

# Suppressing Dissent and Sustaining Impunity

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Torture in Bahrain 2015-2016



**BAHRAIN CENTER FOR HUMAN RIGHTS**

*Defending and promoting human rights in Bahrain*

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## About Us

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The Bahrain Center for Human Rights (BCHR) is a non-profit, non-governmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the authorities in November 2004 to close down, BCHR is still functioning after gaining a wide local and international support for its struggle to promote human rights in Bahrain.

The vast majority of our operations are carried out in Bahrain, while a small office in exile, founded in 2011, is maintained in Copenhagen, Denmark, to coordinate our international advocacy program. For more than 13 years, BCHR has carried out numerous projects, including advocacy, online security training, workshops, seminars, media campaigns and reporting to UN mechanisms and international NGOs. BCHR has also participated in many regional and international conferences and workshops in addition to testifying in national parliaments across Europe, the EU parliament, and the United States Congress.

BCHR has received a number of awards for its efforts to promote democracy and human rights in Bahrain. The current President is **Nabeel Rajab**, who has been jailed repeatedly, including most recently on 13 June 2016 for speeches and statements. His recent arrest has been criticized by a number of human rights organizations, the governments of the UK, the USA and France, as well as a number of UN dignitaries, including former UN Secretary General Ban Ki Moon, who have called for his release. BCHR's Vice-President **Said Yousif Al-Muhafdha** has been forced into exile since October 2013 after being a target of arbitrary arrests for his human rights work in Bahrain. Most of the staff inside Bahrain remain anonymous, including a second Vice-President and members of the Documentation Team.

**Our Mission:** To encourage and support individuals and groups to be proactive in the protection of their own and others' rights; and to struggle to promote democracy and human rights in accordance with international norms. To document and report on human rights violations in Bahrain. To use this documentation for advocacy to influence international policies according to the Universal Declaration of Human Rights.

For more information on our work, please visit our website and donate through: [www.bahrainrights.org](http://www.bahrainrights.org)

## Introduction

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Bahrain acceded to the UN Convention against **Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (UN-CAT) on 6 March 1998. This report documents instances of torture that have occurred in Bahrain since February 2015. Legally Bahrain has in recent years improved its laws and institutional framework to comprehensively criminalise torture, and identify cases of torture before submitting them for investigation. However, these improvements are purely a facade, the government has failed to address the systematic use of torture by government approved authorities, and the role the judiciary plays in failing to hold individuals accountable for torture.

## Methodology

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This report documents case studies of torture, ill-treatment, and execution in custody to present a picture of the current use of torture in Bahrain. This report has an issue based structure, case studies are used to document each issue identified by Bahrain Center for Human Rights (BCHR). The cases have been documented by the BCHR since February 2015, but also includes some case studies documented by other NGOs, and international media outlets. The report will present recommendations to be raised in the State Parties examination of Bahrain due on May 1<sup>st</sup> 2017.

## Legal Framework

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The national law of Bahrain, in both its constitution and penal code, in accordance with the international treaties it has acceded to, expressly prohibits torture.

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.' The Bahrain Penal Code (1976), amended in 2013, sets out sanctions for the use of torture. Article 208 states that '[a] prison sentence shall be the penalty for every civil servant or officer entrusted with 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.' Furthermore, Article 232 of the Penal Code engages these same sanctions, and applies it to any other persons.

Bahrain has acceded to the UN **Convention Against Torture (UN-CAT)**, the **International Covenant on Civil and Political Rights**, and the **Universal Declaration of Human Rights**. All three of these treaties

make provisions that expressly forbid the use of torture and cruel, inhuman or degrading treatment or punishment.

Article 1 of the UN-CAT defines torture 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.”*

Following the ratification of the **Arab Charter on Human Rights** in 2006, Bahrain brought its provisions into effect in 2008. The charter expressly prohibits torture under Article 8, whilst Article 8(2) creates an obligation for states to ensure that torture is prohibited in national law, and guarantees compensation, and rehabilitation, for victims.

## **Deaths in Custody**

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In relation to articles 1 and 14 of the UN-CAT the following section details cases where victims have allegedly died as a result of injuries sustained during incidents of torture. Article 14 also stipulates that dependents of individuals who die from injuries caused by alleged acts of torture are entitled to compensation.

**Hassan Jassim Hasan Al-Hayky**, died in custody on 31 July 2016, aged 35 years, amid allegations of torture at the hands of Bahrain security forces. According to his family he died from injuries sustained during torture at the Criminal Investigations Directorate (CID), where he was held following his arrest. Al-Hayky was arrested on 4 July due to his alleged involvement in the 30 June bombing which led to the death of a civilian, Fakhriya Msallam, in the village Al Ekar.

On 25 July 2016, Al-Hayky’s family visited him for the only, and last time. They told the Bahrain Center for Human Rights (BCHR) that he looked exhausted and unnaturally thin during the visit. They also said that security forces subjected him to severe and frequent beatings on his head and genitals at the Criminal Investigation Directorate (CID). The authorities also allegedly hung him in chains on multiple occasions over the course of four days, causing him to collapse and lose feeling in his body. He alleged that he was threatened at gunpoint to force confessions. According to information reported to BCHR, officials at the Public Prosecution allegedly subjected him to sexual abuse on 10 July 2016 and forced him to sign the confession. His family has reported that despite his multiple requests to the Public Prosecution for a lawyer, the authorities continued to interrogate him without one. When his lawyer went to the Public Prosecution, officials told him that Mr. Al-Hayky had not yet been brought in.

Following his confession Al-Hayky was transferred to Dry Dock Detention Center, where he died a short time later.

BCHR was able to document further information on the circumstances of Al-Hayky's detention through prisoners who have seen Al-Hayky at the Dry Dock detention. It has been reported that Al-Hayky suffered psychologically from the policies and procedures applied at the detention center, including ongoing restrictions and harassments such as:

- locking cell doors for long hours
- not allowing the prisoners to have exercise time
- repeated provocative searching
- the glass partition in visit rooms
- limited quantity and poor food
- controlling the timings of meals

According to the information obtained from the prisoners, on 30 July 2016 at approximately 10 P.M., after lights were turned off in the cells, prisoners in cell #7 started to scream calling for the guards. They were asking the guards to take Al-Hayky urgently to the prison clinics. He put his left hand on his heart and screamed in pain. He had numbness in his left hand, in addition to severe pain in the heart area. He was sweating and tossing in bed from the severity of pain. The calls were continuous for approximately 5 minutes. Afterward, a Pakistani policeman, called Muslem, approached the cell. He had an argument with the prisoners because of their repeated calls. They told him that there was a very serious emergency that he should immediately act on and take him to the clinic. He refused to do so stating that the clinic timing for building 10 is between 7 to 8 P.M. and that there isn't an official written order by the public prosecutor or officer in charge to take anyone to the clinic at this hour. A detainee in the opposite cell told the policeman that the law makes exceptions to urgent cases and that Al-Hayky should be taken to the clinic immediately. However, the policeman insisted on his point about the official order and refused to take him to the hospital without it. One of the prisoners told the policeman that he will hold the full responsibility if anything happened to him. The policeman responded "yes, I will." The policeman left, then came back in a few minutes. He was walking the 25 meters to the cell very slowly. Detainees carried Al-Hayky down the bed – he was on the top bunk. Two of the inmates took him to the cell's door. Although, his health condition was critical and needed exceptional medical attention, the policeman insisted that Al-Hayky walks with the help one of the detainee only to the office – which is 25 meters away. He was made to wait – despite the need for immediate and urgent medical care. The policeman handcuffed him. He made him walk from the office to the clinic, which is approximately 150 meters away. They kept Al-Hayky at the clinic for some time. The doctor on shift examined him and order that he's transferred to the Salmaniya hospital immediately. However, the Dry Dock administration did not approve, disregarded the doctor's order and took long to take action. Instead, they took him to Al-Qala'a hospital (MOI hospital). He was examined there and apparently ordered to be immediately taken to the Salmaniya hospital. It seems that it was too late. According to one of the detainees who was in the clinic at the same time, that when the news came that Al-Hayky had passed away, one of the employees in the clinic said loudly "I don't take any responsibility for this. The doctor ordered him to be taken to the Salmaniya hospital not Al-Qala'a.

Al-Hayky's family were subjected to harassment to ensure that they held a low-profile funeral and to avoid distribution of images of his body. They said that they received several calls from Naim police station telling them to have a small funeral. They were also told to sign a pledge stating that they would not hold a big funeral. However, the family refused to sign.

The Interior Ministry alleged that Al-Hayky "suffered from a medical condition" and had died from "natural causes". His family has confirmed that Al-Hayky did not suffer from any health issues prior to his arrest. After observing the body before burial Al-Hayky's lawyer stated that the "wounds and bruises on the body of the deceased confirms beyond any doubt the existence of a criminal suspicion behind the death." The Public Prosecution have since accused him of "spreading false news."

The Special Investigation Unit conducted a quick investigation and concluded on 11 August 2016, that the death was due to normal causes. The SIU also said in a statement that the photos published on social media were manipulated and fabricated.<sup>1</sup>

**Hasan Majeed al-Shaikh:** On 27 March 2016, the Bahraini Higher Court of Appeal reduced sentences of one officer and two policemen from five years to two years' imprisonment for the death of 36-year-old Hasan Majeed al-Shaikh who was allegedly tortured to death on 6 November 2014 at Bahrain's Jau prison. The wounds that caused his death were caused by severe physical torture inflicted on him as confirmed by the Special Investigations Unit which reported in 2014 that an instructor, an officer, and a policeman from the Drugs Combat Unit of the Criminal Investigation Department (CID), are under investigation for alleged involvement in al-Shaikh's death. Another three policemen who were sentenced to periods between one and three years in the same case previously were all acquitted in March 2016. Reducing the sentences of six officials who had been found guilty of ill-treatment, torture and murder shows the lack of independence of the Bahraini judicial system.

Al-Shaikh was serving a ten-year prison sentence for drug related offences. He had been placed in solitary confinement whilst he was detained due to being found in possession of a mobile phone. On 5 November, he was briefly removed from solitary confinement, only to be returned in the evening after he was reportedly subject to physical abuse. Prisoners have reported hearing screams come from Al-Shaikh's prison cell for several hours before prison guards then removed his body. Interlocutors within the prison also report that several other detainees were beaten in connection with his death. The Director-General of the Criminal Investigation and Forensic Science department announced his death, and mentioned that may have occurred under dubious circumstances.

**Recommendation:** BCHR recommends that the Committee against Torture urges Bahrain to guarantee that all physicians and medical staff dealing with imprisoned persons duly document all signs and allegations of torture or ill-treatment and transfer responsibility for all types of healthcare of persons deprived of liberty to the Ministry of Health in order to ensure that medical staff can operate fully independently from the security services.

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<sup>1</sup> <http://www.alwasatnews.com/news/1147366.html>



## Access to Medical Treatment

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Bahraini prison authorities frequently refuse to provide proper access to medical care for detainees held in prison facilities. Inmates at Dry Dock Detention Center, Jau Prison, and Isa Town Women's Prison, are being refused adequate medical treatment, and are being detained in unsanitary conditions. Poor prison conditions serve to exacerbate both existing medical conditions and those caused by physical abuse and torture.

**Ali Al-Moaaily** was arrested on 8 May 2016, and was reportedly subjected to torture during interrogation. The alleged torture Al-Moaaily suffered contributed to a deterioration in his general health; he suffers from a weakened heart muscle, and his lungs are filled with excess fluid. Al-Moaaily's health worsened on 4 June 2016, when he had a stroke, which affected the left side of his body. Prison authorities failed to ensure that Al-Moaaily received adequate medical care; he was admitted to Salmaniya hospital for only two days, and was restrained in handcuffs for his entire hospital stay. His family visited him on 6 June 2016, his voice seemed weak, and he was barely able to move. Al-Moaaily also suffers from pre-existing conditions such as high blood pressure, chronic leg pain, and a herniated spinal disk. He was taken in a wheelchair to renew his detention.

**Jaffar Ali Oun**, has been in detention at Jau prison since June 2014. He has been allegedly tortured on numerous occasions. During the March 2015 incident in Jau prison, Oun was beaten on the head, ears, and back with various objects such as plastic hoses, iron rods, and wires. He was beaten until he bled. In August 2016 Oun's family reported that he has been suffering from a significant, and growing, swelling on his head. The swelling had been present for some time when it was reported. Oun has repeatedly requested to be admitted to the hospital, however, he has only been taken to the prison medical clinic in emergencies. The military hospital provided Oun with an appointment, however, prison authorities failed to ensure he attended. Oun was eventually taken for surgery to remove the swelling, but he was not provided with any medical reports, or taken to any follow up appointments. In November 2016 Oun finished his 3-year sentence, and his family paid a fine to suspend pending sentences on two other cases, despite this he was taken back to the CID and held incommunicado for several days before being sent back to Jau prison to serve a five-year sentence on charges relating to a different case.

**Elias Faisal Al-Mulla** is currently serving fifteen-years in Jau prison, after being arrested on 11 May 2012. During his incarceration at Jau prison Al-Mulla was reportedly targeted by the prison authorities during the prison riot incident that occurred in March 2015. His family reported to the BCHR that he was repeatedly beaten, most notably in the stomach, by security forces. In May 2015, shortly after the incident, Al-Mulla started to suffer from severe stomach ache. On 1 August 2015, he was taken to the hospital for medical treatment as he was continuously vomiting blood. On 5 August 2015, the hospital performed surgery on Al-Mulla, giving him a right hemicolectomy. The removal of Al-Mulla's lymph nodes was performed without the knowledge of his family. Shortly after the surgery, on 13 August 2015 Al-Mulla was diagnosed with Stage 3 Colon Cancer. On the same day as receiving his diagnosis Al-Mulla was taken back to Jau prison. Between 5 and 10 August 2015 Al-Mulla's mother was refused entry to the hospital, and was unable to see her son.

Between 16 August 2015 and 29 September, Al-Mulla's mother has repeatedly tried to access his medical records. Both the military hospital and the prison administration failed to give her Al-Mulla's records. She also lodged a complaint with the Ombudsman during this time. Al-Mulla was taken for two check-ups at the Salmaniya hospital during this period, officials failed to supply him with his medical reports, rendering the appointments useless. The medical report was presented during a medical appointment at Salmaniya hospital on 29 September 2015.

Al-Mulla's family told BCHR that he began a course of chemotherapy on 8 October 2015, and until 13 March 2016 had received seven doses in total. His eighth dose, scheduled for April 2016 was cancelled due to the risks posed by Al-Mulla's low immunity. Since his diagnosis, Al-Mulla has been afforded intermittent access to chemotherapy treatment, and has had numerous sessions cancelled due to his weakened immune system. Medication, and immunity improving injections are given to him only sporadically. Al-Mulla's low immunity is further compromised by poor prison conditions which increase Al-Mulla's risk of infection. The medical professionals at Salmaniya hospital have asked prison guards to make appointments for Al-Mulla so that they can conduct examinations to find out what is causing his weak immune system, broken teeth and vision loss. The prison authorities failed to make these appointments.

Al-Mulla was scheduled for another surgery on 23 June 2016, but refused to attend, due to the mistreatment he suffers at the hands of those who accompany him, and due to his continued pain in the area of the original surgery. On 1 December 2016 Al-Mulla was unable to have a scheduled endoscopy procedure as prison guards failed to provide him with the solution that needs to be taken prior to the medical procedure. The endoscopy was conducted on 8 December 2016. On the same day, Al-Mulla's mother was refused access to the doctor, and reported being threatened by security men, before being forced to leave the hospital. Since then authorities have repeatedly refused her requests to discuss her son's medical condition with his doctor, and to access the medical report.

Al-Mulla needs specialist treatment from a variety of medical professionals, and his health continues to deteriorate.

BCHR is also concerned about the recent deterioration of **Abdulhadi Al-Khawaja's** health. Al-Khawaja has been serving a life sentence in Jau prison since June 2011, when he was imprisoned in an attempt to silence his criticism of the Bahraini government's brutal response to anti-government protests in his country. According to updates received from Al-Khawaja's family, in recent weeks he has developed problems in his right eye. He has complained about complete vision loss during daylight hours, and of headaches on the right side of his head and behind his right eye.

His family has consulted an ophthalmologist in Norway, who concluded that, from the description of the symptoms, Al-Khawaja 'is experience temporary loss of vision due to disturbances of blood supply to his eye (amaurosis fugax). Typically vision disappears rapidly (like a curtain), it is not accompanied by pain and gradually comes back. (...) Amaurosis fugax is usually caused by small blood clots (emboli) that obstruct the blood vessel to the eye. Sometimes episodes like this can be a warning sign of more severe episodes, like a large emboli that does not get removed and can cause lasting loss of vision in the eye or even cerebral strokes. (...) I would therefore strongly recommend your father being examined by an eye doctor. If what he is experiencing is indeed amaurosis fugax it is very important to identify where the emboli

come from and get him started on drugs that reduce the tendency of his blood to make emboli. He should then also be examined for conditions like temporalis arteritis (usually accompanied by pain in the forehead upon touch and sometimes pain in large joints like shoulders and hips). This is to prevent lasting visual loss and more severe episodes like cerebral strokes so the possible repercussions can be severe.

The prison authorities have cancelled Al-Khawaja's medical appointments, and informed him that they would take him to see an eye doctor if he agrees to a full strip search, which he has refused to do, due to the invasive nature of the search.<sup>2</sup>

**Recommendation** : BCHR recommends that the Committee urges Bahrain to take prompt and effective measures to ensure, in law and in practice, that all detainees are afforded all legal safeguards against torture and inhumane treatment, including the rights of each detainee to have prompt access to an independent medical examination, if possible by a doctor of his/her choice.

## **Torture During Periods of Enforced Disappearance**

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Incommunicado detention is considered by the United Nations Special Rapporteur on torture as a facilitator of the perpetration of torture, and can, in itself, constitute a form of cruel, inhuman, or degrading treatment. Removing detainees from contact with the outside world provides a period of time where individuals can be subjected to torture to force confessions. The BCHR has documented the following cases of incommunicado detention, in some instances enforced disappearance has resulted in alleged torture being reported.

In June 2016, the BCHR reported on the case of **Shaker Hani Ali Salman**, who was first arrested on 15 May 2016 upon his arrival from Iran at Bahrain International Airport. Salman was interrogated for three hours about the purpose of his trip to Iran before being released, and subsequently re-arrested two days later. On 16 May 2016, security forces conducted an early morning raid on Salman's house in an attempt to arrest him. However, as Salman was not home security officers interrogated his family on the reasons behind his trip to Iran. Salman was rearrested, without a warrant on the 17 May 2016, during a police raid on his aunt's house. No search warrant was presented. Salman had spent one and a half years in Iran, following a period of incarceration in Bahrain in 2013, he fled to Iran in fear of retaliation from the security forces, which he alleged had threatened to detain him. Salman had returned to Bahrain after it had become difficult for him to live abroad.

Salman's family reported that he called them on 17 May to inform them that he was being detained at the CID, the call only lasted a few minutes. A few hours later the family received calls from security officials, who requested that they bring Salman's medication to the CID. The family received two more phone calls in the same day requesting that they bring Salman's medicine. Security officials called again the following day. Salman's father requested to speak to him, in order to find the medicine, however this request was

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<sup>2</sup> <http://www.bahrainrights.org/en/node/8615>

denied. On 20 May 2016 Salman's father delivered his son's medicine to the CID after receiving a call in which security officials threatened that Salman would suffer the consequences if they failed to deliver the medicine in the stated time frame. His family reported receiving a few more phone calls from Salman, from what they believed was the Ministry of Interior's headquarters, where detainees receive medical care. CID officials refuse to disclose to Salman's family what he has been charged with.

The family is concerned about the health and safety of Salman, as when they heard from on 10 June 2016, he sounded physically weak. Salman suffers from a severe form of Sickle cell disease, which causes frequent, and acute pain in his legs. Salman remained in incommunicado detention until 18 June 2016 when he was finally moved to the Dry Dock detention.

**Sayed Fadhel Abbas Radhi**, aged 24 years was arrested during an early morning house raid on his home on the 29 September 2016. Security officers in civilian clothes failed to show any arrest or search warrants. After asking for Radhi they immediately placed him in handcuffs and under arrest. Radhi was allocated four visit permissions from the Public Prosecution, however the CID which is detaining Radhi has refused to allow members of his family to visit him. Between the time of his arrest and 18 March 2017 his family were unable to visit Radhi, and he was only allowed three short phone calls. His family reported to BCHR that during a call on 10 December 2016 Radhi's voice sounded extremely weak, and that his father was unable to recognise his voice. After 87 days of silence, Radhi's family received a call from him on 1 March 2017.<sup>3</sup> Radhi has been in incommunicado detention for over 150 days. During this time Radhi has made only one call and has been denied access to his lawyer. His family filed a case with the Ombudsman in an attempt to gain access to Radhi, and they have also approached the National Human Rights Institute (NHRI) for help.

**Sayed Alawi Hussain**, aged 43 years, has been in incommunicado detention since 24 October 2016. During this time his family have been unable to visit him, and he has been refused any kind of access to his lawyer. As of 18 March 2017, he remains in incommunicado detention without access to his family or lawyer. Authorities have refused to disclose any information on his charges. The family have reported receiving three phone calls from Hussain in this period, one of which was on 14 December 2016. The call ended suddenly when the family asked Hussain about the charges against him. On 29 February 2017 Hussain was allowed a brief call to his family, in which he asked them to pray for him.<sup>4</sup> The family filed a complaint with the Ombudsman for illegal and arbitrary arrest, and called upon the NHRI, to act on his case. The government, via the head of the Human Rights Committee at the Bahraini Parliament, stated that Hussain is 'detained pending investigation' and that 'all formal procedures have been taken properly and correctly according to the rules applicable in the Kingdom of Bahrain.'

**Abdulrasool Mohamed Ali** was arrested on 9 November 2016, and prevented from seeing his family until 29 November 2016. During the initial visitation with his family Ali reported being subjected to acts constituting torture whilst being interrogated. He told his family that he was forced to stand on one leg for three days, subjected to electric shocks, beaten with plastic cables, kicked with heavy-duty footwear and slapped on the face, mouth, ears and eyes. The beatings Ali was subjected to resulted in him temporarily

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<sup>3</sup> <http://bahrainmirror.com/en/news/36924.html>

<sup>4</sup> <http://bahrainmirror.com/en/news/36925.html>

losing the ability to hear in one ear. Ali was forced to sign a confession on charges relating to placing a fake bomb.

In February 2017, the BCHR was able to document at least 10 cases where individuals had been arrested and detained without access to their lawyers, and were also unable to communicate freely with their families.

**Jaffar Naji Humaidan**, was arrested during a house raid on 9 February 2017 by security officials dressed in black, it is believed that they belonged to the national security apparatus. No arrest of search warrant was presented, and the security men used pepper spray on Jaffar's sisters when they refused to hand over their phones. On 21 February, his photo appeared in a Ministry of Interior (MOI) statement in which he was accused of allegedly being involved 'in various terrorist crimes'<sup>5</sup> Up until 8 March 2017, Humaidan has not been allowed to receive family visits, nor has he been permitted to contact his lawyer.

On the 9 February 2017 **Amira Mohamed Saleh Al-Qashami**, a mother of two children, was arrested alongside her father **Mohamed Saleh Al-Qashami**, and her brother, **Abul Alfadhel Mohamed Saleh Al-Qashami**. Their house was raided at 9:00Am by riot police, and security men in civilian clothes. Security officers dressed in black, believed to belong to the national security apparatus, were also present. No arrest warrant or search warrant was presented. Abul's head was covered with a black plastic bag whilst he was removed from the house. The house was damaged during the raid. The family reported that they were not made aware of the charges until the MOI released their statement on 21 February 2017, alongside their photographs. They made frequent calls to their family, however, as of 7 March 2017, they were not allowed to receive visits, and were unable to access a lawyer.

**Ahmed Mohamed Saleh Al-Arab**, according to a statement released by the MOI, was among those who escaped from Jau prison on 1 January 2017, and allegedly killed a policeman. His family were first made aware of his arrest on 9 February when the police announced that they had recaptured him. The family were unable to get any more information from the authorities. During his first call on 11 February, he sounded weak, and his father was unable to recognise his voice, as reported to the BCHR. Al-Arab told his family that he was being detained at the CID, and asked him to bring him some clothes. Al-Arab's brother went on to say that his father 'took the clothes later that day and the police took them from him,' and that '[they] remain extremely worried for Ahmed.' Further information received by BCHR indicate Al-Arab is at risk of being subjected to torture, who has informed his family during a call in March 2017 that he is currently in Jau Prison. Al-Arab has been unable to communicate regularly with his family, and has been denied access to a lawyer.

In 2014 Al-Arab had been subjected to incommunicado detention following his arrest on 9 January. Throughout the period of his enforced disappearance he was unable to contact his family, with the exception of sporadic calls that did not last longer than a few seconds. During this earlier period of incommunicado detention his family were not provided with information on his whereabouts, the office of the Public Prosecution, and the CID denied having any knowledge of his detention. Al-Arab was not allowed to appear during court appearances relating to the charges against him.

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<sup>5</sup> <http://www.policemc.gov.bh/en/news/ministry/60462>

On January 29, 2014, Al-Arab called his family to tell that he had been transferred to Jau prison, after being sentenced to the charges against him in absentia. His family were able to see him for the first time on February 10 for a period of 15 minutes. They reported seeing marks and bruising on his face, and black marks on his wrists, they also stated that he looked dehydrated and that his hands were shaking. Al-Arab has reported being subjected to alleged torture whilst detained at the CID. He said that he was stripped naked and hung from his wrists whilst they were handcuffed, sexually abused and hit in his genitals. His testimony goes on to say that he was repeatedly beaten, and that while he was hung from his arms security officers would pull him by the feet, causing injuries to his arms. He later reported to his family that he fears this caused sensory damage in his right arm. He was verbally assaulted throughout his interrogation, officers threatened him with rape, and levied threats at his sister. His face was covered with a cloth, and water was poured into his mouth to simulate drowning. When Al-Arab was allowed to go to the bathroom, he reported being unable to recognise his face due to extensive bruising and swelling. At times Al-Arab reported that he was made to stand for long periods in the corridor, when he complained he was tired he was made to lie down in the corridor and people walked over his body. He also reported being subjected to psychological torture; he was kept in the dark for long periods, and forced to listen to others being tortured. During the night, he was moved to a prison in Riff'a, where ice was poured on him while he was hung from his arms, he said that this continued for five or six days. Al-Arab said that after six days of this he was moved to a solitary cell where he was surrounded by 7 policemen at all times, and that he was alternately forced to sit and stand at their command. This continued until his transfer to Jau prison.

On 18 February 2014 Al-Arab's family visited him for a second time, where he reported that he was still suffering from injuries in his right arm as a result of the alleged torture, and that the injury was getting worse, and it took him several minutes to feel water temperature. His family also noted that his broken tooth continued to bleed, and that he had not been afforded adequate medical treatment.

**Ali Mohamed Ali Al-Arab**, was arrested alongside Ahmed Mohamed Saleh Al-Arab. His family were unaware of his arrest until the MOI issued a statement on 9 February 2017. Two of his brothers had been arrested on 2 February 2017 in an attempt by the authorities to force Ali to submit himself for arrest. They were released immediately after his arrest on 9 February 2017. Government authorities had listed Ali as a wanted man following the prison break in January. Ali first called his family on 11 February, they reported that he sounded very weak, and told them that he was detained at the CID. He made several more calls to his family, they reported that he consistently sounded weak and exhausted. During a call on 28 February he reported that he was being held in solitary confinement. On March 16 2017, BCHR received information that witnesses reported seeing Ali arrive in Jau prison in a terrible physical condition, and that all of his toenails had been forcibly removed. It was also reported that he was taken to the prison clinic on his first night at Jau after being beaten for refusing to kiss an officer's boot.

On the same day, 9 February 2017 **Hamed Jassim Al-Aabed** and his twin brother **Mohamed Jassim Al-Aabed** were arrested. In a statement the MOI said that it conducted an operation on 9 February 'a dawn in Bahrain's surrounding waters, which was undertaken following an attempt by escapees from Jau prison to flee to Iranian waters.' The MOI added that the operation resulted in the death of three individuals and the arrest of seven others. Hamed's name was listed in the report as one of the men that was arrested due to his alleged involvement in the 'terrorist attack on Jau prison and/or aiding and abetting fugitives.' The MOI

statement confirmed that Hamed was injured during the arrest, his family did not receive any official communication about Hamed. Until 8 March Hamed's family were unaware of his whereabouts or wellbeing. On 16 February 2017, they asked about Hamed at the military hospital, however they were turned away, and offered no information on Hamed. Mohamed, Hamed's twin brother, was arrested during the same incident. His family reported that he suffered injuries in his hand and back during the arrest. He was treated at the military hospital, and heard news that Hamed was also being treated at the hospital, he subsequently informed his family of this on 16 February 2017. Mohamed called his family from the CID numerous times, however as of 8 March 2017, he has been denied access to a lawyer, and he has not been allowed to receive visits from his family.

The following day, on the 10 February 2017, **Sadeq Ahmed Mansoor** was arrested during a house raid on his friend's house in Saddad. No arrest or search warrant was presented, and it was reported that the owner of the property was severely beaten. Prior to his arrest Mansoor was attacked by the police and suffers from back pain as a result. His family was only made aware of the charges against him when the MOI published a statement on 21 February 2017, in which they accused Mansoor of allegedly 'executing the jailbreak and sheltering fugitives.' Mansoor was able to make a call for the first time on 12 February from the CID. As of 7 March 2017, Mansoor had been unable to receive visits from his family, and denied access to a lawyer.

**Yousif Hasan Mohamed** was arrested during a house raid on 11 February 2017 at 3:00AM by security officers in civilian clothes, they are thought to belong to the national security apparatus. After breaking the door down, they immediately removed Mohamed from the house. He was reportedly allowed to call several times from detention, but was unable to talk freely. On 21 February 2017, his image was included in an MOI statement in which he was accused of being allegedly involved 'in various terrorist crimes.' His family have reported that during a phone call on 22 February 2017 he sounded extremely weak and exhausted. As of 8 March 2017, his family have been unable to visit him. The few phone calls that Mohamed has made indicate that he is being held at the CID.

**Recommendation:** BCHR recommends that the Committee requests the Bahraini authorities to ensure that all detainees are held in places officially intended for that purpose and that their next-of-kin and lawyers receive accurate information, without delay, about their arrest and the place where they are being held.

## **Unfair Trials and the Use of Coerced Confessions**

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In direct violation of article 15 of the UN-CAT, Bahrain has failed to ensure that statements established to have been made as a result of torture are not invoked as evidence in any proceedings, except against a person accused of torture. Using acts constituting torture to coerce a confession directly contravenes international standards and the UN-CAT. The following cases documented by BCHR demonstrate that Bahrain allows statements coerced through alleged torture to be submitted as evidence in court, and that unfair trials, based on coerced confessions, have in some cases resulted in alleged torture victims being sentenced to death and subsequently executed.

On January 15 2017 three men were executed amid allegations of unfair trials and coerced confessions, two other men are at imminent risk of execution.

**Ali Al-Singace (21), Sami Mushaima (42), and Abbas Al-Samea (27),** were executed on 15 January 2017. All three men were executed following a failure in legal processes. In direct violation of article 15 of the UN-CAT, criminal proceedings were based on confessions allegedly coerced through the use of torture. The men were arrested on 3 March 2014 during house raids, they were charged with using improvised explosive devices which led to the death of three police officers.

Throughout the trial process BCHR documented allegations of torture made by Al-Samea, and Mushaima; there were no attempts made to investigate these allegations at any point during the trial process. **Al-Samea** reported being repeatedly kicked in the head, body, and hit in the face with a gun during his arrest. On his arrival at the CID he was taken to a series of rooms, in each room security officers inflicted a different type of torture on him. In one room, he was handcuffed, stripped naked, and repeatedly kicked in the genitals. In another five officers stood on his chest. He was given electric shocks in sensitive areas including in his genitals, and was hung from the ceiling. Al-Samea was also allegedly forcibly deprived of sleep, and denied access to food and water for three days. Al-Samea has also reported that the Public Prosecutor threatened him with additional torture if he did not confess to his involvement in the use of improvised explosive devices that resulted in the death of three police officers.

Forces also arrested Sami Mushaima in March 2014 and held him incommunicado for at least 11 days. Security officials allegedly subjected Mushaima to beatings, electrocution, and sexual assault. His front teeth were severely damaged. Mushaima's family believes he was coerced into falsely confessing through the use of torture.

The defendants' lawyers were prevented from accessing case files during the trial and from cross-examining witnesses called by the Public Prosecution. In all of the trial stages, courts failed to investigate the men's claims that they had been subjected to torture, and that their confessions had been coerced through violence. Following numerous appeals their death sentence was upheld by the Court of Cassation.

Two more men are at imminent risk of execution. **Mohamad Ramadan** and **Husain Ali Moosa** were sentenced to death in December 2014. Both men were accused of being involved in an explosion in Al-Dair on 14 February 2014 that caused the death of a policeman. Their final appeal was rejected on 16 November 2015 by the Court of Cassation. Both men retracted their confession, alleging that it was coerced through the use of torture.

**Ramadan** was arrested on 20 March 2014 and immediately taken to the CID. On his arrival, Ministry of Interior employees allegedly immediately threatened him with torture if he did not confess; shortly after this threat was made they began to torture Ramadan. He was allegedly beaten severely on the hands, head, neck and body. According to information obtained by BCHR, Ramadan was subjected to sustained torture for four days. In order to stop the ordeal, he confessed. After his confession, he was taken to court, where he recanted his statement, and attempted to explain that he had been tortured. This action resulted in him being remanded at Riffa police station where he was blindfolded, tied up with belts and subjected to further torture.



**Moosa** was arrested one week after the bombing in February 2014, and following his arrest was detained at the CID. During his interrogation Moosa alleged being subjected to torture. He was reportedly hung from the ceiling for three days and beaten simultaneously. CID officers repeatedly threatened to harm his relatives and fabricate cases against them. His sisters were threatened with rape. To stop the torture Moosa confessed to the charges against him. Following his confession, he was transferred to the Public Prosecutor where he recanted his testimony. He was then transferred back to the CID, where he was tortured by security forces for three months. The Ombudsman failed to investigate claims of torture.

Dr. Brock Chisholm, an expert<sup>6</sup> in the diagnosis and treatment of torture victims based in the United Kingdom analysed the medical reports of both men, and concluded that there were compelling reasons to believe that in both cases the inquiry had not been conducted in an independent manner, and that there had been clear violations of the Istanbul protocol. The trial court dismissed the claims that the men had been tortured, in spite of clear medical evidence that the men had been mistreated whilst in custody.

**Salman Isa** was arrested on 27 December 2014 during a house raid; witnesses reported that Isa was beaten at the time of his arrest. Isa was taken to the CID where he was detained for 14 days without being able to contact his family or a lawyer. During this time Isa was allegedly tortured and subjected to ill-treatment. BCHR received reports that he was tortured by **Turki Al-Majed**, and subjected to electric shocks all over his body, sexually assaulted, and kept in extreme temperatures for six hours. He was beaten, and kicked. Beatings concentrated on the face, in particular the ears and the nose. Isa was also threatened with further sexual abuse if he spoke out about the violations. Security officers also shouted directly in Isa's ears, at high volume, for sustained periods of time. The physical abuse inflicted on Isa resulted in injuries such as a broken nose, and a hearing impairment. The severity of the injuries resulted in Isa being transferred to a hospital, where he remained surrounded by security forces for the duration of the medical examination. Isa told the doctor in the hospital that his injuries were caused by torture. When Isa was taken back to the CID he was allegedly subjected to further beatings as punishment for telling the doctor he had been subjected to ill-treatment and torture. Following Isa's transfer to Jau prison he was allegedly subjected to further abuse, and when he was visited by his family in May 2015 they reported seeing clear marks from physical abuse on his face, palms, and ears. Isa also informed his family that he had been forbidden from praying, fasting, or reading the Quran. Isa is currently awaiting his appeal trial.

Numerous other individuals have been sentenced after being subjected to unfair trials that are based on confessions extracted under alleged conditions of torture, whilst a number of other individuals are currently involved in ongoing trials:

**Husain Parweez**, Human rights defender and the Head of the European-Bahraini Organisation for Human Rights (EBOHR), was arrested on 16 February 2015, and taken to the CID where he was held incommunicado for around 6 days. Parweez was reportedly forcibly deprived of sleep, water and the use of a toilet, and was kept handcuffed in a small, cold room for the duration of the interrogation. Parweez was verbally abused and subjected to psychological torture; he was forced to listen to other detainees being electrocuted and security officials threatened both him and his wife. On 21 February 2015 Parweez was

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<sup>6</sup> <https://www.hrw.org/news/2017/01/23/bahrain-2-face-execution-despite-torture-allegations>

taken to the office of the Public Prosecution where he confessed to the charges against him which were about “illegal collection of fund to support riot groups”. The Public Prosecutor failed to ask Parweez questions about his treatment even though he showed clear physical signs of ill-treatment including abuse. Parweez looked physically exhausted and was wearing unkempt and dirty clothing. Due to his torture and fear of further reprisal, Parweez has left Bahrain and is currently living in exile.

**Bassel Abbas** was summoned to Hamad Town police station on 9 April 2016. On his arrival at the police station he was immediately arrested without being informed of the charges against him. Whilst in custody Abbas was allegedly forced to stand whilst blindfolded between 10:00PM and 3:00AM. Abbas also reported that he was severely beaten whilst in this position. Security officers interrogated Abbas about his alleged involvement relating to offences of tire burning. Abbas denied the accusation and was then asked to work for the police as an informant. On 10 April, Abbas was released. On his release Abbas received a summon to Budaiya police station, where he was rearrested and taken to the CID. During his interrogation at the CID Abbas was reportedly kicked and punched by security officers, subjected to electric shocks on his genitals, and forced to stand for long periods. Abbas was forced to sign confessions whilst blindfolded. Charges related to illegal gathering on 14 February 2016. On the 7 June Abbas was released, however the charges against him were not dropped.

Recommendation: The Committee should recommend Bahrain to call upon judges to declare as inadmissible any statements obtained under torture or other ill-treatment and to refuse to accept them as evidence in any judicial proceedings. Bahrain should ensure that anyone placed in detention is brought before a judge authorized by law to exercise judicial functions at the earliest opportunity in order to verify the legal basis for the arrest; to guarantee the detainee’s well-being and prevent the violation of his or her fundamental rights;

## **Torture of People with Special Needs and/or Disability**

In the past year BCHR has documented numerous instances where the Bahraini authorities have subjected individuals suffering from special needs to detention and torture.

**Sadiq Abdulameer Alqmar** was arrested in March 2015 in the area of Dar Kulaib and taken to the police station at Hamad Town Roundabout. Alqmar was charged with the placement of unidentified objects, using fake explosives and burning tires. BCHR has reported that Alqmar was allegedly subjected to torture during his interrogation, and forced to sign a confession. Whilst attending the fourth criminal court on 9 May 2016 Alqmar submitted medical reports describing his disability, and his subsequent physical inability to commit the crimes he was charged with. Alqmar suffers from extreme muscle weakness in his upper limbs, and has been dependent on others throughout his life. Alqmar was released on 9 June 2016.

**Mohamed Hasan Buhmaid** was arrested on 10 May 2016 from Karzakan village by security forces in civilian clothes. Buhmaid was taken to the police station at Hamad Town Roundabout, and from there he was transferred to the CID. He was charged with illegal gathering, and conducting an attack on a police car. Buhmaid was allegedly subjected to torture throughout his interrogation; he reported being forced to stand

for long hours, and that he was beaten, kicked and slapped when he moved. He was forced to sign a confession whilst blindfolded. Buhmaid suffers from a hearing impairment and a speech disorder. Buhmaid was released on 8 June 2016.

**Kumail Ahmed Hamida**, has been detained since 13 December 2016. Hamida was arrested after his home was raided by masked civil forces in the early hours of the morning. His father attempted to explain that Hamida suffers from learning difficulties, and attempted to show the civil forces Hamida's medical records. However, he was disregarded. Following his arrest Hamida was detained at the CID between 13-16 December, during which time he was reportedly subjected to torture and ill-treatment before being forced to confess to crimes of unlawful assembly, photographing without permission, and taking part in protests. On 16 December Hamida was transferred to Dry Dock Detention Center, he was visited by family members on 21 December who reported to the BCHR that Hamida had visible marks on his body due to the torture and maltreatment he had been subjected to. Hamida had an injury that stretched from his lower lip, and over his chin, caused by beatings to the face. Hamida has reported partial hearing loss following extensive beatings on his ears, and reported being subjected to electrocution on the soles of his feet, and having hot water poured over his body. Hamida confessed to the charges against him. Immediately after being transferred to Dry Dock Detention Center, Hamida was reportedly beaten by police in the center. Hamida appeared before the prosecutor general without having a lawyer present, despite his father showing medical records proving Hamida's learning difficulties and his denial of the charges against him. The prosecutor general ordered that Hamida be detained for a further 15 days pending investigation, his detention was extended several times, as of 18 March 2017, he is still detained.

Recommendation: BCHR recommends to the Committee to urge Bahrain to ensure that individuals with mental health care needs or special needs have immediate and regular access to legal counsel during their whole period of arrest, detention and imprisonment in order to prevent torture and unfair trials. Prison authorities should also collaborate with organizations of civil society, which assist prisoners, and especially those which have experience of dealing with vulnerable prisoners.

## **Torture of Children**

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In the past year BCHR has documented numerous cases where Bahraini authorities have reportedly subjected children to torture and abuse to coerce confessions.

**Abbas Ali Oun**, was arrested on 14 February 2017 a few meters away from his home. Oun is sixteen years old. Oun's family reported that the boy was beaten on the head at the time of his arrest, whilst attempting to talk to the officer, his mother was pushed and hit on the shoulder with a gun. Oun's sister was slapped in the face, hit in the shoulder with a gun and sprayed in the face with pepper spray. Oun's sister had visible marks on her shoulder the day after the incident. On 16 February Oun was interrogated at the office of the public prosecution where he was charged with 'illegal gathering, possession of a Molotov cocktail, and damage of a police vehicle. Oun denied all charges, and told the prosecutor that he was subjected to a beating immediately after his arrest by police officers. Oun also reported that during his interrogation at Samaheej police station he was threatened with torture to coerce a confession. He was prevented from

talking to his lawyer prior to the interrogation, and his family have been prevented from having direct contact with him. They have also expressed their concern over the health of Oun, as he suffers from the medical condition Sickle Cell Anaemia.

On the 25 April, 2016 **Sayed Ayman Mohsen**, aged sixteen years, was arrested during a house raid alongside his twenty-one-year-old brother. The brothers were accused of being complicit in the murder of a policeman in the town of Karabad, hiding suspects, and concealing evidence. Sayed's family were allowed to visit the brothers for the first time on 10 May 2016, they reported to BCHR that both brothers looked exhausted. On the 12 May 2016, the family were again granted visitation rights, Sayed had been transferred to Dry Dock Detention Center, and reported to his family that he had been beaten repeatedly since the time of his arrest; including during his transportation to the police station. Sayed stated that he had been tortured until he confessed to the charges against him. Security forces are reported to have threatened Sayed's sisters with rape during the interrogation if the brothers failed to confess to the charges levied against them.

**Mohamed Ali Ebrahim**, was arrested at sixteen years of age, on 27 September 2016, along with his brother during a house raid. Ebrahim was detained for one month, during which time he was unable to see his family. The child alleged that he had been subjected to abuse and torture during his interrogation and period of detention. Ebrahim reported that he had been severely beaten, forced to strip naked before being burnt with a cigarette lighter and subjected to electric shocks. He was also kicked in the abdomen, beaten on the ears, slapped in the face, and threatened with a gun in an attempt to coerce a confession. He also reported being forced to stand for long hours, and being verbally abused. Ebrahim also reported that he was subjected to extreme temperatures, and was alternately placed in hot and cold rooms. Security officers also sexually harassed Ebrahim during the interrogation.

**Hasan Al-Tajer**, a seventeen-year-old, high school student who was arrested on 21 April 2016. He was accused of being involved in setting fire to a police car and the murder of a policeman in Karabad. Al-Tajer's family were only made aware of his arrest on 11 May 2016, when they received notification that he was being held at Dry Dock Detention Center. Al-Tajer revealed to his family during a visitation period, that he was subjected to torture and ill-treatment whilst being interrogated at the CID. Al-Tajer reported being handcuffed, blindfolded and beaten and that whilst blindfolded, he was made to stand behind a door, the door was then repeatedly pressed against him. Al-Tajer alleged that he was threatened with sexual violence, and feared he was going to be electrocuted. The minor also reported being beaten with wires until his face bruised, having a viscous substance poured onto his body, and that he was hung in a brutal way. Al-Tajer reported collapsing during the beating, and that the security forces continued kicking Al-Tajer whilst he was on the lying on the floor. Verbal abuse was used throughout the interrogation, Al-Tajer was made to respond to questions about his identity with insults such as 'donkey' or 'dog.' Al-Tajer was placed in solitary confinement, and subjected to forced sleep deprivation, during this time he began to suffer from hallucinations. When Al-Tajer attempted to sleep, he was beaten. Meals were given to Al-Tajer whilst he was blindfolded, officials only gave the boy two minutes to eat and he was beaten for the duration of this time. His phone calls were allegedly monitored, and he was instructed on what to say. Al-Tajer was interrogated and reportedly tortured further at Jau prison, he is still awaiting trial.

One of the youngest children that BCHR has recorded is that of fifteen-year-old, **Ali Saeed**. Saeed was arrested from his home on the 8 February 2016 by security forces dressed in civilian clothing. His family

were not presented with a warrant, nor made aware of where he was being taken. On 10 February Saeed called his family, and told them he was being kept in Hamad Town police station. During his interrogation and period of detention he was allegedly beaten, punched repeatedly in the back, slapped, and threatened with electric shocks if he refused to confess. Saeed signed a confession that claimed he had used a fake bomb.

**Recommendation:** BCHR recommends the Committee to request Bahrain to observe its international obligations, in particular regarding arrest, detention or imprisonment of children that shall be used only as a measure of last resort and for the shortest appropriate period of time.

## Torture of Women

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**Rihanna Al-Mosawi (38 years old)** was arrested on 20 April 2013 whilst participating in a protest in support of two prominent Bahraini activists that had recently been arrested. Al-Mosawi informed her family that she was subjected to torture and mistreatment at the hands of the police during her interrogation at Riffa police station. Al-Mosawi was forced to sign a confession which she later retracted during her interrogation at the Public Prosecution, and again in court.

Between 21-23 April 2013, during her time at the investigations department, Al-Mosawi was allegedly interrogated whilst blindfolded, the blindfold was tied extremely tightly. She was kept in a narrow room, her legs bumped the walls when she attempted to sleep, and reported being subjected to sleep deprivation and extreme temperatures. There were allegations that she was also beaten, subjected to electric shocks, slaps on the face, and her body was rubbed with shoes. Physical exhaustion reportedly caused Al-Mosawi to faint repeatedly, and she became incapable of answering questions. Her family was threatened; one officer threatened to rape her mother-in-law in front of her, whilst others threatened her children and to arrest her relatives. She was forced to listen to the screams of other detainees as they were tortured. During the trial in July 2013 Al-Mosawi reported in court that she was stripped of all her clothing on two occasions by masked officials who threatened her with sexual assault. On the first occasion Al-Mosawi alleges she was stood naked in a bathroom for approximately one hour. The investigation continued whilst she was naked, she was subjected to verbal abuse, and her religion was also mocked. Al-Mosawi was then given back her clothes, the second incident occurred around two hours later when she was taken to a small office which had a camera hanging from its ceiling, and was again ordered to undress. Al-Mosawi signed a statement confessing that she and a group of others intended to carry out a bombing at the Bahrain International Circuit for the Formula One.<sup>7</sup>

Al-Mosawi reported being subjected to further abuse at the office of the Public Prosecution. Al-Mosawi reported that the head of the public prosecution shouted in her face, and refused to accept her answers to his questions, which contravened her coerced confession, he then refused to allow her to answer questions,

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<sup>7</sup> <http://mirror.no-ip.org/en/news/30967.html>

stating that he had the answers he needed from her statement. Her lawyer was prevented from being present at the interview. Al-Mosawi reported that at this point she began to cry hysterically, and that she was then taken out of the room and down the stairs where she was beaten and kicked.<sup>8</sup>

Al-Mosawi later informed her lawyer that she was being subjected to restrictions on access to phone calls, visitation rights, and in accessing the food that she needs. She stated that she noticed these changes following her court appearance on 11 July 2013 where she made a statement reporting the torture and ill-treatment she had been subjected to. Al-Mosawi alleged that the prison administration failed to respond to her complaint about the restrictions. The failure of the prison administration to respond to her complaint was met with further protest by Al-Mosawi who embarked on a hunger strike.

In April 2016, Al-Mosawqi was released from prison. As calls were renewed to hold accountable those responsible for subjecting Al-Mosawi to abuse, Bahrain's Special Investigation Unit (SIU) asked Al-Mosawi to be examined by a forensic physician and undergo medical tests, three years after filing her complaint about being subjected to torture and maltreatment during the time of her detention. Her lawyer stated that this would be the second time such a test is taking place without useful results.<sup>9</sup> Her lawyer added that "Rayhana was told to answer questions that are not relevant to the subject of torture and mistreatment complaints. She was asked degrading questions; about the identities of the people who interviewed her. She was also questioned about who stripped her of her clothes and their superiors; a matter that can be easily known from the place of investigation and the officials there at the time. In May 2016 it was reported that Al-Mosawi still suffers from partial loss of hearing in her left ear, eye problems and cramps, as a result of the abuse she suffered. In the same month, she documented the alleged torture she was subjected to at the National Institution for Human Rights in Bahrain, in June 2016 Al-Mosawi was placed under a travel ban. In July 2016, the ministry of interior issued a statement simply alleging that Al-Mosawi allegations of torture are "false."<sup>10</sup>

**Jaleela al-Sayed** was arrested on 10 February 2015 during a house raid under the charges of misusing social media, inciting hatred against the regime and insulting the king. Al-Sayed was taken to the CID for interrogation, after being allegedly subjected to ill-treatment she was taken to the medical clinic after she suffered from episodes of fainting. She was prevented from contacting her family or a lawyer when she was initially arrested, and her family was prevented from visiting her. She was released in February 2016.

**Recommendation:** Bahrain should establish effective and independent mechanisms for receiving and handling complaints of prison violence, including gender-based violence and sexual harassments; Bahrain should ensure the use of same-sex guards in contexts where the detainee is vulnerable to attack or harassments.

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<sup>8</sup> <http://mirror.no-ip.org/en/news/30967.html>

<sup>9</sup> <http://mirror.no-ip.org/en/news/31077.html>

<sup>10</sup> <http://www.alwasatnews.com/news/792600.html>

## Torture at Prison Facilities

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In March 2015, numerous reports detailed the alleged use of torture at Jau Central Prison. Following complaints over the conditions of the prison facilities, and their treatment by detainees, prison authorities responded by excessively deploying tear gas and shotgun pellets in crowded areas of the prison. BCHR reported that after entering Building 4 of the prison complex, police forces began to randomly beat detainees, as a form of collective punishment. Inmates in this area of the prison were forced to line up, where they were beaten by batons in sensitive areas of the body, such as the groin. A group of inmates were then taken to a separate location, later identified as Building 10. Building 10 has a number of private rooms, detainees were taken to these rooms and allegedly tortured.

In the evening of the same day police officers reportedly attacked Building 3 of the prison, beating detainees with batons. Inmates were taken to the corridor, thrown to the floor, and jumped on repeatedly by officers. This resulted in numerous inmates suffering from broken bones and bruising. Detainees were subsequently removed to the courtyard, and surrounded by prison officers, who beat the men individually. The ordeal continued when officers began to call out the names of inmates and asked questions that were difficult to answer, this method was used to incite detainees, in order to justify beating the detainees in questions.

One of the individuals taken to Building 10 was **Hasan Jaber Al-Qattan** (27). Al-Qattan was transferred to Building 10, where he was allegedly subjected to sustained periods of torture. Following his detention in Building 10, Al-Qattan was transferred to the prison clinic, and was subsequently moved to the intensive care unit at Salmaniya Hospital, where he was diagnosed with kidney failure. Al-Qattan's family visited him on 2 June 2015 after 3 months of no visits, and reported that he looked physically weak, had a shaved head, and that his mouth was swollen and bruised due to injuries caused by batons and sticks. During his visitation period his family also observed that Al-Qattan had developed a noticeable limp.

Al-Qattan's family was not informed by any official source about the admission of their son to the hospital whilst he was detained. They informed BCHR that he had not suffered from any kidney problems prior to the Jau prison assault.

Following this incident prison authorities banned visitation periods and phone calls. Inmates were also prevented from accessing bathing facilities for a number of weeks.

## Impunity

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In contravention to Articles 4(1), and 4(2), of the UN-CAT Bahrain has failed to implement and enforce provisions concerning the criminal liability for acts of torture, attempted acts of torture, orders to commit torture, and complicity in committing torture. Furthermore, in relation to Article 4(2), allegations of torture reported to, and investigated by state mechanisms in Bahrain, where charges have been brought in the criminal courts, have failed to result in perpetrators being punished with appropriate penalties. The continued adoption of a policy of clemency in Bahrain directly violates Bahrain's obligations following its



accession to the UN-CAT. BCHR has documented the following cases where criminal courts have adopted a policy of impunity against those who have allegedly committed acts constituting torture:

On 9 March 2016 nine policemen who had been accused of severely beating 13 detainees using plastic hoses and wooden sticks at Jau prison were acquitted. The acquittal was upheld by the Court of Appeals. In March 2016 BCHR reported that there were at least five cases where officers had not been held accountable for their crimes. On 7 March 2016, an officer who severely beat a detainee saw his sentence reduced from two years in prison to three months. On 21 March 2016, a detainee who had been accused of burning tires on the streets was severely beaten, causing him several serious injuries. The court found the policeman involved in this case not guilty. On 17 March 2016, the court acquitted a policeman who was involved in severely beating a detainee on 30 June 2015.

The above cases were investigated by the Special Investigation Unit (SIU), established on 28 February 2012. The SIU was developed as a specialized unit of the Public Prosecution for the investigation of torture, abuse and ill-treatment committed by government officials. The SIU is a mechanism established by the Bahraini government, and although BCHR appreciates the development of the SIU, as an institution it lacks independence, and has failed to produce substantive changes in the way the judiciary in Bahrain approach, and sentence defendants charged with committing acts of torture, abuse, or extra-judicial killings.

## **Investigative Bodies and Human Rights Mechanisms**

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Since the publication of the BICI report, the government of Bahrain has taken a number of initiatives to address the issues raised in the report. In 2012 Bahrain established the Special Investigations Unit (SIU), followed by the establishment of the Ombudsman in 2013 and the National Institute for Human Rights (NIHR) in 2014. The following sections will investigate the operations of these organisations, demonstrating that although the advent of these organisations is a positive step for human rights in Bahrain, the organisations do not wholly comply with Articles 12 and 13 of the UN-CAT. The organisations lack independence from the government, and have failed to investigate allegations of torture in a prompt and impartial manner in accordance with Article 12 of the UN-CAT. Violations of Article 13 are also evident, individuals reporting allegations of torture, and witnesses are not protected against further ill-treatment or intimidation.

### **The Ombudsman**

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The Ombudsman is charged with investigating crimes implicating staff at the Ministry of Interior. The organisation was established by Decree 27/2012. Article 1 stipulates that the Ombudsman and his Deputy are appointed by royal decree following the recommendation of the Ministry of Interior and with the approval of the Prime Minister. Under Article 8 of the decree, an Office of Internal Affairs within the Ministry of Interior is primarily responsible for examining initial complaints, before reaching a conclusion on whether the complaint is referred to the Ombudsman for investigation, however they are not obliged to



refer the complaint to the Ombudsman, unless, as stipulated in Article 9, the case involved death or serious injury. The Ombudsman then refers the complaints to Bahrain's Public Prosecution office, who then decides whether the complaints will be referred to court.

BCHR have reported on a number of alleged torture cases since 2015. Many of these have been widely reported in international media. A large number of eye-witnesses reported the torture and assault of detainees at Jau Central Prison in March 2015. Over 500 people were allegedly tortured or assaulted following an uprising in the prison. According to the Second Annual Report by the Ombudsman, 83 complaints were recorded from Jau between May 2014 - April 2015.<sup>11</sup>

The Ombudsman has the power to initiate cases against members of the police force of its own volition. They chose to do so on only four occasions between May 2014 and April 2015<sup>12</sup>, despite the significant attention Jau prison received in the same period due to allegations of torture. The fact that the Ombudsman did not initiate more cases in response to eye-witness allegations that hundreds of detainees were assaulted in March 2015 indicates that the Ombudsman is reluctant to address allegations of torture in accordance with international protocol, and that the organisation is not wholly impartial as necessitated by CAT art. 13. In the First, Second and Third Annual Report by the Ombudsman, Jau Prison Center, received the highest number of complaints, amounting to 210 complaints in 3 years. Whilst this number is high, the prison population during this time was in excess of the maximum detention capacity of 1200.<sup>13</sup> The high number of inmates combined with numerous reports and eyewitness testimonies detailing assault and torture, the 210 complaints between 2014-2016 is actually a lower number than one would expect. Indicating, perhaps, that the Ombudsman does not receive all potential complaints, either through lack of prisoner's awareness about the Ombudsman, lack of available outlets to register a complaint or perhaps out of fear of reprisal.

Another explanation might be the failure of the Ombudsman to process every complaint they receive. This argument is supported by failure of the Ombudsman to respond to a complaint made by the wife of a death-row prisoner. The woman formally complained that her husband's confession was extracted using methods of torture. The Ombudsman never responded to the complaint and when asked about the case they refused to acknowledge that they have received the complaint.<sup>14</sup> The formal complaint had however been lodged with the Ombudsman by e-mail, which has been confirmed.<sup>15</sup>

While this is only a single case it certainly raises questions about whether the Ombudsman is fulfilling its duty to ensure police compliance with professional standards. Whether the reason for the low number of recorded complaints is intentional ignorance, institutional negligence or guidance about the Ombudsman,

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<sup>11</sup> The Ombudsman, Second Annual Report 2014-2015, accessed 17 March 2017, Source: <http://ombudsman.bh/mcms-store/pdf/Annual%20Report%20English%202015.pdf>

<sup>12</sup> Ibid.

<sup>13</sup> Bahrain Center for Human Rights, Inside Jau: Government Brutality in Bahrain's Central Prison, May 2015, p.10., source: [http://www.bahrainrights.org/sites/default/files/file\\_attach/Inside-Jau.pdf](http://www.bahrainrights.org/sites/default/files/file_attach/Inside-Jau.pdf)

<sup>14</sup> Source: <https://www.theguardian.com/world/2016/feb/09/bahrain-uk-funded-police-watchdog-fails-to-investigate-torture-claims-mohammed-ramadan>

<sup>15</sup> <https://www.hrw.org/news/2016/06/13/bahrain-lagging-efforts-end-torture>

or fear of reprisals, the issue needs to be addressed and rectified so that every prisoner in Jau Prison knows where and how to complain, that their complaints will be processed fairly and that they will suffer no reprisals as a result of their complaint.

In relation to Dry Dock Detention Center the Ombudsman received a considerable number of complaints in all 3 annual reports.<sup>16</sup> In the second annual report the Ombudsman records a hunger strike in Sample Case 3. The hunger strike is recorded to have been a result of assault at the facility, but was also aimed at addressing various other issues prisoners were facing in the establishment such as difficulty hearing through glass in visitation, health care services, maintenance of facilities, inadequate new air-conditioning, and the lack of washing machines. According to the Ombudsman the detainees' allegations of physical assault were forwarded to the SIU and other concerns were then addressed by the Dry Dock Detention Center, effectively ending the hunger strike.

BCHR reported on a hunger strike in Dry Dock Detention Center in August 2014. The protest was initiated by prisoners under the title "Stop Torture in Prison", who claimed that torture and ill-treatment of prisoners was widespread. Prisoners suffered: beatings, insults, deprivation from using toilets, torture, solitary confinement, being forced to stand and overcrowded cells. The BCHR also received information that protesters were beaten in an attempt to force them to end the strike.

The allegations of assaults and torture in the prison are not substantially reported or processed by the Ombudsman, and instead are quickly referred to the Special Investigation Unit (SIU). This is a part of a trend where the Ombudsman fails to go into details of alleged torture brought to its attention. According to the report, the Ombudsman will routinely refer cases of suspected torture or assaults to the SIU, as the Ombudsman itself is powerless to hold accountable senior officials.<sup>17</sup> It is very unclear which steps are taken by the SIU and to what degree, if any, the Ombudsman follows up and ensures that the SIU investigates the case promptly and impartially in accordance with CAT art. 12.

Based on the information given in the three public reports by the Ombudsman between 2013-2016, it seems that there has not been a single conviction in any of the alleged cases of torture referred to the Ombudsman since its inception, despite the substantial amount of complaints lodged with the establishment. For the Ombudsman to gain credibility as a reliable, and independent authority it must disassociate from the Ministry of Interior, increase the transparency of their work and follow through on their referrals to the SIU in order to sanction and hold officials accountable.

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<sup>16</sup> First Annual report: 39, Second Annual Report: 20, Third Annual Report: 53.

<sup>17</sup> First Annual Report: Example 5. Second Annual Report: Sample Case 6. Third Annual Report: Sample Case 3, 5, 6 and 7.

## Special Investigations Unit

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Amnesty International published a report in 2016,<sup>18</sup> highlighting a number of issues with the SIU. Firstly, the SIU is physically located in the same building as the Public Prosecutor's Office (PPO). This is problematic as it raises questions of the SIU's independence from the PPO and Ministry of Interior. Several of the SIU staff are also former PPO officials.

A number of security officers have been prosecuted by the SIU. However, the officers tend to be low-ranking, none of the senior officials who were in charge during the 2011 uprising have been prosecuted. The SIU generally only refer a small amount of the allegations of torture brought to its attention to court, this leaves a large percentage of cases unprosecuted. Lawyers of alleged torture victims have also questioned the SIU's investigative methods, raising questions about the way in which the SIU records information, arguing that they actively select facts that make the plaintiff's case appear weak in court. It has also been suggested that individuals who are prosecuted are very likely to be acquitted or receive lenient sentences.<sup>19</sup>

In some cases, the hesitant reaction to allegations of torture have resulted in the loss of potentially critical evidence to the case. This occurred in the case of **Ahmad Hassan Ali Mshaima**.<sup>20</sup> Mshaima's allegations were not investigated by the SIU promptly; it was not until 2 years later that they requested he give evidence. During this time, any physical evidence had diminished, and the alleged torturer had left Bahrain.

These failings happen despite the fact that the SIU have sufficient resources at their disposal to investigate complaints in accordance with international standards, the organisation also possess the rank of Attorney General, which allows them to refer any case to the courts without the approval of the PPO.<sup>21</sup>

The SIU is a legal mechanism to ensure individuals are held accountable for the offences that they commit; however, they fail to investigate allegations of torture in a prompt and impartial manner, and fail to try cases in accordance with Article 12 of the UN-CAT.

## The National Institution for Human Rights

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The establishment of the NIHR as a complaint and watchdog mechanism is considered a positive development by BCHR. However, the institution has yet to show it is truly independent from the government. They fail to address material issues in their annual reports, preferring instead to address the formal legal situation.<sup>22</sup> NIHR make recommendations for improvements in Bahrain, such as letting the

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<sup>18</sup> Bahrain: Window-dressing or Pioneers of Change?: an Assessment of Bahrain's Human Rights Oversight Bodies, Amnesty International, 21 November 2016

<sup>19</sup> <http://www.bahrainrights.org/en/node/7776>

<sup>20</sup> Amnesty International Report, p. 34

<sup>21</sup> Amnesty International Report p. 31

<sup>22</sup> <http://www.bahrainrights.org/fr/node/7666>

United Nations Special Rapporteur into Bahrain, however the NIHR has no mandate or power over the government, who can legally disregard NIHR recommendations.

It is also worth noting that while the NIHR recommended that the United Nation's Special Rapporteur on Torture and Other Cruel, Degrading or Inhuman Treatment or Punishment be allowed into the country in their 2013 annual report, they refrained from doing so in their 2016 report. The Rapporteur has not been allowed into the country since their recommendation in 2013, nor has the practice of torture been ended in the country. The 2016 report makes no general mention of the situation in prisons or whether or not torture is taking place in the country. The BCHR has been able to document a substantial amount of cases that report numerous instances of alleged torture in their annual report from 2016<sup>23</sup>, this indicates that the NIHR does not function independently.

The NIHR also receives complaints from citizens. In 2016 they reported receiving 116 complaints,<sup>24</sup> an increase in the 58 documented cases from 2015.<sup>25</sup> In March 2015 there were a number of complaints regarding the use of torture stemming from attacks in Jau prison. The NIHR performed a 'urgent' field visit to monitor the prison. It is not clear from the 2015 report when the visit was requested, but it didn't occur until 25 March, 15 days after the main event. This delay was unnecessary and makes the classification of the visit as urgent questionable. In their report the NIHR takes stock of the number of injured prisoners and guards, however they refrain from clarifying how these injuries were sustained. The report also focuses mostly on the instigation of the attacks, refraining from discussing the complaints of inmates or going into details of what the 50 inmates they claim to have interviewed had said about the incident.<sup>26</sup>

In the case of **Ali Al-Singace, Abbas Al-Samea** and **Sami Mushaima** (see above) who were all executed despite allegations of coerced confessions through the use of torture, the NIHR found the executions to be in accordance with international law,<sup>27</sup> contrary to the United Nations and several internationally recognized NGOs.<sup>28</sup> This explicitly demonstrates that the NIHR is not in fact independent from the government of Bahrain, but rather acts as a figurehead with no mandate to change the deep-rooted problems in relation to the use of torture and the ill-treatment of prisoners in Bahrain.

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<sup>23</sup> Annual Report: Bahrain 2016, Bahrain Center for Human Rights, February 2017 p. 15

<sup>24</sup> Fourth Annual Report - 2016, National Institution for Human Rights p. 57

<sup>25</sup> Third Annual Report of the National Institution for Human Rights, 2015 p. 75

<sup>26</sup> Third Annual Report of the National Institution for Human Rights, 2015 p. 76ff

<sup>27</sup> <http://www.nihr.org.bh/EN/Administrator/MediaHandler/GenericHandler/documents/Statements/16Jan2017.pdf>

<sup>28</sup> <http://www.bahrainrights.org/en/node/8434>

## **The Prisoners and Detainees Rights Commission**

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The job of the Prisoners and Detainees Rights Commission (PDRC) is to regularly inspect and publicly report on places of detention. While in Jau prison on an unannounced visit in November 2015 the PDRC reported on one case of torture and that a number of prisoners had felt assaulted upon arrival.<sup>29</sup> According to the report the PDRC took these claims seriously and had them investigated and prosecuted.

In relation to use of force in the prison the PDRC report merely states that no records are kept on the prisoner's' condition or the motivation for using force. The PDRC claimed to be unable to examine the question due to this.<sup>30</sup> It is objectionable that the PDRC refuse to address this issue simply from a lack of official evidence. Had the officials abused the prisoners and performed the alleged torture it is natural that there would be no documentation.<sup>31</sup> The PDRC should have attempted to investigate the question by other means. These could include medical examinations of people claiming to have been subjected to illegal use of force and listening to witness testimony.

It is also questionable why the PDRC waited for so long after the 10 March 2015 attacks to visit the Jau prison. Clearly the prison was in urgent need of an inspection following the incident, still the PDRC waited till 15-22 November 2015 to make their inspection. This is not in line with CAT art. 12, which calls for prompt investigation by authorities when there is reason to believe torture has been committed in a territory under its jurisdiction.

## **Reprisals Against People Complaining About Torture**

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Article 13 of the UN-CAT provides provision for the protection of individuals who report alleged incidents of torture, stating that steps must be taken to ensure that the complainant and witnesses are protected against further ill-treatment or intimidation as a result of his/her complaint or any evidence that they provide. In direct violation of this provision Bahrain has targeted those who publicly speak out about the systematic deployment of torture in Bahrain, and directed punishment at those who speak about the alleged torture that they themselves have suffered.

Bahrain still detains and imprisons a number of people as reprisal for political actions. In 2016 the BCHR recorded 40 convictions in cases related to freedom of expression and 19 convictions in cases related to freedom of assembly. Bahraini officials have also arbitrarily arrested 1312 people, of which 519 were later released in 2016. These arrests are politically motivated and used as a fear tactic to keep people from expressing their opinions against the government.

The most notable example is the case of Nabeel Rajab, human rights defender, who is currently awaiting trial in 2 cases, both relating to freedom of expression. To date, (06/04/2017) Rajab has been detained in

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<sup>29</sup> Report on the Unannounced Visit to the Jau Rehabilitation and Reformation Center (JRRC), Report 10, The Prisoners and Detainees Commission, November 2015 (Report 10) p. 2 + 4

<sup>30</sup> Report 10, p. 21

<sup>31</sup> <https://www.hrw.org/news/2015/05/06/bahrain-allegations-severe-prisoner-abuse>

pretrial detention for a total of 297 days, and could be sentenced for up to 17 years in prison, for speaking out against the government, and about the torture in Jau Central Prison.

## Conclusion

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Torture is used systematically in Bahrain's judicial system to both coerce confessions during pre-trial interrogations, and to threaten and punish detainees whilst they are imprisoned in detention facilities. The office of the Public Prosecution, and other official bodies are continuing to be complicit in the practice of torture. Despite the establishment and empowerment of official bodies such as the Ombudsman, the NIHR and the PDRC, which are welcome developments, the lack of necessary mandates makes them unable to affect major change within the country. The culture of impunity and torture therefore remains present in Bahrain's justice system. The culture of clemency that surrounds security officers involved in cases of alleged torture and/or ill-treatment has yet to be systematically addressed by the government of Bahrain. The increased crackdown on civil society in the past year, and the end of a moratorium on the death penalty in January 2017, demonstrates that Bahrain cannot become complacent, and needs to be pressed to reform the judiciary and end the culture of impunity within its security forces.

## Recommendations

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- Pursuant to Article 2 (2) of UN-CAT, from the perspective that there are no circumstances that justify the use of torture, Bahrain should be pushed to explain the reasons behind the clemency shown to security officers involved in ill-treatment, torture, and death, and to take measures to end the culture of impunity
- Pursuant to Article 2 of UN-CAT Bahrain should be pushed to take all effective legislative, administrative, and judicial measures to prevent acts of torture, and should establish new, demonstrably independent accountability mechanisms empowered to conduct investigations into allegations of torture and other ill-treatment of detainees and prisoners
- Pursuant to Article 10 of UN-CAT Bahrain must ensure that education and information regarding the absolute prohibition of torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and any other officials that may be involved in the custody, interrogation, or treatment of any individual subjected to any form of arrest, detention or imprisonment
- Pursuant to Articles 6 and 7 of UN-CAT, Bahrain should be encouraged to explain in detail the current judicial procedure taken when allegations of torture are made in court of before the Public Prosecutor's Office prior to a court session
- Pursuant to Article 12 of UN-CAT ensure that competent authorities proceed with prompt and impartial investigations concerning all acts of alleged torture

- Pursuant to Article 13 of UN-CAT ensure access to functional mechanisms for remedies to victims of unlawful arrest, detention, and torture and ensure that complainants and witnesses are protected against ill-treatment or intimidation
- Pursuant to Article 14 of UN-CAT ensure that victims of alleged torture obtain redress and receive fair and adequate compensation for the offenses that they have been subjected to, including the means for as full a rehabilitation as possible
- Pursuant to Article 15 of UN-CAT Bahrain should be pushed to clarify the processes undertaken by official bodies when investigating allegations of torture, and how institutions categorize/approach evidence of torture and/or ill-treatment
- In accordance with Article 19 of the Bahrain Constitution the country must ensure that the alleged practice of subjecting citizens to arbitrary arrest is ended
- Bahrain must schedule an urgent visit from the United Nations Special Rapporteur on torture and other cruel, unusual, or degrading treatment or punishment.
- Bahrain must sign the Optional Protocol against Torture, which states that there will be a standing committee to visit prisons and state detention facilities, and that visits to facilities are unannounced/on short notice. This would be a practical step forward that would demonstrate the seriousness of the authorities' intentions to improve prison conditions.