



Universal Periodic Review - Bahrain

Submission to the Human Rights Council at the 27th Session of
the Universal Periodic Review

Topic: Torture and Other Cruel, Inhuman, and Degrading Treatment

Stakeholder:

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For consideration at the 27th session of the UN working group

1. ADHRB is a non-profit organization that fosters awareness of and support for democracy and human rights in Bahrain and the Middle East.
2. ADHRB's reporting is based primarily on its United Nations (UN) complaint program, by which it works with victims of human rights violations on the ground in the region to document evidence of abuses and submit this evidence to the UN Special Procedures. ADHRB has repeatedly requested permission to formally visit Bahrain in order to consult with official human rights bodies, such as the National Institute for Human Rights (NIHR), but has been so far denied access. As yet, the Government of Bahrain has declined to cooperate with ADHRB on any level.
3. ADHRB welcomes the opportunity to contribute to the third cycle of the Universal Periodic Review (UPR) of Bahrain. This submission focuses on Bahrain's compliance with its second-cycle recommendations to curb the use of torture within its criminal justice system and to bring its practices in line with international standards such as those outlined in the Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment (CAT).

Introduction

4. The Government of Bahrain received 17 recommendations concerning torture and related issues in during its second UPR cycle.ⁱ
5. This submission demonstrates that torture and ill treatment remain systematic and widespread in the Bahraini criminal justice system. Security forces regularly use violence and intimidation to extract false confessions, extrajudicially punish detainees, and suppress dissent.
6. This submission is divided into the following sections:
 - A. Legal Framework
 - B. Trends and Recent Cases
 - C. Conclusion and Recommendations

Legal Framework

7. Though torture is legally prohibited in Bahrain, the definition is problematic and the ban is rarely enforced. Article 19(d) of Bahrain's constitution states, "No person shall be subjected to physical or mental torture, inducement, or degrading treatment, and the law shall provide the penalty for these acts."ⁱⁱ The Bahrain Penal Code of 1976 contains two additional provisions criminalizing the use of torture by public officials. Specifically, Article 208 mandates a prison sentence "for every civil servant or officer entrusted with a public service

who uses torture, force or threat, either personally or through a third party, against an accused person, witness or expert to force him to admit having committed a crime or give statements or information in respect thereof.”ⁱⁱⁱ Article 208 also establishes the penalty of life imprisonment for any civil servant or officer whose “use of torture or force lead[s] to death.”^{iv} Further, Article 232 includes the penalty of “at least six months” imprisonment for any use of torture or force that “results in harming the safety of the body.”^v

8. In October 2012, the king issued Royal Decree 52 amending the Penal Code, including Articles 208 and 232.^{vi} The amendments sought to bring the definition of torture in line with that of the CAT, which Bahrain acceded to in 1998, by expanding it to include “severe pain or suffering, physically or morally.”^{vii} The amendment to Article 232 also reiterated the punishment of life imprisonment for any use of torture that results in death, but removed the provision requiring a minimum six-month sentence for any use of torture that results in bodily harm. Additionally, the Government of Bahrain amended the Code of Criminal Procedure to specifically obligate the Public Prosecution Office (PPO) to investigate and prosecute allegations of torture or ill treatment. However, the legislation does not explicitly mandate that the PPO *must* investigate all credible torture allegations, contravening Article 12 of the CAT.
9. Despite the amendment instituted by Royal Decree 52, the government has still failed to extend the definition of torture to fully encompass the provisions of Article 1 of the CAT.^{viii} Bahraini law continues to define torture as an act committed by a public official upon a “prisoner or detainee,” for example. This language fails to provide protections for persons who may have been tortured but were not officially detained or incarcerated at the time of abuse, such as those subjected to short-term enforced disappearance. Of the more than 500 cases of abuse documented by ADHRB and formally submitted to the UN Special Procedures, 18 per cent included a period of enforced disappearance.
10. The Government of Bahrain has not ratified the Optional Protocol to the CAT (OP-CAT) or the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED). It has also indefinitely postponed a visit from the Special Rapporteur on torture.

Trends and Recent Cases

11. Technical prohibition notwithstanding, torture remains widespread in Bahrain, and perpetrators regularly go unpunished. During the government’s suppression of the pro-democracy demonstrations in 2011 and its immediate aftermath, security forces tortured hundreds – if not thousands – of individuals. Since 2013, ADHRB has submitted over 370 complaints concerning torture to the UN. ADHRB has so far submitted 13 complaints concerning cases of torture in 2016, and the Bahrain Center for Human Rights (BCHR) has received reports of 10 new cases of torture between 1 January 2016 and 26 June 2016; of those ten cases, five were minors at the time of arrest. The Ombudsman of the Bahraini Ministry of Interior (Mol), which is tasked with investigating human rights violations committed by security personnel, reported that it had received 908 complaints of abuse from May 2014 to April 2015, a 375 per cent increase over the previous year.^{ix} Due to the general failure of government accountability mechanisms like the Ombudsman,^x as well as the threat of reprisal by security forces, torture remains underreported in Bahrain; all of these figures likely represent only a fraction of the actual total cases of abuse.

12. Most recently, on 31 July 2016, the Mol announced that 35-year-old detainee Hassan Jassim Hasan al-Hayki had died after being taken to Salmaniyya hospital to be treated for unknown ailments. Al-Hayki's family has confirmed that he did not suffer from any health issues prior to his arrest and have alleged that he died from injuries sustained during torture at the Mol's Criminal Investigations Directorate (CID). Nevertheless, nine days after it announced that it had begun investigating the case, the PPO's Special Investigative Unit (SIU) concluded on 10 August that it had ruled out "any criminal suspicion."^{xi} Four days later, the PPO charged the al-Haykis' lawyer with "publicly spreading false information with the intention of influencing the judicial authority in charge of the case" after he allegedly disagreed with the SIU's findings, telling "a local newspaper that there were injuries and bruises on the body of the deceased that proved beyond any doubt a criminal suspicion."^{xii} He has since been released and is awaiting trial.
13. Bahraini authorities employ a variety of torture methods, the most common of which is beating the victim with their fists and with weapons or blunt objects. Other methods include electric shock, forced standing, hanging, and sexual abuse such as sodomization or genital manipulation. Many victims have reported to ADHRB that Bahraini officials deprived them of water, food, sleep, and access to a toilet, exposed them to extreme temperatures, and threatened their family members with harm, torture, and/or sexual assault. In nearly a quarter of the torture complaints submitted by ADHRB to the UN, the victims claimed that security forces either prevented them from praying or subjected them to sectarian insults and hate speech, or both. Of the 13 complaints submitted by ADHRB in 2016, 12 included physical beating, five included sexual abuse, five included forced standing, three included sleep deprivation, three included electrocution, and one included hanging. Security forces also subjected these individuals to sectarian insults, deprivation of food and water, prevention of prayer, denial of medical care, forced nudity, suffocation, burning, and threats of further violence against the victims and their families.
14. Torture occurs at both official and unofficial detention centers and regularly follows arbitrary arrest and/or enforced disappearance. With the significant exception of undisclosed or unofficial facilities, most cases of torture take place at the CID. Typically, after a period at the CID, authorities transfer detainees to the PPO, where interrogation resumes. Following PPO interrogation, the authorities normally take male detainees to Dry Dock Temporary Detention Center and female detainees to the Isa Town Women's Prison to await their trials; convicted women will continue to serve their sentence at Isa Town, while men are usually transferred to Jau Central Prison.
15. Bahraini security forces commonly use torture and other forms of ill treatment to coerce detainees into making false confessions or testimony. In more than 120 of the cases of torture ADHRB has submitted to the UN, Bahraini officials extracted false confessions from prisoners. Twenty-three of those detainees also reported that the authorities used their coerced confessions as the primary source of evidence at their trial, resulting in their conviction on fabricated charges. In many instances, masked officers blindfolded the detainees and forced them to sign documents without knowledge of their contents. It is also common for the authorities to place detainees beside weapons or other planted evidence while they force them to make a confession on videotape. ADHRB has documented cases of the government broadcasting these coerced video confessions on national television and other media. At time of writing, ADHRB has submitted 12 complaints involving coerced confessions in 2016, and BCHR has found that security forces used coerced testimony as the basis for mass arrests and house raids as recently as April 2016.^{xiii} Such conduct is in breach

of Article 19 of the Bahraini constitution, which prohibits torture and invalidates any testimony found to be coerced.

16. In addition to extracting confessions, Bahraini security forces use torture and ill treatment as a form of punishment or reprisal. One of the most severe examples occurred over several months in spring 2015 at the country's primary male detention center, Jau Prison. In March, the authorities responded to a riot at the facility with excessive force and intensified torture. Although only a minority of the inmates participated in the riot, which began as a protest against the facility's increasingly overcrowded and unsanitary living conditions, the government collectively punished the entire prison population. Security forces fired tear gas into enclosed spaces and beat inmates indiscriminately, including minors. Once they regained control of the prison, the authorities continued to torture the inmates, beating them and depriving them of food and sleep. Some inmates were specifically targeted and forcibly disappeared elsewhere in the prison. The authorities took many of the political prisoners and those suspected of instigating the riot to Building 10, which incarcerated BCHR cofounder Abdulhadi al-Khawaja has described as "the torture building."^{xiv} At least 100 inmates were transferred to Building 10 in the weeks following the riot. Police who hesitated to abuse the prisoners were reprimanded and transferred. While the government claims to have installed some cameras in Jau, much of this abuse occurred in the lobbies and the bathrooms, where there is no official surveillance. Additionally, the authorities arrested human rights defender and BCHR president Nabeel Rajab after he documented cases of torture in Jau; Rajab is currently detained and facing trial on several of the same charges he received in April 2015 relating to tweets in which he discussed torture in Bahrain's prison system.
17. Since the aftermath of the riot and collective punishment, conditions in Jau Prison have not improved. ADHRB continues to receive reports of torture and ill treatment at the facility, particularly against political prisoners and prisoners of conscience. New cases of torture include Mohammed Fakhrawi and Ali Fakhrawi, nephews of *al-Wasat* cofounder Abdulkarim Ali Ahmed Fakhrawi, who was tortured to death by security forces in 2011. The authorities detained and then repeatedly tortured the Fakhrawi brothers until they signed forced confessions; they have yet to stand trial.^{xv} ADHRB has also received recent reports of prison officials denying medical care for the following ten prisoners: Ilyas Almulla, Hisham Alsabagh, Adel Ayoub, Sayed Sadiq Alalawie, Jaafar Maatoq, Ali Ibrahim Alzaki, Sadiq Alshabani, Dr. Abduljalil al-Singace, Mohammad Fadhel, and Mohammad Mirza, who remains in prison despite having served his full sentence.
18. The only criminal charges issued by the government in connection with the incident at Jau have been brought against inmates. On 25 January 2016, the PPO announced that a court had sentenced 57 prisoners to additional 15-year jail terms for their alleged involvement in the riot, with the government accusing the individuals of a variety of offenses, including "damaging public property, attacking police, arson and resisting authorities." Mohammed al-Tajer, a prominent human rights lawyer and counsel for some of the accused, stated that the government disregarded the evidence of human rights violations: "We raised a complaint that our clients were beaten during the unrest in Jau Prison, but the court sentenced them at the end of the day, ignoring these complaints."
19. In June 2016, a similar incident occurred at the Dry Dock Detention Center after 17 detainees reportedly escaped. According to the MoI, security forces immediately deployed dozens of police vehicles and set up checkpoints to search for the detainees. On 3 June, the day of the escape, a MoI spokesperson reported that the authorities had apprehended

sixteen individuals who either escaped or “assisted in the planning and execution [of the escape].”^{xvi} Six escapees reportedly remain at large. The authorities have not disclosed any details concerning the alleged escapees or the reasons for which they were incarcerated. Since 3 June, ADHRB has received reports from families of Dry Dock detainees, specifically those held in buildings used for the long-term detention of minors, claiming that the authorities have subjected inmates to increased abuse in retaliation for the alleged escape. According to the families, prison officials have blindfolded and physically beat the detainees and forced them to stand for long hours. Several inmates suffered injuries as a result of the torture. One detainee told his family that the authorities pulled him by his neck and hit his head on a wall. Guards reportedly forced number of detainees to eat after they initiated a hunger strike several days into the reprisal. Although many of the detainees’ families have reported that they informed the Ombudsman’s office of these abuse, it has yet to formally investigate. The Ombudsman’s office told several of the families that it was unable to intervene, citing difficulty communicating with the broader Mol in such cases.

20. Bahraini authorities have also targeted the loved ones of activists and victims as another form of reprisal. In some instances, officials have intimidated relatives of victims in an attempt to dissuade them from seeking accountability for the abuse of their family member. In other cases, the government has targeted individuals simply for being related to a human rights defender or opposition figure. In 2015, for example, Bahraini security forces arbitrarily arrested Ali Isa Ali al-Tajer, the brother of the human rights lawyer, Mohamed al-Tajer. The security forces disappeared Ali for twenty-five days, tortured him, denied him proper legal counsel, and forced him to confess to charges of which he maintains his innocence. Mohamed and other members of the al-Tajer family filed complaints concerning Ali’s torture to a number of state human rights mechanisms, including the PPO’s SIU. On 29 December, Bahraini authorities brought Ali to the SIU to be examined by a forensic doctor who then referred him to three different medical specialists for a knee injury and a prolapsed disc in his spine. Nevertheless, when the authorities took Ali before the public prosecutor the next day, the prosecutor stated that the forensic doctor had not seen any signs of torture on Ali’s body and rejected his claim. Ali remains in prison, and officials continue to deny Mohamed access to his brother’s interrogation sessions as well as his medical reports.

C. Conclusion and Recommendations

21. Although the Government of Bahrain accepted most of its second-cycle UPR recommendations to criminalize and end torture, it has wholly failed to implement them. The government has formally prohibited torture and nominally improved its legal framework, but it has demonstrated a complete unwillingness to enforce these laws. Rather, security personnel continue to regularly employ torture with impunity. Consequently, torture and ill treatment remain near-constant features of the Bahraini criminal justice system, especially in politically-motivated cases.
22. In order to comply with the spirit of its second-cycle UPR recommendations concerning torture, the Government of Bahrain should:
 - Further amend the Penal Code to bring it in line with the CAT;
 - Ratify the OP-CAT and the ICPPED;
 - Extend an immediate invitation to the Special Rapporteur on torture to visit, follow-up on cases, and provide an objective report on efforts to combat abuse;
 - Mandate that the judiciary reject evidence obtained under duress and order immediate investigations into any allegations of torture;

- Commute prison sentences based on coerced confessions;
- Install cameras in all areas of all detention facilities, including police stations, the CID, and the PPO, and make these cameras available to detainees' legal counsel;
- Enforce the rights of the accused to access to family and legal counsel, particularly during interrogation;
- Improve prison conditions and reduce overcrowding through the decriminalization of nonviolent free expression and assembly.

Annex – Additional Information

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Endnotes

- i 11.5.1 (Czech Republic), 115.2 (Brazil), 115.3 (Spain), 115.4 (Estonia), 115.18 (Uruguay), 115.22 (Spain), 115.42 (Slovenia), 115.84 (Czech Republic), 115.85 (Italy), 115.86 (Austria), 115.87 (Czech Republic), 115.92 (Slovakia), 115.106 (Slovakia), 115.108 (Germany), 115.111 (Switzerland), 115.112 (Norway), 115.113 (Kuwait), and 115.121 (Finland).
- ii *Constitution of the State of Bahrain*, 26 May 1973, Part Three, Public Rights and Duties, Article 19(d)
- iii Bahraini Penal Code 1976, Kingdom of Bahrain, reprinted by the UN Office on Drugs and Crime (UNODC), 1976, https://www.unodc.org/res/cld/document/bhr/1976/bahrain_penal_code_html/Bahrain_Penal_Code_1976.pdf
- iv Ibid.
- v Ibid.
- vi “Royal Decree 52 – Amendments to Penal Code Articles 208 and 232,” Kingdom of Bahrain, 2012, https://www.biciactions.bh/wps/themes/html/BICI/pdf/1719/amendment_penal_code_article_208_232_en.pdf
- vii Ibid.
- viii “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” United Nations, 10 December 1984, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>
- ix “Ombudsman releases second annual report,” Bahrain News Agency (BNA), 31 May 2015, <http://www.bna.bh/portal/en/news/671348>
- x See Annex more information.
- xi “No criminal suspicion in detainee’s death: SIU,” BNA, 10 August 2016, <http://www.bna.bh/portal/en/news/739387>
- xii “Lawyer charged with disseminating false information,” BNA, 14 August 2016, <http://www.bna.bh/portal/en/news/739869>
- xiii For more on BCHR’s recent documentation, see: *From 2011 to 2016, the Screams of Torture Still Echo*, BCHR, 26 June 2016, http://www.bahrainrights.org/sites/default/files/file_attach/BCHRReportonTorture26June.pdf
- xiv Ibid.
- xv “ADHRB at HRC: Prisoners in Jau Prison Continue to Face Ill-treatment,” ADHRB, 8 March 2016, <http://www.adhrb.org/2016/03/adhrb-at-hrc/>
- xvi “Bahrain’s Dry Dock Detention Center: Mass and Indiscriminate Punishment,” ADHRB, Bahrain Center for Human Rights (BCHR), Bahrain Institute for Rights and Democracy (BIRD), and the European Centre for Democracy and Human Rights (ECDHR), 10 June 2016, <http://www.adhrb.org/2016/06/9905/>