

Section C – Dismissals of Students and Suspensions of Scholarships

1. Factual Background

1457. On 3 March 2011, the first protest inside the University of Bahrain campus took place with approximately 100 students participating without incident. One week later, on 10 March, around 300 students and some university staff began to gather in the main yard of the Sakhir campus in the area between the administrative buildings and the library. The demonstration took the form of a march followed by a sit-in. The participants declared their solidarity with the protesters at the GCC Roundabout, denounced the killing of peaceful protesters, affirmed their commitment to national unity and rejected sectarianism.

1458. On 13 March 2011, there were major protests and clashes between pro- and anti-government protesters at the University of Bahrain, leading to the expulsion of hundreds of students from both the University of Bahrain and Bahrain Polytechnic. It is unclear who instigated or participated in the violent clashes and vandalism that occurred on campus at this time. University administrators alleged that student protesters committed these crimes with help from armed protesters (non-students) from the GCC Roundabout. Alternatively, student protesters alleged that pro-government thugs entered the campus when the demonstration was underway and attacked students.

1459. Notwithstanding these uncertainties, the overall sequence of events on 13 March 2011 is relatively clear. Approximately 400-500 students from both the University of Bahrain and Bahrain Polytechnic began a demonstration at the main Sakhir campus of the University of Bahrain. Students went from one college to the next in order to draw in more students to join the demonstration. Confrontations between students broke out in the food court of the Bahrain Teachers College and at the College of Law. University administrators moved to lock some of the buildings on campus. Some university buildings were vandalised, windows and doors were broken and a classroom in one building was set on fire. Protestors from the GCC Roundabout headed to the University of Bahrain campus to join the demonstrations there. These protestors forcibly entered the campus through the university's eastern entrance and the main gate, which had earlier been locked by administrators. Violent clashes between students and others on the campus ensued and many students were injured. There were reports that swords, wooden sticks and knives were used. A number of students were seriously injured and required urgent medical attention. Some were transferred by ambulance to SMC, while others were taken to the BDF Hospital.

1460. One well-publicised attack on an individual at the University of Bahrain was captured on a video, which was provided by the NSA. On 13 March 2011 the individual was accused of being a “*baltajia*” (a thug working for the GoB) and was beaten severely. He was attacked on the roof of the

university by approximately 15 men who repeatedly beat, kicked and spat on him. The attackers used fists, feet and sticks to execute the beatings. He was kicked in the head and dragged down several flights of stairs until reaching the outside premises of the university. A mob of approximately 70-80 persons continued to physically abuse him using sticks and metal objects. The attackers repeatedly kicked him in the head and back, leaving bloodstains on the asphalt. The attack lasted approximately 20 minutes and continued even while the victim was being placed on the floor inside an ambulance. Allegedly this ambulance did not take him to the hospital straight away, but rather took him to the GCC roundabout where the beatings continued before eventually he was taken to SMC.

1461. No protests are reported to have taken place at the Bahrain Polytechnic campus.

1462. On 14 March 2011, the University of Bahrain adopted Decision No. 294/2011 suspending classes until further notice. Bahrain Polytechnic also suspended classes.

1463. The University of Bahrain formed an investigative committee on 27 March 2011 to investigate students suspected of having participated in protests or civil unrest at the university. The committee investigated a total of 499 students and began to take disciplinary action on 5 May. The university reopened on 15 May. By 18 May, a total of 427 students had been expelled, 34 had been suspended and a further 7 had been issued with “final warnings”. The University of Bahrain later implemented a requirement that all students sign a loyalty pledge to the Kingdom of Bahrain and the King. By the terms of the pledge, those who do not sign give up their right to university study, and those who break the pledge can be expelled. At the time of writing of this Report, the pledge requirement remains in force.

1464. Bahrain Polytechnic resumed normal classes on 20 April 2011, and students began returning. Bahrain Polytechnic also formed an investigative committee. This was constituted on 9 May and comprised two members of the university administration. The committee investigated students suspected of having participated in protests at the University of Bahrain campus. Bahrain Polytechnic investigated a total of 81 students and took disciplinary action against most of them. By 13 June, a total of 54 students had been expelled, 12 had been suspended for periods ranging from a semester to a year and a further five had been issued with “final warnings”.⁷²³

1465. On 21 August 2011, following a public statement by HM King Hamad urging forgiveness and a meeting with the Commission, the MoE and the universities agreed to establish review boards of senior university administrators to re-examine the disciplinary action taken against the students of the University of Bahrain and Bahrain Polytechnic. On 25 August, the University of Bahrain review board reversed the suspension of 38 students and reduced the number of expulsions from 427 to 38 at the University of Bahrain.

⁷²³ The university expelled an additional 24 students for alleged criminal activities, including the possession of weapons found in their cars by university security personnel.

Some of the students who had their suspensions or expulsions reversed were instead given a “final warning”. On 12 November, Bahrain Polytechnic notified the Commission that although it had reversed the expulsion of a number of students, 21 students remained expelled.

1466. Beginning in February 2011, a number of Bahraini students studying at universities abroad had their scholarships revoked. On 27 May 2011, the MoE reinstated all 97 of them.

a) University of Bahrain

1467. The University of Bahrain reported that after evidence was compiled against students its investigative committee referred each student’s case to a disciplinary counsel with recommendations on disciplinary action that ought to be taken.⁷²⁴ The university stated that disciplinary action was not taken against students “if the evidence was not enough to prove [a student’s] participation in the events”.⁷²⁵ The university also formed an appellate disciplinary council to receive appeals of decisions of the investigative committee.

1468. The Commission met with senior administrators from the University of Bahrain on 21 August.⁷²⁶ Administrators reported that the investigative committee consisted of both Sunni and Shia deans and professors. The university reported that it took actions only against students in cases where it was clear that there was an intention by the student to violate the law. The university noted that if evidence indicated that a student had been participating in a protest “shyly” (ie swept-up in the protest, not chanting, etc), no disciplinary action was taken against that student. The university also confirmed that students were considered innocent until proven guilty and that any doubt was construed in favour of the accused.

1469. A number of students identified particular university investigators as more aggressive than others. Students in some instances reported that during interrogations by university investigators, there were other individuals present who did not appear to be university staff. One University of Bahrain student stated, “[The investigative committee] were interrogating us like we were criminals and repeatedly accusing us of things even as we denied them.” Some of the questions asked during the university investigation included: “What was your role in the events of 13 March 2011 at the University of Bahrain Sakhir branch?”; “How many times did you participate in a march or sit-in inside the university at Sakhir branch or Isa Town branch?”; “Who is

⁷²⁴ University of Bahrain, *Actions Taken by the University of Bahrain in connection with the Events that Took Place in February and March 2011*, 21 August 2011.

⁷²⁵ University of Bahrain, *Actions Taken by the University of Bahrain in connection with the Events that Took Place in February and March 2011*, 21 August 2011.

⁷²⁶ Meeting at the MoE, 21 August 2011. Commission investigators met with senior administrators from Bahrain Polytechnic at the MoE. At the meeting deans of the university and the President of the university, Dr Ibrahim Janahei, presented the university’s version of the 13 March 2011 events and explained the university’s reasoning for the expulsion and suspension of hundreds of students.

this person surrounded by a red circle in these pictures?"; and "Why did you participate in this march?"

1470. According to witness testimony provided to the Commission by University of Bahrain students⁷²⁷ and a report compiled by student representatives at Bahrain Polytechnic,⁷²⁸ when being investigated students were asked about their political participation in protests at the University of Bahrain on 13 March, and also about their general political activity and opinions. Photographs, typically obtained from social media sites, were used against students during these investigations. Photographs included those of students participating in protests inside and outside the university campus. Most photographs simply pictured students standing in a crowd. Students were also asked to identify fellow students in photographs. Students were questioned about things they had written on social media sites and groups they had joined or expressed affinity with ("liked") on Facebook.

1471. The University of Bahrain reported to the Commission that its investigation committee had collected evidence related to the participation of students in the events and their breach of university rules and regulations. The university referred to article 2 of the Regulations of Student Misconduct for University of Bahrain Students issued in its 2006 handbook as a basis for disciplining students, which provides that:

Any breach of Laws, Regulations, Resolutions and University traditions shall be considered a Professional Violation, in particular:

- a. Acts contrary to the regulations of the University, or the college or the department or the office or University installations.
- b. Deliberate absence of lectures, interruption of study, or instigation thereof.
- c. Absence, without justified reasons, to perform work, or any other academic activities which the University Regulations determine to be promptly maintained.
- d. Cheating, or attempt thereof, or assisting the same during exams or researches and graduation projects, and Postgraduate theses, or disruption of the exams Regulations and tranquility required therein.
- e. Violating the order required during lectures and other academic activities in the University, or to any employees, or students thereof.

⁷²⁷ Commission investigators met with 15 student leaders representing the University of Bahrain and Bahrain Polytechnic on 14 August 2011. These students submitted witness statements and reports on behalf of the suspended and expelled students.

⁷²⁸ Report prepared by student leaders at Bahrain Polytechnic, *Bahrain Polytechnic Expels Students*, 15 August 2011. This report compiled details of the disciplinary action taken against students at Bahrain Polytechnic.

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- f. Any statement, or act committed by the student offending honor, or dignity, or morals, or breaching excellence of conduct inside and outside the University, in any occasion where the University is taking part, or any activity conduct thereby, or while using University transportation.
- g. Any forgery committed by the student in University documents, or using of such documents.
- h. Any distribution of leaflets, or issuance of wall postings at colleges or collection of signatures or donations, without obtaining the prior approval from the authority concerned at the university, or any abuse of approval granted to practice the above activities.
- i. Solicitation against the legitimate institutions or violating the values of national unity.
- j. Solicitation for any organisation inside the University or participation therein, without prior approval from the authorities concerned at the University, or participating in any activity which violates the organisational rules in the University.
- k. Noncompliance with proper appearance and acknowledged University traditions.
- l. Damaging or misusing University movable and immovable property.
- m. Stay-in strike inside a University building, or participating in protest marches without prior approval from the authorities concerned in the University.
- n. Causing any tumult within the University campus.⁷²⁹

1472. In a meeting with the Commission, the President of the University of Bahrain alleged that during the height of the violence on 13 March 2011, 55 students were sent to the intensive care units of various hospitals (including the BDF Hospital and SMC) and many were hospitalised for periods of up to six weeks. The President asserted that because of this unprecedented violence committed at the university and the destruction of university property, the university was obliged to investigate the events immediately. The President further said that disciplinary action was only taken against students who committed serious violations inside the campus and that the investigation process had been fair. The President also made the following allegations regarding the events that occurred at the university on 13 March 2011:

⁷²⁹ Official English translation provided by the University of Bahrain. The Commission observed that letters of expulsion typically stated that action was taken on the basis of paragraphs (e), (h), (j) and (m) of this article.

- a. 18 of the 20 slogans chanted by protesters constituted a violation of Bahraini law;⁷³⁰
- b. attempted murder was committed on the campus by students;
- c. there were 50-60 students inside building S-20 from a “particular sect” (referring to Sunni students), while outside there were approximately 200-300 non-students with weapons who threw rocks at students in the building; and
- d. injured individuals were mistreated by armed individuals who occupied SMC ambulances.

1473. University of Bahrain students who did not participate in the protest of 13 March 2011, some of whom were on campus and felt victimised by the events, submitted a letter to the Commission concerning the psychological effects of their experience.⁷³¹ The letter was signed by approximately 300 students from various schools and faculties at the university. The letter stated that the events of 13 March had led many in Bahraini society to associate the University of Bahrain with conflict and violence, and had furthermore tarnished the image of the university abroad. The students noted that the closure of the university for nearly two months had been detrimental to their studies and had delayed the completion of their course work and graduation. Students also noted that because of fear of returning to the University of Bahrain, many had felt forced to transfer out of the university and to private schools in the country, which are vastly more expensive. Students also stated that extra-curricular activities at the university had been suspended as a result of the events, and that this had affected them detrimentally.

1474. Students interviewed by the Commission tended to confirm the assertions in the student letter. Students interviewed felt that a fissure had opened on campus along sectarian lines. As a result many students were apprehensive about returning to the university for the fall semester in September 2011.

b) Bahrain Polytechnic

1475. The Commission met with head administrators from Bahrain Polytechnic on 21 August 2011 to discuss student expulsions.⁷³² This meeting gave the Commission the opportunity to see the investigative files that the university had compiled for all students investigated. Selecting files at random for examination, Commission investigators noted the following cases: one student was investigated and later disciplined for writing “the

⁷³⁰ Article 68 of Law No. 47 of 2002 on press and publications prescribes a prison sentence for “anyone who calls in writing for overthrowing or changing the regime”.

⁷³¹ Letter signed by approximately 300 students from the University of Bahrain and submitted by President of the University to the Commission, 21 August 2011.

⁷³² Commission investigators met with senior administrators from Bahrain Polytechnic at the MoE on 21 August 2011. Administrators submitted a list of the names of all students whom Bahrain Polytechnic had investigated and those against whom the university had taken disciplinary action. The list was entitled “List of the Student Investigative Commission: Final expulsions from the University”.

transportation system [in Bahrain] sucks” on his/her Facebook wall; another student was investigated and disciplined for writing “all I need is my freedom” on his/her Facebook wall. In both cases, the institution invoked a university policy that bans the use of insults or defamatory language against the royal family and the GoB as a ground for expulsion.

1476. Students from Bahrain Polytechnic claim that the CEO of the school sent a series of SMS messages to the student body throughout the events. One of the messages warned students not to post statements critical of the GoB on social networking websites. The message allegedly stated that such critical comments would be referred to the police for investigation. While the Commission was able to confirm that Bahrain Polytechnic does send out text messages to students on behalf of the CEO, investigators were unable to verify the source and content of messages described by witnesses.

1477. Bahrain Polytechnic asserted that its disciplinary actions against students were based on its constitution and local Bahraini education laws, as well as on international human rights conventions and the university’s internal policies.⁷³³ The main law that Bahrain Polytechnic identified as the basis for its disciplinary actions against students is article 33 of the Constitution of Bahrain, which reads:

(a) The King is Head of State, and its nominal representative, and his person is inviolate. He is the loyal protector of the religion and the homeland, and the symbol of national unity.

(b) The King safeguards the legitimacy of the government and the supremacy of the constitution and the law, and cares for the rights and freedoms of individuals and organizations.

1478. Letters of expulsion to Bahrain Polytechnic students noted that students had violated article 3 of Law No. 27 of 2005 on education. However, Law No. 27 of 2005 does not provide that students expressing political opinions or participating in political activities be expelled. In fact, of the nine clauses comprising this article, one refers to the need of students to develop their personal capabilities through critical thinking and proper expression.

1479. The Bahrain Polytechnic policy lists a number of student rights and obligations, including the following: the obligation to respect the social and cultural differences of individuals; a ban against sectarian discrimination; the obligation to respect the needs of others; a ban against demonstrations inside the university campus; freedom from any form of harassment or unjust discrimination; and the obligation of the university to provide competitive and effective teaching. Bahrain Polytechnic also referred to Law No. 32 of 2006, which regulates public meetings and demonstrations. Under Law No. 32 of

⁷³³ According to reports submitted to Commission investigators during a meeting with Bahrain Polytechnic administrators at the Ministry of Education on 21 August 2011.

2006, public meetings and demonstrations require prior notification to, and approval by, government authorities.⁷³⁴

1480. Students at Bahrain Polytechnic related that some of the questions asked during the investigation into the events of 13 March 2011 included: “Did you go to GCC Roundabout?”; “Did you participate in any demonstrations or gatherings?”; and “Did you hear or see anything that contained hate messages against the royal family or government?” Students stated that Bahrain Polytechnic administrators also questioned students about their relationships and affiliations with other students and in this manner expanded the list of students to investigate. Some questions asked of students by administrators included: “Who was with you from the university when you went to the demonstration?”; “With whom do you regularly spend time at the university?”; and “What do you know about such-and-such student?” Some students alleged that during the course of the investigations, investigators spoke to them in an aggressive and degrading manner and used belittling and insulting language with respect to them and their families.

c) Government Involvement

1481. Students reported that in a number of cases, university administration or faculty referred students to the police or MoI for criminal interrogations. Numerous students from the University of Bahrain submitted statements to the Commission detailing accounts of their arrests, detention and criminal interrogations. Some students reported that during interrogations they experienced degrading treatment at the hands of police officers and governmental security agents.

1482. A number of students were referred to the Public Prosecution and charged with various misdemeanors in relation to the events, including damaging public property, participating in illegal gatherings and attacking other students.

1483. The Commission received a number of complaints from secondary school graduates claiming that the MoE withheld scholarships for study outside the country or educational grants for study in Bahrain despite the fact that their grade point average was higher than the minimum required. Commission investigators made inquiries of the MoE, which denied any such punitive practice and provided evidence that some of the complainants in fact received scholarships though not at the specific universities to which they had applied.

1484. On 10 October 2011, Al Wefaq submitted a report containing allegations of uneven distribution of government scholarships among secondary school graduates attempting to enter universities in Bahrain and abroad. Al Wefaq’s allegations revolved around a new scholarship system that was introduced by the MoE in the aftermath of the events of February and

⁷³⁴ Constitution of Bahrain (2002), Art 28(b): 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.

March 2011. The new system assesses scholarship applicants on the basis of grade point average and a personal interview. It is alleged that the system discriminates against Shia students. Distribution of scholarships for the academic year 2011-2012 has been uneven as between Shia students and others. The MoE denies any discriminatory policy in the new scholarship system.

1485. Many of the expelled students were seniors and scheduled to graduate. Students who were dismissed were initially unable to obtain their official transcripts from the university. Students also reported that they had faced difficulties enrolling in other universities in the country and region, and stated that no other local university would accept students who had been expelled in connection with the protests. Some students, under a travel ban for political activities, were unable to study abroad. Professors and educators at the university were barred by order of the university administration from providing references to any expelled or suspended students.⁷³⁵ Students appealed the order without success. Many students reported that, through the stamping of their transcripts with “disciplinary dismissal” and the denial of recommendation letters, they felt that their university had effectively blacklisted them.

1486. On 5 September 2011, the MoE submitted a report to the Commission regarding the events of 13 March 2011 at the University of Bahrain and the ensuing disciplinary action.⁷³⁶ The report presented the joint position of the MoE, the University of Bahrain and Bahrain Polytechnic. It stated that they believed that the events of 13 March were driven by illegal political organisations that sowed seeds of sectarian division between the students, and that this gradually led from frequent small demonstrations to the largest and final university protest on 13 March. Furthermore, they stated that they believe that the protest and clashes of 13 March were fostered and encouraged by university faculty members, employees and students who facilitated the way for armed thugs to enter the campus and destroy property and attack students. In response, the University of Bahrain, under the supervision of the MoE, established a committee to investigate these events.

2. Applicable Law

1487. Article 13 of the ICESCR provides, *inter alia*, that:

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed

⁷³⁵ During the meeting between student representatives and Commission investigators on 14 August 2011, University of Bahrain students submitted a copy of the memorandum sent to faculty members from administrators barring faculty from issuing letters of recommendations to students expelled as “disciplinary dismissals”.

⁷³⁶ The MoE issued this report in conjunction with Bahrain Polytechnic and the University of Bahrain, in direct response to the 21 August 2011 meeting between university administrators, the MoE and Commission investigators. The first section of the report underlines the former position of the universities and the GoB on the expulsions and justifications for their decision in expelling and suspending students, whereas the second section of the report expresses the new position of the universities and the GoB concerning the disciplinary decisions.

to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

1488. Article 41(1) of the Arab Charter on Human Rights provides that “everyone has the right to education”.

1489. Relevant provisions of the Constitution of Bahrain include the following:

The law regulates care for religious and national instruction in the various stages and forms of education, and at all stages is concerned to develop the citizen’s personality and his pride in his Arabism. (Article 7(a))

Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and publish it by word of mouth, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused. (Article 23)

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) .Article 28(b))

1490. Article 2 of the Education Law No. 27 (2005) provides, *inter alia*, that:

[E]ducation is a right guaranteed to all citizens. The philosophy stems from the established principles and the Islamic religion, human and cultural interaction, Arab affiliation and cultural and social framework of Bahrain.

3. Findings and Conclusions

1491. Upon review of the investigations conducted by Bahrain Polytechnic and the University of Bahrain, the Commission notes that the investigations generally relied upon hearsay and circumstantial evidence. It is of particular concern that hundreds of students were initially dismissed from the university simply after being identified in photographs showing them participating in a demonstration at the university campus.

1492. Although the University of Bahrain repeatedly expressed to Commission investigators that it only disciplined students involved in disruptive, violent and criminal activities at the university, evidence provided by the university does not indicate in every case that wrongdoing had been

clearly established.⁷³⁷ In respect of photographic evidence, the Commission did not see any photographs in the university's investigative files that established that a particular student had participated in a violent, criminal or disruptive act on the university campus.

1493. The University of Bahrain also indicated to Commission investigators that it declined to take disciplinary action against students who were at protests but not actively involved in them (the "shyly" participating students referred to above). However, the number of students initially expelled, compared with the number of students present at the demonstrations of 13 March 2011, suggest otherwise. While official records from the University of Bahrain indicate that approximately 400-500 students participated in the protests on 13 March, the university initially expelled 427 students. It seems implausible to the Commission that such a high percentage of the students who participated in protests at the university were deemed culpable of acts of violence and destruction of university property.

1494. The expulsion of students is permitted in certain circumstances. However, the expulsions by the University of Bahrain and Bahrain Polytechnic as related to the events of February/March 2011 were of such an extreme nature that some of the students are ostensibly prevented from ever again attending an institution of higher education in Bahrain.

1495. Many students were also later detained or imprisoned, some for more than three months. According to information provided to the Commission by the Bahrain Youth Human Rights Society, approximately 78 university students in Bahrain were arrested or detained after February 2011 in connection with the protests. The Commission received 73 similar reports corroborating this information.

1496. The University of Bahrain implicitly permitted demonstrations on its campus until 13 March 2011 (when clashes erupted). Further, Bahrain Polytechnic did not give students adequate notice that their participation in demonstrations off campus would result in any disciplinary action. Students therefore reasonably believed that their participation in peaceful demonstrations would not result in disciplinary action.

1497. While the universities established investigation committees and an appeals procedure in order to discipline students connected to the events of February/March 2011, the universities often applied arbitrary and unclear standards for issuing determinations and taking disciplinary action. The universities largely relied on insufficient or circumstantial evidence, and drew conclusions about alleged student involvement in criminal activity from assumptions and improper inferences.

⁷³⁷ On 22 August 2011, the University of Bahrain provided Commission investigators with copies of the investigative files compiled by the university's investigative committee on each student who was investigated. Files included notes on the investigation with the student, a written statement by each student, and in many cases printed photographs allegedly of students, often simply standing in a crowd. The university used these photographs as evidence of students' culpability. Files also often included snapshots of students' Facebook and Twitter pages.

1498. The University of Bahrain and Bahrain Polytechnic took indiscriminate disciplinary action against students based on their involvement in the February/March 2011 demonstrations, and thereby infringed on their right to free expression, assembly and association.

1499. There are 38 students who are not allowed to return to the University of Bahrain, as they are facing criminal charges.

1500. The Commission welcomes the move by the Ministry of Education on 25 August 2011, in conjunction with the University of Bahrain, to reverse the vast majority of disciplinary decisions taken against students.

1501. The Commission also notes with satisfaction that as of 12 November 2011, 33 of the 54 students initially expelled from Bahrain Polytechnic have been reinstated.

4. Recommendations

1502. Reinstate all students who have not been criminally charged with an act of violence.

1503. Ensure that there is a procedure in place whereby students who were expelled on legitimate grounds may apply for reinstatement after a reasonable period of time.

1504. Adopt clear and fair standards for disciplinary measures against students and to ensure that they are applied in a fair and impartial manner.