

Americans for Democracy



& Human Rights in Bahrain

**Submission to the United Nations Committee Against Torture**

**Follow-up Report to the Concluding Observations of the  
Committee Against Torture on the Second and Third  
Periodic Reports of Bahrain**

Prepared by:

Americans for Democracy & Human Rights in Bahrain

**May 2018**

**Americans for Democracy & Human Rights in Bahrain**

10001 Connecticut Avenue NW, Suite 205

Washington D.C. 20036, United States of America

[www.adhrb.org](http://www.adhrb.org)

## **Information on the Preparer of this Report**

**Americans for Democracy & Human Rights in Bahrain (ADHRB)** is a non-profit, 501(c)(3) organization based in Washington, DC. Through engagement with U.S. government officials, the United Nations, intergovernmental actors, activists, and the public, we seek to foster awareness of and support for democracy human rights in Bahrain and the wider Middle East.

All further communications on its contents should be directed to **Husain Abdulla**, Executive Director at ADHRB at [habdulla@adhrb.org](mailto:habdulla@adhrb.org), or to the ADHRB physical office at 1001 Connecticut Avenue NW, Suite 205, Washington, D.C. 20036, phone no. +1 202-621-6141 ext. 106.

## **Methodology**

The majority of the information presented in this report is the product of primary research and documentation by ADHRB. It is presented with consideration of Bahrain's international legal obligations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **Introduction**

1. Bahrain acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) on 6 March 1988.
2. On 19 November 2015, Bahrain submitted its second periodic report (CAT/C/BHR/2) and on 16 June 2016, Bahrain submitted its third periodic report (CAT/C/BHR/3), 12 years after the consideration of the initial report.
3. The present report responds to the Committee against Torture's request for follow-up information pertaining to recommendations 13(a), 23(d) and 41 of the Committee's Concluding Observations on the second and third periodic reports of Bahrain.
4. This submission highlights Bahrain's failure to follow the Committee's requests concerning such recommendations.

**I. Follow-up for Recommendation 13(a)**

**“13. The State party should: (a) consider the prompt re-establishment of a moratorium on the use of the death penalty.”**

1. In the concluding observations on the second and third periodic reports of Bahrain, the Committee expressed its concern when Bahrain executed Abbas al-Samea, Sami Mushaima, and Ali al-Singace despite Bahrain’s *de facto* moratorium on the death penalty, which had not been enforced since 2010. Therefore, the Committee recommended that Bahrain should consider re-establishing a moratorium on the use of the death penalty immediately.
2. Despite these recommendations, Bahrain has not taken any action to comply with the Committee’s recommendation. Instead, Bahrain has sentenced an additional 12 individuals to death after the Committee released its concluding observations in May 2017. In fact, Bahrain issued three new death sentences just a month later, in June 2017. Significantly, Bahrain sentenced five civilians and one soldier to death on 25 December 2017 in a trial before the Bahraini Military High Court, in the first military trial of civilians since the constitution was amended to allow for this in April 2017. There have been allegations of torture perpetrated by members of the military against the defendants in this case.
3. Since May 2017, Bahrain has sentenced to death the following twelve individuals:
  - a. Sayed Ahmed Fuad Abbas Isa Ahmed AlAbbar (sentenced 6 June 2017)
  - b. Husain Ali Mahdi Jasim Mohamed (sentenced 6 June 2017)
  - c. Husain Ebrahim Ali Husain Marzooq (sentenced 19 June 2017)
  - d. Mubarak Adel Mubarak Muhanna (sentenced 25 December 2017)
  - e. Fadhel Sayed Abbas Hasan Radhi (sentenced 25 December 2017)
  - f. Sayed Alawi Sayed Husain Alawi (sentenced 25 December 2017)
  - g. Mohamed Abdulhasan Ahmed Kadhemi AlMutaghawi (sentenced 25 December 2017)
  - h. Murtada Majeed Ramadan Alawi (sentenced 25 December 2017)
  - i. Habeeb Abdullah Hassan Ali (sentenced 25 December 2017)
  - j. Ali Mohamed Ali Mohamed Hakeem AlArab (sentenced 31 January 2018)
  - k. Ahmed Isa Ahmed Isa AlMalali (sentenced 31 January 2018)
  - l. Moosa Abdulla Moosa Jaafar (sentenced 1 February 2018)
4. When individuals have filed their cases to the Court of Appeals, their chances of having their decision overturned is minimal – including the following cases that have been upheld on appeal since May 2017:
  - a. On 19 June 2017, Husain Ebrahim Ali Husain Marzooq was sentenced to death and stripped of his nationality, even though Mr. Marzooq was subjected to torture and forced to sign a confession. When he filed an appeal for his case, the Court of Appeals upheld the death sentence against him on 22 November 2017.

- b. Maher Alkhabbaz was sentenced to death on 19 February 2014. The Court of Appeals upheld the sentence on 31 August 2014. On 31 January 2018, the Court of Cassation confirmed the death penalty, putting him at imminent risk of execution.
  - c. On 27 February 2018, the Court of Appeals upheld the conviction and death sentence of Mohammad Radhi Abdulla Hassan.
5. On 28 March 2018, the Office of Public Prosecution’s Special Investigation Unit requested the Minister of Justice to move for the sentences against Mohamed Ramadan and Husain Ali Moosa Hasan Mohamed to be re-examined in light of new evidence, including medical reports from the Ministry of Interior on Husain Ali Moosa, who alleged that he was tortured during interrogations. At the time of writing, the request was still pending for the Court of Cassation to re-examine the case.
  6. On 21 February 2018, the Military Court of Appeals upheld the conviction and death sentences of Mubarak Adel Mubarak Muhanna, Fadhel Sayed Abbas Hasan Radhi, Sayed Alawi Sayed Husain Alawi, and Mohamed Abdulhasan Ahmed Kadhem AlMutaghawi. The Military Court of Cassation upheld this decision on 25 April 2018. On 26 April, the king ratified their sentences, then commuted them to life imprisonment. While the commutation is an improvement, the king’s decision to ratify these decisions lends legitimacy to the ability of the military courts to sentence civilians to death. Further, the king did not address any of the allegations of torture in this particular case.
  7. Bahrain has failed completely to implement Recommendation 13(a) to re-establish a moratorium on the death penalty. Rather, Bahrain has significantly increased the number of death sentences since the Committee’s recommendations in May 2017. Further, many of these sentences have been handed down to individuals who have alleged that they were tortured by Bahraini authorities during interrogations.

## **II. Follow-up for Recommendation 23(d)**

**“23. The State party should: (d) allow independent monitoring bodies, including international bodies, to carry out regular unannounced visits to all places of detention and to meet in private with detained persons.”**

### **A. Unannounced visits from independent international bodies**

1. Bahrain has recently permitted representatives from the International Committee of the Red Cross to visit individuals in Bahraini detention. However, these visits have been neither regular nor unannounced, and have even resulted in reprisals against detainees who met with the Red Cross and discussed the abuses they have been subjected to in detention.
2. One inmate has reported that in September 2017, a delegate from the Red Cross visited and questioned him on his health and the conditions of his detention in Jau Prison. After the delegate left, the prison administration forced the inmate to sign a document stating that he refused to go to the hospital. The administration threatened to beat him if he did not sign this document. They also threatened to beat him if he revealed any information during the

Bahraini Ministry of Interior Ombudsman's first visit to him, forcing him to comply out of fear.

3. In October 2017, the prison clinic summoned the inmate and asked what he wanted from the clinic. It is believed that the clinic received a complaint from the Red Cross following the September 2017 visit. He informed the clinic that he had needed treatment and surgery for more than a year, and that he had not received any medication for months. The doctor stated that he would schedule an appointment with him at the clinic for treatment. Despite this, prison staff prevented the inmate from attending appointments on multiple occasions, and again threatened him with further torture if he did not sign documents refusing to go to the hospital. Prison authorities have since repeatedly kept this inmate from appointments with his doctor, despite promises to take him to the hospital.

#### **B. Unannounced visits from national independent bodies.**

1. The Bahraini Ministry of Interior (MoI) established the Ombudsman to ensure compliance with professional standards of policing, to ensure respect for human rights, consolidation of justice, rule of law, and public confidence, in line with Recommendation 1717 and 1722(d) in the report by the Bahrain Independent Commission of Inquiry (BICI).<sup>1</sup> Under this mandate, the office of the Ombudsman is required to independently investigate complaints of abuse of authority, misconduct, or criminal offenses committed by employees and public security personnel of the Ministry of Interior within the scope of their employment. This mandate allows for unannounced visits by MoI officials to detention centers, as acts of torture are often attributed to prison authorities who are employed by the Ministry of Interior.
2. In practice however, this body has historically lacked independence. This is evidenced by recurrent patterns which have persisted after Recommendation 23(d) was issued. One pattern is the propensity of victims not to complain to the MoI Ombudsman to obtain redress for their torture because they feared retaliation, as many felt that the Ombudsman was working in the government's best interest and not in the best interest of the victim. Between June 2016 and December 2016, none of the victims represented by ADHRB complained to the Ombudsman. Twelve of them explicitly stated that they believed it to be futile to complain to the Ombudsman for these reasons. Half of these individuals also explicitly stated that the abuses they were subjected to included torture. As of January 2017 through April 2017, there was a slight increase in the number of complaints filed with the MoI Ombudsman by ADHRB. However, it has resulted in little to no outcome, with only temporary respite from abusive behaviors occurring in one instance. Another pattern is the institutional denial of abuses in recent instances, despite obvious evidence. To cite one example, in March 2018 a victim of torture was hardly able to present parts of his body for the MoI Ombudsman officer to photograph because he was still suffering the effects of the torture he had been subjected to. The MoI Ombudsman denied any abuses in his case and

---

<sup>1</sup> Report of the Bahrain Independent Commission of Inquiry (Manama: 10 Dec. 2011), pp. 422, 424.

did not pursue further investigation. The same victim told his family that he stated in the presence of the officer that he was unaware of the charges against him, but that the officer denied this assertion.

3. Further evidence of the futility of seeking redress from the Ombudsman can be found in the MoI's own records. In the Ombudsman's fourth annual report of September 2017, the MoI indicated that it had received 1,156 complaints that year, yet referred only 83 – seven percent – to a disciplinary or prosecutorial authority. Further, the majority of these cases were referred to the Security Prosecution, a separate judicial body for Bahrain's security personnel which, in 2012, was [purportedly restricted](#) from prosecuting cases of "torture and inhuman or degrading treatment or deaths linked thereto" over [ostensive](#) concerns of partiality and opacity. As a result, only the 16 complaints referred to the Public Prosecution and the Special Investigation Unit (SIU) should be understood as concerning serious offenses or constituting a formal attempt to secure accountability for MoI personnel. Those cases represent just one percent of the total complaints received by the Ombudsman during the year.
4. Bahrain has failed to fully implement Recommendation 23(d) to allow independent monitoring bodies to conduct regular and unannounced visits to detained and imprisoned individuals. While one visit from the ICRC has occurred, the visit was scheduled in advance and, to the best of ADHRB's knowledge, has not been repeated. Further, the targeting of individuals who met with ICRC representatives for reprisal and further abuse indicates that Bahrain did not engage with the ICRC in a good faith attempt to meet the spirit of these recommendations. Finally, while Bahrain allows for internal monitoring bodies to conduct visits, the MoI Ombudsman is not perceived by victims or their families to be independent. As such, even the MoI visits fail to meet the Recommendation of the Committee.

### **III. Follow up for Recommendation 41**

**“41. The Committee that the State party promptly accept the request of the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit the country. The State party is encouraged to enable the United Nations High Commissioner for Human Rights to visit the country, particularly its places of detention, which are a matter of relevance to the compliance by Bahrain with the provisions of the Convention.”**

1. ADHRB is aware that the United Nations Office of the High Commissioner of Human Rights (OHCHR) has continuously made statements of concern and condemnation of deteriorating human rights situation in Bahrain. Even though the country claims they seek to cooperate with human rights mechanisms, Bahrain has refused to engage with Special Procedures.

2. In recent years, Bahrain has cancelled the visit of the previous Special Rapporteur on torture twice. The government has not allowed visits from any Special Procedures mechanism since 2006, despite repeated requests.
3. The Bahraini government has also failed to cooperate with High Commissioner Zeid bin Ra'ad. Even though the country has stated that it welcomes the High Commissioner, the government has refused to allow an OHCHR technical team to visit and assess the human rights situation.
4. As Bahrain has yet to accept the request of the Special Rapporteur for a country visit, and has also not yet enabled a visit from the High Commissioner, Bahrain has failed to implement Recommendation 41.

#### **IV. Conclusion**

For the reasons stated above, ADHRB submits that Bahrain has failed to follow the Recommendations given by this Committee in its Concluding Observations on Bahrain's second and third periodic reports. Bahrain has completely failed to implement Recommendations 13(a) and 41, and has only partially implemented Recommendation 23(d). The increase in the number of individuals sentenced to death since May 2017 has shown a complete rejection of the Committee's Recommendation 13(a), and the continued denial of access to the Special Rapporteur and OHCHR show a further disregard for the Committee's Recommendation 41. While Bahrain has permitted a visit from the ICRC and allows for the MoI Ombudsman to conduct visits, in apparent compliance with Recommendation 23(d), the subsequent ill treatment and punishment that the inmate was subjected to following the ICRC visit shows that this visit was not conducted in good faith, and the lack of independence of the MoI similarly fails to meet the spirit of the recommendation.