

Torture and Impunity in Bahrain

2015-2017

- A Briefing on the Situation -



BAHRAIN CENTER FOR HUMAN RIGHTS
Defending and promoting human rights in Bahrain

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1. About Us

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. 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

2. Torture in Bahrain - Overview

Marking the **UN International Day in Support of Victims of Torture**, the Bahrain Center for Human Rights (BCHR) strongly condemns Bahrain's systematic use of torture.

Thus, BCHR has documented numerous cases during 2015-2017 of alleged torture that demonstrate that Bahrain systematically utilises torture during interrogation and detention. Reports received by BCHR suggest that human rights defenders, amongst those women, and even children and disabled persons are allegedly being subjected to acts of torture. BCHR's latest report on torture in Bahrain highlights 39 cases of torture in 2015-2016¹. Of these, 2 involved the torture of women, 5 the torture of children and 3 the torture of disabled persons.

Various methods of physical and mental torture have reportedly been applied, including: use of solitary confinement, sexual harassments and abuses, threats to loved ones, bodily beatings including with instruments, electrocution, explicit and repeated hitting of sensitive areas, pulling off toe nails, torture by water, subjection to extreme temperatures, listening to others being tortured, confined spaces, hanging, stripping, sensory deprivation, withholding of food and water, restricted access to bathrooms and other basic needs, restricted access to medical facilities, loved ones and lawyers. Read the report in full [here](#).

3. Legislation

Torture is a crime under international law. According to all relevant instruments, it is absolutely prohibited and cannot be justified under any circumstances. This prohibition forms part of customary international law, which means that it is binding on every member of the international community, regardless of whether a State has ratified international treaties in which torture is expressly prohibited. The systematic or widespread practice of torture constitutes a crime against humanity.

Bahrain has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "UNCAT") and a number of other international treaties (ICCPR

¹ <http://bahrainrights.org/sites/default/files/BCHR%20-%20Torture%20Report%202017%20final.pdf>

and UDHR) and regional treaties (the Arab Charter on Human Rights) all expressly prohibiting torture. Moreover, the national laws of Bahrain, including both its Constitution and Penal Code, expressly prohibit torture. However, Bahrain does not seem to abide by its own rules. Thus, Bahrain has largely failed to prosecute torture cases despite hundreds of allegations of torture in its detention facilities in the past few years, including many documented by BCHR, and perpetrators of torture are usually left untouched which leads to a climate of impunity.

The National Institution for Human Rights² and the Ombudsman³ should both be investigating the numerous torture allegations, however, are blatantly failing to do so.

Bahrain's record on torture has been strongly criticised by the international community, most recently by the UN Committee against Torture in its concluding observations on Bahrain. The Committee against Torture is an international body of experts that monitors state compliance with the UNCAT.

Read the full document of the concluding observations on Bahrain [here](#)⁴.

In the concluding observations the Committee noted "with deep concern" the arbitrary imprisonment and ill-treatment of human rights defenders, in particular human rights defender and BCHR President **Nabeel Rajab** and human rights defender and former BCHR President **Abdulhadi Al-Khawaja**. The Committee urged Bahrain to release human rights defenders who are deprived of their liberty in retaliation for their human rights work. The Committee clearly rejected the argument made by the Bahraini government that counter-terrorism would be a valid excuse to abduct, interrogate and torture human rights activists and political prisoners.

The Committee also expressed strong concern at "the climate of impunity which prevails in Bahrain".

² <http://www.bahrainrights.org/fr/node/7666>

³ <https://www.adhrb.org/2016/06/ombudsman-report-continues-sidestep-key-human-rights-issues/>

⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/145/35/PDF/G1714535.pdf?OpenElement>

4. Torture in Bahrain - A Selection of Cases

Nabeel Rajab has been in solitary confinement for most parts of his detention which has at the time of writing gone on for 378 days and his family is reporting that they have not been able to communicate with him since last week⁵. According to the Committee against Torture, “[e]xcessive use of solitary confinement constitutes cruel, inhuman or degrading punishment or, depending on the circumstances, torture (arts. 2, 11-13 and 16)”⁶. Moreover, Rajab has developed multiple health issues following his pre-trial detention. In April, he underwent surgery for a bleeding ulcer, and was returned to prison one day after the surgery. Three days after his surgery, Rajab was rushed to the hospital due to a serious infection he developed post-surgery in detention. He has since then been hospitalised, too weak to participate in court hearings resulting in a further postponement of the two trials against him⁷. Recently his family reported⁸ that Rajab has been facing harassment in the hospital and new orders to be transferred back to prison so he can be sentenced. An overview of the proceedings can be found [here](#)⁹.



⁵ <http://bahrainrights.org/en/node/8825>

⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/145/35/PDF/G1714535.pdf?OpenElement>

⁷ <http://www.bahrainrights.org/en/node/8818>

⁸ <https://twitter.com/AdamNabeel/status/877181546167402497>

⁹ <http://bahrainrights.org/en/updates-arrest-and-detention-bchrs-president-nabeel-rajab>

Ebtisam AlSayegh, a woman human rights defender, was interrogated for seven hours without her lawyer present, in retaliation to her human rights work and participation at the UN Human Rights Council sessions this year. She was reportedly sexually assaulted during her interrogation and subjected to verbal abuse, with interrogators threatening to rape her if she did not put an end to her human rights activities. She was admitted to hospital after the interrogation.

Additionally, political prisoners and jailed activists and human rights defenders have reportedly been subjected to harsh conditions whilst in prison. Most recently, following the attack by the Bahraini police on the town of Duraz prisoners were held at Jau prison where they reportedly faced baseless reprisals, were stripped of their clothes and subjected to beatings¹⁰.



Abdulhadi Al-Khawaja, a prominent human rights defender serving a life sentence in Jau since 2011 due to his human rights activities, has suffered repeated repercussions in prison, taking a serious toll on his health. In March this year he was denied access to adequate medical attention; he suffers from severe complications because of his ill-treatment and alleged torture in detention. With him also other prisoners at the Jau prison are being denied medical care¹¹. In 2011 the

¹⁰ <http://www.bahrainrights.org/en/node/8774>

¹¹ <http://bahrainrights.org/en/node/8644>

Bahrain Independent Commission of Inquiry (BICI) had concluded that Al-Khawaja was subjected to torture and inhuman treatment during his arrest and detention¹². He was severely beaten, resulting in a broken jaw, and later spent two months in solitary confinement where he was reportedly subjected to severe acts of torture. He continues to be denied adequate medical attention.

Beginning of this year three men were executed convicted for killing three police officers in 2014¹³. Their confessions were reportedly obtained under torture. The three men allegedly used improvised explosive devices which led to the death of the three officers. One of the men, a teacher, was at school at the time of the bombing incident. Reports allege the three men were subjected to severe torture, including beatings, electrocution, sexual assault, a broken nose and the knocking out of teeth.



Mohammed Ramadan and Hussain Ali Moosa were sentenced to death in December 2014 for their alleged involvement in an explosion in al-Dair on 14 February 2014 that resulted in the death of a policeman¹⁴. They took the judgement to the Appeals Court, on the grounds that they

¹² <https://www.theguardian.com/commentisfree/2012/apr/09/open-letter-bahrain-abdulhadi-al-khawaja>

¹³ <http://www.bahrainrights.org/en/node/8434>

¹⁴ <http://bahrainrights.org/en/halt-execution-mohammed-ramadan-and-hussain-ali-moosa>

were falsely accused, tortured and coerced to confess to a crime they hadn't committed. On 16 November 2015 Bahraini Court of Cassation rejected their final appeal and upheld their death sentence. The two men are at imminent risk of execution pending the King of Bahrain's approval.



5. Recommendations

The Bahrain Center for Human Rights calls on the Bahraini government to:

- Unambiguously proclaim at the highest level that torture will not be tolerated;
- Announce and ensure that investigations and prosecutions will be carried out promptly against perpetrators of torture and those with command responsibility in all cases;
- Ensure that evidence obtained through any form of coercion or torture is inadmissible in all judicial proceedings;
- Conduct prompt and impartial investigations into such cases and take appropriate remedial measures;
- Ensure that Abdulhadi Al-Khawaja is provided with adequate medical assistance; and
- Put an end to the solitary confinement of Nabeel Rajab and ensure that he is provided with adequate medical assistance and redress



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