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**Torture, Physical Coercion and Reprisals in Bahrain**

**Belie Commitment to Reform**

**01 March 2017**

**A report by the**

**Gulf Centre for Human Rights (GCHR)**

**Prepared with the assistance of Dorsey & Whitney LLP**

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### I. Introduction

1. This report intends to provide an evaluation of progress since 2014 made by the government of Bahrain in response to previous allegations of human rights abuses, including the use of torture. It is timely because it has been six years since the crackdown on the Arab Spring protests began in 2011, which led to an international investigation known as the Bahrain Independent Commission of Inquiry (BICI). The resulting recommendations provided a path to rectify past conduct and to establish rules and institutions that would ostensibly prevent recurrence of misbehaviour on the part of Bahraini police and internal security officials. The history of democratic reform and respect for human rights in Bahrain has been one of the mixed signs of promise and disappointment. Unfortunately, consistent with the pattern, this report finds that the path that followed the BICI recommendations had initial promise but was diverted by a disappointing lack of serious and long-term commitment to reform by the authorities. The main objective of this report is to inform international observers and motivate the Bahraini government to undertake substantive, constructive and permanent corrective action, rather than merely symbolic gestures of compliance with international human rights law. The Gulf Centre for Human Rights (GCHR) will submit the report to the United Nations Committee Against Torture (CAT) among other UN bodies.

### II. Summary

1. As this report details, there is substantial evidence to indicate that, since 2014, the practices of torture such as severe beating, electric shock, painful suspension, and forced standing, have been continued by law enforcement and internal security personnel in Bahrain. Additionally, fundamental rights to free expression, peaceable assembly and association, travel without restriction, due process, fair trial, and effective representation of counsel have been denied routinely and systematically by security forces and the courts.
2. This report also concludes that there is continued systematic targeting in Bahrain of human rights defenders and journalists for reprisals, intimidation, and punishment, with the apparent intent to deter or silence the investigation and reporting of human rights abuses. Reprisals “take many forms, ranging from smear campaigns, threats, travel bans, harassment, fines, the closing of organisations, sexual violence, arbitrary arrests, prosecutions and lengthy prison sentences through to torture, ill-treatment and even death” according to a July 2013 report to the United Nations Human Rights Council (UNHRC) by the Office of the UN High Commissioner of Human Rights (OHCHR).[[1]](#footnote-1)
3. The Department of Cyber Crime within the Criminal Investigations Directorate (CID) of the Interior Ministry has become especially adept at social media surveillance and bringing charges against human rights defenders and others based upon any expression of dissent, using overly broad, vaguely-defined laws like spreading “false news,” “insulting a statutory body,” or “undermining the prestige” of Bahrain. Such laws have become a pretext for suppression of any form of dissent.
4. It is important to acknowledge efforts to redress previous allegations of human rights violations and provide accountability for government misconduct, through the creation of the Special Investigations Unit (SIU) and the Ministry of Interior Ombudsman. These institutions were set up in response to the November 2011 recommendations of the Bahrain Independent Commission of Inquiry (BICI), in addition to the Prisoners and Detainees Rights Commission. But this report’s findings indicate that these organisations have failed to effectively investigate and prosecute security forces and high officials for torture and serious mistreatment of persons in custody and have not deterred government misconduct. On the contrary, these institutions have, since their introduction, taken part in covering up some of the violations that occur.
5. It is further important to note that on 14 September 2015, the UNHRC issued a statement joined by 33 states, including the US and the United Kingdom, criticising Bahrain for detaining dissidents and calling for the release of political prisoners and the revision of laws that restrict freedom of expression.[[2]](#footnote-2) This report underscores the continuing problem of unjustifiable detention by Bahraini authorities of individuals for simple expressions of dissent or non-violent protest, compounded by the deliberate targeting of human rights defenders and journalists to stifle the investigation and reporting of human rights violations, rather than addressing the violations through fair and proper investigations and prosecutions, where appropriate.

### III. Methodology

1. This report based its evidence upon interviews with victims and witnesses, as well as collateral sources of information, including reports from independent human rights organisations. It focuses on nine human rights defenders who have been detained by Bahraini law enforcement or internal security organisations in the period from 2014 through 2016. It is not intended to be a comprehensive evaluation of the human rights situation in Bahrain, but rather to provide some insight into the status and treatment of detainees in recent years in light of relevant past history. As of the publication of this report, at least four of these nine individuals remain in detention.
2. The material was prepared and organised by Charles Shotwell, senior attorney in the Seattle office of Dorsey & Whitney LLP, and co-authored by Joshua Colangelo-Bryan, of counsel in the New York office of Dorsey & Whitney and a consultant with Human Rights Watch; with the assistance of Sarah Pallotti, associate at the Denver office of Dorsey & Whitney; Jasmine Hui, staff attorney at the Seattle office of Dorsey & Whitney; and Kymra Archibald, associate at the Missoula office of Dorsey & Whitney. The Dorsey & Whitney staff also conducted interviews with witnesses and prepared narratives based upon their statements. The report was edited by Kristina Stockwood, Chair of the Gulf Centre for Human Rights (GCHR) Advisory Board, Khalid Ibrahim, GCHR Executive Director, Maryam Al-Khawaja, GCHR Special Advisor on Advocacy and Weaam Youssef, Human Rights Officer. Khalid Ibrahim also organised the report and facilitated interviews.
3. Between October 2016 and January 2017, eight individuals were interviewed. The interviewees include those who had been detained by Bahraini law enforcement (or other internal security authorities) or who were witnesses to the detention and ill-treatment of others. The latter individuals were interviewed in cases where the victim remained in detention and was not otherwise available for interview. Names of certain interviewees have not been disclosed in this report because of concerns about their privacy, safety, and security. Those named have given their consent.
4. In addition to recounting the experience of the nine individuals who are the primary focus of this report, references to several other cases documented by human rights organisations are included, which provide corroboration of systemic conduct by Bahraini authorities.

1. It is noted that there may be different (English language) spellings for names of individuals and places in this report. Wherever possible, efforts have been made to employ the most common usage.

### IV. Background

1. Bahrain is an island kingdom located near the Western shores of the Arabian Gulf. It is geographically connected to Saudi Arabia by a 25-kilometer causeway. As of November 2016, Bahrain’s population was about 1.4 million people, making it one of the most densely populated countries in the Mideast.[[3]](#footnote-3) The 2010 census indicated that 54% of the population consisted of non-Bahraini nationals, mainly migrant workers and professionals from abroad (mostly from other Arab countries or South Asia). Bahraini nationals are about 99.8% Muslim, as of the 2010 census. Though there are no recent official figures, it is estimated that 60-70% of Bahraini citizens are Shia.[[4]](#footnote-4)
2. Formerly a British protectorate, Bahrain gained independence in 1971. The ruling Al-Khalifa family belongs to a tribe dynasty dating back to 1783 when they took over Bahrain by force. The Al-Khalifa family holds all key executive positions, including the Prime Minister, Deputy Prime Minister, Minister of the Interior, Minister of Foreign Affairs, Minister of Finance, and Minister of Justice. Within the family, affairs are managed by the Ruling Family Council.
3. Bahrain has a mixed and unbalanced record of progress and regression on human rights and democratic reforms, since independence.[[5]](#footnote-5) The newly independent state of Bahrain established two fundamental structures of a democratic state: a constitution and a National Assembly. The first parliamentary elections were held in 1973, but Emir Isa bin Salman Al-Khalifa suspended the constitution in 1975 and dissolved the National Assembly after it refused to ratify the Decree Law on State Security Measures. The Decree law was implemented by the government notwithstanding the lack of parliamentary ratification. It allowed the arrest and imprisonment of individuals charged with vaguely defined state security offences for up to three years without trial.
4. A 1976 decree by the emir provided for new special state security courts to try crimes related to state security, but lacking guarantees of due process for accused individuals.
5. These measures in turn spurred action by groups who felt underrepresented in government. A movement attempting to overthrow the monarchy in 1981 was defeated, after which 73 individuals were arrested. Between December 1994 and 2000, a wide-ranging coalition of political and religious groups conducted protests, demanding the restoration of the National Assembly and other democratic rights. During this period, the government conducted mass arrests. Over 40 deaths resulted from clashes between the government and protesters and subsequent actions.
6. Following the death of his father, Emir Hamad Isa bin Salma Al-Khalifa ascended to the throne of Bahrain, as Emir (6 March 1999) raising hopes of reforms. The expectations were supported by significant and substantial signs of reform, including the rescinding of the State Security Law and abolishment of state security courts in 2001. Hamad Al-Khalifa unilaterally changed the constitution appointing himself king instead of emir and announcing Bahrain a kingdom instead of a state - despite promises of bringing back the constitution of 1982. The new constitution placed the king above it, and created a parliament with no legislative or monitoring powers.[[6]](#footnote-6) Additional reforms gave women the right to vote and re-established elections for members of parliament.
7. King Hamad also introduced measures with regard to torture and excessive force, as contained in the 2002 report of the Working Group of the Universal Periodic Review (UPR) submitted to the UN Committee on Human Rights (UN CHR). Bahrain adopted recommendations from the report to prohibit torture and abusive treatment of prisoners and to hold perpetrators accountable. Despite this, King Hamad also passed Decree 56 of 2002 which gave a blanket amnesty to all those who had committed acts of torture and/or extrajudicial killings prior to 2002.
8. Additionally, Bahrain acceded to the International Covenant on Civil and Political Rights in 2006 and adopted the Arab Charter on Human Rights in 2006. In April 2009, the king issued a pardon freeing 178 persons who had been detained on trumped-up security-related charges.[[7]](#footnote-7) These reforms earned praise at the time from various sources around the world, including Amnesty International.
9. But by 2010, there were indications that torture and other coercive practices were again being used regularly by law enforcement and internal security officers, despite the legal reforms. Reports produced by the Bahrain Centre for Human Rights, Human Rights Watch, and other groups collected evidence of the systemic employment of coercive tactics by security personnel; one such report was the February 2010 report from Human Rights Watch, *Torture Redux: The Revival of Physical Coercion during Interrogations in Bahrain*.
10. The advent of the Arab Spring in early 2011 led to pro-democracy protests across North Africa and the Middle East and resulted in mass arrests and detentions of Bahraini citizens. In February and March of 2011, protests erupted around the Pearl Roundabout area in Manama, Bahrain. Many of the protesters focused on gaining greater political freedom and revisions to the constitution. On 17 February, internal security forces conducted an attack on peaceful protesters at the Pearl Roundabout which became known as “Bloody Thursday.”[[8]](#footnote-8) On 14 March, following continued protests and a national strike, Bahraini security forces supported by Saudi and UAE forces, attacked and cleared the Pearl Roundabout area of demonstrators.
11. The following day, King Hamad declared martial law and a three-month state of emergency.[[9]](#footnote-9) In the weeks that followed, nearly 3000 people were arrested and five died as a result of torture while in police custody.[[10]](#footnote-10)
12. On 29 June 2011, in response to international pressure,[[11]](#footnote-11) King Hamad established the Bahrain Independent Commission of Inquiry (BICI) to investigate allegations of human rights abuses and other government abuses. BICI consisted of five independent international jurists. Its 500-page report was issued in November 2011, and determined that the government had used torture and other forms of abusive treatment on detainees, “aimed at extracting confessions and statements by duress” or “for the purpose of retribution and punishment.” It also criticised the unwillingness of the judiciary to investigate and punish perpetrators alleged to have committed acts of torture and mistreatment of detainees. King Hamad accepted all findings in the report.
13. After the BICI report was issued, the Bahraini government undertook certain actions to address the human rights abuses described in the report, such as to dismiss the head of the National Security Agency (NSA) and to remove the NSA’s powers to arrest. Also, in 2012, the definition of “torture” in the Criminal Code was amended to better match the definition in the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The definition of victim was expanded, as well. In addition, the ten-year statute of limitations for the crime of torture was abolished and life sentences were authorized for perpetrators if a death resulted from torture.
14. Also in response to the BICI report, the Office of the Ombudsman at the Ministry of Interior and Islamic Affairs and the Special Investigation Unit (SIU) in the Office of the Public Prosecutor were established in 2012 to investigate crimes of government agencies, including torture and other criminal violations of human rights. But little or no action was taken against the MOI’s CID or other security personnel; and few follow-up investigations have been undertaken.
15. Instead, many sources indicate that torture and abusive treatment continue, without repercussions for the agencies involved.[[12]](#footnote-12) Furthermore, many of the agencies accused of human rights violations have been responsible for the more recent suppression of the reporting of torture and mistreatment.
16. Over the last five years, numerous human rights reports have provided ample assessment and evaluation of the situation in Bahrain with observations and conclusions consistent with the findings of this report. The Human Rights Watch *World Reports* of 2012, 2013, 2015, and 2016 (sections on Bahrain) provided anecdotal evidence of continued use of torture, mistreatment of detainees, reprisals against dissidents and human rights defenders, and impunity of officials. A special Human Rights Watch report dated 28 May 2014*, Criminalizing Dissent, Entrenching Impunity: Persistent Failures of the Bahraini Justice System,* chronicled the Bahraini government’s crackdown on dissent and the reporting of human rights abuses.
17. In its annual report (2015/2016), Amnesty International found that the Bahraini government continued to suppress the exercise of freedom of association and expression by repressive measures that included the imprisonment of opposition leaders.[[13]](#footnote-13) The report noted that these measures of suppression were aimed at both political and religious activists, similar to the findings of this report. The same Amnesty International report described a “climate of impunity” for senior officials accused of torture and other human rights violations.
18. In September 2015, the UN HRC issued a statement joined by 33 states, including the US and the United Kingdom, criticizing Bahrain for detaining dissidents and calling for the release of political prisoners and the revision of laws that restrict freedom of expression.
19. In a disturbing recent development, the NSA’s powers to arrest and detain individuals suspected of “terror crimes” was restored in January 2017. This effectively reverses action taken in response to a BICI recommendation. In practice, a broad interpretation of what constitutes “terror crimes” has provided a pretext for harassment of human rights defenders, journalists, and dissidents.
20. Thus, the evidence indicates that, even after the BICI report was issued, the Bahraini government continues to engage in persistent and systematic suppression of political dissent and peaceful protest, the infliction of reprisals against human rights defenders, the prosecution of criminal charges based on political and other forms of expression, the mistreatment of detainees, and the effective impunity of police and security personnel accused of human rights violations.

### V. Bahrain’s Internal Security and Detention Apparatus

1. The Criminal Investigations Directorate (CID) is an agency of the Ministry of Interior (MoI) and holds primary responsibility for internal security. The CID’s Department of Cyber Crime is notorious for surveillance of the Internet, especially social media sites, and arresting individuals for nebulous “crimes” such as spreading “false news,” “insulting a statutory body,” or “undermining the prestige” of Bahrain. The Office of the Inspector-General of the MoI includes a Directorate of Complaints and Human Rights. There is also an Office of Public Security, which supervises the official police force.
2. In addition to the MoI, another agency, the National Security Agency (NSA) was created in 2002 to replace the General Directorate for State Security Investigations. It works closely with the MoI though it is not formally a part of that organisation. In addition to the MoI and NSA, the Bahraini military, officially known as the Bahrain Defence Force (BDF), has on occasion participated in raids, arrests, and detention of protesters and human rights defenders.
3. There are approximately 20 prisons in Bahrain. All are run by the MoI with the exception of two: the Al-Qurain prison (run by the BDF) and the NSA facility in Al-Qalaa (sometimes known as “the castle” or “the police fort”, run by the NSA). Among the main prison facilities are the Dry Dock Detention Centre, Jaw (sometimes spelled “Jau” or “Jow”) Prison, and the Al-Adliya Prison (run by the MOI’s CID). There are numerous smaller detention facilities such as the West and East Riffa police stations and the Asri Prison. One prison, the Isa Town Detention Centre, is intended for female detainees only.

### VI. Legal Framework

1. Since its independence in 1971, Bahrain has acceded to three international treaties that prohibit torture as well as cruel, inhuman or degrading treatment: the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) (1998);[[14]](#footnote-14) the International Covenant on Civil and Political Rights (2006) (ICCPR);[[15]](#footnote-15) and the revised Arab Charter on Human Rights (2006) (the Arab Charter).[[16]](#footnote-16) In addition to these treaties, Bahrain has revised its constitution, penal code, and code of criminal procedure over the years to forbid the use of torture and abusive treatment of detainees. Other laws have provided for the investigation and punishment of individuals involved in torture or abusive treatment. But countervailing Bahraini actions curtail freedom of expression and assembly and allow for lengthy detention without trial, as discussed throughout this report.

### a) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

1. Bahrain became a signatory to the CAT on 18 February 1998 and ratified it on March 1998. The convention defines torture broadly as follows:
2. [T]orture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.[[17]](#footnote-17)
3. CAT requires that parties “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”[[18]](#footnote-18) Each state party must also undertake systematic reviews of custodial and interrogation practices and procedures to prevent the use of torture.[[19]](#footnote-19) Additionally, the convention mandates that governments conduct a prompt and impartial investigation “wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.”[[20]](#footnote-20) Furthermore, there is a requirement that state authorities ensure that any victim of torture “obtains redress and has an enforceable right to fair and adequate compensation....”[[21]](#footnote-21) One fundamental principle of the convention is that statements coerced by torture shall not be used as evidence in any proceeding “except against a person accused of torture as evidence that the statement was made” which is especially relevant to this report.”[[22]](#footnote-22) For acts falling short of the strict definition of torture, the convention requires parties to take measures to prevent acts that amount to “cruel, inhuman or degrading treatment or punishment.”[[23]](#footnote-23)

### b) International Covenant on Civil and Political Rights (ICCPR)

1. Bahrain became party to the ICCPR on 20 September 2006.[[24]](#footnote-24) The ICCPR states that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”[[25]](#footnote-25) It requires that arrestees and detainees “shall be treated with humanity and with respect for the inherent dignity of the human person.”[[26]](#footnote-26) State parties are required to undertake efforts “to respect and to ensure to all individuals ... the rights recognized in the present Covenant, without distinction of any kind....”[[27]](#footnote-27)
2. The ICCPR also prescribes specific rights with regard to criminal and investigative procedure. Article 9(1) states that:

…No one shall be subjected to **arbitrary arrest or detention**. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

1. Furthermore, Article 9(2) requires that “anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.” The ICCPR entitles accused persons to a trial within a reasonable time or to release (Article 9(3)).
2. Additionally, the ICCPR recognizes **rights of individuals to travel** to, to travel within, and to leave countries without undue interference. Article 12 rights include the following:
3. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
4. Everyone shall be free to leave any country, including his own.
5. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
6. No one shall be arbitrarily deprived of the right to enter his own country.
7. These rights can only be restricted where there is a bona fide need and rational basis in protecting national security, public health, or public order.
8. The ICCPR also forbids the overreach of law enforcement into personal privacy, family, and homes. Article 17 states that:
9. No one shall be subjected to **arbitrary or unlawful interference with his privacy, family, home or correspondence**, nor to unlawful attacks on his honour and reputation.
10. Everyone has the right to the protection of the law against such interference or attacks.
11. Freedom of expression and conscience are protected by Article 19:
12. Everyone shall have the **right to hold opinions without interference**.
13. Everyone shall have the right to **freedom of expression**; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
14. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
	1. For respect of the rights or reputations of others;
	2. For the protection of national security or of public order (*ordre public*), or of public health or morals.
15. Finally, the ICCPR recognizes the **right of peaceful assembly** without undue restrictions. Article 21 states that “No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.” Again, this right can only be restricted where there is a bona fide need and rational basis in protecting national security, public health, or public order.
16. Related to the ICCPR are general prohibitions against **acts of intimidation and reprisal** by the state in retaliation for human rights activities. The Optional Protocol to the Torture Convention uses the term “sanction” to describe similar activity. The prohibitions against reprisals include infringements of rights set forth in the ICCPR and other actions carried out for the purpose preventing, interfering with, or punishing individuals for the lawful reporting or investigating of alleged violations of human rights. These prohibitions have been widely recognized in many sources, including Human Rights Council resolutions 12/2 and 24/24. Among other things, it is prohibited to punish or retaliate against those who:
	1. Seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;
	2. Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;
	3. Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;
	4. Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims.[[28]](#footnote-28)
17. On 30 July 2015, the “San José Guidelines” Against Intimidation or Reprisals, were adopted at the annual meeting of chairpersons of human rights treaty bodies, which provided for the principles of unimpeded access to human rights treaty bodies and freedom from reprisals and intimidation. Similar to the aforementioned Human Rights Council resolutions, these guidelines are aimed at protecting witnesses and human rights defenders assisting or cooperating with international investigators from intergovernmental organisations (IGOs). But the principles against reprisals could reflect an emerging *opinio juris communis* that applies to human rights defenders writ large, not just those working for IGOs. Eight out of ten human rights treaty bodies had adopted the guidelines by June 2016.
18. Individuals engaged in the reporting or investigating violations of human rights, including and especially those working for human rights groups, are victims of these types of intimidation and reprisal. Such actions obstruct the pursuit of justice and violate the letter and spirit of the ICCPR.

### c) Arab Charter on Human Rights

1. The League of Arab States adopted the Arab Charter on Human Rights in May 2004, incorporating principles from the United Nations Charter, the Universal Declaration of Human Rights, and the Cairo Declaration of Human Rights in Islam. The Arab Charter was ratified by Bahrain in 2006[[29]](#footnote-29), and the treaty entered into force on 15 March 2008. The Arab Charter is similar to the ICCPR with respect to its coverage of torture and mistreatment of detainees. It states that “[n]o one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhuman treatment.”[[30]](#footnote-30) State parties are required to criminalize such acts, and to guarantee legal redress, rehabilitation, and compensation for torture victims.[[31]](#footnote-31) Additionally, the charter mandates that “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”[[32]](#footnote-32)

### d) Bahraini Law

1. In fulfilment of treaty mandates, Bahrain has adopted laws that make torture illegal.[[33]](#footnote-33) The constitution of Bahrain states that “[n]o person shall be subjected to physical or mental torture, or inducement, or undignified treatment....”[[34]](#footnote-34) Nor may a defendant or a person accused of a crime “be harmed physically or mentally.[[35]](#footnote-35)
2. Additionally, Bahrain’s Penal Code outlaws the use of “torture, force or threats, either personally or through a third party, against an accused person, witness or expert” in order to induce a person to confess to an offense or to offer statements or related information.[[36]](#footnote-36) The Penal Code also calls for the imprisonment of civil servants (or any other persons) who engage in torture.[[37]](#footnote-37)
3. Bahraini law requires that anyone arrested or detained must be treated “in such a manner as to maintain his human dignity and shall not be subjected to any bodily or psychological harm.”[[38]](#footnote-38) The law also mandates that detainees be afforded the presence of counsel during interrogations by the Public Prosecution Office.[[39]](#footnote-39) And to further prevent mistreatment of detainees, Bahrain’s constitution provides that “[a]ny statement or confession proved to have been made under torture, inducement, or such treatment, or the threat thereof, shall be null and void.”[[40]](#footnote-40)
4. Basic due process rights are provided for by Bahraini law governing criminal procedure. For example, individuals arrested on suspicion of crimes must be presented to the Public Prosecution Office within 48 hours of arrest.[[41]](#footnote-41) Furthermore, summons or arrest warrants issued by the Public Prosecution Office must be presented to the suspect “immediately” or, if not feasible, within 24 hours by the arresting authority.[[42]](#footnote-42) There are also limits on detention without charges. The Bahraini Code of Criminal Procedure requires the Public Prosecution Office to decide whether to charge the suspect with a criminal offense. If the individual is charged, the Public Prosecution Office must decide whether to continue his or her detention or order his or her release.[[43]](#footnote-43) Generally, a person may be held for up to seven days in pre-trial detention, but the court may authorize additional pre-trial detention of up to six months.[[44]](#footnote-44) Also, for certain “national security” crimes specified in the criminal code, the Public Prosecution Office has the power to extend pre-trial detention for up to six months.[[45]](#footnote-45) But any pre-trial detention exceeding 45 days for national security crimes must be approved by the High Criminal Court.[[46]](#footnote-46) But judicial oversight of pre-trial detention is “muddied” by contradictory provisions, such as a special Anti-Terrorism Law, enacted by Royal Decree No. 68/2014, which gives security forces to power to detain individuals from 10 days to a maximum of 28 days.
5. Investigating and prosecuting allegations of torture, as with all crimes in Bahrain, is the responsibility of the Office of Public Prosecution.[[47]](#footnote-47) That office may also demand that law enforcement agencies conduct internal investigations of their officers.[[48]](#footnote-48) The Ministry of Interior’s inspector-general investigates all complaints of torture and may refer complaints to the Police Court within the Ministry of Interior.[[49]](#footnote-49) There is a requirement for civil servants, medical professionals, and other civilians to report suspected crimes to the Public Prosecution Office or other relevant authorities.[[50]](#footnote-50)
6. Victims of torture have a right to seek redress through a civil action under Bahraini law.[[51]](#footnote-51) But it is problematic that Decree 56/2002 conferred immunity from investigation or prosecution on government officials alleged to be responsible for torture or other serious human rights abuses committed prior to 2001.[[52]](#footnote-52)
7. In response to the BICI’s recommendations in 2011, some improvements were made to the laws governing the subject of torture. For example, Royal Decree No. 52 of 2012 amended the definition of torture under the Criminal Code to match the definition of Article 1 of the Torture Convention. The definition of the victim was expanded. The amendment outlawed the use of torture for “coercing a confession, punishing a person for an act he/she or any other person had committed or is suspected to have committed, or intimidating or coercing that person or any other person for any reasons whatsoever.” Furthermore, Article 253 of the Code of Criminal Procedures mandated that any “confession proved to have been obtained through coercion or threat” will be considered to be invalid, consistent with Article 19(d) of the Bahraini constitution. The previous law's 10-year statute of limitations on the crime of torture was abolished. Additionally, if death results from torture, then the perpetrator may be given a life sentence.
8. Also in response to the BICI report, the Office of the Ombudsman at the Ministry of Interior and Islamic Affairs and the Special Investigation Unit (SIU) in the Office of the Public Prosecutor were established in 2012. The Ombudsman’s jurisdiction is limited to investigating crimes involving Ministry of Interior personnel. The SIU’s jurisdiction is focused on investigating and prosecuting members of the security services or government officials allegedly involved in the torture of or cruel, inhuman or degrading treatment of detainees. In addition to the offices of the Ombudsman and SIU, the Prisoners and Detainees Rights Commission (PDRC) was founded in 2013 and charged with investigating the conditions of prisons and detention centres in Bahrain. Additionally, the functions of the National Institution of Human Rights were expanded in 2012 and 2014, but it has no independence from the control of the chief executive.

### VII. Overview of Human Rights Cases

1. In the aftermath of the 2011 protests, there were many allegations of torture by detainees while in police custody. The allegations were supported by corroborating evidence. The following section includes more recent cases, based upon witness interviews, and provides substantiation that torture and other abusive conduct by law enforcement and internal security officials continues in Bahrain and appears to be systematic and systemic.

***Abdulhadi Al-Khawaja Case[[53]](#footnote-53)***

1. Abdulhadi Al-Khawaja is the Co-Founder and former President of the Bahrain Centre for Human Rights and the GCHR, as well as an internationally recognised human rights defender. He received the 2012 Freedom Award from Freedom House, along with his daughters Maryam and Zainab Al-Khawaja. In 2013, he won the World Without Torture Award from Dignity. He has been nominated for the Nobel Peace Prize by a member of the EU Parliament. He is currently being held in prison serving a life sentence, as part of a group of prisoners known collectively as the “Bahrain 13” who were sentenced for their role in the 2011 democracy protests. He was convicted by a military court on 22 June 2011 and a civilian appeals court upheld the sentence on 22 May 2012.
2. Al-Khawaja was arrested on 09 April 2011 at 2:30 am. Government agents showed up at the apartment of Mohammed Al-Maskati, the son-in-law of Al-Khawaja, and broke down the front door. The government agents were from different agencies. There were 20-30 agents dressed like commandos, wearing black from head to toe. Faces were covered so they could not be identified. They had automatic weapons. One agent was filming with a video camera. There were also CID agents dressed in civilian clothes, but their faces were also covered. Additionally, there were agents identifiable as riot police. They were specifically looking for Al-Khawaja, who was arrested by members of the military (BDF). While being arrested himself, Al-Khawaja’s other son-in-law, Wafi Kamel Al-Majed, witnessed his father-in-law being beaten on the stairs of his apartment by BDF agents sent to arrest him. He would not see his father-in-law again until November while being held at Jaw Prison. Outside the apartment building, there were about 15 government vehicles, mostly GMC trucks, to take Al-Khawaja, Al-Majed, his brother-in-law Hussein Ahmed, and others away to interrogation centres.
3. During his arrest and during his detention, Al-Khawaja was subjected to physical, psychological and sexual torture at the hands of government agents. He suffered injuries so severe that it necessitated the surgical installation of 36 screws and 18 metal plates in his face to reattach his jaw. Nobody has been held to account for this treatment and he continues to need rehabilitation.

***Maryam Al-Khawaja Case[[54]](#footnote-54)***

1. Maryam Al-Khawaja is the former co-director and current Special Advisor on Advocacy of the Gulf Centre for Human Rights (GCHR), a Board Member of the International Service for Human Rights (ISHR) and she works with Bahrain Watch. Al-Khawaja has won several awards and prizes in recognition of her human rights work including the Rafto Prize and the Stieg Larsson Prize. She is a well-known Bahraini human rights defender with over 107,000 followers on Twitter. She currently resides in Denmark, where she is a Danish citizen, in exile from Bahrain.
2. Al-Khawaja was detained in Bahrain[[55]](#footnote-55) early in the morning on 30 August 2014 at the Bahrain International Airport upon arrival from Istanbul. She arrived in Bahrain to visit her father, Abdul-Hadi Al-Khawaja, who was conducting a hunger strike while serving a life sentence in Jaw Prison. Immediately upon stepping off the plane, she was confronted by three police officers (one male, two females) and one passport control official. The officials informed Al-Khawaja that her Bahraini citizenship had been revoked so she was longer a Bahraini citizen, and she should leave the country. Al-Khawaja asked for evidence or an official document proving that her citizenship had been revoked, which no one could provide. A cameraman was video recording the encounter.
3. She was then taken to the airport security area for transit flights and told again by the officials that her citizenship had been revoked. The encounter was still being filmed. A woman, whom Al-Khawaja later learned was Hayat Al-Salmabadi (name later changed to Al-Hassan) of the MOI arrived. Al-Khawaja made phone calls to her family and to her lawyer, informing them that she had been detained at the airport. The officials took Al-Khawaja to a waiting room, and the cameraman shut off the video camera. After she was told that she would not be mistreated if she went into the room, four female police officers then attacked Al-Khawaja and confiscated her cell phone. She reported that “Within seconds Lieutenant Hayat jammed her knee above my right hip and grabbed my right arm.” Despite the fact that Al-Khawaja did not respond to this use of force, the four police women continued to assault her. She says, “Lieutenant Hayat yanked my right arm several times very roughly which I later on found out caused a tear in my shoulder muscle. When it was over, I was pretty roughed up and in pain all over; I had severe pain in my [previously] injured knee, right shoulder, neck, above my left hip and right leg where I had skid marks from their shoes.”
4. Al-Khawaja was held in the room for several hours, and it became extremely cold. She asked for permission to go to the restroom and to pray—both requests were denied. At some point, Al-Khawaja was able to walk out of the room when the guards were not paying attention. After she started asking other passengers for help to call the Danish Embassy, she was stopped and brought back to the room in handcuffs.
5. Al-Khawaja remained handcuffed in the waiting room for several more hours. She was then taken to a room upstairs in the airport arrival hall, where she was met by the cameraman and another agent, Sawac Malsaneen. She was told that she was being charged with assaulting the two female police officers from her earlier encounter and for defaming the King of Bahrain. She was also presented with 57 complaints from various individuals, mostly low-level police officers and judges, whom she had previously declared as individuals responsible for human rights violations.
6. After refusing to answer any questions related to the charges and complaints without her lawyer present, Al-Khawaja was handcuffed and forced into a sports car with plain-clothed police, and taken to the Criminal Investigations Directorate (CID) headquarters.
7. Al-Khawaja was then taken to the public prosecution in a Ministry of Interior minibus with several female police escorting her. She was then interrogated and falsely accused of having attacked the police women (scratching someone’s finger and kicking someone), with no mention of their assault on her. Her lawyer was present but she was not allowed to speak with him, as was her constitutional right. She was asked to sign a prepared statement about her charges and complaints, but refused.
8. Al-Khawaja was then informed that she was being held for seven days pending investigation by the public prosecution and taken to the Muharraq Airport police station. She was then taken to the female detention centre, Isa Town Prison.
9. The detention centre cell in which Al-Khawaja was placed held eight people at a time. The conditions were oppressive, and two detainees attempted suicide while Al-Khawaja was imprisoned. Loudspeakers were kept on continuously throughout the night blasting casual conversations amongst the guards. Bright fluorescent lights were also kept on, making it very difficult for Al-Khawaja or anyone else to sleep. Half the bathrooms were in failing condition. In total, Al-Khawaja was detained for three weeks. Though she met with several government officials during her imprisonment, she was not allowed to see her lawyer or a representative of the Danish embassy at any time.
10. On 18 September 2014, Al-Khawaja was finally released without explanation and was allowed to leave Bahrain one week after her release. On 01 December 2014 Al-Khawaja was sentenced *in absentia* to one year in prison, and she learned that a warrant was out for her arrest should she return. She currently has four pending cases against her in Bahrain, one brought under Bahrain’s terrorism law with a potential death sentence.

***Zainab Al-Khawaja Case[[56]](#footnote-56)***

1. Human rights defender and pro-democracy activist Zainab Al-Khawaja has been arrested a total of eleven times, most often on charges related to peaceful assembly and freedom of expression. She has been targeted by the Bahraini government because of her work. Along with her father and her sister Maryam Al-Khawaja, she received the 2012 Freedom Award from Freedom House.
2. On 27 February 2013, Al-Khawaja was sentenced to prison for “participating in an unauthorized demonstration and entering a restricted zone” (the Pearl Roundabout area), and insulting the police. She was ordered to serve one year in prison for multiple charges, and released in February 2014. During her time in prison, for the first six months, she was never allowed to step outside. Only after writing to the Danish consulate was she allowed to go outside with other prisoners, but even then it was only granted for five or six minutes.
3. Al-Khawaja was also arrested for “obstructing traffic.” She had been protesting with other political activists when a higher level officer gave another officer direct orders to shoot a tear gas canister in her thigh. The bullet hit her in the thigh and broke her leg. Al-Khawaja tried to seek medical attention, but because hospital staff in Bahrain are afraid of the government, she did not receive proper treatment.
4. The hospital did not run tests on her leg, but instead stitched up the open wound and sent her away. The stitches popped open only a few days later and she was forced to secretly find doctors who would properly treat her leg. After this, she was on crutches and protested again, about a week later. The police were afraid that her injury would catch media attention, so they filmed their interactions with her, asking her nicely if she needed water or food. Shortly after, they shut off the video camera, arrested her and became verbally abusive to her. When she was being processed, she took a picture of King Hamad off the wall and tore it up, stating that she needed to be treated with respect and speak to the proper individuals. The officers’ response was to drag her across the floor, throw her into a Jeep and send her back to prison.
5. In several cases, Al-Khawaja was arrested while trying to visit her father Abdulhadi Al-Khawaja, a human rights defender who is currently serving a life sentence in Bahrain. After being refused many times upon inquiring about the health condition of her father, Al-Khawaja attempted to visit him in prison.
6. On one occasion, Al-Khawaja was arrested while seven months pregnant for trying to visit her father in prison. They put her on the ground and the head prison warren said to her that it would be her fault if she had a miscarriage because she was the one who chose to protest.
7. On another occasion, her father was moved to a military hospital. She went to the hospital and refused to leave when military officials told her to leave. Eventually, the military officials tied her arms and legs to a wheelchair and taped her mouth. They placed her in a car with other armed military officers who threatened to rape and abuse her. She was sent to a dark room at the military base, and only after expressing her concern about being raped and abused, was she placed in an armoured vehicle and sent away.
8. On 02 June 2015, Al-Khawaja was sentenced to nine months in prison after trying to visit her father, Abdul-Hadi Al-Khawaja in Jaw Prison.
9. On 03 December 2015, Al-Khawaja lost her right to appeal in three cases that were heard in court, including the sentences for ripping up the photograph of King Hamad and insulting a public official.
10. She was arrested again on 14 March 2016 at her home, in front of her six-year-old daughter. Because she had a 15-month-old son, she was forced to bring her son with her to prison. She was sentenced to three years and one month at Isa Town Prison for charges related to freedom of expression. Even though the prison was designated for females and mothers, Al-Khawaja’s treatment was a serious threat to her son’s health. The cell itself had closing metal bars that could break a child’s arm or leg if they got stuck. Guards even had trouble opening and closing the bars. Al-Khawaja was finally released from prison on 31 May 2016, after multiple complaints to officials and appeals to the Danish consulate that her son was ill and was not getting better. Bahrain’s Foreign Minister promised her release in a press conference with US Secretary of State John Kerry seven weeks earlier on 07 April 2016. Upon her release, Al-Khawaja was threatened and forced to leave Bahrain with her children or risk imprisonment for an indefinite term with new charges.
11. Al-Khawaja describes conditions in the detention centre and prison as failing and unsanitary. At the detention centre, arrested individuals, some with contagious diseases, were all put into the same room for processing. Instead of giving clean sheets to each arrestee, dirty sheets were handed out. As for prison, Al-Khawaja remembers the cells being overcrowded, with ten beds to a cell, but actually holding 16-17 prisoners. There were cockroaches, bedbugs and mice in the cells. There was no fresh air and the prisoners were not allowed to go outside regularly. In the visitations she was allowed once a week, two to three guards would sit next to her and interrupt her conversations. She was never allowed to hug members of her family, including her six-year-old daughter who was traumatized by Al-Khawaja’s imprisonment.
12. Al-Khawaja and the Gulf Centre for Human Rights believe that Al-Khawaja’s arrests were all responses to her work as a human rights activist. Whenever she was arrested, she was always threatened with more charges and prison time if she dared stand up for herself or any other individuals. On one occasion, Al-Khawaja was imprisoned with a non-political prisoner who had been arrested for responding to officers at a checkpoint who sexually harassed and verbally assaulted her. The woman was treated horrifically, harassed and abused by prison guards. At one point, Al-Khawaja stood up for the woman to a female officer who had been screaming and shouting at the prisoner. The next day, Al-Khawaja was charged with verbally assaulting a police officer.
13. Every time Al-Khawaja was in the court room for her charges, she would witness endless rows of political prisoners, all handcuffed to each other, facing similar charges related to freedom of expression. Al-Khawaja commented that the arrests and sentencing were very systematic, and that young individuals were receiving increasingly harsher sentences over the years that she was an activist. She stated that it was not only the physical abuse she and others experienced that was torture, but also the mental effect of being arrested and imprisoned that perhaps had the most profound and lasting impact.

***Abduljalil Al-Singace Case[[57]](#footnote-57)***

1. Dr. Abduljalil Al-Singace is a blogger, academic, and former Head of Mechanical Engineering at the University of Bahrain and was the spokesman and director of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy at the time of his arrest in 2011. He is part of a group of prisoners collectively known as the “Bahrain 13”, leading human rights defenders and activists arrested by the Bahraini government for their role in peaceful protests in 2011. He is currently serving a life sentence ordered by a military court.
2. The Bahrain Independent Commission of Inquiry (BICI) met with Dr. Abduljalil Al-Singace in 2011 and collected testimony regarding his arbitrary arrest and reports of torture. Despite the existence of this testimony, in 2012 a civilian appeals court refused to investigate Dr. Al-Singace’s credible allegations of abuse and upheld the military court’s decision. Dr. Al-Singace has received no compensation for the acts of torture that he suffered, nor have his torturers been held accountable for their actions.
3. On 21 March 2015, Dr. Al-Singace went on hunger strike to protest the collective punishment and acts of torture that police inflicted upon prisoners following a riot in Jaw Prison earlier that month. He spent over 200 days without solid food, and was held in solitary confinement in a windowless room in Al-Qalaa hospital. It was just one of many hunger strikes he undertook alone or with other members of the “Bahrain 13”.
4. Dr. Al-Singace suffers from post-polio syndrome and is disabled. In addition to the torture Dr Al-Singace has suffered, his medical conditions have deteriorated considerably as a result of his incarceration and the repeated hunger strikes he has undertaken. These hunger strikes, subsisting usually on liquids only, have lowered his white blood cell count and led to constant dizziness. Prison and prison hospital authorities have denied him physiotherapy and surgery to his nose and ears. His health is poor and suffers because he refuses to go to the hospital, where he has not been properly treated. For example, a doctor might examine him for only a few minutes and then prescribed treatment is not implemented properly nor is medicine properly given. In addition, he has faced ill treatment when going to the hospital, such as being made to wait for hours in a car in the sun, not to mention that it takes too long to get an appointment, even for urgent medical matters.
5. In 2017, following the escape of several prisoners, harassment of prisoners at Jaw Prison has increased. For example, time limits for phone calls have been placed for length and timing. As well, family visits are being changed, and there is harassment during the visits.
6. Among his past human rights activities, in 2008, Dr. Al-Singace attempted to meet US President George W. Bush to present him with a petition of 80,000 signatures protesting his description of Bahrain as “a democratic country” and demanding to draft a democratic constitution.[[58]](#footnote-58) Then on 26 January 2009, Dr Al-Singace was detained by the Bahraini authorities and charged with being involved in a “terror plot” and “inciting hatred against the regime” based on articles published in his blog, which was later blocked in February 2009. Under domestic and international pressure, Dr. Al-Singace was released via a royal pardon.
7. On 05 August 2010, Dr. Al-Singace spoke at a conference at the British House of Lords about the human rights situation in Bahrain. When he arrived at Bahrain International Airport on 13 August 2010, he was arrested by the Bahraini security forces. He was then fired from his job at the University of Bahrain. He was released in 2011 before being re-arrested again on 17 March 2011 after he spoke at peaceful demonstrations. On 8 May 2011, Dr. Al-Singace went to military court on charges of “organising and managing a terrorist organisation,” “attempting to overthrow the government by force,” “coordinating with a terrorist organisation works for a foreign country,” and “raising money to benefit a terrorist organisation.” He was sentenced to life in prison on 22 June 2011.

***Naji Fateel Case[[59]](#footnote-59)***

1. Naji Fateel, a human rights defender and board member of the Bahrain Youth Society for Human Rights (BYSHR), has been arrested multiple times for peaceful protest and human rights activities. He was detained from December 2007 to April 2009, during which time he was subjected to torture. During Arab Spring anniversary protests on 14 February 2012, Fateel was arrested while participating in a peaceful march near the Pearl Roundabout area. The march was about rights of citizenship and democracy. His work in defence of human rights has made him the target of several death threats since March 2011.
2. On 02 May 2013, Fateel was arrested again without warrant by security forces in civilian clothes at his home in the village of Bani Jamra at approximately 3am. The timing and circumstances of his arrest raised suspicions that he was detained because of his previous participation at the 22nd session of the UN Human Rights Council (25 February through 22 March 2013) and to prevent him from participating in the 23rd session scheduled for 27 May through 14 June 2013. Despite requests from Fateel’s lawyer, Mohammed Al-Mahdi, the Office of the Public Prosecutor denied knowledge of his whereabouts at the time and claimed to not be aware of any charges against him.
3. It was later learned that Fateel was held at the Dry Dock Prison for six months before being transferred to Jaw Prison to serve a 15-year prison sentence for activities in connection with the founding of BYSHR. The charge was for “establishment of a group for the purpose of disabling the Constitution.”[[60]](#footnote-60) That charge was dropped later, but replaced with additional charges.
4. During his initial detention by the CID, Fateel was reportedly subjected to torture, including electric shocks applied to his genitals, left foot, and back. Additionally, he was subjected to simulated drowning (water-boarding), severe beatings, verbal abuse, hanging by his hands from the ceiling, sexual harassment and threats to rape him, standing for long hours, and sleep deprivation, during which time he was held incommunicado. He was later taken to an MOI-administered hospital for treatment of injuries resulting from the torture. In particular, he suffered from pain and inflammation in his leg, which had been broken prior to his arrest. The broken leg was beaten during his interrogation, aggravating the injury and splintering of the bone where surgical pins had been installed.
5. On 25 January 2016, Fateel was sentenced by the High Criminal court to an additional 15-year term for allegedly inciting disturbances by prisoners in Jaw prison in March 2015, during an incident involving 57 prisoners. The Court of Appeal reduced the sentence to 10 years in prison, leaving him with combined sentences of 25 years in prison total.
6. The charges were criminal use of force and violence against public employees who are members of the public security forces, igniting a fire in a dedicated building used for public benefit that would endanger people's lives and their money, the wilful damage of some buildings’ facilities with intention to create chaos and disrupt the facilities by making them unfit for the housing of inmates and putting the lives of inmates and their health and safety at risk. There are indications that he was injured during this disturbance.
7. In addition to the previously mentioned injuries, it is believed that Fateel suffers from damage to his spine, also as a result of torture and mistreatment in detention. He was held for subsequent periods of time incommunicado and in solitary confinement which raised concerns for his well-being and protection of his due process rights. GCHR and the Bahrain Centre for Human Rights (BCHR) believe that the arbitrary arrest of Fateel took place solely because of his activities and work in the defense of human rights. He remains in need of medical treatment for the injuries mentioned above.

***Ghada Jamsheer Case[[61]](#footnote-61)***

1. On 22 June 2016, Ghada Jamsheer, a feminist, writer, blogger and journalist who is President of the Women's Petition Committee (WPC), was sentenced on appeal to 10 months in prison for four cases related to her Tweets about corruption at King Hamad hospital, which is run by a member of the royal family. She had already been sentenced to one year and seven months on other charges related to the same case – for which she has 12 charges. The sentencing is a direct result of her being a well-known international human rights defender and writer who has strong links to the international community, with whom she consistently communicated during efforts to draw attention to human rights issues in the country. She has repeatedly been threatened and harassed, including through travel bans, and her blog has been censored.
2. Jamsheer was also fined 10,000 dinars (approx. USD$26,500) for defamation of the management of the hospital. In addition, she was also sentenced to one year in prison (suspended) on trumped up charges of allegedly “assaulting a police officer” while in custody.[[62]](#footnote-62) Yet there was no evidence that she was physically capable of assaulting a police officer.
3. On 15 August 2016, Jamsheer was taken into custody at the airport upon her return to Bahrain after a trip abroad for medical appointments. She appealed to the court to release her on medical grounds because she was suffering from debilitating rheumatoid arthritis in prison and was not able to carry out treatment in the cold and unsanitary conditions.
4. After nearly four months in detention, Jamsheer was released from prison on 12 December 2016 under an agreement with the court whereby she would be allowed to work at a government appointed job for the remainder of her sentence.[[63]](#footnote-63) More than 20 human rights groups had appealed for her release. However, she still has other sentences, including jail sentences suspended for a period of several years.

***Hussain Jawad Case[[64]](#footnote-64)***

1. Hussain Jawad is Chairman of the European-Bahraini Organisation for Human Rights (EBOHR) and currently resides outside of Bahrain because of threats to his personal safety made by government agents. When living in Bahrain, Jawad gave public speeches on the subject of human rights and nonviolent protest on behalf of human rights.
2. Jawad was first arrested in November 2013 shortly after giving a speech about human rights in Manama. Jawad went to the police station to file a complaint against a pro-government newspaper for publishing a photo of him with the words “wanted” in a campaign against activists. After Jawad made the complaint, he was arrested. Jawad was charged with “insulting the king” and “inciting hatred against the regime” for the speech he had delivered days earlier. Jawad was detained for 46 days and was released on bail on the 47th day.
3. Jawad was re-arrested in the early morning hours of 16 February 2015. While returning from his aunt’s house with his wife and son, Jawad observed a helicopter and several police vehicles, including a bus with 16 government agents. Approximately 10-15 armed, masked police officers in civilian clothing jumped out of the bus, detained Jawad, and proceeded to search his house, where they seized his passport and cell phone. Jawad was told that they would like to question him. They asked him to enter the bus, whereupon an officer ordered another officer to blindfold him and handcuff his hands behind his back.
4. For approximately 11 hours, this “assault team” of government agents raided other houses and arrested additional activist leaders. Jawad could hear them breaking down doors and shouting, while people ran and tried to escape. Once the detainees were on the bus, he could hear them being beaten and subjected to electric shock, which he believes was on the genitals. He vividly remembers them shouting and crying in pain as government agents attempted to get them to confess to criminal acts.
5. The detainees were eventually taken to the CID facility in Adliya. Once the prisoners were inside the CID building, they were beaten, including Jawad, who was repeatedly hit in the face, while being taunted and threatened by shouting guards while referring to him as a human rights defender. His lawyer confirmed that Jawad suffered physical, sexual, verbal and psychological abuse while in detention. Jawad was ordered to call his family and tell them he was safe and at CID. He called his wife, but when she asked if they had hurt him, he said “yes.” His interrogators ended the call and threatened to kill and rape him while they beat him.
6. Jawad was eventually taken to what he referred to as the “officer building” where he was thrown down and his legs were beaten. He was threatened with electric shock. Jawad was still blindfolded and handcuffed. Jawad was interrogated for 12 hours in the officer building and then returned to the cold room known as “the fridge” for 12 hours of torture or standing. This pattern of interrogations and return to the fridge continued for two days, with a rotation of different officers conducting interrogations.
7. Jawad was never told of charges against him during this part of his detention. He was questioned in depth about his social media activities (Twitter, Facebook), his co-workers’ activities, travel, communications, interviews and friends in Europe. On the third day, at approximately midnight or 1 am, law enforcement officers tried to sodomize him from behind with a stick. Jawad fought and resisted. He was told he had to sign the papers or they would rape him with the stick and force him to vomit. On the fourth day of detention, guards threatened that six Pakistani men would rape him if he did not cooperate. Jawad was reportedly prevented from sleeping and using the bathroom, and confined to a narrow cell. The human rights defender was forced to confess that he collected money from Bahrain and abroad to “aid and abet” saboteurs.
8. Jawad was taken to public prosecution, where he was denied representation by a lawyer and informed of charges relating to involvement in a protest and beating a police officer. For the next four days, he was subjected to beatings, was not allowed to sleep and was forced to stand for prolonged periods of time in the same 12 hour cycles as before, 12 hours of interrogation, 12 hours of torture. Jawad was never allowed to go to the bathroom.
9. When Jawad was taken to public prosecution again, Jawad’s lawyer was called, who was shocked at his appearance. Jawad told his lawyer that he was tortured, sexually abused, deprived of sleep, and described everything else that had taken place. Jawad was taken to a hospital at the Interior Ministry. He never saw a doctor, but instead saw a nurse who gave him cream to put on his body to reduce marks of abuse. He has never seen a medical report from this visit. After that, Jawad was taken to the Dry Dock Detention Centre where he was given clean clothes and allowed to sleep.
10. A few days later, Jawad was taken back to public prosecution where he met with an investigator regarding his torture. He was then taken to two doctors, one to examine his body and the other for a mental health check. Jawad was held at Dry Dock for four months.
11. Though an investigation of torture was initially recognized in earlier proceedings, the judge without stated cause, blocked further investigation during a subsequent hearing. No record of the medical reports were produced. Nevertheless, Jawad told the judge that he had been tortured. The judge appeared “red in the face” likely due to the presence of human rights organisations, foreign embassy representatives, and the media during the proceeding.
12. Jawad was then blindfolded and taken back to CID that night. During this time, someone put their hand on his shoulder and told him that he had three months to leave the country or he would be tortured again. He was then released to his family.
13. He left Bahrain with his family two and a half months later. Jawad was subsequently convicted of allegedly collecting and receiving money from Bahrain and abroad without a permit and sentenced on 15 December 2015 *in absentia* to two years in prison and monetary fines. As of this writing, the charges against Jawad from 2013 are still pending.

***Nabeel Rajab Case[[65]](#footnote-65)***

1. Nabeel Rajab is President of the Bahrain Centre for Human Rights (BCHR), former Deputy Secretary General of the International Federation for Human Rights (FIDH), and Founding Director of the Gulf Centre for Human Rights (GCHR). He has won accolades for his human rights advocacy, such as the 2011 Ion Ratiu Democracy Award, presented by the Woodrow Wilson International Centre for Scholars. Rajab is one of the most famous Arab activists on the Internet, with over 345,000 followers on Twitter. Rajab has faced repeated arrests for his human rights activities, including organising and participating in demonstrations and criticizing the government for using counter-terrorism laws to prosecute human rights defenders.
2. Rajab’s most recent arrests were in 2015 and 2016. On 02 April 2015, Rajab was arrested at his home in Bani Jamra village, which was surrounded by police vehicles. The government agents confiscated electronic equipment in his home. Neither he nor his family was ever shown a summons from General Directorate of Anti-Corruption and Economic and Electronic Security. He was subsequently taken to CID facilities for interrogation and detained indefinitely. On 13 May 2015, the Special Rapporteur on Reprisals, Office of High Commissioner for Human Rights, wrote to Bahrain’s ambassador to the UN regarding Rajab’s arrest and detention. The governments of the United Kingdom and the United States were also critical of Rajab’s conviction and detention. On 9 July 2015, the European Parliament adopted an emergency resolution which appealed to the Bahraini government for his release. He was released on 13 July 2015 for health reasons, following a royal pardon.
3. During his most recent arrest on 13 June 2016, Rajab’s house was surrounded by Bahraini government agents (from the CID) at 5:00am. The agents confiscated all WiFi and other Internet devices and modems from the house. Rajab was arrested and has been held at West and then East Riffa Prison in solitary confinement for most of that time. He was later charged with criticising/offending a governmental body, spreading false news against the state (“in a time of war”), and insulting the Saudi state. These charges carry a possible prison sentence of up to 15 years. He was removed from the prison and taken to a Bahraini Defence Forces hospital for a gall bladder operation on 03 October 2016, but then returned the next day to solitary confinement at East Riffa Prison. His health has continued to deteriorate. He believes his detention is related to human rights work performed in his capacity as President of the Bahrain Centre for Human Rights.
4. Rajab then faced new charges (“undermining the prestige” of Bahrain) relating to an op-ed piece he published about human rights (“A Letter from a Bahraini Jail”) in the *New York Times* on 04 September 2016. This charge carries a possible prison sentence of one year.
5. On 28 December 2016, Manama’s Fifth High Criminal Court ordered Rajab’s temporary release from detention while his twitter case is ongoing (for which he has appeared in court in February and March 2017.) The court found that insufficient evidence was presented to establish a link between Rajab and an allegedly offending Twitter source which formed the basis of several charges against him. Unfortunately, later the same day as he was being prepared for release, he was re-arrested on new charges for activities (televised interviews) dating back to 2015, for which he faces up to three years in prison. He has had court appearances in February and March 2017 on these charges. In total, Rajab is facing 19 years in prison for the three aforementioned cases.
6. Since his arrest on 13 June 2016, Nabeel Rajab has been held at the East and West Riffa detention facilities, most of the time in solitary confinement. He was removed briefly from the prison for a gall bladder operation on 03 October 2016, but was returned the next day to solitary confinement at the prison. His family is allowed to visit once every week, but all visits are strictly supervised and security officers are always present. The conditions of the cell are unsanitary, with cockroaches running rampant.

***Nazeeha Saeed Case[[66]](#footnote-66)***

1. Nazeeha Saeed is a writer and an award-winning professional radio and television journalist and correspondent for Radio Monte Carlo Doualiya and France24.[[67]](#footnote-67) Saeed covered many of the protests during 2011. Saeed was arrested on 22 May 2011. She received a phone call and was summoned to the police station in West Riffa where she was arrested and held for around 14 hours. She was accused of allegedly working with the Iranian media (Al-Aalam TV), with a media sector associated with Hezbollah (Al-Manar), supporting Welayat Al-faqeeh (political system in Iran), supporting the Islamic movement, attempting to overthrow the Bahraini government, participating in protests aimed at overthrowing the Bahraini government, and of lying in her reports and harming Bahrain’s image. She was questioned specifically about why she had reported the death of a man killed by a police officer. They claimed that such reporting defamed the Bahraini government.
2. Saeed was initially punched, kicked, and slapped by officers. A police officer took Saeed’s shoe and put it in Saeed’s mouth, stating, “This shoe is cleaner than your mouth.” Saeed was instructed to keep the shoe in her mouth and that if she dropped it, she would be kicked. At one point officers attempted to put an unknown liquid into Saeed’s mouth. When she resisted, the liquid was poured on her hair and face. The officer then grabbed Saeed by the hair and forced her face into a toilet bowl. They threw her to the ground when she denied the officers’ accusations. While she was on the ground, four to five officers kicked her on her head, back, and all over her body.
3. For the majority of her detention, Saeed was held in a larger room with other detainees. She was repeatedly beaten with a hose on her back, head, and feet while sitting in a chair in reverse with her back facing outwards. During this same time officers repeatedly punched and hit her with hands and fists. Saeed was then told to go back and stand at the wall. She felt an electric shock in her right hand. She was blindfolded and did not see the device that caused the shock. She was shocked approximately 10 times. This was the only time she was subjected to use of an electro-shock device. Saeed had burns on her right hand following the application of the electro-shock device.
4. After approximately nine hours of torture and interrogation, an officer brought papers to Saeed and instructed her to sign. She believes the papers were a confession, but did not read the papers before signing because she was “too tired and broken.” Saeed was taken to see the head officer whom she knew previously. He ordered her release.
5. Her arrest and torture in May 2011 have been described in the 2014 Human Rights Watch report, *Criminalizing Dissent-Entrenching Impunity*. Since that report, there is evidence of new reprisals for journalistic activity.
6. On 17 July 2016, Saeed was notified by Bahrain’s Public Prosecution that she was facing charges of “unlawfully” working for foreign or international media, under Article 88 of Law 47/2002.[[68]](#footnote-68) That law regulates the press and requires Bahrainis to obtain a license from the Information Affairs Authority (IAA) before working for foreign media. The license must be renewed annually. When Saeed applied for a renewal of her license in March 2016, it was denied by the IAA. She has never been denied a renewal before. With the charges pending, she faces a trial and a fine of up to 1000 Bahraini Dinars (approximately $2650 USD). In July 2016, 43 international freedom of expression NGOs called on the government of Bahrain to respect press freedom and to end reprisals against Saeed, by removing a travel ban and dropping charges against her. As of the writing of this report, Saeed’s trial has been postponed by the criminal court, with the latest hearing on 28 February 2017.

### VIII. Torture or Cruel, Inhuman or Degrading Treatment

1. We note that the Human Rights Watch report of February 2010 documented and listed specific practices of torture or other cruel, inhuman, or degrading treatment of detainees.[[69]](#footnote-69) That report was used as a baseline to measure changes or continuation of past behaviour. Based upon our interviews and review of the evidentiary record, this report concludes that there is credible evidence that, since February 2010 various Bahraini law enforcement and internal security forces have continued to engage in the following practices:

 • use of electro-shock devices against detainees;

 • suspension of detainees in painful positions;

 • beating detainees’ feet with rubber hoses and/or batons;

 • slapping, punching, and kicking detainees, and beating them with implements;

 • forcing detainees to stand for prolonged periods of time; and

 • threatening detainees with death and rape.

1. The international and national legal obligations of Bahrain forbid use of these practices, whether applied separately or in combination with each other. There is ample precedent and legal authority recognizing the unlawful nature of these techniques.
2. International courts have found that severe beatings and beatings in general constitute torture or cruel, inhuman or degrading treatment.[[70]](#footnote-70) Of the individuals interviewed for this report, almost all reported that guards subjected them to some degree of assault at the time of arrest, during transport to interrogation or prison, or while in detention. Almost all reported that security forces had punched, kicked, or slapped them. Many individuals reported that guards beat them during interrogations, such as at CID headquarters in Adliya or other facilities. The cases of **Hussain Jawad, Nazeeha Saeed, Naji Fateel, Maryam Al-Khawaja**, and **Abdulhadi Al-Khawaja** related above demonstrate that beatings continue to be a systemic problem with police and internal security officials.
3. International courts have consistently declared the use of electro-shock devices to constitute torture or cruel, inhuman or degrading treatment.[[71]](#footnote-71) Recent former inmates of Jaw Prison have reported being subjected to electric shock, among other forms of torture and abusive treatment. Hussain Jawad overheard the use of electro-shock treatment on fellow detainees’ genitals after his arrest on 16 February 2015. Nazeeha Saeed reported that she was subjected to electric shocks on her right hand about 10 times after her arrest on 22 May 2011.
4. International courts have classified the beating of feet as torture.[[72]](#footnote-72) Previous reports indicated a practice of beating feet with rubber hoses and/or batons. The practice of beating the soles of the feet is sometimes referred to as “falaka,” as mentioned. The soles of the feet are not thickly muscled, and beating them causes excruciating pain. The case of Nazeeha Saeed indicates that the practice of beating feet continues.
5. International courts have also found that suspending victims by their arms and legs constitutes torture.[[73]](#footnote-73) Former detainees of the Jaw Prison report being suspended in painful positions, in addition to other forms of torture or mistreatment. **Hussain Ali Moosa** reported being suspended and beaten in a CID facility in February 2014. (See below for more information.)
6. Threats to rape and/or kill have been found to constitute torture and/or inhuman treatment.[[74]](#footnote-74) There have been numerous reports by detainees about police or security forces who threatened to kill or rape them, while being detained for interrogation. Their family members are also threatened with rape. **Hussain Jawad** was subjected to threats of being raped and killed after his arrest on 16 February 2016. Later, guards attempted to commit sexual assault on Hussain Jawad. **Ali Isa Al-Tajer** was subjected to sexual assault after his arrest on 05 November 2015. In May 2011, while in detention, **Abdulhadi Al-Khawaja** was threatened with rape and the rape of his daughter **Maryam Al-Khawaja**.[[75]](#footnote-75)
7. Courts have also determined that forced standing for great lengths of time amounts to torture or inhuman treatment.[[76]](#footnote-76) Recent former inmates of Jaw Prison report being subjected to forced standing, among other forms of torture and abusive treatment. After his arrest on 5 November 2015, **Ali Isa Al-Tajer** was forced to stand for hours while being deprived of sleep. Following his arrest in May 2013, **Ali Ahmed Haroun** was forced to stand in stressful positions and was deprived of sleep, food, and water. (See below for more information.)
8. In addition to the above listed practices, this report documents at least one substantiated case of the use of solitary confinement, which is considered by many international authorities to be a violation of the torture convention.[[77]](#footnote-77) Since his arrest in June 2016, human rights defender **Nabeel Rajab** has been held in solitary confinement for most of the time, with one notable exception of a short release for a gall bladder operation in October 2016. He has also been held in a dirty, cockroach infested cell.
9. The following specific cases are examples of various forms of torture or cruel, inhuman or degrading treatment of detainees at the hands of police or state security officers.

**Other Cases of Torture, Severe Beatings and Abusive Treatment**

***Sami Mushaima, Abbas Al-Samea, and Ali Abdulshaheed Al-Singace Case[[78]](#footnote-78)***

1. Sami Mushaima, Abbas Al-Samea, and Ali Abdulshaheed Al-Singace were sentenced to death based on confessions made following torture. The three men were arrested on 03 March 2014 by security forces during house raids and charged in the death of three police officers. The three men allege that Bahraini authorities subjected them to severe torture to extract coerced confessions and subsequently pleaded innocent. On 26 February 2015, the High Criminal Court convicted Mushaima, Al-Samea, and Al-Singace and sentenced them to death, and the sentence was upheld on appeal on 31 May 2016. On 09 January 2017, the Court of Cassation in Bahrain upheld the death sentence, leading the way for their execution on 15 January 2017 by firing squad.

***Hasan Jassim Hasan Al-Hayki Case[[79]](#footnote-79)***

1. Hasan Jassim Hasan Al-Hayki, age 35, died while in police custody as reported on 31 July 2016. He had been detained at the Al-Hoora police station and later at the Dry Dock Detention Centre following a 04 July raid on his home. Though police claimed he died of “natural causes” because of a pre-existing medical condition, torture is suspected and international human rights organisations have demanded the release of his body to his family and expert medical examiners so that they may confirm or deny the allegations.

***Hussein Jarallah Al-Qassab Case[[80]](#footnote-80)***

1. Hussein Jarallah Al-Qassab is a 37-year-old driver and a father of two. In 2015, he was arrested at his home in Abu Saiba village in the northern part of Bahrain. Bahraini security forces used excessive physical force during his arrest, severely beating him and kicking different parts of his body before he lost consciousness. The incident was witnessed by relatives and neighbours. He was denied medical treatment and held incommunicado for twelve days. Later, Al-Qassab was taken to Citadel Hospital. His family observed bruises and blood spots on his shoulders, back, and chest when they were allowed to visit him in the hospital for the first time since his detention. They also noticed his inability to walk. On 26 February 2016, he was charged with attacking police officers. In the meantime, he was held at the Dry Dock Detention Centre while awaiting trial. He was transferred back to the hospital when his health continued to deteriorate and was later released on medical grounds.

***Ali Isa Al-Tajer Case[[81]](#footnote-81)***

1. Ali Isa Al-Tajer is the brother of human rights lawyer **Mohammed Al-Tajer**. On 05 November 2015, Bahraini security forces raided his family home. He was arrested and during his subsequent detention, he was beaten, threatened with electric shocks, forced to strip naked, sexually assaulted, forced to stand, deprived of sleep for most of the time, and was forced to sign a confession.

***Khalil Ibrahim Al-Saffar Case[[82]](#footnote-82)***

1. Khalil Ibrahim Al-Saffar, age 19, was arrested on 15 September 2015. He was detained by the CID and was forced to strip off his clothes, was beaten on his genitals, and was beaten with batons and plastic cables on his other body parts.

***Mohammed Ibrahim Al-Mullah Case[[83]](#footnote-83)***

1. Mohammed Ibrahim Al-Mullah, age 23, is a political activist who was arrested in February 2015 at the Bahrain International Airport. He was taken to the Dry Dock Detention Centre and tortured during his interrogation by the CID.[[84]](#footnote-84) After his transfer to the Citadel Hospital, he informed his family that he had been severely beaten by batons on his head, back and chest, and that his genitals had been subjected to electric shocks.

***Mohammed Ramadhan and Hussain Ali Moosa Cases[[85]](#footnote-85)***

1. Hussain Ali Moosa and Mohammed Ramadhan were arrested in February 2014 on charges of complicity in the killing of a policeman in Al-Dair. After his arrest, Moosa was taken to a CID facility where he was suspended by his limbs, given electric shocks and beaten with batons in an effort to force his confession. The CID agents also threatened to fabricate evidence against his relatives and to rape his sisters. Though he signed a confession, he later retracted it because it was induced by torture. Ramadhan also reported being beaten and given electric shocks on his feet. According to Amnesty International, Moosa and Ramadhan are at imminent risk of execution as of 18 January 2017 following the execution of three men.[[86]](#footnote-86)

***Ahmed Mohammad Saleh Al-Arab Case[[87]](#footnote-87)***

1. Ahmed Mohammad Saleh Al-Arab, age 23, was arrested in January 2014 and was held incommunicado by the CID for 21 days where he was reportedly tortured.[[88]](#footnote-88) He was allegedly repeatedly beaten, deprived of sleep, and subjected to “waterboarding,” whereby security forces covered his face with a cloth and water was poured into his mouth to simulate drowning. He was subjected to continuous verbal abuse and psychological torture including keeping him in the dark for long periods and forcing him to listen to others being tortured. His lawyer’s plea to investigate allegations of torture against his client was dismissed without action.

***Ali Ahmed Haroun Case[[89]](#footnote-89)***

1. Ali Ahmed Haroun, age 20, was arrested in May 2013 on charges of participating in an illegal gathering and criminal arson relating to an explosion in the village of Bani Jamra. He was taken to the Dry Dock Detention Centre where he was beaten, forced to stand in stress positions and deprived of food, water, and sleep until he signed a coerced confession relating to the explosion in Bani Jamra.[[90]](#footnote-90) Haroun has a permanent injury to his spine, torn ligaments in his leg, and permanent loss of hearing in one of his ears because of torture.

**IX. Infringements of Civil and Political Rights**

### a) Reprisals for Expressing Dissent

1. The apparent worldwide increase in reprisals against human rights defenders, including against those cooperating with UN investigators, has drawn the attention of senior United Nations officials, including the (former) Secretary General. In his annual report to the UN Human Rights Council (UNHRC) in 2016, former Secretary General Ban Ki Moon announced his intention to escalate the UN response to reprisals, by enforcing accountability for government officials who impose reprisals and by strengthening protections for human rights defenders and witnesses.[[91]](#footnote-91) We note that emerging human rights standards, such as those embodied in the “San José” Guidelines Against Intimidation or Reprisals, reflect a growing international legal consensus or *opinio juris communis* that such intimidation or reprisals violate international law.
2. In Bahrain, there is a pattern indicative of a systemic use of intimidation and punishment or reporting on human rights, torture, abuse, free expression or peaceable assembly. The result of these actions is to effectively “criminalise” dissent in any form, with increasing restrictions on freedom of expression, assembly, and association. Dissidents, journalists and human rights defenders are the most frequent targets of reprisals. Reprisals “take many forms, ranging from smear campaigns, threats, travel bans, harassment, fines, the closing of organisations, sexual violence, arbitrary arrests, prosecutions and lengthy prison sentences through to torture, ill-treatment and even death” according to a July 2013 report to the UN HRC by the Office of the UN High Commissioner of Human Rights (OHCHR).[[92]](#footnote-92) The previously mentioned “San José” Guidelines Against Intimidation or Reprisals reflect a growing international legal consensus that such intimidation or reprisals are themselves violations of international human rights law.
3. In September 2015, the United Nations Human Rights Council issued a statement joined by 33 states, including the US and the United Kingdom, criticizing Bahrain for detaining dissidents and calling for the revision of laws that restrict freedom of expression. Control of media even meant that even photography is not free from restriction.
4. In 2014, four award-winning photographers were in jail or facing criminal charges. One of the photographers, **Hussain Hubail**, was sentenced by a court to a five-year prison term on charges of using social media networks to “incite hatred of the regime.” Another photographer, **Ahmed Humaidan**, was sentenced to ten years in prison, which was confirmed by the Supreme Court. Some recent examples of actions of reprisals are referenced in the cases of Nazeeha Saeed, Naji Fateel, Nabeel Rajab, Hussain Jawad, Zainab Al-Khawaja and Ghada Jamsheer.
5. **Nabeel Rajab**’s arrest and detention are directly linked to his protest activities and his investigating and reporting of human rights violations. The pattern of his charges demonstrate a clear objective to suppress freedom of expression, especially when related to the subject of human rights. In connection with cases that he was told had been dropped, Rajab was re-arrested on 13 June 2016, the first day of the UN Human Rights Commission session. Since the Arab Spring in 2011, Rajab has been subjected to prosecution many times, and was arrested repeatedly during 2012. He spent two years in prison between 2012 and 2014 on charges of "organising an unauthorised protest." After his release in 2014, Rajab carried out an advocacy tour in Europe, and visited in September 2014 the UN Human Rights Council in Geneva, the European Parliament in Brussels, and some European capitals. He also participated in the 27th session of the Human Rights Council. He was then re-arrested on 1 October 2014 upon his return to Bahrain (see also detailed narrative in Section VII.)
6. In 2016, **Nazeeha Saeed** faced new reprisals for her journalistic activity. On 17 July 2016, Saeed was notified by Bahrain’s Public Prosecution of new charges of “unlawfully” working for foreign or international media, under Article 88 of Law 47/2002. When Saeed applied for a renewal of her license in March 2016, it was denied for the first time in her career. (see also detailed narrative in Section VII.)
7. The Gulf Centre for Human Rights believes that **Zainab Al-Khawaja**’s re-arrest on 14 March 2016 was a response to the work of her sister, and fellow human rights activist, **Maryam Al-Khawaja**. Maryam had just attended a protest in Zurich where Bahraini ruling family member Shaikh Salman Al-Khalifa lost his presidential bid for the Federation Internationale de Football Association (FIFA) (see also detailed narrative in Section VII.)
8. The arrest of **Naji Fateel** on 2 May 2013 raised questions that he was being detained because of his previous participation at the 22nd session of the UN Human Rights Council (25 February through 22 March 2013) and to prevent him from participating in the 23rd session scheduled for 27 May through 14 June 2013. He remains in prison serving two 15-year prison sentences and has been held incommunicado for substantial periods of time. (see also detailed narrative in Section VII.)
9. On 05 August 2010, **Dr. Abduljalil Al-Singace** spoke at a conference at the British House of Lords about the human rights situation in Bahrain. When he arrived at Bahrain International Airport on 13 August 2010, he was arrested by the Bahraini security forces. He was then fired from his job at the University of Bahrain. He was released in 2011 before being re-arrested again on 17 March 2011 after he spoke at peaceful demonstrations. (see also detailed narrative in Section VII.)

**Other Cases of Reprisals**

1. It is estimated that there are at least ten journalists and media workers jailed today, including Sayed Ahmed Al-Mousawi, Ahmed Humaidan, Hussain Hubail, Mahmoud Al-Jaziri, Qassim Zainaldeen, Jaffar Marhoon, Ahmed Zainaldeen, Mustapha Rabea, and Houssam Soroor.[[93]](#footnote-93) Here are additional cases of opposition leaders and human rights defenders as detailed in other recent reports.

***Ebrahim Sharif Case[[94]](#footnote-94)***

1. Ebrahim Sharif was Secretary General of the National Democratic Action (Wa’ad) Society, a recognized opposition party in Bahrain. On 13 November 2016, Sharif was summoned by Bahraini authorities and interrogated about an interview he gave to the Associated Press (AP) regarding the recent visit of England’s Prince Charles to Bahrain. He was charged with “inciting hatred against the regime” under article 165 of the penal code. He had recently (July 2016) completed a one-year prison sentence for the offense of promoting a change of regime during a speech he gave. These charges were later dropped on 23 November 2016 following international pressure and the case was closed.

***Dr. Taha Al-Derazi Case[[95]](#footnote-95)***

1. On 8 June 2016, the Bahraini government prevented Dr. Taha Al-Derazi, a human rights defender and former prisoner of conscience, and his wife from traveling to the United Kingdom. It is believed that this travel restriction was because of his previous participation in the 31st session of the UN HRC in 2015. On 15 August 2016, he was charged with “illegal gathering” as a result of a peaceful protest in the village of Duraz. The village had been subjected to police surveillance and a blockade as a result of protest activity. He was held in custody for two weeks.

***Maytham Al-Salman Case[[96]](#footnote-96)***

1. Maytham Al-Salman is a human rights defender who was charged with “illegal gathering” in the same incident in Duraz as Dr. Al-Derazi (described above) on 15 August 2016. Like Dr. Al-Derazi, he was later released after being held in custody.

***Fadhel Abbas Mahdi Mohamed Case[[97]](#footnote-97)***

1. Fadhel Abbas Mahdi Mohamed was Secretary General of the Unitary National Democratic Assemblage (Al-Wahdawi) party. In June 2015, he was sentenced to five years in prison for “spreading false information” after his party called the Saudi-led air strikes in Yemen a violation of international law.

### b) Denial of Due Process and the Right to Fair Trial

1. Bahraini law enforcement and internal security forces have demonstrated a pattern of arbitrary arrest and detention, including detention without being presented with charges. Basic due process requires prompt notification of charges and the opportunity to defend oneself in a hearing or other legal proceeding. Arbitrary arrests and extended detention, sometimes tantamount to enforced disappearance, without notification of charges are commonly observed practices in Bahrain, as supported by statements provided by the witnesses.
2. A special 2014 amendment to the Anti-Terrorism Law (enacted by Royal Decree No.68/2014) gives security forces with the power to detain individuals from 10 to a maximum of 28 days. Additionally, prosecutors may extend pre-trial detention for up to six months without the opportunity for the detainee to challenge his/her detention. Detainees are frequently held incommunicado, denying them protection against torture and forced confessions.
3. There are notable exceptions when the Bahraini judicial system follows internationally accepted principles of due process and stifles executive security agency attempts to short-circuit civil procedure and standards of evidence, such as when Manama’s Fifth High Criminal Court ordered the release of Nabeel Rajab on 28 December 2016. True independence of the judiciary has been and will continue to be the historic safeguard against governmental infringement on civil rights.
4. In a lack of due process, **Nabeel Rajab** was not informed of charges against him during his arrest on 13 June 2016. Only much later was he informed that he was charged with offending a governmental body, spreading false news against the state, and insulting the Saudi state. Nor was he informed of a summons during his arrest in 2015. Additionally, his house was searched without a warrant in 2015. After his release on 28 December 2016, the MOI moved quickly to re-arrest him on new charges. He is awaiting trial in March in this case after 10 previous hearings.
5. In addition, in a further lack of due process, neither Rajab nor his lawyer were informed that on the afternoon of 23 January 2017, there would be a hearing in another case for which he was re-arrested upon his release on 28 December 2017. He was in court on 08 February 2017 in this case, on charges of allegedly “spreading false information and malicious rumours about domestic matters with the aim of discrediting and adversely affecting the State’s prestige,” based on televised interviews with foreign television channels. Hearings were subsequently held on 21 February and 07 March 2017.
6. **Hussain Jawad** wasnot informed of charges against him following his arrest on 16 February 2015, until his third day in detention.
7. During **Naji Fateel**’s appeal proceeding in November 2013, the Bahraini authorities denied entry to a legal observer sent by international human rights organisations.[[98]](#footnote-98) The same court upheld his 15-year sentence without investigating allegations of torture.

**Other Cases of Denial of Due Process**

***Sami Mushaima, Abbas Al-Samea, and Ali Abdulshaheed Al-Singace Cases[[99]](#footnote-99)***

1. As mentioned above, Sami Mushaima, Abbas Al-Samea, and Ali Abdulshaheed Al-Singace were sentenced to death based on confessions made following torture. The three men were arrested on 3 March 2014 by security forces during house raids and charged in the death of three police officers. They were accused of murder in the state-sponsored media before the trial, thus were publicly tried in the court of public opinion. The three men allege that Bahraini authorities subjected them to severe torture to extract coerced confessions and subsequently pleaded innocent. They had no access to a lawyer during trial, although evidence was provided to show their innocence, including the fact that Al-Samea was at work during the time of the murder.On 26 February 2015, the High Criminal Court convicted Mushaima, Al-Samea, and Al-Singace and sentenced them to death, and the sentence was upheld on appeal on 31 May 2016. On 09 January 2017, the Court of Cassation in Bahrain upheld the death sentence, leading the way for their execution on 15 January 2017 by firing squad.

***Hussain Ali Moosa and Mohammed Ramadan Cases***

1. Hussain Ali Moosa and Mohammed Ramadan were both arrested in February 2014 on charges of killing a policeman in Dair. Both were subjected to torture (see Hussain Ali Moosa case above) and forced to sign confessions. Their petition to the Court of Cassation to nullify the confessions was rejected. According to their lawyer, the claims of torture were never investigated.

### c) Unlawful Restrictions on Travel

1. In 2016, there was a dramatic increase in the imposition of travel bans on human rights defenders without a legitimate public interest justification, in violation of Article 12 of the International Covenant on Civil and Political Rights. Claims of a legitimate national security interest in restricting travel appear to be a pretext for curbing human rights activity, as evidenced by a clear pattern targeting human rights defenders. Arbitrary restrictions on freedom of travel also violate Article 19(b) of the Bahrain Constitution, which states that:
2. No person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of movement be restricted, except in accordance with the law and under the supervision of the judicial authorities.
3. The Gulf Centre for Human Rights reported that dozens of prominent human rights defenders have been arbitrarily banned from travel.[[100]](#footnote-100) In June 2016, **Nazeeha Saeed** was subject to a ban on travel outside Bahrain.
4. Even worse, Amnesty International reported that since 2012, Bahrain has arbitrarily revoked citizenship for at least 316 individuals, including former members of parliament and human rights defenders, leaving many of them stateless.[[101]](#footnote-101) Article 17(a) of the Bahraini constitution allows for the stripping of nationality only for acts of treason or otherwise as prescribed by law. Also, Article 29(1) of the Arab Charter prohibits the arbitrary revocation of nationality. Several witnesses provided examples where Bahraini officials have restricted their rights to enter or travel in their home country or have encouraged them to leave Bahrain altogether:
5. **Maryam Al-Khawaja** was told she would have to leave Bahrain shortly after her arrival at the airport on 29 August 2014. She was in Bahrain to visit her father, a human rights activist imprisoned since 2011. When she refused to leave Bahrain, she was detained by security, interrogated, and treated abusively before she was allowed to leave the country. She has since been sentenced in an unfair trial and rendered unable to return to Bahrain.

***Other Cases of Unlawful Travel Restrictions***

1. Approximately two dozen human rights defenders were denied the right to travel in June and July 2016 to destinations including Geneva for the 32nd session of the UN HRC in Geneva (06 June to 01 July 2016). Travel bans were imposed on human rights defender Hussain Radhi of the Bahrain Centre for Human Rights (BCHR), Ebtisam Al-Saegh of Salam for Human Rights and Democracy, unionist and activist Ebrahim Al-Demistani, the parents of Ali Mushaima, a victim of extrajudicial killing, and the father of another victim of extrajudicial killing Sayed Hashim, all of whom were due to participate in the delegation in Geneva.
2. Others subjected to travel bans included human rights lawyer Mohammed Al-Tajer, head of the Bahrain Transparency Association Sharaf Al-Mosawi, Zainab Al-Khamis, Abdulnabi Al-Ekry, and members of the Bahrain Human Rights Observatory (BHRO). Additionally, Jalila Al-Salman, Vice-President of the dissolved Bahrain Teachers’ Society, was stopped from flying to Norway for an award ceremony on 13 June 2016.
3. Later in 2016, Bahraini authorities also prevented BCHR's head of documentation Enas Oun and human rights activist Ahmed Al-Saffar from leaving the country through King Fahad Causeway. Oun and Al-Saffar first found out about the travel ban in August prior to the 33rd Session of the UN Human Rights Council (13 to 30 September 2016) in Geneva. BCHR’s Head of International Relations Nedal Al-Salman was also banned from travel at this time, and BCHR’s President Nabeel Rajab remains under a travel ban since his arrest on 01 October 2014.

***Maytham Al-Salman Case***

1. Human rights defender Maytham Al-Salman was subject to a travel ban following his participation in various international human rights related conferences. He was selected from over 500 applicants to participate in the 2016 Draper Hills Summer Fellowship Program at Stanford University based on “the significant contributions that he has made to build more tolerant societies to counter violence and extremism in the Middle East.” The Stanford University’s Centre on Democracy, Development, and the Rule of Law called on the Bahraini authorities to lift the ban to no avail.[[102]](#footnote-102)

### X. Systematic Targeting of Human Rights Defenders

1. Many of the witnesses interviewed discussed in detail above are prominent human rights defenders, often senior members or leaders of well-known and established organisations for the promotion of human rights. The pattern indicates that the more outspoken an individual is on the subject of human rights, especially if he or she reports on torture or abuse, the more likely he or she will be subjected to arrest, detention, deportation, or other acts of intimidation or punishment. In one recent example in November 2016, Bahraini authorities summoned and interrogated human rights defenders, members of civil society organisations, and political activists and charged the majority with illegal assembly. Among those summoned include BCHR members Enas Oun and Ahmed al-Saffar, Bahrain Human Rights Society (BHRS) members Abdulnabi Al-Ekri and Zainab Khamis, Wa'ad Society's former secretary general Radhi Al-Mosawi, and human rights lawyer Mohammed Al-Tajer. Because of their well-known leadership roles in human rights organisations, Nabeel Rajab, Hussain Jawad, Naji Fateel, Abdulhadi Al-Khawaja and Maryam Al-Khawaja have been targeted for harassment, intimidation, and reprisals.

***Mohammed Al-Tajer Case***

1. Lawyer Mohammed Al-Tajer, President of Lawyers for Human Rights - Bahrain, was interrogated by the General Public Prosecutor's Office on 10 November 2016, and charged with insulting a sect pursuant to Article 172 of the Penal Code, telephone misuse pursuant to Article 290, and insulting “statutory bodies” pursuant to Article 216 (specifically, the statutory offices of the Public Prosecutor, the Interior Ministry, and the Criminal Investigation Directorate). The latter charges were based on comments made on Twitter. The incidents of surveillance of social media and curtailment of free expression by the Department of Cyber Crime have increased and have become a tool of choice for targeting human rights defenders, as can be seen in several of the charges against many others defendants. Al-Tajer has denied all charges.

### XI. Pattern of Impunity for Accused Government Officials

1. The systemic practice of abusive and other unlawful conduct described above is reinforced by a “culture of impunity” whereby government officials are rarely if ever punished for unlawful actions, as noted by the Egyptian lawyer, M. Cherif Bassiouni, head of the BICI.[[103]](#footnote-103) Although created to provide accountability for government misconduct, the Special Investigations Unit (SIU) and the Ministry of Interior Ombudsman have failed to effectively investigate and prosecute individuals serving with security forces, including senior officials, for torture and serious mistreatment of persons in custody. In some cases, certain government authorities obstructed the pursuit of justice and interfered with investigations of torture by purposely hindering access to medical reports, witnesses, or other evidence.
2. Even in the early years of reform when there was an improvement in the observance of human rights, apparent protection was provided to past perpetrators of torture and abuse. In 2002, Royal Decree 56 gave immunity to all accused of torture during and prior to the uprising in the 1990s.
3. The 2014 Human Rights Watch report, *Criminalizing Dissent-Entrenching Impunity,* found that investigations of reported violations were slow (often three years after-the-fact), aimed almost exclusively at low-level officials, and resulted in little or no punishment (in the harshest case, a 10-year sentence was reduced to two years). An earlier US State Department report was unable to confirm that any convicted security personnel actually served time in detention at all.[[104]](#footnote-104) Here are some recent examples that indicate the practice is continuing to be a problem:
4. The Bahrain Independent Commission of Inquiry (BICI) met with **Dr. Abduljalil Al-Singace** in 2011 and collected testimony regarding his arbitrary arrest and reports of torture. Despite the existence of this testimony, in 2012 a civilian appeals court refused to investigate Dr. Al-Singace’s credible allegations of abuse and upheld the military court’s decision. Dr. Al-Singace has received no compensation for the acts of torture that he suffered, nor have his torturers been held accountable for their actions. (see also detailed narrative in Section VII.)
5. During his arrest on 16 February 2015 and subsequent detention for several months, **Hussain Jawad** was subjected to torture in order to extract a confession for crimes he did not commit. After four days of detention, with signs of torture obvious to the Prosecutor and Defense Counsel during a scheduled hearing, Jawad was allowed to visit a hospital and received treatment for his wounds by a nurse (at a hospital apparently run by the Interior Ministry). A few days later, Jawad was taken back to the public prosecution where he met with an individual who claimed to be investigating charges of torture. He was then taken to two doctors, one to examine his body and the other for a mental health check. In a subsequent hearing, the judge without stated cause, explanation, or prior warning blocked further investigation into allegations of torture. No medical reports were ever produced from Jawad’s visits with doctors or nurses.
6. Jawad persisted in telling the judge that his confessions were coerced by torture. The judge appeared to be both agitated and embarrassed by the presence of the human rights observers, media, and foreign embassy staff. Shortly after the hearing, Jawad was “invited” by unidentified individuals (he was blindfolded) to leave Bahrain or face further torture. Jawad also filed a complaint of torture by the CID to coerce a confession with the SIU. The SIU closed the investigation because of an alleged lack of evidence[[105]](#footnote-105) (see also detailed narrative in Section VII.)
7. Government agencies have affected a cordon of silence around human rights defenders like **Naji Fateel**. After his arrest on 2 May 2013, Fateel was kept hidden from his lawyer and family members, even during criminal proceedings. The Office of Public Prosecutor appears to be a participant in a “conspiracy of silence” claiming not to know his whereabouts despite later acknowledgement of his detention at Jaw Prison. Despite requests from Fateel’s lawyer, Mohammed Al-Mahdi, the Office of Public Prosecutor denied knowledge of his whereabouts at the time and claimed to not be aware of any charges against him. During his detention, he was reportedly subjected to torture. He has been held incommunicado at length which raised concerns for his well-being and protection of his due process rights (see also detailed narrative in Section VII.)
8. As mentioned earlier in the report, journalist **Nazeeha Saeed** was detained and tortured by police for purposes of obtaining a coerced confession in May 2011. One of the policewomen responsible was identified as Sarah Al-Moosa. On 22 October 2012, Al-Moosa was acquitted of charges of torturing and mistreating Saeed. On 23 March 2013, a Bahraini Court of Appeals upheld the acquittal. More recently (November 2015), authorities decided against charging other identified officers because of “insufficient” evidence (see also detailed narrative in Section VII.)

**Other Cases of Impunity for Torture**

***Ahmed Mohammad Saleh Al-Arab Case[[106]](#footnote-106)***

1. Despite a plea from Ahmed Mohammad Saleh Al-Arab’s lawyer based on the testimony of his client, the court refused to investigate allegations of torture. He was arrested in January 2014 and was held in incommunicado detention at the CID for 21 days where he was allegedly repeatedly beaten, deprived of sleep, and subjected to “waterboarding.”

**Failure to Follow-up on Allegations of Torture**

1. There is an apparent absence of effective investigations into wrongdoing by the Bahraini government, including agencies charged with policing violators, such as the Office of Ombudsman at the Ministry of Interior and Islamic Affairs and the Special Investigation Unit (SIU) in the Office of the Public Prosecutor. As indicated by the cases of **Hussain Jawad, Nazeeha Saeed, Naji Fateel,** and **Ahmed Mohammad Saleh Al-Arab** in the section above, the judiciary is also reluctant to investigate and punish allegations of torture, even when failing to do so would result in a miscarriage of justice. In particular, there is an inability or unwillingness of government agencies to investigate allegations of torture, evidence obtained through torture, and abusive treatment during detention (including the arbitrary denial of medical treatment). Furthermore, the courts and the judicial system have displayed a reluctance to allow proper hearings when substantive allegations of human rights violations are presented. For example, despite bruises and marks on Naji Fateel’s body that were obvious during his trial, no investigation was initiated into allegations of torture.[[107]](#footnote-107) The denial of effective redress is itself a denial of due process of law.
2. Since 2012, investigations into allegations of torture initiated by the Public Prosecutor and subsequent prosecutions lead to either acquittals or light sentences. High level officials have not been investigated. Nor has the Office of the Ombudsman displayed much willingness to conduct good faith investigations into government misconduct.[[108]](#footnote-108) The third annual report for the Office of the Ombudsman which was released on 01 June 2016 stated that there were no convictions on charges of torture since the office was set up in 2012. The report indicated that 992 requests for investigation were received by the office between May 2015 and April 2016.
3. Of the requests, 55 complaints of torture or cruel, inhuman or degrading treatment were referred to the SIU, 53 of which were still under investigation (as of the date of the report). One case was dismissed and another was still pending in court. Since 2013, SIU has received 138 cases from the Ombudsman. The only successful prosecution involved a forced confession to drug dealing, not otherwise related to human rights or political dissent.
4. On a separate issue, the Office of the Ombudsman received complaints about treatment of detainees at Jaw Prison and had met with 156 inmates.[[109]](#footnote-109) As of August 2015, 15 of these inmates had filed formal complaints of torture related to events surrounding unrest at the prison in March 2015 (again the Ombudsman referred these to the SIU). There is no indication that action has been taken on these complaints. Additionally, representatives of the Prisoners and Detainees Rights Commission (PDRC) visited both Dry Dock Detention Centre and Jaw Prison in 2014 and 2015. Though the PDRC was concerned about the treatment of prisoners, it was careful to avoid any allegations of torture in its reports.
5. The lawyers of Mohamed Ramadhan and Hussain Ali Moosa lodged complaints with the SIU about their torture allegations, but received no response. In 2014, Ramadhan’s wife and Americans for Democracy and Human Rights in Bahrain (ADHRB) also lodged complaints with the Ombudsman’s office, which only looked into the allegations after two years.[[110]](#footnote-110)
6. Finally, cooperation with international investigators has been lacking. The visit of **Juan Mendez**, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Bahrain, was effectively cancelled in April 2013. An earlier visit scheduled for 2012 had already been postponed. These actions do not inspire confidence that the government of Bahrain is dealing with human rights issues in good faith or with due diligence.

### XII. Conclusion

1. Though this report was researched by conducting interviews with a relatively small sampling of individuals, the statements of witnesses herein together with the reports of human rights organisations establish a consistent pattern of behaviour on the part of Bahraini police and internal security officials.
2. This report concludes that the pattern of mistreatment of detainees and prisoners, including torture and other abusive forms of treatment, as observed by multiple sources since February 2011, continues to be the modus operandi of internal security and police forces on a regular basis, often to induce forced confessions. The techniques employed include the following:
	* use of electro-shock devices against detainees;
	* suspension of detainees in painful positions;
	* beating detainees’ feet with rubber hoses and/or batons;
	* slapping, punching, and kicking detainees, and beating them with implements;
	* forcing detainees to stand for prolonged periods of time; and
	* threatening detainees with death and rape.
3. It also finds that basic civil and political rights are denied to Bahraini citizens, especially for those who seek to investigate and report on violations of human rights in Bahrain. Those civil and political rights include the right to freely and peacefully express dissent and opposition to government policies without retribution, the right to peaceable assembly, the right to travel without restriction, the right to security in their homes, the right to due process of law in all criminal proceedings, the right to counsel and legal representation in all criminal proceedings, and the right to be presented with criminal charges within a reasonable time of arrest.
4. Furthermore, there is a clear pattern of targeting human rights defenders, journalists, and dissidents for reprisals for human rights activities in violation of international norms of behavior. This situation is made worse by the apparent impunity of police and internal security officials when presented with credible evidence of torture or other human rights violations. It cannot be accepted that the orchestrated and systematic punishment and silencing of dissent and human rights reports means that human rights are not being violated.
5. Therefore, the recommendations below are intended to provide a path to compliance with human rights law, provide rectification/remediation for past violations, and to prevent/deter future violations. It is understood that this report will be followed by subsequent reports intended to assess the response by the government of Bahrain, if any, and evaluate the adequacy of corrective action accordingly.

### XIII. Recommendations

1. In light of the conclusion of this report that torture and abusive treatment of human rights defenders and other detainees continues in Bahrain, as well as denial of due process of law for persons accused of crimes; and considering that that human rights defenders, journalists, and dissidents face reprisals for nonviolent, free expression of their views and for the investigation and reporting of human rights violations as evidenced by the cases cited above, this report makes the following recommendations to the authorities in the Kingdom of Bahrain:
2. Immediately and unconditionally release human rights defenders including Abdul-Hadi Al-Khawaja, Dr. Abduljalil Al-Singace, Nabeel Rajab and Naji Fateel; drop all charges against them; and remove all travel bans and restrictions against them.
3. Appoint a **new Special Commission** of independent and impartial investigators for the purpose of uncovering the truth about allegations of government misconduct and for the purpose of fostering national reconciliation. Empower the Commission to investigate promptly and impartially all allegations of torture, ill-treatment, or reprisals by security or law enforcement officials of any rank, and to facilitate prosecution to the fullest extent of the law, in a court that meets international fair trial standards, any official found responsible for ordering, carrying out, or acquiescing in torture or ill-treatment.
4. This independent investigation should also determine the extent to which the **Office of the Ombudsman at the Ministry of Interior and Islamic Affairs,** the **Special Investigation Unit (SIU) in the Office of the Public Prosecutor, and the Prisoners and Detainees Rights Commission (PDRC)** failed to respond properly and adequately to detainee complaints of torture or ill-treatment, or when detainees with visible injuries were brought to their offices, and recommend appropriate sanctions or criminal charges.
5. Ratify without delay the Optional Protocol to the Convention against Torture to allow independent international experts to conduct regular visits to places of detention in Bahrain.
6. Immediately suspend and remove any security or law enforcement official when credible evidence exists showing that such official ordered, carried out, or acquiesced in acts of torture, ill-treatment, or reprisals.
7. Ensure that allegations of torture or ill-treatment by CID or other Ministry of Interior officials are thoroughly investigated and, if warranted, prosecuted before an independent civilian court, and ensure that victims of torture or ill-treatment receive appropriate compensation from the government and those officials responsible in accordance with Bahraini law.
8. Provide training on human rights standards to law enforcement officers, members of the judiciary, and members of the prosecution.
9. Ensure that administrative and judicial proceedings regarding alleged acts of torture or ill-treatment are subject to public scrutiny.
10. Allow non-governmental human rights organisations, independent human rights investigators, lawyers and medical professionals, access to all places of detention.
11. Ensure that every person arrested be presented with a copy of the arrest warrant at the time of arrest and that no person should be held incommunicado or in solitary confinement, subject to release by writ of habeas corpus where the detaining agency does not comply.
12. Ensure that detainees have immediate and weekly or monthly access to their lawyers and family members.
13. Ensure that detainees have access to prompt and adequate medical examinations by civil and independent physicians and that examination results are available to courts and detainees’ lawyers and family members.
14. Ensure that all human rights defenders in Bahrain are able to carry out legitimate human rights activities, including investigations and reporting, without reprisals, harassment, and restrictions.
1. UN General Assembly Report of the Secretary General, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights,* A/HRC/24/29, available at http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-29\_en.pdf. [↑](#footnote-ref-1)
2. 30th session of the UN Human Rights Council, September 2015. [↑](#footnote-ref-2)
3. World Population Review, 20 November 2016, http://worldpopulationreview.com/countries/bahrain-population/. [↑](#footnote-ref-3)
4. Pew Research Centre, 27 January 2011, *The Future of the Global Muslim Population: Sunni and Shia Muslims,* http://www.pewforum.org/2011/01/27/future-of-the-global-muslim-population-sunni-and-shia/. [↑](#footnote-ref-4)
5. *Torture Redux: The Revival of Physical Coercion during Interrogations in Bahrain*, Human Rights Watch, February 2010, pp. 1-6. [↑](#footnote-ref-5)
6. Ronald E. Neumann, *Bahrain: A Very Complicated Little Island*, Middle East Policy Council, Winter 2013, Volume XX, Number 4, http://www.mepc.org/journal/middle-east-policy-archives/bahrain-very-complicated-little-island?print. [↑](#footnote-ref-6)
7. Human Rights Watch, *World Report 2010* (New York: Human Rights Watch, 2010), Bahrain chapter, https://www.hrw.org/world-report/2010/country-chapters/bahrain. [↑](#footnote-ref-7)
8. Larry Diamond, *Forsaken by the West: Obama and the Betrayal of Democracy in Bahrain*, The Atlantic, 9 January 2013. [↑](#footnote-ref-8)
9. See Neuman, supra, (noting that the re-imposition of forcible repression quickly followed the state of emergency declaration and has continued.) [↑](#footnote-ref-9)
10. Marc Fisher, *Arab Spring yields different outcomes in Bahrain*, *Egypt and Libya*, Washington Post, 20 December 2011; Bahrain Centre for Human Rights, “Report on the Treatment of Political Detainees in Bahrain’s Prisons,” http://bahrainrights.org/en/node/4986. [↑](#footnote-ref-10)
11. For example, the US suspended a $53 million arms sale pending the report’s findings. See Elizabeth Dickenson, *Bahrain commission issues brutal critique of Arab Spring crackdown*, Christian Science Monitor, 23 November 2011. [↑](#footnote-ref-11)
12. Project on Middle East Democracy, *One Year Later: Assessing Bahrain’s Implementation of the BICI Report*, http://pomed.org/wp-content/uploads/2013/12/One-Year-Later-Assessing-Bahrains-Implementation-of-the-BICI-Report.pdf; Neuman, supra, (noting that reports of torture and beatings continue and that trial results appear to many to be based on highly questionable evidence.) [↑](#footnote-ref-12)
13. Amnesty International Annual Report, 2015/2016, https://www.amnesty.org/en/countries/middle-east-and-north-africa/bahrain/report-bahrain/. [↑](#footnote-ref-13)
14. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987. [↑](#footnote-ref-14)
15. International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. [↑](#footnote-ref-15)
16. Arab Charter on Human Rights, adopted by the Council of the League of Arab States on May 22, 2004, U.N. Doc. CHR/NONE/2004/40/Rev.1., entered into force March 15, 2008. [↑](#footnote-ref-16)
17. Convention against Torture, art. 1(1). [↑](#footnote-ref-17)
18. Ibid., art. 2(1). [↑](#footnote-ref-18)
19. Ibid., art. 11. [↑](#footnote-ref-19)
20. Ibid., art. 12. [↑](#footnote-ref-20)
21. Ibid., art. 14. [↑](#footnote-ref-21)
22. Ibid., art. 15. [↑](#footnote-ref-22)
23. Ibid., art. 16(1). [↑](#footnote-ref-23)
24. Bahrain’s Accession to the ICCPR, C.N.764.2006.TREATIES-15 (20 September 2006), http://untreaty.un.org/English/CNs/2006/701\_800/764E.pdf (accessed 12 January 2010). [↑](#footnote-ref-24)
25. ICCPR, art. 7. [↑](#footnote-ref-25)
26. Ibid., art. 10. [↑](#footnote-ref-26)
27. Ibid., art. 2(1). [↑](#footnote-ref-27)
28. 28. Ibid. Art. 21 [↑](#footnote-ref-28)
29. See information provided by Bahrain to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), as set out in Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: combined 5th, 6th and 7th periodic reports of States Parties: Bahrain, CEDAW/C/BHR/2/Add.1, June 6, 2008, http://www2.ohchr.org/english/bodies/cedaw/cedaws42.htm (accessed January 12, 2010), p. 7. [↑](#footnote-ref-29)
30. Arab Charter, art. 8(1). [↑](#footnote-ref-30)
31. Ibid., art. 8(2). [↑](#footnote-ref-31)
32. Ibid., art. 20(1). [↑](#footnote-ref-32)
33. The UN Committee Against Torture, in its 2005 review of Bahrain’s country report, recommended that Bahraini law be modified in order to bring the definition of torture into conformity with that of the Convention against Torture, ensure that all acts of torture constitute criminal offenses, and specify appropriate penalties. UN Committee Against Torture, “Consideration of Reports Submitted by States Parties under Article 19 of the Convention, Conclusions and Recommendations of the Committee against Torture, Bahrain,” CAT/C/CR/34/BHR, June 21, 2005, http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.34.BHR.En?Opendocument, para. 7. [↑](#footnote-ref-33)
34. Bahrain constitution, art. 19(d). [↑](#footnote-ref-34)
35. Ibid., art. 20(d). [↑](#footnote-ref-35)
36. Bahrain penal code, arts. 208, 232. [↑](#footnote-ref-36)
37. Ibid. [↑](#footnote-ref-37)
38. Bahrain code of criminal procedure, art. 61. [↑](#footnote-ref-38)
39. Ibid., arts. 133-35. [↑](#footnote-ref-39)
40. Bahrain constitution, art. 19(d). [↑](#footnote-ref-40)
41. Bahrain code of criminal procedure, art. 57. [↑](#footnote-ref-41)
42. Ibid., art. 141. [↑](#footnote-ref-42)
43. Ibid., arts. 57, 141-142. [↑](#footnote-ref-43)
44. Ibid., arts. 147-148. [↑](#footnote-ref-44)
45. Ibid., art. 147, and Bahrain penal code, arts. 112-177. [↑](#footnote-ref-45)
46. Bahrain code of criminal procedure, art. 148. [↑](#footnote-ref-46)
47. Ibid., arts. 5, 8 and 81. [↑](#footnote-ref-47)
48. Ibid., art. 44, [↑](#footnote-ref-48)
49. See below, “Official Denials.” International law does not preclude the use of specialized courts for military or security personnel. However, the trend is very much against the use of such courts, which would at a minimum have to meet international standards of independence and impartiality in order to comply with international law. Human Rights Watch does not have sufficient information regarding the Police Court in Bahrain’s Ministry of Interior to assess whether it meets such standards. The UN Human Rights Committee has consistently called for civilian courts to try cases of alleged human rights violations. [↑](#footnote-ref-49)
50. Bahrain code of criminal procedure, arts. 47-48. [↑](#footnote-ref-50)
51. Ibid. art. 22, and Bahrain civil law, art. 158. [↑](#footnote-ref-51)
52. Royal Decree 56/2002. [↑](#footnote-ref-52)
53. Gulf Centre for Human Rights Report, *Bahrain: Open Letter from Abdulhadi Al-Khawaja on his 21st day of hunger strike to the High Commissioner for Human Rights*, 5 October 2015; also, Human Rights First, *Abdulhadi Al-Khawaja Sentenced Five Years Ago Today, b*y Leah Schulz, 22 June 2016. [↑](#footnote-ref-53)
54. Interviewed on 11 Oct 2016 and 8 Nov 2016. [↑](#footnote-ref-54)
55. Gulf Centre for Human Rights, 30 September 2014, *Bahrain: Testimony and Trial of Human Rights Defender and Co-Director of GCHR Maryam Al-Khawaja,* http://www.gc4hr.org/news/view/767 [↑](#footnote-ref-55)
56. Interviewed on 6 January 2017. [↑](#footnote-ref-56)
57. *Urgent Appeal: Bahrain: Release Prisoner of Conscience Dr. Abduljalil Al-Singace as Hunger Strike Reaches 160th Day,* 27 August 2015, http://www.gc4hr.org/news/view/1078 [↑](#footnote-ref-57)
58. Arabic Network for Human Rights Information, *Their Freedom is Their Right” Campaign Declares “Abdul-jalil Yousef al-Singace” the Month’s Prisoner,* [*http://anhri.net/?p=154236&lang=en*](http://anhri.net/?p=154236&lang=en)*, 6 November 2015.* [↑](#footnote-ref-58)
59. Gulf Centre for Human Rights Report, *Bahrain: Torture of head of Bahrain Youth Society for Human Rights*, Naji Fateel, and systematic targeting of its members, 20 February 2015; also, Front Line Defenders Report,

*Incommunicado detention of imprisoned human rights defender Mr Naji Fateel*, 24 March 2015. [↑](#footnote-ref-59)
60. Gulf Centre for Human Rights Report, *Bahrain - Human rights defender Naji Fateel to be detained for 60 days on anti-state charges after allegedly being tortured ,* 9 May 2013, http://www.gc4hr.org/news/view/412 [↑](#footnote-ref-60)
61. Gulf Centre for Human Rights Report*, Liberty at Risk: Reprisals Against Human Rights Defenders in the Gulf Region and Neighboring Countries*, August 2016, p. 6. [↑](#footnote-ref-61)
62. GCHR, Bahrain: NGOs call for women’s rights defender Ghada Jamsheer to remain free and an end to judicial harassment of women human rights defenders, 1 July 2016, http://www.gc4hr.org/news/view/1306 [↑](#footnote-ref-62)
63. GCHR, *Bahrain: Human rights defender Ghada Jamsheer freed from prison, allowed to work off remainder of her sentence*, 12 December 2016, http://www.gc4hr.org/news/view/1448. [↑](#footnote-ref-63)
64. Interviewed on 17 October 2016. [↑](#footnote-ref-64)
65. Adam Rajab, son of Nabeel Rajab, interviewed on 19 October 2016. [↑](#footnote-ref-65)
66. Interviewed on 13 October 2016. [↑](#footnote-ref-66)
67. See also: Anna Therese Day, *Tortured and trapped, Bahraini journalist Nazeeha Saeed continues her fight for press freedom*, New York Times, 16 August 2016. [↑](#footnote-ref-67)
68. Gulf Centre for Human Rights, *Bahrain: Reprisals continue against human rights defenders, especially those engaging in international advocacy,* 20 July 2016, http://www.gc4hr.org/news/view/1313 [↑](#footnote-ref-68)
69. Human Rights Watch Report, *Torture Redux: The Revival of Physical Coercion during Interrogations in Bahrain,* February 2010. [↑](#footnote-ref-69)
70. See Chitayev and Chitayev v. Russia, (no. 59334/00), Eur. Ct. H.R., Judgment 18 January 2007 para. 19 (considered torture when victims beaten with rubber truncheons and plastic bottles filled with water); Selmouni v. France, (no. 25803/94), Eur. Ct. H.R., ECHR 1999-V, paras. 82, 105 (considered torture when victim was punched, kicked, and struck with objects repeatedly over two nights); Bati v. Turkey, (no. 33097/96, 57834/00), Eur. Ct. H.R., ECHR 2004-IV, paras. 110, 114, 124; Ireland v. United Kingdom, Eur. Ct. H.R., (no. 25), Judgment 18 January 1978 Series A, para. 174 (inhuman treatment when victims exposed to repeated violence during interrogation); Egmez v. Cyprus, (no. 30873/96), Eur. Ct. H.R., ECHR 2000-XII, para. 79 (beatings constituted inhuman treatment). [↑](#footnote-ref-70)
71. See Chitayev and Chitayev v. Russia, (no. 59334/00), Eur. Ct. H.R., Judgment 18 January 2007 paras. 19, 20, 27 (electric shocks applied to various parts of body including fingertips and ears); Yaman v. Turkey, (no. 32446/96), Eur. Ct. H.R., Judgment 2 November 2004 paras. 11, 41 or 47 (electric cables attached to sexual organs shocking victim while suspended); Akkoc v. Turkey (no. 22947-8/93), Eur. Ct. H.R., Report of the Commission, 23 April 1999 paras. 59, 120, 136, 162, 224, 304, 329-35 (electric shocks to mouth and sexual organs over a period of four days); Prosecutor v. Krajisnik, International Criminal Tribunal for the former Yugoslavia (ICTY), Case No. IT-00-39-T, Judgment paras. 798, 806 (27 September 2006). [↑](#footnote-ref-71)
72. Salman v. Turkey, (no. 21986/93), Eur. Ct. H.R., ECHR 2000-VII, paras. 71, 111, 116; Bati v. Turkey, (no. 33097/96, 57834/00), Eur. Ct. H.R., ECHR 2004-IV, paras. 26, 35, 43, 124. [↑](#footnote-ref-72)
73. See Yaman v. Turkey, (no. 32446/96), Eur. Ct. H.R., Judgment 2 November 2004 para. 1 (suspended by arms from ceiling pipes); Veznedaroglu v. Turkey, (no. 32357/96), Eur. Ct. H.R., Judgment 11 April 2000 paras. 12, 35 (suspended by arms); Bati v. Turkey, (no. 33097/96, 57834/00), Eur. Ct. H.R., ECHR 2004-IV, paras. 38, 42, 52, 124 (suspended by arms). [↑](#footnote-ref-73)
74. UN Special Rapporteur on Torture, Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc A/56/156, 3 July 2001, paras. 8 et seq. See also Prosecutor v. Kvocka, ICTY, Case No. IT-98-30/1-T, Judgment paras. 144, 160, 640 (2 November 2001) (threats of rape as well as threats to kill a victim’s wife and child constituted torture and cruel treatment); Akkoc v. Turkey, (no. 22947-8/93), Eur. Ct. H.R., Report of the Commission, 23 April 1999 para. 333 (psychological pressure caused by threats to victim’s children constituted torture); Denmark, Norway, Sweden and Netherlands v. Greece (Greek Case), (nos. 3321/67; 3322/67; 3323/67; 3344/67), Report of the European Commission of Human Rights (1969) (nonphysical torture included mock executions and threats of death against a detainee’s family). [↑](#footnote-ref-74)
75. Committee to Protect Journalists Kings, queens, and torture in Bahrain, 28 June 2011, https://cpj.org/blog/2011/06/kings-queens-and-torture-in-bahrain.php [↑](#footnote-ref-75)
76. Prosecutor v. Kvocka, ICTY, Case No. IT-98-30/1-T, Judgment para. 146 (2 November 2001); see also Chitayev and Chitayev v. Russia, (no. 59334/00), Eur. Ct. H.R., Judgment 18 January 2007 paras. 19, 159. [↑](#footnote-ref-76)
77. See 5 August 2011 report of Juan E. Méndez, the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. 15 days or more in solitary confinement constitutes torture or cruel, inhuman or degrading treatment. <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf> See also The Istanbul statement on the use and effects of solitary confinement, <http://solitaryconfinement.org/uploads/Istanbul_expert_statement_on_sc.pdf>. [↑](#footnote-ref-77)
78. Americans for Democracy & Human Rights in Bahrain (ADHRB), *Three torture victims facing imminent threat of execution at any time*, 14 January 2017, http://www.adhrb.org/2017/01/three-torture-victims-facing-imminent-threat-execution-time/. [↑](#footnote-ref-78)
79. Bahrain Centre for Human Rights, 1 Aug, 2016, *Independent and Impartial Investigation Needed into the Death and Alleged Torture of Detainee,* http://www.bahrainrights.org/en/node/8042. [↑](#footnote-ref-79)
80. 2017 Bahrain Universal Periodic Review, op. ct., P. 4. [↑](#footnote-ref-80)
81. Ibid., p.5. [↑](#footnote-ref-81)
82. Ibid., p. 5. [↑](#footnote-ref-82)
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