

holding a tear gas gun, about 100 metres away. The protesters were then chased and ran in different directions. One individual was hit with a tear gas canister. Witnesses stated that they heard three shots and they believe that one of these shots hit the deceased. Another witness who was in a nearby cemetery stated that he saw a boy being chased by a police jeep with a police officer standing out of the top window of the vehicle. The witness then lost sight of the vehicle and heard shots being fired. The deceased was taken to Sitra hospital but was refused treatment and subsequently died.

1071. The MoI stated that there were no police in the area at the time of the shooting and therefore that the MoI was treating the shooting as a criminal investigation. The MoI offered a reward of 10,000 BD for any information relating to the death of the deceased. No progress has been made in the case.

Case No. 45 - Mohamed Abdulhusain Farhan⁵⁴⁴

1072. On 30 April 2011, Mohamed Abdulhusain Farhan was pronounced dead. The deceased was six years old.

1073. The Bahrain Center for Human Rights (BCHR) presented information to the Commission indicating that the deceased died from suffocation after inhaling tear gas fired by riot police outside his home in Sitra.

Case No. 46 - Aziza Hasan Khamis⁵⁴⁵

1074. On 16 April 2011, Aziza Hasan Khamis was pronounced dead. The death certificate states that the cause of death was cardiac arrest and the cessation of breathing.

1075. The Commission received information that on 16 April 2011 security forces entered the home of the deceased's family by breaking down the door. They also surrounded the premises. They were looking for the son of the deceased's neighbour, who five minutes had jumped over the neighbour's fence onto the property of the deceased's family in an attempt to escape arrest. The security forces found the neighbour's son hiding under a bed and began kicking him and beating him with batons. They also held the deceased's brother by his neck until he began to choke. The deceased witnessed this physical abuse and heard security forces verbally insulting her family, and this caused her extreme stress. She began to turn yellow and died shortly thereafter. A medical report dated 4 November 2010 states that the deceased suffered from Type 1 Diabetes and required insulin. This condition rendered her extremely vulnerable to psychological stress.

Section B – Use of Force by Government Actors

1. Factual Background

1076. This purpose of this section is to present a general overview of the policies and practices of the GoB agencies and to examine whether force was

⁵⁴⁴ No statements provided to the Commission.

⁵⁴⁵ One statement provided to the Commission.

used by these agencies in a manner that violates the international and national legal obligations of Bahrain governing the use of force by law enforcement officials.

1077. Four Bahraini government agencies undertook law enforcement and security operations in Bahrain during February and March 2011, and related subsequent events. These were the MoI, the BDF, the National Guard and the NSA.⁵⁴⁶

1078. As described in Chapter IV on the Narrative of Events of February and March 2011, demonstrations demanding constitutional, political, economic and social reform broke out in many parts of Bahrain, starting on 14 February 2011.⁵⁴⁷ These demonstrations quickly evolved into a mass protest movement in which, at times, tens of thousands of individuals participated. While the epicentre for these demonstrations was the GCC Roundabout, protests were held in many areas of the capital city Manama, such as at the Bahrain Financial Harbour, at SMC,⁵⁴⁸ on the King Faisal Highway, along the Sheikh Khalifa bin Salman Road, and in the vicinity of the premises of the Council of Ministers. Protests were also organised in many towns and villages outside Manama, some of which took the form of marches towards the GCC Roundabout.

1079. None of the demonstrations that occurred during the period under investigation by the Commission were approved by the relevant authorities in accordance with Decree Law No. 18 of 1973 on the Organisation of Public Meetings, Rallies and Assemblies.

1080. During February and March 2011, clashes between the Shia and Sunni residents of a number of neighbourhoods occurred, and incidents of violence were reported at the Al-Sakhir Campus of the University of Bahrain on 13 March 2011. Acts of violence and assaults were also recorded against tens of expatriate workers, mostly of south Asian origin. In addition, as the overall security situation in Bahrain deteriorated, the residents of many neighbourhoods set up checkpoints and roadblocks to search cars and individuals in those areas. Many incidents of violence occurred at these checkpoints.

⁵⁴⁶ On the composition and mandate of each of these agencies see Chapter III. Starting 14 March 2011, units from the Gulf Cooperation Council-Jazeera Shield Forces (GCC-JSF) were deployed to undertake specific missions in various parts of Bahrain. On the role of these forces and the allegations of human rights violations committed by them see Chapter IX. In that chapter it is noted that despite allegations in the news media of widespread human rights violations committed by the GCC-JSF units that were deployed in Bahrain, the Commission has only received one claim of a human rights violation committed by these units. The GCC-JSF were not involved in any riot control operations, and did not engage with or confront any civilians during their presence in Bahrain. Their role was limited to securing certain vital locations and being prepared to assist in the defence of Bahrain against any potential foreign armed intervention.

⁵⁴⁷ See Chapter IV.

⁵⁴⁸ See Chapter V.

1081. The security and armed services of the GoB executed two operations to clear the GCC Roundabout of demonstrators. The first took place on 17 February 2011 and the second took place on 16 March 2011.

a) *Allegations of misuse of force by MoI units*

1082. Within the MoI, the Public Security Forces (PSF) is the main armed force that is assigned the primary responsibility of maintaining order, peace, and security in Bahrain.⁵⁴⁹ These forces operate under the direction of the Commander of the Public Security Forces, who reports directly to the Minister of Interior.

1083. During the events of February/March 2011, the PSF was the government agency that was the most involved in confrontations with demonstrators and in responding to incidents of violence committed by individuals. For purposes of clarity, the operations carried out by the PSF will be divided into three categories. The first category includes the two clearing operations of the GCC Roundabout that were undertaken on 17 February and 16 March 2011. The second category relates to riot control operations undertaken in various parts of Bahrain. The third category includes the manning and operation of checkpoints in many areas of Bahrain after the declaration of a State of National Safety on 15 March 2011.

b) *The Clearing Operations of the GCC Roundabout*

1084. This first clearing operation of the GCC Roundabout commenced at 03:00 on 17 February 2011. Four PSF battalions were deployed during the operation with a total manpower of around 1,000 persons. Three of these battalions participated directly in the clearing operation, while the fourth provided rear protection to the advancing forces. These PSF units were armed with batons, shields, tear gas, sound bombs, rubber bullets and shotguns. There are no reports of the use of any assault rifles or handguns by the PSF personnel during these operations. BDF units were on alert during the operation in case the PSF requested assistance, but they did not participate in the execution of the operation. MoI investigations indicated that plain-clothed personnel from other agencies, particularly from the NSA, were present during the operation, but did not use force against protesters. According to MoI investigations, the total number of protesters in the GCC Roundabout was approximately 1,200-1,500 persons.

1085. At the beginning of the operation, a senior MoI officer used a megaphone to order the protesters camped in the GCC Roundabout to vacate the area. Many protesters left the area, while others remained. The PSF units then fired numerous rounds of tear gas to disperse the remaining protesters. They then descended the ramp of the overpass adjacent to the GCC Roundabout and engaged the demonstrators. As a result of the operation, four

⁵⁴⁹ Decree Law No. 3 of 1982 on the Public Security Forces, art 1.

protesters died after sustaining wounds caused by shotgun rounds, and almost 50 protesters were injured.⁵⁵⁰

1086. MoI investigations found that the four victims who were fatally wounded during the clearing operation had been involved in attacking or assaulting police personnel, and that shotguns were used in self-defence.⁵⁵¹ In this regard, the MoI indicated that a number of protesters assaulted police officers using rocks, sticks, metal rods, swords, knives and other sharp objects. As a result, over 40 police officers sustained various types of injuries, including severe cuts to limbs and fingers. The MoI also claimed that post-operation searches of the GCC Roundabout uncovered a number of handguns. However, no gunshot wounds were sustained by police personnel. The MoI also informed the Commission that a number of protesters attempted to run over police personnel with their cars.

1087. Reports submitted to the Commission by the families and friends of victims and by political societies, including Al Wefaq, claim that the PSF used excessive force and, at times, intentionally used lethal force against protesters at the GCC Roundabout. These reports claim that many of the protesters were asleep when the clearing operation began and that they could not have heard the warning issued by the PSF before the beginning of the operation. These reports also highlighted that some of those killed during the operation were killed by shotgun rounds fired from a very short range, less than one metre in some instances, which, according to these reports, indicates that the use of force by police personnel was excessive.

1088. The second clearing operation began at 05:30 on 16 March 2011. This operation included three stages, the first of which aimed at clearing the GCC Roundabout of protesters. In the second stage, security forces cleared the Bahrain Financial Harbour and the King Faisal Highway of protesters, while in the third stage the security forces established control over SMC. The BDF Commander-in-Chief oversaw the operation, which was executed primarily by the PSF. These PSF units remained, however, under the operational command and control of the MoI. National Guard units were deployed also and performed a supporting role. BDF armoured units were onsite to provide assistance if requested, but did not engage with any demonstrators. Two BDF assault helicopters were also hovering over the GCC Roundabout but did not use any of their weapons. During the operation, PSF units entered the GCC Roundabout from under the adjacent overpass, as opposed to using the ramp, as was the case during the first clearing operation. The PSF first used a water cannon to disperse protesters. This was followed by the use of tear gas, sound bombs, rubber bullets and shotgun rounds.⁵⁵²

1089. No fatalities are attributable to the government armed units who carried out the clearing operation. During the day, however, a number of individuals were fatally shot by security forces. While some of those individuals were shot in the vicinity of the GCC Roundabout, the information

⁵⁵⁰ See Chapter IV.

⁵⁵¹ See Chapter VI, Section A.

⁵⁵² See Chapter IV.

available to the Commission indicates that none of them were at the roundabout during the operation.⁵⁵³ Reports about the number of injuries have varied. According to the MoI reports, a number of police personnel were killed and injured during the operation. This included two police officers who were killed when they were run over by a vehicle in the vicinity of the GCC Roundabout.⁵⁵⁴

c) Ministry of Interior Riot Control Operations

1090. Throughout the events of February/March 2011, the GoB deployed PSF units to undertake riot control operations. Most of these operations were conducted in towns and villages outside Manama. As described in Chapter IV on the Narrative of Events of February and March 2011, the intensity of these riot control operations varied during the period under investigation by the Commission. From 14 to 19 February 2011, the MoI deployed large numbers of troops to confront and disperse the demonstrations that took place in various areas of Bahrain. However, after the reopening of the GCC Roundabout to demonstrators on 19 February 2011, PSF units exercised considerable self-restraint and the confrontations with protesters were limited. This is evidenced by the fact that no fatalities were recorded until a State of National Safety was declared in Bahrain on 15 March 2011. After that date, PSF units were again deployed in large numbers and were ordered to forcefully disperse protesters in the various towns and villages of Bahrain.

1091. The information collected by the Commission from MoI investigations, human rights organisations, witness statements, site visits undertaken by Commission investigators and videos submitted by individuals indicate that PSF riot control operations followed a discernible pattern. Once protests were reported to be taking place at a certain town or village, the PSF would deploy riot control units, which usually arrived in SUVs or buses. These units were usually armed with batons, shields, tear gas, sound bombs, rubber bullets and shotguns. The PSF personnel would first block the main entryways into the villages or neighbourhoods in which a protest were taking place. This was to prevent protesters from leaving these neighbourhoods and joining other demonstrations that might be occurring elsewhere. Police personnel would then begin engaging protesters using tear gas and sound bombs. The usual practice of PSF units was to use excessive amounts of tear gas to disperse protesters. On a number of occasions, PSF units fired tear gas canisters at and into residences. If protesters did not disperse, police personnel would usually begin approaching the protesters and firing rubber bullets and, in some cases, shotgun rounds.

1092. The MoI submitted to the Commission that shotguns were used only in cases of self-defence, when other means for repelling an assault against police personnel had been exhausted. The MoI presented evidence that in many instances protesters, who on some occasions outnumbered police personnel, forcefully resisted PSF units. In some cases, protesters placed

⁵⁵³ See Chapter VI, Section A.

⁵⁵⁴ See Chapter VI, Section A.

obstacles to impede the advance of PSF units. For example, they overturned and, at times, set fire to garbage dumpsters, and placed tree trunks, rocks, stones and other objects along roads. Protesters also threw rocks, stones, metal rods, paint-bombs and other objects at police units. In a limited number of instances, Molotov cocktails were thrown at PSF personnel. No cases of the use of firearms by protesters was reported.

1093. Statements by victims, their families and friends, and evidence gathered by the Commission, contradict information submitted by the MoI in a number of respects. On a number of occasions, civilians participating in demonstrations that were confronted by PSF units sustained various types of injuries. The most serious of these injuries, which in some cases led to the death of the victim, were caused by the use of shotguns. In many cases, victims sustained shotgun wounds to the back, eyes, face, limbs and chest.⁵⁵⁵ The distance from which these shotgun rounds were fired ranged from less than one metre to over 10 metres. Statements indicate that shotgun rounds were, in some cases, used as a weapon of first resort against protesters as they escaped from PSF units. This means that some of the individuals who sustained shotgun wounds did not pose a threat to the PSF personnel. Victims have also stated that PSF personnel did not fire warning shots and that, on some occasions, they did not fire their shotguns with a view to disabling individuals but rather to fatally injure.

1094. Rubber bullets were used frequently by PSF units. Statements and evidence submitted to the Commission indicate that on some occasions police personnel fired rubber bullets at close range, which caused serious injuries to a number of victims, including to their eyes, and in some cases resulted in partial or total loss of sight.

1095. Witness statements and evidence gathered by the Commission also indicates that PSF units used amounts of tear gas that were disproportionate to the objective of dispersing protesters. In some incidents, which were witnessed by Commission investigators on 29 August 2011, tear gas was fired directly at or into houses, in circumstances where there was no threat to PSF personnel. Commission investigators witnessed one instance in which 16 tear gas canisters were fired during a period of less than four minutes in a highly populated area. In another incident witnessed by Commission investigators in Janusan, at least four tear gas canisters (each containing six projectiles) were fired from a short range into the kitchen and living room of a home. Such use of tear gas rendered these homes uninhabitable.

d) Ministry of Interior Checkpoints

1096. Following the declaration of a State of National Safety on 15 March 2011, PSF units set up many checkpoints on various roads in Manama and neighbouring towns and villages. The primary purpose of these checkpoints was to search persons and vehicles and arrest individuals who were considered to pose a threat to public order.

⁵⁵⁵ See Chapter VI, Section A.

1097. Evidence gathered by the Commission indicates that the PSF units manning these checkpoints did not use their firearms. However, witness statements and information presented to the Commission indicates that PSF personnel used excessive force when searching vehicles and individuals at these checkpoints. Police personnel routinely physically assaulted individuals stopped at these checkpoints if there was any evidence that they had participated in or supported the protests that had been ongoing in Bahrain. The forms of physical abuse include beating, kicking (including when the person was already lying on the ground) and pushing individuals against cars.

1098. In most cases, this physical abuse occurred despite the fact that victims did not resist arrest and did not pose any threat to PSF units.

e) The Use of Force by BDF Units

1099. BDF units were deployed by the GoB on a number of occasions during the events of February/March 2011. The first instance of deployment of BDF units was on the morning of 17 February 2011 during the first clearing of the GCC Roundabout. BDF personnel and armoured personnel carriers were deployed to secure the GCC Roundabout and to deny protesters access to the area. These units set up roadblocks on the main roads leading into the roundabout.

1100. The BDF withdrew from the GCC Roundabout and neighbouring streets on 19 February 2011, upon the initiative of HRH the Crown Prince. BDF units were redeployed during the second clearing operation of the GCC Roundabout, which began at 05:30 on 16 March 2011. On that occasion, the BDF dispatched a larger force that included main battlefield tanks, armoured personnel carriers and two assault helicopters. Large numbers of BDF troops were also involved in clearing protesters from the grounds and buildings of SMC. BDF engineers searched the Bahrain Financial Harbour area and the King Faisal Highway for booby-traps that might have been placed there by protesters.

1101. Following the clearing operation, BDF units enforced a curfew in some areas of Manama and manned roadblocks, denying individuals and vehicles entry into a restricted zone that included the GCC Roundabout and neighbouring roads. These roadblocks were manned by units armed with standard sidearms, M16 assault rifles and .50 Browning machineguns mounted on armoured personnel carriers.

1102. The BDF was not involved in any riot control operations during February or March 2011, or subsequent events.

1103. The allegations of excessive use of force by BDF units relate to four cases of death that occurred during the events of February/March 2011. All of these cases occurred at or in the vicinity of BDF units that were manning roadblocks. Investigations that were undertaken by the Military Prosecution

into these cases concluded that the BDF personnel involved in these incidents complied with the applicable rules of engagement.⁵⁵⁶

1104. BDF units also arrested individuals who had violated the terms of the maritime curfew that was imposed in certain areas of Bahrain's territorial sea. No claims of excessive use of force have been reported in these cases.

f) *The Use of Force by NSA Units*

1105. NSA personnel were not involved in any riot control operations. The only field operations conducted by NSA units related to the execution of arrest warrants issued by the Military Attorney General. This subject is dealt with in Chapter VI, Section C on Manner of Arrests.⁵⁵⁷

g) *The Use of Force by National Guard Units*

1106. No allegations of human rights violations committed by National Guard units were submitted to the Commission.

2. Applicable Law

a) *International Law*

1107. The ICCPR and the Arab Charter are relevant to the use of force by law enforcement officials during the execution of their duties. Specifically, these international instruments protect the rights to life, liberty and security of person.⁵⁵⁸ These instruments also guarantee the enjoyment of the freedoms of opinion, expression, and assembly.⁵⁵⁹

1108. Overall, the use of force by law enforcement officials is governed by the principles of necessity and proportionality, which, in the case of Bahrain, are reflected in article 13 of the Public Security Forces Law. An assessment of whether the use of force by law enforcement officials is necessary and proportionate can be informed by principles found in international instruments such as the Code of Conduct for Law Enforcement Officials,⁵⁶⁰ and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.⁵⁶¹

⁵⁵⁶ See Chapter VI, Section A. These are the cases of: (i) Abdulredha Mohamed Hasan Buhamaid; (ii) Bahiya Abdelrasool Alaradi; (iii) Stephen Abraham; and (iv) Jawad Ali Kadhem Shamlan.

⁵⁵⁷ See Chapter VI, Section C.

⁵⁵⁸ ICCPR, arts 7 and 9; Arab Charter, arts 5 and 14. See also Universal Declaration of Human Rights, art 3.

⁵⁵⁹ ICCPR arts 19 and 21; Arab Charter, arts 24(6) and 32. See also Universal Declaration of Human Rights, art 20,

⁵⁶⁰ Code of Conduct for Law Enforcement Officials adopted by GA res 34/169 (1979) 17 December 1979. Article 3 of the Code of Conduct states:

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

The commentary to this article clarifies that:

(a) This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be

b) National Law

1109. There are a number of Bahraini laws that relate to and regulate the use of force by law enforcement officials. These include the Constitution of Bahrain, which protects the rights to liberty,⁵⁶² and human dignity,⁵⁶³ and

authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.

(b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.

(c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

⁵⁶¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. Article 4 states:

4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

Article 5 of the Basic Principles states:

5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- (b) Minimize damage and injury, and respect and preserve human life;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

Article 9 of the Basic Principles further clarifies the rules governing the use of force by law enforcement officials:

Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

Article 14 provides:

In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.

Article 16

Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

⁵⁶² Constitution of Bahrain, art 19.

upholds the freedoms of opinion, expression,⁵⁶⁴ and assembly.⁵⁶⁵ The Bahrain Penal Code also includes provisions regulating the use of force by law enforcement officials. The most relevant of these provisions is article 180, which governs the use of force in riot control operations. This provision obligates law enforcement officials to “take measures against those refusing to comply with an order to disperse, including arresting them, and using force within reasonable limits against those refusing to comply”. This provision also stipulates that “the use of firearms is prohibited except in situations of extreme necessity or when a person’s life is endangered”.

1110. The use of force by the PSF, which was the primary governmental agency involved in confrontations with civilians during February/March 2011 and subsequent events, is governed by article 13 of the Public Security Forces Law, which states that:

Public Security Forces may bear the arms and ammunition provided to them pursuant to orders from the Minister of Interior. These arms may not be used, except in the circumstances and in accordance with the conditions outlined below:

1. To arrest:

- a. Any person convicted of a felony or sentenced to more than 3 months imprisonment if that person resists arrest;
- b. Every person charged with committing a felony or found committing a misdemeanor, and resists arrest;

2. To protect detainees:

Firearms may be used by prison wardens and PSF personnel against prisoners in the following cases:

- a. Confronting an attack or any forceful resistance if no other means are available;
- b. Stopping prisoners from escaping, if no other means are available

3. Dispersing rallies, assemblies, demonstrations, riots, according to the provisions of Section Three of Chapter One of the Penal Code;

4. Lawful self-defence of life, person, property, and the lives of others, their persons, and their property.

In all aforementioned circumstances, the use of force must be necessary and proportionate with an impending danger, and to be the sole available means of confronting this danger, the existence of which must be ascertained. Force must also be used to disable the source of attack or resistance, and must be

⁵⁶³ Constitution of Bahrain, art 18.

⁵⁶⁴ Constitution of Bahrain, art 23.

⁵⁶⁵ Constitution of Bahrain, art 28.

preceded with a warning that firearms will be used, and targeting must – whenever possible – be non-lethal.

The Minister of Interior shall decide pursuant to a directive issued by him on the basis of a recommendation by the Undersecretary of the Ministry of Interior and after the approval of the Cabinet which officials shall have the authority to order the use of firearms and the methods of executing that order.⁵⁶⁶

1111. On 10 February 2011, the Minister of Interior issued Operations Directive No. 1 of 2011, which identified the missions assigned to the various MoI divisions and departments, including the PSF. According to that directive, police personnel were ordered to use force and resort to firearms in accordance with the relevant provisions of the Public Security Forces Law.

3. Findings and Conclusions

1112. An examination of the evidence presented to the Commission has revealed that PSF units involved in the events of February/March 2011 and subsequent events in many situations violated the principles of necessity and proportionality, which are the generally applicable legal principles in matters relating to the use of force by law enforcement officials. This is evident in both the choice of weapons that were used by these forces during confrontations with civilians and the manner in which these weapons were used. The following paragraphs address the issue of necessity and proportionality with respect to the use of shotguns, tear gas, rubber bullets and the conduct of security forces at checkpoints.

1113. The Commission has found that PSF units used shotguns in many situations when this was not necessary. Overall, PSF units fired shotguns on civilians in situations where police personnel were not subjected to an “imminent threat of death or serious injury”.⁵⁶⁷ In situations where PSF units were attacked by civilians, the nature and intensity of these attacks in most cases did not warrant the use of shotguns against civilians. PSF personnel should have resorted to less lethal means of confronting civilians, in accordance with their obligation to minimise injury to civilians and to respect and preserve human life.⁵⁶⁸

1114. In many situations, PSF units that used shotguns during the execution of their duties did not respect the obligation enshrined in Bahraini and international law to use firearms in a manner that was proportionate to the seriousness of the danger presented.

1115. The Commission has also found that in the use of shotguns, PSF units did not, at all times, strictly comply with their legal obligation to target the individuals in a manner that would disable or incapacitate the individual. The

⁵⁶⁶ Decree Law No. 3 of 1982 on the Public Security Forces Law.

⁵⁶⁷ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, art 9.

⁵⁶⁸ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, art 5(b).

available evidence, including forensic and ordnance reports, indicates that on a number of occasions PSF personnel fired their weapons without taking due care to ensure that individuals were not fatally injured.

1116. Similarly, the Commission has found that PSF units fired rubber bullets in a manner that did not aim to cause minimal injuries to civilians.

1117. The Commission has found that PSF units resorted to the disproportionate use of tear gas for the dispersion of protesters. On many occasions, the number of tear gas canisters fired at protesters was disproportionate to the size of the demonstration and the number of participants. In a number of situations, tear gas canisters were fired at private homes, in a manner that was unnecessary and indiscriminate.

1118. The Commission has found that excessive force was used by PSF units at the checkpoints that were set up on various roads in many areas of Bahrain. PSF personnel beat, kicked and physically harassed individuals who were suspected of having participated in or sympathised with the protests that occurred in Bahrain.

1119. In light of the aforementioned, the Commission concludes that while it has not found evidence establishing a purposeful practice of the use of *lethal* force by PSF units during the performance of their duties, the PSF have, on many occasions, used force and firearms in situations where this was unnecessary and in a manner that was disproportionate.

1120. The Commission has not found evidence establishing a purposeful practice of excessive use of force by BDF units that undertook field operations or that manned checkpoints in parts of Manama and other towns.

1121. The Commission has not found any evidence establishing the excessive use of force by either National Guard or NSA units.

1122. Overall, as described in Chapter IV, the level of force used against civilians by the GoB during February and March 2011 fluctuated. In the period between 14 and 19 February 2011, the security services of the GoB, particularly the PSF, used, on many occasions, unnecessary and disproportionate force to confront and disperse demonstrations. This led to a total of seven deaths and tens of injuries among civilians. Following the initiative of HRH the Crown Prince to reopen the GCC Roundabout to protesters on 19 February 2011, the Bahraini security services exercised considerable self-restraint, and used minimal force against civilians. This is best evidenced by the fact that no fatalities were recorded until 15 March 2011, when a State of National Safety was declared in Bahrain. Thereafter, the security services of Bahrain, particularly the PSF, used force to clear the GCC Roundabout of protesters, regain control of some of the major thoroughfares of Bahrain that had been blocked by protesters and disperse demonstrations that were being organised in various villages. During these operations, especially riot control operations that were carried out by PSF units, force and firearms were used in an excessive manner that was, on many occasions, unnecessary, disproportionate, and indiscriminate.