of their kidnapping by protesters. One of them stated that he recognised half of his attackers as medical staff from Ibn Sina Medical Centre, as he and his family used to frequent the medical centre for treatment.⁴²⁶ He also stated that they wanted to kill him. Another policeman alleged that one of the accused doctors considered him as a prisoner of war and would not allow the other doctors to

⁴²⁵ Physicians for Human Rights, *DO NO HARM: A Call for Bahrain to End Systematic Attacks on Doctors and Physicians* (2011) https://s3.amazonaws.com/PHR_Reports/bahrain-do-no-harm-2011.pdf accessed 5 November 2011.

⁴²⁶ YouTube, <http://www.youtube.com/watch?v=wFqGTdWnNts> at 1:53, accessed 5 November 2011.

release him. All three policemen speaking on the programme had their faces blacked out while recounting their stories. The narrative of the programme went on to conclude that this doctor was the leader of a “murderous group” at SMC.⁴²⁷ This doctor’s wife condemned this “slander” against her husband, which was broadcast on State television while he awaited trial.⁴²⁸

805. On 11 April 2011, an episode of the Al Rased show concerning SMC aired on Bahrain Television.⁴²⁹ Several pictures and videos of accused doctors were aired on the show, and the Assistant Undersecretary for Primary Healthcare also talked about missing medicine and medical equipment. The programme also aired claims that blood bags had been stolen in order to exaggerate injuries and that Asian workers had been targeted.⁴³⁰ Rumours circulated that protesters had poured blood stolen from SMC on themselves in order to appear injured to the media.

806. Earlier the same day the acting Minister of Health held a press conference to give an update on the status of the MoH.⁴³¹ She mentioned that one doctor was leading a group of doctors that aimed to damage Bahrain’s image within the international community by fabricating facts about injured protesters. She also claimed that this doctor asked other doctors to exaggerate injuries. A number of the accused doctors were arrested that day. A follow-up episode of the same show featured the head of the Bahrain Medical Society, who had recently been appointed by the GoB. He repeated the allegations against the doctors.⁴³²

807. On Saeed Al Hamad’s Bahrain Television programme, aired on 30 May 2011, three of the accused doctors were identified as leaders of a terrorist cell.⁴³³ Two of the accused doctors confessed on the same programme that they had provided false statements to the media.⁴³⁴

808. In a press conference held on 3 May 2011 by the Minister of Health and the Minister of Justice, the Minister of Justice stated that the GoB

⁴²⁷ YouTube, <http://www.youtube.com/watch?v=WTmBRa38veU> at 4:27, accessed 5 November 2011.

⁴²⁸ *Al Ekri’s wife: The Media Convicted My Husband Before His Trial*, Al Wasat News (31 March 2011), <http://www.alwasatnews.com/3128/news/read/535102/1.html> accessed 5 November 2011 (*Arabic Text*).

⁴²⁹ YouTube, http://www.youtube.com/watch?v=BCO-BL_6swU at 33:00 and 52:00 accessed 5 November 2011.

⁴³⁰ See Chapter VIII, Section A on Attacks on Expatriates.

⁴³¹ YouTube, <http://www.youtube.com/watch?v=dE2RucjbpOM> at 6:33, accessed 5 November 2011.

⁴³² YouTube, <http://www.youtube.com/watch?v=WPMASLO4QHc> accessed 5 November 2011.

⁴³³ YouTube, http://www.youtube.com/watch?v=bEDC_H_2C7Q at 9:00 and 23:49, accessed 5 November 2011.

⁴³⁴ YouTube, <http://www.youtube.com/watch?v=V4qloZdvQqk&feature=related> accessed 5 November 2011.

possessed strong evidence confirming that doctors had fabricated injuries.⁴³⁵ He discussed the case of one individual who died:

He was admitted into the Salmaniya Medical Complex on 17 February 2011 after he sustained an injury to his thigh. He underwent a surgery in the presence of the media in the operating theatre. However, for the sake of media drama, the surgeon added several wounds to the patient's body. The injured area was deliberately expanded, which caused a haemorrhage that could not be controlled.⁴³⁶

809. Two months later, military personnel were identified and charged with manslaughter in the same case, and these allegations against the medical personnel were dropped.⁴³⁷ Another point raised during the press conference regarded the large quantities of medication and medical equipment that were stolen and taken to the GCC Roundabout.

B. Applicable Law

1. International Law

810. Article 19(2) of the ICCPR concerns the right to freedom of expression and provides:

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.

811. However, article 19(3) provides:

The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

812. Article 21, concerning the right to assembly, provides:

⁴³⁵ YouTube, <http://www.youtube.com/watch?v=waGPqSAviiQ> at 26:10, accessed 5 November 2011.

⁴³⁶ *Justice and Health Ministers Reveal Doctors' Crimes During Recent Unrest*, Bahrain News Agency (3 May 2011), <http://www.bna.bh/portal/en/news/455193> accessed 5 November 2011.

⁴³⁷ *Doctors Found innocent concerning the killing of Al Moomen after the trial of a military officer being charged with his death*, Al Wasat News (13 August 2011), <http://www.alwasatnews.com/3262/news/read/583122/1.html> accessed 5 November 2011 (*Arabic Text*).

The right of peaceful assembly shall be recognised. 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 interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

813. Article 32 of the Arab Charter of Human Rights (the Arab Charter) also enshrines the right to freedom of expression:

1. The present Charter guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries.

2. Such rights and freedoms shall be exercised in conformity with the fundamental values of society and shall be subject only to such limitations as are required to ensure respect for the rights or reputation of others or the protection of national security, public order and public health or morals.

2. National Law

814. With regard to freedom of expression under domestic law, article 23 of the Constitution of Bahrain 2002 provides:

Freedom of opinion and freedom to carry out scientific research shall be guaranteed. Every person shall have the right to express and propagate his opinion in words or writing or by any other means, in accordance with the conditions and procedure specified by the law.

815. However, article 68 of Law No. 47 of 2002 on the Press and Publications prescribes a prison sentence for “anyone who calls in writing for overthrowing or changing the regime”. Article 168 of the Bahrain Penal Code, as amended by Decree Law No. 9 of 1982, provides:

Imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty, shall be the punishment for any person who deliberately disseminates false reports, statements or malicious rumours, or produces any publicity seeking to damage public security, terrorise the population or cause damage to the public interest.

816. The Constitution guarantees the right to freedom of association in several instances. Article 1(e) provides:

All citizens shall have the right to participate in the public affairs of the state and shall enjoy all political rights, starting with the right to vote, in accordance with this Constitution and the conditions and situations prescribed by law.

817. Article 27 provides:

Freedom to form associations and trade unions on a national basis and for lawful objectives and by peaceful means shall be guaranteed in accordance with the conditions and procedures prescribed by the law. No one shall be compelled to join or remain in any association or union.”

818. Article 31 states:

Public rights and liberties laid down in this Constitution shall neither be regulated nor defined except by a law or in accordance therewith. Such regulation or definition shall not affect the essence of the right to liberty.

819. Law No. 32 of 2006 requires the organisers of any public meeting to notify the head of Public Security at least three days in advance, and authorises that official to determine whether a meeting warrants police presence on the basis of “its subject... or any other circumstance.” This law also stipulates that meeting organisers are responsible for “forbidding any speech or discussion infringing on public order or morals”, but does not define “public order or morals”.

820. Article 5(2) of Law No. 18 of 1973 on common meetings, processions and gatherings, as amended by Law No. 32 of 2006, provides:

In all cases, it is not allowed to hold public meetings before seven o'clock in the morning, or to continue after eleven thirty at night, unless by special permission from the head of the public security or his deputy.

821. Article 11(a) states:

It is not allowed to set up marches, gatherings or demonstrations, or the continuation thereof, before the sunrise or after sunset, unless by special written permission, from the head of public security, or his deputy.

And article 11(b) states:

It is not allowed to organise marches, gatherings or demonstrations, which are set up near hospitals, airports, commercial complexes or places of a security nature, provided that the Ministry of Interior shall specify these places and announce them.

822. Concerning illegal protest, the Bahrain Penal Code regulates demonstrations and riots in the country. Articles 178, 179, 180, 181 and 182 provide as follows:

Article 178

Every person who takes part in a demonstration in a public place where at least five persons are assembled with the aim of committing crimes or acts intended to prepare or facilitate the

commission of such crimes or aimed at undermining public security, even though for the realisation of a legitimate objective, shall be liable for imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty.

Article 179

If one demonstrator or several demonstrators attempt to use violence for the realisation of the purpose for which they have assembled, their action shall be deemed a riot. The penalty for each person who knowingly takes part in such riot shall be a prison sentence and a fine not exceeding BD500, or either penalty.

Article 180

(1) If one of the public authority officers finds that five persons or more have demonstrated with the intent to cause a riot, he may in such capacity order them to disperse. Thereafter, he shall be empowered to take the necessary measures for dispersing those who have not complied with the order by arresting them and may use force within reasonable limits against any person resisting the said order. He may not use firearms except in extreme necessity or when someone's life is threatened.

(2) Persons still demonstrating after the issue of the order to disperse while being aware of such order shall be liable for imprisonment and a fine not exceeding BD300, or either penalty.

Article 181

Every person who prevents or obstructs the issue of the order to disperse referred to in the preceding article shall be liable for imprisonment for a period not exceeding five years. The prevention of the issue of the order to disperse or obstructing it with the use of force shall not bar the taking of measures set forth in the first paragraph of the preceding article.

Article 182

Every person who knowingly continues to demonstrate after the prevention [of implementation] of the order to disperse or obstructs it with the use of force shall be liable for imprisonment or a fine not exceeding BD500 or both penalties.

823. Article 28(b) of the Constitution provides that:

Public meetings, parades and assemblies are permitted under the rules and conditions laid down by law, but the purposes and means of the meeting must be peaceful and must not be prejudicial to public decency.

824. The rules and conditions for the exercise of the right of public assembly are laid down in article 3 of Decree Law No. 18 of 1973 on the

Organisation of Public Meetings, Rallies and Assemblies, as amended by Law No. 32 of 2006, which provides:

The law obliges anyone who organises a public meeting to serve a notice in writing to the head of the public security regarding the proposed meeting, as provided for by article 2 of the law. It is obliged to serve a notice no less than three days prior to the meeting, reduced to 24 hours if the meeting is electoral. The notice shall incorporate the time, venue and subject matter of the meeting and whether the purpose of the meeting is for a lecture or general discussion.

825. With regard to the accusations levied against certain members of the medical staff regarding discrimination against individuals due to their sect or ethnicity, article 172 of the Bahrain Penal Code provides:

A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty, shall be imposed upon any person who incites others by any method of publication to hate or show contempt for a certain faction, if such incitement undermines the public peace.

826. Moreover, article 18 of the Constitution states that: “People are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion or creed.”

827. Many of the accusations brought against the medical staff at SMC concern violations of the Bahrain Medical Society Charter of Medical Ethics (200), which requires doctors to maintain the medical profession as an ethical and scientific profession, respect human dignity in all circumstances and situations, and be an example to others.⁴³⁸ The Charter of Medical Ethics also emphasises the duty not to discriminate when dispensing treatment to patients, either by giving preferential or purposely sub-standard care. Articles 6-8 stipulate that the doctor should not be affected by religious, sectarian, ethnic or gender differences when treating patients. The Charter of Medical Ethics states that a doctor owes a duty of confidentiality to patients, unless a crime may have occurred.⁴³⁹ Finally, the Charter of Medical Ethics makes it clear that if a doctor violates the terms of the code, he may be subject to legal procedures as provided by law.⁴⁴⁰

C. Findings and Conclusions

828. The following findings and conclusions are based on evidence obtained by the Commission, as described above. Because of the many controversial aspects of the events at SMC, which led to contradictory and different narratives, the Commission will distinguish in the ensuing findings

⁴³⁸ Bahrain Medical Society Charter of Medical Ethics, art 2.

⁴³⁹ Bahrain Medical Society Charter of Medical Ethics, art 13.

⁴⁴⁰ Bahrain Medical Society Charter of Medical Ethics, art 78.

and conclusions between matters on which it could make actual findings and other matters on which it could not make a definitive finding.

829. Even though the events at SMC are connected with those at the GCC Roundabout, as well as the general situation in the country, it is nonetheless important to distinguish between these different but related events. In particular, it is important to distinguish events that occurred inside the hospital and which primarily involved some of SMC's medical personnel.

830. It is not within the mandate of the Commission to comment on ongoing judicial matters in so far as the merits of these cases are concerned. The Commission has taken positions on questions of due process and the use of confessions obtained under torture or other forms of cruel, inhuman or degrading treatment.⁴⁴¹ This Report addresses the conduct of the medical personnel. At the time of delivery of this Report, cases relating to the criminal responsibility of some of these medical personnel are before the Bahraini courts. The Commission is unwilling to comment on the merits of these cases. As noted above, at the session on 23 October 2011 before the High Appellate Civil Court, the Attorney General withdrew charges against the medical personnel arising out of articles 165,⁴⁴² 168⁴⁴³ and 169⁴⁴⁴ of the Bahrain Penal Code and also withdrew the defendants' confessions, which were claimed to have been obtained under duress or by torture.⁴⁴⁵

831. The Commission will not make a judgment as to whether the administrators of SMC were effective and whether some of the medical personnel were justified in becoming involved in the administration of SMC or taking over that role. The Commission notes, however, that there was a disagreement between some of the medical personnel at SMC and the MoH, as well as hospital administrators, as to whether the hospital was capable of handling the anticipated emergencies. This conflicting situation began on 14 February 2011. Hospital administrators and officials of the MoH, many of whom are also medical doctors, have an entirely different assessment of the

⁴⁴¹ See Chapter VI, Section D.

⁴⁴² Article 165: Any person who incites with the use of one of the publication methods to develop hatred of the ruling regime or show contempt towards it.

⁴⁴³ Article 168: A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD 200, or either penalty, shall be imposed upon any person who wilfully broadcasts any false or malicious news reports, statements or rumours or spreads adverse publicity, if such conduct results in disturbing public security, terrorising people or causing damage to public interest.

The same penalty shall be imposed upon any person who possesses, either personally or through others, any documents or publications containing anything provided for in the preceding paragraph, if they are intended for distribution or reading by others, and upon any person who possesses any publishing, recording or promotion device intended, even on a temporary basis, for the printing, recording or broadcast of any of the above.

⁴⁴⁴ Article 169: A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty, shall be imposed upon any person who publishes by any method of publication untrue reports, falsified or forged documents or documents falsely attributed to another person, should they undermine the public peace or cause damage to the country's supreme interest or to the State's creditworthiness. If such publication undermines public peace or causes damage to the country's supreme interest or to the State's creditworthiness, the punishment shall be a prison sentence.

⁴⁴⁵ See Chapter VI, Section D.

disagreement with the group of doctors and medical personnel who sought to take over management control of SMC. The former believe that the motivation for the takeover was political and not professional.

832. There were allegations that the two medical tents established respectively at the roundabout and in the parking lot of SMC were not authorised by officials in the MoH or any senior SMC administrator. The Commission has evidence to the effect that the tent erected at the GCC Roundabout was officially authorised and supplied by the MoH. It should also be noted that there is no claim that what was performed in these two tents was not within the intended purpose of providing assistance to injured persons.

833. During the period from 14 February to 16 March 2011, protesters gathered at the entry and exit of SMC. The Commission received video footage showing a Shia cleric calling on strong young men to control the entrance and exit of SMC. Some of the medical personnel controlled the Emergency Section, the ICU and most of SMC's ground level.

834. Among the medical personnel who stated concerns about SMC's capabilities to face what they considered to be a developing medical crisis, some had political ties with the opposition and pursued a political agenda. Among them were some who were seen leading demonstrations and chants against the regime both outside and inside SMC. These persons moved in and out of their roles as political activists and medical personnel, the latter being expected to carry out their professional, ethical and legal duties and responsibilities.

835. Concerning the GoB's claims that the accused medical staff intentionally spread false rumours and information about the events at SMC, there is evidence supporting these claims with respect to some, but not all, of the medical personnel.⁴⁴⁶ In relation to the allegation that a member of the medical staff gave false statements to the media concerning the number of injured at SMC, records show that during mid-February when the statement was given, hundreds of crisis patients did indeed visit SMC as a result of clashes between protesters and security forces.⁴⁴⁷ The allegation that medical staff used atropine on patients to incriminate security forces could not be established by the Commission. Concerning individuals impersonating medical staff, the Commission could establish that at least one individual impersonated an SMC medical staff member. Video footage was received showing an individual who was not a staff member at SMC giving false information to an unknown news agency.

⁴⁴⁶ For reasons mentioned above, the Commission will not comment on the validity of legal charges concerning spreading of false rumours or any matters arising out of the application of article 168 of the Bahrain Penal Code. Nevertheless, it is important to note that, at the hearing before the Court of Appeals of 23 October 2011, the Attorney General withdrew charges against the medical personnel arising out of article 168. He also withdrew charges arising out of articles 165 and 169.

⁴⁴⁷ See paragraph 681.

836. Concerning whether the accused medical staff granted media access to SMC, article 13 of the Bahrain Charter of Medical Ethics needs to be taken into consideration. Article 13 provides that a doctor owes a duty of confidentiality to patients, unless a crime has occurred. The presence of media at SMC during the events of February/March 2011 is shown in a large number of video clips and photographs showing media personnel freely moving inside the Emergency Section. The Commission was unable to establish whether the media was given access to SMC by medical staff, by others, or whether the media simply pushed its way inside the hospital without the help of an insider. The medical staff, however, did not attempt to prevent the media from filming inside the Emergency Section and on the ground floor of SMC in general, thus contravening the Code of Ethics in terms of patient confidentiality.⁴⁴⁸

837. The Commission concluded that unauthorised marches and protests did take place inside and outside SMC. The allegations faced by the medical staff concerning the participation and organisation of marches on the premises of SMC are based on witness statements and footage from the premises. Photographs received by the Commission show protesters, including some medical staff, participating in protests inside and outside SMC. Several aspects of the marches and protests near SMC are controversial. The accused medical staff allege that protests took place after work hours and that the organised tents and podiums were approved by the MoH. The Bahrain Code of Medical Ethics does not permit protests or marches to take place during work hours.⁴⁴⁹ The Commission could not confirm whether accused medical staff took part in protests during work hours. The organisers of any public meeting are required under Bahraini law to notify the head of Public Security at least three days in advance and there is no indication that such requests were submitted or granted.⁴⁵⁰ In addition, according to Bahrain law, protests are for security and public order reasons not allowed to be organised close to a hospital.⁴⁵¹ Yet as mentioned above, photographs and video clips show protests taking place both inside and outside the hospital.

838. The evidence presented to the Commission reveals that a number of injured expatriates who were brought to SMC were first attacked by protesters in different locations in the city and that they were also assaulted by the protesters in front of the Emergency Section. Video tapes and witness statements show cases of mistreatment against patients because they were Sunni expatriate workers and thought to be part of the security forces. Such conduct, which is on tape and supported by the statements is in contravention of the Bahrain Code of Medical Ethics. Further, statements by witnesses suggest that the manner in which some of the doctors treated some injured

⁴⁴⁸ One of the doctors interviewed by the media showed the ID cards of patients allegedly working for the security forces, thus breaching the confidentiality requirement of the Charter of Medical Ethics.

⁴⁴⁹ Bahrain Medical Society Charter of Medical Ethics,

⁴⁵⁰ Decree Law No. 18 of 1973 as amended by Law No. 32 of 2006, art 3.

⁴⁵¹ Decree Law No. 18 of 1973 as amended by Law No. 32 of 2006, art 11(b).

expatriate persons rises to a level of human insensitivity and professional disregard for medical ethics.

839. As a result of the general situation in Bahrain as well as the specific events at the GCC Roundabout, and also as a result of the seizure of the external part of SMC by the protesters who controlled access to the hospital, particularly on 14 and 15 of March 2011, the number of external patients accessing the hospital was significantly reduced. Statistics on admissions show a reduction in the number of admitted patients of approximately 50% and also a 30% reduction in the number of non-emergency surgeries.⁴⁵² Thereafter, the clearance of the hospital by military and security personnel on 16 March may have also contributed to the reduction in the number of patients admitted to SMC for a certain period of time.

840. The Commission did not deem it part of its mandate to make an inventory of medical supplies at SMC or to determine whether these supplies were used in the hospital or at the tent at the GCC Roundabout. However, there is no evidence to support the allegation that medical personnel misappropriated medical supplies. In relation to the claim by the GoB that protesters used ambulances to transport protesters between the roundabout and the University of Bahrain where demonstrations were taking place on 13 March 2011, there is reason to believe that this occurred.⁴⁵³ Overall, however, ambulances did perform their functions of carrying patients from all over Bahrain to SMC, and this included injured expatriate Sunni workers and injured Sunni students from the university.

841. The Commission finds the allegations that medical personnel assisted the demonstrators in the form of supplying them with weapons to be unfounded. The only evidence presented to the Commission supporting such allegations consists of pictures provided by the GoB showing two Kalashnikovs on the floor of SMC. These photographs, whose sources cannot be authenticated, do not connect the two weapons to the medical personnel. There were other allegations that medical personnel took scalpels from the inventory and had them transferred to the roundabout. The Commission is unable to verify the veracity of these claims, but it notes that it has received no accounts of anyone using scalpels as a weapon at the roundabout or anywhere else.

842. With respect to the allegation of unlawful arrest of patients from SMC after 16 March 2011, the Commission found that several patients were arrested in SMC beginning from 16 March. The Commission received several witness statements from medical staff and patients alleging that injured persons were arrested in SMC by security forces. The Commission found that certain patients were arrested as a result of injuries sustained at the GCC Roundabout, taken to a police station, interrogated and then released or transferred to detention.

⁴⁵² File presented to the Commission by SMC entitled “Salmaniya Medical Complex Statistics between 14 February and 22 March 2011”.

⁴⁵³ Video footage received by the Commission.

843. The Commission could establish that medical staff members were attacked on their way to and from the GCC Roundabout. The Commission could establish that such attacks were carried out by security forces. However, the identity of some of the attackers could not be ascertained. Commission investigators inquired about the attacks on medical staff, and the MoI responded that as there were thousands of people at the GCC Roundabout the security forces could not distinguish the medical staff from the protesters. The Minister of Health denied the allegation that the SMC administration was behind the attacks on ambulance crews.

844. With respect to the use of ambulances, it is confirmed that there were restrictions on access imposed by different actors such as the authorities, the police and the SMC administration. Whether such restrictions were designed to limit access to the crime scene or secure the wellbeing of the ambulance staff, or whether there were other reasons, is the subject of different accounts which cannot be reconciled. The disputed facts are:

- a. Whether protesters attacked the ambulances at some point in time;
- b. Whether the GoB intentionally prevented ambulances from reaching areas at the GCC Roundabout where they were required;⁴⁵⁴ and
- c. Whether ambulances were used to transport protesters from the roundabout to the University of Bahrain, where demonstrations were taking place.

845. With respect to the allegation against the GoB that it launched a media campaign against the accused doctors, this allegation is dealt with in Chapter X.

846. With respect to the claims made by the GoB and other sources that Sunni patients were denied treatment at SMC, the Commission received one video recording showing a Sunni carrying an infant and being denied access to SMC by three medical staff. In the video, he alleges that this was because of his sect. Several witness statements presented to the Commission also support allegations of discrimination and denial of medical care. However, it must also be noted that these were very turbulent days and access to SMC was difficult. The SMC entrance and exit were controlled by protesters, as were the inside open spaces of the complex, and it is quite possible that some persons may have been denied access to the hospital. There was general information publicised by the media to the effect that the hospital was under the control of the opposition. This deterred some people from going to SMC.

847. As a general overall conclusion, despite conflicting narratives of certain events, it appears that SMC continued to function throughout the events of February and March. Nevertheless, those events caused considerable disruption to its operations. It is well established that the open

⁴⁵⁴ This relates to the Minister of Health's decision not to allow ambulances to go to the roundabout. That decision was subsequently reversed.

areas outside the SMC buildings were occupied by protesters, who controlled the entrances and exits. The Commission finds that the occupation and control of the area by protesters hampered general access to the hospital and created a perception of an insecure environment for those requiring medical care. Some Sunni patients seeking to gain access to SMC for medical treatment were turned away. Most of SMC's ground floor level, including the Emergency Section, the ICU and the administrative section, were taken over and controlled by medical personnel, resulting in difficulties for the Emergency Section. The Commission cannot conclude that the flow of outsiders, or the obtrusive presence of the media, was positively authorised by the medical personnel in charge. However, no attempts were made to prevent their presence or actions, thereby violating patient confidentiality. The Commission was not provided with undisputed evidence that any of the medical personnel inside the hospital refused treatment to any injured or sick person on the basis of their sect, but some cases of discrimination against patients were documented. More generally, the Commission considers that the involvement of some doctors and medical personnel in various political activities on and around the SMC premises was clearly difficult to reconcile with the full exercise of their medical responsibilities and highly disruptive to the optimum operation of an important medical facility in a time of crisis. On the other hand, security services executed unlawful arrests on SMC premises, and attacked and mistreated some individuals, including medical personnel. Finally, it is established that on 16 March 2011, the BDF took control of the entire complex and placed some injured persons, whom it sought to keep under its control, on the sixth floor of SMC.