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& Human Rights in Bahrain

**Shadow Report ahead of Committee against Torture's  
considerations of a List of Issues Prior to Reporting for Bahrain  
in its 54<sup>th</sup> session**

**Prepared by the Bahrain Institute for Rights and Democracy, Americans for  
Democracy and Human Rights in Bahrain and the Bahrain Center for Human Rights**

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## **Introduction**

1. Bahrain acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN-CAT) on 6 March 1998. Although Bahrain's initial State Party Report was due in 1999, the Government submitted it in 2004. Pursuant to Article 19 of the UNCAT, Bahrain's 1<sup>st</sup> Periodic Report was due 2007, but Bahrain failed to submit it by this deadline, and no Periodic Report has been submitted since.

2. The Committee against Torture (CAT) submitted its List of Issues Prior to Reporting under the new simplified procedure in 2010, and is due to submit a new one in the upcoming 54<sup>th</sup> session. This shadow report highlights seven major issues regarding torture in Bahrain. Since the Government submitted its last report, Bahrain has undergone major political, social and security developments, and has notably experienced a significant resurgence in torture cases.

3. This report describes the legal framework and practical framework in the country which allow torture to occur, and which block the proper investigation of torture. It discusses recent deaths in custody and presents a case study of an unfair trial. The report then lists some of the new human rights mechanisms put into place by the Government of Bahrain, discussing their achievements to date and the issues surrounding their mandates. Finally, it presents issues of violence against women and their vulnerability in the law.

4. On a purely technical level, Bahrain has improved its laws and institutional framework to competently criminalise torture, identify cases of torture and refer cases with merit for investigation. However, these technical improvements remain cosmetic, as the government has failed to address core issues such as the partiality of the courts towards the security sector and a lack of political will to end torture. In one very telling incident in 2013, the Prime Minister Sheikh Khalifa bin Salman, uncle of the King, told an officer acquitted of torture that the law does not apply to him, and that Sheikh Khalifa will protect him. It is therefore not an exaggeration to say that torture has become systematic in Bahrain.

5. Addressing Bahrain's torture record has never been more important. Six of the seven issues presented are different parts and processes within Bahrain's justice system which allow torture to occur or which are the results of torture. The final issue is that of the threat of torture some domestic workers face in Bahrain and the lack of protective or monitoring measures ensuring their safety.

6. This report is by no means comprehensive on the issue of torture in Bahrain, and has been written with the limited scope described above. Some issues, such as the arbitrary detention and torture of juveniles and the expanded use of the life sentences in cases tried under the anti-terrorism law, have not been included but continue to be reported regularly by human rights organisations operating within and outside of Bahrain.

## **Methodology**

7. This report presents Bahrain's laws regarding torture. The report draws on case studies of torture and ill-treatment and deaths in custody to present a picture of the current use of torture in Bahrain. The case studies can be found in the Annex. The cases have been documented by the Bahrain Institute for Rights and Democracy (BIRD), Americans for Democracy and Human Rights in Bahrain (ADHRB) and the Bahrain Center for Human Rights (BCHR) since 2011, but also includes some case studies documented by other NGOs.

Finally, it presents recommendations towards issues to be raised in the List of Issues Prior to Reporting.

### **Legal Framework**

8. Bahrain has acceded to three international treaties that prohibit the use of torture and cruel, inhuman or degrading treatment or punishment. These are the UN Convention against Torture, the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. Bahrain has also signed the Arab Charter of Human Rights.

9. The Convention against Torture sets out its definition of torture under Article 1 as: “...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

10. Bahrain’s national law expressly prohibits torture as required by the international treaties to which it has acceded.

11. Article 19(d) of Bahrain’s Constitution states: “No person shall be subjected to physical or mental torture, or inducement, or undignified treatment, and the penalty for so doing shall be specified by law. Any statement or confession proved to have been made under torture, inducement, or such treatment, or the threat thereof, shall be null and void.”

12. Sanctions for the use of torture are included within Bahrain’s Penal Code 1976, amended in 2013 According to Article 208, “[a] prison sentence shall be the penalty for every civil servant or officer entrusted with a public service who causes severe pain or sufferings, physically or morally, either personally or through a third party, to a prisoner or a detainee to get from him information or confessions or to penalize him for something he has committed or he is accused of having committed. The same sanction is applied for the intimidation or coercion. A prison sentence shall be the penalty for every civil servant or officer entrusted with a public service who threatens, either personally or through a third party with his full consent, a prisoner or a detainee for any of the causes cited in the first paragraph. The penalty shall be life imprisonment should the use of torture or force lead to death.”

13. Article 232 of the Penal Code engages the same sanctions found under Article 208 and applies it to any other persons.

14. In cases documented over the past 4 years,<sup>1</sup> police officers accused of torture have been given relatively weak prison terms ranging from 3-6 months, without proof that those officers served any time in prison. In contrast, many individuals accused of crimes related to freedom of expression and assembly have been sentenced to life imprisonment. This practical measure and lack of accountability has weakened the deterrent effect of the law.

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<sup>1</sup> See ‘Deaths in Custody’.

15. Moreover, despite being recognised in law, both articles 208 and 232 of Bahrain's Penal Code expressly limit punitive measures in relatively vague circumstances, namely "cases of pain and suffering caused by, resulting from or accompanying legal procedures or sanctions." Although this appears to be in line with the Conventions definition, in practice, this limitation has been widely construed and applied in cases to avoid the prosecution of officer's accused of torture and/or ill treatment. Some acts of torture and ill treatment do not constitute criminal offenses, further undermining the absolute prohibition against torture. Instead of this provision, Bahrain should employ the concession provided under Article 1 of CAT, namely that pain and suffering arising only from lawful sanctions should not be included under the absolute prohibition, and these sanctions should be identified within the law. Bahrain should also employ a minimum level of severity and a clause relating to the proportionate and necessary use of force relating to lawful sanctions in light of the continuing epidemic of systematic torture in the country.

16. Bahrain ratified the Arab Charter on Human Rights in 2006, bringing its provisions into effect in 2008. Article 8 of the Charter prohibits torture in an absolute manner. This prohibition is non-derogable under Article 4. Article 8(2) imposes an obligation on states to ensure that their national law effectively prohibits torture and guarantees redress, rehabilitation and compensation for victims of torture. Article 20(1) provides that "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

17. Bahrain's Code of Criminal Procedure also sets out some safeguards against inhuman treatment. Article 61 safeguards human dignity during arrests and detention and prohibits any "bodily or psychological harm". Similarly, statements or confessions made under torture are void per Article 19 of Bahrain's constitution.

18. Bahrain's Ministry of Interior Ombudsman is charged with investigating crimes implicating staff at the Ministry. The Ombudsman was established under Article 1 of Decree 27/2012. According to Article 1, the Ombudsman and his Deputy are appointed by the King through a Decree on the recommendation of the Ministry of Interior and approval of the Prime Minister. Article 8 of the decree, however, undertakes that an Office of Internal Affairs within the Ministry will be primarily responsible to examine initial complaints and then decide whether it should refer it to the Ombudsman or not. Article 9 notes that the Office of Internal Affairs is not obliged to refer complaints to the Ombudsman, unless they involve death or serious physical injury.<sup>2</sup> Complaints made by the Ombudsman are referred to Bahrain's Public Prosecution Office, who decides on whether or not they will be referred to court.

19. Despite some strong laws, it will be seen below that the courts do not adhere to them fully. The courts have leniently judged security sector officials on trial for torture, even in cases where that torture led to death. In cases where torture led to death, a crime punishable with life sentence, individuals have been tried for assault without intent to kill.<sup>3</sup> The courts and Public Prosecution depend heavily on evidence extracted under confession. Allegations of torture frequently surround interrogations, yet the criminal court judges continue to allow confessions extracted under torture and ill-treatment to be admitted into courts, in contravention to the law.<sup>4</sup>

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<sup>2</sup> See 'Human Rights Mechanisms in Place Since 2011' for an analysis of the Ombudsman's effectivity.

<sup>3</sup> See 'Deaths in Custody'.

<sup>4</sup> See 'Practical Framework'.

## **Practical Framework**

20. Documented cases indicate that acts of torture and ill-treatment occur throughout the process of criminal justice: during arrest, during pre-trial detention, during interrogation and while in prison. While it is unlikely that an individual may be tortured or ill-treated at every single stage, it is not uncommon that such acts are inflicted upon them in at least one stage.

21. Acts of torture most often occur during interrogation.<sup>5</sup> Torture is commonly used to extract confessions from persons, which are then used as evidence of guilt in court. Allegations of torture made in court are not regularly investigated by the judiciary, and BIRD, BCHR and ADHRB have found no examples where a defendant's alleged torture in court or before the Public Prosecutor's Office led to an investigation.<sup>6</sup>

22. Post-conviction acts of torture are less commonly reported. However, this may be due to incomplete documentation. An incident on 5 November 2014, when a group of prison officials at Jaw prison severely beat a prisoner and then left him in a solitary confinement cell reveals a persisting culture which allows the ill-treatment of prisoners to occur. The prisoner, Hassan al-Sheikh, had been serving a sentence for drug-related offences, and died as a result of his injuries.<sup>7</sup> The Public Prosecution's Special Investigations Unit (SIU) announced that an officer, a policeman and a rehabilitation lecturer had been remanded in custody, and that the lecturer had admitted to physically and mentally torturing inmates to extract confessions from them but had not intended to kill the inmate.<sup>8</sup> The Ministry of Interior announced that it was opening an investigation into the death,<sup>9</sup> but there have been no further developments since the SIU first announced the inquiry. It is unknown whether the investigation has continued, and whether those responsible for the inmate's death have been taken to trial.

23. Several issues surrounding the death of Mr. al-Sheikh remain unaddressed. It is unclear why he was taken and beaten by the group of officials. It is unclear why a rehabilitation lecturer was involved, and it is concerning that a rehabilitation lecturer was involved in the torture and death of an individual in prison for drug-related offences. According to the SIU, the rehabilitation lecturer had been involved in torture to extract confessions, but this is not a compelling reason behind his involvement: there is no clear logic behind extracting confessions from convicted individuals whose trials have ended, and there is no clear evidence to suggest that this torture was committed towards extracting a confession.

24. There is substantial evidence that the prison staff acted in a recklessly negligent fashion in the case of Mr. al-Sheikh's death. According to the victim's family, Mr. al-Sheikh's corpse displayed severe injuries on its head and face. His skull and jaw were broken, and his kidney had ruptured. Prisoners in nearby cells to al-Sheikh's also reported hearing screams from the direction of his cell during the night that he died. The available information suggests that prison officials should have been aware that Mr. al-Sheikh was in a

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<sup>5</sup> See annexed case studies of: Hussein Marhoon, Tagi al-Maidan, Mohsen al-Majid, Husain Moosa, Redha Mushaima, Sami Mushaima, Mohammad Ramadan, Taher al-Samea.

<sup>6</sup> See annexed case studies of: Husain Moosa, Redha Mushaima, Sami Mushaima, Taher al-Samea.

<sup>7</sup> See case of Hassan al-Shaikh.

<sup>8</sup> Bahrain News Agency, *SIU: Suspects remanded in custody*, 13 November 2014, <http://bna.bh/portal/en/news/641130>.

<sup>9</sup> Police Media Center, *HE Interior Minister orders probe into inmate's death*, 8 November 2014, [http://www.policemc.gov.bh/en/news\\_details.aspx?type=1&articleId=24336](http://www.policemc.gov.bh/en/news_details.aspx?type=1&articleId=24336).

critical condition, considering both his wounded appearance and his alleged screaming. By not investigating Mr. al-Sheikh's condition and not immediately referring him to medical care, the prison staff's negligence contributed to his death.

25. Mr. al-Sheikh's death came three years after the Government of Bahrain (GoB) accepted the Bahrain Independent Commission of Inquiry (BICI) and two years since its Universal Periodic Review (UPR), both of which recommended an end to torture and accountability for individuals suspected of committing torture.<sup>10</sup> The circumstances of his death and weak public response by the GoB suggest that the issues surrounding torture in Bahrain in 2011 and 2012 continue to persist in 2014 and into 2015.

**26. Pursuant to article 2 of UN-CAT, Bahrain should present information regarding the current state of the investigation into Hassan al-Sheikh's death, as well as indicating what investigations have been conducted into the alleged torture of other detainees and prisoners and the stage these investigations are at.**

#### Detainee Access to Medical Treatment

27. Bahrain's prisons do not have adequate medical facilities. The Ombudsman of the Ministry of Interior and the Prisoners and Detainees Commission (PDRC) listed 11 'special health recommendations' towards improving detainee medical access in Jaw prison and the Dry Dock Detention Centre (DDDC).<sup>11</sup> Government action taken in response to these recommendations is unknown.

**28. Pursuant to article 2 of UN-CAT, Bahrain should specify what actions it has taken in response to the Ombudsman and PDRC's special health recommendations.**

29. The reports of the Ombudsman and the PDRC are not comprehensive, and they fail to raise some important issues. Two such issues which are not discussed by the Ombudsman or PDRC are: individual cases where a prisoner or detainee's medical needs have been arbitrarily denied; and individual cases where torture has exacerbated a detainee or prisoner's medical condition, sometimes leading to their death.

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<sup>10</sup> The following BICI recommendations specifically tackled torture: 1716, 1719, 1722(a), 1722(b), 1722(c), 1722(f), 1722(k). The 2012 UPR recommendations related to ending torture are: 115.2, 115.3, 115.8, 115.21, 115.22, 115.59, 115.60, 115.64, 115.65, 115.85, 115.86, 115.87, 115.88, 115.90, 115.92, 115.108, 115.111, 115.112, 115.121.

<sup>11</sup> The Ombudsman made five 'special healthcare recommendations' in its 2014 annual report following its visit to Jaw Prison: "para. 14. Increase the number of doctors, nurses and administrative staff in the clinic; para. 15. Take the necessary measures to raise the level of cleanliness in the clinic; para. 16. Ensure the maintenance and periodic update of medical devices and equipment; para. 17. Develop a mechanism to enable diabetic patients to receive insulin injections; para. 18. Extend the periods of work in the pharmacy to meet the needs of the clinic." Bahrain Independent Ombudsman, *First Annual Report 2013/2014*, (2014), p. 107. The PDRC made six 'special healthcare recommendations' in its report following an unannounced visit to the Dry Dock Detention Center in 2014: "Increase the number of medical professionals, provide a dental clinic and a trained mental health team; Establish programs for health promotion and awareness among the detainees and the DDDC staff; Take the necessary measures to raise the level of awareness among staff and detainees on ways to deal with patients and explain the concept of medical isolation; Increase the number of administrative staff at the health center, provide an infection control team and activate the administrative supervision over the clinic and its staff; Develop measures to ensure the provision of translation services for detainees during their visit to the health center; Develop a mechanism to guarantee the provision of special diets for detained patients." PDRC, *Report No. 1: Unannounced visit to the Dry Dock Detention Centre (DDDC), April 21-24, 2014*, p. 19.

30. Hassan Mushaima, an opposition political leader who was sentenced to life by a military court in 2011,<sup>12</sup> is an elderly man who previously received treatment for cancer. Since his imprisonment, there have been significant delays and mismanagement in his cancer treatment. In 2012, he was blindfolded and handcuffed in an unknown place and given unknown injections three times. His family and lawyer have been denied access to his medical files.<sup>13</sup>

31. Abduljalil Singace, a political leader and academic sentenced to life on the same day as Mr. Mushaima,<sup>14</sup> requires mobility support in the form of a wheelchair or walking stick. Mr. Singace suffers from a damaged ear-drum, believed to have been caused by torture and ill-treatment in 2012, for which he has received some medical attention. However, he has also had at least 14 different scheduled appointments with the skin disease clinic, heart disease clinic, opticians clinic and prison clinic repeatedly re-scheduled and cancelled.<sup>15</sup>

32. Incidents of torture exacerbating previous medical conditions are highly concerning.<sup>16</sup> In at least one case, government action appears to have led to medical complications and death. Yousif al-Nashmi died in hospital of AIDS-related complications within a month of his detention and torture in September 2013.<sup>17</sup> ADHRB has received reports that government security forces denied Mr. al-Nashmi access to his life-prolonging medication during his incarceration.

33. Jafar al-Durazi died in hospital in February 2014 after suffering complications in his medical condition during detention. He suffered from Sickle Cell Anemia. The Public Prosecution stated that he died after his condition led to a lung clot. Security officials detained al-Durazi in December 2013 and allegedly tortured him, which his family believe exacerbated his condition.<sup>18</sup> The Public Prosecution's coroner stated that he died naturally, without suspicion of any criminal involvement.<sup>19</sup>

**34. Pursuant to articles 2, Bahrain should indicate what investigations have taken place regarding medical-related complaints, and what information the Public Prosecution based its decision on when it ruled there was no criminal suspicion in connection to the death of Jafar al-Durazi.**

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<sup>12</sup> Bahrain News Agency, *The National Security Court issues verdict against those charged of plotting to topple the Government of Bahrain*, 22 June 2011, <http://www.bna.bh/portal/en/news/461921>. A civilian appeals court upheld his sentence in 2012.

<sup>13</sup> BCHR, *Urgent Appeal: Prominent Opposition Leader Hassan Mushaima in need of urgent medical attention*, 19 November 2012, <http://www.bahrainrights.org/en/node/5498>.

<sup>14</sup> See fn. 7.

<sup>15</sup> Pen International, *Bahrain: Academic, activist and blogger Dr. Abduljalil Al-Singace's health deteriorates*, 25 September 2014, <http://www.pen-international.org/newsitems/bahrain-academic-activist-and-blogger-dr-abduljalil-al-singaces-health-deteriorates/>.

<sup>16</sup> For another case see: Husain Hubail.

<sup>17</sup> Al Jazeera, *Bahrain riot police break up protest*, 12 October 2013, <http://www.aljazeera.com/news/middleeast/2013/10/bahrain-anti-riot-police-breaks-up-protest-201310121991312136.html>. BCHR, *Bahrain: Arbitrarily arrested and reportedly tortured for False Confessions, Yousif Ali Faces Ongoing Violations*, 21 September 2013, <http://bahrainrights.org/en/node/6398>.

<sup>18</sup> See his entry under 'Case Studies'.

<sup>19</sup> BCHR, *Bahrain: Death of Detainee Jaffar AlDurazi after Reports of Torture and Medical Negligence during Detention*, 1 March 2014, <http://bchr.hopto.org/en/node/6782>

### Detainee Access to Legal Council

35. The BICI deals specifically with detainee access to legal counsel. It recommended Bahrain “To avoid detention without prompt access to lawyers and without access to the outside world for more than two or three days. In any event, all detention should be subject to effective monitoring by an independent body. Moreover, every person arrested should be given a copy of the arrest warrant and no person should be held incommunicado. Arrested persons should have access to their legal counsel and family visits in the same way as any person detained under the Bahrain Code of Criminal Procedure.”<sup>20</sup>

36. The GoB has failed to implement this recommendation. Detention is not monitored by an independent body, arrests without warrant continue to be reported and lawyers report that they are often obstructed from meeting with their clients.<sup>21</sup> For example, in December 2014, Sheikh Ali Salman, Secretary-General of the opposition party Al-Wefaq, was arrested at the Criminal Investigations Directorate (CID) after receiving a summons. The CID refused him access to his lawyers twice before allowing only one lawyer to attend the interrogation.<sup>22</sup>

37. Sheikh Ali Salman’s case is a recent and well-documented case, but the State’s action of obstructing his access to his defence lawyers is not unique. Defence lawyers have informed BIRD that in many cases they have been denied access to their clients prior to their court hearings. In many politically-related cases, the prosecution has presented what the defence calls ‘secret evidence’, which is not made available to the defence prior to trial, and which is suspected of being extracted under torture. In the case of the February 14 Coalition, where 50 individuals were sentenced up to 15 years each (discussed below),<sup>23</sup> the confessions of ten defendants were a substantial portion of the prosecution’s evidence.<sup>24</sup>

**38. Pursuant to article 2, Bahrain should indicate what procedures are in place to allow detainee’s access to their lawyers, and how their right to consult with their lawyer or for their lawyer’s presence is safeguarded.**

### Deaths in Custody

39. At least 4 persons died in police custody during the period of the National State of Security in 2011.<sup>25</sup> They are: Kareem al-Fakhrawi, Zakariya al-Ashiri, Ali Saqer and Hassan al-Maki.<sup>26</sup> There have been more deaths in custody since the end of the State of Security. In 2014 alone, two individuals died in police custody and in prison.<sup>27</sup> In all cases, torture or excessive use of force led to the deaths of these individuals.

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<sup>20</sup> BICI, para. 1722(d).

<sup>21</sup> Project on Middle East Democracy, *One Year Later: Assessing Bahrain’s Implementation of the BICI Report*, 2012, pp. 13-4. <http://pomed.org/wp-content/uploads/2013/12/One-Year-Later-Assessing-Bahrain-Implementation-of-the-BICI-Report.pdf>. POMED found the recommendation had not been implemented within a year of the BICI’s findings. BIRD continues to receive reports of arrests without warrant and obstructive attitudes towards defence lawyers.

<sup>22</sup> BIRD, *NGOs call for the Immediate Release of Al-Wefaq General-Secretary Shaikh Ali Salman*, 28 December 2014, <http://birdbh.org/2014/12/ngos-call-for-the-immediate-release-of-al-wefaq-general-secretary-shaikh-ali-salman/>.

<sup>23</sup> See paras. 52-5.

<sup>24</sup> HRW, *Criminalizing Dissent, Entrenching Impunity*, 2014, pp. 23-4, [http://www.hrw.org/sites/default/files/reports/bahrain0514\\_forUpload.pdf](http://www.hrw.org/sites/default/files/reports/bahrain0514_forUpload.pdf).

<sup>25</sup> BCHR, *Individuals Killed By Government’s Excessive Use of Force Since 14 February 2011*, 4 April 2011 and updated 22 May 2014, <http://www.bahrainrights.org/en/node/3864>.

<sup>26</sup> Ibid. See ‘Case Studies’.

<sup>27</sup> See cases of Fadel Abbas, and Hassan al-Shaikh under ‘Case Studies’.

40. The BICI report recommended that the Government establish a “national independent and impartial mechanism to determine the accountability of those in government who have committed unlawful or negligent acts resulting in the deaths, torture and mistreatment of civilians with a view to bringing legal and disciplinary actions against such individuals.”<sup>28</sup> In response, the GoB established the Special Investigations Unit (SIU) within the Public Prosecution’s Office. Concerns remain over its impartiality.<sup>29</sup>

41. Though investigations followed into some of the deaths in 2011, including those of Mr. al-Fakhrawi, Mr. al-Ashiri and Mr. Saqer, the courts have displayed leniency towards officers responsible for extrajudicial deaths. Two police officers, Abd al-Rashid Bakhsh and Muhammad Muzaffar, were charged with assault without intent to kill in connection to the deaths of Mr. al-Ashiri and Mr. Saqer. The courts acquitted them in Mr. al-Ashiri’s case, and sentenced them to ten-year prison terms in the relation to Mr. Saqer’s death. However, an appeals court then reduced their sentences to two-year terms.<sup>30</sup> The appeals court judged that the crime was committed “during and because of [the defendants’] professional duty and while preserving the life of detainees, among them the victim, and the security of society as a whole...”<sup>31</sup> This ruling seems to suggest that torture, even unto death, is acceptable in view of their “professional duty” and the “security of society”, and provides a limitation upon the absolute prohibition of torture.

42. The trial of two police officers in connection to Mr. al-Fakhrawi’s death took a similar course. Despite evidence and testimony that National Security Agency officers Khalid Muhammad Sabt and Ahmad Badi Ahmad beat Mr. al-Fakhrawi to death, the court concluded that the defendants had no intent beyond assault and sentenced them to 7 years imprisonment each. The Supreme Appellate Court reduced their sentences to three-year terms in October 2013, offering no explanation except that “the court sees fit to grant clemency to the appellants...”<sup>32</sup> As with the previous case, the court’s decisions go against the available evidence and testimonies, which suggest gross misconduct on the part of the officers involved. Bahrain’s penal code mandates a life sentence for the crime of torture to death, which appears to have occurred in the above cases. The clemency shown in these cases is contrary to the spirit of Bahrain’s penal code.

43. The CAT previously noted allegations that the Public Prosecution Office lacks independence.<sup>33</sup> The lenient prosecution of officers involved in the deaths in custody strongly suggest that the courts remain partial to the state security sector. There appears to be no will within the judiciary to prosecute acts of torture with the severity the crime deserves.<sup>34</sup>

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<sup>28</sup> Bahrain Independent Commission of Inquiry, *Report of the Bahrain Independent Commission of Inquiry*, November 2011, para. 1716, <http://www.bici.org.bh/BICReportEN.pdf>.

<sup>29</sup> ADHRB, *Failing Grade: A Report Card on the Status of Bahrain Independent Commission of Inquiry Implementation*, 2012, p. 2, <http://adhrb.org/wp-content/uploads/2012/11/Failing-Grade-20121.pdf>.

<sup>30</sup> Human Rights Watch, *Criminalizing Dissent, Entrenching Impunity: Persistent Failures of the Bahraini Justice System Since the BICI Report*, 2014, pp. 44-7, [http://www.hrw.org/sites/default/files/reports/bahrain0514\\_forUpload.pdf](http://www.hrw.org/sites/default/files/reports/bahrain0514_forUpload.pdf).

<sup>31</sup> *Ibid*, pp. 47-8.

<sup>32</sup> *Ibid*, pp. 48-50.

<sup>33</sup> CAT, *List of issues prior to the submission of the second periodic report of Bahrain*, 20 January 2010, CAT/C/BCHR/2, para. 9.

<sup>34</sup> “Such results are impossible to reconcile with even minimal standards of justice.” HRW, *Criminalizing Dissent, Entrenching Impunity*, p. 5.

**44. Pursuant to article 2(2) and with the view that no circumstances justify torture, Bahrain should explain under what circumstances the courts have used to justify torture and ill-treatment, even to death. Bahrain should indicate the reasons behind the clemency shown to security officers involved in ill-treatment, torture and death.**

### **Unfair Trials**

#### **Death Penalty**

45. Until recently, Bahraini courts rarely employed the death sentence. Between 2007 and 2010, three persons were been sentenced to death and executed.<sup>35</sup> Since 2011, however, the number of persons sentenced to death has dramatically increased.

46. The BICI recommended that Bahrain abolish the death penalty.<sup>36</sup> In Bahrain's UPR 2012, Bahrain received six recommendations to abolish the death penalty, four of which also called for a moratorium on executions.<sup>37</sup> However, the use of the death penalty has increased in 2014. Currently, there are four persons sentenced to death in Bahrain.

47. The BICI report recommended that the Government commute all death sentences issued by the military courts in 2011.<sup>38</sup> In response, the civilian courts quashed five death sentences. However, a civilian appellate court upheld the sentence of Ali Al-Taweel, sentenced to death by the military courts in 2011 for the murder of a police officer. Al-Taweel alleges that Government security officers extracted his confession under torture.<sup>39</sup>

48. Another man, Maher Al-Khabaz, is facing the death penalty after a court convicted him of killing a police officer with a flare gun in April 2014. The defence presented evidence that the police officer's wounds were not consistent with a flare gun wound, but the court dismissed these arguments.<sup>40</sup> During the period of his detention and interrogation, Mr. Al-Khabaz claims that officials subjected him to frequent beatings, standing for extended periods, electrocution and foot-whipping. He was also prevented from praying, eating and using the toilet.<sup>41</sup>

49. On 29 December 2014, the High Criminal Court sentenced Mohammad Ramadan and Husain Moosa to death for their alleged involvement in a February 2014 bombing that killed one policeman. Mohammad Ramadan states that officials informed him that the Government knew he was not responsible, but that he was a traitor and therefore should be sentenced regardless. Mr. Ramadan claims to have been tortured during his interrogation. Husain Moosa reports that during interrogation at the Central Investigations Directorate, officials suspended him from the ceiling and beat him with batons. Mr. Moosa states that officers

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<sup>35</sup> Cornell University Law School, *The Death Penalty in Bahrain*, 23 January 2011, <https://www.google.co.uk/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=death%20penalty%20bahrain>.

<sup>36</sup> *BICI report*, para. 1722(i).

<sup>37</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Bahrain*, 6 July 2012, A/HRC/21/6, Recommendations 115.5, 115.78, 115.80, 115.81, 115.82, 115.83. 115.78, 115.81-3 call for a moratorium.

<sup>38</sup> *BICI report*, para. 1722(i).

<sup>39</sup> 'Bahrain court upholds death penalty in police killing,' BBC, 23 January 2013, <http://www.bbc.co.uk/news/world-middle-east-21166737>

<sup>40</sup> BCHR, *The Terrorism Law in Bahrain: A Tool to Silence Dissidents*, 2014, p. 10, <http://www.bahrainrights.org/sites/default/files/Terrorism%20Laws%20in%20Bahrain%20-%20FINAL.pdf>

<sup>41</sup> BCHR, *NGOs condemn capital punishment sentence for Maher al-Khabaz*, 30 October 2014, <http://www.bahrainrights.org/en/node/7144>.

intimidated him with threats to fabricate cases against his relatives and rape his sister. It was under these conditions that he confessed to involvement in the bombing incident.<sup>42</sup>

50. All four individuals facing the death penalty allege torture. In each case, the judiciary does not appear to have been impartial: it did not follow the BICI's recommendations to commute Mr. Al-Taweel's sentence, ignored the defence's arguments in Mr. Al-Khabaz's trial, and the state prosecution appeared to know that Mr. Ramadan was not involved in the incident for which he was being tried.

**51. Pursuant to article 16, Bahrain should provide information as to why the State has resumed the use of the death penalty and why the sentence of Mr. al-Taweel was not commuted. Bahrain should comment on the allegations of torture which all four persons sentenced to death have made.**

#### February 14 Coalition case

52. In the 'February 14 Coalition' case, 50 persons were convicted in September 2013 on terrorism and spy-related charges. The charges included establishing and running the group called the February 14 Coalition, receiving military training in Iraq and meeting with the office of the Supreme Leader of Iran and accepting to work for them against the interests of Bahrain.<sup>43</sup> The court accused the group of "sowing chaos in the country, committing crimes of violence and sedition, attacking public and private property, intimidating citizens and harming national security."<sup>44</sup>

53. The evidence in this case consisted of the testimonies of two investigating officers, the confessions of ten defendants and recordings and photographs of the defendants participating in protests. None of the evidence linked any of the defendants to acts of violence, and the only violent act which appears to have been committed in connection to the case was one defendant who was found to have assaulted and insulted a policeman during his arrest.<sup>45</sup>

54. Defence lawyers told BIRD that some of the evidence put forward was privy only to the prosecution. It is believed by the defence lawyers that this evidence was extracted under torture. One defendant in the case told Human Rights Watch that he was tortured for three days following his arrest in May 2012. During that time, authorities handcuffed and blindfolded him, beat him severely, subjected him to electric shocks, suspended him from the ceiling and subjected him to waterboarding.<sup>46</sup>

55. Human Rights Watch states that there was a "striking lack of evidence of any legitimately criminal activity" in the case.<sup>47</sup> In September 2013, the court sentenced 16 defendants to 15-year terms, 4 defendants to 10-year terms, and the remaining 30 defendants to 5-year terms in prison.<sup>48</sup>

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<sup>42</sup> BCHR, *NGOs condemn death penalty sentence of Mohammad Ramadan and Husain Ali Moosa*, 30 December 2014, <http://www.bahrainrights.org/en/node/7217>.

<sup>43</sup> HRW, *Criminalizing Dissent, Entrenching Impunity*, pp. 23-4.

<sup>44</sup> Fourth Superior Criminal Court, Case No. 5737/2013/07, Verdict, 29 September 2013, quoted in *Ibid*, p. 24.

<sup>45</sup> HRW, *Criminalizing Dissent, Entrenching Impunity*, p. 24-5.

<sup>46</sup> See Naji Fateel in Case Studies. <http://www.hrw.org/news/2013/05/14/bahrain-detained-activists-allege-torture>.

<sup>47</sup> HRW, *Criminalizing Dissent, Entrenching Impunity*, p. 25.

<sup>48</sup> *Ibid*.

### Hussein Marhoon

56. Marhoon was filmed by detention officers in June 2013. An out of vision officer, possibly the man holding the camera, rehearses the detainee's testimony and coerces him to make particular statements, including that he injured himself while fleeing from police and that he was paid 10 Bahraini Dinars (US\$27) by the opposition party Al Wefaq to attack police. At the end of the questioning, the police officer asks: 'Tomorrow, in front of the court, will you confess this?' The detainee replies affirmatively. Throughout the video, Marhoon is in an apparent state of distress. His face shows signs of swelling and he appears to be injured in his left shoulder.<sup>49</sup> The video was initially uploaded to Facebook by the officer who filmed it. It was quickly taken down after it began gathering attention, but copies had already been re-uploaded online by that time. The Ministry of Interior announced an investigation into the events on the same day, but no information has come to light since.<sup>50</sup>

**57. In view of the February 14 Coalition case and pursuant to article 15, Bahrain should indicate what steps have been taken to ensure that statements obtained under torture cannot be used as evidence in court. Bahrain should state what investigations it has made into allegations of torture, and to evidence of torture or ill-treatment such as in the case of Hussein Marhoon.**

### State Investigations into Torture

58. The investigations into the torture of Fadhel Marhoon and Hassan al-Sheikh, and the lack of any significant results of these investigations, have been documented above.<sup>51</sup> Cases where the courts and Public Prosecution have ignored allegations of torture without investigating them, or where the Public Prosecution has been complicit in the torture of individuals, indicate a culture of impunity within the Bahraini legal and security systems which the state is failing to address.

59. Lieutenant-Colonel Mubarak bin Huwail's acquittal on charges of torture in 2013 is the most transparent example showcasing the government's lack of political will to prosecute torture. Mr bin Huwail was accused of torturing six medical professionals in 2011, who credibly alleged that he led interrogations during which they were tortured.<sup>52</sup> A few days later, he was video-taped meeting the Prime Minister Khalifa bin Salman Al Khalifa,<sup>53</sup> who thanked him for his work and said to him, "We do not allow any harm towards you. These laws, no-one implements them on you."<sup>54</sup> This statement is a clear indication that Bahrain is not investigating torture with the gravity the crime deserves.

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<sup>49</sup> *Forced Confession*, 12 June 2013, <https://www.youtube.com/watch?v=1iBrRtKxDGc>, BBC World News, *Bahrain Policing Protest*, 25 August 2013. The video was initially uploaded to Facebook by the officer who filmed it. It was quickly taken down after it began gathering attention, but the Bahrain Centre for Human Rights made a copy, which they share on Youtube. Al Wefaq denied funding attacking on police, a claim which the BBC described as 'preposterous.'

<sup>50</sup> Ministry of Interior announcement on twitter, 11 June 2013, [https://twitter.com/moi\\_bahrain/status/344463158087409664](https://twitter.com/moi_bahrain/status/344463158087409664).

<sup>51</sup> See para. 56 for Fadhel Marhoon and paras. 22-5 for Hassan al-Shaikh.

<sup>52</sup> Marc Owen Jones, *Bahrain's prime minister thanks accused torturer for his service while telling loyalists they are above the law*, 9 July 2013, <https://marcowenjones.wordpress.com/2013/07/>. Jones is a researcher at Bahrain Watch, a human rights organisation.

<sup>53</sup> The King's uncle. Sheikh Khalifa has been Prime Minister since 1971.

<sup>54</sup> BCHR, *Bahrain: Prime Minister to Officer Acquitted on Torture Charges: "Thank you for your work"*, 10 July 2013, <http://bahrainrights.org/en/node/6219>.

60. Pursuant to articles 6 and 7 of UN-CAT, Bahrain should explain in detail the current judicial procedure taken when allegations of torture are made in court or before the Public Prosecutor's Office prior to a court session.

### **Human Rights Mechanisms in Place Since 2011**

61. Since 2012, the Government has established three human rights and oversight mechanisms, these being the Office of Ombudsman of the Ministry of Interior, the Prisoners and Detainees' Rights Commission (PDRC) and the National Institute for Human Rights (NIHR). Though the creation of these mechanisms is welcome, serious foundational problems jeopardize their potential effectiveness. Though these mechanisms treat the symptoms of human rights abuses in Bahrain, they have not challenged the causes, such as the prevailing culture of impunity within the security forces and the partiality of the criminal courts.

62. The Government established the Office of Ombudsman of the Ministry of Interior in 2012. This oversight body is responsible for prison visits, accepting complaints of detainees and prisoners, investigating these complaints, and referring complaints to the Public Prosecution.

63. The Ombudsman is affiliated with the Ministry of Interior and is thus not fully independent. Most of the office's staff were previously government employees, and its Secretary-General formerly worked in the Public Prosecution.<sup>55</sup> There are issues in its mandate, particularly concerning its complaint procedure: as the Public Prosecution is not impartial, it is uncertain how referring complaints of ill-treatment to them will lead to a proper investigation. The reports of the Ombudsman and the PDRC following their visits to Jaw Prison and the Dry Dock Detention Center respectively do not mention any torture cases.

64. The NIHR was first established by King Hamad in 2009. It was empowered in 2012, and in 2014 published its first annual report.<sup>56</sup> The NIHR lacks complete independence from the state. The King has the vague responsibility of guaranteeing the NIHR's projects are "executed successfully."<sup>57</sup> The NIHR has not yet been accredited by the UN.<sup>58</sup> ADHRB and BIRD have documented cases where the NIHR has failed to defend clear and high-profile cases of human rights abuses.<sup>59</sup>

65. Pursuant to Article 2, Bahrain should state what effects the Ombudsman, PDRC and NIHR have each had on the judicial system.

### **Vulnerability of Women**

#### **Domestic violence and rape**

66. Despite some initiatives, women face many legal and societal barriers obstructing them from enjoying equal rights with men in family law. Due to Sunnis and Shi'a practicing two different variations of Shari'ah law, there are two major family laws in effect in Bahrain.

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<sup>55</sup> ADHRB and BIRD, *Subservient and Unaccountable: A Shadow Report on the Bahrain Ombudsman for the Ministry of Interior and Bahrain National Institute for Human Rights*, 2014, pp. 15-6, [http://adhrb.org/wp-content/uploads/2014/12/ADHRB\\_Mechanism\\_Final-web\\_REV2.pdf](http://adhrb.org/wp-content/uploads/2014/12/ADHRB_Mechanism_Final-web_REV2.pdf).

<sup>56</sup> Bahrain National Institute for Human Rights, *Annual Report of the National Institution for Human Rights 2013 – Kingdom of Bahrain*, 2014, [http://en.nihr.org.bh/Media/pdf/NIHR\\_ANNUAL\\_REPORT\\_2013\\_\(ENG\).pdf](http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_(ENG).pdf).

<sup>57</sup> ADHRB and BIRD, *Subservient and Unaccountable*, p. 19.

<sup>58</sup> *Ibid*, p. 21.

<sup>59</sup> *Ibid*, p.21-4.

The Sunni family law was codified by the state in 2009; the Shi'a family law remains subject to the individual decisions of Shari'ah judges, as is customary of traditional Islamic courts. In the Shari'ah courts, a woman's testimony is worth only half of that of a man.<sup>60</sup> Due to the differences between the two sects' laws, women have greater protection of their rights in some aspects of Shi'a law than in Sunni law and vice-versa. However, they do not enjoy full equality with men in either law. Divorce and child custody is unfavourable to women in both religious laws.<sup>61</sup>

67. No law addresses gender-based violence, and there are few if any enforcement mechanisms to prevent it from occurring, and the Shari'ah courts do not appear to treat it with the gravity it deserves. In a case documented by the BCHR, a mother of three attempted to divorce her abusive husband after 26 years of marriage. The court ruled that she could not divorce him as he was taking psychotherapeutic medication at the time, but informed her that she may leave the house any time she feels it is necessary for her safety.<sup>62</sup>

68. At its worst, Bahraini law allows a rapist to marry his victim in lieu of serving a prison sentence, tying a woman to her tormenter. The man may then divorce her, thereby avoiding both his criminal punishment and familial duty.<sup>63</sup> Spousal rape is also not considered a crime.<sup>64</sup> Wives have no legal recourse in cases of sexual abuse, which is especially difficult to prove as the successful prosecution of rape crimes requires a witness testimony.<sup>65</sup>

**69. Pursuant to article 16 of UN-CAT, Bahrain should indicate any actions it is taking to address gender inequality and sexual abuse in marriage.**

#### Domestic workers and Sexual Trafficking

70. Domestic workers, generally being foreign women employed as live-in servants in private homes, are in a vulnerable position, as there are no mechanisms to ensure their health and safety or the protection of their rights.

71. Domestic workers are completely dependent on their employer for food and housing and may not have their own personal space within the home. An employer or their family may be very controlling of their domestic worker's life, for example banning them from having a phone or preventing them from having a social life.<sup>66</sup>

72. One woman, Qamarunnisa Rassoul, worked as a domestic worker for over fifteen years, during which time she experienced extreme physical abuse. Her employer beat her, withheld her wages, refused to allow her days off even when sick, and confiscated her

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<sup>60</sup> Bahrain Center for Human Rights (BCHR), *Family Law in Bahrain*, 2014, pp. 5, 8, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT\\_CEDAW\\_NGO\\_BHR\\_16373\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16373_E.pdf).

<sup>61</sup> BCHR, *Family Law in Bahrain*, pp. 6-7.

<sup>62</sup> Ibid, p. 16.

<sup>63</sup> BCHR, *Family Law in Bahrain*, p. 6-7.

<sup>64</sup> Dunya Ahmed Abdulla Ahmed, ed. Sanjay Kelly and Julia Breslin, 'Bahrain,' in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), p. 63.

<sup>65</sup> BCHR, *Family Law in Bahrain*, p. 7.

<sup>66</sup> ADHRB, *Slaving Away: Migrant Labour Exploitation and Human Trafficking in the Gulf*, p. 14, [http://adhrb.org/wp-content/uploads/2014/06/ADHRB\\_Slaving-Away-Migrant-Rights-and-Human-Trafficking-the-the-Gulf-Web-Pre-Publication.pdf](http://adhrb.org/wp-content/uploads/2014/06/ADHRB_Slaving-Away-Migrant-Rights-and-Human-Trafficking-the-the-Gulf-Web-Pre-Publication.pdf).

phonebook, thereby cutting off all her contact with her family in India. She was only saved when a friend helped her to the Indian embassy. Rassoul's story is a case study reflective of the abuse many of these women face.<sup>67</sup>

73. No government oversight mechanism exists to monitor the conduct of employers or ensure the respect of the domestic worker's rights after one is hired. Such oversight would likely necessitate intrusive monitoring into private lives. The 2012 Labour Law extends some protections to domestic workers, however it fails to address the unique conditions under which they work and which are the source of their vulnerability. The law fails to set out maximum daily or weekly hours for domestic workers. It also fails to mandate that employers provide workers weekly days off, nor does it provide for overtime pay.<sup>68</sup>

**74. Pursuant to article 16 of UN-CAT, Bahrain should indicate what, if any, action is being taken towards improving the conditions of work for domestic workers, restricting employers from abusive practices, and educating domestic workers on their human and labour rights and legal avenues in cases of abuse.**

75. Other women seeking employment in Bahrain have been trapped in sex trafficking rings. One tactic used by these rings is to lure women by convincing them that they will be working as domestic workers. When they arrive in Bahrain, the sex traffickers force them into prostitution and confiscate their passports, effectively stranding them in the country.<sup>69</sup>

76. Though Bahraini law stipulates punishments for persons found guilty of human trafficking and creates special protections for victims, the reality of human trafficking requires further proactive redress.<sup>70</sup>

**77. Pursuant to article 16 of UN-CAT, Bahrain should indicate what measures are being taken to punish sex traffickers and offenders of violence against women.**

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<sup>67</sup> Hana Buhejji. "Bahrain's Third Millennium Slavery." 2011. Lorenzon Natali Prize. [http://lorenzonataliprize.eu/wp-content/uploads/2011/12/Article-of-Hana-Buhejji\\_EN.pdf](http://lorenzonataliprize.eu/wp-content/uploads/2011/12/Article-of-Hana-Buhejji_EN.pdf) . pp. 1-2. Quoted in ADHRB, *Slaving Away*, pp. 14-15, n. 90-93.

<sup>68</sup> ADHRB, *Slaving Away*, p. 22.

<sup>69</sup> Ibid, pp. 14-15.

<sup>70</sup> Ibid, pp. 16-7.

## **Conclusion**

78. Torture is a constant threat in Bahrain's judicial system. It is used both to extract confessions in pre-trial interrogation and to arbitrarily punish prisoners serving their time. The Public Prosecution continues to be complicit in the practice of torture. Mubarak bin Huwail's acquittal on torture-related charges and the Prime Minister's 'protection' of Mr. bin Huwail are clear indications that Bahrain lacks the political will and the necessary independence in its judiciary to fairly try officers charged with torture.

79. Though the establishment and empowerment of the Ombudsman Office, the NIHR and the PDRC are welcome developments, the institutions lack the necessary mandates to affect major changes in the culture of impunity and torture present throughout Bahrain's justice system. It is important that the Government of Bahrain does not rest on its laurels and continue to pursue the end of torture. In the last year, there have been no new developments towards reforming the judiciary or ending the culture of impunity within the security forces. Bahrain must be pressed to act in such cases.

BIRD, ADHRB and BCHR make the following recommendations:

**80. Pursuant to article 2 of UN-CAT, Bahrain should present information regarding the current state of the investigation into Hassan al-Shaikh's death, as well as indicating what investigations have been conducted into the alleged torture of other detainees and prisoners and the stage these investigations are at. (Paragraph 26)**

**81. Pursuant to article 2 of UN-CAT, Bahrain should specify what actions it has taken in response to the Ombudsman and PDRC's special health recommendations. (Paragraph 28)**

**82. Pursuant to articles 2, Bahrain should indicate what investigations have taken place regarding medical-related complaints, and what information the Public Prosecution based its decision on when it ruled there was no criminal suspicion in connection to the death of Jafar al-Durazi. (Paragraph 34)**

**83. Pursuant to article 2, Bahrain should indicate what procedures are in place to allow detainee's access to their lawyers, and how their right to consult with their lawyer or for their lawyer's presence is safeguarded. (Paragraph 38)**

**84. Pursuant to article 2(2) and with the view that no circumstances justify torture, Bahrain should explain under what circumstances the courts have used to justify torture and ill-treatment, even to death. Bahrain should indicate the reasons behind the clemency shown to security officers involved in ill-treatment, torture and death. (Paragraph 44)**

**85. Pursuant to article 16, Bahrain should provide information as to why the State has resumed the use of the death penalty and why the sentence of Mr. al-Taweel was not commuted. Bahrain should comment on the allegations of torture which all four persons sentenced to death have made. (Paragraph 51)**

**86. In view of the February 14 Coalition case and pursuant to article 15, Bahrain should indicate what steps have been taken to ensure that statements obtained under torture cannot be used as evidence in court. Bahrain should state what investigations it**

**has made into allegations of torture, and to evidence of torture or ill-treatment such as in the case of Hussein Marhoon. (Paragraph 57)**

**87. Pursuant to articles 6 and 7 of UN-CAT, Bahrain should explain in detail the current judicial procedure taken when allegations of torture are made in court or before the Public Prosecutor's Office prior to a court session. (Paragraph 60)**

**88. Pursuant to Article 2, Bahrain should state what effects the Ombudsman, PDRC and NIHR have each had on the judicial system. (Paragraph 65)**

**89. Pursuant to article 16 of UN-CAT, Bahrain should indicate any actions it is taking to address gender inequality and sexual abuse in marriage. (Paragraph 69)**

**90. Pursuant to article 16 of UN-CAT, Bahrain should indicate what, if any, action is being taken towards improving the conditions of work for domestic workers, restricting employers from abusive practices, and educating domestic workers on their human and labour rights and legal avenues in cases of abuse. (Paragraph 74)**

**91. Pursuant to article 16 of UN-CAT, Bahrain should indicate what measures are being taken to punish sex traffickers and offenders of violence against women. (Paragraph 77)**

## **Appendix: Case Studies**

**Fadhel Abbas** was detained by police along with two other persons in early January 2014. The police did not notify his family of his whereabouts for two weeks. On 25 January, while still in custody, he was pronounced dead. The Bahraini authorities claimed that Marhoon was driving a car towards police officers, who shot him in self-defence. However, this contradicts the evidence of the wound Marhoon sustained, which was on the back of his head. It is impossible for police to have shot Marhoon in the back if he was driving towards them. According to one of two persons also detained in the same incident, the police had rammed the car which they were in, forcing them to stop, and then fired into it, killing Marhoon.<sup>71</sup>

**Jafar al-Durazi** was arrested in December 2013 when, according to the MoI, he was caught aboard a boat with other individuals attempting to escape Bahrain by sea. He was subjected to enforced disappearance, as his family was not informed of his whereabouts for seven days after his initial detention. Mr. al-Durazi was previously wanted by the authorities, though it is not clear what his charges were. Mr. al-Durazi reported that security officers subjected him to severe physical beatings, including with their bare hands and with plastic hoses, to and electrocution. Officials stripped him and threatened him with sexual assault. Officials doused him with cold water and forced him to stand in a “freezer” room. Mr. al-Durazi, who has Sickle Cell Anemia, suffered a deterioration in his health and was admitted to hospital on 19 February 2014 while still in police custody. He died on 26 February.

Mr. al-Durazi’s father stated that his condition was rarely severe prior to his detention, but that during his detention he was admitted to hospital three times. Mr. al-Durazi told his family during a visit in his first hospital visit that the medical staff had been negligent in their care of him. Mr. al-Durazi’s family believes that torture and medical negligence exacerbated his condition and led to his death.<sup>72</sup>

**Husain Hubail**, a photojournalist, was arrested on 31 August 2013 by security forces at Bahrain airport. The government tried him on accusations concerning his role in the February 14 Media Group.<sup>73</sup> During his trial, he told the court that government security officers had tortured him and threatened to rape him during his interrogation. Hubail suffers from a heart condition, for which the government has not provided him with adequate medical attention and which may have been exacerbated by his abuse. His family say that his health has deteriorated.<sup>74</sup> On 28 April 2014, a Bahraini court convicted Hubail on charges of calling for illegal gatherings, inciting hatred against the regime, inciting people to ignore the law and misuse of social media, sentencing him to five years in prison.<sup>75</sup>

**Hussein Marhoon** was arrested on 8 June 2013 in Nabih Salih while visiting his aunt’s house. His family stated that Marhoon was not involved in politics, and happened to pass by

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<sup>71</sup> HRW, *Bahrain: Investigate Fatal Shooting by Police*, HRW, 30 January 2014, <http://www.hrw.org/news/2014/01/30/bahrain-investigate-fatal-shooting-police>.

<sup>72</sup> BCHR, *Bahrain: Death of Detainee Jaffar AlDurazi after Reports of Torture and Medical Negligence during Detention*, 1 March 2014, <http://www.bahrainrights.org/en/node/6782>.

<sup>73</sup> See Article 14 for more on the February 14 Coalition. ‘Blogger and photographer tortured, lawyer held for tweeting about it,’ Amnesty International, 14 August 2013, <http://www.amnesty.org.uk/blogs/sms-action-network/blogger-and-photographer-tortured-lawyer-held-tweeting-about-it> (accessed 26 June 2014).

<sup>74</sup> Amnesty International, *Urgent Action: Verdict in Hussain Hubail’s Trial Imminent*, Amnesty International, 14 March 2014, <http://www.amnesty.org/en/library/asset/MDE11/011/2014/en/4451e507-e664-433e-86b5-238bb9e2d0f9/mde110112014en.pdf>.

<sup>75</sup> ADHRB, *Hussain Hubail: June’s Champion for Justice*, 2 June 2014, <http://adhrb.org/2014/06/hussain-hubail-junes-champion-for-justice/>.

clashes between police and protesters. Though he did not participate in the protests, police arrested and detained Marhoon in the Dry Dock Detention Centre. On 11 June 2013, a video recording uploaded on social media by a security officer showed Hussein Marhoon, practicing his confession with the officer ahead of his court hearing the next day.<sup>76</sup> Marhoon, naked from the waist up, is clearly distressed and shows signs of facial swelling and a wound on his left shoulder.<sup>77</sup> The MoI announced an investigation into the video on 11 June 2013.<sup>78</sup> The government has not released any information pertinent to the investigation, and no officers appear to have been tried in relation to his condition.

**Tagi al-Maidan** is a US-Saudi citizen. His mother is Bahraini. While staying with family in Bahrain in October 2012, police entered the family apartment and arrested Mr. al-Maidan without a warrant in connection an incident two days earlier in which a police vehicle was burned down. Mr. al-Maidan and his family state that he was at home on the day of the incident, but after officers subjected him to torture, he signed a written confession as to having thrown stones at the police vehicle. During his trial, a police officer claimed to possess a video of Mr. al-Maidan's criminal activity, but failed to appear in court when he received a summons. The prosecution later admitted that they did not have footage of the incident. Despite the lack of evidence, in September 2013 the court sentenced Mr. al-Maidan to a ten-year prison sentence for assaulting a police officer.

While in prison, he has been subjected to stress positions, threatened with rape, forbidden from using the toilet and threatened with extradition to Saudi Arabia. He is denied access to medication for his spinal condition and a stomach ulcer.<sup>79</sup> The UN Working Group on Arbitrary Detention ruled his detention as arbitrary.<sup>80</sup>

**Mohsen al-Majid** was arrested on 14 December 2014 from his aunt's house. Police subjected him to enforced disappearance. His family was not informed of where he had been taken or the charges existing against him for nine days. Police transferred him to the CID, where he was interrogated in connection to a Jordanian police officer's death on 11 December. Officers beat him with a wooden plank with nails against his back and hands, and beat him with a plastic hose and metal objects. Al-Majid's left ear drum punctured from repeated hits, and his testicles were swollen after being repeatedly kicked in his genitals. The officers also stripped him naked, sexually harassed him and threatened to shoot him in the buttocks with a gun. Al-Majid states that the torture continued for some time even after he agreed to confess.

Al-Majid states that the Public Prosecutor threatened him with physical assault if he tried to deny the charges against him.<sup>81</sup>

**Husain Moosa** was arrested in February 2014 in connection to a bombing in Dair earlier that same month, for which Mohammad Ramadan was also charged for involvement in. Security

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<sup>76</sup> Al-Wasat, «الشاب العاري»: متيقنون من براءة ابني ونطالب بالإفراج عنه فوراً،

<http://www.alwasatnews.com/3939/news/read/786391/1.html>.

<sup>77</sup> The officer who uploaded the original video quickly removed it, but mirrors were quickly uploaded.

<https://www.youtube.com/watch?v=liBrRtKxDGc>.

<sup>78</sup> Tweet by Ministry of Interior @moi\_bahrain, [https://twitter.com/moi\\_bahrain/status/344463158087409664](https://twitter.com/moi_bahrain/status/344463158087409664).

<sup>79</sup> BCHR, *Champion for Justice: Tagi al-Maidan*, 8 January 2015, <http://www.bahrainrights.org/en/node/7228>.

<sup>80</sup> UN Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its sixty-ninth session (22 April-1 May 2014)*, 21 July 2014, A/HRC/WGAD/2014/1, <http://adhrb.org/wp-content/uploads/2014/11/Tagi-al-Maidan-WGAD-Decision.pdf>.

<sup>81</sup> BCHR, *Bahrain: Family of Enforced Disappearance Victim Mohsen Al-Majid Report Torture in Detention*, 8 January 2015, <http://www.bahrainrights.org/en/node/7226>.

officers transferred him to the CID, where he was subjected to suspension and beaten with batons. Officers threatened to fabricate cases against his relatives and rape his sisters. He confessed in order to stop the torture. Mr. Moosa was transferred to the Public Prosecutor's Office, where he recanted his confession. Upon doing so, officers transferred him back to the CID where his torture continued. In December 2014, a court sentenced him to death for supposed involvement in the bomb incident.<sup>82</sup>

**Redha Mushaima** was arrested on 5 March 2014 in connection to a bombing in Daih on 3 March along with Taher al-Samea, Sami Mushaima and one other individual. During a court session, he testified to being tortured. Officials stripped him naked, subjected him to electrocution, inserted a bottle into his anus, inserted an object into his ear which damaged it internally and caused him severe pain and beat him severely, particularly against his knees, which had recently undergone surgery. The Public Prosecution threatened him with more torture if he did not confess to the charges against him.<sup>83</sup>

**Sami Mushaima** was arrested on 5 March 2014 in connection to a bombing in Daih on 3 March along with Taher al-Samea, Redha Mushaima and one other individual. During a court session, he stated that he had been stripped naked and beaten all over his body, but particularly his genitals. Officials subjected him to electrocution to his genitals and inserted objects into his anus. The officials threatened to sexually abuse his mother and sisters in front of him if he did not confess. He was beaten against his mouth and lost five teeth. He was subjected to 'Faylaqa,'<sup>84</sup> and officials inserted an object into his ear which ruptured his ear drum. The Public Prosecution threatened him with more torture if he did not confess to the charges against him.<sup>85</sup>

**Mohammad Ramadan** was arrested on 20 March 2014. Bahraini security officers did not present an arrest warrant. The government transported him to the General Directorate of Criminal Investigation (CID) building without informing his family of his arrest. Upon arrival, Ministry of Interior (MOI) employees reportedly threatened Ramadan with torture if he did not confess to being a traitor.

Mohammed Ramadan was reportedly subjected to sustained ill-treatment and torture for more than four days. In order to halt the abuse, he signed a false confession stating that he was involved in the explosion in al-Dair. Ramadan claims he was then informed that the government knew he was not involved in the charges against him, but that his participation in protests and other political activities made him a traitor and therefore he deserved to be sentenced for his crimes. When Ramadan attempted to explain that he was forced to sign the

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<sup>82</sup> BIRD, *NGOs Condemn Death Penalty Sentence of Mohammad Ramadan and Husain Ali Moosa*, 30 December 2014, <http://birdbh.org/2014/12/ngos-condemn-death-penalty-sentence-of-mohammed-ramadan-and-husain-ali-moosa/>.

<sup>83</sup> BCHR, *Bahrain: Defendants Detained in 'Daih Bombing' Reveal Torture in Court*, 19 May 2014, <http://www.bahrainrights.org/en/node/6883>.

<sup>84</sup> 'Faylaqa' is a form of physical torture whereby a rod is inserted under an individual's folded knees and their hands tied to their legs. The individual is then suspended from the rod and whipped against the soles of their feet.

<sup>85</sup> BCHR, *Bahrain: Defendants Detained in 'Daih Bombing' Reveal Torture in Court*, 19 May 2014, <http://www.bahrainrights.org/en/node/6883>.

false confession to a judge, the court remanded him to Riffa Police station for 13 days, where he was reportedly blindfolded, tied up with belts, and tortured once again.<sup>86</sup>

**Taher al-Samea** was arrested on 5 March 2014 in connection to a bombing in Daih on 3 March along with Redha Mushaima, Sami Mushaima and one other individual. During a court session, he testified to being tortured. He stated that officials subjected him to beatings with batons and plastic and rubber pipes over a period of three days in the CID. He stated that the Public Prosecution threatened him with more torture if he did not confess to the charges against him.<sup>87</sup>

**Hassan Al-Sheikh**, 36, was a prisoner at Jau prison serving a ten-year sentence for drug-related offences. He was found dead on 6 November 2014. Prior to it, he had been placed in solitary confinement for possession of a mobile phone. On 5 November, officers of the Anti-Narcotics Department of the Ministry of Interior visited the prison to investigate a drug-related incident. Al-Sheikh was removed from solitary confinement and physically beaten, then returned to his cell, where he was discovered dead the next day. His family, who saw his body in the morgue, confirmed bruises and wounds on Al-Sheikh's body, with fractures on his skull and jaw. Al-Sheikh's kidney had also ruptured.

An officer, a policeman and a prisoner rehabilitation lecturer were remanded in custody in relation to Al-Sheikh's death. The lecturer admitted to torturing inmates and causing them severe mental and physical pain, but said it was not his intent to kill. The case is ongoing.

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<sup>86</sup> BIRD, *NGOs Condemn Death Penalty Sentence of Mohammad Ramadan and Husain Ali Moosa*, 30 December 2014, <http://birdbh.org/2014/12/ngos-condemn-death-penalty-sentence-of-mohammed-ramadan-and-husain-ali-moosa/>.

<sup>87</sup> BCHR, *Bahrain: Defendants Detained in 'Daih Bombing' Reveal Torture in Court*, 19 May 2014, <http://www.bahrainrights.org/en/node/6883>.