



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention
pursuant to the optional reporting procedure**

Third periodic report of States parties due in 2011

Bahrain * ****

[Date received: 6 March 2016]

* Reissued for technical reasons on 27 December 2016.

** The initial report of Bahrain is contained in document CAT/C/47/Add.4; it was considered by the Committee at its 653rd and 656th meetings, held on 12 and 13 May 2005 (CAT/C/SR.653 and 656). For its consideration, see the Committee's conclusions and recommendations (CAT/C/CR/34/BHR). The second periodic report is contained in document CAT/C/BHR/2.

*** The present document is being issued without formal editing.

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Reply to the updated list of issues, sent on 26 May 2015

Article 2

- 1. Further to the Committee's earlier list of issues prior to reporting (CAT/C/BHR/Q/2 para. 5) and in view of Royal Order No. 16/2010 of April 25th 2010, the Committee received information on the establishment of the National Human Rights Institution (NHRI). In the light of the State party's 2013 report, please indicate what are the measures taken by the State party to provide a reply concerning 17 of the complaints received by the NHRI and to respond to its request to visit the custody centre and the reform and rehabilitation centre.**

1. Since its first report to the Committee, Bahrain has established a national human rights institution, governed by a new act promulgated in July 2014. These reforms ensure full compliance by the National Institution for Human Rights (NIHR) with the Paris Principles and its potential accreditation at the appropriate time, given that it is a "first-class" institution.

2. Please refer to paragraphs 36, 37 and 38 of the second periodic report of Bahrain, which explain developments leading to establishment of the NIHR, as well as the institution's nature and mandate.

3. It is the wish of the legislature for the recently restructured NIHR to be aligned with the Paris Principles and article 12 (g) of the new NIHR act clearly stipulates that the institution "conduct field visits in accordance with the applicable principles in order to monitor the human rights situation in correctional institutions, detention centres, labour concentrations, health and education centres or any other public place in which it is suspected that human rights violations are committed". On 17 August 2013, representatives of the NIHR visited the Dry Dock Detention Centre to investigate the human rights situation there.

4. The Government considers that the restructured NIHR, which reflects best practice from the Gulf region and the wider world, represents a major contribution to the strengthening of human rights in Bahrain and it is committed to long-term collaboration with the institution.

5. There is standing cooperation between the General Directorate of Reform and Rehabilitation, part of the Ministry of Interior, and the NIHR, and a delegation from the institution has made several inspection visits to the reform and rehabilitation centre, interviewing a number of inmates. It made a tour of inspection of the centre's facilities and visited a clinic. As regards the complaints mentioned in the NIHR report, the Ministry of Interior receives many complaints sent by the institution and these are dealt with in a fully transparent manner. Proper investigations are conducted and complaints forwarded to the relevant stakeholders. Regular visits are to be scheduled in response to the NIHR request to visit the remand centre and the reform and rehabilitation centre, in coordination with the relevant directorate. The Ministry of Interior welcomes collaboration with the NIHR and is keen to facilitate its work by coordinating regular visits to the aforementioned centres. It is worth pointing out that all of these observations have been arrived at in liaison with the NIHR and the necessary measures have been taken to resolve these.

2. **Please clarify the mandate of the Bahrain Independent Commission of Inquiry set up in June 2011 by Royal Order No. 28 of 2011, and the response of the authorities of the State party to its recommendations, in particular concerning: (a) independent and effective investigation, prosecution and punishment of those found guilty; (b) compensation for the victims of violent acts and their families; and (c) human rights training for law enforcement officials and judicial personnel.**

Mandate of the Bahrain Independent Commission of Inquiry

6. Bahrain is the first country in the world to set up of its own accord an independent fact-finding commission consisting of independent, international experts, all of proven competence and impartiality, to cooperate fully and unconditionally with the commission. Royal Order No. 28 (2011), issued on 29 June 2011, specifically states that the mandate of the Commission of Inquiry is to investigate and submit a report on the series of events that took place in Bahrain during the months of February and March 2011 and the subsequent repercussions. The report was to include the following and make such recommendations as the Commission of Inquiry saw fit:

- (a) A full account of the events that took place in Bahrain in February and March 2011;
- (b) Investigation of the circumstances surrounding those events;
- (c) Clarification of whether or not violations of international human rights standards were committed by any of those involved during the events or the confrontation between citizens and Government;
- (d) A description of the acts of violence that occurred, especially at the Salmaniya Hospital and GCC Roundabout, including an account of the nature of such acts, the circumstances in which they took place, the actors involved and the repercussions;
- (e) Investigation of allegations of police brutality and acts of violence against demonstrators, as well as acts of violence by demonstrators against the police and others, including foreigners;
- (f) Investigation of the circumstances leading to arrests and placement in detention and of the legality of those measures;
- (g) Investigation of allegations of disappearance and torture;
- (h) Clarification of whether or not there was harassment by the media and press of those taking part in demonstrations and public protests;
- (i) Investigation of allegations of unlawful destruction of religious buildings;
- (j) Clarification of whether or not foreign forces or actors were involved in the events.

Commission of Inquiry recommendations

- (a) **Independent and effective investigation, prosecution and punishment of those found guilty**

7. The Commission of Inquiry was given unrestricted access to all persons, places and information and the team of 47 investigators and experts was able to carry out fully the task with which the Commission was charged. The team inspected all prisons and places of detention without prior notice and met with prisoners and detainees of all stripes, classes and ages. They visited all the relevant ministries and sovereign agencies and met with most civil society and human rights organizations. They were able to visit all the key sites of the

events and listen to witnesses, victims and civil rights lawyers. The work of the Commission lasted for four months, during which time the team of investigators worked freely and wholly independently. Their work was welcomed by members of the Bahraini opposition and non-governmental organizations and praised by international bodies. By way of example, on the second anniversary of the publication of the Commission's report, the British Foreign Office stated that "establishing the Bahrain Independent Commission of Inquiry was an unprecedented and internationally welcomed response to the unrest in Bahrain in the spring of 2011"¹.

The Commission's report led to a number of reforms and developments, which may be set out as follows:

(1) Institutional reform

8. Before the introduction of the institutional changes made in 2011-2012, the Ministry of Interior was in charge of conducting investigations such as those referred to herein. This meant that police officers were responsible for investigating other police officers and that all trials were held in special Ministry of Interior courts.

9. The Special Investigation Unit (SIU) was set up on 27 February 2012. It is an independent unit within the Public Prosecution Service and is headed by an attorney and staffed by investigators who are highly skilled in investigating allegations of torture and abuse. The Unit has several branches, including a criminal investigation branch, a forensic medicine and psychological support branch and a monitoring and follow-up branch. Two advisers — one local and the other foreign — have been appointed to assist the Unit. Both have wide experience and proven competence in the field of human rights, especially in relation to the international standards of the Istanbul Protocol on the investigation and documentation of torture. These appointments fall within the scope of the technical and training assistance provided under the agreements concluded between the Unit and the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), the Syracuse, Italy-based International Institute of Higher Studies in Criminal Sciences and the American Association of Jurists.

10. The Unit has investigated all the allegations of torture that it has received, including those reported by the Commission of Inquiry in which complainants made known their identity to the Unit. The Unit referred 48 cases to the criminal courts, charging 95 members of the public security forces, including 16 officers. These cases included 9 involving the death of 11 persons, 5 cases of torture and 34 of ill-treatment. Sentences in cases where a conviction was obtained ranged from 1 month to 7 years' imprisonment. The Unit appealed 17 verdicts to the Court of Appeal and two to the Court of Cassation.

11. The Ombudsman's Office (General Secretariat of Complaints) of the Ministry of Interior and the Ombudsman's Office of the National Security Agency were established to ensure that individuals are able to file complaints against members of the security forces with a competent, independent entity and based on a process that is consistent with international best practice. Welcomed by the international community, these bodies have filled a legislative and administrative vacuum, as they enable the public to file complaints against the security forces and, more importantly, against officials responsible for subsequently following up on their complaints.

¹ See <https://www.gov.uk/government/news/second-anniversary-of-bahraini-independent-commission-of-inquiry-report>.

Ombudsman's Office (General Secretariat of Complaints)

12. The Office of the Ombudsman was established pursuant to Royal Decree No. 27 (2012) issued on 28 February 2012, as amended by Royal Decree no. 35 (2013) issued on 28 May 2013.

13. On 7 August 2012, Mr Nawaf Mohammad al-Moawda was appointed Ombudsman pursuant to Royal Decree No. 59 (2012). The Office of the Ombudsman was created as a financially and administratively autonomous entity. It operates out of the Ministry of Interior, working in an independent, neutral, impartial and transparent manner to ensure accountability for wrongdoing and justice for victims.

14. The Ombudsman is competent to receive, review and investigate complaints submitted in accordance with the provisions set out above, as well as matters referred to it by the Directorate of Internal Investigations of the Ministry of Interior. The Office is competent to investigate the most serious complaints, as determined by the Ombudsman, and even to encroach upon the jurisdiction of the Directorate of Internal Investigations. The Ombudsman may act in the absence of a complaint, if a crime has been committed that causes a loss of public confidence in Ministry of Interior personnel.

15. The Ombudsman may visit prisons, juvenile welfare institutions and remand and detention centres to ascertain the lawfulness of confinement measures and ensure that inmates, prisoners and detainees are not being subjected to torture or inhuman or degrading treatment. In all cases, the Ombudsman is informed immediately of deaths occurring in such facilities so that appropriate action may be taken. Regarding the authority and mandate of the Ombudsman, please see paragraphs 54-57 of the second periodic report.

16. Ever since the establishment of the Office was announced and the Ombudsman was appointed, there has been progress in the following areas:

- (a) Assurances of independence and impartiality;
- (b) Prompt delivery of justice; the Office of the Ombudsman has also developed an advanced technical system, including a website: www.ombudsman.bh;
- (c) Measures to build confidence, trust and credibility with the public;
- (d) Lessons drawn from internationally-recognized best practice: action has been taken to learn about best practice. The Ombudsman's activities at the international level have produced concrete and significant results, of which the most important has been accession to membership of the International Ombudsman Institute in September 2013;
- (e) Publication of the first annual report (May 2014);
- (f) Publication of the second annual report (May 2015);
- (g) Formulation of guidelines on visits to prisons and remand centres.

Please see paragraph 58 of the second periodic report.

17. The Office of the Ombudsman has been receiving complaints from the public and organizations since its establishment on 2 July 2013. It exercises its functions and duties in four particular areas:

- (a) Receiving complaints made by citizens, expatriates and even visitors or persons acting on their behalf or by witnesses and civil society organizations against Ministry of Interior civilian or military personnel. These involve complaints concerning unlawful acts which are committed by any of these personnel in or during the course of duty and which justify prosecution or disciplinary measures. From the beginning of July

2013 to the end of April 2014, the Office of the Ombudsman received 242 complaints, of which 45 were forwarded to the appropriate judicial bodies.

(b) Visiting prisons, juvenile welfare institutions and remand and detention centres to ascertain the lawfulness of confinement measures and ensure that inmates, prisoners and detainees are not being subjected to torture or inhuman or degrading treatment. The Ombudsman is always informed immediately of deaths that occur in such facilities so that appropriate action can be taken.

(c) The mandate of the Ombudsman allows for:

(i) Access to places, information, data and documents, including those held on computer;

(ii) Access to any person in order to obtain information or evidence;

(iii) Consideration of applications for reconciliation and civil settlement and the expression of an opinion thereon.

Ministry officials are required to facilitate the work of staff of the Ombudsman and the Directorate of Internal Investigations and provide them with any data, information and documentation that they ask for pertaining to the substance of a complaint.

(d) The Ombudsman submits an annual report to the Minister of Interior on the work done by the Office and the report is published in accordance with the laws of Bahrain. The Ombudsman may also submit a report to the Minister of Interior on one or more complaints investigated in accordance with the provisions of the decree, together with relevant observations and conclusions.

The Office of the Ombudsman conducts its business in collaboration and coordination with relevant bodies, including the Public Prosecution Service, the Special Investigation Unit, Ministry of Interior disciplinary tribunals, Civil Service disciplinary boards and other bodies and agencies. It receives complaints in several ways, including from people who drop in as well as by email or post. Complaints are reviewed and a decision is taken on those that fall within the jurisdiction of the Ombudsman. An investigation is then launched into these complaints, following a defined, professional plan. The Ombudsman will subsequently notify either the relevant body in the Ministry of Interior for disciplinary measures to be taken against the Ministry personnel who are the subject of the complaint or the Public Prosecution Service (Special Investigation Unit) in cases where a criminal offence has been committed. Administrative recommendations are made regarding retention of evidence during the investigations, and both the complainant and respondent are kept properly informed both of the steps taken to investigate the complaint and the outcome.

Ombudsman's Office, National Security Agency

18. The Ombudsman's Office of the National Security Agency was established on 28 February 2012, pursuant to Decree no. 28 (2012).

19. Mr Mohammed bin Rashid al-Rumaihi was appointed Inspector General (Ombudsman) of the Agency under Decree no. 67, issued on 11 September 2012.

20. On 30 March 2013, the Ombudsman issued a press statement announcing that his office would start accepting letters of complaint and grievances from the public and explaining the different ways in which the public can submit them (by hand, email, Facebook or Twitter).

21. The Ombudsman's Office is housed in the Ministry of Justice complex in Manama, a fact that underscores its operational independence from the National Security Agency. The Office is mandated to:

- Receive and investigate complaints relating to mistreatment by National Security Agency personnel and other violations by these personnel of laws and international treaties ratified by Bahrain;
- Conduct investigations into these complaints, if the wrongdoing was committed by Agency personnel in or during the course of duty or if the Agency had a hand therein.

22. Since his appointment, the Ombudsman has recruited a team of qualified staff. In addition to securing membership of the International Ombudsman Institute, he is a founding member of the Organization of Islamic Cooperation Ombudsmen Association. The Ombudsman's Office has created its own pages on Facebook and Twitter, giving details in both Arabic and English of its powers and responsibilities and of recent activity. It has also set up its own independent website, containing a great deal of information. In addition, it offers the possibility of completing and submitting a complaint form online. Furthermore, the Ombudsman's Office has set up a hotline (telephone no: 0097366644111), through which complaints can be received around the clock.

(2) Legislative and professional reform

23. To raise the level of professionalism among personnel, new measures and legislation have been introduced that allow for improvements to be made to the systems for investigating allegations concerning offences by the security forces and for prosecuting offenders.

24. To ensure that the Ministry of Interior and police forces are comprehensively reformed based on solid principles, the Government appointed John Yates, former assistant commissioner of the London Metropolitan Police and John Timoney, former Miami chief of police, as advisers to the Ministry. One of the many fruits of these joint endeavours was the publication, in January 2012, of the Police Code of Conduct, which is modelled on several international police codes of conduct, the United Nations Code of Conduct for Law Enforcement Officials and the European Code of Police Ethics. As a result, there has been a shift away from reliance on evidence based on witness testimony and confessions towards a focus on scientific methods of evidence-gathering, requiring investigators to be trained in the most up-to-date methods of crime scene management. Training is currently being carried out, side by side with the establishment of a new forensics laboratory that will be staffed by fully qualified technicians.

25. Legislative amendments intended to ensure that additional legal protection is provided were introduced in Act No. 50 (2012) by which certain provisions of the Code of Criminal Procedure, as promulgated by Legislative Decree no. 46 (2002), were amended. A new article (22 bis) was added, stipulating: "Any person who claims to have been subjected to reprisals because of having filed a claim about being tortured or subjected to cruel, inhuman or degrading treatment or punishment may file a civil suit against the accused during the evidence-gathering or investigation stages or before the court hearing the criminal case at any stage until a verdict is delivered at the closing of the proceedings. Such a claim shall not be accepted by the appeal courts, if the reprisal constitutes a criminal offence. If the reprisal does not constitute a punishable criminal offence, the civil courts shall have jurisdiction."

26. Furthermore, legislative amendments have been introduced to define intimidation and any act undertaken with the purpose of unduly influencing testimony presented in court as criminal offences. Please see paragraphs 65-69 of the second periodic report.

(3) Disciplinary measures

27. The system of disciplinary sanctions has also been developed. Thus, pursuant to Decree No. 28, promulgated on 28 February 2012, the Office of Professional Standards was set up within the National Security Agency to draw up a code of conduct to regulate the work of Agency personnel. The code will be issued by a decision of the Prime Minister. The code, which will embrace domestically and internationally recognized principles of human rights relevant to the work of the National Security Agency, will involve the preparation and implementation of continuing professional training programmes for Agency personnel and the receipt and investigation of internal Agency complaints. The results of the study are to be forwarded to the relevant bodies for the appropriate action to be taken. As noted above, the Office of the Ombudsman (General Secretariat of Complaints) was established pursuant to Royal Decree No. 27 (2012), as amended by Royal Decree No. 35 (2013), and has already begun exercising its powers and functions. The founding decree was drafted based upon advice sought by the Bahraini authorities from a number of international experts, including Sir Daniel Bethlehem, Mr John Yates and Mr John Timoney, and borrows from systems employed by the British Home Office.

28. To date, the new internal measures have led to two disciplinary actions being taken against a number of officers. In the first case, a recommendation has been made for an officer to be suspended from his job or department until the Public Prosecution Service has concluded its investigation into abuses he is alleged to have committed. In the second case, several officers who have been the object of complaints have been transferred until such time as the results of the investigations into the allegations made against them are released.

(b) Compensation for the victims of acts of violence and their families

29. The process of far-reaching institutional change which began in the wake of these recommendations² is designed to address abuses and provide redress by holding offenders to account, providing mechanisms for compensation, preventing any possible subsequent abuses of human rights and increasing the confidence of citizens in the system (please see paragraphs 9 and 119 of the second periodic report of Bahrain).

30. In line with article 14 of the Convention against Torture, Bahraini law provides for the right of victims of torture to receive just and adequate compensation and articles 177-181 of the Civil Code establish the rules for granting compensation for harm suffered as the result of an unlawful act.

31. Individuals who suffer harm as a result of mistreatment by public security officials at the time of arrest or during detention have the right to bring a civil suit for compensation, either against the official directly responsible, if the official perpetrated the mistreatment when not on duty or against the Government, if the wrongful act was committed by the official while on duty. Please see paragraphs 131 and 132 of the second periodic report.

32. To further ensure that justice is done, Legislative Decree No. 30 (2011), promulgated on 20 September 2011, established the National Fund for the Compensation of Victims, managed by a committee tasked with receiving and considering any request for compensation. The committee is authorized to award whatever type of compensation it sees

² The reforms are set out at:

http://biciactions.bh/wps/portal/BICI/lut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gLaxNHQ093A3eLMEcjA88AU3djyxBjAwMDc6B8JJK8ewBY3tDT0MXC0NjAzJAY3f6OHp7u7iDd5pSB8K8xLLM9MSSzPy8xBz9CP0os3gLaxNHQ093A3eLMEcjA88AU3djyxBjAwMDc6B8JJK8ewBY3tDT0MXC0NjAzJAY3f6OHp7u7iDd5paWQHXC1fnIFNjAxNjArqDU_P0w0Euxu8CkDw-00DyBjiAo4G-n0d-bqp-QW5oRIVnlgkAlsfnEQ!!/dl3/d3/L0IHSkovd0RNQUprQ.

fit within the framework set out by Decree No. 13 (2012), promulgated on 26 January 2012, on the rules of procedure of the National Fund for the Compensation of Victims.

33. These two decrees follow the example of international best practice adopted by victims' compensation funds globally, as well as United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

34. The fund represents a key Government initiative, providing three types of protection over and above the rights to compensation currently existing in Bahraini law:

(a) When a victim submits an application for compensation from the Government through the fund, he does not need to prove that the actions of the public official took place in the course of the exercise of his job, as is the case in an ordinary civil suit;

(b) In civil cases, the definition of "victim" is restricted to the injured person. However, fund procedures stipulate that any member of a victim's immediate family or dependants and persons who have suffered harm while intervening to assist victims may apply for support from the fund;

(c) The remedies offered by the fund are wider in scope than mere financial compensation. In line with agreed international standards³, the committee may authorize any means of compensation, including restitution, financial compensation, rehabilitation, satisfaction and guarantee of non-repetition, as required and as appropriate.

35. By the end of 2013, all cases of death identified by the Commission of Inquiry were the subject of compensation paid by the fund; USD 159,000 was paid to the family of each victim as civil compensation. The fund received 421 requests for compensation from individuals who had suffered injury during the events of February and March 2011. Currently there are 193 cases under consideration by the medical examination bodies to determine the degree of resulting disability (and, consequently, the degree of compensation a civil court would award in ordinary proceedings).

36. In response to the recommendation of the National Commission assigned to follow up the recommendations of the Commission of Inquiry to speed up access to compensation, two further mechanisms have been put in place. These are: special courts to hear compensation cases and the Civil Settlement Initiative to enable victims to settle claims in a satisfactory manner. The Government adopted the Civil Settlement Initiative without prejudice to the right of those victims who do not accept the settlement proposed to resort to the civil courts and without any effect whatsoever on criminal liability. Accordingly, the Ministry of Justice and Islamic Affairs created the Civil Settlement Office to receive applications for compensation for death and injury. The office has paid compensation in 45 cases, of which 35 were mentioned in the Commission of Inquiry report; the committee decided to compensate four other cases not mentioned in the report. The compensation budget was approved in two stages, totalling BHD 2,700,000 or more than USD 60,000 per case and USD 7,141,000 for all cases which the committee decided to compensate. Compensation was disbursed in cash to those who were entitled and who accepted the civil settlement in full. Please see paragraphs 137, 138, 139 and 140 of the second periodic report.

³ The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted and proclaimed by United Nations General Assembly resolution 60/147 (16 December 2005).

37. Accordingly, Bahrain has a robust legal system that provides opportunity for redress for victims of acts of violence or torture, as well as the inalienable right to fair and adequate compensation.

38. During 2012 and 2013, and in the light of Commission of Inquiry recommendations, the Civil Settlement Office paid compensation in all 35 cases of death mentioned in the Commission of Inquiry report, as well as in four other cases of death not appearing in the report, which the commission decided to compensate. The ministry concluded all compensation procedures in those cases where the amount of compensation and the settlement were accepted. The total compensation determined by the Commission of Inquiry as compensation for victims was BHD 2,220,000, the equivalent of approximately USD 6,000,000. In the light of Commission of Inquiry decisions, the Civil Settlement Office paid out compensation in 2014 of BHD 360,000 in six new cases of death not appearing in the Commission of Inquiry report. In addition, compensation amounting to BHD 315,500 was paid in a total of 47 cases of injury linked directly to the events, bringing total compensation for cases of death and injury in 2014 to BHD 675,500, the equivalent of USD 1,800,000.

39. The National Dialogue Initiative has been launched, its outputs implemented and the recommendations of the Commission of Inquiry put into practice. The Kingdom of Bahrain has entered a process of comprehensive reform, the goals of which include addressing abuses which occurred by enacting accountability and compensation laws to prevent the possibility of them happening again and to increase public confidence. These reforms involve legislative amendments and major institutional developments based on international best practice, including putting in place mechanisms for compensating the victims of human rights abuses, building a more responsible media, instituting Government-led reform of laws relating to torture and freedom of expression and constructing a sustainable national capacity for investigating cases of torture and ill-treatment, with such cases being prosecuted in an independent and impartial manner. This requires the restructuring or rebuilding of institutions and the unprecedented, long-term training of the judiciary and law enforcement officials by international experts. The fruits of these initiatives shall continue to ripen, to be eaten in the months and years ahead.

(c) Human rights training for law enforcement officials and judicial personnel

40. Upon publication of the report, all law enforcement agencies proceeded to implement a comprehensive plan to upgrade the skills of law enforcement officials in the areas of human rights and rule of law.

41. As noted in paragraph 24, above, the comprehensive reform of the Ministry of Interior and police on solid foundations has already begun. In addition, comprehensive training programmes have been introduced for those working in the security sector, including officers, non-commissioned officers and enlisted men. The Ministry of Interior regularly reviews its training programmes for law enforcement officials to take into account studies conducted into the arrests and detentions carried out in February and March 2011 and subsequently.

42. Furthermore, the Ministry of Interior has introduced a new training programme on proper conduct for police officers and all police officers participate in these courses regardless of rank. Please see paragraphs 88 and 89 of the second periodic report.

43. The Ministry of Interior follows more than one approach to instructing its personnel in human rights: its programme consists of specialized theoretical subjects and practical training, as well as overseas scholarships. The ministry is keen for its personnel to carry out their duties and their noble mission to safeguard the nation's resources and achievements and to protect the safety and security of citizens and residents on the basis of sound law

enforcement and justice. Extensive training programmes have been held for Public Security Forces personnel and cadets, covering the rules of public order and application of international standards, particularly the Convention against Torture and International Covenant on Civil and Political Rights, as well as Bahraini human rights legislation. These consist of the following:

(a) Organization and implementation of specialized legal training courses to promote the protection of human rights, especially in the areas of public order, stop and search, arrest and detention, as well as guidelines for the use of force and firearms; these are implemented on a regular basis within the Ministry of Interior's annual training plan;

(b) Implementation of Royal Academy of Police academic programmes, as follows:

- Inclusion of human rights in international law and international humanitarian law as a core subject in the master's programmes in criminal, administrative and security sciences, with the goal of fostering a culture of human rights among security personnel by providing instruction on the nature of human rights and how to protect them at religious, national, regional and international levels, as well as the rules governing the conduct of security work as this relates to the protection of citizens' public rights and freedoms, with the focus on constitutional, legal and judicial guarantees;
- Introduction of a full academic year diploma in human rights, the first of its kind to specialize rigorously in all matters relating to the culture of human rights;
- Introduction of a one and a half-year (three-semester) associate diploma in reform and rehabilitation centres, considered to be the first of its kind to specialize rigorously in all aspects of penal institutions, including administration, prisoners' rights, inmate and family aftercare and other matters closely and directly linked to the work of reform and rehabilitation centres;

(c) Participation in numerous forums, conferences and workshops on fostering a culture of human rights among ministry personnel, in coordination with several local and international bodies.

The annexed schedule shows certain in-country and overseas training courses and workshops on human rights in which Ministry of Interior personnel have participated (annex (a)).

Annex (a): Overseas training courses on human rights (2006-2015)

No.	Course name	Date		Location	Supervising body	No. of participants
		From	To			
1	Third regional course on human rights for Arab police	20 May 2006	24 May 2006	Dubai	Office of High Commissioner	1
2	Conference on human rights within the justice framework	27 June 2006	29 June 2006	Jordan	Amman Centre for Human Rights Studies	2
3	Third regional course for Arab police on human rights	20 May 2006	24 May 2006	Dubai	Office of the High Commissioner	1
4	Second annual forum (2007) on prison management entitled, "Criminal behaviour among prisoners, modern penal concepts	11 Nov. 2007	15 Nov. 2007	Dubai	Third Dimension Exhibition and Conference Organization	5

No.	Course name	Date		Location	Supervising body	No. of participants
		From	To			
	and human rights”					
5	Human rights and humanitarian law in peace-keeping operations	26 May 2008	30 May 2008	Italy	San Remo	3
6	Regional seminar on human rights and counter-terrorism	27 Oct. 2008	29 Oct. 2008	Jordan		1
7	International conference on human security in the Arab region	16 June 2008	17 June 2008	KSA	General Secretariat	2
8	Course on international mechanisms to protect human rights	12 Oct. 2011	21 Oct. 2011	Geneva	Ministry of Social Development	2
9	Specialist workshop on strengthening the Human Rights Office	30 Nov. 2011	1 Dec. 2011	Qatar	GCC Secretariat-General	1
10	Second Arab police forensics forum: “Human rights applications in security agencies”	9 July 2012	11 July 2011	KSA	Naif Arab University for Security Sciences	4
11	21 st session of Human Rights Council	13 Sept. 2012	22 Sept. 2012	Geneva	Human Rights Council	4
12	Second technical assistance training course for police officers	3 Oct. 2012	24 Oct. 2012	Italy	ISISC (Syracuse)	18
13	Seminar on legal frameworks and judicial control for the protection of human rights and public freedoms	12 May 2013	14 May 2013	Egypt	Arab Administrative Development Organization	2
14	Technical assistance training course for police officers	17 Mar. 2013	10 Apr. 2013	Italy	ISISC (Syracuse)	25
15	Fourth technical assistance training course for police officers	14 Sept. 2013	24 Sept. 2013	Italy	ISISC (Syracuse)	21
16	Fifth technical assistance training course for police officers	27 Jan. 2014	16 Feb. 2014	Italy	ISISC (Syracuse)	19
17	Technical assistance for police officers in collaboration with ISISC	25 Apr. 2014	15 May 2014	Italy	ISISC (Syracuse)	19
18	Workshop on the role of the police in consolidating the rule of law and respect for human rights	15 Mar. 2015	19 Mar. 2015	Qatar	GCC Secretariat-General	3
19	Course on the protection of human rights and freedoms at the evidence gathering stage	17 May 2015	21 May 2015	Kuwait	Public security sector specialist training centre	4
Total						137

Annex (a) (cont.): In-country training courses on human rights (2006-2015)

Training courses on human rights held at the Royal Academy of Police, with number of participants (2011-2015)

1. Courses held at the Officer Training College (OTC)

No.	Course name	Date		No. of participants			Venue	Remarks
		From	To	Officer	NCO	Civilian		
1	Human rights course	13 June	19 June	3	-	-	OTC	2011
2	Course on the role of the police in upholding human rights	12 Feb.	16 Feb.	11	-	1	OTC	2012
3	Course explaining international human rights law and the international treaties signed by the Kingdom of Bahrain	8 Apr.	10 Apr.	22	-	-	OTC	2012
4	Explanation of police code of conduct (several courses for officers of various ranks)	4 Sept. - 21 Nov.		428	-	-	Royal Academy of Police	2012
5	Second Arab police forensics forum: "Human rights applications in security agencies" (for senior commanders)	20 Jan.	23 Jan	84 from Bahrain	-	35 from Bahrain	Gulf Hotel conference hall	In collaboration with Naif Arab University for Security Sciences, 2013
				37 from outside Bahrain	-	31 from outside Bahrain		
6	Course on human rights for senior and middle ranking public security officers: "Human rights standards in police work"	18 Feb.	20 Feb.	65	-	-	OTC	In collaboration with Bahrain Institute for Political Development, 2013
7	Role of the police in upholding human rights	17 Mar.	21 Mar.	42	-	-	OTC	2013
8	Role of the police in upholding human rights	9 Feb.	13 Feb.	13	-	-	OTC	2014
9	Protecting the family from domestic violence	23 Mar.	27 Mar.	8	3	4	OTC	2014
10	Training programme: "Human rights standards in police work"	10 June	12 June	51	-	2	OTC	In collaboration with Bahrain Institute for Political Development and NIHR
11	Role of the police in upholding human rights	22 Feb.	26 Feb.	19	2	-	OTC	2015
12	Training programme: "Human rights standards	31 May	2 June	41	-	-	OTC	2015

No.	Course name	Date		No. of participants			Venue	Remarks
		From	To	Officer	NCO	Civilian		
	in police work”							
13	Diploma programme in human rights (first batch)	9 Feb.	6 months	31	-	11	OTC	2014
14	Diploma programme in human rights (second batch)	21 Sept.	9 months	1	15	8	OTC	2014
15	Diploma programme in human rights (third batch)	Sept. 2015	June 2016	-	20	16	OTC	2015/16
16	Reform and rehabilitation institutes programme	Sept. 2015	June 2016	-	18	-	OTC	2015/16
17	In-depth course in human rights for students of the master’s programme in criminal and police sciences (fourth batch)	12 Oct. 2014	4 Feb. 2015	20	-	-	OTC	2014/15
18	In-depth course in human rights for students of the master’s programme in administrative and security sciences (third batch)	12 Oct. 2014	4 Feb. 2015	44	-	-	OTC	2014/15
Total				920	58	108		1 086

2. Courses held at the Police Training Institute (PTI)

No.	Course name	Date		No. of participants		Venue	Remarks
		From	To	NCO	New recruit		
1	Role of the police in upholding human rights	22 Apr.	26 Apr.	11	-	PTI	2012
2	Course to train trainers to explain the police code of conduct	25 June	28 June	8	-	PTI	2013
3	Role of the police in upholding human rights	10 Feb.	14 Feb.	17	-	PTI	2013
4	Course to explain the police code of conduct	1 Dec.	26 Mar.	3 027	-	PTI	2013
5	Human rights course for new recruits	1 Dec.	26 Mar.	-	580	PTI	2013
6	Role of the police in upholding human rights	2 Feb.	6 Feb.	11	-	PTI	2014
7	Role of the police in upholding human rights	20 Apr.	24 Apr.	11	-	PTI	2014
8	Role of the police in upholding human rights	20 Apr.	24 Apr.	11	-	PTI	2015
9	Human rights course	Group 1 18 May	18 Nov. 2014	-	233	PTI	2014
		Group 2 22 Sep.	22 Mar. 2015	-	821	PTI	2014/15

No.	Course name	Date		No. of participants		Venue	Remarks
		From	To	NCO	New recruit		
	Group 3	11 Nov.	11 May 2015	-	173	PTI	2014/15
Total				3 096	1 807		4 903

3. Courses held at the Security Research Centre (SRC)

No.	Course name	Date		No. of participants		Venue	Remarks
		From	To	Officer	Civilian		
1	Seminar entitled, "Human rights between national sovereignty and globalization"	9 Dec.	9 Dec.	70	20	SRC	2013
					90		

44. A human rights and victims' rights curriculum has been introduced at the Royal Academy of Police for all new recruits and in-country training includes human rights topics. In addition, policemen take part in courses and field visits outside the country. Please see paragraphs 91, 93 and 94 of the second periodic report, as well as the above schedules.

45. The relevant Government ministries provide information relating to the prevention of torture on a regular basis to train law enforcement personnel (military and civilian), medical staff, civil servants and others who may be involved in one way or another with arrest and investigation. Professional training and education programmes have increased markedly in recent years to keep abreast of international standards. As well as training courses for officers, there are now programmes for non-commissioned officers. The Ministry of Interior has reviewed its training programmes for law enforcement officials to take into account studies conducted into the arrests and detentions carried out in February and March 2011 and subsequently. Please see paragraphs 67, 85, 86, 88 and 89 of the second periodic report, as well as the above schedules.

46. Additionally, the ministry has introduced a requirement for the ongoing training of all officers on a regular basis.

47. RAP curricula and courses have received accreditation from Edexcel, a British company specializing in assessing educational quality (www.pearson.com). The RAP is the first institute of its kind in the Middle East to receive such a quality assessment.

48. In March 2012, the ministry invited New York Supreme Court Justice Mr John Walsh to present a course entitled, "Human Rights and International Law for Law Enforcement Officials" for 185 officers and 600 non-commissioned officers. The course was attended by head of public security Major General Tariq al-Hassan and senior aides, as well as RAP instructors and Special Security Forces supervisors. The new police code of conduct, in Arabic and English, was issued and included in the training course.

49. For short training courses, please see paragraphs 96, 97 and 98 of the second periodic report, in addition to the above.

National Security Agency (NSA)

50. On 22 January 2012, the NSA introduced a comprehensive training programme for its staff. Courses last for six months and include modules on fundamental human rights,

proper professional conduct and dealing with the public (although the NSA has now been stripped of law enforcement powers⁴).

Judges and members of the Public Prosecution Service

51. As regards the judiciary and Public Prosecution Service, the Commission of Inquiry report recommended that training should be designed around the need to ensure that their activities contribute to the prevention and eradication of torture and ill-treatment⁵. The Government of Bahrain agreed to implement these recommendations and in 2012 an intensive, comprehensive training programme was designed, in collaboration with the Syracuse-based International Institute of Higher Studies in Criminal Sciences (ISISC), during which internationally-recognized experts delivered lectures on international human rights, minimum standards of criminal justice and the rule of law. The programme also included case studies from the Commission of Inquiry report and field visits to judicial bodies in Switzerland, Austria, France and Italy. A key feature of the programme was that it adopted an integrated approach, resulting in openness and improved coordination between the bodies involved in the investigation and prosecution of torture and ill-treatment. Training was conducted in small groups made up of law enforcement officials from the judiciary, Public Prosecution Service and police. Please see paragraph 101 of the second periodic report.

52. Apart from the ISISC programme, judges and members of the Public Prosecution Service are regularly sent overseas to attend training courses, as shown in the schedule below. Thus members of the Service have visited the Court of Cassation in Italy and held meetings with their Italian counterparts. Visits have also been made to the Office of the High Commissioner for Human Rights, International Committee of the Red Cross in Geneva and the European Court of Human Rights in Strasbourg. Members of the Service visited France's *grande cour d'appel* and met with the French public prosecutor. A delegation also visited a Berlin court, attending court proceedings and meeting with the German public prosecutor.

53. Furthermore, Bahrain has invited non-governmental organizations specializing in the prevention and monitoring of torture to train judges and members of the Public Prosecution Service. The Association for the Prevention of Torture (APT) has been invited to train public officials, including judges and members of the Public Prosecution Service, in precautionary measures to prevent torture being committed. Training workshops on preventing torture and prosecuting acts of torture under the Convention against Torture will be organized for Government officials, parliamentary deputies, members of the Public Prosecution Service and other parties concerned with implementing measures to prevent and monitor torture and prosecute those who commit it. Please see paragraph 102, 103 and 104 of the second periodic report.

54. In-country, the Judicial and Legal Studies Institute (JLSI) offers basic and ongoing training for all Bahraini law enforcement personnel. Since 2012, the JLSI has been involved in providing special training for judges and members of the Public Prosecution Service in international standards of human rights and criminal justice, preventing torture and upholding the rule of law. In 2014, JLSI management signed an agreement of understanding with the ISISC, involving the formulation of a comprehensive plan to hold ongoing training programmes at JLSI offices in Bahrain for members of the judiciary and lawyers to raise their skills and expertise in the areas of criminal justice and rule of law. The programme is currently being implemented in the form of seminars and workshops on an ongoing basis throughout the year.

⁴ The NSA was stripped of the powers of arrest and detention pursuant to Decree no. 115 (2011).

⁵ BICI report, paragraph 1722 (f).

55. In an endeavour to develop relations with international judicial and legal training institutions and organizations, the JLSI signed an agreement of cooperation with the United Nations Office on Drugs and Crime (UNODC) to design a training programme to upgrade the crime-fighting skills of members of the judiciary and persons working in the legal field. A number of workshops and seminars have been held. On another front, the JLSI signed a memorandum of cooperation with the Bahrain Institute for Banking and Finance (BIBF) that seeks to create a framework of cooperation to upgrade the skills of legal professionals and financial sector workers, develop scientific and applied research in a variety of relevant disciplines and design and develop a series of training courses to enhance the knowledge and skills of financial and legal staff in the core principles governing the traditional and Islamic financial (banking and non-banking) markets.

56. Aside from the foregoing, a number of judges and members of the Public Prosecution Service have attended training workshops in Bahrain run by international experts from Germany, Morocco and Egypt on fundamental rights and local and international standards of criminal justice.

57. Two advisers — one local and other foreign — have been appointed to the Special Investigation Unit. Both have extensive experience and proven competence in the field of human rights, especially as regards the international standards of the Istanbul Protocol, on the investigation and documentation of torture. These appointments fall within the scope of the technical and training assistance provided under agreements concluded between the Special Investigation Unit and UNDP, UNODC, ISISC and the American Association of Jurists.

58. The schedule below shows the number judges, members of the Public Prosecution Service, police officers, representatives of the Military Prosecution Service and NSA personnel who have received training in human rights and criminal justice since publication of the Commission of Inquiry report on 23 November 2011. The figures, updated on 25 August 2013, have been drawn from internal reports published annually by training bodies working in collaboration with international organizations. This training is additional to the periodic, internal training provided by law enforcement agencies with the help of Bahraini instructors, which is not included in the figures below.

Schedule 1

Details of international training by job

	<i>In-country training</i>		<i>Overseas training</i>	
	<i>Human rights and criminal justice</i>	<i>Other</i>	<i>Human rights and criminal justice</i>	<i>Other</i>
Judges	23	29	35	11
Members of the Public Prosecution Service	40	16	36	14
Police	78 officers 216 recruits	428 officers 3 428 recruits	128 officers	74 officers
Military judges	21	31	30	6
NSA	25	19	12	0

Medical and health service workers

59. The Ministry of Health organizes training in collaboration with various foreign institutions on topics such as the treatment of stress and trauma, including the medical

consequences of abuse and prompt psychological assessment of victims. The ministry is keen to provide first-rate training to medical staff working in Bahrain and strives to achieve that goal.

The Ombudsman

60. The Ombudsman (General Secretariat of Complaints) takes a keen interest in the training and development of staff of both sexes specializing in the law, including investigators, inspectors etc. Training is delivered by experts both in Bahrain and abroad. Furthermore, practical training courses on managing Ministry of Interior disciplinary courts, criminal courts, Public Prosecution Service, reform and rehabilitation centres and criminal evidence laboratories are held to enable staff to acquire the necessary skills and knowledge. An action manual for Ombudsman staff, covering all the procedures to be adopted at the different stages of the process, has been prepared in partnership with international experts of proven expertise and competence.

3. **With regard to the first report of the Bahrain Independent Commission of Inquiry (BICI) highlighting 559 allegations of torture, please provide specific data on the outcome of the cases which resulted in prosecution, the number of persons convicted and the corresponding sentences or other measures handed down. Please also provide information on the outcome of the remaining investigations undertaken by the National Security Agency concerning claims of mistreatment received by the Minister of Interior by the end of 2011, in terms of effectiveness and accountability results. Following the release of the report of the BICI, what measures have been taken to implement its recommendations, particularly recommendation No. 1719 to investigate cases of alleged torture and ill treatment and No. 1722 with regard to the use of force, arrest, treatment of persons in custody, detention and prosecution in connection with their exercise of freedom of expression, assembly and association?**

61. The Commission of Inquiry report, published in November 2011, states that the commission received 559 allegations of torture. All of these were investigated by Commission of Inquiry inspectors, who concluded that only 61 were credible. These were reviewed by a specially-invited team of experts and medical examiners from the United States. With individual cases taking more than 10 hours to examine, the examination of all 61 took 10 days. The experts submitted a comprehensive medical and psychological report stating the procedures followed in each case and giving the team's opinion. On this basis, the Commission of Inquiry report recommended investigating only a few cases and that is what actually transpired. The SIU conducted a full judicial investigation of all the allegations it received, including those reported by the Commission of Inquiry where complainants had made known their identity to the unit.

62. Since the promulgation of Decree No. 28 (2012), setting up the Ombudsman Office of the NSA and Decree No. 67 (2012), appointing Justice Mohammed bin Rashid al-Rumaihi to the position of Inspector General (Ombudsman) of the NSA, the Ombudsman Office has exercised its mandate to receive and investigate complaints alleging ill-treatment by NSA personnel and allegations of other violations by NSA personnel of laws and international conventions ratified by the Kingdom of Bahrain. If offences are committed in connection with, in the course of or as a consequence of the performance of NSA duties or if the NSA had a hand therein, complaints are investigated by the Special Investigation Unit. To date, the Ombudsman Office has received 30 complaints; these have been investigated and the appropriate legal measures taken. Furthermore, the office has received several telephone calls regarding petitions; these have been dealt with and resolved internally. As explained above, the allegations received by the Commission of Inquiry prior to establishment of the NSA Ombudsman Office have been dealt with and settled in accordance with the law.

63. The Special Investigation Unit was created by Decision No. 8 (2012) of the Attorney General as an independent entity within the Public Prosecution Service. It exercises its legal mandate under the full authority of its chief and the Attorney General provides managerial oversight of the unit's work. The Special Investigation Unit has a mandate to investigate and take action in respect of all allegations of torture, homicide and ill-treatment made against Government officials, in accordance with international standards.

64. In implementation of Commission of Inquiry recommendations and the decision of the Minister of Interior to refer cases of death and allegations of torture and mistreatment to the Public Prosecution Service:

(a) The Public Prosecution Service took over these cases and assigned responsibility for investigation and subsequent action to the Special Investigation Unit, created by Decision No. 8 (2012) of the Attorney General. Some cases consisted of on-going investigation by the Military Prosecution Service of victims' complaints, while others were before the military court which then, in the light of the Attorney General's decision, ruled that jurisdiction lay with the ordinary courts not the military court; the Military Prosecution Service referred these cases to the Public Prosecution Service for action;

(b) The Special Investigation Unit completed the investigation of all cases and referred the accused to the ordinary criminal courts;

(c) Cases involved a range of incidents, including beating to death, torture, simple beating, verbal abuse and failure to report a crime, alleged to have been committed during the events of February and March 2011 and in prisons and places of detention during the state of national security and, in some cases, subsequently;

(d) Aside from the above-mentioned cases, the Special Investigation Unit has received other complaints directly. To date 48 cases, some of which involve multiple victims, have been referred to the competent criminal courts and 95 police personnel, including 16 officers, have been indicted. The accused in several incidents have been turned over to the Military Courts Department for disciplinary liability;

(e) The criminal courts found 18 accused in 13 cases guilty and the accused in 29 cases not guilty. The Special Investigation Unit appealed 17 of the not guilty verdicts to the Court of Appeal and two to the Court of Cassation. The other cases are still being heard by the competent courts;

(f) Sentences in cases where a conviction was obtained ranged from one month to seven year's imprisonment, after all avenues of appeal were exhausted.

65. In implementation of Commission of Inquiry recommendations nos. 1717 and 1722 (d), concerning the Ministry of Interior, a new directorate — the Directorate of Internal Investigations — has been created. The directorate is responsible for investigating complaints relating to alleged criminal acts committed by members of the Public Security Forces. Furthermore, the office of the Ombudsman, an agency with administrative and financial independence, was established in the Ministry of Interior to ensure compliance with Bahraini law and the professional standards of police conduct set out in the Police Code of Conduct, within a general framework of respect for human rights, consolidation of justice and the rule of law and endeavour to gain public confidence. The office of the Ombudsman exercises its mandate with full autonomy in relation to the complaints it receives about Ministry of Interior employees who may have committed a criminal act in connection with, in the course of or as a consequence of the exercise of his duties.

66. The Ministry of Interior is anxious to respect international human rights standards and international guidelines regarding the use of force and arrest and seeks to affirm core principles and rules and pass these into law. As such, the ministry took the initiative of publishing the Police Code of Conduct, pursuant to Ministerial Decision No. 14 (2012).

This draws upon best international practice and the United Nations Code of Conduct for Law Enforcement Officials, adopted by the General Assembly. Ministerial Decision No. 24 (2014) was promulgated, adopting the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which all members of the Public Security Forces are obliged to observe. The ministerial decision stresses that “police forces authorized to carry weapons and use force undertake to apply the provisions of the basic principles meticulously. Any action in breach of these principles shall be held to be an individual action for which the perpetrator shall be held accountable in accordance with the criminal and disciplinary rules for officials.” As regards the treatment of prisoners and detainees, many independent institutions concerned with the situation of inmates, prisoners and detainees have been formed. In the Kingdom of Bahrain today the General Secretariat of Complaints, Special Investigation Unit, Prisoners and Detainees Rights Commission (PDRC) and NIHR have a mandate to visit and monitor prisons and places of remand and detention. In addition, the International Committee of the Red Cross works in collaboration and coordination with the ministry in this area. We affirm that we act in a manner that ensures and is consistent with the rights of prisoners and inmates, in accordance with the Reform and Rehabilitation Institution Act and implementing regulation.

67. In implementation of Commission of Inquiry recommendations 1717 and 1722 (d), the office of the Ombudsman was established pursuant to Royal Decree No. 27 (2012), amended by Royal Decree No. 35 (2013), providing for the establishment of an independent general secretariat in the Ministry of Interior. The Ombudsman published its first report (2013-2014), second report (2014-2015) and inspection report on the Juw Reform and Rehabilitation Centre, along the lines followed in other countries.

It is necessary to consider the office of the Ombudsman from the following perspectives:

(a) Duties

1. Receipt and investigation of complaints made against Ministry of Interior military or civilian personnel;
2. Investigation of the most serious complaints, as determined by the Ombudsman;
3. Proceeding in the absence of a complaint in cases where a criminal act has been committed, causing a loss of public confidence in Ministry of Interior personnel;
4. The Ombudsman may visit prisons, juvenile welfare institutions and remand and detention centres to ascertain the legitimacy of confinement and ensure that inmates, prisoners and detainees are not subject to torture or inhuman or degrading treatment;
5. The Ombudsman is to be informed immediately of deaths occurring in prisons, juvenile welfare institutions and remand and detention centres, for the appropriate measures to be taken.

(b) *Modus operandi* and investigation of complaints

1. The Ombudsman receives complaints of ill-treatment, torture or abuse against Ministry of Interior civilian or military personnel committed in the course of their duties and within the scope of their responsibilities;
2. Complaints are investigated by investigators from the office of the Ombudsman;
3. Evidence and results of investigations into Ministry of Interior personnel who commit disciplinary or criminal offenses are retained;

4. An investigation is pursued to its conclusion and is then passed to the competent bodies for disciplinary measures to be taken or the Public Prosecution Service for criminal measures to be taken;

5. The Ombudsman liaises with the complainant and respondent on the outcome of the investigation and provides them with sufficient and adequate information.

(c) **Mandate**

Please see paragraph 17, above.

4. Please indicate what measures have been taken to implement the 18 recommendations made by the Office of the Ombudsman to the Bahraini government following its visit to Juw detention facilities, notably regarding the issue of overcrowding in Juw Rehabilitation and Custody Centre. Please inform the Committee on measures specifically taken, in law and in practice, to ensure a better sanitary environment aimed at reducing the risk of disease and deaths in custody.

68. As noted in paragraph 19 of the second periodic report of Bahrain, the right of detainees to have access to physicians, lawyers and family members is implemented on the ground under Bahraini law. Numerous measures have been taken since adoption of the Commission of Inquiry report to ensure that rights are adequately protected in practice.

69. On 8 December 2011, the Minister of Interior signed a memorandum of understanding with the ICRC allowing it to visit and inspect prisons and detention centres. The ICRC will visit all prisons and detention centres in Bahrain and offer advice and assistance in accordance with its mandate.

70. In parallel with Government measures to ensure the protection in practice of the rights of suspects in detention, the Kingdom of Bahrain has made wide-ranging reforms to ensure that independent bodies are able to inspect places of detention and arrest without giving prior notice. These bodies include the judiciary, ICRC, Office of the Ombudsman, PDRC, NIHR and non-governmental organizations. Please see paragraphs 27, 37 and 58 (g) of the second periodic report.

71. The Ministry of Interior has taken several measures to ensure a suitably healthy environment for all inmates. These include promulgation of Act No. 18 (2014), the Reform and Rehabilitation Institution Act, and Decision No. 131 (2015), on the implementing regulation for the Reform and Rehabilitation Institution Act, covering the regulation and implementation of recommendations from the Ombudsman and other important matters. The act and its implementing regulation affirm that each centre shall have a full-service medical clinic offering free health care for inmates and prisoners on remand, staffed by one or more physicians and headed by the centre's own physician. Each centre shall have one or more social workers, specialized in the social sciences and psychology, to supervise and monitor the behaviour of inmates and prisoners on remand. The act regulates the provision of inmates' health and social care and also stipulates that inmates and prisoners on remand shall be subject to medical examination by the centre's physician upon admission to determine their state of health. The Ministry of Interior, in the form of the General Directorate of Reform and Rehabilitation, works in coordination with the Directorate of Health and Social Affairs to provide health care for all inmates without discrimination. The provision of health care begins with the inmate's admission to the centre, when he is brought before the physician and given a medical check-up to determine his state of health and identify any illnesses he may be suffering from. The inmate is informed of the test results by the attending physician and appropriate treatment is delivered. We might point out that the centre has a clinic that operates around the clock, providing inmates with full

medical services. Inmates whose health condition requires treatment or follow-up care are transferred to other Government hospitals to ensure that they receive the best care.

72. The law regulates visiting times and contact with the outside, stipulating that an inmate shall have the right to receive one family visit in the first week of incarceration and two visits a month thereafter. The warden or his deputy may grant an inmate an exceptional visit, if circumstances require.

73. Action has been taken to address overcrowding by constructing several new, two-storey buildings to which a number of inmates have been transferred. There are six such buildings, capable of holding 1,152 inmates. Maintenance work is currently being carried out and work is underway on constructing and developing modern buildings to ensure a safe environment and basic services for all inmates.

74. It is evident that there is a positive working relationship between the Ministry of Interior and the Ombudsman. In addition to the above, the Ministry of Interior has adopted a recommendation to display the numbers of Public Security Forces vehicles clearly on both sides of the vehicle and to forbid any member of the authorities or law enforcement officers to contact or question a prisoner without the permission of the Public Prosecution Service.

- 5. How does the State party ensure the impartiality and independence of the members of the Prisoners' and Detainees' Rights Commission established by Royal Decree No. 61/2013? Please also describe the measures taken to ensure the installation of surveillance cameras in all the facilities of Dry Dock Detention Centre and to increase the number of its medical personnel. In light of the Commission's recommendations, has a complaint mechanism been put in place that ensures the privacy and the protection of detainees? If so, please describe its functioning.**

(a) Impartiality and independence of PDRC members

75. The PDRC was established pursuant to Royal Decree No. 61 (2013), which stipulates that the PDRC shall be competent to monitor prisons, detention centres, juvenile detention centres and other places where persons can be detained, such as hospitals and psychiatric wards, in order to ascertain the conditions under which inmates are held and the treatment they receive and to ensure that they are not subject to torture or inhuman or degrading treatment.

76. Article 2 of the decree stipulates that PDRC candidate members shall be of proven competence and impartiality and shall carry out their work independently. Candidates shall have full legal competence and be of good character and reputation. They shall not have been convicted of any criminal or disciplinary offence in breach of honour or trust. The PDRC shall be chaired by the Ombudsman and its membership shall consist of:

- Three members nominated by the Ombudsman;
- Four members nominated by the NIHR, to include civil society organizations;
- Two members nominated by the Supreme Judicial Council;
- Two members nominated by the Public Prosecution Service.

The PDRC shall conduct interviews and talk freely with inmates in their places of detention and with other concerned persons in order to understand the nature and significance of their problems. Persons who provide information to the PDRC may not be subject to any sort of reprisal.

77. The act establishing the PDRC stipulates that it shall consist of persons from a range of bodies and backgrounds and that its work shall be monitored by various parties,

including civil society organizations. Monitoring mechanisms to ascertain its independence and impartiality are to be put in place.

(b) Installation of surveillance cameras and increased numbers of medical personnel

78. The Ministry of Interior has installed the most technologically up-to-date cameras. We might draw attention to Decision No. 131 (2015), on the implementing regulation for the Reform and Rehabilitation Institution Act, which regulates the services for inmates and the facilities to be provided in the reform and rehabilitation centre clinic. Article 2 of the decision stipulates that each centre shall have a comprehensive medical clinic providing free medical care to inmates and prisoners on remand, staffed by one or more physicians and headed by the centre's own physician. Physicians' grades and terms of appointment shall be determined by the Ministry of Health in coordination with the Reform and Rehabilitation Institution. The centre's physician shall be responsible for adopting hygiene measures to safeguard the health of inmates and prisoners on remand. He shall inspect inmates' living quarters, note the quality of the food provided and make such recommendations as he sees fit to preserve public health within the centre, in addition to any other duties or responsibilities stipulated in the Reform and Rehabilitation Institution Act promulgated pursuant to Act No. 18 (2014), its implementing regulation and decisions issued in implementation thereof.

(c) Complaints mechanism

79. To describe the prisoners' complaints mechanism, we refer to Act No. 18 (2014), promulgating the Reform and Rehabilitation Institution Act, of which article 47 stipulates that an inmate has the right to have recourse to the competent judicial bodies and to lodge complaints and petitions with the institution director or deputy director; the implementing regulation defines the appropriate procedures. Article 30 of Decision No. 131 (2015), on the implementing regulation for the Reform and Rehabilitation Institution Act, stipulates that an inmate or prisoner on remand has the right to complain to the judicial and security bodies of the Kingdom of Bahrain, the Ombudsman and the director of the Reform and Rehabilitation Institution. The management of each centre shall place two complaints boxes in a prominent place in the buildings where inmates and prisoners on remand are held: one box for complaints addressed to the Ombudsman and the other for complaints addressed to the judicial and security bodies and the institution director. Upon receipt, the director forwards complaints submitted to him to the head of the relevant centre for investigation and remedy. For other complaints, the director contacts the relevant bodies in writing and informs the inmate or prisoner on remand of the measures taken. The head of the relevant centre makes a decision on complaints forwarded to him by the institution director and informs the individual concerned (i.e. inmate or prisoner on remand) of the measures to be taken within seven days from the date of referral. The inmate or prisoner on remand has the right to lodge a protest with the institution director within seven days from the date of being informed of the measures to be taken regarding his complaint. The director shall decide to accept or dismiss the protest within seven days of submission.

80. Article 74 of Decision No. 131 (2015), on the implementing regulation for the Reform and Rehabilitation Institution Act, stipulates that the president of the Court of Cassation, the Attorney General, the president of the High Court of Appeal, the president of the Higher Criminal Court, the president of the Higher Civil Court, the sentencing judge and deputy attorneys general have the right, within their own spheres of competence, to visit and inspect centres and to check their records to ascertain that no-one is unlawfully imprisoned or detained. They have the right to receive complaints and grievances from any inmate or prisoner on remand and to ascertain that all instructions from the Public Prosecution Service and sentencing judge and all judicial provisions have been implemented in those centres in the prescribed manner. Also, posters and leaflets are

produced, outlining the guarantees for accused persons in places of detention and their rights and duties. Before admission, an accused person is informed accordingly and required to complete a procedures form confirming these guarantees, including contact with lawyers and the outside world. Once he has read and signed it, the form is placed in the prisoner's file.

81. A complaint may be filed by an inmate or prisoner on remand with the PDRC, which treats it as private and confidential. The PDRC sends the complaint to the Ombudsman for investigation. Proper legal procedures are followed when investigating the substance of a complaint and contacting the complainant.

- 6. Attorney General Resolution No. 8 of 2012 created a Special Investigation Unit to investigate allegations of torture and other forms of ill-treatment. Please comment on non-governmental information that claims that this Unit does not meet the requirements of independence and impartiality necessary to monitor effective investigations. Please also indicate whether arrangements have been made or are foreseen to ensure the methodology used by Public Prosecution for its periodic public reports complies with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Please provide detailed information on the outcome of investigations on the nine cases of death in custody allegedly involving the responsibility of members from the security forces which were mentioned in the first report of the National Human Rights Institution, including the prosecutions and sentences handed down.**

(a) Independence and impartiality of the Special Investigation Unit

82. On 27 February 2012, Decision No. 8 (2012) of the Attorney General was promulgated, creating the Special Investigation Unit, in implementation of recommendations 1716, 1719 and 1722 (a) and (b) of the Commission of Inquiry report. The task of the Special Investigation Unit is defined in articles 4 and 5 of the said decision. Article 4 stipulates that the Unit shall be tasked with determining the criminal liability of Government officials who committed unlawful acts instrumental to the crimes of homicide, torture, abuse or ill-treatment, including officials in command positions under the principle of command responsibility. Article 5 stipulates that the Unit shall be responsible for investigating all cases arising from the events of 2011 mentioned in the Commission of Inquiry report, alongside any other cases the Attorney General decides for any reason to refer to the Special Investigation Unit.

83. The Special Investigation Unit's terms of reference include:

(a). Investigating and taking action in respect of allegations of torture and cruel and demeaning treatment in accordance with the comprehensive international standards of the Istanbul Protocol on the investigation of torture in order to determine the criminal liability of Government officials accused of committing such acts, including those in command positions under the principle of command responsibility;

(b). Exposing disciplinary liability and forwarding the documents to the competent Government authority or directorate for possible disciplinary measures or other legal measures to be taken under its mandate.

84. The Special Investigation Unit is headed by an attorney, assisted by seven investigators. Two independent advisors have been appointed to provide advice on investigations carried out by the unit. Please see paragraph 9, above. Apart from the office of the head of the unit, the Unit structure consists of four specialized branches, namely:

- Forensic medicine and psychological support branch

- Information and administration branch
- Judicial police branch
- Communications and media branch.

85. It is worth mentioning that all members of the Special Investigation Unit have undergone intensive training in how to give effect to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading treatment or Punishment (the Istanbul Protocol), in collaboration with ISISC and UNODC. Additionally, numerous training courses have been held at the offices of the Judicial and Legal Studies Institute in Bahrain, attached to the Ministry of Justice.

86. The Special Investigation Unit has investigated all the allegations of torture received, including those reported by the Commission of Inquiry.⁶ Additionally, it monitors official media websites and social media sites for any incidents falling within its sphere of competence and conducts the appropriate investigations.

87. The Special Investigation Unit seeks to improve its operations on the basis of the principles of investigation and evidence gathering, as follows:

(a) As part of ongoing efforts to strengthen the unit and upgrade its capacities, the Attorney General issued unit directives. These consist of 65 articles in six sections, dealing in detail with the nature and goals of the Unit and the powers vested in it, and explaining its responsibilities, structure, function, departments and branches. The duties of unit members and associates are explained, as well as the attributes required of them. The directives review the ways of gathering oral, material and technical evidence and the procedures to be followed. A prominent United Nations expert helped draw up the directives, which were formulated in the light of the provisions of the law and newly introduced legal principles and on the basis of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The directives constitute an integrated procedures manual;

(b) A memorandum of understanding was signed by the Special Investigation Unit and the Ombudsman (General Secretariat of Complaints) on dealing with allegations of torture and cruel, degrading and inhuman treatment in order to facilitate the reporting thereof and inspire confidence among victims, ensure effective and productive investigations and remove any impediments to bringing incidents to light, identifying those responsible and gathering sufficient evidence to obtain the criminal or disciplinary conviction of perpetrators, as well as to ensure that victims are compensated. The memorandum duly regulates ways and means of collaboration between the Special Investigation Unit and Ombudsman, including the exchange of information on their respective investigations and the sifting and retention of evidence, to ensure that both bodies carry out their work without interference or potential overlap of jurisdiction;

(c) A memorandum of understanding was signed by the Special Investigation Unit and NIHR, clarifying the mechanisms of collaboration between the two bodies and the exchange of information, data and statistics within the limits permitted by law. The memorandum sets out lines of communication between the Special Investigation Unit and NIHR regarding the receipt of complaints and monitoring of rights-related cases in order to

⁶ The BICI concluded that 19 civilian deaths were attributable to the authorities, including five that were the result of torture (as well as six other deaths attributed to unofficial persons, including the killing of four police personnel and one member of the Bahrain Defence Force). The BICI concluded that several cases of mistreatment occurred inside detention centres but that there is insufficient evidence to say with certainty whether the deaths were the result of systematic policy or were individual actions.

strengthen the follow-up role of each and their capacity to take the stipulated legal measures. The memorandum further covers the rules of reciprocal notification of outcomes and measures taken vis-a-vis complaints and reports of rights-related incidents referred to each party in order to arrive at the best outcome and ensure the rights of victims.

88. It will be clear from the foregoing that the Special Investigation Unit pursues its mission to investigate complaints and reports alleging torture or cruel, degrading and inhuman treatment both diligently and effectively. The unit carries out its investigations with complete independence in accordance with the rules stipulated in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading treatment or Punishment (Istanbul Protocol), supported by sufficient technical expertise and resources to ensure that investigations are conducted effectively. The unit works constantly to develop its capacities in a manner consistent with the demands of its independence. As stated in paragraph 10, above, the Special Investigation Unit referred a number of cases to the criminal courts, which delivered divergent verdicts. The unit appealed several of these verdicts to the Court of Appeal and two to the Court of Cassation. The unit's action over the nine deaths (see below) also provides clear confirmation of its independence and impartiality. The fact that the work of the Special Investigation Unit is monitored by the NIHR, civil society organizations, the judiciary and other bodies demonstrates its transparency and credibility. It is worth mentioning that it has been decided that the unit will shortly have its own separate headquarters instead of the current offices in the Public Prosecution Service building, thereby completing the formal manifestations of its independence, having already fulfilled the substantive criteria thereof, as indicated above.

(b) Periodic reports

89. The Special Investigation Unit produces a monthly report, which is published in the daily papers. The report includes an account of incidents under investigation, the capacity in which the subjects of the complaint or the accused acted, together with their rank, and Special Investigation Unit investigation procedures; psychological and forensic assessments of victims are also included. The report further covers cases referred to the courts and the position and rank or grade of the accused in each case, the accusation brought against him, the legal articles applicable to the case, the evidence adduced in support of the indictment and referral and the verdicts delivered. These periodic reports reflect the independence, impartiality and credibility of the Unit.

(c) The nine deaths mentioned in the first NIHR report

90. The following legal measures were taken:

(a) Case of the deaths of Isa Abdulhassan Ali and Ali Ahmad Abdullah al-Mumin: the Special Investigation Unit carried out an investigation and brought a charge of beating to death against two policemen, who were referred for criminal trial. On 27 September 2012, they were found not guilty by the Higher Criminal Court. The Unit appealed the verdict to the Court of Appeal. On 24 February 2013, the court dismissed the appeal and upheld the original verdict;

(b) Case of the death of Fadhil Salman Matrouk: the Unit carried out an investigation and brought a charge of beating to death against two policemen; referred for criminal trial, they were found not guilty by the Higher Criminal Court on 26 February 2013. The Unit appealed the verdict to the Court of Appeal. On 26 May 2013, the court dismissed the appeal and upheld the original verdict;

(c) Case of the death of Ali Isa Ibrahim and Zakariya Rashid al-Ashiri: the Unit carried out an investigation and charged two policemen with beating to death and three

policemen with failure to report a crime; they were referred for trial. On 12 March 2013, with the accused present, the Higher Criminal Court sentenced the two accused to 10 years' imprisonment on the first charge for the death of Ali Isa Ibrahim Saqr but found them not guilty of the death of Zakariya Rashid al-Ashiri. The court found the other accused not guilty of the charge of failure to report a crime. Those convicted appealed the verdict and, on 29 September 2013, the Court of Appeal ruled to reduce the sentence on both of the accused to two years' imprisonment. The Unit appealed to the Court of Cassation which, on 1 December 2014, ruled to overturn the verdict and refer the case back to the court which delivered it for a new ruling. The Court of Appeal considered the case again and ruled to amend the sentence to seven years' imprisonment;

(d) Case of the death of the Abdulkarim Ali Muhammad Fakhrawi: the Unit carried out an investigation and brought a charge of beating to death against two policemen, who were referred for trial. On 30 December 2012, they were sentenced to seven years' imprisonment by the Higher Criminal Court; the accused were present in court. The verdict was appealed and, on 27 October 2013, the Court of Appeal reduced the sentence to three years' imprisonment;

(e) Case of the death of Ali Abdulhadi Mushaima: the Unit carried out an investigation and brought a charge of beating to death against a policeman, who was referred for trial; on 31 January 2013, he was sentenced by the Higher Criminal Court to seven years' imprisonment. The verdict was appealed to the Court of Appeal which, on 21 October 2013, ruled to reduce the sentence to three years' imprisonment;

(f) Case of the death of Hani Abdulaziz Abdullah: the Unit carried out an investigation and brought a charge of beating to death against a police lieutenant, who was referred for trial. On 27 September 2012, he was sentenced to seven years' imprisonment by the Higher Criminal Court; the accused was present in court. The verdict was appealed to the Court of Appeal which, on 26 May 2013, ruled to reduce the sentence to six months' imprisonment. The Court of Appeal ruling was appealed to the Court of Cassation, which accepted the appeal in form but rejected it in substance;

(g) Case of the death of Fadhel Abbas Muslim and wounding of Sadiq Jaafar Ali al-Ufour: the Unit investigated the incident and brought a charge of premeditated killing and physical assault against a member of the police, who was referred for criminal trial. On 29 April 2015, he was found not guilty by the Higher Criminal Court on the first charge but convicted and sentenced to three months' imprisonment on the second charge. The Unit appealed the verdict to the Court of Appeal which, on 31 March 2016, overturned the original verdict, ruled to convict the accused on the charge of beating to death and sentenced him to three years' imprisonment.

7. In the light of Royal Order No. 45 of 2011 and BICI's recommendation No. 1715 establishing the National Commission assigned to follow-up BICI recommendations, please provide information on the measures taken and the procedures put in place by this entity to achieve the recommended results. Please also provide statistical data on the progress of the reform process in Bahraini legislation, taking into account the findings of the Commission.

91. On 26 November 2011, His Majesty King Hamad bin Isa Al Khalifah, King of Bahrain, promulgated Royal Order No. 48 (2011), establishing the National Commission to review the recommendations of the Commission of Inquiry report, in implementation of recommendation 1715 of that report. The job of the commission is to review the laws and measures put in place in the wake of the events of February and March 2011, formulate recommendations to the legislature on appropriate amendments to existing laws and draw up new legislation to implement the recommendations for legislative reform, as contained in the Commission of Inquiry recommendations. On 28 November 2011, His Majesty

issued a royal order appointing the commission chairman and 18 members, all of whom are distinguished persons with experience of government, political parties and civil society. The commission has carried out its work independently and transparently and, in line with best practice and international standards, published all its proceedings and activities. The commission has convened 18 meetings, chaired by Mr Ali bin Saleh al-Saleh, chairman of the Consultative Council. Members are divided into three subgroups, of six members each, namely: a legislative affairs group, a rights affairs group and, lastly, a national reconciliation affairs group.⁷

92. As stated in paragraph 39, above, the National Dialogue Initiative has been launched and its outputs implemented. With the recommendations of the Commission of Inquiry now put into practice, the Kingdom of Bahrain has entered a process of comprehensive reform.

93. Regarding legislative reform, the Government of Bahrain has, given its desire to protect the fundamental rights of individuals, taken action to introduce numerous essential legislative amendments to protect human rights. Although the Bahraini Constitution contains fundamental guarantees affording real protection for human rights, the government has nevertheless been anxious to introduce this raft of amendments to national legislation in order to harmonize the latter with international standards, especially the International Covenant on Civil and Political Rights. The following amendments have been made:

(a) Penal Code

Anxious that the perpetrators of torture should not enjoy impunity, the Government of the Kingdom promulgated Act No. 52 (2012) on 9 October 2012, amending the definition of torture in articles 208 and 232 of the Penal Code. The new text of article 208 criminalizes the infliction of severe pain or suffering, whether physical or mental, on a detained person by or under the control of a public employee or public servant in order to obtain information, extract a confession or punish, intimidate or coerce that person or another person. The amendment also affirms that the statute of limitations does not apply to crimes of torture. As regards article 232, the amendment provides for the punishment of any person who inflicts severe pain or suffering, whether physical or mental, on a detained person by or under the control of a public employee or public servant in order to obtain information, extract a confession or punish, intimidate or coerce that person or another person. The amendment also affirms that the statute of limitations does not apply to crimes of torture.

The same act repeals article 134, which criminalized the dissemination abroad of false reports, information or statements about domestic conditions in the country. It further repeals article 174, which criminalized the production, possession, distribution and display of images designed to demean the country's reputation.

Further affirming the need to protect fully the right of citizens to freedom of expression, a new article (69 bis) has been added to the Penal Code, affirming that any restrictions on the right to freedom of expression in the Penal Code or other law are to be interpreted as part of the necessary framework of a democratic society. It

⁷ See the details of the commission's operating procedures in respect of each recommendation on the National Commission website:
[https://oservices.bahrain.bh/wps/portal/BICI!/ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3h_Rw9Pd3d3A3d_s1BLA8-AMGdPk1A3QwMDA6B8pFm8hYgJo6EnUN49wNEIKG_oaehiYWhsYGZlJG64vLu5JUje1cLVOcjU2MDEmIDu4NQ8_XCQi_G7AMUULHaA5A1wAEcDfT-P_NxU_YLc0IgKzywTAAhTOdY!/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZfODA0QTFJRzBHOFZBMjBJUDVHMzIUMzAwMDc!/.](https://oservices.bahrain.bh/wps/portal/BICI!/ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3h_Rw9Pd3d3A3d_s1BLA8-AMGdPk1A3QwMDA6B8pFm8hYgJo6EnUN49wNEIKG_oaehiYWhsYGZlJG64vLu5JUje1cLVOcjU2MDEmIDu4NQ8_XCQi_G7AMUULHaA5A1wAEcDfT-P_NxU_YLc0IgKzywTAAhTOdY!/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZfODA0QTFJRzBHOFZBMjBJUDVHMzIUMzAwMDc!/)

stresses that exercise of the right to freedom of expression within this framework shall be construed as justifiable and exempt from punishment. To underline this approach, prior to the adoption of these amendments the Public Prosecution Service dropped all charges in 334 cases involving the right of freedom of opinion and expression, resulting in the dropping of all charges against 334 accused. It should be mentioned that the Public Prosecution Service also dropped all charges relating to freedom of expression against medical staff while the case was being heard by the High Court of Appeal. This was upheld by the court in its ruling in that case and confirmed by the Court of Cassation.

A further amendment places restrictions on the application of article 168 of the Penal Code, which makes punishable the dissemination of false news reports in the knowledge that these may damage national security, public order or public health. The new amendment stipulates that damage must actually occur as a consequence thereof. As regards damage to national security, the amendment requires such a report to be linked to incitement to violence or be intended to incite violence and that a direct link exists between the report and the occurrence or likely occurrence of such violence.

(b) Code of Criminal Procedure

In the belief, too, that all citizens have the right to claim compensation for harm inflicted, Act No. 50 (2012) was promulgated on 9 October 2012, adding article 22 bis to the Code of Criminal Procedure, which stipulates: “Anyone claiming to have been subjected to reprisal because of having claimed to have been tortured or subjected to cruel, inhuman or degrading treatment or punishment may file a civil suit against the accused during the evidence-gathering or investigation stages or before the court hearing the criminal case at any stage until a verdict is delivered closing the proceedings. It will not be accepted by the appeal courts. This applies in cases where reprisal represents a crime. If reprisal takes a form that is not punishable as a crime, the civil courts shall have jurisdiction.”

As regards procedures for hearing and protecting witnesses, experts and victims, Act No. 53 (2012) was promulgated on 9 October 2012, amending articles 115, 214 and 234 and adding articles 81 bis, 82 (third), 127 bis, 223 bis and 223 bis (a). These amendments provide appropriate procedures and procedural guarantees to protect and guarantee the safety of witnesses, experts and victims and ensure that they are not in danger or subject to pressure during or after the investigation and trial.

At the request of the Government to amend the provisions of articles 147, 148 and 149 (on arrest and detention procedures) of the Code of Criminal Procedure, the Legislation and Legal Opinion Commission prepared a draft, amending article 147 by reducing the period of detention on remand which the lower court is able to impose from 45 days to a period or consecutive periods of not more than 30 days on condition that no period exceeds 15 days. The draft also provided for the amendment of article 148 by reducing the period of detention which the Higher Criminal Court is able to impose from 45 days to a period or consecutive periods of not more than 30 days each. Regarding article 149, a provision was introduced giving an accused on remand the right, if the Public Prosecution Service refuses a request for release, to lodge a complaint with the Advocate General and subsequently with the senior Advocate General and the Attorney General.

(c) Judiciary Act

On 25 September 2012, Legislative Decree No. 44 (2012) was promulgated, amending article 73 bis of the Judiciary Act by granting the Supreme Judicial

Council (SJC) an independent budget subject to its own oversight. Furthermore, Legislative Decree No. 4 (1975), on judges, was repealed. As such, the judiciary in the Kingdom of Bahrain enjoys full financial and administrative independence from all State agencies.

(d) National Institution for Human Rights (NIHR)

Further affirming the Government's approach to defending human rights and promoting national mechanisms to protect such rights, Royal Order No. 46 (2009) was promulgated, creating the NIHR. The responsibilities of the NIHR include receiving human rights-related complaints and referring these to the relevant body for investigation and follow-up, and providing assistance and counsel to victims. On 11 September 2012, Royal Order No. 28 (2012) was promulgated, amending certain provisions of Royal Order No. 46 (2009), creating the NIHR. The order amended the method of selecting NIHR members, their term of service and immunities and the methods of selecting the chairman, deputy chairman and general secretary.

(e) Public Security Forces Act

On 14 June 2012, Act No. 28 (2012) was promulgated, amending certain provisions of the Public Security Forces Act by requiring a female member of the Public Security Forces to be treated as a female civil servant in respect of maternity, nursing and spousal bereavement leave. Furthermore, on 9 October 2012, Act No. 49 (2012) was promulgated, amending article 81 of the Public Security Forces Act by the addition of a final paragraph stipulating that torture and inhuman or degrading treatment and deaths linked thereto are not to be treated as military crimes.

(f) The media

For more than two years, the Government of the Kingdom of Bahrain has been working on the draft of a new media and communications law. In the preamble, it is stated explicitly that, after the Constitution, the draft is based upon the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948 (particularly article 19 thereof) and Act No. 56 (2006), approving accession of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. This affirms the eagerness of the legislature to seek inspiration from shared human values when it comes to regulating the various aspects of freedom of opinion and expression.

If the prevailing model in the world of the 1970s was the "right to know", it has now become the "right to communicate". The word "knowledge" was once linked to a traditional concept underpinning the notion of State tutelage of the media, while the term "communication" supports a philosophy of widening freedoms, shifting the media away from the traditional control of the State and placing it under the umbrella of independent regulatory bodies.

Accordingly, Royal Decree No. 47 (2013) was promulgated, creating the Supreme Authority for Information and Communication (SAIC), an independent body that exercises its functions with complete freedom and impartiality. SAIC monitors all forms of media and communication — written, audio-visual and electronic — and works to ensure freedom of opinion and expression and compliance with the law, within the framework of an independent and impartial media and communications sector and the commitment to objectivity and plurality of opinions and ideas.

The decree further grants the SAIC powers of supervision and oversight to ensure the media's commitment to impartiality and objectivity, the application of ethical rules in regard to digital content and the professionalism of journalists and

media workers, thereby upholding the constitutional principle of freedom of expression. The SAIC is modelled on the French *Conseil supérieur de l'audiovisuel*, the projected Moroccan *Haute Autorité de la communication audiovisuelle* (currently being debated by the Moroccan parliament) and the projected British press regulatory authority (currently being debated by the UK parliament).

The SAIC has the authority to take decisions necessary to regulate all aspects and branches of the media. The decree requires the SAIC to adopt specific rules and regulations to manage press and media institutions in the higher interest of the nation, to protect national security and maintain social unity, well-being and stability.

The SAIC receives complaints relating to media content and seeks to mediate between the parties concerned. Furthermore, it works to ensure the adherence of the media to international conventions and charters that promote the role of women in society and protect the rights of the child.

It should be noted that all the aforementioned laws were approved and came into force immediately upon promulgation. All ministries and Government agencies are at pains to give effect to them in a manner consistent with the Constitution.

94. As explained in paragraphs 35 and 36, above, by the end of 2013, all cases of death identified by the Commission of Inquiry were the subject of compensation paid by the National Fund for the Compensation of Victims. Additionally, special courts were set up to hear claims for compensation and the Civil Settlement Initiative was introduced to enable victims to settle claims in a satisfactory manner.

95. Please see paragraphs 130-141 of the second periodic report.

Article 4

8. **With reference to the information before the Committee, including the findings of the BICI in paragraph 1693 of its report, citing a strong impunity policy in the State party, please indicate whether steps have been taken to ensure that Bahraini legislation is in line with international standards providing commensurate penalties in case of torture and other forms of ill-treatment regarding both their grave nature and the offense committed.**

96. At the outset, it must be clarified that the last sentence of paragraph 1693 of the Commission of Inquiry report reads, in the original English text: "The fact that a systematic pattern of behaviour existed indicates that this is how these security forces were trained and expected to behave." Legal and procedural developments and judicial prosecutions have established that the Kingdom of Bahrain does not follow a systematic policy of impunity.

97. As mentioned above, the process of far-reaching institutional change that began in the wake of the Commission of Inquiry recommendations⁸ is designed to address abuses and provide redress by holding offenders to account, providing mechanisms for compensation, preventing any potential abuses of human rights in the future and increasing the confidence of citizens (please see paragraph 9 of the second periodic report).

⁸ The reforms are set out at:

http://biciactions.bh/wps/portal/BICI/lut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gLAxNHQ093A3eLMecjA88AU3djyxBjAwMDc6B8JJK8ewBY3tDT0MXC0NjAzJAY3f6OHp7u7iDd5pSB8K8xLLM9MSSzPy8xBz9CP0os3gLAxNHQ093A3eLMecjA88AU3djyxBjAwMDc6B8JJK8ewBY3tDT0MXC0NjAzJAY3f6OHp7u7iDd5paWQHXC1fnIFNjAxNjArqDU_P0w0Euxu8CkDw-00DyBjiAo4G-n0d-bqp-QW5oRIVnlgkAlsfnEQ!!/dl3/d3/L0IHSkovd0RNQUprQ.

98. The Official spokesperson of the British Foreign and Commonwealth Office welcomed the steps taken to implement the Commission of Inquiry report, noting that the United Kingdom “welcomes the steps taken to implement the Bahrain Independent Commission of Inquiry report, urges full implementation and offers continued support. We acknowledge that sustained, comprehensive reform will take time.”⁹ Many other governments around the world have expressed support for the Bahraini approach.

99. Even before the Commission of Inquiry submitted its recommendations, the Constitution and several of the Kingdom’s laws strictly forbade and criminalized the use of torture and demeaning and inhuman treatment.¹⁰ Please see paragraphs 14, 15, 16 and 17 of the second periodic report to the committee.

100. To implement the Commission of Inquiry recommendations in full, the law was amended. Act No. 52 (2012) was promulgated on 9 October 2012, amending the definition of torture in articles 208 and 232 of the Penal Code and containing, inter alia:

- (a) An expanded definition of the crime, based on intent;
- (b) An expanded definition of the term “victim”;
- (c) Affirmation that the statute of limitations shall not apply to litigation;
- (d) Affirmation that the amendments shall guarantee severe punishment.

Please see paragraph 18 of the second periodic report.

101. In parallel with Government measures to ensure the protection in practice of the rights of suspects in detention, the Kingdom of Bahrain has undertaken wide-ranging reforms to ensure that independent bodies are able to inspect places of detention and arrest without giving prior notice. These bodies include:

- The judiciary;
- International Committee of the Red Cross;
- The Ombudsman (General Secretariat of Complaints);
- Prisoners and Detainees Rights Commission;
- National Institution for Human Rights;
- Non-governmental organizations.
- Office of the United Nations High Commissioner for Human Rights.

Please see paragraph 27 of the second periodic report.

102. Pursuant to Commission of Inquiry recommendations¹¹ and the advice sought by the Bahraini authorities from a team of international lawyers of proven expertise and competence — including a former counsellor in the Office of the Legal Advisor of the US State Department and former senior advisor to the UK Foreign Office — a new system of accountability was introduced, consisting of three new, completely independent institutions, namely: the Special Investigation Unit, the Ombudsman (General Secretariat of Complaints) and the NSA Ombudsman Office. Within their own spheres of competence, these institutions take the necessary measures regarding allegations of torture and ill-treatment levelled against public employees.

⁹ <https://www.gov.uk/government/news/second-anniversary-of-bahraini-independent-commission-of-inquiry-report>.

¹⁰ Article 19 (d) of the Constitution, section 1 (3) of the National Action Charter (2001), as well as articles 208 and 232 of the Penal Code and articles 43-48 thereof, on criminal complicity.

¹¹ BICI report, paragraph 1717.

103. With torture prohibited by the Bahraini Constitution and a number of laws, measures have been adopted to ensure strict application of these guarantees on the ground. Measures include the use of audio-visual recordings and independent monitoring by national bodies, including senior Ministry of Interior officials and various international bodies. As noted above, investigations into allegations of torture are conducted and monitored by the Special Investigation Unit under the rules and regulations of the Istanbul Protocol. Please see paragraphs 26, 83 and 84 of the second periodic report.

104. Government ministries in Bahrain provide information relating to the prevention of torture on a regular basis in order to train law enforcement personnel (military and civilian), medical staff, civil servants and others who may be involved in one way or another with arrest and investigation. Professional training and education programmes have increased markedly in recent years to keep abreast of international standards. Please see paragraphs 85, 96, 100, 101, 102 and 103 of the second periodic report.

105. Accountability is one of the key points in the Commission of Inquiry recommendations and the Government has taken numerous measures in the light of royal directives requiring all recommendations to be implemented as soon as possible in full and in a transparent and impartial manner. Upon publication of the report, the Government introduced legislative amendments to the Penal Code and Code of Criminal Procedures designed to afford greater protection against torture, prevent impunity for the perpetrators of this crime and provide proper compensation for the victims of all forms of ill-treatment. These amendments include, by way of example, promulgation of Act No. 52 (2012), amending the definition of torture contained in articles 208 and 232 of the Penal Code to bring it into line with international standards and affirming that the statute of limitations does not apply to crimes of torture. For details, please see paragraphs 7, 8 and 120 of the second periodic report.

106. Furthermore, Act No. 49 (2012) was promulgated, amending article 81 of the Public Security Forces Act, promulgated by Legislative Decree No. 3 (1982), by the addition of a final paragraph stipulating that torture and inhuman or degrading treatment and deaths linked thereto are not to be treated as military crimes. This means that military personnel accused of committing such crimes are to be tried by civil courts. As far as implementing procedures are concerned, the Government has been keen to put in place a series of independent, nationwide mechanisms to monitor the situation of human rights in Bahrain in general and ensure that torturers do not escape justice. These mechanisms include establishment of the NIHR and fostering of its role in overseeing human rights in Bahrain, appointment of the NSA Ombudsman and Ministry of Interior Ombudsman and creation of the PDRC. Please see paragraph 122 of the second periodic report.

107. Concerted efforts will continue to be made at all levels — administrative, judicial and non-governmental — to ensure a climate that safeguards the rights of all and facilitates the prosecution of those who, regardless of position, violate the rights of others, particularly in relation to torture or inhuman, degrading and demeaning treatment. Please see paragraphs 142, 143, 144 and 145 of the second periodic report.

108. When investigating complaints within their mandate, the Public Prosecution Service and the Ombudsman examine accused persons to check for signs of ill-treatment. They may do this by visiting the detention centres described in paragraph 17, above. If signs of ill-treatment are found, the Public Prosecution Service must appoint a medical examiner to examine the accused to determine the cause of his injuries. If investigations reveal that a confession has been obtained by coercion or threat, the Public Prosecution Service will exclude the confession from the evidence. In the case of the actions of medical staff during the events of February and March 2011 (case No. 191/ 2011), the Public Prosecution Service asked the court not place credence in the confessions attributed to the accused, which were alleged to have been made under physical coercion. Given the element of

doubt, the court did not take this evidence into account when reaching its verdict in the case.

109. In the light of the foregoing and further to the clarification provided in the second periodic report and the replies to the various issues in this report, it is evident that the Kingdom of Bahrain does not follow a systematic policy of impunity.

Article 11

- 9. Please provide information on the measures taken to reduce and possibly abolish recourse to solitary confinement in places of detention for purposes of punishment. Please also provide detailed information on the duration of solitary confinement and the availability of judicial review, if any, as well as the number of detainees concerned in the different detention centres.**

110. We would advise that the issue of disciplinary sanctions imposed on inmates is regulated by Act No. 18 (2014), promulgating the Reform and Rehabilitation Institution Act. This permits the imposition of disciplinary sanctions on an inmate or prisoner on remand only after questioning him in writing or hearing his statement and allowing him to present his defence. There is a series of disciplinary measures, including reprimand, written warning, denial of some or all privileges and solitary confinement for not more than seven days. The law grants an inmate the right to file a complaint. Article 53 of the act stipulates that an inmate or prisoner on remand who breaks the law or the rules and regulations of the institution shall be subject to disciplinary sanction. This shall not prevent a criminal case from being brought for acts representing crimes punishable in law. An inmate or prisoner on remand may file a formal complaint against the disciplinary sanctions imposed on him by the institution's administration and is granted various possible avenues of appeal. The implementing regulation determines the deadline for a decision on the complaint to be made. The number of inmates and detainees in solitary confinement is variable and changes from time to time, in proportion to the offences committed.

- 10. Further to the earlier list of issues prior to reporting (CAT/C/BHR/Q/2 para. 16), please provide information on the treatment of juveniles in detention and particularly:**

- (a) The allegations that minors are not usually detained separately from adults notably in Dry Dock and Juw detention facilities;**

111. In fact, inmates and prisoners on remand are placed in categories. Article 11 of Decision No. 131 (2015), on the implementing regulation for the Reform and Rehabilitation Institution Act, stipulates that inmates are to be divided into categories, as follows:

- Category A: includes inmates sentenced to imprisonment;
- Category B: includes inmates sentenced to more than three months' remand;
- Category C: includes inmates and detainees under physical restraint;
- Category D: includes inmates sentenced to less than three months' remand;
- Category E: includes inmates in the 15-18 year-old age group sentenced to imprisonment;
- Category F: includes inmates in the 15-18 year-old age group sentenced to remand;
- Category G: includes inmates with special needs.

Each category of inmate stated in paragraph 1 of this article has an allocated place in the centre.

Furthermore, article 13 stipulates that the warden shall formulate rules for the classification of each category of inmate stated in article 11 of the regulation into grades by age, previous convictions, type of crime, length of sentence, similarity of social and cultural background and capacity for reform. The warden shall formulate such rules as he sees fit for the classification of prisoners on remand.

(b) Detailed data on the number of juveniles' arrests, the number of prompt, impartial and effective investigations, the number of juveniles still waiting for judgement and the number and proportion of juveniles placed in detention following trials;

112. The data on juveniles and minors is as follows:

- No. of inmates in the 15-18 year old age group sentenced up to 12 December 2015: 82;
- No. of detainees in the 15-18 year old age group up to 12 December 2015: 139;
- Total no of cases in which the accused are juveniles: 627;
- No. of cases referred for trial: 247;
- No. of cases suspended: 356;
- No. of juveniles still awaiting sentencing; 5;
- No. of juveniles in custody: 85 males, 4 females;
- No. of juveniles placed in the juvenile welfare centre: 12 males, 4 females;
- No. of juveniles placed in the Batelco Child Care Home: 2.

(c) The measures taken to ensure juveniles are treated humanely and receive protection, including the right to contact lawyers and relatives;

113. In the light of the Government's desire to protect human rights in general and the rights of juveniles in particular, article 20 of the Bahraini Constitution provides for the right of an accused person to a lawful trial in which he is guaranteed the right of defence at all stages of investigation and trial in accordance with the law. It is forbidden to harm an accused person physically or mentally. Each of the accused in a felony case shall have a defence lawyer approved by the accused. Moreover, separate locations are set aside to implement rulings handed down against juveniles. All juveniles, without discrimination, are provided with proper care and qualified police personnel are chosen to deal with them. They are accorded full legal rights, including the right to contact a lawyer and their relatives. Accorded full protection, juveniles are provided with educational and health services. They are able to communicate with their families twice a week and allowed two half-hour family visits each week. For good behaviour and subject to the permission of the Juvenile Court judge, a juvenile is permitted to spend the weekend in the family home in preparation for the end of his term of incarceration. Juveniles are permitted to call upon the assistance of lawyers. In felony cases, if a juvenile has no defence lawyer, the Juvenile Court will appoint one for him.

(d) Whether solitary confinement is expressly banned for all minors;

114. The Juveniles Act does not provide for the solitary confinement of juveniles. Accordingly, juveniles are not subject to this disciplinary measure.

- (e) **The allegations that certain minors are tried before criminal courts rather than juvenile courts as provided by juvenile justice provisions and whether the State party intends to review the said cases, thus quashing or commuting the sentences;**

115. Juvenile accused (those under the age of 15) are only tried by juvenile courts. If found guilty, the court does not impose punishment but exclusively one of the measures stipulated in law:

1. Reprimand;
2. Release into custody;
3. Enrolment in a vocational training body to be determined by decision of the Minister of Social Development;
4. Compulsory service;
5. Probation;
6. Placement in a Government or private care institution;
7. Admission to a specialist hospital.

- (f) **The legal minimum age of criminal responsibility, in view of allegations that juveniles may be prosecuted from the age of 7 years old, and despite the fact that deprivation of liberty is not permitted for those under 15 years old.**

116. In relation to juveniles, responsibility does not imply the imposition of punishment. Responsibility, if established, entails the adoption of sound measures of child welfare and upbringing and this is the approach adopted in law with a juvenile who commits a crime.

11. **Please provide information on the measures taken to permit private and individual interviews of inmates both by the civil society actors and investigation team members, such as those of the Special Investigation Unit and those of the Prisoners' and Detainees' Rights Commission without time constraint or other obstacles. Please provide information on the reforms undertaken to ensure the protection of the detainees reporting such acts against intimidation and reprisals.**

117. Bahraini legislation allows the judiciary and certain Government bodies and rights organizations to inspect the Reform and Rehabilitation Institution and interview inmates. Article 74 of Decision No. 131 (2015), on the implementing regulation for the Reform and Rehabilitation Institution Act, stipulates that the president of the Court of Cassation, the Attorney General, the president of the High Court of Appeal, the president of the Higher Criminal Court, the president of the Higher Civil Court, the sentencing judge and deputy attorneys general have the right, within their own spheres of competence, to visit and inspect centres and check their records to ascertain that no-one is unlawfully imprisoned or detained. They have the right to receive complaints and grievances from any inmate or prisoner on remand and ascertain that all instructions from the Public Prosecution Service and sentencing judge and all judicial provisions have been implemented in that centre in the prescribed manner. Furthermore, article 1 of Decree No. 61 (2013), on the establishment of the PDRC, states that an independent commission is to be established, to be called the Prisoners and Detainees Rights Commission. The PDRC shall be competent to monitor prisons, detention centres, juvenile detention centres and other places where persons can be detained, such as hospitals and psychiatric wards, in order to ascertain the conditions under which inmates are held and the treatment they receive and to ensure that they are not subject to torture or inhuman or degrading treatment. The PDRC exercises its duties with complete freedom, impartiality, transparency and independence.

118. To ensure that the right of detainees to report acts that may have been committed against them is protected, article 47 of Act No. 18 (2014), promulgating the Reform and Rehabilitation Institution Act, stipulates that an inmate has the right to have recourse to the competent judicial bodies and to lodge complaints and petitions with the institution director or deputy director; the implementing regulation defines the appropriate procedures. Article 30 of Decision No. 131 (2015), on the implementing regulation for the Reform and Rehabilitation Institution Act, stipulates that an inmate or prisoner on remand has the right of complain to the judicial and security bodies of the Kingdom of Bahrain, the office of the Ombudsman (General Secretariat of Complaints) and the institution director. The management of each centre shall place two complaints boxes in a prominent place in the buildings where inmates and prisoners on remand are held: one box for complaints addressed to the Ombudsman and the other for complaints addressed to the judicial and security bodies and the institution director. Upon receipt, the director forwards complaints submitted to him to the head of the relevant centre for investigation and remedy. For other complaints, the director contacts the relevant bodies in writing and informs the inmate or prisoner on remand of the measures taken. The head of the relevant centre makes a decision on complaints forwarded to him by the institution director and informs the individual concerned (i.e. inmate or prisoner on remand) of the measures to be taken within seven days from the date of referral. The inmate or prisoner on remand has the right to lodge a protest with the institution director within seven days from the date of being informed of the measures to be taken regarding his complaint. The director shall decide to accept or dismiss the protest within seven days of submission.

119. Private, one-on-one interviews with inmates and detainees are coordinated with civil society organizations, members of the Special Investigation Unit inspection team, the PDRC and all bodies stated in article 74 of Decision No. 131 (2015), above, which permits them to visit without time constraint or hindrance.

120. In addition to the foregoing, the NIHR visits prisons and detention centres to check on conditions and follow up issues with the relevant bodies.

12. With regard to the first report of the National Commission, please indicate whether recommendation 1722 (g) of the BICI report providing the audio-visual record of all official interviews with detained persons has been achieved. Please provide detailed information on:

(a) The installation of audio visual equipment and statistical data on the number of technical devices already in place or to be installed in each detention compound;

121. Nowadays, very high quality equipment is available to ensure an audio-visual record of interviews with suspects or detainees. On 5 January 2011, the Ministry of Interior approved detailed plans to install audio-visual systems supplied by a global company. Hooraa police station was the first to be provided with this equipment, which is now operating effectively in interview rooms and temporary detention rooms in all 22 police stations in Bahrain, in addition to the General Directorate of Criminal Investigation. Furthermore, all police stations in Bahrain have special, unmonitored rooms where suspects can have private conversations with their lawyers. Virtual interview rooms have been built at the Royal Academy of Police and are used for practical training as part of the police's new training programme.

122. As regards questioning by representatives of the Public Prosecution Service, 18 rooms will shortly be equipped with the necessary audio recording equipment, supplied by a specialized global company.

(b) **Measures taken by the Government to ensure that security officials conduct interrogation only in places equipped with audio-visual recording devices.**

123. Interviews and interrogations conducted in a police station equipped to receive and process detainees must take place in a special room in which audio-visual recording equipment has been installed. The interview may be monitored by senior oversight bodies, such as the head of public security, whose office has 24-hour access. The closed-circuit TV broadcasting system located at police headquarters records the dates and times of all interviews and interrogations and is secure from tampering. Please see paragraph 26 of the second periodic report.

Article 12

13. **Please provide detailed information on the measures taken to undertake prompt, impartial, effective and thorough investigations on all the allegations of torture by an independent body in compliance with the Istanbul Protocol. Please further describe the measures taken by the State party in the following cases:**

(a) **By the end of 2011, the Minister of Interior received numerous complaints of mistreatment among which ten resulted in prosecution. Have the perpetrators actually been held accountable? Please indicate the outcome and sentences relating to those cases;**

124. In implementation of Commission of Inquiry recommendations and the decision of the Minister of Interior to refer cases of death and allegations of torture and cruel treatment to the Public Prosecution Service:

(a) Upon receipt of these cases, the Public Prosecution Service assigned them for investigation and action to the Special Investigation Unit, set up under Decision No. 8 (2012) of the Attorney General. Some cases consisted of on-going investigation by the Military Prosecution Service of victims' complaints, while others were before the military court which then, in the light of the Attorney General's decision, ruled that jurisdiction lay with the ordinary courts not the military court; the Military Prosecution Service referred these cases to the Public Prosecution Service for action;

(b) The Special Investigation Unit investigated all cases and referred the accused to the ordinary criminal courts;

(c) Cases involved a range of incidents, including beating to death, torture, simple beating, verbal abuse and failure to report a crime, alleged to have been committed during the events of February and March 2011 and in prisons and places of detention during the state of national security and, in some cases, subsequently;

(d) Aside from the above-mentioned cases, the Special Investigation Unit received other complaints directly. To date 48 cases, some of which involve multiple victims, have been referred to the competent criminal courts and 95 police personnel, including 16 officers, have been indicted. The accused in several incidents have been turned over to the Military Courts Department for disciplinary liability;

(e) The criminal courts found 18 of the accused in 13 cases guilty and the accused in 29 cases not guilty. The Special Investigation Unit appealed 17 of the not guilty verdicts to the Court of Appeal and two to the Court of Cassation. The other cases are still being heard by the competent courts;

(f) Sentences in cases where a conviction was obtained ranged from one month to seven year's imprisonment after all avenues of appeal were exhausted.

125. The Special Investigation Unit investigated all the allegations of torture received, including those reported by the Commission of Inquiry in which complainants made known their identity to the unit. The unit referred 48 cases to the criminal courts, charging 95 members of the Public Security Forces, including 16 officers. The referrals included nine cases involving the death of 11 persons, five cases of torture and 34 of ill-treatment. The sentences in cases where a conviction was obtained ranged from one month to seven year's imprisonment. The Special Investigation Unit appealed 17 verdicts to the Court of Appeal and two to the Court of Cassation.

(b) The two former members of Parliament MM. Matar and Ghuloom have allegedly been subjected to mistreatment during their detention by State party law enforcement officials. Please provide information to the Committee on those allegations and on any steps taken by the State Party to conduct investigations and to initiate proceedings, if appropriate;

126. Matar Ibrahim Ali Matar and Jawad Fairouz Ghuloom Fairouz were arrested during the state of national security for involvement in several breaches of the law. The arrest and detention procedures were conducted in accordance with the laws of the land and they were allowed to contact their families upon arrest.

127. Following questioning by the military prosecutor, the two aforementioned had their case referred to the National Security Court of First Instance on 23 May 2011, pursuant to Royal Decree No. 18 (2011). Advocates Ahmad Jasim and Jasim Sarhan accompanied Matar Ibrahim Ali Matar; advocates Abdullah al-Shamlawi and Muhsin al-Shuweikh accompanied Jawad Fairouz Ghuloom Fairouz. During the trial, the accused were accorded full judicial guarantees in accordance with the Code of Criminal Procedure (2002) and in a manner consistent with international standards.

128. In view of the promulgation of Act No. 28 (2011) on 18 August 2011, the case file on the two aforementioned was referred to the ordinary courts.

129. The aforementioned petitioned the military prosecutor by letter of 27 September 2011 to investigate their mistreatment and forced disappearance during detention.

130. Enclosed with the letter was a detailed report on what happened while they were under arrest, from 2 May 2001 until their release. The report alleged a number of personal abuses (physical and psychological) by the military authorities and Public Security Forces during their arrest. Furthermore, it claimed that they had been beaten by the Military Prosecution Service during interrogation. The report also dealt with the procedures followed by the National Security Courts.

131. The report concluded with a call by the aforementioned for all the abuses alleged to have been committed against them to be investigated in the presence of their lawyers. Note that the same report was submitted to the then Minister of Human Rights and Social Development and several other bodies, including the Ministry of Interior, NSA, Minister of Justice and the Attorney General.

132. The Military Prosecution Service investigated the complaint filed by the two aforementioned and summoned them both to an inquest held at the military prosecutor's offices on 23 October 2011, with advocate Muhsin al-Shuweikh present. The following was ascertained:

(a) Upon being questioned, Matar Ibrahim Matar stated that he had no witnesses to the events mentioned in his complaint except that, when arrested, he was in the company of his wife, Amal Habib Muhammad Jawad. When questioned, the witness Amal Habib stated that she was with her husband, the complainant, at the time of his arrest but saw no-one beating or insulting him. When the military prosecutor summoned the arresting officers

and the guards and administration of the military reform institution, they stated that everything of which they were accused was untrue. Accordingly, the military prosecutor ruled that there were no grounds for bringing a lawsuit, given the unsoundness of the charge of physical assault because of clear evidence to the contrary in the form of the wife's testimony, and the lack of sufficient evidence for the charge of verbal abuse due to the failure on the part of the aforementioned to present any evidence, proof or corroboration in support of his claim;

(b) Upon being called, Jawad Fairouz Ghuloom was asked by the member of the Military Prosecution Service if he could identify any of the persons alleged to have committed the said acts. He declined to do so but stated that he had one witness for the prosecution, namely his wife, Sharifa Nima Derwish Turabi. When called, she stated that her husband had been arrested in a respectful manner but that she could not identify the arresting body. To conclude the investigation, the Military Prosecution Service summoned everyone involved in the arrest, as well as the guards and administration of the military reform institution and informed them that everything of which they were accused was untrue. Accordingly, the military prosecutor ruled that there were no grounds for bringing a lawsuit because of the lack of sufficient evidence for the charges of physical assault and verbal abuse given the failure on the part of the complainant to present any evidence, proof or corroboration to support his claim. On the charge of intimidation, it was decided that there were no grounds for bringing a lawsuit because of the lack of a felony given that, in respect of the crime of intimidation, Bahraini legislation assumes the occurrence of a felony (and assumption is not the same as fact). That a crime occurred through the agency of another person or in writing was not adduced in respect of the complaint in question;

(c) Regarding the claim that their lawyers were not present during questioning, it was clear from the case files that Matar Ibrahim Matar asked for advocate Ahmad Jasim, to attend the interrogation with him and that the chief military prosecutor instructed the concerned bodies to inform the latter. However, the lawyer did not reply to repeated calls. After being informed of this, the accused asked to contact his wife but she did not answer his call. The chief military prosecutor then proceeded with the interrogation with the agreement of the accused;

(d) Jawad Fairouz Ghuloom stated during questioning that advocate Abdullah al-Shuweikh would be present. However, when the latter was contacted, he stated that he was in a meeting. When the accused was informed of this, he requested that questioning begin in the absence of a lawyer. All of the foregoing is confirmed in the interrogation reports, signed by the accused.

133. Note that the charges brought against the two aforementioned all relate to misdemeanours, for which Bahraini law does not require a lawyer to be present. Nevertheless, the members of the Military Prosecution Service asked both accused whether their defence lawyers would attend the session and applied all judicial guarantees, as indicated above.

134. As regards the claim that their families were not allowed to visit or contact them, the records of the military reform institution prove otherwise. In fact, they were allowed regular visits and communication during the period of detention.

135. The security and judicial authorities in the Kingdom of Bahrain observe international standards of human rights and are committed to providing an accused person with the guarantees stipulated in law. These guarantees include enabling an arrested person to contact his family and lawyer to inform them of his location and the charges against him. These measures were followed with regard to the accused in question.

- (c) **On 7 January, 2013, the Bahraini High Court of Appeal sentenced thirteen opposition leaders relying on their confessions as evidence during the trial which was allegedly obtained under torture during their detention. Please indicate whether investigations have been conducted on those allegations of torture;**

136. From the measures taken in the case brought by the aforementioned convicted persons, it is evident that:

(a) They were accorded full legal guarantees from the start of their interrogation by the military prosecutor until the final verdict was handed down against them. They were able to call upon lawyers of their own choosing to defend them and each was able to meet with his lawyer in private in the place of detention and court chambers. During the proceedings, the lawyers presented all aspects of their defence, including their substantive and legal pleadings and petitions. Courts of all grades complied with their request to consider all aspects of the defence and granted their petitions. Specialist physicians were appointed to conduct medical examination of the accused in order to investigate their claims of torture. The Special Investigation Unit investigated these complaints. All the witnesses requested by the defence were summoned and their testimonies heard repeatedly, whenever their lawyers insisted. The court replied to all these pleadings with detailed legal argument. The Court of Cassation — the highest court in the legal system of Bahrain — monitored the proceedings and quashed the first verdict on the grounds that it was flawed. It supported the verdict handed down in the retrial after concluding that it was free of any procedural or legal flaw and that the accused had been accorded full legal guarantees throughout the trial;

(b) In its ruling, the High Court of Appeal dismissed the confessions of all the accused, relying only upon the confessions of two, which it was confident were sound. Once the Public Prosecution Service had dropped the charges, none of the accused was convicted of a crime relating to freedom of expression;

(c) Since the beginning of legal proceedings until the final verdict of the Court of Cassation on 7 January 2013, the accused received a number of public trials, attended by representatives of local and foreign human rights organizations and the representatives of several foreign embassies. In total, there have been six trials before different benches. Two were held before the National Security Court of First Instance and National Security Court of Appeal, two before different benches of the ordinary High Court of Criminal Appeal and two before the Court of Cassation. More than 15 judges took part in hearing the cases and delivering the verdicts. Throughout these trials, the accused enjoyed full legal guarantees, including their choice of lawyers, who studied the case, becoming fully conversant with it and pleading the case of the accused with oral and written submissions. Furthermore, the court allowed all the accused to make lengthy oral pleadings on their own behalf for several hours. The court agreed to all their requests to hear witnesses, call specialist physicians and present the documents they wished. They were provided with all the necessary health care, with the prosecutor even calling upon Dutch and Egyptian specialists to examine Abdulhadi al-Khawaja, after he went on hunger strike. In the case of Hassan Mushaima, who was suffering from a pre-existing condition, his attending physicians were instructed to seek the advice of his English consultant on treatment;

(d) Throughout the trial period, the Public Prosecution Service did not appeal any verdict that found the accused not guilty of certain charges against them, or any reduction of sentence;

(e) The verdicts were delivered after the case was deliberated by several courts of different grades, indicating that all the judges who heard the case were fully convinced of the strength of the evidence against the accused. This confirms that the judges were

completely satisfied and provides assurance that the verdicts were just and based upon their settled conviction.

- (d) **The alleged ill-treatment and acts of torture committed by security forces against medical professionals of Salmaniya Medical Complex while in custody following the attack of the Gulf Cooperation Council Roundabout on 17 February 2011.**

137. The prosecutor asked the court not place any credence in the confessions attributed to the accused, which were alleged to have been made under physical duress. Given the element of doubt, the court did not take such evidence into account in reaching its verdict.

Article 13

14. **Further to the earlier list of issues prior to reporting (CAT/C/BHR/Q/2 para. 29), please inform the Committee about the measures taken to improve the framework ensuring the legitimate activities of human rights defenders. Have human rights defenders, who peacefully exercised their right to freedom of opinion and expression since the 2011 uprising and who were sentenced in court on the grounds of “attending illegal gatherings” been released? If so, please provide information on those released and those who are still detained and for what charges. Furthermore, please indicate the measures taken to ensure the protection of human rights defenders against threats and reprisals.**

138. In implementation of Commission of Inquiry recommendations, and in the context of assessing the current national security cases and reviewing the legal positions of the accused in these cases, and in line with the conclusions of the Commission of Inquiry report, the Public Prosecution Service dropped all charges that might be construed as involving the right to express an opinion freely. These included charges of inciting hatred of the regime, inciting civil disobedience and spreading false reports or tendentious rumours designed to undermine security and public order. The reviews led to the final settlement of dozens of cases and some 334 accused benefited from the dropping of charges. Nevertheless, despite the dropping of this type of charge, several cases remain outstanding before the courts. These involve crimes of a different nature, including violence and vandalism, such as attacks on persons and property. As stated in the country's second periodic report, Bahrain has no truck with violence, terrorism or the harassment of representatives of non-governmental organizations, including those involved in the human rights field.

15. **Please inform the Committee about the outcome of the convictions and sentences first rendered by the National Security Court but finally reviewed in ordinary courts as stressed in BICI's recommendation No. 1720, by reflecting the number of releases, dropped charges, convictions and length of any remaining punishment. What are the steps taken to ensure due respect of the fundamental guarantees of a fair trial in line with international standards before the military court? What are the available appeals before the military court, if any? With regard to the decision of the Bahraini Court of Appeal on May 29th, 2014 upholding the 15-year sentence against Naji Fateel, a member of the Bahrain Youth Society for Human Rights, please comment on reports that the inadmissibility of coerced evidence was disregarded during trials despite allegations of mistreatment of defendants by the State party's law enforcement officials.**

139. The state of national security was declared pursuant to Royal Decree No. 18 (2011), promulgated on 15 March 2011. Under the decree, two grades of National Security Court (first instance and appeal) were established. The decree assigned investigation of the

incidents which led to the declaration and the crimes linked thereto to the Military Prosecution Service. When the state of national security was lifted on 1 June 2011, the Public Prosecution Service took over from the military judiciary the felony cases tried by both grades of National Security Court and appealed to the courts of appeal and cassation, as well as misdemeanour cases referred by the National Security Court to the ordinary courts. The Public Prosecution Service also took over cases which the Military Prosecution Service had investigated but taken no further action by the time the state of national security was lifted. The Public Prosecution Service brought appealed cases before the competent courts. Of the remainder, it referred some for trial and suspended others due to their insignificance or because the perpetrators were unknown. The Public Prosecution Service referred a number of cases received following the lifting of the state of national security to the competent courts, if there was sufficient evidence to establish that the accused had committed the crimes of which they were accused. Certain cases were ordered suspended on a variety of grounds, including insignificance, insufficient evidence and unknown perpetrators. In line with Commission of Inquiry recommendations, cases involving exercise of the right to express an opinion freely were suspended due to insignificance. These included disseminating false reports or tendentious rumours, inciting hatred of the regime and inciting civil disobedience. As part of the assessment of current national security cases and review of the legal position of the accused in those cases, and in line with the conclusions of the Commission of Inquiry report, the Public Prosecution Service dropped all charges that might be construed as involving the right to express an opinion freely. These included charges of inciting hatred of the regime, inciting civil disobedience and disseminating false reports or tendentious rumours designed to undermine security and public order.

140. The outcome of the foregoing was that a number of cases were finally settled. However, while some 334 accused benefited from the dropping of charges, several cases remain outstanding before the courts, despite the dropping of this kind of charge. These involve other crimes of a different nature, including violence and vandalism, such as attacks on persons and property.

141. In line with Commission of Inquiry recommendations to review verdicts handed down by the National Security Court, the Supreme Judicial Council (SJC) issued a decision at the beginning of 2012, forming a judicial committee to examine cases in which verdicts delivered became final without appeal being made by those convicted, in order to ascertain the soundness of these verdicts and trial procedures. The work of this committee resulted in the release of many of those convicted. On 20 March 2012, the National Commission assigned to follow up Commission of Inquiry recommendations produced a report on the results of its monitoring of the implementation by State bodies of Commission of Inquiry recommendations. Regarding national security cases and the recommendation of paragraph 1720, on making subject to review all convictions rendered by the National Security Courts to ensure the fundamental principles of a fair trial, the National Commission noted the SJC decision to form a convictions review body and its announcement that it was to review 30 verdicts relating to 31 accused, of whom 13 had served their sentences and been released, while 18 were still detained. It was decided that the sentences of six of the latter would be reduced, taking into account time spent, with the possibility of release. Freedom of expression-related charges against five accused were dropped, resulting in four being released; the fifth remains detained on other charges. The charges involving freedom of expression are to be expunged from all their files. The convictions in the cases of seven accused were upheld. Please see the National Commission report (November, 2012).

142. Regarding the guilty verdicts handed down by the National Security Courts — 165 verdicts and a total of 502 convictions — 135 verdicts were appealed by protest, appeal or cassation. Some 1,622 cases were transferred to the Public Prosecution Service; charges against 334 accused involving freedom of opinion and expression were dropped. A

committee was formed by the SJC to review verdicts delivered in 30 cases which were not appealed to the ordinary courts. There are still persons who were convicted in several national security cases heard by the ordinary courts after the state of national security was lifted serving prison terms and life imprisonment. Inspection of the rulings of the Court of First Instance and Court of Appeal in case No. 07/2013/5737 shows that the accused, Najj Ali Hassan Fateel, sentenced to 15 years' imprisonment, did not employ the defence before either court that his confession was made under duress, as several of the other accused did. These pleas were refuted and dismissed by the Court of Appeal. Note that the court relied upon material evidence and other, anecdotal evidence, contrary to the assertions of the accused, which consisted of witness testimony.

143. The claim that the principle of the inadmissibility of evidence obtained under duress was disregarded in court despite allegations of ill-treatment of suspects by the State party's law enforcement officers is absolutely false. The Special Investigation Unit investigated all allegations of torture and other forms of cruel, demeaning or degrading treatment made by the accused and had several of them examined by the medical examiner to reveal any injuries that might support the allegations. On the basis of these reports, legal measures were taken to establish whether any of the accused had indeed been assaulted and a number of cases were referred to the criminal courts for the necessary measures to be taken.

144. Regarding the decision of the Bahraini Court of Appeal on 29 May 2014 in the case brought against Najj Fateel, member of the Bahrain Youth Society for Human Rights, study of the rulings delivered shows that the accused made detailed confessions of his own volition during questioning by the Public Prosecution Service. The Court of Appeal investigated the allegations that these confessions were made under physical and mental duress but concluded to its satisfaction that the confessions made by Najj Fateel during questioning by the Public Prosecution Service were sound and had been given voluntarily of his own free will without coercion of any sort. Moreover, the medical examiner's reports show that there was no criminal violence. This conclusion was upheld by the Court of Cassation.

145. It should be pointed out that the aforementioned verdict was based not on the confessions of the accused but on other evidence, consisting of the testimony of five witnesses, as well as recordings, documents and statements transcribed and submitted to the court, corroborating the convicted man's confession to the charges brought against him. The evidence is consistent with the records of the investigations which established that rioting and vandalism took place in the Sanabis area between 1 April and 31 December 2012.

Article 14

16. The Committee has taken note of the adoption of two Decree-laws No. 30 of 2011 and No. 13 of 2012 for the establishment and the regulation of the National Fund for the Reparation of Victims, as recommended by the BICI in paragraph 1722 (j) and (k) of its report. Further to the first list of issues prior to reporting (CAT/C/BHR/Q/2 para. 23), please provide information on:

(a) The number of claims received by the entrusted Fund together with the number and the amount of compensations granted. Please specify the form and the amount of compensation actually provided in each case;

146. Wishing to create effective alternatives to settle the situation of victims as soon as possible, in implementation of recommendations 1725 (b) and 1722 (j) and (k), the Government adopted the Civil Settlement Initiative at the proposal of the National Commission assigned to follow up Commission of Inquiry recommendations, without

prejudice to the right of those victims who do not accept the proposed settlement to resort to the civil courts and without any effect whatsoever on criminal liability.

147. In the light of the above, the Government of the Kingdom of Bahrain has taken a number of effective measures. In view of a Cabinet decision on 4 March 2012, instructing the Ministry of Justice and Islamic Affairs to initiate civil settlement measures to compensate the victims of the events in Bahrain in February and March 2011, the ministry began receiving applications for civil settlement with effect from 18 March 2012. The Civil Settlement Office received a total of 48 applications for compensation for cases of death and 420 for cases of injury.

148. A committee at the Ministry of Justice and Islamic Affairs, formed by Ministerial Decision No. 13-2 (2012), studied the requests for compensation in cases of death and injury and the Civil Settlement Office paid compensation in 45 cases, of which 35 were mentioned in the Commission of Inquiry report, in addition to four other cases not mentioned in the Commission of Inquiry report, which the commission decided to compensate. The compensation budget was approved in two stages and came to BHD 2,700,000 or more than USD 60,000 per case and USD 7,141,000 for all cases which the committee resolved to compensate. Compensation was disbursed in cash to those were entitled and who accepted the civil settlement in full.

(b) Whether a criminal judgment is necessary to disburse financial support for the provision of medical care to the suffering victims.;

149. It is worth mentioning that funds were disbursed regardless of any criminal cases brought against the accused, regardless of the ruling delivered in such cases and without prejudice to the right of those victims who do not accept the proposed settlement to resort to the civil courts.

150. Regarding cases of injury, the committee looked into and studied a total of 420 requests for compensation submitted to the Civil Settlement Office to determine priority. A total of 116 cases were identified in the first phase; the committee sent these to the medical examiner to ascertain degree of disability. To date, a total of 75 reports on cases have been received and the necessary measures are being taken to determine the degree of compensation and to proceed further.

(c) The steps taken to ensure availability of rehabilitation programmes. Please indicate whether these programmes include medical and psychological assistance.

151. As regards steps taken to ensure availability of rehabilitation programmes, the Government — in the light of the commitment to respect and promote the principle of national reconciliation and pursuant to Commission of Inquiry recommendations nos. 1724 (a) and (c) and 1725 (b), the recommendations of the National Commission and the plans which have been formulated — has taken prompt action to implement a number of new programmes designed to address all the political, social, rights-related and economic aspects in order to minimize the adverse impact of the events of 2011 and rehabilitate society as a whole, not only the injured and the victims.

152. In this context, the Ministry of Social Development implemented the National Plan for Social and Economic Reconciliation — the *Wihda Wahda* campaign — in coordination with ministries of State, non-governmental organizations and the private sector, with the goal of promoting national cohesion among the members of Bahraini society by fostering the concept of citizenship and peaceful coexistence among the country's many social groups and religious denominations. It is a multi-phase campaign that includes social, cultural and spiritual events aimed at widening the scope of participation among members of society. The *Wihda Wahda* campaign also acts as an implementation framework for

putting into practice and regulating a range of independent initiatives designed to send messages of encouragement and support for national cohesion among all groups of society. The campaign is focused on implementing a range of different activities in support of national cohesion among all sections of society.

153. In 2012, the Ministry of Social Development allocated USD 300,000 to 20 non-governmental organizations through the NGO Fund to widen the *Wihda Wahda* campaign and implement programmes contributing to national reconciliation.

154. In the light of the Commission of Inquiry conclusions and recommendations, in affirmation of the religious responsibility of clerics, in compliance with the national duty to eliminate all forms of violence and given the consequent importance of religious leaders playing a direct role in reconciliation, confidence building and promotion of fruitful institutional dialogue, the Supreme Council for Islamic Affairs (SCIA) adopted a statement issued by a number of religious scholars and preachers condemning violence, vandalism and the damaging of people's interests by blocking roads and attacking public and private property, as well as the excessive use of force, cruel and degrading treatment and other forms of abuse rejected in law and in custom by all.

155. For further details, please see paragraphs 130-141 of the second periodic report.

Article 16

- 17. Please comment on allegations that over two thousands persons are still detained since the events of February/March 2011. With regard to non-governmental information before the Committee concerning stiffer penalties amounting to life imprisonment and death penalties in case of death and serious injuries arising out of the events of February and March 2011, please describe the appeals mechanisms available for the complainants. Have the charges been dropped and the sentences commuted against those charged with the offense of political expression, after the review of the said cases? Is there any progress in terms of adoption of a mechanism to commute death sentence? Have the detainees charged with violence offenses been tried before a court, thus justifying their detention?**

156. The number of detainees rises and falls in proportion to the number of breaches of the law committed. However, as explained in the second periodic report under the Convention against Torture and stated in this supplementary report, arrest is conducted in accordance with Bahraini law, which grants an arrested person full rights and guarantees.

157. Furthermore, it is essential to reaffirm that the Bahraini judiciary is independent, impartial and applies the law in letter and spirit. Bahrain law and judiciary guarantee fair proceedings and trials, linked to the right of appeal to the Court of Appeal and further review by the Court of Cassation in accordance with the law. The matter of the dropping of charges relating to freedom of expression was dealt with above.

158. As with all other convictions, a sentence of death is subject to the full appeals process in the Bahraini judicial system. For example, the National Security Appeal Court quashed two of the five death sentences handed down in April 2011 against persons accused of killing policemen, while the Court of Cassation ruled to overturn the other three verdicts and refer them to the High Civil Court of Appeal for a new ruling. The latter court ruled to overturn the death sentences handed down against the accused.

159. Even when the Court of Cassation upholds a death sentence, His Majesty the King may grant a pardon. Furthermore, the family of the victim has the right, while the case is being heard, to accept commutation of sentence to life imprisonment. In practice, the death penalty has only very rarely been carried out in Bahrain.

160. Bahraini law affords real protection of the right to hold and express an opinion and article 23 of the Constitution stipulates: “Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and publish it by word of mouth, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.” Article 28 (b) protects the freedom of Bahrainis to hold public meetings, stipulating: “Public meetings, parades and assemblies are permitted under the rules and conditions laid down by law but the purposes and means of the meeting must be peaceful and must not be prejudicial to public decency.” As explained in paragraph 198 of the second periodic report and paragraph 93, above, the laws on the freedom to hold and express an opinion are currently being reviewed and modified to create greater openness.

18. Please indicate whether the State party intends to accept and set a date for the visit of the United Nations Special Rapporteur on Torture.

161. The Kingdom of Bahrain and the United Nations have had a continuous and ongoing history of cooperation since the period immediately prior to independence in 1971. As is known the Commission of Inquiry, formed in June 2011 to investigate the events that took place in Bahrain in February and March 2011, submitted its report in November of that year. The report contained, inter alia, many recommendations. This report and Royal Decree No. 28 (2011), promulgated on 29 June 2011, are two important legal instruments. The Government of the Kingdom of Bahrain is working to implement the recommendations contained in the Commission of Inquiry report, which were accepted by His Majesty King Hamad bin Isa Al Khalifah on 23 November 2011 immediately upon submission. The Kingdom of Bahrain has embarked upon a process of far-reaching reform and development that has included amendments to the Constitution and several laws, in addition to the development of procedures in many areas, including those relating to combating torture. National dialogue and societal growth have kept pace with all these developments. As such, the request of the United Nations Special Rapporteur on Torture and Other Cruel, Degrading or Inhuman Treatment or Punishment has, while appreciated, come at an inopportune time.
