



Americans for Democracy & Human Rights in Bahrain

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**Shadow Report ahead of the Committee
against Torture's Review of Bahrain in its
60th Session**

**Prepared by Americans for Democracy & Human Rights in Bahrain
(ADHRB)**

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1. Introduction

Bahrain acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN-CAT) on 6 March 1998.¹ Although Bahrain's initial State Party Report was due in 1999,² the government did not submit it until 2004.³ Following this report, the Committee against Torture submitted a List of Issues Prior to Reporting (LOIPR) under the new simplified procedure in 2010,⁴ and it submitted a second LOIPR in 2015.⁵ Pursuant to Article 19(1) of the UNCAT,⁶ Bahrain's Second Periodic Report was due in 2003, but the government submitted it in 2015.⁷ The Government of Bahrain submitted its Third Periodic Review in 2016,⁸ nine years after it would have been due (in 2007) under the terms of the Convention.

On a purely technical level, as noted in its periodic reports, the Bahraini government has brought its legislation closer in line with the provisions of the UN-CAT: it has criminalized torture and created mechanisms for identifying cases of torture and referring credible allegations for investigation. However, these technical improvements remain cosmetic and have had little demonstrable effect on the frequency or severity of torture in Bahrain. At worst, these measures have obscured the government's continued failure to address root causes of torture and related abuses, such as judicial bias toward the security sector and a lack of political will to curb human rights violations. In one very telling incident in 2013, Prime Minister Sheikh Khalifa bin Salman, the uncle of the king, told an officer acquitted of torture that the law does not apply to him and that he will be protected by the government. Despite the assertion of the government's Third Periodic Review, that "it is evident that the Kingdom of Bahrain does not follow a systematic policy of impunity," incidents such as these – coupled with consistent, credible allegations of abuse – demonstrate that torture remains a serious problem in the country.⁹

This shadow report assesses Bahrain's Second and Third Periodic Reports, highlighting the persistence of torture in spite of the government's stated efforts eliminate abuses and hold perpetrators accountable. It begins by explaining the institutional framework that continues to facilitate torture and that blocks appropriate investigations into allegations of human rights violations. Drawing on an extensive database of torture cases, which is itself based on ADHRB's formal UN complaint program (see Methodology), the report then provides an overview of the current state of torture in Bahrain. Following this more general analysis of ongoing trends in torture cases, the report will address several specific issue areas related to torture and ill treatment that were raised by the Committee and by the Government of Bahrain: arbitrary detention and due process violations; detention standards; the rights of children in detention; violence

¹ United Nations *Treaty Series*, vol. 2007 (1998) (New York: United Nations, 2001), treaty no. 24841, p. 517.

² See Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, text adopted 10 December 1984, pp. 113-22 in United Nations *Treaty Series*, vol. 1465 (1987) (New York: United Nations, 1996) (henceforth cited as "Convention"), Art. 19.1 *juncto* Art. 27.2, at pp. 118, 121.

³ Committee Against Torture, "Consideration of reports submitted by states parties under article 19 of the Convention: Conclusions and recommendations of the Committee against Torture," U.N. doc. no. CAT/C/CR/34/BHR, 21 June 2005 (henceforth cited as "'Committee's Conclusions on Bahrain, 2005'"), p. 1, ¶ 2

⁴ *Idem*, "List of issues prior to the submission of the second periodic report of Bahrain," U.N. doc. no. CAT/C/BHR/Q/2, 20 January 2010 (henceforth cited as "'2010 List of Issues'").

⁵ *Idem*, "List of issues prior to submission of the second periodic report of Bahrain," U.N. doc. no. CAT/C/BHR/QPR/2, 15 June 2015 (henceforth cited as "'2015 List of Issues'").

⁶ Convention, p. 118.

⁷ Kingdom of Bahrain, "Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure: Second periodic report of States parties due in 2007," U.N. doc. no. CAT/C/BHR/2, 19 November 2015 (henceforth cited as "'Bahrain's Second Report'").

⁸ *Idem*, "Third periodic report of States parties due in 2011," U.N. doc. no. CAT/C/BHR/3, 16 June 2016 (reissued for technical reasons on 27 December 2016) (henceforth cited as "'Bahrain's Third Report'").

⁹ *Third periodic report of States parties due in 2011: Bahrain*, Kingdom of Bahrain, 16 June 2016 (Reissued for technical reasons on 27 December 2016), CAT/C/BHR/3, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/123/23/PDF/G1612323.pdf?OpenElement>



against women; implementation of the Bahrain Independent Commission of Inquiry recommendations; and the militarization of healthcare and reprisals against doctors. This submission is not intended to provide a comprehensive overview of every issue raised by the Committee, the LOIPRs, and the Bahraini government's reports; rather, it will evaluate the aforementioned issue areas in the context of the Committee's mandate. Where appropriate, additional information will be included in the annex for reference.

2. Methodology

The information contained in this report is drawn from a range of sources, including: primary data and first-hand accounts from individuals on the ground in Bahrain, including trends derived from ADHRB's UN Complaint Program; second-hand sources that have been fact-checked or independently verified where possible; and official reporting done by both governmental and non-governmental bodies. It should be noted that the possibility for further, more systematic in-country research is extremely limited due to the restrictions on civil society to openly and freely operate within Bahrain. The Government of Bahrain has declined to cooperate with ADHRB, and its local partners, like the Bahrain Center for Human Rights (BHCR), are prohibited from operating in the country. Much of the documentation that was conducted on the ground was therefore completed under varying degrees of confidentiality, for fear of reprisal.

As noted, this report specifically draws on ADHRB's UN Complaint Program. Since October 2013, ADHRB has regularly documented complaints regarding individual allegations of human rights abuses in Bahrain. Generally, these complaints contain information communicated directly from the victim or the victim's family, and concern the victim's treatment at the time of arrest, during detention, and/or during trial. After processing and documenting these allegations, ADHRB submits the information as a formal complaint to the UN Special Procedures. Based on the information provided in these complaints, ADHRB and its partners such as BCHR and the Bahrain Institute for Rights and Democracy (BIRD) have compiled a comprehensive database on human rights violations in Bahrain.

ADHRB has used this data to examine the trends in arrest and detention practices employed by the Bahraini authorities. Building on the joint report submitted under Bahrain's LOIPR by ADHRB, BCHR, and BIRD in 2015, this report will present analysis of the torture cases in this database, as well as of specific, updated case studies, which can be found in the Annex. These cases have been documented by ADHRB, BCHR, and BIRD since 2011, but also include corroborating information from other international human rights organizations.

Additionally, because Bahrain's reporting has been out of sync with its obligations under the Convention,¹⁰

¹⁰ Per the treaty's text, states parties are to submit a first report "within one year after the entry into force of the Convention for the State Party concerned," and then a periodic report "every four years." Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, text adopted 10 December 1984, pp. 113-22 in United Nations *Treaty Series*, vol. 1465 (1987) (New York: United Nations, 1996) (henceforth cited as "Convention"), Art. 19.1, at p. 118. Bahrain acceded to the Convention in March 1998 without relevant reservation. Accession of 6 March 1998 in *idem*, vol. 2007 (1998) (New York: United Nations, 2001), treaty no. 24841, p. 517. Hence the Convention went into effect for Bahrain in April 1998 (see Convention, Art. 27.2, p. 121), meaning its initial report was due in 1999 with subsequent reports due in 2003, 2007, 2011, and 2015. Bahrain only submitted its initial report in 2004, i.e., five years late. Committee Against Torture, "Consideration of reports submitted by states parties under article 19 of the Convention: Conclusions and recommendations of the Committee against Torture," U.N. doc. no. CAT/C/CR/34/BHR, 21 June 2005 (henceforth cited as "'Committee's Conclusions on Bahrain, 2005'"), p. 1, ¶ 2. Bahrain's next report (the second periodic report) should have been submitted in 2003, but the Committee appears to have granted Bahrain an extension of many years, as it first "invited" the Kingdom to submit the report in 2007, later released its list of issues for the second periodic report in 2010, and now considers that the latest report from Bahrain "was due in 2013." See *ibid.*, p. 5, ¶ 12; *idem*, "List of issues prior to the submission of the second periodic report of Bahrain," U.N. doc. no. CAT/C/BHR/Q/2, 20 January 2010 (henceforth cited as "'2010 List of Issues'"); and *idem*, "List of issues prior to submission of the second periodic report of Bahrain," U.N. doc. no. CAT/C/BHR/QPR/2, 15 June 2015 (henceforth cited as "'2015 List of Issues'"), p. 1, ¶ 1. Notwithstanding this deadline, Bahrain has instead submitted two reports, one in 2015 and one in 2016 (i.e., two years late, at best, and twelve years late if the Convention



a number of questions have been left pending since the Committee dispatched its previous list of issues to be addressed (the “2010 List of Issues”). This necessitates the use of two sets of paragraph numbering for tracking the Committee’s concerns, differentiated by date in the text below. Where currently pending questions align with previous recommendations by the Committee, the latter are also noted.

3. Legal Framework - Definition and Punishment of Torture Under Domestic Penal Law “2010 List of Issues,” ¶ 1, p. 1; “Committee’s Conclusions on Bahrain, 2005,” p. 4, ¶ 7(a)

Bahrain has acceded to three international treaties that prohibit the use of torture and cruel, inhuman or degrading treatment or punishment: the UN-CAT, the International Covenant on Civil and Political Rights (ICCPR), and the Universal Declaration of Human Rights (UDHR). The Government of Bahrain has also signed the Arab Charter of Human Rights, which provides that “States parties shall protect every person in their territory from being subjected to physical or mental torture or cruel, inhuman or degrading treatment. They shall take effective measures to prevent such acts and shall regard the practice thereof, or participation therein, as a punishable offence.”¹¹

Bahraini national law does contain definitions of torture in line with the Convention. Torture is defined in the Convention’s terms under the Penal Code¹²; both torture and degrading treatment are proscribed and subject to legal sanction in the Constitution¹³; and torture is also subject to criminal punishment under the Penal Code.¹⁴ There are, however, potentially significant *lacunae* in the law. The first is that the Convention’s further reference to “cruel” or “inhuman” forms of treatment “which do not amount to torture”¹⁵ does not appear to have an analog in Bahraini law. There is a possibility that such a gap might be exploited in an effort to legitimize abuse of detainees as “merely” cruel and inhuman treatment while not amounting to torture, and in this way to evade both the prohibition and legal punishment of the perpetrators. The second gap is in the absence of minimal guidance as to the content of the legal sanction for non-fatal torture. Torture leading to death is punishable by life imprisonment,¹⁶ but as to all other cases the Penal Code states only that a convicted official “shall be punished by imprisonment.”¹⁷ Providing no range as to the term of imprisonment leaves the door open to light *pro forma* sentences for grave crimes. Notably, despite numerous deaths in custody, no official has been sentenced to life imprisonment for torture leading to death. The Prisoner’s and Detainee’s Rights Commission (PDRC) – a government body chaired by the Ministry of Interior (MOI)’s Ombudsman that is tasked with monitoring detention centers – itself reported on a case in which two officials were convicted of beating a prisoner to death in Bahrain’s Jau Prison, and yet were not sentenced to life in prison:

schedule had been respected), which are now up for review. See Kingdom of Bahrain, “Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure: Second periodic report of States parties due in 2007,” U.N. doc. no. CAT/C/BHR/2, 19 November 2015 (henceforth cited as “Bahrain’s Second Report”), and *idem*, “Third periodic report of States parties due in 2011,” U.N. doc. no. CAT/C/BHR/3, 16 June 2016 (reissued for technical reasons on 27 December 2016) (henceforth cited as “Bahrain’s Third Report”). In reproducing the text of committee questions from the latest list of issues, Bahrain has excised the reference to the fact that its report was due in 2013. Cf. “2015 List of Issues,” p. 1, ¶ 1, with “Bahrain’s Third Report,” p. 2, Committee’s ¶ 1.

¹¹ League of Arab States, *Arab Charter on Human Rights*, 15 September 1994, <http://www.refworld.org/docid/3ae6b38540.html>

¹² Qānūn al-‘uqūbāt [Penal Code], Art. 208, p. 59 in *Qānūn al-‘uqūbāt wa-ta’ dīlātuhu [The Penal Code and Its Amendments]* ([Manama, Bahrain]: Hay’at at-tashrī’ wal-iftā’ al-qānūnī [Legislation and Legal Opinion Commission], 2012) (henceforth cited as “Qānūn al-‘uqūbāt [Penal Code]”). Cf. Convention Art. 1.1, pp. 113-14. The Bahraini law tracks the wording of the Convention almost *verbatim*. The Convention-compliant provision was added in 2012. See Qānūn raqm (52) li-sanat 2012 bi-ta’dīl ba’d aḥkām qānūn al-‘uqūbāt aṣ-ṣādir bil-marsūm bi-qānūn (15) li-sanat 1976 [Law No. 52 of 2012 Amending Certain Provisions of the Penal Code Issued by the Decree of Law 15 of 1976], issued 9 October 2012, pp. 9-10 in *al-Jarīdah ar-rasmīyah [Official Gazette]*, vol. 65, no. 3073, 11 October 2012, Art. 1, at p. 9.

¹³ 2002 Constitution of the Kingdom of Bahrain, text as [posted](#) on the [website](#) of the Shūrā Council, n.d. (accessed March 2017; henceforth cited as “2002 Constitution”), Art. 19(d): “No person shall be subjected to physical or mental torture . . . or degrading treatment, and the law shall punish anyone who commits such an act” (translated from Arabic).

¹⁴ Qānūn al-‘uqūbāt [Penal Code], Art. 208, ¶ 1, p. 59.

¹⁵ Convention, Art. 16.1, p. 116.

¹⁶ Qānūn al-‘uqūbāt [Penal Code], Art. 208, ¶ 3, p. 59.

¹⁷ *Ibid.*, ¶ 1.



The anti-drugs officer and the lecturer tortured and assaulted the deceased causing severe injuries. The man was then left in solitary confinement and later died from his injuries. The investigation revealed that three other officers from [Jau Prison] accepted the torture acts by the two defendants and allowed them to take place unchallenged. The [Special Investigative Unit of the Public Prosecution] charged the two defendants with acts of torture that resulted in death, accepting and approving acts of torture and allowing a person in an area without permission from the competent authority. The High Criminal Court reviewed the case over several sessions and on 31 May 2015 sentenced four officers – A Major in JRRC Directorate (The former director of JRRC), a lieutenant at the Anti-Narcotics Directorate, and two lieutenants from the Reformation and Rehabilitation Directorate – as well as a policeman and a civil employee (the lecturer) to prison terms ranging from one year to five years.¹⁸

This is a rare case in which the authorities actually investigated, charged, and convicted public officials in connection with torture, but it is typical in that the judiciary failed to apply the full letter of the law to security personnel responsible for abuse. As of later 2016, the Special Investigative Unit (SIU), a subdivision of the Bahraini Public Prosecution Office (PPO) tasked with investigating cases of torture and other human rights violations committed by public officials, claimed it had prosecuted 93 members of the security forces, resulting in 15 convictions and 40 acquittals. None of the convictions were of high-ranking officials, and the majority of sentences were lenient (less than 10 years in prison).¹⁹ In contrast, many individuals accused of crimes related to freedom of expression and assembly have been sentenced to life imprisonment, such as Abdulhadi al-Khawaja, the cofounder of BCHR. ADHRB has also not found evidence confirming that security personnel sentenced to prison time in fact served their terms.

Additionally, Bahraini law does not require that officials convicted of torture be removed from positions of authority. That is the minimum sanction necessary, at both the practical and symbolic level, to prevent recurrence of acts of torture. The Convention does not explicitly require a specific form of punishment for torture, but does require “appropriate penalties which take into account the [...] grave nature” of the crime.²⁰ A prison sentence comprising years, rather than months or days, and immediate, irreversible removal from positions of state power are the minimum penalties in keeping with that standard.

It should be noted that in October 2012, the king issued Royal Decree 52 amending the Penal Code, including Articles 208 and 232.²¹ The amendments sought to bring the definition of torture further in line with that of the UN-CAT by expanding it to include “severe pain or suffering, physically or morally.”²² The amendment to Article 232 also reiterated the punishment of life imprisonment for any use of torture that results in death, but removed the provision requiring a minimum six-month sentence for any use of torture that results in bodily harm. Additionally, the Government of Bahrain amended the Code of Criminal Procedure to give the PPO and its head, the Attorney General, jurisdiction over cases of torture and ill treatment. However, the legislation does not explicitly mandate that the authorities *must* investigate all credible torture allegations, contravening Article 12 of the UN-CAT.

Bahraini law also defines torture as an act committed by a public official upon a “prisoner or detainee.” This language may be inadequate to provide protections for persons who may have been tortured but were

¹⁸ Report (10) - Report on the unannounced Visit to the Jau Rehabilitation & Reformation Center (JRRC) 15-22 November 2015, PDRC, http://pdrc.bh/mcims-store/pdf/75846ed3-8c59-4daf-a7b6-c4111f45a6b9_Jau-English-Final.pdf

¹⁹ *Window-Dressing or Pioneers of Change? An Assessment of Bahrain's Human Rights Oversight Bodies*, Amnesty International, November 2016, <http://www.amnestyusa.org/research/reports/window-dressing-or-pioneers-of-change-an-assessment-of-bahrain-s-human-rights-oversight-bodies>

²⁰ Convention, Art. 4.2, p. 114.

²¹ “Royal Decree 52 – Amendments to Penal Code Articles 208 and 232,” Kingdom of Bahrain, 2012, https://www.biciactions.bh/wps/themes/html/BICI/pdf/1719/amendment_penal_code_article_208_232_en.pdf

²² Ibid.



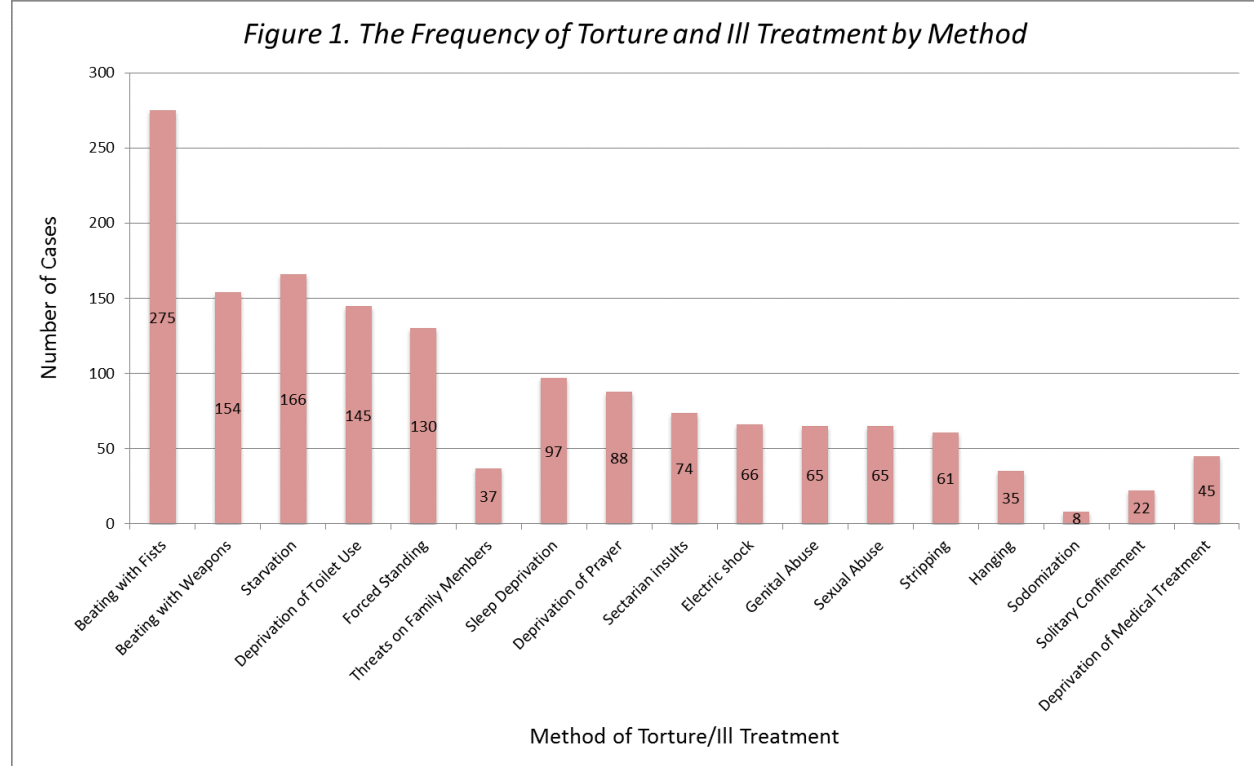
not officially detained or incarcerated at the time of abuse, such as those subjected to short-term enforced disappearance. Of the more than 500 cases of abuse documented by ADHRB and submitted to the UN Special Procedures, 18 per cent included a period of enforced disappearance.

Finally, the Government of Bahrain has not ratified the Optional Protocol to the CAT (OP-CAT) or the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED). After repeated cancellations, it has also indefinitely postponed a visit from the Special Rapporteur on torture.

The current state of Bahrain’s legislation notwithstanding, as the Committee has noted, there is a “persistent gap between the legislative framework and its practical implementation.”²³ Torture remains endemic throughout Bahrain’s criminal justice system, and both courts and dedicated oversight mechanisms continuously fail to hold perpetrators accountable. In cases where torture led to death, a crime punishable with a life sentence, individuals have been tried for lesser crimes, like assault without intent to kill. The judiciary remains deeply dependent on confessions extracted under torture, and judges continue to both admit coerced testimony and obstruct investigations into allegations of abuse, in contravention to the law.

4. Torture in Practice: Figures and Trends

Despite technical prohibition, torture remains widespread in Bahrain, and perpetrators regularly go unpunished. During the government’s suppression of the pro-democracy demonstrations in 2011 and its immediate aftermath, security forces tortured hundreds – if not thousands – of individuals. Since 2013, ADHRB has submitted over 370 complaints concerning discreet cases of torture to the UN. Of these, six individuals died as a result of torture and/or deprivation of medical care during detention. ADHRB has so far submitted 13 complaints concerning cases of torture in 2016, and BCHR has received reports of 10 new cases of torture between 1 January 2016 and 26 June 2016; of these ten cases, five were minors at the time of arrest. The Ombudsman of the Bahraini MOI, which is tasked with investigating human rights violations committed by security personnel, reported that



²³ “Committee’s Conclusions on Bahrain, 2005,” p. 2, ¶ 6(a).



it had received 908 complaints of abuse from May 2014 to April 2015, a 375 per cent increase over the previous year.²⁴ Due to the general failure of government accountability mechanisms like the Ombudsman,²⁵ as well as the threat of reprisal by security forces and an overall deficiency in public trust, torture remains underreported in Bahrain; all of these figures likely represent only a fraction of the actual total cases of abuse.

Bahraini authorities employ a variety of torture methods, the most common of which is beating the victim with their fists and with weapons or blunt objects. Other methods include electric shock, forced standing, hanging, and sexual abuse such as sodomitization or genital manipulation. Many victims have reported to ADHRB that Bahraini officials deprived them of water, food, sleep, and access to a toilet, exposed them to extreme temperatures, and threatened their family members with harm, torture, and/or sexual assault. In nearly a quarter of the torture complaints submitted by ADHRB to the UN, the victims claimed that security forces either prevented them from praying or subjected them to sectarian insults and hate speech, or both. Of the 13 complaints submitted by ADHRB in 2016, 12 included physical beating, five included sexual abuse, five included forced standing, three included sleep deprivation, three included electrocution, and one included hanging. Security forces also subjected these individuals to sectarian insults, deprivation of food and water, prevention of prayer, denial of medical care, forced nudity, suffocation, burning, and threats of further violence against the victims and their families (see Figure 1).

Torture occurs at both official and unofficial detention centers and regularly follows arbitrary arrest and enforced disappearance. With the significant exception of undisclosed or unofficial facilities, most cases of torture take place at the MOI's Criminal Investigation Directorate (CID). Typically, after a period at the CID, authorities transfer detainees to the PPO, where interrogation resumes. Following PPO interrogation, the authorities normally take male pre-trial detainees to Dry Dock Detention Center and female pre-trial detainees to the Isa Town Women's Prison; convicted women will continue to serve their sentence at Isa Town, while men are usually transferred to Jau Prison.

Bahraini security forces commonly use torture and other forms of ill treatment to coerce detainees into making false confessions or testimony. In more than 120 of the cases of torture ADHRB has submitted to the UN, Bahraini officials extracted false confessions from prisoners. Twenty-three of those detainees also reported that the authorities used their coerced confessions as the primary source of evidence at their trial, resulting in their conviction on fabricated charges. In many instances, masked officers blindfolded the detainees and forced them to sign documents without knowledge of their contents. It is also common for the authorities to place detainees beside weapons or other planted evidence while they force them to make a confession on videotape. ADHRB has documented cases of the government broadcasting these coerced video confessions on national television and other media. At time of writing, ADHRB has submitted 12 complaints involving coerced confessions in 2016, and BCHR has found that security forces used coerced testimony as the basis for mass arrests and house raids as recently as April 2016.²⁶ Such conduct is in breach of Article 19 of the Bahraini constitution, which prohibits torture and invalidates any testimony found to be coerced.

In addition to extracting confessions, Bahraini security forces use torture and ill treatment as a form of punishment or reprisal. One of the most severe examples occurred over several months in spring 2015 at the country's primary male detention center, Jau Prison.²⁷ In March, the authorities responded to a riot at the facility

²⁴ "Ombudsman releases second annual report," Bahrain News Agency (BNA), 31 May 2015, <http://www.bna.bh/portal/en/news/671348>

²⁵ "Bahrain's Third Cycle UPR: A Record of Repression," ADHRB, BCHR, and BIRD, 7 March 2017, <http://www.adhrb.org/2017/03/11848>; see also *Window-Dressing or Pioneers of Change? An Assessment of Bahrain's Human Rights Oversight Bodies*, Amnesty International, November 2016, <http://www.amnestyusa.org/research/reports/window-dressing-or-pioneers-of-change-an-assessment-of-bahrain-s-human-rights-oversight-bodies>

²⁶ For more on BCHR's recent documentation, see: *From 2011 to 2016, the Screams of Torture Still Echo*, BCHR, 26 June 2016, http://www.bahrainrights.org/sites/default/files/file_attach/BCHRReportonTorture26June.pdf

²⁷ *Inside Jau: Government Brutality in Bahrain's Central Prison*, ADHRB, BCHR, and BIRD, May 2015, http://www.adhrb.org/wp-content/uploads/2015/06/Inside-Jau-Report_Final.pdf



with excessive force and, after the unrest was suppressed, intensified torture. Although only a minority of the inmates participated in the riot, which began as a protest against the facility's increasingly overcrowded and unsanitary living conditions, the government collectively punished the prison population. Security forces fired tear gas into enclosed spaces and beat inmates indiscriminately, including minors. Once they regained control of the prison, the authorities continued to torture the inmates, beating them and depriving them of food and sleep. Some inmates were specifically targeted and forcibly disappeared elsewhere in the prison. The authorities took many political prisoners and those suspected of instigating the riot to Building 10, which incarcerated BCHR cofounder Abdulhadi al-Khawaja has described as "the torture building."²⁸ At least 100 inmates were transferred to Building 10 in the weeks following the riot. Police who hesitated to abuse the prisoners were reprimanded and transferred. While the government claims to have installed some cameras in Jau, much of this abuse occurred in the lobbies and the bathrooms, where there is no official surveillance. On 15 April 2015, the UN Special Rapporteurs on the right to freedom of opinion and expression, human rights defenders, and torture, in conjunction with the WGAD, issued a joint communication to the Government of Bahrain in which they noted that the authorities' excessive response to the Jau riot resulted in the injury of approximately 500 inmates.²⁹ They also expressed concern that the authorities had rearrested human rights defender and BCHR president Nabeel Rajab after he documented cases of torture in Jau; Rajab is currently detained and facing trial on several of the same charges he received in April 2015 relating to tweets in which he discussed torture in Bahrain's prison system. In contrast, Bahrain's PDRC, in a report on its first visit to Jau following the March 2015 incident in November 2015, never once used the word "torture" in its description of the events; it noted only that "95 prisoners had suffered light injuries and 9 medium injuries," and that an indeterminate number of "suspects" told the Public Prosecution that they had been "mistreated."³⁰

Since the aftermath of the riot and the collective punishment of Jau's inmate population, torture and ill-treatment have persisted. ADHRB continues to receive reports of torture and ill treatment at the facility, particularly against political prisoners and prisoners of conscience. Newer cases of torture include Mohammed Fakhrawi and Ali Fakhrawi, nephews of *al-Wasat* newspaper cofounder Abdulkarim Ali Ahmed Fakhrawi, who was tortured to death by Bahrain's National Security Agency (NSA) in 2011.³¹ The authorities detained and then repeatedly tortured the Fakhrawi brothers until they signed forced confessions; they have yet to stand trial.³² ADHRB has also received recent reports of prison officials denying medical care for the following ten prisoners: Ilyas Almulla, Hisham Alsabagh, Adel Ayoub, Sayed Sadiq Alalawie, Jaafar Maatoq, Ali Ibrahim Alzaki, Sadiq Alshabani, Dr. Abduljalil al-Singace, Mohammad Fadhel, and Mohammad Mirza, who remains in prison despite having served his full sentence.³³

The only criminal charges issued by the government in connection with the incident at Jau have been brought against inmates. On 25 January 2016, the PPO announced that a court had sentenced 57 prisoners to additional 15-year jail terms for their alleged involvement in the riot, with the government accusing the individuals of a variety of offenses, including "damaging public property, attacking police, arson and resisting

²⁸ Ibid.

²⁹ "UA BHR 2/2015," UN OHCHR, Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 15 April 2015, [https://spdb.ohchr.org/hrdb/30th/public_-_UA_Bahrain_15.04.15_\(2.2015\).pdf](https://spdb.ohchr.org/hrdb/30th/public_-_UA_Bahrain_15.04.15_(2.2015).pdf)

³⁰ *Report (10) - Report on the unannounced Visit to the Jau Rehabilitation & Reformation Center (JRRC) 15-22 November 2015*, PDRC, http://pdrc.bh/mcms-store/pdf/75846ed3-8c59-4daf-a7b6-c4111f45a6b9_Jau-English-Final.pdf

³¹ *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain – Volume II*, ADHRB, BCHR, and BIRD, 13 September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>; "Bahrain: Arrest Powers Restored to Abusive Agency," 31 January 2017, Human Rights Watch, <https://www.hrw.org/news/2017/01/31/bahrain-arrest-powers-restored-abusive-agency>

³² "ADHRB at HRC: Prisoners in Jau Prison Continue to Face Ill-treatment," ADHRB, 8 March 2016, <http://www.adhrb.org/2016/03/adhrb-at-hrc/>

³³ Ibid.



authorities.”³⁴ Mohammed al-Tajer, a prominent human rights lawyer and counsel for some of the accused, stated that the government disregarded the evidence of human rights violations: “We raised a complaint that our clients were beaten during the unrest in Jau Prison, but the court sentenced them at the end of the day, ignoring these complaints.”³⁵ Despite the UN Special Procedures’ request that the Bahraini authorities investigate allegations of torture and “ensure that any victims...have access to appropriate remedies,” the government has thus far failed to hold any perpetrators accountable.³⁶

In June 2016, a similar incident occurred at the Dry Dock Detention Center after 17 detainees reportedly escaped.³⁷ According to the MOI, security forces immediately deployed dozens of police vehicles and set up checkpoints to search for the detainees. On 3 June, the day of the escape, a MOI spokesperson reported that the authorities had apprehended sixteen individuals who either escaped or “assisted in the planning and execution [of the escape].”³⁸ Six escapees reportedly remain at large. The authorities have not disclosed any details concerning the alleged escapees or the reasons for which they were incarcerated. Since 3 June, ADHRB has received reports from families of Dry Dock detainees, specifically those held in buildings used for the long-term detention of minors, claiming that the authorities have subjected inmates to increased abuse in retaliation for the alleged escape. According to the families, prison officials have blindfolded and physically beat the detainees and forced them to stand for long hours. They reportedly told the detainees that they deserved the punishment because they did not report the escape attempt. Several inmates suffered injuries as a result of the torture. One detainee told his family that the authorities pulled him by his neck and hit his head on a wall. Guards reportedly forced a number of detainees to eat after they initiated a hunger strike several days into the reprisal. Although many of the detainees’ families have reported that they informed the Ombudsman’s office of these abuse, it has yet to formally investigate. The Ombudsman’s office told several of the families that it was unable to intervene, citing difficulty communicating with the broader MOI in such cases.

Since an escape from Jau Prison in January 2017, authorities have also intensified restrictions there. Inmates report that prison officials cut off all communications for four days during and after the 15 January executions by arbitrarily prohibiting visits and phone calls; banned newspapers since 15 January; banned Shia religious television channels; cancelled hospital appointments; ended sales from the prison shop; and ignored detainee complaints. The authorities have also reportedly begun to lock the doors in the prison’s Building 6 for the majority of each day, preventing the building’s inmates from accessing the toilet for extended periods of time. Other prisoners have reported hearing screams from inside Building 6 since the institution of this new policy.³⁹

Bahraini authorities have also targeted the close relatives of activists and victims as another form of reprisal.⁴⁰ In some instances, officials have intimidated relatives of victims in an attempt to dissuade them from seeking accountability for the abuse of their family member.⁴¹ In other cases, the government has targeted individuals simply for being related to a human rights defender or opposition figure.⁴² In 2015, for example, Bahraini security forces arbitrarily arrested Ali Isa Ali al-Tajer, the brother of the human rights lawyer, Mohamed al-Tajer.⁴³ The security forces disappeared Ali for twenty-five days, tortured him, denied him proper legal counsel,

³⁴ “Bahrain court sentences 57 men to 15-year terms for prison violence,” 25 January 2016, Reuters, <http://in.reuters.com/article/bahrain-security-court-idINKCN0V31FE>

³⁵ “Bahrain’s Miscarriage of Justice in Sentencing 57 Jau Prisoners,” ADHRB, BIRD, BCHR, ECDHR, and JHRO, 27 January 2016, <http://www.adhrb.org/2016/01/8620/>

³⁶ Ibid.

³⁷ “Bahrain’s Dry Dock Detention Center: Mass and Indiscriminate Punishment,” ADHRB, BCHR, BIRD, and ECDHR, 10 June 2016, <http://www.adhrb.org/2016/06/9905/>

³⁸ Ibid.

³⁹ Confidential source.

⁴⁰ “Champions for Justice: Victims of Government Reprisal,” ADHRB, BCHR, and BIRD, 7 January 2016, <http://www.adhrb.org/2016/01/champions-for-justice-victims-of-government-reprisals/>

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.



and forced him to confess to charges of which he maintains his innocence. Mohamed and other members of the al-Tajer family filed complaints concerning Ali's torture to a number of state human rights mechanisms, including the PPO's SIU.⁴⁴ On 29 December, Bahraini authorities brought Ali to the SIU to be examined by a forensic doctor who then referred him to three different medical specialists for a knee injury and a prolapsed disc in his spine. Nevertheless, when the authorities took Ali before the public prosecutor the next day, the prosecutor stated that the forensic doctor had not seen any signs of torture on Ali's body and rejected his claim. Ali remains in prison, and officials continue to deny Mohamed access to his brother's interrogation sessions as well as his medical reports. Most recently, the authorities have targeted the family of Sayed Ahmed al-Wadaei, the Director of Advocacy at BIRD, for torture and reprisal. For more information on these cases, see section 4.1 of this report, below.

The government has also harassed the families of individuals tortured and/or killed by security forces, in some cases coercing them into signing agreements that prevent them from protesting or publicly discussing their deceased relative.⁴⁵ In June 2016, the authorities imposed a travel ban on the parents of two protestors who had been killed, preventing them from attending the 32nd session of the HRC.⁴⁶ On 31 July 2016, activists reported that the fathers of two victims were detained and awaiting transfer to the PPO for unknown reasons.⁴⁷

In conjunction with the WGAD, the UN Special Rapporteur on torture has issued 16 joint communications to the Bahraini government, all of which demonstrate that arbitrary detention and torture are closely linked in Bahrain.⁴⁸ These communications have noted a multitude of cases, including Mohammed al-Buflasa, Naji Fateel, Maher al-Khabbaz, Zainab al-Khawaja, other members of BYSHR, and several unnamed minors.⁴⁹ The authorities tortured some of these individuals, such as Maher al-Khabbaz, into signing coerced confessions that were later used to secure death sentences.⁵⁰ Since 2014, the WGAD has noted in its communications⁵¹ to Bahrain that the widespread use of arbitrary detention and its associated human rights violations may potentially amount to crimes against humanity.⁵² The Government of Bahrain has repeatedly denied visitation requests from the Special Rapporteur on torture,⁵³ and the WGAD has not visited the country since 2001.⁵⁴

4.1 Selected Cases/Cases Raised by the Committee

Matar Ebrahim Matar – Bahrain's Third Periodic Report, p. 39, ¶ 132(a); "2015 List of Issues," pp. 4 ¶¶ 13 (b)

⁴⁴ "Ali al-Tajer: Government Reprisal in Bahrain," ADHRB, 26 May 2016, <http://www.adhrb.org/2016/05/ali-isa-ali-al-tajer-government-reprisal-bahrain/>

⁴⁵ "Champions for Justice: Victims of Government Reprisal," ADHRB, BCHR, and BIRD, 7 January 2016, <http://www.adhrb.org/2016/01/champions-for-justice-victims-of-government-reprisals/>

⁴⁶ Tyler Pry, "Bahrain's Use of Travel Bans Are Reprisals Against Activists and HRDs," ADHRB, 25 July 2016, <http://www.adhrb.org/2016/07/bahrain-use-travel-bans-reprisals-activists-hrds/>

⁴⁷ Maryam al-Khawaja, Twitter, 31 July 2016, <https://twitter.com/MARYAMALKHAWAJA/status/759786666542399488>

⁴⁸ *Charting the Seas of Abuse: Analysis of United Nations Special Procedure Communications to the Kingdom of Bahrain 2011 – 2016*, ADHRB, BCHR, and BIRD, 14 June 2016, <http://www.adhrb.org/2016/06/9921/>; See Annex.

⁴⁹ Ibid.

⁵⁰ "NGOs Condemn Capital Punishment Sentence for Maher al-Khabaz," ADHRB, BCHR, and BIRD, 30 October 2014, <http://www.bahrainrights.org/en/node/7144>

⁵¹ "Bahrain NGOs commend WGAD decisions on Bahrain," ADHRB, BCHR, and BIRD, 22 July 2015, <http://www.adhrb.org/2015/07/bahrain-ngos-commend-wgad-decisions-on-bahrain/>

⁵² For example: "A/HRC/WGAD/2014/22, Opinion adopted by the Working Group on Arbitrary Detention at its seventieth session (25 to 29 August 2014), No. 22/2014 (Bahrain), Communication addressed to the Government on 17 June 2014 concerning Jassim al-Hulaibi," UN HRC, WGAD, 20 November 2014.

⁵³ "Bahrain / Human rights: Government effectively cancels UN Special Rapporteur on torture's visit," 24 April 2013, UN OHCHR, <http://www.ohchr.org/EN/NewsEvents/pages/DisplayNews.aspx?NewsID=13261#sthash.gkZnijbm.dpuf>; and

"Juan Mendez: The torturers' worst nightmare," Amnesty International, 10 December 2014, <https://www.amnesty.org/en/latest/news/2014/12/juan-mendez-torturers-worst-nightmare/>

⁵⁴ "Country Visits - Working Group on Arbitrary Detention," UN OHCHR, 2016, <http://www.ohchr.org/EN/Issues/Detention/Pages/Visits.aspx>



Former Al-Wefaq parliamentarian and activist Matar Ebrahim Matar was severely beaten in detention during the 2011 suppression of Bahrain's popular uprising. Authorities originally arrested Matar in March 2011. He spent about 90 cumulative days in various prisons, the names and locations of which he was unaware, where he was tortured. Bahraini security personnel struck him all over his body, including the head and face, with both fists and objects; subjected him to sleep deprivation; and held him in solitary confinement for approximately 50 days, among other abuses.⁵⁵

In its Third Periodic Report, the Bahraini government claims to have refuted Matar's account because his wife, "[w]hen questioned," stated that "at the time of his arrest ... [she] saw no-one beating" her husband.⁵⁶ Hence "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."⁵⁷ Even accepting *arguendo* that the state relays this testimony accurately and that it was not the product of intimidation, however, the response patently avoids the gravamen of the victim's charge: that he was tortured *inside the Bahraini detention system*, not at the moment of arrest. Bahrain also alleges that it attempted to arrange counsel of Matar's choice, but "the lawyer did not reply to repeated calls."⁵⁸ The detainee directly contradicts this in his testimony, reporting that no attorney was present at his first court session and that, while the authorities did inform him that they had sought to contact his counsel without success, the attorney later told him in person that this was false.⁵⁹

Naji Fateel – "2015 List of Issues," pp. 4 ¶¶ 15

On 2 May 2013, plain-clothes security forces arrested human rights defender and co-founder of the Bahrain Youth Society for Human Rights (BYSHR), Naji Fateel, after he returned from the UN Human Rights Council.⁶⁰ For three days, officers tortured and interrogated him to extract a confession. They reportedly waterboarded him, beat him, sexually assaulted him, hung him by his hands from the ceiling, and subjected him to electric shocks. Three weeks after his arrest, in May 2013, a court sentenced Fateel to six months in prison for "illegal assembly." In September 2013, Bahrain's Fourth Criminal Court sentenced him to 15 years in prison under Article 6 of the 2006 Terrorism Law for "establishing a group for the purpose of disabling the constitution." Human rights groups condemned the trials for not meeting international fair trial standards, and the government denied access to an international trial observer.⁶¹

In its Third Periodic Report, the Bahraini government claims "that [a] study of the rulings delivered shows that the accused made detailed confessions of his own volition during questioning by the Public Prosecution Service" and that the Court of Appeals investigated his torture allegations. However, there is no evidence that the judge addressed claims of torture. Additionally the government claimed a medical examination found no signs of torture, despite widely circulated photos of Fateel's bruised body.⁶² He is currently serving his sentence in Jau Prison, where he

⁵⁵ Declaration of Matar Ebrahim Matar, drafted on the basis of extended communication with Mr. Matar from October-November 2013, on file with ADHRB.

⁵⁶ "Bahrain's Third Report," p. 39, ¶ 132(a).

⁵⁷ *Ibid.*, p. 40.

⁵⁸ *Ibid.*, ¶ 132(c).

⁵⁹ Declaration of Matar Ebrahim Matar, ADHRB, *op. cit.*

⁶⁰ "Bahrain: Human rights defenders at risk in jail, others facing long prison sentences," Gulf Center for Human Rights, 8 May 2015, <http://www.gc4hr.org/news/view/998>; and "Bahrain: Ailing human rights defenders Dr. Abduljalil Al-Singace and Naji Fateel not receiving medical support in prison," BCHR, 30 July 2015, <http://www.bahrainrights.org/en/node/7591>

⁶¹ "CASE HISTORY: NAJI FATEEL," Frontline Defenders, 2017 <https://www.frontlinedefenders.org/en/case/case-history-naji-fateel>

⁶² "Prisoner Profile: Naji Fateel," ADHRB, 9 February 2017, <http://www.adhrb.org/2017/02/11708/>



participated in a hunger strike to protest his detention and the treatment of prisoners.

During the 10 March riot at Jau, government forces singled out Fateel for physical beatings, even though he did not take part in the unrest. For several weeks after the 10 March events, Fateel's family was unable to communicate with him. On one occasion when Fateel's wife tried to visit him in prison, the guards presented her with a note, not in Fateel's handwriting, stating that he did not want to see her.⁶³ In April 2016, the Gulf Center for Human Rights (GCHR) reported that Fateel had been subjected to "physical and psychological torture," and that he had suffered a broken leg and nose.⁶⁴ Multiple reports since that time indicate that prison officials did not provide him with proper medical attention, despite complaints from his family. In July 2015, the authorities accused Fateel of participating in the March riot and brought new charges against him;⁶⁵ on 25 January 2016, a court sentenced Fateel and 56 other prisoners to additional 15-year jail terms for their alleged involvement in "acts of chaos, riots and rebellion inside [prison] buildings."⁶⁶ Fateel is now serving a combined 30 years in prison.

Hasan al-Hayki

On 31 July 2016, the MOI announced that 35-year-old detainee Hassan Jassim Hasan al-Hayki had died after being taken to Salmaniyya hospital to be treated for unknown ailments. Al-Hayki's family has confirmed that he did not suffer from any health issues prior to his arrest and have alleged that he died from injuries sustained during torture at the MOI's CID. They report that the authorities beat al-Hayki on his head and genitals, hung him from chains, and threatened him at gunpoint. The family also alleges that the authorities prevented al-Hayki from accessing a lawyer during the interrogations and forced him to sign a confession.⁶⁷

Nevertheless, nine days after it announced that it had begun investigating the case, the PPO's SIU concluded on 10 August that it had ruled out "any criminal suspicion."⁶⁸ Photos that appeared to show signs of torture on al-Hayki's body soon emerged, but the government claimed these were fabricated.⁶⁹ Four days after the investigation closed, the PPO charged the al-Haykis' lawyer, Sayed Hashem Saleh, with "publicly spreading false information with the intention of influencing the judicial authority in charge of the case" after he allegedly disagreed with the SIU's findings, telling "a local newspaper that there were injuries and bruises on the body of the deceased that proved beyond any doubt a criminal suspicion."⁷⁰ He has since been released and is awaiting trial.

5. Detention Standards

5.1 Legal Procedures Surrounding Detention

"2010 List of Issues," pp. 1–2, 5, ¶¶ 2, 3, 6, 24; "Committee's Conclusions on Bahrain,

⁶³ "June Champions for Justice: The Prisoners of Jau," ADHRB, 3 June 2015, <http://www.adhrb.org/2015/06/june-champions-for-justice-the-prisoners-of-jau/>

⁶⁴ "Bahrain: Human rights defenders at risk in jail, others facing long prison sentences," Gulf Center for Human Rights, 8 May 2015, <http://www.gc4hr.org/news/view/998>; and "Bahrain: Ailing human rights defenders Dr. Abduljalil Al-Singace and Najj Fateel not receiving medical support in prison," BCHR, 30 July 2015, <http://www.bahrainrights.org/en/node/7591>

⁶⁵ Ibid.

⁶⁶ "On International Human Rights Day, GCHR calls for detained human rights defenders to be freed," Gulf Center for Human Rights, 10 December 2016, <http://www.gc4hr.org/news/view/1443>

⁶⁷ *Annual Report: Bahrain 2016*, BCHR, 2017, http://bahrainrights.org/sites/default/files/BCHR_AnnualReport_Web-REV-1.pdf?_ga=1.162212991.212364749.1473867427

⁶⁸ "No criminal suspicion in detainee's death: SIU," BNA, 10 August 2016, <http://www.bna.bh/portal/en/news/739387>

⁶⁹ «التحقيق الخاصة»: حفظ قضية الحايكي لوفاته طبيعياً... ومحام: شبهة جنائية بوفاته»

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

⁷⁰ "Lawyer charged with disseminating false information," BNA, 14 August 2016, <http://www.bna.bh/portal/en/news/739869>



2005,” p. 4, ¶ 7(j)

In spite of nominal legal protections, arbitrary arrest, enforced disappearance, and violations of the rights of the accused remain common in Bahrain. Moreover, the government has introduced and amended legislation – such as the cybercrime and anti-terror laws – to criminalize a variety of acts related to free expression, free assembly, and free association, as well as to expand the detention powers of the police and prosecution. As the United States Department of State reemphasized in its 2016 human rights country report on Bahrain, there is a “lack of due process in the legal system, including arrests without warrants or charges and lengthy pretrial detentions.” Such practices are “used especially ... against opposition members and political or human rights activists.”⁷¹ An emblematic case is that of Nabeel Rajab, a prominent human rights defender who has held in pretrial detention at a police station on charges related solely to his free expression since June 2016.⁷² Courts have repeatedly postponed his trials, and the authorities have intermittently subjected Rajab to solitary confinement in unsanitary conditions for months at a time,⁷³ exacerbating his preexisting health conditions (gallstones and skin disease), for which he has been denied proper and consistent medical care. New heart problems have also necessitated his temporary transfer to the hospital for emergency treatment.⁷⁴ Rajab’s case contradicts Bahrain’s claim to the Committee that solitary confinement has been limited to a term of seven days since the promulgation of the Reform and Rehabilitation Institution Act in 2014.⁷⁵ The authorities have held Rajab in solitary confinement for periods far exceeding that timeframe from 2016 to present.⁷⁶

Furthermore, Rajab’s case contradicts Bahrain’s claim in its Third Periodic Report that the penal code has been amended to remove articles that criminalize “the dissemination abroad of false reports, information, or statements about domestic conditions in the country” and “the production, possession, distribution and display of images designed to demean the country’s reputation.”⁷⁷ Additionally, the report claimed the government had amended Article 168, which criminalized “the dissemination of false news reports in the knowledge that these may damage national security, public order or public health,” to now require that “damage must actually occur as a consequence thereof” for the offense to be prosecutable. Nevertheless, one of the charges against Rajab is “spreading false news and malicious rumors abroad impairing the prestige of the state” for an editorial published in the *New York Times*. There can be no clear causal link drawn between the editorial and any damages or “incitement to violence,” as required by the law for prosecution under Article 168, and in any case the law still infringes on the right to free expression. Rajab also faces charges under Article 133, which criminalizes “disseminating false rumours in time of war,” in relation to tweets he posted about the Saudi-led coalition air strikes in Yemen, and under Article 216, which criminalizes “insulting a statutory body,” for posting tweets about torture in Jau Prison.⁷⁸ Rajab could face

⁷¹ *Human Rights Country Reports for 2016* – Bahrain, US Department of State – Bureau of Democracy, Human Rights and Labor, 3 March 2017, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265492#wrapper>

⁷² Information gathered by BIRD and ADHRB submitted to the Special Rapporteurs on torture, human-rights defenders, freedom of expression, and judicial independence and the Working Group on Arbitrary Detention in an urgent communication of 28 June 2016.

⁷³ “Updates: Arrest and Detention of BCHR’s President Nabeel Rajab,” BCHR, 2017, <http://www.bahrainrights.org/en/updates-arrest-and-detention-bchrs-president-nabeel-rajab>

⁷⁴ “Bahrain Extends Arbitrary Detention of BCHR’s President Nabeel Rajab, Court Postpones His Trial to 2 August,” ADHRB, BCHR, BIRD, European Centre for Democracy & Human Rights (ECDHR), and Justice Human Rights Organization (JHRO), 12 July 2016, <http://www.adhrb.org/2016/07/bahrain-extends-arbitrary-detention-bchrs-president-nabeel-rajab-court-postpones-trial-2-august/>

⁷⁵ “Bahrain’s Third Report,” p. 34, ¶ 110. ADHRB notes in passing here that Bahrain has not provided the Committee with any concrete information on the current extent of solitary confinement, as explicitly requested by the Committee, and responds only that “The number ... is variable and changes from time to time.” *Ibid.*, and *cf.* “2015 List of Issues,” pp. 2-3, ¶ 9.

⁷⁶ See e.g. the information submitted to various Special Procedures on 28 June 2016, *op. cit.*, at which point the period of solitary confinement was over two weeks.

⁷⁷ “Bahrain’s Third Report,” p. 28, ¶ 93.

⁷⁸ “Updates: Arrest and Detention of BCHR’s President Nabeel Rajab,” BCHR, 2017, <http://www.bahrainrights.org/en/updates-arrest-and-detention-bchrs-president-nabeel-rajab>



up to 18 years in prison if convicted of all the charges against him.

Due process violations are not limited to cases of high-profile detainees. Of nearly 500 cases of abusive detention reviewed by ADHRB from 2011-2015, 116 individuals reported that at no point during their detention were they allowed to speak to an attorney. Many more were denied legal assistance at some stage of their detention, typically during the crucial period immediately following arrest. Only two individuals out of this set of cases affirmatively reported that they had been given access to an attorney during the authorities' initial investigation. In at least 122 of these cases confessions were extracted via torture, and such coerced confessions are frequently presented as the primary – if not only – piece of evidence at trial⁷⁹ in violation of the Convention.⁸⁰ The US State Department reported similar findings in its 2016 human rights report on Bahrain, highlighting a variety of due process violations as well as serious concerns regarding deficiencies in judicial independence:

Attorneys reported difficulty in gaining access to their clients in a timely manner through all stages of the legal process, including reports defense attorneys had difficulty registering themselves as a detainee's legal representative because of arbitrary bureaucratic hurdles, had their qualifications arbitrarily questioned by police, were not notified of their client's location in custody, were directed to seek a court order to meet with their client, were prohibited from meeting their client in private, were prohibited from passing legal documents to their client, were told at short notice when their client would be questioned by the PPO, were not allowed to be present during questioning by police or prosecutor, and were not provided access or allowed to consult with their clients in court. While the state provides counsel to indigent detainees, there were reports detainees never met with their state appointed attorney before or during their trial...The judiciary remained vulnerable to political pressures, especially involving political opposition figures...Many of the country's approximately 160 judges were foreign judges serving on limited-term contracts⁸¹ (which are subject to government approval for renewal and residence in the country)...No law governs defendants' access to government-held evidence, and such evidence was available at the discretion of the court...Prosecutors rarely present evidence orally in court but provide it in written and digital formats to judges in their chambers. In criminal trials prosecutors and judges walk into the courtroom together...The government frequently tries defendants in their absence.⁸²

These types of due process violations are ongoing and have continued into 2017. Sayed Nazar al-Wadaei and Hajar Mansoor, who are brother- and mother-in-law, respectively, of BIRD's Director of Advocacy, Sayed Ahmed al-Wadaei, were arrested without a warrant in early March 2017. The authorities have held them *incommunicado* without access to their families or attorneys and without charge. Officials tortured both Sayed Nazar al-Wadaei and Hajar Mansoor. The detaining authorities have made plain to the victims that they are being targeted as “revenge” against their relative abroad, who was at the time attending the latest session of the UN Human Rights Council in order to report on Bahrain's record.⁸³ Sayed Ahmed al-Wadaei's wife, Duaa Sayed Neama al-Wadaei, was previously held in October 2016 and interrogated without access to an attorney for the better part of day,⁸⁴ contrary to the Committee's recommendation on immediate access to a lawyer for those detained.⁸⁵ Ms. Duaa al-Wadaei's interrogators also made it clear

⁷⁹ ADHRB, “From the Ground,” [online](#) statement, *op. cit.*

⁸⁰ Convention, Art. 15, p. 116.

⁸¹ Reports indicate these are typically two-year renewable contracts.

⁸² *Human Rights Country Reports for 2016* – Bahrain, US Department of State – Bureau of Democracy, Human Rights and Labor, 3 March 2017, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265492#wrapper>

⁸³ Information gathered by BIRD and ADHRB, which has been submitted to the Special Rapporteurs on torture, human-rights defenders, and judicial independence and the Working Group on Arbitrary Detention in an urgent communication submitted on 7 March 2017.

⁸⁴ Information gathered by BIRD and ADHRB submitted to the Special Rapporteurs on human-rights defenders and freedom of expression and the Working Group on Arbitrary Detention in a communication of 28 October 2016.

⁸⁵ “2010 List of Issues,” pp. 1-2, ¶ 2.



that the purpose of the detention was to intimidate her husband,⁸⁶ reportedly stating “We’re going to get the animal – your husband – and he is going to pay. We’re going to start with your family and with his family. We’re going to get you one by one.” These individuals have been targeted as a form of reprisal against an exiled human rights defender, who himself was previously stripped of his citizenship.

Additionally, just weeks before its review by the Committee, the Bahraini government has advanced a constitutional amendment to extend the mandate of military courts to try of civilians in cases linked to national security.⁸⁷ Military courts heard cases against civilians during the 2011 State of National Safety, and were found to lack transparency and independence; they accepted evidence obtained under torture and oversaw severe due process violations, ultimately convicting large numbers of individuals for offenses stemming solely from free expression, assembly, and association, including the group of imprisoned activists known as the Bahrain 13. Notably, as indicated by the Bahraini government in its Third Periodic Report to the Committee, “military personnel” and other security forces “accused of committing [crimes such as torture] are to be tried in civil courts,” as “torture and inhuman or degrading treatment and deaths linked thereto are not to be treated as military crimes.” This means that the amendment in question, which now needs only to be signed by the king in order to be implemented, will allow civilians to be tried in courts that the government ostensibly acknowledges are too opaque or politicized to judge security personnel in cases of torture and ill treatment. For more information on military courts, see section 7.1 of this report, below.

5.2 Procedures for Protection of Detainees

“2010 List of Issues,” p. 2, ¶ 7; “2015 List of Issues,” pp. 2, 3, ¶¶ 5, 12, 13; “Committee’s Conclusions on Bahrain, 2005,” p. 5, ¶ 7(n)

Bahrain’s safeguards against torture are largely ineffective and cosmetic. The Bahraini governments emphasizes, for example, that “[t]he Ministry of Interior has installed the most technologically up-to-date cameras” inside the detention system⁸⁸ without specifying in which facilities these have been placed. Setting aside the issue of coverage across facilities, the technological sophistication of this equipment has often proved irrelevant in practice, as guards at Jau Prison have simply taken detainees into bathrooms or other areas where cameras are not installed before beating them.⁸⁹ Though Bahrain states in its most recent report that new regulations issued in 2015 will see to “hygiene measures to safeguard the health” of detainees and “preserve public health within” detention facilities,⁹⁰ the government’s own PDRC found the year before

⁸⁶ Information submitted to various Special Procedures on 28 October 2016, *op. cit.*

⁸⁷ See ‘Alī al-Mūsawī, “36 *shūrīan yūbārīkūn «at-ta’ dīl ad-dustūrī» bi-sha’ n al-qaḍā’ al-‘askarī”* [“36 Shūrā Council Members Approve the ‘Constitutional Amendment’ on Military Courts”], *al-Waṣaṭ* [online](#), 6 March 2017 (accessed March 2017). As of this writing, ADHRB has not found the text of the amendment in a government-published source (such as the official gazette, *al-Jarīdah ar-rasmīyah*), but as quoted in the *al-Waṣaṭ* article (*ibid.*), the wording is ambiguous, reading: “The law shall govern the military courts, and shall declare their jurisdiction over the Bahrain Defense Forces, the National Guard, and public-security forces” (translated from Arabic). The significance of this amendment is that it erases the explicit delimitation of military jurisdiction that was previously contained in the Constitution: “The jurisdiction of the military courts is limited to military crimes committed by members of the Bahrain Defense Forces, the National Guard, and public[-]security [forces], and does not extend to others unless under proclamation of martial law, which shall be within the bounds established by law.” 2002 Constitution, Art. 105(b) (translated from Arabic). It is clear from the comments of supporters of the amendment within the Bahraini government (see e.g. those quoted or paraphrased in al-Mūsawī, *al-Waṣaṭ* [online](#), 6 March 2017, *op. cit.*) that the change is understood and intended to open the door to military trials of non-military defendants on charges relating to national security and terrorism.

⁸⁸ “Bahrain’s Third Report,” p. 23, ¶ 78.

⁸⁹ BIRD, ADHRB, and BCHR, *Inside Jau: Government Brutality in Bahrain’s Central Prison* (Washington, D.C.: self-published, May 2015) (available [online](#); P.D.F.), p. 22. The governmental Prisoners and Detainees Rights Commission (PDRC) has noted that, similarly, “[t]here are surveillance cameras” at Dry Dock Detention Center, “but they do not cover all areas,” and stated that installation of cameras “to cover all the facilities” on-site was a matter requiring “[u]rgent action.” PDRC, *Unannounced visit to the Dry Dock Detention Center* (21-24 April, 2014), Report No. 1, August 2014 (available [online](#); P.D.F.), pp. 9, 18.

⁹⁰ “Bahrain’s Third Report,” p. 23, ¶ 78.



that the cleanliness of the wings and overall maintenance at the Dry Dock Detention Center required “urgent action.”⁹¹

Up to February 2016, ADHRB has been made aware of only one instance in which a case of torture referred to the UN’s Special Procedures on human rights was subject to a domestic investigation in Bahrain. In that single instance, the perpetrator was acquitted.⁹²

For more information, see ADHRB’s reports on Bahrain’s accountability mechanisms and its compliance with recommendations made during its Universal Periodic Review, listed in the Annex of this submission.

5.3 Abuse of Juveniles During Arrest and Detention

“2010 List of Issues,” p. 3, ¶ 16; “2015 List of Issues,” p. 3, ¶ 10

A significant proportion of the nearly 500 cases of abuse documented by ADHRB and partners between 2011 and 2015 concerned child detainees (legal minors).⁹³ In just 2015, BCHR documented the arbitrary arrest and imprisonment of at least 237 minors.⁹⁴ As of February 2015, approximately 200 minors were incarcerated in Bahrain, half of whom are housed in adult facilities. BCHR estimates that the government has arrested as many as 1,500 children since 2011, and killed 14.⁹⁵

Minors abused or threatened in detention in recent years include Ammar Yasser Abdulla Abbas (detained in 2014 at age 13), Ebrahim Ahmed al-Muqdad (detained in 2012 at age 15),⁹⁶ Hussain Faisal Abdul Wahed Jasim al-Nakhotha (detained 2013 at age 17), Jihad Sadeq al-Hebaishi (detained 2012 at age 16), Mustafa Mohammed Ali (detained 2013 at age 17), and Nedhal Ali Hussain al-Abood (detained 2013 at age 15). 15-year-old Ebrahim was tortured with techniques including beatings, electrocution, and deprivation of food, water, and sleep.⁹⁷ Jihad was held in solitary confinement for ten days.⁹⁸ Ammar and Nedhal,⁹⁹ were detained without a warrant for their arrest, and Ebrahim, Jihad,¹⁰⁰ and Nedhal¹⁰¹ were denied access to legal counsel during critical stages of their detention. Some minors have been sentenced for exercising their freedom of assembly. Ebrahim and Mustafa,¹⁰² for instance, were convicted on charges that included attendance at an “illegal gathering.” In January 2015, the PDRC visited the Juvenile Care Center, where there were 20 children in custody; of the 20, three had been detained for “protesting against public order and offending police officers.”¹⁰³

Other cases documented by ADHRB include a minor that was sexually abused and threatened with rape, and another that was beaten until his nose was broken and subjected to electric shocks to the genitals.

⁹¹ PDRC, Report No. 1, August 2014, *op. cit.*, p. 18.

⁹² ADHRB, “From the Ground,” [online](#) statement, *op. cit.*

⁹³ *Ibid.*

⁹⁴ “Authorities continue to target children,” BCHR, 3 February 2016, <http://www.bahrainrights.org/en/node/7698>

⁹⁵ “Bahrain: The authorities Violate the Rights of Hundreds of Children Against the Convention on the Right of the Child,” BCHR, 20 November 2015, <http://www.bahrainrights.org/en/node/7657>; and *Children Under Attack: Violations Against the Convention on the Rights of the Child in Bahrain*, BCHR, 17 June 2013,

http://www.protectingeducation.org/sites/default/files/documents/children_under_attack.pdf

⁹⁶ ADHRB, “August Champions for Justice: Bahrain’s Student Prisoners,” [online](#) statement, 7 August 2015.

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ ADHRB, “Child Prisoners in Bahrain,” [online](#) statement, 23 February 2015.

¹⁰² ADHRB, “August Champions for Justice,” [online](#) statement, *op. cit.*

¹⁰³ *Country Reports on Human Rights Practices 2015 – Bahrain*, United States Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>



The government has additionally failed to investigate the recent death of a minor during his arrest by security forces. Seventeen-year-old Ali Abdulghani died from injuries sustained after authorities attempted to apprehend him on 31 March 2016 by Bahraini.¹⁰⁴ Courts had sentenced Abdulghani to five years imprisonment on charges related to his participation in demonstrations, and witnesses reported that security personnel ran him over twice with their car while attempting to make their arrest. Abdulghani reportedly got up to run away after he was initially hit by the security vehicle, but was then hit for a second time and fell to the ground. According to witnesses, Abdulghani got up again, running to another property approximately 200 meters away from his aunt's house. A few moments later, the victim was photographed lying on the ground, bleeding from a serious head injury. Witness videos appeared to show security personnel tampering with the scene.¹⁰⁵

Despite the Bahraini government's claim to provide "juveniles...with educational and health services" in its Third Periodic report to the Committee,¹⁰⁶ child prisoners face severe obstacles to accessing education. After security forces temporarily disappeared, tortured, and forced sixteen-year-old Nedhal into signing a false confession in 2013, for example, a Bahraini court sentenced him to life imprisonment under Bahrain's terrorism law.¹⁰⁷ While an appellate court reduced his sentence to fifteen years, al-Abood was unable to take any of his final exams and had yet to complete his schooling as of 2015. Similarly, in 2013 and 2014, Jau Prison authorities prohibited detainee Sayed Qassim, a ninth grade student, from studying for school. As a result, Sayed Qassim failed his courses, and can no longer register for classes. Additionally, Sayed Adnan Sayed Majeed al-Khabbaz had to forfeit his education altogether due to alleged miscommunications between Jau Prison and the Ministry of Education.¹⁰⁸ While detention would disrupt a minor's education under the best of circumstances, the conditions under which juveniles are held in Bahrain exacerbate this problem.

The abuse of child prisoners is partially symptomatic of institutional failures in the treatment of minors by the Bahraini legal system. Children above the age of 15 are tried in regular courts, as opposed to juvenile courts, and are subject to the same due process violations enumerated above. In its 2016 global report on children's access to justice within state legal systems, the Child Rights International Network (CRIN) ranked Bahrain at 168 out of 197 countries assessed, between Libya at 167 and Algeria/South Sudan at 169.¹⁰⁹ This ranking places the Bahraini criminal justice system among the worst 30 for children in the world.

Despite some improvements, the government has still failed to fully separate juveniles from adults under detention. In 2014, the Bahraini government's PDRC found 108 minors held alongside the adult population at Dry Dock Detention Center.¹¹⁰ As noted, it is estimated that half of the 200 minors detained in Bahrain as of 2015 were being held in detention centers alongside adult detainee populations.¹¹¹ Allowances for the special circumstances of juvenile detainees are meager. The PDRC highlighted in 2014 that the Dry Dock detention facility had no training programs for its personnel on meeting the needs of 15-18 year-old detainees.¹¹²

The authorities have also included the children of human rights defenders and political activists in their

¹⁰⁴ "Immediate and Impartial Investigation Needed After Death of Teenager," ADHRB, BCHR, BIRD, ECDHR, and JHRO, 4 April 2016, <http://www.adhrb.org/2016/04/immediate-impartial-investigation-needed-death-teenager/>

¹⁰⁵ *Ibid.*

¹⁰⁶ "Bahrain's Third Report," p. 35, ¶ 113.

¹⁰⁷ ADHRB, "August Champions for Justice," [online](#) statement, *op. cit.*

¹⁰⁸ "BCHR Representative Highlights Children Denied Education in Bahrain at HRC29," ADHRB, 19 June 2015, <http://www.adhrb.org/2015/06/bchr-representative-highlights-children-denied-education-in-bahrain-at-hrc29/>

¹⁰⁹ *Access to Justice for Children: Global Ranking*, Child Rights International Network, 2016, <https://www.crin.org/en/access-justice-children-global-ranking>

¹¹⁰ PDRC, Report No. 1, August 2014, *op. cit.*, p. 6.

¹¹¹ ADHRB, "August Champions for Justice," [online](#) statement, *op. cit.*

¹¹² PDRC, Report No. 1, August 2014, *op. cit.*, p. 18.



reprisals against anti-government criticism and human rights work. On 14 March 2015, security forces arrested and imprisoned human rights activist Zainab al-Khawaja along with her 15-month old son.¹¹³ Al-Khawaja's son, Abdulhadi, spent two months in prison with his mother. In May, al-Khawaja fell ill and was unable to fully take care of her son. She asked police to allow her family to retrieve her son from prison in order for them to care for him while she was ill. Police denied her request. Al-Khawaja's family also traveled to the prison and asked police to allow Abdulhadi to leave with them, but they again denied request.¹¹⁴ Al-Khawaja's mother, Khadija al-Mousawi, stated that her grandson was no longer just accompanying her daughter and had become the country's youngest detainee.¹¹⁵ The authorities ultimately released al-Khawaja on humanitarian grounds in May, but she and her family were forced to leave the country due to threats of rearrest.

Additionally, Bahraini law fails to protect the wives and children of male prisoners, preventing them from accessing important services. In its 2015 report on Bahrain, the US Department of State documented how the wife of imprisoned Al-Wefaq Secretary-General Sheikh Ali Salman was unable to obtain a birth certificate and other civil documents for their young child because the government had incarcerated her husband. Bahrain officials told her that Sheikh Ali Salman was required to request these services in person, although the government does not facilitate this activity for prisoners.¹¹⁶ Like stateless persons, Bahraini children without this documentation have limited access to social services and education. Sheikh Ali Salman's case additionally demonstrates how arbitrary and politically motivated detention has attendant negative consequences for the victim's family.

In a 2015 joint communication to the Government of Bahrain, UN Special Procedures raised concerns over the alleged arbitrary arrest, detention, torture, and sentencing of 39 minors in Bahrain.¹¹⁷ The minors were boys between the ages of 10 and 17. The Special Procedures expressed concern over the physical and mental integrity of 35 of the 39 who were held in solitary confinement, and that the others serving prison sentences ranging from six months to 43 years appeared to have been convicted as a result of forced confessions and unfair trials.¹¹⁸ The documentation of children held in solitary confinement directly contradicts the Bahraini government's claim in its Third Periodic report that "the Juveniles Act¹¹⁹ does not provide for the solitary confinement of juveniles. Accordingly, juveniles are not subject to this disciplinary measure."¹²⁰

6. Prevention of Violence Against Women and Female Prisoners

"2010 List of Issues," p. 2, ¶ 7

6.1 Combating Violence Against Women

The Government of Bahrain has taken some technical steps to combat domestic violence. In August 2015, the government promulgated Law 17/2015, which grants the PPO and the courts greater authority to address domestic violence cases. In November 2015, the government's Supreme Council for Women (SCW) also

¹¹³ "NGOs call for the release of activist Zainab al-Khawaja," ADHRB, BCHR, BIRD, ECDHR, and JHRO, 14 March 2016, <http://www.adhrb.org/2016/03/ngos-call-release-activist-zainab-al-khawaja/>

¹¹⁴ "Zainab and son wait for Bahrain to fulfill its "humanitarian" promise," ADHRB, 21 May 2016, <http://www.adhrb.org/2016/05/zainab-son-wait-bahrain-fulfill-humanitarian-promise/>

¹¹⁵ Rori Donaghy, "Bahrain refuses to release baby held in prison with ill mother," Middle East Eye, 23 May 2016, <http://www.middleeasteye.net/news/bahrain-refuse-release-baby-held-prison-ill-mother-232741308>

¹¹⁶ *Country Reports on Human Rights Practices 2015 – Bahrain*, United States Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

¹¹⁷ Abuse of Bahraini Children concerns UN Special Procedures," ADHRB, 11 September 2015,

<http://www.adhrb.org/2015/09/summary-and-brief-analysis-of-joint-communications-report-for-hrc30/>

¹¹⁸ *Ibid.*

¹¹⁹ Also known as the Children's Act.

¹²⁰ "Bahrain's Third Report," p. 35, ¶ 114.



announced a National Strategy for the Protection of Women from Domestic Violence.¹²¹

Nevertheless, current legislation is not sufficient to protect against gender-based violence, and domestic abuse remains common.¹²² While Law 17/2015 empowers the authorities to issue victims protection orders of up to three months¹²³ and to set penalties for individuals who violate these orders and use violence, it limits the sentence to only three months in prison.¹²⁴ Moreover, the government rejected an article in the draft law that would have prohibited spousal rape. Article 353 of the Penal Code additionally allows rapists to avoid criminal sanction by marrying their victims. A male perpetrator can also typically secure a unilateral divorce from his victim once the threat of criminal punishment has been nullified.¹²⁵ Though the SCW and some members of the National Assembly have called for the removal of this provision, it remains in effect.

BCHR estimates that at least 30 percent of women experienced some form of domestic abuse in 2015. According to the US State Department, these women “rarely sought legal redress for violence due to fear of social reprisal or stigma.”¹²⁶ Additionally, many rape victims did not pursue legal redress because it is extremely difficult to prove a perpetrator’s guilt in the absence of a confession or a witness to the crime, which are both uncommon.¹²⁷

The US State Department has found that, generally, Bahraini authorities have “devoted little public attention” to the problem of domestic abuse.¹²⁸ The government maintains shelters for women and children subjected to domestic violence, but victims continue to report difficulty in determining who to contact or how to proceed when filing a complaint. In addition, the procedures for filing a complaint against an abuser require interviews of both the accused and the victim at the same police station, rendering victims vulnerable to their alleged attacker.¹²⁹ As of 2015, the government had put “no provisions in place to prevent accused family members from having access to their victims.”¹³⁰

Furthermore, in June 2016, the Bahraini government cut funding for 13 women’s rights NGOs, including a charity that provided counseling and other forms of support for victims of domestic abuse.¹³¹ A representative of the umbrella organization for these groups, the Bahrain Women’s Union (BWU), told media that the funding cuts are a form of “revenge” for a report the BWU issued in 2014 on the government’s failure to adhere to the CEDAW.¹³² The government has additionally taken steps to block the BWU and other organizations from receiving foreign funding. A number of BWU members also participated in the 2011 protests, further suggesting that these measures may constitute a form of political

¹²¹ *Annual Report: Bahrain 2015/2016*, Amnesty International, 2016, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/bahrain/report-bahrain/>; “HM King Issues Law 17/2015,” Bahrain News Agency, 6 August 2016, available at: <http://bna.bh/portal/en/news/680675>

¹²² *Bahrain 2015 Human Rights Report*, US Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252919EXECUTIVE#>

¹²³ *Annual Report: Bahrain 2015/2016*, Amnesty International, 2016, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/bahrain/report-bahrain/>; “HM King Issues Law 17/2015,” Bahrain News Agency, 6 August 2016, available at: <http://bna.bh/portal/en/news/680675>

¹²⁴ *Ibid.*

¹²⁵ *Family Law in Bahrain*, BCHR, 10 February 2014, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16373_E.pdf

¹²⁶ *Bahrain 2015 Human Rights Report*, US Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252919EXECUTIVE#>

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

¹³¹ “Women’s groups accuse Bahrain of cutting funds on political grounds,” Middle East Eye, 23 June 2016, <http://www.middleeasteye.net/news/womens-groups-accuse-bahrain-cutting-funding-political-grounds-1787893824>

¹³² *Ibid.*



reprisal.

6.2 Arbitrary Detention of Women Human Rights Defenders and Activists

Compounding the specific institutional barriers and inequalities faced by women Bahrain, the government has imposed excessive restrictions on civil society, undermining the work of women's rights activists. In recent years the authorities have targeted many prominent women human rights defenders, subjecting them to travel restrictions, detention, and even forced exile. BCHR has documented the cases of more than 300 women arrested on charges related solely to exercising basic human rights like free expression and assembly.¹³³ The following list includes several representative cases of political reprisal against women human rights defenders in recent years.

On 20 April 2013, Bahraini authorities arrested activists Rihanna al-Mosawi and Nafeesa al-Asfoor on charges of “attempting to plant an explosive device in the Formula 1 racetrack” after they planned to stage a peaceful protest in the area.¹³⁴ During their detention, police threatened to electrocute them and arrest their families in order to force them into confessing. Officials also stripped al-Mosawi of her clothing, beat her, and threatened to rape her. Courts sentenced the women to five years in prison under the anti-terror legislation¹³⁵ and al-Mosawi received an additional five-year prison term on a separate charge of “being affiliated with the membership of a terrorist group” for her alleged association with the 14 February Coalition, though the latter sentence was later reduced to three years.¹³⁶ The government ultimately pardoned al-Asfoor and al-Mosawi in 2015 and 2016, respectively, but it has failed to properly investigate their torture claims. Al-Mosawi's legal counsel reports that the SIU has prevented their client from accessing records of her 2013 medical examination and, in 2016, questioned her after she spoke about her torture in an interview with *Bahrain Mirror*.¹³⁷ According to the lawyer, the SIU was focused primarily on the journalists who interviewed al-Mosawi, rather than investigating the torture allegations.¹³⁸

On 14 March 2016, security forces rearrested activist Zainab al-Khawaja on charges related to her peaceful dissent against the government. The government detained her for two months along with her 1-year-old son until releasing her for “humanitarian” reasons on 31 May 2016.¹³⁹ Zainab al-Khawaja is the daughter of Abdulhadi al-Khawaja, a human rights defender and BCHR cofounder who is currently serving a life sentence, and the sister of Maryam al-Khawaja, another prominent activist who was forced into exile by the government after being targeted for her human rights work. Bahraini authorities have repeatedly subjected the al-Khawajas to arbitrary detention and other forms of judicial harassment. In June 2016, Zainab al-Khawaja fled Bahrain for Denmark after learning of threats that she would be again rearrested.¹⁴⁰

Bahraini courts sentenced Taiba Darwish to five years in prison in March 2016 for “harboring fugitives”

¹³³ “Bahrain: Ayat Al-Safar Still In Detention For Sheltering Wanted Suspects,” BCHR, 4 January 2015, <http://www.bahrainrights.org/en/node/7222>

¹³⁴ “Champions for Justice: Bahrain's Prisoners of Conscience,” ADHRB, BCHR, and BIRD, 2015, http://www.adhrb.org/wp-content/uploads/2015/03/2015-03_Bahrain-Women-Champions-for-Justice-final.pdf

¹³⁵ Bahrain: Sentencing Two Activists with 5 Years in Prison and Neglecting the Torture and Abuse,” Bahrain Youth Society for Human Rights, 2 March 2014, <http://www.byshr.org/?p=1850>

¹³⁶ “Urgent Action: Grand Prix Protestor Released After Pardon,” Amnesty International, 4 May 2016, <https://www.amnesty.org/en/documents/mde11/3929/2016/en/>

¹³⁷ *Window-Dressing or Pioneers of Change? An Assessment of Bahrain's Human Rights Oversight Bodies*, Amnesty International, 2016, <http://www.amnestyusa.org/research/reports/window-dressing-or-pioneers-of-change-an-assessment-of-bahrain-s-human-rights-oversight-bodies>

¹³⁸ *Ibid*

¹³⁹ “ADHRB Cautiously Welcomes Release of Zainab al-Khawaja.” *Americans for Democracy & Human Rights in Bahrain*. May 31, 2016. Accessed June 15, 2016. <http://www.adhrb.org/2016/05/adhrb-cautiously-welcomes-release-zainab-al-khawaja/>.

¹⁴⁰ “Bahrain : Sentencing and Continuing Judicial Harassment of Ms. Ghada Jamsheer.” *Mouvement Mondial Des Droits Humains*. June 12, 2015. Accessed June 15, 2016. <https://www.fidh.org/en/region/north-africa-middle-east/bahrain/bahrain-sentencing-and-continuing-judicial-harassment-of-ms-ghada>.



after she leased part of her home to pro-democracy activists. She is a 41-year-old mother who has served just over one year of her sentence.¹⁴¹ Darwish suffered from uterine fibroids prior to her detention and her health has deteriorated in prison. Though the authorities took her to a military hospital for treatment in April 2016, they did not allow her to receive a direct examination; instead, they instructed the doctor use a police officer as an intermediary. Darwish was not provided with a medical report, and the authorities threatened to remove her uterus if her condition did not improve. She has since developed additional problems in her kidneys, but the authorities have denied her consistent medical treatment.¹⁴²

The government rearrested Bahraini woman human rights defender Ghada Jamsheer on 19 August 2016. Jamsheer is the head of the Women's Petition Committee, which campaigns for the rights of women in the Sharia Court system, among other things. She was returning to the country after spending several months in London for medical treatment. Security forces arrested Jamsheer at the airport on charges stemming from her criticism of the government on social media. Jamsheer began serving a combined ten-month prison term at Isa Town Women's Detention Center before she was released on 13 December 2016 to work off her remaining four months at a government-appointed community service position.¹⁴³ Since September 2014, the Government of Bahrain has brought more than twelve criminal cases against Jamsheer related to her activism and free expression.¹⁴⁴

7. Implementation of the Bahrain Independent Commission of Inquiry Recommendations **“2015 List of Issues,” pp. 1 ¶¶ 2, 3, 5, 7, 8, 12, 15, 16**

In its Third Periodic report, the Bahraini government asserted that it had “put into practice” all recommendations issued by the Bahrain Independent Commission of Inquiry (BICI), and that Bahrain “has entered a process of comprehensive reform.”¹⁴⁵ There is little empirical evidence of this claim, however, and virtually all independent assessments of BICI implementation since 2011 have found that the government has failed to institute key reforms. Furthermore, the government has recently taken several regressive actions that contravene the few previous BICI recommendations that had seen substantial progress. ADHRB currently finds that only one of the 26 recommendations has been fully implemented, and that the spirit of even this recommendation has been recently contravened.

7.1 Background and Assessment

The Government of Bahrain established the BICI,¹⁴⁶ a panel of international jurists and human rights experts, in July 2011 to investigate abuses that occurred during February and March 2011 and to propose recommendations for reform. Following its investigation, the BICI issued 26 recommendations to the government aimed at ensuring accountability for perpetrators, easing social tensions, and laying the groundwork for national reconciliation. The recommendations addressed a range of human rights concerns, including torture, unfair trial procedures, arbitrary detention, and reprisals against nonviolent political activists. The BICI also addressed the sectarianization of the security forces and the lack of proper training

¹⁴¹“EBOHR: Taiba Darwish's Sentence Is Politically Motivated.” *European-Bahraini Organization for Human Rights*. April 1, 2016. Accessed June 15, 2016. <http://mirror.no-ip.org/en/news/30358.html>.

¹⁴² <http://www.bahrainrights.org/en/node/8051>

¹⁴³ “Case History: Ghada Jamsheer,” *Frontline Defenders*, December 2016, <https://www.frontlinedefenders.org/en/case/case-history-ghada-jamsheer>

¹⁴⁴ “Bahrain : Sentencing and Continuing Judicial Harassment of Ms. Ghada Jamsheer.” *Mouvement Mondial Des Droits Humains*. June 12, 2015. Accessed June 15, 2016. <https://www.fidh.org/en/region/north-africa-middle-east/bahrain/bahrain-sentencing-and-continuing-judicial-harassment-of-ms-ghada>.

¹⁴⁵ “Bahrain’s Third Report,” p. 28, ¶ 92.

¹⁴⁶ Mahmoud Cherif Bassiouni, Nigel Rodley, Badria al-Awadhi, Phillipe Kirsch, and Mahnoush Arsanjani, *Report of the Bahrain Independent Commission of Inquiry*, Bahrain Independent Commission of Inquiry, <http://www.bici.org.bh/BICIREportEN.pdf>



for personnel. Other recommendations call on the government to reinstate Bahraini workers and students who were dismissed from their businesses and schools for participating in the pro-democracy protests. In November 2011, the BICI submitted its finalized report to the king, which he accepted and pledged to urgently implement.

More than five years later, in May 2016, the Government of Bahrain announced that it had fully implemented all 26 BICI recommendations. The Bahrain News Agency (BNA), a state media outlet, quoted Cherif Bassiouni, chairman of the BICI, as evidence of the government's progress.¹⁴⁷ However, on 10 May 2016, Bassiouni stated that the BNA had wrongfully cited him,¹⁴⁸ asserting that the Bahraini government had only made progress on ten of the 26 recommendations, and had failed to address "priority" reforms such as those pertaining to accountability and prisoners of conscience.¹⁴⁹

The chairman's assessment is the most generous evaluation outside of those released by the Bahraini government. In 2012, a year after the BICI report was released, the Project on Middle East Democracy (POMED) found that the government had fully implemented just three of the recommendations.¹⁵⁰ Moreover, it concluded that no meaningful progress had been made toward six of the most important recommendations, including proposals to ensure accountability for officials responsible for torture and severe human rights violations, release political prisoners, prevent sectarian incitement, and relax censorship and other restrictions on free expression.

The US Government has made comparable assessments. In 2013, the US Department of State found that the Government of Bahrain had only fully implemented five of the 26 recommendations. The State Department noted that "much work" remained in order for Bahrain to uphold its promise of fulfilling all BICI recommendations.¹⁵¹ In late June 2016, the State Department belatedly released its second BICI analysis.¹⁵² This report did not include explicit assessments of implementation status for each BICI recommendation, but POMED's reading of the report suggests that the US State Department considers only seven of the 26 BICI recommendations to have been implemented by the government. The State Department concluded that the while the "Government of Bahrain has implemented some important recommendations of the commission of inquiry...there are other key recommendations that have not been fully implemented."¹⁵³

In our November 2015 report, *Shattering the Façade: A Report on Bahrain's Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD assessed that the government had fully implemented only two of the 26 recommendations: recommendation 1718, which proposes that the NSA be stripped of its law enforcement and arrest powers; and recommendation 1722(i), which calls on courts to commute the death sentences of those defendants charged for murder during February and March 2011.¹⁵⁴ We found that sixteen recommendations remained only partially implemented and eight had not been

¹⁴⁷ "BICI recommendation objectives achieved," Bahrain News Agency, 9 May 2016, <https://www.bna.bh/portal/en/news/726424>

¹⁴⁸ Rori Donaghy, "Bahrain human rights reviewer says quotes praising reforms 'wrong,'" Middle East Eye, 11 May 2016, <http://www.middleeasteye.net/news/bahrain-fabricates-quotes-bici-chair-praising-human-rights-reform-1160948930>

¹⁴⁹ "Bahrain: The Right Thing to Do," M. Cherif Bassiouni Blog, 5 June 2016, <http://mcherifbassiouni.com/bahrain-right-thing/>

¹⁵⁰ *One Year Later: Assessing Bahrain's Implementation of the BICI Report*, Project on Middle East Democracy, November 2012, <http://pomed.org/pomed-publications/one-year-later-assessing-bahraains-implementation-of-the-bici-report/>

¹⁵¹ *Implementation by the Government of Bahrain of the Recommendations by the Bahrain Independent Commission of Inquiry*, US Department of State, 2013, <http://adhrb.org/wp-content/uploads/2015/06/State-Report-on-Implementation-of-BICI-3-2.pdf>

¹⁵² *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

¹⁵³ Ibid.

¹⁵⁴ *Shattering the Façade: A Report on Bahrain's Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahraains-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>



implemented at all. Similarly, Human Rights First (HRF) noted in May 2016 that since the release of the BICI report, no senior government figure has been held accountable for the arrests or deaths in custody, key political leaders remain in jail, and the authorities have continued to deny basic rights including freedom of association, assembly, and expression – all issues meant to be addressed by the BICI recommendations.¹⁵⁵

Since November 2015, we have seen no evidence of positive progress and have actually documented significant regression on key recommendations. In January 2017, the Bahraini government announced that it would be restoring the law enforcement powers of the NSA for terror offenses, directly contravening the earlier decree that had satisfied recommendation 1718¹⁵⁶ as well as its claim to the Committee in its Third Periodic Report that the NSA has been stripped of such powers.¹⁵⁷ Because of Bahrain's broad anti-terror legislation, which contains an expansive definition of terrorism that includes criticism of the government and other acts of free expression,¹⁵⁸ the new decree effectively reinstates the NSA's domestic policing authority.

Moreover, that same month the authorities executed three individuals for their alleged involvement in a bombing that caused the death of three police officers.¹⁵⁹ There is credible and compelling evidence that all three of the executed, Abbas al-Samea, Ali al-Singace, and Sami Mushaima, were tortured and coerced into providing false confessions. The detention and trial periods were also marred by severe due process violations: from arrest to execution, the men were prevented from ever directly contacting their lawyer; the courts rejected potentially exculpatory evidence submitted by the defense; and the defense team was unable to provide oral arguments. After the sentences were implemented, the UN Special Rapporteur on extrajudicial killings stated that the executions qualified as extrajudicial killings.¹⁶⁰ These executions are the first to occur in Bahrain since 2010, and the first to be carried out against Bahraini nationals since 1996. In light of the government's decision to end this *de facto* moratorium on capital punishment, as well as its failure to adequately investigate allegations of torture and due process violations, we find that it has also contravened the spirit of BICI recommendation 1722(i), which proposed commutations for death sentences in 2011. As a result, we currently do not assess any of the 26 BICI recommendations to be fully implemented in both practice and spirit.

The government has also regressed in other areas covered by the BICI recommendations that had not seen full practical implementation. In March 2017, the royally appointed upper house of the National Assembly approved an amendment to Bahrain's constitution that would expand the mandate of military courts to try civilians in national security cases. The BICI issued recommendation 1720 to allow civil courts to review the rulings of military courts due to their consistent violations of due process during the State of National Safety in 2011; this recommendation only saw nominal implementation prior to 2017,¹⁶¹ but the new amendment will remove the constitutional prohibition contained in Article 105(B), which prevents civilians from being tried by military courts unless such a State of National Safety or Martial Law is declared. Once the king signs this new amendment into law, military trials for civilians will no longer be an extraordinary

¹⁵⁵ "Bahrain 2010-2016," Human Rights First, 11 February 2016, <http://www.humanrightsfirst.org/resource/bahrain-2010-2016>

¹⁵⁶ "Bahrain Restores Law Enforcement Powers to NSA, Reversing BICI Recommendation," ADHRB, BIRD, and ECDHR, 5 January 2017, <http://www.adhrb.org/2017/01/11571/>

¹⁵⁷ "Bahrain's Third Report," p. 16, ¶ 50.

¹⁵⁸ "Bahrain's Third Cycle UPR: A Record of Repression," ADHRB, BCHR, and BIRD, 7 March 2017, <http://www.adhrb.org/2017/03/11848/>

¹⁵⁹ "Bahrain Executes Stateless Torture Victims Following King Hamad's Authorization," ADHRB, BCHR, BIRD, and ECDHR, 15 January 2017, <http://www.adhrb.org/2017/01/bahrain-executes-stateless-torture-victims-following-king-hamads-authorisation/>

¹⁶⁰ Patrick Wintour, "Bahrain moves to ban opposition party and let army courts try civilians," *The Guardian*, 6 March 2017, <https://www.theguardian.com/world/2017/mar/06/bahrain-moves-ban-opposition-party-army-courts-try-civilians>

¹⁶¹ "Bahrain's Third Cycle UPR: A Record of Repression," ADHRB, BCHR, and BIRD, 7 March 2017, <http://www.adhrb.org/2017/03/11848/>



measure to be reviewed by civil courts, but an established feature of the Bahraini criminal justice system.¹⁶² This move increase the risk of due process violations, further reduces the transparency of Bahrain's judiciary, and contravenes the entire basis of BICI recommendation 1720.

Further, rather than implement the BICI recommendations aimed at reducing arbitrary detention, judicial harassment, and religious discrimination, the government has increased its suppression of free expression, association, and assembly in order to target activists and religious leaders. As noted above, on 13 June 2016, Bahraini authorities rearrested prominent human rights defender and BCHR President Nabeel Rajab on charges related to tweets, interviews, and editorials. Security forces have held him in solitary confinement and in very poor conditions, causing his health to deteriorate. In total, Rajab could serve up to 18 years imprisonment for exercising his right to free expression. The authorities have also interrogated Rajab on similar charges after he published a separate letter in the French Newspaper *Le Monde*, but the prosecution has yet to move forward with the case.

The government has sentenced human rights defenders Abdulhadi al-Khawaja, Zainab al-Khawaja, and Maryam al-Khawaja on a range of charges related to free expression. Abdulhadi remains at Jau Prison on a life sentence and the Bahraini government has effectively exiled Maryam and Zainab. Most recently, in March 2016, Bahraini authorities arrested Zainab Al-Khawaja with her infant son. She began serving a 37-month prison term that month. The authorities did not allow Zainab's family to take her infant son out of prison when Zainab fell ill and was unable to care for him. On 31 May, the Bahraini authorities released Zainab and her son from prison. Zainab left Bahrain for Denmark after the Danish consulate informed her of threats from a government official that she would be re-arrested and detained indefinitely if she remained.¹⁶³

In 2015, Bahraini courts also sentenced to prison two prominent political leaders, Sheikh Ali Salman and Ebrahim Sharif, for peaceful speeches criticizing government human rights violations. Sharif, a leader of the Wa'ad opposition society, completed his one-year sentence and was released in 2016, but he has been subject to additional judicial harassment related to his free expression. On 30 May 2016, a court more than doubled the prison sentence for Sheikh Ali Salman, Al-Wefaq Secretary-General, from four to nine years after it convicted him of a previously dropped charge related to his peaceful speech. Despite a retrial in the fall, Sheikh Ali Salman's nine-year sentence stands.

Since June 2016, the government has particularly intensified its attempts to constrain civil society space in the country. In addition to the arrest of Nabeel Rajab and the forced exile of Zainab al-Khawaja, Bahraini authorities began targeting a wide range of civil society actors for reprisal. In June and September 2016, authorities prevented numerous human rights defenders, activists, and family members of victims from traveling to Switzerland to take part in the 32nd and 33rd sessions of the UN Human Rights Council (UNHRC). Throughout the year, the government has imposed intermittent – and sometimes secret or de facto – travel bans on dozens of activists and human rights defenders, including Essa Al-Ghayeb; Ebtisam Al-Saegh; human rights lawyer Mohammed Al-Tajer;¹⁶⁴ activist Ebrahim Demistani; journalist Nazeeha Saeed;¹⁶⁵ interfaith leader Sheikh Maytham al-Salman; neurosurgeon Dr. Taha al-Derazi;¹⁶⁶ Director

¹⁶² "Bahrain: Constitutional Amendment Frees Military Courts to Try Civilians," ADHRB, BCHR, BIRD, and ECDHR, 21 February 2017, <https://www.adhrb.org/2017/02/bahrain-constitutional-amendment-frees-military-courts-try-civilians/>

¹⁶³ "Bahrain's Third Cycle UPR: A Record of Repression," ADHRB, BCHR, and BIRD, 7 March 2017, <http://www.adhrb.org/2017/03/11848/>

¹⁶⁴ "Authorities Impose Several Travel Bans as Crackdown on HRDs Continues," CIVICUS, 23 September 2016, <https://monitor.civicus.org/newsfeed/2016/09/23/crackdown-against-human-rights-defenders-and-activists-continue-bahrain/>

¹⁶⁵ Jesse Schatz, "Travel Ban Prevents Journalist From Leaving Bahrain," ADHRB, 7 July 2016, <http://www.adhrb.org/2016/07/10317/>

¹⁶⁶ "Bahrain: Gov't Prosecutes Religious Freedoms Advocate Sheikh Maytham Al-Salman and Rights Activist Al-Derazi for 'Illegal Gathering,'" ADHRB, 15 August 2016, <http://www.adhrb.org/2016/08/bahrain-govt-prosecutes-religious-freedoms-advocate-sheikh-maytham-al-salman-rights-activist-al-derazi-illegal-gathering/>



General of the National Centre for Studies and former President of the Bahrain Transparency Society Abdulnabi al-Ekry; and BCHR's Nedal al-Salman, Enas Oun, Hussain Radhi, and Ahmed Saffar.¹⁶⁷ Activists estimate that the government has imposed travel bans on more than 100 people on suspicion of dissent.¹⁶⁸

On 14 June 2016, the MOJ shut down Al-Wefaq, the largest political opposition society in the country. A court ordered the expedited closure of Al-Wefaq, the freezing of their assets, and the suspension of all their activities. On 17 July 2016, the High Civil Court ordered the dissolution and liquidation of all assets of Al-Wefaq. On 22 September, an appellate court upheld the decision to dissolve the society.¹⁶⁹ Similarly, in March 2017, the government moved to dissolve Wa'ad, the country's other major opposition group. The case is ongoing.¹⁷⁰

On 20 June 2016, the Bahraini authorities revoked the citizenship of Ayatollah Sheikh Isa Qassim, regarded as the most prominent spiritual leader of Bahrain's majority Shia population. The arbitrary denaturalization order was also followed with a 72-hour deportation order. Since the decision was announced, demonstrators have held a peaceful, permanent sit-in around Sheikh Isa's home in Diraz. In July, the government announced it was bringing charges of money laundering against Sheikh Isa. Despite government claims to the contrary, the charges appear to be related to the Shia practice of *khums*, a major religious practice and obligation by which Shia Muslims donate money to Shia clerics for distribution to orphans and other vulnerable members of society.¹⁷¹

In addition to Sheikh Isa Qassim, the Bahraini authorities have targeted dozens of other religious leaders on accusations related to the contents of their sermons or their participation in peaceful gatherings. Since June 2016, Bahraini authorities have summoned and/or detained more than 75 Shia clerics; more than 20 have been formally arrested and charged. On 21 September, courts sentenced three Shia clerics to one-year prison terms on charges of "illegal gathering" for participating in the sit-in at Diraz.¹⁷²

Throughout this period and since 2011, the national human rights and oversight mechanisms initiated by the government – and recommended by the BICI – have failed to fulfil their role. The Public Prosecution's SIU, the MOI's Office of the Ombudsman, the PDRC, and the NIHR have all failed to hold the vast majority of government officials accountable for abuses or to properly monitor ongoing rights violations. At worst, these institutions have obscured government abuses or allowed it to feign progress. Institutions like the PDRC and NIHR have largely failed to address torture or the other key human rights violations listed above in their reporting or statements, and the latter explicitly endorsed the execution of three torture victims in 2017, among other abuses and problematic policies.¹⁷³ As indicated by the deteriorating political situation, they have had little positive effect on human rights in Bahrain.

8. Dismissal of Medics and Militarization of the Healthcare System

¹⁶⁷ "Bahraini Authorities Continue Crackdown on Activists: More Human Rights Defenders and BCHR Members Face Reprisals," ADHRB, BCHR, BIRD, and ECDHR, 16 November 2016, <http://www.adhrb.org/2016/11/11328/>

¹⁶⁸ Brian Dooley, "Bahrain Travel Bans Reveal Insecurity," Huffington Post, 15 November 2016, http://www.huffingtonpost.com/brian-dooley/bahrain-travel-bans-revea_b_12987660.html

¹⁶⁹ "Bahrain's High Court of Appeals Upholds Dissolution of Al-Wefaq," ADHRB, BCHR, BIRD, and ECDHR, 22 September 2016, <http://www.adhrb.org/2016/09/bahrain-high-court-appeals-upholds-dissolution-al-wefaq/>

¹⁷⁰ "Bahraini government moves to dissolve leading secular, leftist opposition society Wa'ad," ADHRB, BCHR, BIRD, and ECDHR, 6 March 2017, <http://www.adhrb.org/2017/03/bahraini-government-moves-dissolve-leading-secular-leftist-opposition-society-waad/>

¹⁷¹ "Bahrain's Third Cycle UPR: A Record of Repression," ADHRB, BCHR, and BIRD, 7 March 2017, <http://www.adhrb.org/2017/03/11848/>

¹⁷² Ibid.

¹⁷³ "NGOs condemn Bahrain NIHR Statement on Executions," ADHRB, BCHR, BIRD, and ECDHR, 23 January 2017, <http://www.adhrb.org/2017/01/ngos-condemn-bahrain-nihr-statement-executions/>



Although the Committee did not specifically request information concerning the state of Bahrain's medical system, ADHRB to highlight the recent deterioration of healthcare for both prisoners and average citizens, as well as the targeting of medical personnel for torture and arbitrary detention. In 2011, the country's primary healthcare facility, Salmaniyya Medical Complex (SMC), became a focal point of the protest movement and many injured demonstrators sought treatment at the facility. In March 2011, Bahraini security forces violently dispersed protesters from the Pearl Roundabout in the capital, Manama, and subsequently surrounded and took control of SMC. The authorities prevented ambulances, patients, and medical staff from entering or leaving the hospital, and they fired teargas, rubber bullets, and pellet guns at the windows and entrances. Security forces created "interrogation chambers" within the hospital to question and torture doctors that treated injured patients. Bahraini authorities alleged that anti-government protesters were holding hostages, preventing access to healthcare services, and storing weapons at the hospital; there is no evidence of this.

The authorities tortured and/or arrested over sixty medical personnel and dismissed at least 200 from their positions.¹⁷⁴ On 6 June 2011, a military court charged 47 health professionals, most of whom worked at SMC, during a closed hearing.¹⁷⁵ Some of those convicted served or are serving their full sentences, some had their sentences reduced, and some were eventually acquitted. In its Third Periodic Report to the Committee, the Government of Bahrain falsely suggests that the Public Prosecution "dropped all charges relating to freedom of expression against medical staff" and released all the personnel.¹⁷⁶ However, Dr. Ali Al-Ekri, a pediatric orthopedic surgeon who was arrested on 17 March 2011 while he was treating an injured teenager in an SMC operating theatre, just completed five-year sentence in March 2017. Al-Ekri has described how security forces sexually assaulted him and forced him to eat feces for caring to wounded protestors and speaking with media outlets.¹⁷⁷

To date, at least 10 medical personnel remain dismissed from their positions, with some having been forced into an early retirement scheme. Dr. Mahmood Asghar, a Pediatric Surgeon, and Dr. Fatima Salman Hassan Haji, an Internal Medicine and Rheumatology Specialist, continue to be suspended from work, for example. Authorities barred them from returning to SMC or working in the private sector. Bahrain's MOH refused to reinstate Dr. Ahmed Omran, a Family Physician, to his previous position as the head of the Clinical Audit Group in the Medical Review Office and the coordinator of research and studies in the MOH. Dr. Nabeel Hasan Tammam, former Chairman of SMC's ENT Department, was suspended from work for a year, and was only rehired at half his prior salary upon his return.

Dr. Taha al-Derazi, a neurosurgeon, has worked in the private sector after being asked to retire from his position at SMC in 2012 for treating injured protestors. According to Dr. al-Derazi, the government's removal of medics from their positions in the wake of the 2011 uprising weakened the overall performance of SMC's medical team. The government has continued to harass Dr. al-Derazi since he retired from his work at the SMC, charging him with illegal gathering for taking part in a peaceful demonstration in Diraz in August 2016.¹⁷⁸

¹⁷⁴ United Nations Human Rights Council. "Bahrain: Abuse of Medical Neutrality." UN Doc. A/HRC/30/NGO/8. 1 September 2015. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/196/71/PDF/G1519671.pdf?OpenElement>

¹⁷⁵ "Bahrain puts medical staff on trial for treating injured protestors," The Guardian, 6 June 2011, <https://www.theguardian.com/world/2011/jun/06/bahrain-puts-medics-on-trial>

¹⁷⁶ "Bahrain's Third Report," p. 29, ¶ 93

¹⁷⁷ Ali al-Ekri. "A Bahraini doctor — tortured and imprisoned for treating patients — pleads to the US for help." GlobalPost. 2015 September 29. <http://www.globalpost.com/article/6657008/2015/09/25/bahraini-doctor-torturedmolested-and-imprisoned-treating-patients-blames>

¹⁷⁸ "Bahraini Neurosurgeon Arrested and Charged with "Illegal Gathering" for Participating in a Sit-In," Committee of Concerned Scientists,



Furthermore, in recent years, the government has gradually militarized Bahrain's healthcare system. The Ministry of Health has transferred administration of the public health facilities to the military, and the MOI now controls the ambulatory services. According to medical personnel, security forces are often present in hospitals and interfere in the provision of treatment, including by delaying service and interrogating patients. The authorities have additionally circulated orders to private facilities requiring that they report the arrival of any individuals appearing to have been injured by police or during protests. Medics and first aid responders have been targeted for treating wounded protestors at the scene or in private homes. Many families report that they are afraid to take relatives to the hospital unless their condition is life-threatening, resulting in avoidable complications and permanent injury.¹⁷⁹ On 26 January 2017, for example, masked Bahraini security forces fired live ammunition at protesters in Diraz, hitting 18-year-old Mustafa Ahmed Hamdan in the back of his head. Individuals attempted to provide first-aid at the scene but the severity of the wound prompted his family to take him to Bahrain International Hospital, a private facility. This hospital refused to treat him, so he was transferred to SMC where doctors performed emergency surgery.¹⁸⁰ By this time, Hamdan was brain dead. He is currently in critical condition at SMC.

9. Conclusion

The government has formally prohibited torture and nominally improved its legal framework, but it has demonstrated a complete unwillingness to enforce these laws. Rather, security personnel continue to regularly employ torture with impunity. Consequently, torture and ill treatment remain near-constant features of the Bahraini criminal justice system, especially in politically motivated cases. Detention standards are poor and remain a persistent problem. At the same time, the government has failed to properly address the abuse of children in prison and violence against women, while it has moved to militarize the healthcare system and regress away from its BICI obligations.

¹⁷⁹ Confidential sources.

¹⁸⁰ "Bahraini forces critically wound protester with live ammunition in attack on Diraz protests," ADHRB, BCHR, BIRD, and ECDHR, 26 January 2017, <http://www.adhrb.org/2017/01/11665/>



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I. Annex: List of Relevant Reports

Bahrain's Third Cycle UPR: A Record of Repression, ADHRB, BCHR, and BIRD, 7 March 2017, <http://www.adhrb.org/2017/03/11848>

- Specifically, see Section A: Criminal Justice (including subsections on police practices re: arbitrary detention, enforced disappearance, and excessive force) and Section B: Compensation for Victims

Subservient and Unaccountable: A shadow report on the Bahraini ombudsman for the ministry of the interior and Bahrain national institute for human rights, ADHRB and BIRD, October 2014, http://www.adhrb.org/wp-content/uploads/2014/12/ADHRB_Mechanism_Final-web_REV2.pdf

Inside Jau: Government Brutality in Bahrain's Central Prison, ADHRB, BCHR, and BIRD, June 2015, <http://www.adhrb.org/2015/06/inside-jau-report-finds-rampant-torture-and-abuse-inside-bahraains-political-prison/>

II. Annex: Compilation of Special Procedures Comms. Concerning Torture and Detention

*Note: Disregard chart category "Annex Page"; this refers to a larger document from which these charts were extracted.

Communication, Date, Link (footnote)	Mandates	Summary of communication	Annex Page*	Summary of Reply
BHR 8/2015 — 25/11/2015 ¹²⁶	Health; Torture	Concerning detention conditions in Jau Prison including inadequate or no access to medical care, as well as torture and ill-treatment suffered during and following the violent suppression of a prison protest, and the absence of any investigation into these allegations.	314	None.
BHR 7/2015 — 23/11/2015 ¹²⁷	Judges; Executions; Torture	Concern over the alleged imminent execution of Mohammed Ramadan and Husain Ali Moosa following trials that did not meet international standards of fair trial and due process. Officials tortured Moosa and Ramadan, forcing them to confess. Though they recanted in the courtroom there is concern that their confessions were used as a basis for their verdicts.	310	None.
BHR 3/2015 — 15/05/2015 ¹²⁸	Arbitrary Detention; Health; Judges; Torture	The alleged arbitrary arrests, charges, detention, torture, and sentencing of 39 unnamed minors . All minors were boys aged between 10- and 17-years-old. In all but one instance, the minors were coerced into confessing to the crimes put to them, and found guilty based on their confessions. Throughout their arrest, initial detention, interrogation, and confession none of the minors had access to a lawyer. Many face ongoing ill-treatment and torture without access to adequate medical care.	273	Received 13/07/2015: The government responded in Arabic; the document was never fully translated or uploaded. ¹²⁹
BHR 2/2015 — 15/04/2015 ¹³⁰	Arbitrary Detention; Expression; Human Rights Defenders; Torture	The alleged arrest and detention of Nabeel Rajab following his documentation of torture and ill-treatment in Jau Prison. Rajab received a summons over tweets regarding torture in Jau Prison, and was arrested for documenting the torture and for comments made about civilian casualties in the GCC intervention in Yemen.	268	Received 18/05/2015: Rajab used libel and propaganda to stir the public against the external security of the state. The government has yet to list reasons for his detention. The Special Procedures' letter is under investigation. ¹³¹
BHR 11/2014 — 14/08/2014 ¹³²	Arbitrary Detention; Assembly; Judges; Terrorism; Torture	Allegations of the arbitrary arrest, enforced disappearance, detention, and torture, and coerced confessions of nine Bahraini nationals (two of whom are minors), the forced disappearance of some of them, and their conviction after trials that did not meet international standards of fair trial and due process. They were allegedly sentenced for their role in peaceful assemblies, and some reportedly charged with "terrorism," some of whom signed confessions under threats of torture.	241	2 replies received. Reply 1) 26/09/2014: the defendants attacked or planned to attack security forces. ¹³³ Reply 2) 22/10/2014: the defendants were detained due to terrorism activity; warrants were presented during their arrests. ¹³⁴

126 United Nations, Office of the High Commissioner for Human Rights, *Communication concerning conditions in Jau Prison*, AL (25 November 2015), available at [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_25.11.15_\(8.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_25.11.15_(8.2015).pdf).

127 *Communication concerning Mohammad Ramadan, et al.*, *ibid.* note 111.

128 *Communication concerning 39 unnamed minors*, *ibid.* note 108.

129 Government of Bahrain, *Response to "Communication concerning 39 unnamed minors"*, (13 July 2015), available at [https://spdb.ohchr.org/hrdb/30th/Bahrain_13.07.15_\(3.2015\).pdf](https://spdb.ohchr.org/hrdb/30th/Bahrain_13.07.15_(3.2015).pdf).

130 *Communication concerning Nabeel Rajab and documentation of torture in Jau Prison*, *ibid.* note 26

131 Government of Bahrain, *Response to "Communication concerning Nabeel Rajab and documentation of torture in Jau Prison"*, HRC/NONE/2015/53 (18 May 2015), available at [https://spdb.ohchr.org/hrdb/19th/UA_Bahrein_09.09.2011_\(18.201130th/Bahrain_18.05.15_\(2.2015\).pdf](https://spdb.ohchr.org/hrdb/19th/UA_Bahrein_09.09.2011_(18.201130th/Bahrain_18.05.15_(2.2015).pdf).

132 *Communication concerning the arrest, torture, and coerced confessions of nine Bahrainis*, *ibid.* note 34.

133 Government of Bahrain, *Response 1 to "Communication concerning the arrest, torture, and coerced confessions of nine Bahrainis"*, HRC/NONE/2014/115 (26 September 2014), available at [https://spdb.ohchr.org/hrdb/28th/Bahrain_26.09.14_\(11.2014\)_Trans_Pro.pdf](https://spdb.ohchr.org/hrdb/28th/Bahrain_26.09.14_(11.2014)_Trans_Pro.pdf).

134 Government of Bahrain, *Response 2 to "Communication concerning the arrest, torture, and coerced confessions of nine Bahrainis"*, (21 October 2014), available at [https://spdb.ohchr.org/hrdb/28th/Bahrain_21.10.14_\(11.2014\)_Trans_Pro.pdf](https://spdb.ohchr.org/hrdb/28th/Bahrain_21.10.14_(11.2014)_Trans_Pro.pdf).

Communication, Date, Link (footnote)	Mandates	Summary of communication	Annex Page*	Summary of Reply
BHR 10/2014 — 11/08/2014 ¹³⁵	Arbitrary Detention; Expression; Assembly; Human Rights Defenders; Judges; Terrorism; Torture	Allegations of harassment and intimidation of members of the Bahrain Youth Society for Human Rights . Concern regarding the ongoing detention of Naji Fateel , a member, and allegations that he was tortured in detention, and sentenced based on coerced confessions made under torture. Officials have charged Fateel with establishing a group to disable the Constitution. Concern over the use of national security interests to justify measures and acts to suppress the opposition, including human rights defenders.	236	2 replies. received Reply 1) 15/09/2014: the defendants were arrested attacking or planning attacks on security forces, doctors found no signs of torture. ¹³⁶ Reply 2) 26/09/2014: the defendants' arrests were justified due to their terrorist aims. ¹³⁷
BHR 8/2014 — 08/07/2014 ¹³⁸	Arbitrary Detention; Judges; Torture; Executions	Regarding the arbitrary arrest and sentencing of Maher al-Khabbaz to death, allegedly on the basis of a false confession extracted through torture. During the interrogation, the public prosecutor did not allow his lawyer to be present, and during the trial, the court did not allow him to call witnesses.	228	Received 29/08/2014: the charges are based on testimony of police officers present at the time. Al-Khabbaz made no claims about being tortured while at the Officer of the Public Prosecutor. He enjoyed his full legal guarantees. ¹³⁹
BHR 4/2014 — 15/05/2014 ¹⁴⁰	Arbitrary Detention; Judges; Torture	Regarding the alleged torture and other ill-treatment of Ahmed al-Arab , a political activist, and the alleged use of confessions extracted under torture during court proceedings. Although al-Arab's lawyer attended the court proceedings, al-Arab himself was never brought to the court in person.	208	Received 14/05/2014: al-Arab was found to be guilty of activities supporting terrorism. Any injuries were sustained during his fight with the police. A full range of medical services are provided to all inmates of Jaw prison. ¹⁴¹
BHR 3/2014 — 31/03/2014 ¹⁴²	Arbitrary Detention; Health; Judges; Torture	Regarding allegations of torture and ill-treatment of an unnamed individual , who was 15-years old at the time of arrest, and the use of confessions extracted under torture. Despite his age, the individual was not tried in a juvenile court. Serious concern regarding the individual's health and alleged lack of medical treatment.	201	Received 27/05/2014: no injuries were found on the accused , who said nothing about any assault. In accordance with proper court procedures, he was found guilty and will be punished accordingly. ¹⁴³

135 *Communication concerning BYSHR members and Naji Fateel*, *ibid.* note 37.

136 Government of Bahrain, *Response 1 to "Communication concerning BYSHR members and Naji Fateel"*, HRC/NONE/2014/115 (15 September 2014), available at [https://spdb.ohchr.org/hrdb/28th/Bahrain_15.09.14_\(10.2014\)_TPro.pdf](https://spdb.ohchr.org/hrdb/28th/Bahrain_15.09.14_(10.2014)_TPro.pdf).

137 Government of Bahrain, *Response 2 to "Communication concerning BYSHR members and Naji Fateel"*, HRC/NONE/2014/115 (26 September 2014), available at [https://spdb.ohchr.org/hrdb/28th/Bahrain_26.09.14_\(10-11.2014\)_Trans_Pro.pdf](https://spdb.ohchr.org/hrdb/28th/Bahrain_26.09.14_(10-11.2014)_Trans_Pro.pdf).

138 *Communication concerning Maher al-Khabbaz*, *ibid.* note 111.

139 Government of Bahrain, *Response to "Communication concerning Maher al-Khabbaz"*, HRC/NONE/2014/106 (29 August 2014), available at [https://spdb.ohchr.org/hrdb/28th/Bahrain_29.08.14_\(8.2014\)_Trans_Pro.pdf](https://spdb.ohchr.org/hrdb/28th/Bahrain_29.08.14_(8.2014)_Trans_Pro.pdf).

140 *Communication concerning Ahmed al-Arab*, *ibid.* note 115.

141 Government of Bahrain, *Response to "Communication concerning Ahmed al-Arab"*, HRC/NONE/2014/67 (14 May 2014), available at [https://spdb.ohchr.org/hrdb/27th/Bahrain_14.05.14_\(4.2014\).pdf](https://spdb.ohchr.org/hrdb/27th/Bahrain_14.05.14_(4.2014).pdf).

142 *Communication concerning the torture of an unnamed minor*, *ibid.* note 1119.

143 Government of Bahrain, *Response to "Communication concerning the torture of an unnamed minor"*, (27 May 2014), available at [https://spdb.ohchr.org/hrdb/27th/Bahrain_27.05.14_\(3.2014\)_Trans_Pro.pdf](https://spdb.ohchr.org/hrdb/27th/Bahrain_27.05.14_(3.2014)_Trans_Pro.pdf).

Communication, Date, Link (footnote)	Mandates	Summary of communication	Annex Page*	Summary of Reply
BHR 2/2014 — 17/01/2014 ¹⁴⁴	Arbitrary Detention; Disappearances; Torture	Regarding the alleged arrest and detention of Aqeel Abdul Rasool Mohamed Ahmed , and the alleged enforced disappearances of an unnamed individual and Ahmed Mohammed Saleh al-Arab, Mansoor Ali Mansoor al-Jamri , and Hussain al-Ghasra . Concern that Ahmed confessed to the crimes he was accused of as a result of torture. Concern that al-Arab, al-Jamri, and al-Ghasra are at risk of torture.	196	Received 17/02/2014: al-Arab remains in detention. The unnamed individual remains in detention; the forensic medical examiner has not yet submitted a report. Al-Jamri remains in detention. Al-Ghasra remains in detention. There is no information about a suspect with the name Aqeel Abdul Rasool Mohammed Ahmed . ¹⁴⁵
BHR 1/2014 — 10/01/2014 ¹⁴⁶	Arbitrary Detention; Expression; Assembly; Human Rights Defenders; Judges; Torture	Concern regarding the alleged arbitrary arrest and reported torture, and ill-treatment of photojournalist and photographer Ahmed Fardan . Concern that his arrest and detention might be linked to his activities documenting and photographing demonstrations in Bahrain, and his activity campaigning for photographer Ahmed Humaidan. During his initial detention he was denied access to a lawyer, and his lawyer was not present during the legal proceedings.	189	Received 11/02/2014: the case is still under investigation , but the suspect witnessed the demonstrators and acknowledged possession of the items seized at his home. ¹⁴⁷
BHR 8/2013 — 26/11/2013 ¹⁴⁸	Torture; Assembly	Concern that the arbitrary detention and alleged torture of an unnamed Bahraini national and student at the University of Bahrain is related to her participation in a peaceful assembly at the University calling for democratic reforms. She was expelled though later, due to international pressure, readmitted.	183	Received 23/01/2014: the individual did not lodge a complaint with the public prosecution, or the special investigation unit concerning her claims of exposure to ill-treatment. ¹⁴⁹
BHR 7/2013 — 04/10/2013 ¹⁵⁰	Arbitrary Detention; Expression; Assembly; Human Rights Defenders; Terrorism; Torture	Alleged sentencing of blogger, Naji Fateel to 15 years in prison in addition to allegations of torture. Before his arrest he had frequently given speeches during marches discussing the importance of documenting human rights violations. He was sentenced for attending illegal gatherings. Concern that his charges relate to his speeches and activities at marches and demonstrations. Concern his harsh sentencing is due to the anti-Terrorism law amendments. He allegedly was not offered fair legal counsel during interrogation, and allegedly did not receive a fair trial.	176	Received 05/11/2013: a forensic exam revealed no signs of ill-treatment while in detention. Fateel has confessed to involvement with the 14 February Coalition, with plans to overthrow the government and commit terrorist acts. ¹⁵¹

144 United Nations, Office of the High Commissioner for Human Rights, *Communication concerning Aqeel Abdul Rasool Mohamed Ahmed, et al.*, UA G/SO 218/2 G/SO 217/1 Terrorism (2005-40 G/SO 214 (53-24) (17 January 2014), available at [https://spdb.ohchr.org/hrdb/25th/Public_-_UA_Bahrain_17.01.14_\(2.2014\)_Pro.pdf](https://spdb.ohchr.org/hrdb/25th/Public_-_UA_Bahrain_17.01.14_(2.2014)_Pro.pdf).

145 Government of Bahrain, *Response to "Communication concerning Aqeel Abdul Rasool Mohamed Ahmed"*, (17 February 2014), available at [https://spdb.ohchr.org/hrdb/25th/Bahrain_17.02.14_\(2.2014\)_Trans_Pro.pdf](https://spdb.ohchr.org/hrdb/25th/Bahrain_17.02.14_(2.2014)_Trans_Pro.pdf).

146 *Communication concerning Ahmed Fardan*, *ibid.* note 41.

147 Government of Bahrain, *Response to "Communication concerning Ahmed Fardan"*, (11 February 2014), available at [https://spdb.ohchr.org/hrdb/25th/Bahrain_11.02.14_\(1.2014\)_Trans.pdf](https://spdb.ohchr.org/hrdb/25th/Bahrain_11.02.14_(1.2014)_Trans.pdf).

148 *Communication concerning an unnamed Bahraini national and student*, *ibid.* note 43.

149 Government of Bahrain, *Response to "Communication concerning an unnamed Bahraini national and student"*, (23 January 2014), available at [https://spdb.ohchr.org/hrdb/25th/Bahrain_23.01.14_\(8.2013\)_TPro.pdf](https://spdb.ohchr.org/hrdb/25th/Bahrain_23.01.14_(8.2013)_TPro.pdf).

150 *Communication concerning Naji Fateel's sentencing*, *ibid.* note 13.

151 Government of Bahrain, *Response to "Communication concerning Naji Fateel's sentencing"*, (5 November 2013), available at [https://spdb.ohchr.org/hrdb/24th/Bahrain_05.11.13_\(7.2013\)_Trans.pdf](https://spdb.ohchr.org/hrdb/24th/Bahrain_05.11.13_(7.2013)_Trans.pdf).

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BHR 6/2013 — 28/08/2013 ¹⁵²	Arbitrary Detention; Disappearances; Women and Law; Expression; Assembly; Human Rights Defenders; Judges; Torture; Violence and Women	Allegations of arbitrary detention, torture, ill-treatment, and lack of judicial safeguards of Rihanna al-Musawi and Nafeesa al-Asfoor , and arbitrary detention of Abas al-Asfoor , for allegedly attempting to commit a terrorist act during the Formula 1 race. They were also charged with joining and illegal group. These allegations may be related to their human rights work and reveal a pattern of targeting women protesters.	166	Received 01/10/2013: the three confessed to planning a terrorist act. No evidence of physical abuse by the authorities was found during a medical examination. The three were detained for a period of sixty days. As they were handed over to the public prosecution, their detention has been renewed. ¹⁵³
BHR 5/2013 — 14/08/2013 ¹⁵⁴	Expression; Assembly; Human Rights Defenders; Torture	Regarding the National Assembly's 28 July 2013 recommendations amending the 2006 Law on Protection of Society from Acts of Terrorism , which will "severely" compromise the enjoyment of human rights and fundamental freedoms, and may lead to torture. The recommendations would ban sit-ins and public gatherings in Manama and provide for legal action against some political associations. The ban would affect the rights to freedom of peaceful assembly and expression, and could be used to silence	160	Received 04/09/2013: the new laws were designed in response to recent infringements on the security of the state and protection of its citizens. Bahrain is anxious to uphold its recent laws regarding human rights protections and compensation for torture or other abuse by the authorities. ¹⁵⁵
BHR 4/2013 — 30/07/2013 ¹⁵⁶	Arbitrary Detention; Expression; Assembly; Human Rights Defenders; Judges; Torture	Allegations of torture or other cruel, inhuman or degrading forms of treatment of Zainab al-Khawaja , Mahdi Abu Dheeb , and Mohamed al-Maskati . Al-Khawaja was arrested during a peaceful sit-in and charged with taking part in an illegal gathering and insulting a police officer. Abu Dheeb was arrested on charges of "inciting hatred of the political regime" and "advocating regime change through force." Al-Maskati was charged with "participation in illegal protests" relating to a peaceful demonstration. Concern at procedural irregularities during the named individuals' trials.	152	Received 29/08/2013: File not Found. ¹⁵⁷
BHR 3/2013 — 23/05/2013 ¹⁵⁸	Expression; Assembly; Human Rights Defenders; Torture	Concern regarding the temporary isolation of Nabeel Rajab in his cell in Jau Prison after witnessing acts of torture of young detainees by police officers. Rajab was serving a two-year prison sentence on charges of calling for, and participating in, peaceful demonstrations. Previous communications detail his detention for publication of critical statements and calls for peaceful demonstrations.	146	Received 24/06/2013: the SPI is currently conducting an investigation into the matter. It should be noted that Rajab received medical attention when he asked for it, and that his previous cell was in a fairly crowded and populated space. ¹⁵⁹

152 *Communication concerning the arrest and torture of Rihanna al-Musawi, et al.*, *ibid.* note 47.

153 Government of Bahrain, *Response to "Communication concerning the arrest and torture of Rihanna al-Musawi, et al."* (1 October 2013), available at [https://spdb.ohchr.org/hrdb/24th/Bahrain_01.10.13_\(6.2013\)_Trans.pdf](https://spdb.ohchr.org/hrdb/24th/Bahrain_01.10.13_(6.2013)_Trans.pdf).

154 *Communication concerning amending the 2006 Law on the Protection of Society from Acts of Terrorism*, *ibid.* note 20.

155 Government of Bahrain, *Response to "Communication concerning amending the 2006 Law on Protection of Society from Acts of Terrorism"* (4 September 2013), available at [https://spdb.ohchr.org/hrdb/24th/Bahrain_04.09.13_\(5.2013\)_Trans.pdf](https://spdb.ohchr.org/hrdb/24th/Bahrain_04.09.13_(5.2013)_Trans.pdf).

156 *Communication concerning the torture of Zainab al-Khawaja, et al.*, *ibid.* note 51.

157 Government of Bahrain, *Response to "Communication concerning the torture of Zainab al-Khawaja, et al."* (29 August 2013), available at [https://spdb.ohchr.org/hrdb/24th/Bahrain_29.08.13_\(4.2013\).pdf](https://spdb.ohchr.org/hrdb/24th/Bahrain_29.08.13_(4.2013).pdf).

158 *Communication concerning Nabeel Rajab's isolation*, *ibid.* note 53.

159 Government of Bahrain, *Response to "Communication concerning Nabeel Rajab's isolation"* (24 June 2013), available at [https://spdb.ohchr.org/hrdb/24th/Bahrain_24.06.13_\(3.2013\)_Trans.pdf](https://spdb.ohchr.org/hrdb/24th/Bahrain_24.06.13_(3.2013)_Trans.pdf).

Communication, Date, Link (footnote)	Mandates	Summary of communication	Annex Page*	Summary of Reply
BHR 2/2013 — 10/05/2013 ¹⁶⁰	Arbitrary Detention; Expression; Assembly; Human Rights Defenders; Torture	Concerning the allegations of the arrest, detention, and torture of Naji Fateel , a board member of the Bahrain Youth Society for Human Rights (BYSHR), and an active blogger and social media user who publishes daily messages on human rights issues. He has given daily speeches during marches discussing the importance of documenting human rights violations, and urging people to form monitoring committees. There are indications that Fateel's arrest, detention, and torture are related to his human rights activities.	139	Received 05/06/2013: Fateel is accused of establishing a terrorist group in order to suspend the Constitution and the law. The forensic medical examiner found no evidence of mistreatment. ¹⁶¹
BHR 9/2012 — 29/10/2012 ¹⁶²	Expression; Assembly; Human Rights Defenders; Executions	Concerning the excessive use of force by law enforcement officers during protests, which resulted in the death of two children. As law enforcement officers violently dispersed a protest allegedly aimed at denouncing the continued detention of peaceful protesters and the acquittal of police officers accused of killing protesters, Ali Neamah , 17-years old, and an unnamed child 10-years-old, were reportedly shot dead.	110	Received 21/12/2012: force during protests was enacted by security forces in self-defense, including that against the two teenagers. ¹⁶³
BHR 5/2012 — 29/06/2012 ¹⁶⁴	Arbitrary Detention; Expression; Assembly; Human Rights Defenders; Torture	Regarding repeated restrictions on the holding of peaceful demonstrations and the excessive use of force by law enforcement during peaceful assemblies. Authorities repeatedly denied protesters the necessary authorization to legally demonstrate. Law enforcement allegedly used excessive force to halt unauthorized and attempted demonstrations, arresting a number of demonstrators. Authorities also arrested, detained, and subjected a 21-year-old student to psychological pressure and threats.	88	Received 02/08/2012: allegations that authorities restrict public freedoms and impose undue restrictions on peaceful assembly are false. Not only did the MOI allow marches, but demonstrators themselves broke the law. The MOI has legal grounds for denying the holding of assemblies. ¹⁶⁵
BHR 4/2012 — 16/03/2012 ¹⁶⁶	Health; Torture	Concerning the situation of Hassan Mushaima , aged 64, a Bahraini national and opposition leader. Despite his age and medical condition, authorities allegedly subjected him to physical and psychological torture.	84	Received 18/04/2012: In Arabic only. ¹⁶⁷

160 *Communication concerning the arrest and torture of Naji Fateel*, *ibid.* note 13.

161 Government of Bahrain, *Response to "Communication concerning the arrest and torture of Naji Fateel,"* HRC/NONE/2013/66 (5 June 2013), available at [https://spdb.ohchr.org/hrdb/24th/Bahrain_05.06.13_\(2.2013\)_Trans.pdf](https://spdb.ohchr.org/hrdb/24th/Bahrain_05.06.13_(2.2013)_Trans.pdf).

162 *Communication concerning the excessive use of force resulting in two deaths*, *ibid.* note 17.

163 Government of Bahrain, *Response to "Communication concerning the excessive use of force resulting in two deaths,"* (21 December 2012), available at https://spdb.ohchr.org/hrdb/22nd/Bahrain_21.12.12_%289.2012%29_Trans.pdf.

164 *Communication concerning restrictions on demonstrations*, *ibid.* note 14.

165 Government of Bahrain, *Response to "Communication concerning restrictions on demonstrations,"* HRC/NONE/2012/111 (2 August 2012), available at [https://spdb.ohchr.org/hrdb/22nd/Bahrain_02.08.12_\(5.2012\)_Trans.pdf](https://spdb.ohchr.org/hrdb/22nd/Bahrain_02.08.12_(5.2012)_Trans.pdf).

166 *Communication concerning Hassan Mushaima*, *ibid.* note 113.

167 Government of Bahrain, *Response to "Communication concerning Hassan Mushaima,"* (18 April 2012), available at https://spdb.ohchr.org/hrdb/20th/Bahrain_18.04.12_%284.2012%29.pdf.

Communication, Date, Link (footnote)	Mandates	Summary of communication	Annex Page*	Summary of Reply
BHR 3/2012 — 12/03/2012 ¹⁶⁸	Health; Torture	Concerning the health condition of Abdulhadi al-Khawaja who had been the subject of previous communications regarding allegations of torture.	81	3 replies received. Reply 1) 13/04/2012: al-Khawaja has good quarters and is treated well and said the medical treatment was good. ¹⁶⁹ Reply 2) 27/04/2012: there is no threat to al-Khawaja's health; he is in a comfortable and stable condition. ¹⁷⁰ Reply 3) 11/06/2012: al-Khawaja's health condition is currently stable. ¹⁷¹
BHR 2/2012 — 09/02/2012 ¹⁷²	Health; Torture	Concerning the deteriorating health conditions of Mahdi Abu Dheeb , Bahraini national and president of the Bahrain Teachers Association who was allegedly beaten in detention and suffers severe pain. Abu Dheeb allegedly confessed under torture to committing the crimes he stands accused of.	77	Received 19/03/2012: In Arabic only. ¹⁷³
BHR 1/2012 — 20/01/2012 ¹⁷⁴	Expression; Assembly; Human Rights Defenders; Torture; Violence and Women	Concerning the excessive use of force during peaceful demonstrations and targeted measures against human rights activists Zainab al-Khawaja, Massoma al-Sayed, Nabeel Rajab, and Sayed Yousif AlMuhafdhah . Riot police used tear gas to halt a protest around the roundabout. Both women were arrested while peacefully sitting-in, subjected to ill-treatment while in detention, and charged with taking part in an illegal gathering. Both men were severely beaten while participating in a peaceful demonstration.	70	Received 21/03/2012: In Arabic only. ¹⁷⁵
BHR 18/2011 — 09/09/2011 ¹⁷⁶	Arbitrary Detention; Expression; Assembly; Human Rights Defenders; Torture	Concerning the arrests, detention, harassment, and stigmatization of human rights defenders and their relatives , particularly Hasan Abbas al-Omran, Ibrahim Sharif, Abduljalil al-Singace, Abduljalil Mansoor Makk, Abdulhadi al-Khawaja, Saeed Abdulnabi Shebab, Akeel Ahmed al-Mafoodh, and Mahdi Abu Dheeb for their participation in protests, speaking out against the government, and discussing human rights abuses and violations. Several of the named individuals were allegedly subjected to ill-treatment and torture.	60	Received 15/12/2011: the persons mentioned have been found guilty of inciting hatred of the regime or other public disturbance that can interfere with national unity and security. Bahrain follows all international standards in terms of arrest, interrogation, and imprisonment, and has put mechanisms in place to address any complaints. ¹⁷⁷

168 *Communication concerning Abdulhadi al-Khawaja's health*, ibid. note 113.

169 Government of Bahrain, *Response 1 to "Communication concerning Abdulhadi al-Khawaja's health,"* (13 April 2012), available at [https://spdb.ohchr.org/hrdb/20th/Bahrain_13.04.12_\(3.2012\)_translation.pdf](https://spdb.ohchr.org/hrdb/20th/Bahrain_13.04.12_(3.2012)_translation.pdf).

170 Government of Bahrain, *Response 2 to "Communication concerning Abdulhadi al-Khawaja's health,"* (27 April 2012), available at [https://spdb.ohchr.org/hrdb/20th/Bahrain_27.04.12_\(3.2012\).pdf](https://spdb.ohchr.org/hrdb/20th/Bahrain_27.04.12_(3.2012).pdf).

171 Government of Bahrain, *Response 3 to "Communication concerning Abdulhadi al-Khawaja's health,"* HRC/NONE/2012/89 (11 June 2012), available at [https://spdb.ohchr.org/hrdb/21st/Bahrain_11.06.12_\(3.2012\)_translation.pdf](https://spdb.ohchr.org/hrdb/21st/Bahrain_11.06.12_(3.2012)_translation.pdf).

172 *Communication concerning Mahdi Abu Dheeb's health*, ibid. note 119.

173 Government of Bahrain, *Response to "Communication concerning Mahdi Abu Dheeb's health,"* (19 March 2012), available at [https://spdb.ohchr.org/hrdb/20th/Bahrain_19.03.12_\(2.2012\).pdf](https://spdb.ohchr.org/hrdb/20th/Bahrain_19.03.12_(2.2012).pdf).

174 *Communication concerning Zainab al-Khawaja, et al.*, ibid. note 17.

175 Government of Bahrain, *Response to "Communication concerning Zainab al-Khawaja, et al.,"* (21 March 2012), available at [https://spdb.ohchr.org/hrdb/20th/Bahrain_21.03.12_\(1.2012\).pdf](https://spdb.ohchr.org/hrdb/20th/Bahrain_21.03.12_(1.2012).pdf).

176 *Communication concerning Hasan Abbas Omran et al.*, ibid. note 10.

177 Government of Bahrain, *Response to "Communication concerning Hasan Abbas Omran, et al.,"* (15 December 2011), available at [https://spdb.ohchr.org/hrdb/19th/Bahrain_15.12.11_\(18.2011\)t.pdf](https://spdb.ohchr.org/hrdb/19th/Bahrain_15.12.11_(18.2011)t.pdf).

Communication, Date, Link (footnote)	Mandates	Summary of communication	Annex Page*	Summary of Reply
BHR 17/2011 — 05/08/2011 ¹⁷⁸	Expression; Human Rights Defenders; Torture; Judges; Terrorism	Concerning the life imprisonment of Abdulhadi al-Khawaja, Abdulwahab Hussain, Hassan Mushaima, Abduljalil al-Singace, Mohammed Habib al-Miqdad, Saeed Mirza al-Nouri, Abduljalil Mansoor al-Miqdad ; the 15-year imprisonment of Mohammed Ali Ismael, Mohammed Hassan Jawad, Abdullah Isa al-Mahroos, Abdulhadi Abdullah Mahdi al-Mukhodher ; the five-year prison sentence of Ibrahim Sharif, Abdulrahemm Mossa, Salah al-Khawaja ; and two-year prison term for Al-Hurra Yousif Mohammed for their human rights and activism work. The named individuals were reportedly subjected to torture while in detention, and it is alleged they confessed under duress. The government has alleged the named individuals form part of a “terrorist” cell. Their trials did not comply with international legal standards and access to legal counsel was restricted.	49	Received 23/09/2011: Bahrain is careful to follow international best practices of interrogation and trial. Several decrees have been enacted recently to better guarantee public safety. The persons mentioned have been convicted of terrorism charges due to their attempts at disrupting public order and damaging national unity. ¹⁷⁹
BHR 15/2011 — 05/08/2011 ¹⁸⁰	Expression; Torture; Violence and Women	Concerning the case of Nazeera Saeed —the Bahrain correspondent of France 24 and Radio Monte Carlo Doualiya—who was allegedly tortured and ill-treated in the Rifa’a police station for her alleged links to Hezbollah and Iranian news channels.	37	Received 24/08/2011: appropriate action was taken against the officer who beat Saeed , who was convicted on 21/07/2011. ¹⁸¹
BHR 16/2011 — 08/07/2011 ¹⁸²	Arbitrary Detention; Expression; Assembly; Torture; Judges	Concern regarding the case of a number of individuals including Mohammed al-Buflasa ’s detention and trial. Al-Buflasa allegedly “[broke] the Bahrain Defense Force law,” and is a member of a “sedition ring.” It is alleged his arrest is for protesting corruption and lack of equal economic opportunities. Al-Buflasa was reportedly ill-treated by prison authorities. His lawyer faced significant trouble defending him.	43	Received 09/08/2011: al-Buflasa was convicted by a competent court on charges of undermining public security. He has been assured all judicial guarantees. ¹⁸³
BHR 14/2011 — 04/07/2011 ¹⁸⁴	Expression; Human Rights Defenders; Torture; Judges	Regarding the arrest, detention, and ill-treatment of Matar Ebrahim Matar , former MP and member of al-Wefaq. He was charged with “public incitement for regime change and deliberately spreading biased rumors,” in addition to taking part in public gatherings. He was allegedly denied access to a lawyer.	29	Received 24/08/2011: Matar had already resigned from Parliament, and therefore does not have Parliamentary immunity. He is charged with spreading information and participating in gatherings for the purpose of violating public security. He was not kidnapped, and his trial has occurred in accordance with the law. ¹⁸⁵

178 *Communication concerning the imprisonment of Abdulhadi al-Khawaja, et al.*, *ibid.* note 9.

179 Government of Bahrain, *Response to “Communication concerning the imprisonment of Abdulhadi al-Khawaja, et al.”* HRC/NONE/2011/157 (23 September 2011), available at [https://spdb.ohchr.org/hrdb/19th/Bahrain_23.09.11_\(17.2011\)_translation.pdf](https://spdb.ohchr.org/hrdb/19th/Bahrain_23.09.11_(17.2011)_translation.pdf).

180 *Communication concerning Nazeera Saeed*, *ibid.* note 82.

181 Government of Bahrain, *Response to “Communication concerning Nazeera Saeed,”* HRC/NONE/2011/149 (24 August 2011), available at [https://spdb.ohchr.org/hrdb/19th/Bahrain_24.08.11_\(15.2011\)_translation.pdf](https://spdb.ohchr.org/hrdb/19th/Bahrain_24.08.11_(15.2011)_translation.pdf).

182 *Communication concerning Mohammed al-Buflasa*, *ibid.* note 84.

183 Government of Bahrain, *Response to “Communication concerning Mohammed al-Buflasa,”* HRC/NONE/2011/79 (9 August 2011), available at [https://spdb.ohchr.org/hrdb/19th/Bahrain_09.08.11_\(16.2011\)_translation.pdf](https://spdb.ohchr.org/hrdb/19th/Bahrain_09.08.11_(16.2011)_translation.pdf).

184 *Communication concerning Matar Ebrahim Matar*, *ibid.* note 5.

185 Government of Bahrain, *Response to “Communication concerning Matar Ebrahim Matar,”* HRC/NONE/2011/137 (24 August 2011), available at [https://spdb.ohchr.org/hrdb/19th/Bahrain_24.08.11_\(14.2011\)_translation.pdf](https://spdb.ohchr.org/hrdb/19th/Bahrain_24.08.11_(14.2011)_translation.pdf).

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BHR 9/2011 — 20/05/2011 ¹⁸⁶	Human Rights Defenders; Judges; Torture	Concerning Abdulhadi Al-Khawaja , a human rights defender, whom the government charged with terrorism and attempting to overthrow the government. Concern over allegations of torture in detention. His trial did not comply with international standards.	File not found.	Received 08/06/2011: file not found. ¹⁸⁷
BHR 7/2011 — 04/05/2011 ¹⁸⁸	Judges; Executions	Sentencing of four to death and three to life imprisonment in the National Safety Court of First Instance and the National Safety Appeals Court, following the declaration of a state of emergency. There was no explicit recognition of due process safeguards.	File not found.	Received 08/06/2011: file not found. ¹⁸⁹
BHR 5/2011 — 12/04/2011 ¹⁹⁰	Disappearances; Human Rights Defenders; Torture	Police carried out forced searches in the homes of Zainab al-Khawaja , her father Abdulhadi Al-Khawaja , and Khalil Al-Halwachi . Police officers assaulted Abdulhadi al-Khawaja. Officers assaulted Zainab Al-Khawaja when she tried to intervene.	File not found.	Received 07/06/2011: file not found. ¹⁹¹
BHR 3/2011 — 18/03/2011 ¹⁹²	Arbitrary Detention; Expression; Human Rights Defenders; Torture; Executions	Concerning the security forces' excessive use of force against protestors resulting in the deaths of the three victims and the arrest of five opposition leaders: Hassan Mushaima, Ibrahim Sharif, Abdulwahab Hussain, Kareem Radhi Hassan al-Hadad, Abdul Jalil al-Sankees, Ali al-Ekri and Mohammed al-Buflasa . Al-Buflasa was detained and then put on trial. Police attacked protest camps, medical personnel, NGO premises , and the offices of al-Wasat newspaper.	4	2 replies received. Reply 1) 20/04/2011: the MOI categorically denies the incidents mentioned took place. ¹⁹³ Reply 2) 14/12/2012: medical professionals were charged with felonies, not treating patients. The reporting bodies like Human Rights Watch and Physicians for Human Right used flawed methodology. ¹⁹⁴
BHR 1/2011 — 17/02/2011 ¹⁹⁵	Expression; Human Rights Defenders; Executions; Torture	Security forces' excessive use of force during peaceful protests resulting in the deaths of Ali Abdulhadi al-Mushaima, Fadhel Salman al-Matrook, Issa Abdel Hassan, Mahmoud Makki, Ali Khudair , and Hussaid Zayed .	File not found.	Received 05/04/2011: file not found. ¹⁹⁶

186 *Communication concerning terrorism charges against Abdulhadi al-Khawaja*, *ibid.* note 95.

187 Government of Bahrain, *Response to "Communication concerning terrorism charges against Abdulhadi al-Khawaja,"* (8 June 2011), available at [http://spcomms.ohchr.org/Docs/01ComRepSep2011/Rep/2011_05coms/PR_Bahrain_08.06.2011_\(9.2011\).pdf](http://spcomms.ohchr.org/Docs/01ComRepSep2011/Rep/2011_05coms/PR_Bahrain_08.06.2011_(9.2011).pdf).

188 *Communication concerning the sentencing of four to death and three to life in prison*, *ibid.* note 111.

189 Government of Bahrain, *Response to "Communication concerning the sentencing of four to death and three to life in prison,"* (8 June 2011), available at [http://spcomms.ohchr.org/Docs/01ComRepSep2011/Rep/2011_05coms/PR_Bahrain_08.06.2011_\(7.2011\).pdf](http://spcomms.ohchr.org/Docs/01ComRepSep2011/Rep/2011_05coms/PR_Bahrain_08.06.2011_(7.2011).pdf).

190 *Communication concerning house searches of Zainab al-Khawaja, et al's homes*, *ibid.* note 99.

191 Government of Bahrain, *Response to "Communication concerning house searches of Zainab al-Khawaja, et al's homes,"* (7 June 2011), available at [http://spcomms.ohchr.org/Docs/01ComRepSep2011/Rep/2011_04coms/PR_Bahrain_07.06.2011_\(5.2011\).pdf](http://spcomms.ohchr.org/Docs/01ComRepSep2011/Rep/2011_04coms/PR_Bahrain_07.06.2011_(5.2011).pdf).

192 *Communication concerning excessive use of force by security forces*, *ibid.* note 18.

193 Government of Bahrain, *Response 1 to "Communication concerning the excessive use of force by security forces,"* HRC/NONE/2011/62 (20 April 2011), available at [https://spdb.ohchr.org/hrdb/18th/Bahrain_20.04.11_\(3.2011\)_Trans.pdf](https://spdb.ohchr.org/hrdb/18th/Bahrain_20.04.11_(3.2011)_Trans.pdf).

194 Government of Bahrain, *Response 2 to "Communication concerning the excessive use of force by security forces,"* (14 December 2012), available at [https://spdb.ohchr.org/hrdb/24th22nd/Bahrain_24.06.13_\(14.12.12_\(2.2011-3.2013\)\)_Trans.2011\).pdf](https://spdb.ohchr.org/hrdb/24th22nd/Bahrain_24.06.13_(14.12.12_(2.2011-3.2013))_Trans.2011).pdf).

195 *Communication concerning the excessive use of force resulting in Ali Abdulhadi al-Mushaima's, et al. death*, *ibid.* note 106.

196 Government of Bahrain, *Response to "Communication concerning the excessive use of force resulting in Ali Abdulhadi al-Mushaima's death, et al.,"* (5 April 2011), available at [http://spcomms.ohchr.org/Docs/01ComRepSep2011/Rep/2011_02coms/PR_Bahrain_05.04.11_%20\(1.2011\).pdf](http://spcomms.ohchr.org/Docs/01ComRepSep2011/Rep/2011_02coms/PR_Bahrain_05.04.11_%20(1.2011).pdf).