HUMAN RIGHTS WATCH

"The Blood of People Who Don't Cooperate"

Continuing Torture and Mistreatment of Detainees in Bahrain

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Summary

In early 2011, simmering political tensions peaked with largely peaceful demonstrations in which thousands of Bahrainis called for substantial democratic reforms. Authorities responded with lethal force, resulting in 20 deaths, including five from torture in detention. They arrested over 1,600 people who participated in, or were suspected of supporting, the demonstrations, and held most detainees in incommunicado detention for weeks, in some cases months.

In July 2011, in response to international pressure, King Hamad appointed the Bahrain Independent Commission of Inquiry (BICI) to investigate allegations of human rights abuses related to the February 2011 crackdown. In November 2011, the BICI released an approximately 500-page report detailing its findings, and concluded among other things, that the National Security Agency and the Ministry of Interior "followed a systematic practice of physical and psychological mistreatment, which in many cases amounted to torture, with respect to a large number of detainees in their custody."

Its recommendations have led the government to establish three bodies since 2012—the Office of the Ombudsman in the Ministry of Interior, a Special Investigations Unit in the Office of the General Prosecutor, and the Prisoners and Detainees Rights Commission (PDRC)—with a collective mandate to end torture in interrogation and detention facilities.

This report examines cases of alleged torture in Bahrain since the publication of the BICI report and the establishment of these offices. It finds that Bahraini authorities have failed to effectively implement the BICI recommendations for combatting torture; that the new offices have failed to fulfil their mandate; and that Bahraini security forces continue to torture detainees using methods identical to those documented by BICI investigators in 2011, and by Human Rights Watch in 2010.

Lack of available information on investigations and prosecutions, and the fact that there have been no prosecutions for torture in cases relating to Bahrain's political unrest, support the conclusion that these institutions have not done enough to tackle what the BICI report described as a "culture of impunity" among the security forces.

This report is based on interviews with 10 detainees who said they endured coercive interrogations at the Ministry of Interior's Criminal Investigations Directorate (CID) and in police stations since 2012, and four former inmates of Jaw prison who said they endured torture in March 2015.

All said they had been physically assaulted. Several described electric shocks; suspension in painful positions, including by their wrists while handcuffed; forced standing; extreme cold; and abuse of a sexual nature. Many of the detainees interviewed also said that CID interrogators boasted of their reputation for torturing detainees. According to one, an interrogator told him, "I'll show you why Wifaq (Bahrain's Shia opposition party) calls Bahrain the capital of torture." Another said a CID officer held something to his nose and told him it was "the blood of people who don't cooperate."

The abuses that interviewees described, while differing in detail, followed a general pattern, from the moment of arrest, through detention and interrogation, culminating in an interrogation with a public prosecutor. The techniques used violate Bahrain's obligations as a state party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and other international treaties, and contravene the prohibition of torture in Bahrain's constitution and its penal code.

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BICI Report and Recommendations

BICI experts identified the most common forms of mistreatment as blindfolding; handcuffing; enforced standing for prolonged periods; beating; punching; hitting the detainee with rubber hoses (including on the soles of the feet), cables, whips, metal, wooden planks or other objects; electrocution; sleep-deprivation; exposure to extreme temperatures; verbal abuse; threats of rape to the detainee or family members; and insulting the detainee's religious sect (Shia).

The BICI report recommended the establishment of an independent and impartial mechanism to determine the accountability of government actors for acts of torture and mistreatment, with a view to bringing "legal and disciplinary action" against those individuals "including those in the chain of command found to be responsible under international standards of 'superior responsibility.'"

The report also recommended that there should be audio-visual recordings of all official interviews with detainees.

The resulting **Office of the Ombudsman in the Ministry of Interior,** established in February 2012, is responsible for receiving complaints from detainees or their families, and for conducting prison visits. The **Special Investigations Unit** (SIU)**,** also established in February 2012, operates within the Office of the Public Prosecutor in the Ministry of Justice and Islamic Affairs, and is responsible for determining the criminal liability of government officials allegedly involved in mistreating detainees. A third body, the **Prisoners and Detainees Rights Commission** (PDRC), established in September 2013, is headed by the ombudsman and has a mandate to inspect places of detention and interview detainees, notify authorities of cases of torture, and propose recommendations to relevant authorities.

However, the Office of the Ombudsman and the Special Investigations Unit have fallen short in significant ways. In particular:

The Office of the Ombudsman: The Office of the Ombudsman has failed to report transparently on the limited steps authorities have taken to hold security officials accountable for mistreatment and torture. From the beginning of July 2013 to the end of April 2015, the Office of the Ombudsman referred only 83 of the 561 complaints it received to the SIU, which is charged with holding members of the police and security forces accountable for "killing, torture, injury, or abuse." Neither the Office of the Ombudsman nor the SIU have released any information on the cases referred to the SIU for investigation, so it is unclear how many of those 83 cases involved allegations of torture; only one case, relating to allegations of drug dealing, resulted in a successful prosecution for torture. In addition to a lack of transparency, the Office of the Ombudsman remains embedded in the Ministry of Interior, which the BICI report concluded was responsible for a systematic practice of physical and psychological mistreatment of detainees.

Special Investigations Unit: Staffed by individuals seconded by the Public Prosecution Office, the SIU has failed so far to hold security forces and high officials accountable for torture and serious mistreatment of persons in custody. Bahrain's government-appointed National Institute for Human Rights has openly questioned the SIU's independence and its ability to conduct effective and impartial investigations, concluding that the SIU "does not have the aspired independence and impartiality to ensure effective investigations."

The establishment of the SIU, the Office of the Ombudsman, and the PDRC has been sufficient to earn the government considerable praise from Bahrain's international allies. These include, in particular, the European Commission and United Kingdom. The UK gives Bahraini authorities a package of technical assistance, funding, and training, "focused on strengthening the oversight mechanisms responsible for investigating allegations of torture and mistreatment and supporting the reform of detention procedures in Bahrain."

Abuses

One former detainee told Human Rights Watch that CID officers beat his penis with a hose "until I couldn't feel the pain anymore" and then forced several fingers into his anus. Two others said CID officers threatened them with rape. One detainee arrested in February 2015 said CID officers threatened to rape his wife and showed him pictures of his son, which they had on their phones.

All nine of those detained at the CID said that they remained handcuffed and blindfolded throughout their time there—typically several days—except when they were making videotaped confessions. Five individuals said that they made those confessions in the presence of a masked police officer.

Five former detainees said they told the public prosecutor that CID officers had mistreated them in detention. In two of those cases, the individuals said they refused to make confessions to the public prosecutor, who then ordered that they be returned to the CID where they were tortured until they made false confessions.

In only one of those cases was there an investigation into the torture allegations; in that case, apparently prompted by a public statement from Amnesty International, the investigation consisted of an interview with the alleged victim by a representative of the Ministry of Interior Ombudsman. These allegations of prosecutorial complicity are also consistent with a pattern Human Rights Watch documented in its 2010 report. In another case, a detainee's family made a complaint directly to the Ministry of Interior Ombudsman about his alleged mistreatment. This resulted in a medical exam and an interview with SIU investigators, who asked the man to identify his alleged torturers.

Bahraini security forces also allegedly used torture to exact retribution against inmates in Jaw prison, many of whom were political prisoners. After violent unrest broke out there on March 10, riot police used tear gas and birdshot to regain control of four of the prison's 10 buildings. They then forced hundreds of prisoners to stay outside and beat and humiliated them. One prisoner described how security forces made inmates strip to their underwear and exercise while shouting support for King Hamad. Another described how officers broke an inmate's collarbone, then left him without medical attention. Security forces allegedly took a group of inmates accused of encouraging the riot to a building where they severely beat some inmates in toilets, where there are no CCTV cameras, and administration rooms.

Next Steps

Despite taking steps in establishing these bodies as recommended by BICI, Bahraini authorities have done so in a manner that appears intended to avoid the scrutiny of any impartial review of how they have functioned and with what degree of independence.

In April 2013, authorities cancelled the scheduled country visit of UN Special Rapporteur on Torture Juan Mendez after postponing an earlier visit scheduled for 2012. Since 2013, Bahraini authorities have also refused multiple requests made by Human Rights Watch for travel visas. Human Rights Watch conducted interviews for this report by phone and Skype.

Bahrain has not ratified the Optional Protocol to the Convention Against Torture (OPCAT), which would require that it set up a transparent and fully independent inspectorate, referred to as National Preventive Mechanisms.

Given their lack of independence from the authorities they are charged with investigating, the institutions Bahrain has set up in response to the BICI recommendations fall well short of the most basic standards for National Preventive Mechanisms that OPCAT requires.

Among other steps that the government should take:

- Bahrain should issue an immediate and open invite to the UN special rapporteur on torture to conduct a country visit and allow unfettered access to detainees and all places of detention.

- Bahrain should ensure the independence of the ombudsman and the PDRC by severing all the ombudsman's ties to the Ministry of Interior and the executive branch of government;
- Authorities should appoint a committee, drawn from a cross-section of civil society including lawyers, independent human rights activists, and political opposition members, to nominate candidates and approve the appointment of the ombudsman and PDRC members;
- Ombudsman reports should detail the nature of the complaints received, specify the reasons for any case's dismissal, and—when complaints lead to disciplinary or criminal action—disclose the sanctions imposed and offenders' names.
- A civilian oversight committee, including well-regarded independent experts, should scrutinize the work of the SIU and ensure its independence from the Ministry of Interior and the public prosecution, which itself has been implicated in torture. The committee should issue public reports at least annually on SIU work.

The international community, in particular Bahrain's key allies the United States and the United Kingdom, should urge Bahrain to, at a minimum, issue a standing invite to the UN special rapporteur on torture in order to facilitate a truly independent and fully transparent assessment of the effectiveness of Bahrain's anti-torture efforts.

Recommendations

To the Government of Bahrain

- Ensure the independence of the Ministry of Interior Ombudsman and the Prisoners and Detainees Rights Commission (PDRC). A committee drawn from a cross-section of civil society, which includes lawyers, human rights activists, and members of the political opposition, should nominate candidates for and approve the appointment of the ombudsman and the members of the PDRC.
- Require that all reports by the Ministry of Interior Ombudsman detail the nature of the complaints received; reveal the reasons for any case's dismissal; and, where complaints result in disciplinary or criminal action, indicate the sanctions imposed and the names and ranks of offenders.
- Appoint a civilian oversight committee comprising respected independent experts to appraise the work of the Special Investigations Unit (SIU) and issue regular public reports.
- Ensure that victims of torture or ill-treatment receive appropriate compensation and physical and psychological rehabilitation in accordance with Bahraini law and Bahrain's international treaty obligations.
- Issue an immediate and open invite to the UN special rapporteur on torture to conduct a country visit and allow unfettered access to detainees and all places of detention.
- Enact legislation, consistent with Bahrain's obligations as a state party to the UN Convention against Torture, clarifying that Decree 56/2002, providing a general amnesty for offenses committed prior to 2001, does not preclude the investigation or prosecution of persons alleged to have committed, authorized, or approved torture or ill-treatment and does not eliminate the opportunity for victims or their families to seek redress or have an enforceable right to fair and adequate compensation.
- Ratify the Optional Protocol to the Convention against Torture allowing independent international experts to conduct regular visits to places of detention in Bahrain and provide for the creation of an independent inspectorate.
- Allow rights groups, including Human Rights Watch, access to the country and to places of detention.

- Amend the Code of Criminal Procedure to require a medical examination by an independent physician in addition to the Public Prosecution Office's medical examiner of any criminal suspect who claims to have been subjected to torture or ill-treatment while in custody and who requests such an independent examination.

To the Ministry of Interior Ombudsman and the Prisoners and Detainees Rights Commission

- Conduct an immediate investigation into allegations of excessive force and torture in the aftermath of the unrest in Jaw prison on March 10, 2015.

To Member States of the United Nations Human Rights Council

- Continue to address the human rights situation in Bahrain through individual statements, a follow up joint statement or a resolution to urge Bahrain to enact and comply with the recommendations in this report, in particular to ensure impartial investigations into all allegations of torture and ill-treatment and to swiftly facilitate the visit of the Special Rapporteur on torture and other UN human rights mechanisms.

To the Government of the United States

- Impose restrictions on arms sales until Bahrain enacts and complies with key recommendations in this report, including a standing invite to, and visit by, the UN special rapporteur on torture.

To the Government of the United Kingdom

- Suspend funding, support and training for security service reform until Bahrain enacts and complies with key recommendations in this report, including a standing invite to, and visit by, the UN special rapporteur on torture.

To the Office of the UN High Commissioner for Human Rights

- Suspend negotiations for a program of technical capacity building until Bahrain enacts and complies with key recommendations in this report, including a standing invite to, and visit by, the UN special rapporteur on torture.

Methodology

Since 2013, Bahraini authorities have refused multiple formal and informal requests for visas that Human Rights Watch has made in order to conduct research.

A Human Rights Watch researcher conducted the interviews for this report by telephone and Skype, separately interviewing 14 individuals who had been in police detention or in prison in Bahrain between 2012 and 2015. Each interview lasted between one and two-and-a-half hours.

Human Rights Watch also conducted interviews with two prominent Bahraini defence lawyers. A third lawyer declined to speak with Human Rights Watch and expressed concerns about government electronic surveillance and possible retribution.

Some of the individuals interviewed also said they feared retribution and requested that we not use their names. Accordingly, we identify some individuals by initials. We offered no incentives to those interviewed, all of whom gave their informed consent.

We requested a meeting with the Ministry of Interior Ombudsman Nawaf al-Ma'awda on two separate occasions, in May and July 2015, but had received no response at time of writing to those requests. The Office of the Ombudsman on August 6 provided a written response to questions. This response is reflected in the report and is included in full in the appendix. The Office of the Ombudsman and the Ministry of Interior's responses to a summary of this report's findings are also included in the appendix.

I. Background

Bahrain, a Persian Gulf island state 25 kilometers off the eastern coast of Saudi Arabia, has a population of approximately 1.3 million, of which just under half are Bahraini nationals and the rest mainly low-paid migrant workers from south Asia, as well as expatriate professionals.[1]

Since 1971, when it became independent after more than 100 years of British rule, Bahrain has been characterised by authoritarian rule and popular dissent.

Torture and arbitrary detention became extensive and routine in 1975, when the ruling Al Khalifa family suspended the 1973 constitution and arrested its critics en masse.[2] After the Iranian revolution of 1979, polarization increased along sectarian lines between the majority Shia population and the Sunni minority, which included the Al Khalifa family and the courts, while state security services were mainly headed by British expatriates.[3]

Repression intensified further in 1981, when the government conducted widespread arrests of Shia after it said it had uncovered a plot to replace the Al Khalifa with an Islamic republic modelled on Iran.[4] In late 1994, another wave of repression began in the face of regular demonstrations and unrest in Shia neighborhoods and villages around demands for political reform and concern over unemployment.[5]

In a report published in 1997, Human Rights Watch found that "[s]ystematic beating as well as other forms of physical and psychological abuse of detainees are pervasive in Bahrain."[6] Between 1994 and 1998, Human Rights Watch received reports of at least seven deaths in custody due to torture, mistreatment, or medical neglect.[7]

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[1] Figures from United Nations Statistics Division, World Statistics Pocketbook, Bahrain data available at https://data.un.org/CountryProfile.aspx?crName=BAHRAIN (accessed June 5, 2015).

[2] Human Rights Watch, *Routine Abuse, Routine Denial: Civil Rights and the Political Crisis in Bahrain*, July 1, 1997, http://www.hrw.org/legacy/reports/1997/bahrain/

[3] Ibid.

[4] Hasan Tariq Alhasan, "The Role of Iran in the Failed Coup of 1981: The IFLB in Bahrain," *The Middle East Journal,* vol 65 (4), (Autumn 2011), pp. 603-617

[5] Human Rights Watch, *Routine Abuse, Routine Denial.*

[6] Ibid.

[7] Human Rights Watch, *World Report 1999*, (New York: Human Rights Watch), Bahrain chapter, http://www.hrw.org/legacy/worldreport99/mideast/Bahrain.html

In February 1998, Shaikh Khalid bin Muhammad Al Khalifa, a nephew of the ruler, replaced Ian Henderson, a Briton, as Bahrain's most senior intelligence and internal security official. Henderson had served as the head of the Security Intelligence Services (SIS) since 1966 and former detainees had accused Henderson and SIS officers of torture.[8] Decree No. 14 of 2002 replaced the SIS, which was also known as the General Directorate of State Security, with the National Security Agency (NSA).[9]

In the same year as Shaikh Khalid's appointment, Bahrain took steps to respond to criticism regarding the use of torture and other ill-treatment by its security officials: the government for the first time allowed the International Committee of the Red Cross (ICRC) to conduct prison visits, ratified the Convention against Torture, and agreed to a visit by the UN Working Group on Arbitrary Detention, which took place in 2001.[10]

In 1999, Shaikh Hamad bin Isa Al Khalifa assumed power on the death of his father, and oversaw a series of significant political reforms that included abolition of the State Security Court and freeing more than 1,300 persons detained solely for exercising their right to freedom of expression and association.

In February 2001, Bahrainis overwhelmingly approved by referendum a National Charter proposed by Shaikh Hamad that elevated his title from *amir* (prince) to king and endorsed an elected National Assembly.[11] But exactly a year later the king unilaterally decreed a revised constitution that established an appointed Shura (consultative) Council enjoying co-equal powers with the elected assembly. The opposition, Shia and Sunni alike, considered this move a betrayal of the National Charter.[12] In 2002, Bahrain held its first

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[8] Ibid; Robert Fisk, "Briton at the Heart of Bahrain's Brutality Rule," *Independent*, February 18, 1996.

[9] Decree No. 14 of 2002.

[10] Human Rights Watch, *Torture Redux: The Revival of Physical Coercion during Interrogations in Bahrain*, February 2010, http://www.hrw.org/reports/2010/02/08/torture-redux-0 , p. 13.

[11] Human Rights Watch, Bahrain's National Charter Referendum, February 2001, http://www.hrw.org/en/reports/2001/02/12/bahrains-national-charter-referendum

[12] On the political background, see Edward Burke, "Bahrain: Reaching a Threshold," FRIDE Working Paper, Madrid, June 2008; Katja Niethammer, "Voices in Parliament, Debates in Majalis, and Manners on Streets: Avenues of Political Participation in Bahrain," European University Institute Working Paper RSCAS No. 2006/27, Florence, 2006; Steven Wright, "Fixing the Kingdom: Political Evolution and Socio-Economic Challenges in Bahrain," Georgetown University Center for International and Regional Studies, 2008; and International Crisis Group, "Bahrain's Sectarian Challenge," May 6, 2005, http://www.crisisgroup.org/en/publication-type/media-releases/2005/mena/bahrains-sectarian-challenge.aspx (accessed August 2, 2015).

national elections in more than a quarter century, but most of the opposition refused to contest the election and many boycotted the vote.[13]

In October 2002, apparently with the intent of pre-empting any initiative from the new National Assembly, the king issued Decree 56 that conferred immunity from prosecution for government officials.[14]

There were few complaints of torture in detention in Bahrain between 2000 and the end of 2007. Beginning in 2008, reports of abusive interrogation and detention practice increased notably. [15]

A 2010 Human Rights Watch investigation concluded that the previous several years had seen a reversion to past practices. There was credible evidence, the report said, that between December 2007 and June 2009 Bahraini security forces had used electro-shock devices against detainees; suspended detainees in painful positions; beat detainees' feet with rubber hoses and/or batons; slapped, punched, and kicked detainees, and beaten them with implements; forced detainees to stand for prolonged periods of time; and threatened detainees with death and rape.[16]

The report concluded that the revival of the use of torture had coincided with increased political tensions in the country. These tensions escalated further with the demonstrations that erupted in mid-February 2011, the 10th anniversary of the National Action Charter referendum, and the 2011 uprisings in Tunisia and Egypt.

Anti-Government Protests, 2011

In mid-February 2011, hundreds of thousands of Bahrainis participated in largely peaceful pro-democracy demonstrations.[17] Authorities responded with lethal force to disperse the protests, killing two individuals in the first two days.[18] Protests continued and government

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[13] Ibid.

[14] Royal Decree 56/2002. Human Rights Watch wrote to King Hamad in December 2002 to urge him to clarify that the law would not be used to grant immunity to officials for serious crimes, including torture. Human Rights Watch letter to King Hamad of Bahrain, December 16, 2002, https://www.hrw.org/news/2002/12/16/letter-hm-shaikh-hamad-bin-isa-al-khalifa-king-bahrain.

[15] Human Rights Watch, *Torture Redux*, p. 14.

[16] Ibid., p. 26.

[17] For detailed background see Stephen Zunes, "Bahrain's Arrested Revolution," vol. 35 (2), (2013).

[18] BICI report, paras. 206 and 214.

repression escalated in mid-March when Bahraini military and security forces, with the assistance of troops from Saudi Arabia, launched a systematic campaign of retribution.[19]

Fifteen people died between February 11 and March 31 at the hands of security forces; the BICI report concluded that the authorities' use of lethal and disproportionate force was clearly responsible for nine of those deaths, with many more wounded. [20]

Security forces arrested over 1,600 people—including children—who participated in, or were suspected of supporting, the anti-government demonstrations. In many cases armed masked men, some in civilian clothes, pulled people out of their homes in pre-dawn raids and transferred them to unknown locations. Others were arrested at work or pulled from cars at checkpoints.

Authorities held most detainees in incommunicado detention for weeks, in some cases months. Detainees had little or no contact with lawyers or family except when they appeared before a special military court.[21]

In April, four people died as a result of being subjected to torture while in custody.[22] Ali Isa Ibrahim Saqer, whose body—which Human Rights Watch saw at the time of his burial—bore unmistakable signs of torture, including lash marks on his back, bruises on his calves, thighs and buttocks, and lacerations on his ankles and wrists.[23]

Several other co-defendants showed signs of possible abuse or ill-treatment.[24] They included Abdulhadi al-Khawaja, a leading human rights and political activist who was arrested on April 9. He appeared before a special military court on May 8 with facial fractures and head injuries that were the result of severe beatings he sustained when

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[19] Human Rights Watch, *World Report 2012*, (New York: Human Rights Watch), Bahrain chapter, http://www.hrw.org/world-report-2012/world-report-2012-bahrain.

[20] BICI report pp. 223-227. Thirteen of the 15 fatalities were Bahraini civilians, one was a police officer and one was an expatriate worker. The BICI report attributed the deaths of the police officer and the expatriate worker to the BDF.

[21] Human Rights Watch, *World Report 2012*, (New York: Human Rights Watch), Bahrain chapter, http://www.hrw.org/world-report-2012/world-report-2012-bahrain.

[22] Human Rights Watch, Bahrain's Human Rights Crisis, July 5, 2011, https://www.hrw.org/news/2011/07/05/bahrains-human-rights-crisis.

[23] Ibid.

[24] Human Rights Watch, *World Report 2012*, (New York: Human Rights Watch), Bahrain chapter, http://www.hrw.org/world-report-2012/world-report-2012-bahrain.

authorities arrested him. A military court sentenced al-Khawaja to life imprisonment in June 2011 on terrorism charges.[25] He was one of 21 defendants Bahraini authorities alleged had been involved with a group whose purpose was to replace Bahrain's monarchy with a republican form of government.[26]

BICI Report

In July 2011, King Hamad established the Bahrain Independent Commission of Inquiry (BICI), comprising five international jurists headed by Cherif Bassiouni. The BICI's mandate was to "investigate and report on the events occurring in Bahrain in February/March 2011, and any subsequent consequences arising out of the aforementioned events, and to make such recommendations as it may deem appropriate," although the report did include details of deaths that occurred outside its temporal mandate.[27]

On November 23, 2011, BICI released an approximately 500-page report detailing its findings; it released final revisions to the report on December 10, 2011. [28]

The BICI report concluded that the Ministry of Interior and National Security Agency "followed a systematic practice of physical and psychological mistreatment, which in many cases amounted to torture, with respect to a large number of detainees in their custody." [29]The report also concluded that "prison officials are being guided by a similar set of practices, or even policies, as existed in the past [prior to 2001]."[30]

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[25] Human Rights Watch, *Criminalizing Dissent, Entrenching Impunity: Persistent Failures of the Bahraini Justice System Since the BICI Report*, May 2014, https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice, p. 13.

[26] Ibid.

[27] Bahrain Independent Commission of Inquiry, "Report of the Bahrain Independent Commission of Inquiry," December 10, 2011, http://www.bici.org.bh/BICIreportEN.pdf, p. 1.

[28] Ibid.

[29] Ibid., paras. 1238 and 1243. Formerly the Interior Ministry's State Security Investigations Directorate. The National Security Agency was set up in 2002 as a separate body reporting directly to the prime minister while continuing to share premises with the Interior Ministry.

[30] Ibid., para. 1243. The report referred specifically to "the recent recurrence of many violations identified by the Committee Against Torture" in its 2005 report on Bahrain. In that report the CAT committee identified the mistreatment of detainees as one of many subjects of concern, but said that "systematic torture no longer takes place since the 2001 reforms." UN Committee Against Torture, Conclusions and Recommendations of the Committee Against Torture: Bahrain, CAT/CO/34/BHR, 2005., para. 4f.

The commission received 559 complaints concerning the treatment of persons in state custody, all but nine of whom were Shia.[31] Forensic medical experts appointed by the commission examined 59 of these detainees, including 14 high-profile political leaders, and doctors from the Salmaniya Medical Complex (SMC).[32] The SMC had become a focal point for protests in March 2011 and was occupied by security forces on March 16.[33]

According to the BICI report, 33 detainees had significant physical marks or symptoms, which the detainees alleged had been caused by mistreatment.[34] The BICI experts identified the most common techniques used on detainees as blindfolding; handcuffing; enforced standing for prolonged periods; beating; punching; hitting the detainee with rubber hoses (including on the soles of the detainee's feet), cables, whips, metal, wooden planks or other objects; electrocution; sleep-deprivation; exposure to extreme temperatures; verbal abuse; threats of rape to the detainee or family members; and insulting the detainee's religious sect (Shia).[35]

The BICI report found "a more discernible pattern of mistreatment" with regard to the 14 high-profile political leaders and the SMC medics and concluded that mistreatment was used either to obtain incriminating statements of confession or for retribution and punishment.[36]

According to the BICI report, many detainees were held for weeks or months and denied access to lawyers and courts to challenge the lawfulness of their detention.[37]

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[31] BICI report, para. 1181.

[32] Ibid., para. 1182.

[33] Human Rights Watch, "Targets of Retribution," July 11, 2011.

[34] BICI report, para. 1213. "The experts concluded that physical findings on 32 detainees were highly consistent with mistreatment and traumatic events. The experts also concluded that 15 detainees had significant psychological symptoms or impairments as a result of the alleged mistreatment. Of these 15 detainees, 13 required follow-up treatment. The experts also concluded that the physical findings on 34 detainees were highly consistent with beatings and blunt trauma. In addition, the physical findings on 19 detainees were highly consistent with and even virtually diagnostic of injuries caused by firearms. The physical findings on 22 detainees were highly consistent with the use of painful handcuffs, while the physical findings on 20 other detainees were highly consistent with exposure to extreme temperatures. The experts also found in a number of cases that scars on different parts of the body were consistent with a sound bomb injury as described by the detainee, but these scars were non-specific (i.e., could be produced by different causes). Three cases were highly consistent with cigarette burn scars on different parts of the body."

[35] BICI report, para. 1234.

[36] Ibid., para. 1230.

[37] Ibid., para. 1235.

The BICI report attributed five deaths to torture in custody: Hasan Jassim Mohamed Maki, Ali Isa Ibrahim Saqer, Zakariya Rashid Hassan Al Asheri, Abdulkarim Ali Ahmed Fakhrawi, Jaber Ebrahim Yousif Mohamed Alawiyat.

The BICI report was unequivocal when it came to the consequences of the failure to hold officials accountable for the mistreatment of detainees, finding:

> The Commission is of the view that the lack of accountability of officials within the security system has led to a culture of impunity, whereby security officials have few incentives to avoid mistreatment of prisoners or to take action to prevent mistreatment by other officials.[38]

The BICI report made several recommendations based on its findings on the use of torture. The report recommended the establishment of an independent and impartial mechanism to determine the accountability of government actors for acts of torture and mistreatment with a view to bringing legal action against those individuals "including those in the chain of command found to be responsible under international standards of 'superior responsibility.'"[39]

The BICI report also recommended that the Office of the Inspector General in the Ministry of Interior be made "as a separate entity independent of the Ministry's hierarchical control" and that its tasks "should include those of an internal 'ombudsman's office.'"[40] It recommended that the office should be able to receive individual or organizational complaints and have the authority to conduct disciplinary and criminal proceedings.[41] It recommended a similar type of independent office for the National Security Agency.[42]

The BICI report further recommended that Bahraini authorities implement "an extensive program of public order training" and train security forces "in the human rights dimension of detention and interrogation"; avoid detention without prompt access to lawyers and make all detention subject to effective monitoring; make audio-visual recordings of "all

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[38] Ibid., para 1240.
[39] Ibid., para. 1716.
[40] Ibid., para. 1717.
[41] Ibid.
[42] Ibid., para 1718.

official interviews with detainees"; and compensate all victims of torture, ill-treatment, or prolonged incommunicado detention.[43]

Post-BICI

However, there have been few prosecutions for abuses relating to the serious and widespread abuses that BICI documented. The few that have resulted have, almost exclusively, involved low-ranking officers, and have—without exception—resulted in acquittals or disproportionately light sentences.[44]

Ali Isa Ibrahim Saqer and Abd al-Karim Ali Ahmed Fakhrawi

The deaths of Ali Isa Ibrahim Saqer and Abd al-Karim Ali Ahmed Fakhrawi illustrate Bahrain's failure to implement one of the key recommendations of the BICI report; namely, to "determine the accountability of those in government who have committed unlawful or negligent acts resulting in the deaths, torture and mistreatment of civilians."[45] In neither case did the punishment reflect the seriousness of the crime.

Prosecutors charged two officers in connection with Saqer's death in April 2011—one of five deaths that the BICI report attributed to torture in detention.

In March 2013, a criminal court found that, without any justification for using force, the defendants had beaten Saqer to death.[46] However, without explanation, the court convicted them of assault only. It did not take into account the testimony of one defendant that the other defendant had beaten Saqer "until his [the other defendant's] strength was spent" or

[43] Ibid.,para 1722.

[44] Human Rights Watch, *Criminalizing Dissent, Entrenching Impunity: Persistent Failures of the Bahraini Justice System Since the BICI Report*, May 2014, https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice.

[45] BICI report, para 1716.

[46] Fourth Superior Criminal Court, Case No. 12730/2011/07, Verdict, March 12, 2013.

medical reports establishing that Saqer had "blunt force contusions" on nearly every part of his body.

In September 2013, an appeals court reduced the 10-year prison terms imposed by the trial court to two-year terms. It determined that the defendants deserved "clemency" on the grounds they had been "preserving the life of detainees, among them the victim."[47]

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The BICI investigation determined that Abd al-Karim Ali Ahmed Fakhrawi, a businessman and founder of the independent newspaper *Al-Wasat*, had died at the Bahrain Defence Force hospital on April 11, 2011, after being transferred there from the custody of the National Security Agency and that his death was attributable to torture while in the agency's custody.[48]

Prosecutors charged National Security Agency officers Khalid Muhammad Sabt and Ahmad Badi Ahmad with assault, rather than murder or torture, in connection with Fakhrawi's death. The court's conclusion that the defendants had no intent to do anything beyond assault Fakhrawi was undercut by the medical evidence that the court cited.

The court heard that Fakhrawi's body had "bruises all over it, which caused a breakdown of muscle tissues ... [which caused] kidney failure and heart palpitations," leading to death.[49] On October 27, 2013, the Supreme Appellate Court reduced the seven-year prison terms the trial court had imposed on two police officers whose actions caused the death of a detainee to three-year terms. [50]

The appeals court offered no explanation for its decision, other than to say that "the court sees fit to grant clemency to the appellants…."[51]

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[47] Supreme Appellate Court, Case No. 119/2013/13, Verdict, September 29, 2013.

[48] BICI report, p. 244.

[49] First Superior Criminal Court, Case. No. 1631/2012/07, Verdict, December 30, 2012.

[50] Supreme Appellate Court, Case No. 1631/2012/07, Verdict, October 27, 2013.

[51] Ibid.

Bahrain has also failed to compensate or provide rehabilitative care to victims of torture, many of whom are still serving long prison terms on charges that relate exclusively to exercising their rights to freedom of expression and peaceful assembly.

In August 2014, a coalition of human rights organizations, including Human Rights Watch, wrote to the Bahraini authorities to urge them to comply with their international treaty obligations to provide victims of torture with physical and psychological rehabilitation.[52] The authorities had not responded at time of writing.

Currently, 13 high-profile detainees specifically noted by the BICI report as having been targeted by "a more discernible pattern of mistreatment" remain in detention serving terms ranging from 5 years to life in prison.

BICI forensic experts examined several of these individuals, and their detailed allegations of torture and mistreatment were among the 60 cases of abuse included in the annex of its report. At least two of these 13 high-profile activists, Abdulhadi al-Khawaja and Abdulwahab Hussain, currently suffer from physical conditions that have led to repeated requests for medical attention. To date, Bahraini authorities have either denied their requests or referred them for treatment at the Bahrain Defence Force (BDF) Hospital, where detainees remain at risk of re-traumatization, since the hospital was the site of a number of detainees' initial mistreatment.[53]

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[52] Human Rights Watch letter to King Hamad of Bahrain, August 25, 2014.

[53] Ibid.

II. Post-BICI Reforms

After the BICI report, the government established three bodies with distinct but sometimes overlapping powers and responsibilities with regard to the treatment of prisoners and detainees:

- an Office of the Ombudsman in the Ministry of Interior, which accepts individual complaints and refers them to the appropriate investigating authorities;
- a SIU, which is responsible for investigating and prosecuting allegations of torture;
- a Prisoners and Detainees Rights Commission, which inspects places of detention and makes recommendations based on its findings.

Resolution No. 28 of 2012, issued by the Attorney General on February 27, 2012, provided for the establishment of the SIU within the Office of the Public Prosecutor in February 2012.[54]

In a follow-up report reflecting implementation of the BICI recommendations, the government characterized the SIU as being "exclusively charged with determining the criminal liability of government officials who committed illegal acts resulting in killing, torture, injury, or abuse, including officials in leadership positions, under the standards of superior responsibility" and being "responsible for all cases arising out of the events of 2011 as contained in the BICI report, in addition to any other case as the Attorney General may deem appropriate to refer … for any reason whatsoever."[55]

The Office of the Independent Ombudsman, set up by Royal Decree 27 (issued on February 28, 2012 and amended by Decree 35 issued on May 28, 2013), was launched on July 2, 2013.[56] According to the Royal Decree, the king appoints the ombudsman and his deputy "upon the advice of the Minister of Interior and the approval of the Prime Minister" for a term not exceeding five years renewable.[57]

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[54] Bahrain Ministry of Interior, "BICI Follow-up Report," November 2012, para 19.

[55] BICI follow-up report, para 19.

[56] Bahrain Ministry of Interior Ombudsman, First Annual Report 2013/2014, 2014, p. 5.

[57] Decree No. (27) of 2012 Concerning the Office of the Independent Ombudsman at the Ministry of Interior, issued February 28, 2012, article 2(1).

The minister of interior (MOI) and the prime minister can remove the ombudsman or his deputy from office if either "fails to carry out the functions of his/her office."[58] The minister of interior is Lt. General Rashid bin Abdullah Al Khalifa, who held that position at the time when the BICI report concluded that the Ministry of Interior had followed a systematic practice of physical and psychological mistreatment of detainees.

The Office of the Ombudsman's mandate is "to ensure that employees of the Bahraini MOI interact with the public in an appropriate manner that is respectful of human rights."[59]The Office of the Ombudsman receives complaints from the public or from detainees, and its investigators visit places of detention to ensure that prisoners and detainees are not subject to torture or mistreatment.[60] According to the ombudsman, former chief prosecutor Nawaf al-Mouada, his investigators visit places of detention "on an almost daily basis in order to gather evidence and carry out interviews" and do not notify the detaining authorities of their visit "unless there is a specific administrative need."[61]

The Office of the Ombudsman maintains a permanent office in Jaw prison.

In July 2013, the Office of the Ombudsman and the Special Investigation Unit signed a memorandum of understanding "to ensure professional cooperation between the two organizations."[62]

The Office of the Ombudsman should refer cases to either the public prosecution or the SIU if an examination of the evidence during an investigation "suggests that a criminal act may have been committed," According to the ombudsman, both the PDRC and the ombudsman investigators "have a duty to refer for criminal investigation allegations of torture or mistreatment that they became aware of during the course of their work."[63] In all cases, the Office of the Ombudsman should monitor the progress of the investigation and inform the complainant of any developments.[64]

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[58] Ibid., art. 7.

[59] Bahrain Ministry of Interior Ombudsman, First Annual Report, 2013 – 2014, 2014, p. 6.

[60] Ombudsman First Annual Report, pp 6,7.

[61] Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015.

[62] Ombudsman First Annual Report, p 15.

[63] Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015.

[64] Ombudsman First Annual Report, pp 6,7.

On September 2, 2013, Royal Decree No. 61 of 2013 provided for the creation of a PDRC.[65] The Ministry of Interior ombudsman, Nawaf al-Mouada, chairs the commission and nominates three other members, the National Institute for Human Rights nominates four members of the commission, and the attorney general and the Supreme Judicial Council each nominate two members.[66]

The president of the PDRC can issue a resolution to remove one of its members, subject to the approval of a majority of other PDRC members. The decree states that the composition of the PDRC should represent "all sects and doctrines."[67] The ombudsman, in response to a request by Human Rights Watch, supplied the names and backgrounds of the 12 members of the PDRC but did not provide information regarding the extent to which the commission represents all sects and doctrines. Two members of the commission are judges, and another two are from the Office of the Public Prosecutor.[68]

The commission's mandate is to inspect places of detention, conduct interviews with detainees and prisoners, notify authorities of cases of torture, cruel, inhuman or degrading treatment and propose recommendations to relevant authorities.[69] Government funds allocated to the budget of the Office of the Ombudsman cover the commission's expenses.[70]

The Office of the Ombudsman accepts and responds to complaints made against Ministry of Interior employees, whereas the PDRC has no mandate to consider individual complaints. According to the ombudsman, "the primary responsibility for inspection visits to all places of detention" now rests with the PDRC.[71]

In August 2014, the PDRC released a report based on the findings of an unannounced visit to Dry Dock Detention Center, which the PDRC undertook between April 21 and 24, 2014.[72]

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[65] Royal Decree No. 61 of 2013 on the Formation and Functions of the Commission for the Rights of Prisoners and Detainees.

[66] Ibid., art. 2.

[67] Ibid.

[68] Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015.

[69] Royal Decree No. 61 of 2013, art. 3.

[70] Ibid., art. 9.

[71] Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015.

[72] Bahrain Prisoners and Detainees Rights Commission, "Unannounced Visit to the Dry Dock Detention Center," August 2014, http://www.theioi.org/downloads/d7kqj/Bahrain_Special%20Report_PDRC%20visit%20to%20detention%20centre_EN.pdf (accessed June 7, 2015).

According to the report, the PDRC commissioners "inspected all buildings in the facility, conducted unmonitored interviews, and had free interaction with detainees"[73]

The report does not specify how many detainees they met and interviewed. It noted that surveillance cameras do not cover all areas of the facility. More broadly, there is a ministerial resolution on the fundamental principles governing the legal use of force, but no written procedures for its use at the facility; there is no theoretical or practical training on how to use force; and there is no record regarding incidents in which force was used or its extent.[74]

The establishment of the SIU, the Office of the Ombudsman, and the PDRC has been sufficient to earn the government considerable praise from Bahrain's international allies, notably the United Kingdom and the European Commission.

In its 2013 Human Rights and Democracy Report, the British Foreign and Commonwealth Office (FCO) asserted that security sector reform was one of the areas that suggested Bahrain's human rights trajectory would continue to be positive.[75] The report made specific reference to the ombudsman's investigation of torture allegations, and the decree setting up the Prisoners and Detainees Rights Commission.

In April 2015, in response to a Freedom of Information request, the FCO described the package of technical assistance, support and training as "focused on strengthening the oversight mechanisms responsible for investigating allegations of torture and mistreatment and supporting the reform of detention procedures in Bahrain."[76] This includes "capacity building and mentoring support" for the ombudsman, "training and mentoring" for the PDRC, and support for "a review of prison management and detention standards in Bahrain."[77]

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[73] Ibid., p. 3.

[74] Ibid., pp. 9-10.

[75] Foreign and Commonwealth Office, "2013 Human Rights and Democracy Report: Bahrain chapter," April 10, 2014, https://www.gov.uk/government/case-studies/country-case-study-bahrain-progress-on-reform-implementation (accessed August 2, 2015).

[76] Foreign and Commonwealth Office letter in response to Freedom of Information Act 2000 Request Ref: 0348-15, April 27 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/456726/FOI_0348-15_Torture_prevention_training_supplied_by_UK_government_to_Bahrain.pdf (accessed September 24, 2015).

[77] Ibid.

In December 2014, the delegation of the European Union in Riyadh awarded its annual Chaillot Prize for the Promotion of Human Rights in the GCC region to the ombudsman and Bahrain's National Institute for Human Rights "to acknowledge and further encourage their remarkable efforts and work for the promotion and protection of human rights in the Kingdom of Bahrain."[78]

Investigations and Prosecutions

The only publicly available information on investigations and prosecutions is contained in the two annual reports of the Office of the Ombudsman, and the ombudsman's response to a letter from Human Rights Watch in connection with this report.[79]

According to the annual reports, the Office of the Ombudsman received 561 complaints between the beginning of July 2013 and the end of April 2015.[80] Of these, it referred:

- 294 for further investigation and prosecution:
- 147 for criminal and disciplinary investigation;
- 83 to the Special Investigations Unit;
- 60 to security courts, which according to the ombudsman "have the authority to prosecute members of the security forces for crimes committed in the course of their duties"; and
- four complaints to the public prosecutor.[81]

The ombudsman provided no details concerning the 367 complaints that it did not refer for further investigation, stating in his letter to Human Rights Watch that "many of the cases concerned did not involve serious allegations and fall within the 'complaint not upheld' or 'resolved' category."[82]

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[78] European Union External Action Service news release, "Winner of Chaillot Prize 2014," December 3, 2014. The European Union Delegation in Riyadh launched the Chaillot Prize in December 2008. According to its website, "the prize aims to reward activities, campaigns and actions which benefit progress in the field of Human Rights promotion and awareness in the Gulf countries of the GCC."

[79] Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015.

[80] Ombudsman First Annual Report, p. 23. Ombudsman Second Annual Report, p. 12.

[81] Ibid., p. 20.

[82] Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015. This statement was made in reference to a question about the Ombudsman's first annual report.

The SIU has only successfully prosecuted one torture case, in a case of "a vicious assault" on a detainee "in an attempt to force him to confess to drug dealing."[83] In this case, three defendants received five-year sentences for "inflicting intentional suffering and severe pain for the purposes of extracting a confession."[84] Two other defendants in the same case received one-year sentences for "agreeing and accepting acts of torture" and another defendant received a three-year sentence for the same offence.[85]

The SIU has not conducted investigations or prosecutions that have led to the conviction of any individuals for acts of torture in cases relating to Bahrain's political unrest. The ombudsman did not provide details concerning the 83 cases his office referred to the SIU so it is unclear how many may have related to allegations of torture.

The Office of the Ombudsman's first annual report stated the SIU had 27 "ongoing investigations," a figure that increased to 46 at time of writing of its second annual report.[86] The SIU has not "dismissed" or "closed" any cases.[87]

Of the 294 complaints the Office of the Ombudsman referred for further investigation there have been only 10 successful prosecutions, but the ombudsman provided no details of these prosecutions other than the charges and the sentences handed down.

There is no detailed information on prosecutions that did not result in convictions. In the Office of the Ombudsman's first annual report, there were three cases pending in court, in the second annual report there were 10 cases pending in court, one of which resulted in the aforementioned torture convictions.[88]

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[83] Ombudsman Second Annual Report, p. 34.

[84] Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015.

[85] Ibid. The ombudsman did not supply any further details of the case but local media reported that the 5-year sentences were for a drug rehabilitation lecturer and two officers at the anti-narcotics unit, and the other three convicted were police officers. SIU appealed the sentences for reasons not explained in the ombudsman's letter to Human Rights Watch or local press accounts of the case, and the Supreme Court heard the appeal on October 9, 2015. Habib Toumi, "6 Bahrain Policemen Jailed Over Custody Death," Gulf News, May 31, 2015, http://gulfnews.com/news/gulf/bahrain/6-bahrain-policemen-jailed-over-custody-death-1.1527635 (accessed September 13, 2015).

[86] Ombudsman First Annual Report, p. 33. Ombudsman Second Annual Report, p. 20.

[87] Ibid.

[88] Ombudsman First Annual Report, p. 33. Ombudsman Second Annual Report, p. 20. Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015.

In its response to Human Rights Watch, the ombudsman stated that one of 7 convictions in the Security Courts, referenced in its second annual report, related to three individuals charged with "inflicting pain or suffering for the purpose of extracting a confession", but stated that the outcome of the case was an acquittal.[89] The ombudsman provided no reasons for the acquittal nor any details on the individuals concerned.

The ombudsman did not provide details of the total number of prosecutions initiated by the various bodies to whom it referred complaints. In its letter to Human Rights Watch, the ombudsman stated:

> Please note the requested information relating to the names, nationalities and rank of witnesses / persons convicted is not provided. You will appreciate that information about names and ranks should more appropriately be requested from other authorities. I can, however, tell you that those convicted / imprisoned range from police officers right up to Police Major grade.[90]

In March 2013 and July 2015, Human Rights Watch wrote to the head of the SIU, Nawaf Abdullah Hamza, to request information on, among other things, the name, nationality, rank and employing agency of all individuals subject to criminal prosecutions by the SIU.[91] The SIU did not respond to either request.

The SIU has not responded to requests for information on its activities from Bahrain's own national human rights institution. In its 2013 Annual Report, Bahrain's National Institute for Human Rights (NIHR) reported that the SIU had investigated 21 complaints involving 37 members of the security forces with ranks ranging from lieutenant to major. The NIHR "did not obtain confirmed information about the nature of the judgments awarded on these cases, whether acquittal or conviction judgments, and the terms for which the convicts

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[89] Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015.

[90] Ibid.

[91] Human Rights Watch letters to Nawaf Abdullah Hamza, March 25, 2013 and July 27, 2015. The head of the SIU now has the rank of attorney general, which empowers him to refer cases directly for prosecution without first referring them to the Public Prosecution Office.

were sentenced, since the Institution did not receive a response to its communications from the unit in this regard."[92]

Bahrain's National Institute for Human Rights has been strongly critical of the SIU: "the Special Investigations Unit, in its current form, does not have the aspired independence and impartiality to ensure effective investigations."[93] The NIHR does not explain the reasons for this conclusion.

[92] Bahrain National Institute for Human Rights, "Annual Report of the National Institution for Human Rights 2013 – Kingdom of Bahrain," para. 11. http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_(ENG).pdf (accessed August 2, 2015).

[93] Ibid., para. 10.

III. Allegations of Torture, or Cruel, Inhuman or Degrading Treatment

Ten of the individuals interviewed for this report were detained in relation to offences prohibited in Bahrain's 2006 anti-terrorism law.[94] Nine individuals were detained at the CID. Two individuals were detained in police stations, and one was detained on separate occasions at the CID and at a police station.[95] Four of the individuals interviewed were prisoners in Jaw prison when violent disturbance broke out there on March 10. Only one of the four Jaw prison inmates had been imprisoned on charges that related to actual criminal activity; the other three were in prison on charges that related to their involvement in anti-government protests.

Torture at the Criminal Investigations Directorate and Police Stations

In interviews conducted in 2013, 2014, and 2015, 14 former detainees described to Human Rights Watch being subjected to many of the same abuses as those documented by BICI investigators in 2011 and by Human Rights Watch in 2010. These included use of electro-shock devices, suspension in painful positions, severe beatings, threats to rape and kill, forced standing, and abuse of a sexual nature.

Although no two individuals described identical mistreatment, the abuses described followed a general pattern, from the moment of arrest, through detention and interrogation, and culminating in interrogation by a public prosecutor.

In five cases masked police officers in plain clothes, who did not present arrest warrants, arrested individuals in their houses. These detainees all described being blindfolded and handcuffed behind their backs, and being beaten on a bus on the way to the CID.

All nine of those detained at the CID said that they remained handcuffed and blindfolded throughout their time there, which in some cases was five days, except when they were

[94] Law No. 58 on the Protection of Society from Acts of Terrorism.

[95] One individual was detained on separate occasions at a police station and at the Criminal Investigations Directorate (CID).

making videotaped confessions. Five individuals said that they made those confessions in the presence of a masked police officer.[96]

Seven of those detained at the CID said that when they were not being interrogated they were held in solitary confinement in small cells measuring two meters by two meters. Six of them said they were subjected to extreme cold.

Nine of the detainees described being threatened and six said that their interrogators boasted of their reputations for torturing detainees. All of the detainees said they were physically assaulted, typically by being punched and kicked on the head and body. Two detainees said they were subjected to electric shocks another said he saw other detainees being subjected to electric shocks.[97] Two of the detainees said they were suspended by their handcuffs in painful positions.[98] Two of the detainees described assault of a sexual nature and two others said they were threatened with rape.[99] All of the detainees said their interrogators told them to confess to involvement in criminal offences. All but two detainees said they made confessions.

Six of the former detainees said that they told the public prosecutor that CID officers had mistreated them in detention.[100] In two of those cases, the individuals said they refused to make confessions to a public prosecutor and that the public prosecutor ordered that they be returned to the CID where they then endured more severe torture that led to them making false confessions.[101]

In only one of those cases did their allegations result in an investigation. In that case the investigation, which consisted of an interview with the victim by a representative of the

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[96] Human Rights Watch telephone interviews with: Mohamed Bader, April 30, 2014; Ahmed Fardan, February 5, 2014; Hassan Asahiri, September 2, 2013; Hussain Abu Sa'ada, October 16, 2013; and Ahmed Abu Sa'ada, October 16, 2013.

[97] Human Rights Watch telephone interviews with: Mohamed Bader, April 30, 2014; Hussain Jawad, May 25, 2015; and Hussain Ali Abas al-Bahraini, June 27, 2013.

[98] Human Rights Watch telephone interviews with Mohamed Bader, April 30, 2014, and Mohamed Sudif, December 4, 2013.

[99] Human Rights Watch telephone interviews with: Mohamed Bader, April 30, 2014; Hassan Asahiri, September 2, 2013; Hussain Jawad, May 25, 2015; and Sayed Ahmed al-Wadaei, September 12, 2013. Mohamed Bader and Hassan Asihir described assault of a sexual nature, Hussain Jawad and Sayed Ahmed al-Wadaei said officers threatened them with sexual assault.

[100] Human Rights Watch telephone interviews with: Hussain Jawad, May 25, 2015; Mohamed Bader, April 30, 2014; Ahmed Fardan, February 5, 2014; Mohamed Sudif, December 4, 2013; Hussain Abu Sa'ada, October 16, 2013; and Ahmed Abu Sa'ada, October 16, 2013.

[101] Human Rights Watch telephone interviews with Hussain Jawad, May 25, 2015, and Mohamed Sudif, December 4, 2013.

Office of the Ombudsman, appears to have been prompted by a public statement from Amnesty International.[102]

In one case, a detainee's family made a complaint directly to the Ministry of Interior Ombudsman about his alleged mistreatment. This resulted in a medical examination and an interview with the SIU, where he was asked to identify the men who he alleged had tortured him.[103]

Case 1: Hussain Jawad

Hussain Jawad, the chair of the European-Bahraini Organization for Human Rights, said that more than 10 masked police officers arrested him from his home in Sitra at 1.30 a.m. on February 16, 2015.[104] The officers briefly showed him what they said was an arrest warrant, but he was unable to verify its authenticity.

Officers blindfolded and handcuffed him behind his back and placed him on a bus. Jawad said he spent 10 hours on the bus, during which time the police made several more arrests. Jawad said the officers refused to let him leave the bus to go to the toilet, causing him to urinate in his clothes. He said that at one point, on the direct order of one police officer, another of those arrested was subjected to electric shocks on the bus, causing him to scream in pain.

Upon arrival at the CID, Jawad said, an officer grabbed him by the back of the neck and forced him to walk into the building bent-double. Jawad said that he and several other detainees were forced to stand facing a wall in a corridor. Passing officers punched and kicked them, spat at them, and shouted insults at them.

Jawad said officers placed him in a "very cold" cell measuring approximately two metres by two metres in between interrogations, which took place in a different room. There were four or five CID officers present during his first interrogation, and one officer said, "Do you know where you are now? You are in a torture room at the CID." He said the officers

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[102] Human Rights Watch telephone interview with Ahmed Fardan, February 5, 2014. Amnesty International news release, "Photojournalist arrested and tortured," AI Index
MDE 11/002/2014 Bahrain, January 7, 2014.

[103] Human Rights Watch telephone interview with Mohamed Bader, April 30, 2014.

[104] Human Rights Watch telephone interview with Hussain Jawad, May 25 2015.

punched, slapped and kicked him, threatened to hang him by his handcuffs from the ceiling, and threatened to subject him to electric shocks.

The officer asked Jawad about his work as chair of the European-Bahraini Organization for Human Rights and his knowledge of other rights groups, activists, and campaigns. At regular intervals, he said, officers took him out of the room and made him stand in a corridor where passing officers abused him and asked him if he'd been subjected to electric shocks "yet." This interrogation session lasted a total of 10 hours, as did a similar session the following day.

Jawad told Human Rights Watch that during the interrogation session in the evening of February 17, an officer squeezed his genitals, causing extreme pain, and threated to force a bottle into his anus. After this session, Jawad said, he agreed to confess to involvement in a violent protest, a charge he then denied when taken to the Office of the Public Prosecutor the following day. Jawad's lawyer was not present for that meeting, where Jawad said he told a public prosecutor that he had been tortured. Despite Jawad's allegations, he said the public prosecutor ordered him returned to the CID.

He told Human Rights Watch that after he returned to the CID eight or nine CID officers repeatedly punched and kicked him all over during an interrogation. He said the officers showed him pictures of his young son, which they had on their phones. He said they also threatened to rape his wife, and accused him of having homosexual relations with other prominent activists.

After this third and final interrogation session, Jawad told Human Rights Watch, he agreed to confess to having taken 6000 BD (US$15,900) from a Kuwaiti politician, and that he distributed this money to the families of political detainees. On the evening of his fifth day in detention he was told to go into a room where his blindfold was removed and he repeated the confession on camera in the presence of two CID officers. One officer then told him that if he did not repeat the confession to the public prosecutor the following day, he would be raped by Pakistani police officers.

At time of writing, Jawad is not in detention but is facing charges of insulting the King and collecting funds from Bahrain and abroad without authorization.

Case 2: Mohamed Bader

Immigration officers at Manama airport detained Mohamed Bader on his return from Syria on February 2, 2014.[105] He said they took him to the CID, where they blindfolded him, handcuffed him behind his back, and placed him in solitary confinement in a cell he estimated as being 2 meters by 2 meters.

Bader told Human Rights Watch that his interrogation began the following day at noon and that as many as six CID officers punched, kicked and slapped him while subjecting him to anti-Shia abuse. Officers kept him stripped naked, blindfolded and handcuffed throughout his interrogation, he said, and questioned him about his trip to Syria, which he said was a religious pilgrimage.

Bader told Human Rights Watch that officers placed him face down on the ground and lifted him by his handcuffs, forcing his arms upwards from behind towards his shoulders as they lifted him and causing extreme pain. He said that on his first day of interrogation CID officers beat him unconscious, necessitating a head x-ray at a Ministry of Interior hospital in Al-Qala'a prison.

At the next interrogation session the following day, he told Human Rights Watch, the officers tried to persuade him to confess to involvement with the Lebanese Shi'ite group, Hezbollah. When he denied any involvement and refused to make a confession, officers applied electric shocks to his knees and ribs, he said.

He told Human Rights Watch that when officers interrogated him later the same day they said that a "sheikh" was present and ordered him to speak respectfully. The man identified as a sheikh told him to confess, saying "We know everything." When Bader refused, the "sheikh" said, "Hang him." Officers moved his handcuffs in front of his body and suspended him from a doorframe. While suspended, an object was forced into his anus. He said that he lost consciousness from the pain in his wrists.

"They took me to the BDF hospital" he said. "I felt as if I was foaming at the mouth. I thought those would be the last moments of my life."

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[105] Human Rights Watch telephone interview with Mohamed Bader, April 30, 2014.

After medical treatment, he said, officers took him back to the CID the following day for a fourth interrogation. An officer removed his blindfold and he saw a masked man sitting opposite him. There was a written statement that he signed to prevent more torture. After he signed the statement he was allowed to call his family for the first time since his arrest five days earlier to tell them where he was.

After this confession, Bader said, CID officers took him for an interrogation at the Office of the Public Prosecutor. He said that he asked for a lawyer, but was told that because it was late on a Friday, it would be difficult to arrange for one to come and represent him. A public prosecutor read out the statement he had signed at the CID and Mohamed told him he had signed it under duress, after physical and psychological torture. He said the public prosecutor told him that he would arrange for a medical examination, but he did not receive one. The prosecutor transferred him to Dry Dock detention center.

Bader's brother subsequently filed a complaint with the Office of the Ombudsman. Bader said this resulted in a second interrogation with a public prosecutor and a medical examination. He said the medical report indicated the marks on his body from torture and included photos of his injuries. He said that one week after this examination a representative from the SIU interviewed him in the presence of the public prosecutor.

He said they had a copy of his medical report and that they asked him who was responsible for the torture he alleged had taken place. He named the officer responsible and signed a paper to that effect. CID officers released him on April 17. As he was leaving an officer said, "You're not the one who will break our head, we will show you."

At time of writing, neither the SIU nor the Office of the Ombudsman has responded to a request for information on what charges, if any, have resulted from Bader's allegations of torture. Bader is not facing any charges.

Case 3: Ahmed al-Fardan

Ten masked police officers in plainclothes arrested Ahmed al-Fardan at his home in Abu Saiba at 2.30 a.m. on December 26, 2013.[106] They confiscated equipment including cameras, and computer hard-drives and flash-drives, he said, and then handcuffed and blindfolded him and put him on a bus.

Officers beat al-Fardan on the bus, he said, accusing him of taking part in protests and asking him where protestors stored "their stuff," a reference to supplies for making Molotov cocktails. Al-Fardan, who is an award-winning photographer, told the officers that he attended protests in a professional capacity only.

"Every time I said I didn't know anything he slapped me around the head and ears. One officer grabbed and squeezed my penis. Eventually I told them they might find something at one farm in Abu Saiba—anything to stop the torture. The officer said that if they didn't find anything at this place they'd punish me and he told another officer to 'prepare the electricity'."

The officers went to the farm but found nothing. The bus then took al-Fardan and two other detainees to the CID, where he was placed in a "freezing cold" cell for two hours, despite complaining to officers of a severe pain in his groin. He said he was told to stand but eventually collapsed from the pain.

"They splashed water in my face to bring me around and kicked me in the stomach and the chest. The kick in the chest took my breath away and I wet myself."

Al-Fardan said the officers left him on the ground for an hour before an ambulance arrived to take him to Salmaniya Medical Complex. He told Human Rights Watch that he spent six hours in the hospital where he was given a check-up and an intravenous drip, and then he returned to the CID.

During an interrogation the following day, he told Human Rights Watch, a CID officer accused him of participating in an illegal gathering on December 16, 2013, and said that several people had told them that he was at the protest.

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[106] Human Rights Watch telephone interview with Ahmed al-Fardan, February 5, 2014.

Al-Fardan said he was blindfolded at the time but could hear what sounded like one of the officers opening and closing a flick-knife. "It was very quiet, all I could hear was the opening and closing of the knife."

Al-Fardan said he made a false confession at this point. He then repeated the confession in a different room in the presence of a masked officer. Officers removed Al-Fardan's blindfold and handcuffs for this interrogation, which was recorded on camera. After this interrogation, officers blindfolded him again and took him to another room where they told him to sign a statement, which he could not read.

Al-Fardan told Human Rights Watch that he was then taken to the Office of the Public Prosecutor.

> The public prosecutor screamed at me when I asked for a lawyer, he was worse than the CID officers. He told me that I wasn't a photographer because if I was I would have a vest with 'Press' written on it. I told him I was in severe pain from the slaps to my ears and kicks in my groin. The public prosecutor said he couldn't see any marks on me and that I should answer his questions correctly. He said, 'You don't want the same thing to happen to you as what happened this morning.'

Al-Fardan signed a statement and was returned to the CID where officers let him to make a phone call to his family, but told only to say that he was in the CID and that he was fine.

On January 7, Amnesty International issued a statement that said CID officers had tortured Ahmed al-Fardan in detention.[107] The statement referenced the fact that al-Fardan met with his family on January 5, 2014, at Dry Dock detention center.

Al-Fardan told Human Rights Watch that someone who identified himself as from the Office of the Ombudsman interviewed him at Dry Dock detention center roughly one week after the publication of Amnesty International's news release on his case. Al-Fardan said he did

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[107] Amnesty International news release, "Photojournalist arrested and tortured," AI Index MDE 11/002/2014 Bahrain, January 7, 2014.

not answer the ombudsman's questions as he believed the purpose of the interview was to get him to deny the Amnesty International allegations.

On January 14, the Bahrain Ministry of Interior issued a statement denying the Amnesty International allegations.[108]

On February 18, 2014, al-Fardan received a three-month sentence for "illegal gathering", but he paid 100 BD (US$265) to suspend the sentence. A court will hear his appeal against the conviction on February 18, 2016.

Case 4: Hassan Asahiri

Hassan Asahiri told Human Rights Watch that Bahraini immigration officers detained him on August 1, 2013, as he was driving to Saudi Arabia across the King Fahad Bridge with his wife and 7-year-old son.[109]

He said that they then blindfolded and handcuffed and took him to CID headquarters where officers placed him in solitary confinement. He said the cell was roughly 1.5 by 1.5 meters and that the air-conditioning was on permanently, making it "extremely cold." He said he spent three days in the cell before his first interrogation session, which began with threats. He said that one of the interrogators said, "What you've heard in the media is true. We torture and we can get whatever information we want from you." He said his interrogators threatened him with electric shocks and beatings on the soles of the feet.

Asahiri told Human Rights Watch that he could hear four different voices during the interrogation, and that he was handcuffed from the back and blindfolded throughout. One officer told him that his detention related to a range of charges that included burning tires and bombings in Riffa and al-Qurrayeh. The officers punched him on the back and chest while asking him questions about the al-Qurrayeh bombing, specifically if he planned the operation, or designed or planted the bomb.

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[108] Bahrain Ministry of Interior, MOI Denies Mistreatment of Ahmed Al Fardan and Confirms Commitment to Human Rights, January 14, 2014, http://www.iaa.bh/pressReleasedetails.aspx?id=502 (accessed May 24, 2015). "Amnesty International's report is wrong in all of its allegations. Al Fardan was not beaten. At no stage did Al Fardan pass out. Al Fardan was not held incommunicado; he was not subject to mistreatment at the Criminal Investigations Directorate (CID); and he was not kept in prison until December 31."

[109] Human Rights Watch telephone interview with Hassan Asahiri, September 2, 2013.

"They told me if I wanted them to stop, if I wanted to see my family again, that I had to confess. After three hours they told me that they would rape me if I didn't confess. They told me that Sheikh Ali Salman [leader of the Wifaq opposition party] and the shitty human rights defenders couldn't help me now."

He told Human Rights Watch that officers then beat his penis with a hose "until I couldn't feel the pain anymore" and that one officer forced two, then three, fingers into his anus. Asahiri said he thinks only two officers were present for this sexual assault, which lasted between 10 and 15 minutes. After the first day of questioning and torture, an officer told him that they would charge him anyway, even if he did not confess.

He said that CID officers subjected him to three days of torture and interrogation, but that the first day was the worst. He said that the only time they removed his blindfold during an interrogation he was faced by a masked man who also told him to confess. On the third day, he said CID officers released him without any explanation.

Case 5: Mohamed Sudif

Ten to fifteen masked police officers arrested Mohamed Sudif from his home in Sitra on July 31 2013, he told Human Rights Watch.[110] They did not present a warrant and confiscated electronic equipment including his laptop, phones, and hard drives. Officers then took Sudif to the CID headquarters by bus, where they blindfolded him and handcuffed him behind his back before entering. CID officers placed him in a very small square cell, approximately 1.8 by 1.8 meters. The cell had a bright fluorescent light on the wall and was "freezing cold," he said.

After approximately two hours in this cell officers took him, still blindfolded, to an interrogation room. He said that at least two officers beat him and told him to confess to having participated in what they called "an illegal gathering" on May 17, 2013. The officers slapped him on the back, head and face and punched him in the stomach during the interrogation, which lasted approximately one hour, he said. They then returned him to his cell where an officer brought a pen and paper and told him to sign a statement, which he was not allowed to read—"Don't read it, just sign," the officer told him.

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[110] Human Rights Watch telephone interview with Mohamed Sudif, December 4, 2013.

He told Human Rights Watch that 30 minutes after this incident, he was taken to another room, and his handcuffs and blindfold were removed. He said his interrogator in this room was a masked man and that a camera on a tripod recorded the interrogation. The masked officer, who was out of the camera's range, asked him if he participated in the May 17 protest. Sudif said that he did not.

After this interrogation CID officers took Sudif to the Office of the Public Prosecutor, where he asked for a lawyer and told a public prosecutor that officers at the CID had beaten him. He said that the public prosecutor refused to believe him, saying, "I don't see any confession. If they had beaten you, you would have confessed. Did they beat you with a feather?"

Sudif told the public prosecutor that it was not possible that he could have attended the May 17 gathering since he had been at work, and the bank where he was employed as an IT manager would have evidence to support his claim. Sudif said the public prosecutor told a stenographer who was also present during the interview not to write this detail down, at which point he said he refused to answer any more of the public prosecutor's questions.

Sudif told Human Rights Watch that CID officers subjected him to far more severe torture after they brought him back to the CID. He said the next interrogation took place in a separate building with at least four officers present.

He told Human Rights Watch that the interrogation began at around 7 p.m. and that he remained blindfolded and handcuffed and stripped from the waist down throughout. The officers asked him about the organizations and journalists he'd worked with in Bahrain, his political affiliations, Bahrain's Tamarod movement, and various Bahraini activists, including Ala'a al-Shehabi, Maryam al-Khawaja, Sayed Yusuf Almuhafdah, and Mohamed al-Maskati.[111]

The officers slapped and punched him in the face and on the head, and kicked him in the groin and stomach. At one point, he said, they hit him on the head with a chair.

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[111] Bahraini activists arranged a day of protest for August 14 2013. The protest was modelled on the Tamarod ('rebellion' in Arabic) movement in Egypt, which protested against the rule of then-president Mohamed Morsy. Ala'a Shehabi is a UK-based Bahraini activist and co-founder of the organization Bahrain Watch. Maryam al-Khawaja works with the Bahrain Center for Human Rights and the Gulf Center for Human Rights and is based in Denmark. Sayed Yusuf works with the Bahrain Center for Human Rights and is based in Germany, where authorities granted him political asylum in 2014. Mohamed al-Maskati is based in Bahrain and works with Front Line Defenders.

> One officer told me they had clearance from the highest authorities to get whatever information they wanted from me and another said, 'I'll show you why Wifaq [Bahrain's Shia opposition party] calls Bahrain the capital of torture.' They tied my feet and hands and hung me from an iron bar for 10 to 15 minutes. They asked questions about friends and relatives, they told me to say certain things to the prosecutor, they told me to say Ala'a Shehabi organized Tamarod.

Sudif told Human Rights Watch that after this interrogation he falsely confessed that he had been involved in the organization of Tamarod and the 14th February Coalition, had taken part in protests, and had "incited hatred against the government."

Authorities transferred Sudif to Dry Dock detention center on August 3. On August 19, a public prosecutor interrogated him for a second time. He told Human Rights Watch that when he informed the public prosecutor of the beatings and torture the prosecutor responded that another division was responsible for dealing with such allegations. The public prosecutor charged him nine offences, including attempting to overthrow the government and establishing a terrorist organization.

A UK court granted Sudif political asylum in May 2015.

Case 6: Hussain Abu Sa'ada

Masked police officers in plainclothes arrested Hussain Abu Sa'ada and his brother Ahmed at their home in Sitra on July 17 2013.[112] Approximately 10 masked officers were accompanied by 20 uniformed officers, who remained outside the house during their arrest, he said.

Hussain told Human Rights Watch that officers handcuffed him behind his back, blindfolded him, and placed him on a bus and took him to the CID. At the CID, officers put him in an "extremely cold" cell. He said officers forced him to stand at all times in the cell and that officers came in and punched him on his head and his back.

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[112] Human Rights Watch telephone interview with Hussain Abu Sa'ada, October 16, 2013.

The day after his arrest, an officer brought papers for Hussain to sign, which he said he did. "I didn't ask what was on the paper because the way they were beating me was so crazy. I just stayed quiet and did whatever they said."

Hussain said that on the Thursday morning a CID officer told him that he had to say he had taken part in a violent protest in Madinat Hamad. He said one officer told him that "anyone who gets brave and doesn't confess will die."

"I was scared so I made something up. I said I joined the protestors, I said some blocked the road and some had Molotovs."

Hussain said that his next interrogation was with "an important officer" who was wearing a mask. Officers removed his blindfold for this interview, which they recorded on video camera. Hussain told Human Rights Watch that the officers, not satisfied with his confession, took him out of the room and beat him and told him to add more detail.

"The next day I went to the public prosecutor. To begin with I told him the false story but then I told him I was scared that if I told him the truth he'd send me back [to the CID]. The prosecutor told me to tell the truth, so I did, I told him the story was made up. I didn't tell him I was tortured. I signed a few papers but the prosecutor covered the writing above my signature so I couldn't see what I was signing."

Authorities did not charge Hussain with any offence.

Case 7: Ahmed Abu Sa'ada

Hussain's brother, Ahmed, described similar mistreatment to Human Rights Watch. He said CID officers handcuffed and blindfolded him and forced him to stand in an extremely cold cell.[113] He officers came into his cell and slapped him and told him to "stand like a donkey."

His first interrogation session was the afternoon following his arrest. He said he remained blindfolded and handcuffed from the back throughout, and that the interrogating officers called him an animal and told him that he would confess.

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[113] Human Rights Watch telephone interview with Ahmed Abu Sa'ada, October 16, 2013.

Ahmed said the CID officers told him to confess to participation in a riot in Madinat Hamad and that if he did not they would charge him with something more serious. "But because the story wasn't true," he said, "I couldn't give them the details they wanted." One officer held something up to his nose and said, "Do you know what this is? It's the blood of people who don't cooperate." The officer made him memorize his false testimony until he could tell it with sufficient detail, he told Human Rights Watch.

After this interrogation, he "thumbprinted" two documents, neither of which he could see. Officers then removed his blindfold and he recounted his false confession on camera in the presence of someone whom he called "the big officer," who was masked and not on camera. The following day, CID officers took him to the Office of the Public Prosecutor, to whom he told the same story. He said he told the public prosecutor that he had been standing for two days and was in pain.

On November 1 2015, a court convicted Ahmed of charges that included "illegal gathering". He is serving a 6-year sentence.

Case 8: Sayed Ahmed al-Wadaei

Sayed Ahmed al-Wadaei related detailed allegations of torture that he said he endured during two separate periods of detention, in January and July 2013, when he was 17 and still a child under international law.[114] After he attended a peaceful protest near the Al Khawaja mosque on January 25, he said, police arrested him and about 20 other people.

He said that the arresting officers beat them on the street, loaded them onto a bus, and took them to al-Hura police station. The officers continued beating them in the bus as it was parked outside, he said. At one stage, al-Wadaei said, a commanding officer came back onto the bus to tell the police to "beat them but make less noise."

At the Office of the Public Prosecutor the following day a lawyer assigned to represent al-Wadaei asked for his release, based on his age. The officers present during his questioning there told the lawyer that they would "look into it," but took al-Wadaei to Dry Dock detention facility the same day. He spent 45 days there in a wing with adult prisoners

[114] Human Rights Watch interview with Sayed al-Wadaei, September 12, 2013.

before authorities released him on bail of 500 Bahraini dinars (US$1,325). He told Human Rights Watch that prison officers originally took him to a wing for child detainees, but that it was full.

On another occasion, in the early morning of July 8, al-Wadaei said police in civilian clothes and an unmarked vehicle randomly stopped the car he was traveling in with two others and arrested him again, claiming that there was an outstanding warrant for his arrest. They told him they were taking him to Wista police station, but they in fact took him to the CID.

On arrival, he said, an officer cuffed his hands behind his back and blindfolded him with an Arab headdress. Officers forced al-Wadaei to stand in a corridor for several hours, where passing officers insulted him. Al-Wadaei said that one officer told him that they were going to rape him. Two officers then interrogated him. "Do you know what the CID does to people who don't help us?" al-Wadaei said one asked him.

He said they told him to confess to burning tires at a protest on May 12 near the al-Fakhar roundabout, where he had been arrested. Initially he denied the allegations, but after a series of threats, he said, he confessed. "In this place, you have no choice," he told Human Rights Watch. "You confess to whatever they want you to." Authorities detained al-Wadaei for another 15 days before releasing him on bail. Authorities have not prosecuted him.

A UK court granted al-Wadaei political asylum in January 2014.

Case 9: Ali Jamil Marhoon

Ali Jamil Marhoon told Human Rights Watch that police officers arrested him at a protest in the village of Nabi Sahal on June 10, 2013. He said that police punched and kicked him repeatedly during and after his arrest and then took him to a police jeep, pointed a gun at his head, and told him that they would shoot him if he did not admit he had been paid to protest.[115]

[115] Human Rights Watch telephone interview with Ali Jamil Marhoon, June 20, 2013.

The officers then took him to Nabi Sahal police station, he said, and three police officers slapped and kicked him and ripped his t-shirt off. He said that they told him he had to confess that he had been protesting and that he tried to kill police officers.
A police officer then filmed what Marhoon told Human Rights Watch was a false confession and uploaded it to YouTube. The officer soon removed the clip but the Bahrain Center for Human Rights recorded it and reposted the clip, which is 2 minutes and 57 seconds long.[116]

The video shows Marhoon from the chest up answering questions put to him by a police officer who is off camera to his right. Marhoon is not wearing a shirt. A police officer asks him three times, "Why are you out facing the [security] forces?" He hesitates each time the question is asked and glances repeatedly to the right of the officer asking the questions, before answering, "The sheikhs tell us." When the police officer asks him who "the sheikhs" are he replies, Sheikh Isa Qassim and Sheikh Ali Salman, the spiritual mentor and leader respectively of Al-Wifaq. When the police officer asks him why the sheikhs send the protestors to protest, Marhoon says, "So that we kill you." When asked how much the sheikhs pay him to protest he says "10 [BD] per day", (US$26.50).

The officer then asks him to explain how he got injured and Marhoon replies, "I tried to escape the security forces and I fell." The officer asks if anyone from the security forces told him what to say and if anyone put pressure on him. He replies "No" to both questions. The officer then says, "Tomorrow in court will you confess this?" to which he replies, "Yes".

As Marhoon stands up at the interview and moves out of shot, blood is clearly visible on an apparent injury on his left shoulder.

On June 11, 2013, the Ministry of Interior Twitter account said: "Chief of Public Security: immediate investigation launched on circulated video on confession of detainee on being incited to kill policemen."[117]

In his letter to Human Rights Watch, in response to a question on seven convictions referenced in his office's second annual report, the ombudsman included details of a

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[116] See http://youtu.be/1iBrRtKxDGc (accessed May 23, 2015).

[117] See Gianluca Mezzofiore, "Bahrain on Video: Police Interrogation of Youth Making False Confession Goes Viral," *International Business Times*, June 13, 2013.

conviction for "failure to carry out legitimate orders connected with the publication of a video clip of the victim" and "acting in a manner incompatible with the dignity of military duty by photographing a victim on [a] mobile phone".[118] It does not state how many defendants stood trial on these charges or when, but states that the sentence handed down by a Military Court was one month in prison and "promotion postponed for a year." At time of writing, Human Rights Watch has not been able to establish if this conviction is related to Marhoon's case. Marhoon is not currently facing any charges and has not been arrested since this incident.

Case 10: Hussain Ali Abbas al-Bahrani

Police officers arrested Hussain al-Bahrani on January 21, 2012 at a funeral where he had been taking photographs, he said, and they took him and three others to an empty building and beat them with sticks and pipes.[119] Police then took them to Al-Khamis police station. Al-Bahraini said that two senior officers interrogated him in the station's visiting room, sat him in a chair, and handcuffed his hands behind the back of the chair. He said they told him that he had to confess to burning a police car or they would beat him and subject him to electric shocks. He said one of the officers boasted of having tortured detainees in the 1990s.

The same officer then slapped him twice in the face and when he continued to deny having burned a police car, he said, the officer subjected him to electric shocks using a small device the size of a mobile phone. They administered the shocks to his left shoulder, causing him to fall over.

He told Human Rights Watch that he was unable to stand after the electric shocks and that four or five police officers beat him unconscious. He spent eight days in Al-Qala'a hospital and police then took him to the Office of the Public Prosecutor. He told Human Rights Watch that in his interview with the public prosecutor, where a lawyer was present, his clothes were ripped and covered in his blood. He did not confess to any charge and the public prosecutor released him on bail of 300 BD (US$ 795). Authorities did not charge al-Bahrani with any offence.

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[118] Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015.

[119] Human Rights Watch telephone interview with Hussain Ali Abbas al-Bahrani, June 27, 2013.

Other Reports of Torture

Amnesty International conducted research in Bahrain in May 2014 and January 2015 and issued a report in April 2015 based on interviews with what it said were "scores" of victims of human rights violations and their relatives, former detainees, lawyers, human rights activists, and political activists.[120]

The methods of torture and ill-treatment Amnesty documented included severe beating, punching, application of electric shocks, exposure to extremely cold or hot conditions, prolonged standing, sleep deprivation, insults and humiliation.[121] Amnesty reported that beatings often happened at the time of arrests and during transportation to police stations, detention centers and prisons.[122] Many detainees and former detainees told Amnesty that they were subjected to torture and ill-treatment while under interrogation by officers at the CID.[123] Amnesty included details of 20 individuals who alleged they were tortured in detention in 2014.[124]

The Liberties and Human Rights Department of Al Wifaq, the country's largest registered political society, issued a report in May 2015 that also includes allegations of torture.[125] Al Wifaq reported a total of 290 cases that they characterized as torture. The forms of torture they reported included slapping, punching, kicking, beating with hoses, electric shocks, rape, exposure to extreme cold, forced standing, suspension by the legs, and threats of rape.[126]

The report concluded that "most of the torture and mistreatment allegations in prison were related to the investigation period with the victim in the CID."[127] The 2014 figure is much

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[120] Amnesty International, "Behind the Rhetoric", p. 8.

[121] Ibid., p. 46.

[122] Ibid.

[123] Ibid.

[124] The Amnesty International report includes details of interviews with Mohamed Bader al-Oraibi and Hussain Jawad, whose testimonies are also included in this report. Human Rights Watch interviewed al-Oraibi and Jawad separately.

[125] Al Wifaq, "Bahrain Reforms…A Game of Numbers: Human rights violations targeting the activities of the peaceful opposition in 2014," May 1, 2015, p. 19., http://alwefaq.net/media/2015/06/Aunnal_Report_EN_2014.pdf (accessed August 2, 2015).Political parties are prohibited in Bahrain but approximately 20 registered political societies operate in the country, including Islamist and secular, pro-government and opposition groups.

[126] Ibid., p. 20.

[127] Ibid.

lower than the corresponding figure for 2012 of 601 cases of torture, but an increase from the 2013 figure, when Al Wifaq recorded 197 cases of torture.[128]

Torture of Jaw Prison Inmates

Four former detainees told Human Rights Watch that security forces used disproportionate force to quell unrest in Jaw Prison on March 10, 2015, and then subjected prisoners to torture and cruel, inhuman and degrading treatment in the aftermath.

All four individuals said that the unrest began after the inmates heard about an altercation in the visiting room between prison staff and three family members who had missed their scheduled appointment time. One of the family members involved, Zahra al-Koofi, told Human Rights Watch that at least 10 inmates witnessed the incident.[129]

Jaw Prison comprises 10 buildings, each with several wards containing up to 14 cells, each with beds for between six and eight prisoners. Human Rights Watch spoke to one former detainee of building 1, one former detainee of building 3, and two former detainees of building 4.[130] Three of the four former detainees requested that we not reveal their names for fear of retribution.

A former detainee from building 3, I. K., told Human Rights Watch that riot police led an operation to retake control of the building in the afternoon of March 10, firing teargas and sound grenades at inmates who had spilled into the open area outside the building. He said riot police forced the inmates back inside, then fired teargas into the corridors, despite the enclosed space, apparently to force prisoners into their cells. Then the police entered the building and cleared the cells one by one.

I.K. said that a building 3 inmate using a smuggled mobile phone had taken at least five photos that subsequently circulated on social media, including three showing injuries sustained by inmates apparently as a result of being struck by sound grenades or teargas

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[128] Ibid.

[129] Human Rights Watch telephone interview with Zahra al-Koofi, March 23, 2015.

[130] Human Rights Watch telephone interview with Ibrahim Demestani, May 21, 2015. Human Rights Watch telephone interview with A.R., April 15, 2015. Human Rights Watch interview with J.F., April 15 2015. Human Rights Watch interview with I.K., April 15, 2015.

canisters fired by police on March 10.[131] Another shows a cloud of gas at the entrance to a prison door that prisoners bound with a fire hose to keep riot police from entering, supporting the claim that riot police fired teargas into the corridors.

Two former inmates of building 4, A.R. and J.F., separately described what happened.[132] They said that riot police used teargas to clear inmates from the open areas outside their buildings, then fired teargas into corridors to force inmates into their cells. A.R. said that riot police fired at least three rounds of birdshot into the cellblock corridor, seriously injuring one prisoner in the thigh.[133] He said that riot police then entered the cellblock, dragged prisoners from their cells, and beat them in the corridor. "As soon as I left the room the beating came from all sides," he said, adding that three or more officers beat him for what seemed like five minutes.[134]

J.F. said that before the riot police entered building 4, some inmates had beaten two prison staff unconscious and left them in the shower area.

All three former prisoners said that after riot police regained control of buildings 3 and 4, they forced the inmates to pass through a human corridor of officers into separate open areas outside each of the two prison buildings. As the prisoners passed, the officers on either side beat them with helmets, sticks, and broken table legs. All three said they had been beaten in that way.

Ibrahim Demestani, a former detainee in building 1, said that riot police beat detainees from building 1 in a similar fashion as they led them out to the open area outside that building even though there had been no disturbance in building 1 and the prisoners there offered no resistance.[135]

All four men said that riot police continued to beat the prisoners once they had gathered them in the open areas outside of the buildings. Demestani said that officers treated political prisoners worse than the general population. Officers beat one prisoner so severely

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[131] Human Rights Watch interview with I.K., April 15, 2015.

[132] Human Rights Watch telephone interview with A.R., April 15, 2015; Human Rights Watch interview with J.F., April 15, 2015.

[133] Human Rights Watch telephone interview with A.R., April 15, 2015.

[134] Ibid.

[135] Human Rights Watch telephone interview with Ibrahim Demestani, May 21, 2015.

that he could not move, he said, and another suffered a broken collar-bone for which he received no medical attention.[136] Demestani said that the building 1 detainees, who he said numbered approximately 245, were kept outside in the open area for five days.[137]
A.R. said that prison authorities kept him and other inmates in an open area outside the building for at least three weeks, in tents erected several days after the unrest.[138] He said that on March 25, prison authorities ordered inmates to leave one tent, five at a time, saying that someone had smuggled a phone in, then made them strip to their underwear, stand for over an hour with their hands raised above their heads, and walk on their haunches in a circle while dousing them with cold water.[139] Then, he said, officers made the inmates do exercises while chanting "*A'ash a'ash 'bu Salman*"—an expression of support for Bahrain's king.[140]

I.K. said that prison authorities held him and other inmates from building 3 in the open for three days and nights surrounded by scores of riot police who forced them to crouch, stand, or dance, before erecting a tent for them. He said the police repeatedly beat the inmates and threw cold water on them, yelled sectarian insults, and forced them to chant "*A'ash a'ash 'bu Salman*." He said that officers forced some inmates to put their shoes in their mouths or shaved their heads. He said that he was injured on March 10, but received no medical attention before he was released from the prison weeks later.

J.F. said he was among a group of inmates that the prison authorities ordered taken to building 10 after the unrest, some of whom the authorities accused of having "encouraged" the strike.[141] He said that on March 16 or 17, the day after their transfer to building 10, riot police officers beat him and two other inmates from his ward in the toilet room, where there are no cameras.[142] Officers repeatedly beat inmates in the toilet room and administration rooms, which also have no cameras, he said.[143]

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[136] Ibid.
[137] Ibid.
[138] Human Rights Watch telephone interview with A.R., April 15, 2015.
[139] Ibid.
[140] Ibid. Roughly translates as "long live the King."
[141] Human Rights Watch telephone interview with J.F., April 15, 2015.
[142] Ibid.
[143] Ibid.

Demestani said he was also moved to building 10 on March 17 after he refused to eat in protest at the mistreatment of the prisoners. Demestani said he witnessed prison staff beating prisoners whom they accused of being the ringleaders of the initial unrest. He said he saw two prison staff pull a prisoner to his feet by handcuffs attached behind his back and then beat him with a hose for 15 minutes.

J.F. and Demestani both said that officers subjected detainee Naji Fateel, who was also moved to building 10, to severe beatings. J.F. said he was treated "like an animal" and Demestani said that at one point three prison staff beat him so badly that he was left unable to walk.

The Ministry of Interior Ombudsman met 156 inmates in connection with the Jaw prison unrest and 15 individuals made formal complaints, which the ombudsman passed on to the SIU for criminal investigation.[144] At time of writing, it is not known if any officers will face charges in relation to the incident or its aftermath.

[144] Nawaf al-Mouada letter to Human Rights Watch, August 6, 2015.

IV. Legal Framework

Bahrain is party to three treaties that prohibit torture as well as cruel, inhuman or degrading treatment: the Convention against Torture; [145] the International Covenant on Civil and Political Rights (ICCPR);[146] and the revised Arab Charter on Human Rights (the Arab Charter). [147] Its constitution, penal code, and code of criminal procedure also forbid the use of torture and other conduct that violates human dignity.

Convention against Torture

The Convention against Torture, to which Bahrain acceded on February 18, 1998, states:

> [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.[148]

Under the Convention against Torture, a state must "take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction."[149] Authorities must also systematically review custodial and interrogation practices and procedures with a view to preventing torture.

Furthermore, the Convention against Torture requires a state party to conduct a prompt and impartial investigation "wherever there is reasonable ground to believe that an act of

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[145] 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.

[146] 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.

[147] 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.

[148] Convention against Torture, art. 1(1).

[149] Ibid. art. 2(1).

torture has been committed in any territory under its jurisdiction."[150] A state must also ensure that a victim of torture "obtains redress and has an enforceable right to fair and adequate compensation...."[151] Particularly relevant to this report, statements extracted 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."[152]

The Convention against Torture also requires states to take measures to prevent acts that fall short of torture but that amount to "cruel, inhuman or degrading treatment or punishment."[153] The Committee Against Torture, a body of 10 independent experts that oversees implementation of the Convention Against Torture, has said that "it is essential to investigate and establish the responsibility of the chain of command as well as that of the direct perpetrator(s)," for acts of torture.[154]

International Covenant on Civil and Political Rights

Bahrain acceded to the ICCPR on September 20, 2006.[155] The ICCPR provides that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."[156] Further, arrestees and detainees "shall be treated with humanity and with respect for the inherent dignity of the human person."[157] The ICCPR requires that states undertake efforts "to respect and to ensure to all individuals ... the rights recognized in the present Covenant, without distinction of any kind...."[158]

Arab Charter on Human Rights

Bahrain ratified the Arab Charter in 2006, and the treaty entered into force on March 15, 2008.[159] With regard to torture and ill-treatment, the Arab Charter mirrors the ICCPR, and

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[150] Ibid., art. 12.

[151] Ibid., art. 14.

[152] Ibid., art. 15.

[153] Ibid., art. 16(1).

[154] Committee Against Torture, General Comment 2, Implementation of article 2 by States Parties, U.N. Doc. CAT/C/GC/2/CRP.1/Rev.4, November 23, 2007.

[155] Bahrain's Accession to the ICCPR, C.N.764.2006.TREATIES-15 (September 20, 2006), http://indicators.ohchr.org/ (accessed June 4, 2015).

[156] ICCPR, art. 7.

[157] Ibid., art. 10.

[158] Ibid., art. 2(1).

[159] Arab Charter on Human Rights, adopted on September 15, 1994.

provides that "[n]o one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhuman treatment."[160] The charter obliges states to criminalize such acts, and to guarantee legal redress, rehabilitation, and compensation for torture victims.[161] The Arab Charter further provides that "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."[162]

Bahraini Law

As required by international treaties to which it is a party, Bahrain has implemented legislation that forbids torture.[163] Bahrain's constitution provides that "[n]o person shall be subjected to physical or mental torture, or inducement, or undignified treatment...." and "any statement or confession shall be null and void if it is proved to have been made under duress or enticement or degrading treatment or threat thereof."[164]

Bahrain's penal code criminalizes 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.[165]

It also provides that civil servants (and any other persons) who engage in torture shall be subjected to a term of imprisonment.[166] In October 2012, the government amended article 208 of the penal code, which provides for life imprisonment for anyone convicted of torture resulting in death, to include the definition of torture as outlined in article 1 of the UN Convention Against Torture.[167] Prior to the amendment the penal code did not contain any definition of torture.

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[160] Arab Charter, art. 8(1).

[161] Ibid., art. 8(2).

[162] Ibid., art. 20(1).

[163] 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, para 7.
http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.34.BHR.En?Opendocument (accessed June 4 2015).

[164] Bahrain constitution, art. 19.

[165] Bahrain penal code, arts. 208, 232.

[166] Ibid.

[167] Decree No. 52 for the Year 2012: Amending some provisions of the Penal Code Promulgated by Decree No. 15 for the Year 1976.

The code of criminal procedure provides 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."[168] All detainees have the right to contact their relatives and to seek the aid of a lawyer, although the law does not stipulate that this right applies from the moment of detention.[169] Further, the law requires that interrogations of those detained be conducted by the Public Prosecution Office in the presence of the accused person's lawyer.[170]

As a remedy for violations of these provisions, 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."[171]

Under Bahraini law, victims of torture can also seek redress through a civil action.[172] However, Decree 56/2002, discussed above, confers immunity from investigation or prosecution of individuals, including government officials, for offences committed prior to 2001.[173] These provisions, on their face, appear to violate the Convention against Torture.

Bahraini law requires that suspects be presented to the Public Prosecution Office within 48 hours of arrest.[174]The law does not authorize a judge to rule on the legality of the detention, although judges have the right to visit places of detention "to satisfy themselves that there is no person illegally imprisoned."[175]

The Public Prosecution Office must decide whether to charge the suspect with a criminal offense and, if the individual is charged, whether to continue his detention or order his release.[176] A person may be held for up to seven days in pre-trial detention, after which a court may authorize additional pre-trial detention of up to six months.[177] The Public Prosecution Office has the power to extend pre-trial detention for up to a total of 45 days

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[168] Bahrain code of criminal procedure, art. 61.
[169] Ibid.
[170] Ibid., arts. 133-35.
[171] Bahrain constitution, art. 19(d).
[172] Ibid., art. 22, and Bahrain civil law, art. 158.
[173] Royal Decree 56/2002.
[174] Bahrain code of criminal procedure, art. 57.
[175] Ibid., art 63.
[176] Ibid., arts. 57, 141-142.
[177] Ibid., arts. 147-148.

for offenses found in the special section of the penal code pertaining to national security crimes.[178] The High Criminal Court must approve any pre-trial detention exceeding 45 days in the context of national security crimes.[179]

In February 2014, a group of 97 Bahraini lawyers submitted a memorandum to the vice-president of the Supreme Judiciary Council "to highlight several significant obstacles facing lawyers and preventing them defending their clients." Some of these obstacles appear to have the effect of circumventing the legislative safeguards against torture in Bahrain.

The memorandum states that "at times, no information is forthcoming about the whereabouts of detained suspects for weeks at a time, although arrestees are theoretically required to appear before the prosecution within 48 hours, and despite the fact that lawyers file powers of attorney indicating that they are empowered as counsel for the suspects."

According to the memo, the Public Prosecution Office requires that lawyers submit a formal power of attorney statement, signed by the detainee, in order to visit the detainee or file submission on his or her behalf. If an individual who has already granted power of attorney to a designated lawyer is arrested, his or her lawyer must submit a letter proving they are acting as counsel and requesting permission to attend the questioning. The memorandum says that "these letters are usually processed extremely slowly, such that the letters only reach the prosecutor conducting the interrogation after he has questioned the suspect, which denies the suspect the presence of a lawyer during questioning."

The memorandum also states that lawyers often receive notice of their clients' interrogation outside of office hours and with only a few hours' notice and that on occasions "lawyers are not permitted to speak with defendants before questioning, and defendants are not made aware of their rights by prosecutors before they begin the interrogation."

The memorandum also addresses concerns that the Public Prosecution Office and some judges ignore evidence and allegations of torture and in doing so allow statements made as a result of torture to be used as evidence against suspects in criminal proceedings, in violation of article 19 of Bahrain's constitution and article 7 of the Convention Against Torture.

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[178] Ibid., art. 147, and Bahrain penal code, arts. 112-177.

[179] Bahrain code of criminal procedure, art. 148.

"In several cases, defendants, during trial sessions, have identified persons who tortured or subjected them to ill treatment, whether security personnel acting as prosecution witnesses, policemen, or prosecutors. When the defendant or defence counsel has moved to enter this into the session minutes, the judge refused to do so and similarly refused to task the prosecution with investigating the matter."

The memorandum provides specific examples of cases where judges ejected defendants from the courtroom after they identified the individuals whom they accused of mistreating them during questioning. It also alleges that some prosecutors refuse to document or investigate defendants' statements regarding torture during detention.

Acknowledgements

Human Rights Watch researcher Nicholas McGeehan researched and wrote this report. Joe Stork, deputy Middle East director, and Danielle Haas, senior editor at Human Rights Watch, edited the report, and Clive Baldwin, senior legal advisor, provided legal review. Sandy Elkhoury, Middle East and North Africa senior associate, Kathy Mills, publications specialist, and Jose Martinez, senior coordinator, prepared the report for publication.

Human Rights Watch extends special thanks to Sayed Ahmed al-Wadaei of the Bahrain Institute for Rights and Democracy for his assistance throughout this report.

Human Rights Watch also thanks Bahraini defence attorneys Mohamed al-Tajer and Jalila Sayed.

Appendix I: Human Rights Watch Letter to Interior Minister Lt-Gen Shaikh Rashid bin Abdullah Al Khalifa

October 22, 2015

Your Excellency,

I write to share with you a summary of findings of a Human Rights Watch investigation into the alleged mistreatment and torture of detainees in Bahrain and to offer you the opportunity to respond to our findings so that we can reflect the government of Bahrain's position in a report which we plan to release in late November.

Human Rights Watch has examined cases of alleged torture in Bahrain since the publication of the Bahrain Independent Commission of Inquiry report ((BICI) in November 2011 and the establishment of the Ministry of Interior Ombudsman, the Special Investigations Unit, and the Prisoners and Detainees Rights Commission. We have concluded that Bahraini authorities have failed to implement effectively the BICI recommendations for combatting torture; that the new offices set up in response to the BICI recommendations have failed to fulfil their collective mandate; and that Bahraini security forces continue to abuse detainees using methods identical to those documented by BICI investigators in 2011, and by Human Rights Watch in 2010.

A Human Rights Watch researcher spoke to 10 detainees who said they endured coercive interrogations at the Ministry of Interior's Criminal Investigations Directorate and in police stations since Bahrain announced reforms in 2012, and four former inmates of Jaw prison who said they were tortured in March 2015.

All said security officers had physically assaulted them. Several described being subjected to electric shocks; suspension in painful positions, including by their wrists while handcuffed; forced prolonged standing; extreme cold; and abuse of a sexual nature. Many of the detainees interviewed also said that some CID interrogators boasted of their reputation for torturing detainees.

The abuses that interviewees described, while differing from one another in detail, followed a general pattern from the moment of arrest, through detention and interrogation, culminating in an interrogation with a public prosecutor. The techniques used violate Bahrain's obligations as a state party to the United Nations Convention against Torture and Other Cruel, Inhuman or

Degrading Treatment or Punishment (Convention against Torture) and other international treaties, and contravene the prohibition of torture in Bahrain's constitution and its penal code.

Bahraini security forces also allegedly used torture to exact retribution against inmates in Jaw prison, many of whom were incarcerated for political offenses. After violent unrest broke out there on March 10, riot police used tear gas and birdshot to regain control of four of the prison's 10 buildings. They then allegedly forced hundreds of prisoners to stay outside where they beat and humiliated them. One prisoner described how security forces made inmates strip to their underwear and perform exercises while shouting support for King Hamad. Another described how officers broke an inmate's collarbone, then left him without medical attention. A group of inmates accused of encouraging the riot were taken to a building where some were severely beaten in toilets and administration rooms that lacked CCTV cameras.

The Office of the Ombudsman has failed to report transparently on the limited steps authorities have taken to hold security officials accountable for mistreatment and torture. From the beginning of July 2013 to the end of April 2015, the ombudsman referred 83 of the 561 complaints it received to the SIU, which is charged with holding members of the police and security forces accountable for "killing, torture, injury, or abuse." Neither the ombudsman nor the SIU have released any information on the cases referred to the SIU for investigation, so it is unclear how many of those 83 cases involved allegations of torture; to our knowledge, only one case, relating to allegations of drug dealing, resulted in a successful prosecution for torture. In addition to a lack of transparency, the Office of the Ombudsman remains embedded in the Ministry of Interior, which the BICI report concluded was responsible for the systematic physical and psychological mistreatment of detainees. The Interior Minister plays a key role in the appointment of the ombudsman and, in consultation with the Prime Minster, can also remove him or his deputy from office.

The Special Investigations Unit, for its part, is staffed by individuals seconded by the Public Prosecution Office. Given the role of the Public Prosecution Office in using coerced confessions in prosecutions, this raises serious questions concerning the SIU's independence and its ability to conduct effective and impartial investigations. Bahrain's government-appointed National Institute for Human Rights has concluded that the SIU "does not have the aspired independence and impartiality to ensure effective investigations."

Royal Decree No. 61 of 2013, which provided for the creation of the PDRC, states that its members should represent "all sects and doctrines" of Bahraini society, but in its written response of August 6, 2015, to Human Rights Watch, the Office of the Ombudsman failed to provide information on

the religious background of PDRC members. This gives particular cause for concern in view of comments allegedly made by one of its members, Ahmed al-Malki, on social media on July 23, 2015, in which he stated: "You cannot win Zionists' loyalty, that's why Hitler decided to exterminate them and the British established a colony for them in Palestine; and this is what must be done with *Welayat al-Faqih* [code for Bahrain's Shia population]."

Lack of available information on investigations and prosecutions, and the fact that there have been no prosecutions for torture in cases relating to Bahrain's political unrest, support Human Rights Watch's finding that the authorities have failed to tackle what the BICI report characterized as a "culture of impunity" among the security forces.

Among other steps, Human Rights Watch recommends that:

- Bahrain should issue an immediate and open invite to the UN special rapporteur on torture to conduct a country visit and allow unfettered access to detainees and all places of detention.
- Bahrain should ensure the independence of the ombudsman and the PDRC by severing all the ombudsman's ties to the Ministry of Interior and the executive branch of government;
- Authorities should appoint a committee, drawn from a cross-section of civil society including lawyers, independent human rights activists, and political opposition members, to nominate candidates and approve the appointment of the ombudsman and PDRC members;
- Ombudsman reports should detail the nature of the complaints received, specify the reasons for any case's dismissal, and—when complaints lead to disciplinary or criminal action—disclose the sanctions imposed and offenders' names.
- A civilian oversight committee, including well-regarded independent experts, should scrutinize the work of the SIU and ensure its independence from the Ministry of Interior and the public prosecution, which itself has been implicated in torture. The committee should issue public reports at least annually on SIU work.

We look forward to receiving responses to any of these findings or recommendations and will reflect all pertinent information that we receive by November 5 in our public reporting.

We would also welcome the opportunity to engage directly with the government of Bahrain to discuss our findings and recommendations and we would be available for meetings in Bahrain prior to the release of our report at a time of your preference.

I look forward to receiving a response at your earliest convenience.

Yours sincerely,

Sarah Leah Whitson
Executive Director, Middle East and North Africa Division
Human Rights Watch

Cc:
Ministry of Interior Ombudsman, Nawaf al-Ma'awda
Attorney General, Dr. Ali Fadhul al-Buainain
Head of Special Investigations Unit, Nawaf Abdullah Hamza

Appendix II: Human Rights Watch Letter to Nawaf Abdullah Hamza, Chief of the Special Investigation Unit

July 28, 2015

Nawaf Abdullah Hamza
Chief, Special Investigation Unit
Public Prosecution Office
Kingdom of Bahrain

Dear Mr. Hamza,

We are writing to you to follow up on the letter we addressed to you on March 25, 2013, and to request information on the composition of the Special Investigations Unit.

As I hope you will be aware, Human Rights is committed to fair and accurate reporting of human rights issues and considers it important in its public reporting to acknowledge and describe positive measures that governments take to promote or protect human rights, including the steps that the Bahraini authorities have taken to improve detainee safeguards against ill-treatment or other abuse.

In March 2013, we requested the following information from you, but I regret to note that we did not receive any response:

1. The number of complaints referred to the SIU in connection with events that took place during the State of National Safety, by category of alleged offense.
2. The number of complaints referred to the SIU in connection with events since the end of the State of National Safety in June 2011, by category of alleged offense.
3. The name, nationality, rank and employing agency of all individuals that the SIU has investigated.
4. The name, nationality, rank and employing agency of all individuals subject to criminal prosecutions by the SIU, the nature of the charges, the dates of the underlying incidents, the names of the victims in each incident, the dates on which the SIU filed the charges and the status of the prosecutions, including any appeals.

5. The name, nationality, rank and employing agency of all individuals who are facing criminal charges brought by the SIU yet remain in the employ of the respective employing agency, including a description of such individuals' current duties.
6. The number of cases for which the SIU has determined that no criminal prosecution is warranted, by category of alleged offense.

We would like to extend you another opportunity to provide us with this information.

Please also inform us how many professional and other staff - investigators, administrators, support staff and others – that the Special Investigations Unit currently employs, and the professional relationship that each member of the unit has with the Ministry of Interior.

We would appreciate receiving a response from your office at your earliest convenience, and in any event by August x, 2015. As I am sure you will appreciate, the SIU's credibility as an investigative body capable of adequately addressing abuses in Bahrain's criminal justice and custodial system can only be enhanced by such transparency.

We thank you in advance for your assistance.

Sincerely,

Sarah Leah Whitson
Executive Director, Middle East and North Africa Division
Human Rights Watch

Cc:
Attorney General Ali Fadhul Al Buainain

Appendix III: Human Rights Watch Letter to Ombudsman Nawaf M. al-Moawda

July 7, 2015

Nawaf M. al-Moawda
Ombudsman
Ministry of Interior
Bahrain

Dear Mr al-Moawda,

I write to you as the Ombudsman of Bahrain's Ministry of Interior and chairman of the Prisoners and Detainees' Rights Commission (PDRC) to seek further information about the functions of these institutions. Human Rights Watch has noted with great interest the establishment of these two institutions and seeks to obtain full clarity regarding their role, function, method of operation and powers. To this end, we set out below a number of questions on which we request your prompt and full response.

As I hope you will be aware, Human Rights is committed to fair and accurate reporting of human rights issues and considers it important in its public reporting to acknowledge and describe positive measures that governments take to promote or protect human rights, including the steps taken by the Bahraini authorities to improve detainee safeguards against ill-treatment or other abuse.

The questions which we ask you to answer are as follows:

1. Visits to places of detention: are representatives of the office of the Ombudsman and/or members of the PDRC empowered to conduct unannounced visits to places of detention, or must they always inform the detaining authorities in advance of their intention to visit?

   How many separate places of detention have representatives of the office of the Ombudsman and/or the PDRC visited since July 2013, and how many such visits, in total, have these bodies conducted in this period? How many of these visits were unannounced?

2. Respective responsibilities of the Ombudsman and the PDRC: which body has primary responsibility for conducting inspection visits to places of detention? Which body has primary responsibility for referring cases of alleged torture or mistreatment of detainees to the relevant authorities, and how quickly are such referrals made?
3. Composition of the PDRC: what are the names and professional credentials of the 11 members of the PDRC? How many PDRC members currently hold or previously held positions within the Ministry of Interior or other government ministries or agencies? How many members of the PDRC are women?

   To what extent does the composition of the PDRC reflect the requirement, set out in article 2 of Decree No. 61 of 2013, that "the representation of all sects and doctrines in the Kingdom should be observed when forming the Commission"?
4. Complaints: according to statistics included in its first annual report, covering the period from July 1, 2013 until April 30, 2014, the Ombudsman Office received a total of 242 complaints. The report states that the Ombudsman referred 45 of these complaints to "criminal and disciplinary investigation committees": 29 to the Special Investigations Unit, 1 to the public prosecutor, and 15 to "Security Courts".

   The report said that 4 of these 45 caseshad been dismissed, 35 were under investigation, 3 were pending before security courts, and 2 had resulted in convictions by Security Courts. The report gives no details of the two convictions, saying only that one resulted in six months of imprisonment and a fine, and the other led to disciplinary action.

   - What are the "security courts" to which the report refers?
   - What were the precise charges in each of the two cases that resulted in convictions? What was the name, nationality, rank and employing agency of each of those convicted?
   - What was the basis for the dismissal of the four cases in this reporting period and in each case what was the nature of the complaint and the name, nationality, rank and employing agency of the individual/s against whom the complaint was made?
   - What is the current status of the three cases that were pending in court and of the 35 cases under investigation at the time of the report's publication? How many of these have resulted now (a) been dismissed, (b) resulted in charges in cases that remain pending before the court, (c) have resulted in trials and convictions, and on

what charges and with what penalties imposed, and (d) have resulted in trials that resulted in acquittals, and on what charges?

The Ombudsman's second annual report, which covers the period May 1, 2014 to April 30, 2015, recorded a total of 319 complaints and 589 "requests for assistance." It notes that 196 of these "requests for assistance" refer to the Jaw prison riot of March 2015. The Ombudsman referred 102 complaints for criminal and disciplinary investigation: 3 cases to the public prosecutor, 54 cases to the Special Investigations Unit and 45 cases to the Security Prosecution. Fourteen of these cases were dismissed, 71 were under investigation, 10 were pending in court, and 7 resulted in convictions – 6 in the Security Prosecution and 1 by the Special Investigations Unit. The report provides no further details of these cases.

- What precisely does the report mean by the "Security Prosecution"?
- What were the precise charges that resulted in convictions in seven cases and what sanctions did the courts impose on offenders? In each case, what was the name, nationality, rank and employing agency of those convicted?
- What was the basis for the dismissal of the 14 cases mentioned above and by what authorities were they dismissed, and in each case what was the name, nationality, rank and employing agency of the individuals concerned?
- What is the current status of the 10 cases that were pending in court and the 71 cases under investigation at the time of the report's publication? How many of these have resulted in convictions since publication of the report and on what charge/s? In each case, what was the name, nationality, rank and employing agency of those convicted? How many have resulted in dismissals or acquittals since the publication of the report and on what basis?

5. Jaw Prison unrest: the Ombudsman's second annual report says that 196 of a total of 589 "requests for assistance that the Ombudsman Office received during the designated reporting period related to the Jaw prison unrest of March 2015. The report states that "requests for assistance … usually involve a person seeking information about, for example, such matters as: how to arrange a prison visit or phone call; prison or detention center medical service or how to access education". In the same period, the Ombudsman Office received 319 complaints, but the report does not make it clear whether any of these also related to the Jaw Prison unrest of March 2015. Consequently, we request to be informed:

- How many complaints did the Ombudsman receive in relation to the unrest and what is the current status of those complaints?

As you may be aware, the Bahraini authorities have prevented Human Rights Watch visiting the Kingdom to conduct human rights research since February 2013; however, we continue to conduct such research and to impartially document human rights developments as fully as we can.

We hope, of course, that the Bahraini authorities will allow Human Rights Watch to return to Bahrain at an early point, when we would hope to have the opportunity to meet you and members of the PDRC in order to hear about your work at first hand. In the meantime, however, we will greatly appreciate receiving your response to the questions set out above together with any additional comments about the work of the Ombudsman and the PDRC as you consider appropriate.

I look forward to receiving a response at your earliest convenience, preferably within 14 days.

Thank you, in anticipation, for your assistance in this matter.

Sincerely,

Sarah Leah Whitson
Executive Director, Middle East and North Africa Division
Human Rights Watch

Appendix IV: Response Letter from Ombudsman Nawaf M. al-Moawda to Human Rights Watch on August 6, 2015

مملكة البحرين
Kingdom of Bahrain

الأمانة العامة للتظلمات
OMBUDSMAN
Ministry of Interior وزارة الداخلية

OMBUDSMAN OFFICE

مكتب الأمين العام

August 6, 2015

Sarah Leah Whitson

Executive Director

Middle East and North Africa Division

Human Rights Watch

Dear Ms. Whitson,

Request for Information Bahrain Ombudsman and PDRC

Further to your letter of 7 July 2015 and my early response of 8 July 2015 please find attached our response to your questions

You asked for very extensive and detailed information and we have made every effort to reply as fully as we reasonably can. In line with our commitment to transparency, all of the information provided is in the public domain.

Please note the requested information relating to the names, nationalities and rank of witnesses / persons convicted is not provided. You will appreciate that information about names and ranks should more appropriately be requested from other authorities. I can, however, tell you that those convicted / imprisoned range from police officers right up to Police Major grade. Information about the nationality of those complained about is not routinely monitored or included in Ombudsman management reports.

A full summary of information about the employing agencies / institutions of the complaints that were assessed to be serious enough to require referral for criminal or disciplinary investigation are included on pages 26-30 of the first Annual report and pages16-19 of the second Annual Report.

In the case of complainants, you should be aware that it is Ombudsman policy that complainant personal details should not be shared without their written consent or, where appropriate, the consent of their family. This policy reflects our desire to build cross community and stakeholder trust in the integrity and helpfulness of our Office.

I hope very much that you find the information provided helpful.

Yours sincerely,

Nawaf M. Al Mouada

Ombudsman

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Question One

Visits to places of detention: are representatives of the office of the Ombudsman and/or members of the PDRC empowered to conduct unannounced visits to places of detention, or must they always inform the detaining authorities in advance of their intention to visit?

How many separate places of detention have representatives of the office of the Ombudsman and/or the PDRC visited since July 2013, and how many such visits, in total, have these bodies conducted in this period? How many of these visits were unannounced?

Both the Ombudsman and the PDRC have the right to make announced and unannounced visits.

Decree No (27) of 2012, as amended by Decree No (35) of 2013, gives the Ombudsman the right to carry out announced and unannounced visits to police stations; prisons; detention centres and juvenile care centres.

Article 4 of Decree NO. (61) of 2013 concerning the Formation and Functions of the Commission for the Rights of Prisoners and Detainees gives the PDRC the right to conduct announced and unannounced visits to police stations; prisons; detention centres; juvenile care centres and other places where persons may be detained, such as hospitals and mental health centres.

The Ombudsman carried out an announced inspection of Jau Prison and published an inspection report in September 2013. Since then, the PDRC has taken the lead in carrying out inspections and has carried out unannounced inspections of the following:

- Dry Dock Detention Centre
- Northern Governate Police Directorates
- Capital Governate Police Directorates
- Southern Governate Police Directorates
- The General directorate of Criminal Investigation and Forensic Evidence
- The Juvenile Care Centre
- The Women's Reform and Rehabilitation Centre
- The Women's Detention Centre

The full text of the report is available on the website www.pdrc.bh/reports.

You should be aware also that Ombudsman investigators with responsibility for investigating complaints, serious incidents and deaths in detention, attend places of detention on an almost daily basis in order to gather evidence and carry out interviews. These visits are not pre-notified unless there is a specific administrative need. The Ombudsman also has an office located at Jau Prison, which is used by investigators on a regular basis.

Question Two

Respective responsibilities of the Ombudsman and the PDRC: which body has primary responsibility for conducting inspection visits to places of detention?

Which body has primary responsibility for referring cases of alleged torture or mistreatment of detainees to the relevant authorities, and how quickly are such referrals made?

Before 2011, only two bodies had authority to enter prisons and places of detention in Bahrain; the courts and the Public Prosecution. It is now the case that the Ombudsman, the National Institute for Human Rights (NIHR), the Prisoner and Detainee Rights Commission and NGO's / Civil Society (such as the International Committee of the Red Cross), also have the necessary authority.

All of these bodies are represented on the PDRC which now has the primary responsibility for inspection visits to all places of detention, with the overriding aim of ensuring that detainees are not subjected to any form of torture or inhuman or degrading treatment.

Both bodies have a duty to refer for criminal investigation allegations of torture or mistreatment that they become aware of during the course of their work. It is not, however, the role of the PDRC to consider individual complaints.

The Ombudsman independently investigates any complaint made against a member of the Ministry of the Interior, including complaints about detainee treatment; conditions of detention; individual rights and healthcare services. The Ombudsman also has the authority to initiate an investigation into an alleged serious incident without a complaint.

As explained in the Ombudsman Annual report, significant efforts have been made over the last year to further develop investigative practice in investigating serious incidents and investigators have received further training. Serious incidents include deaths; allegations of torture or physical assault and any other allegation of a serious nature. The Office Serious Incident Investigation Policy has also been further developed and requires the early investigation of every serious allegation brought to the Ombudsman that has not been directly referred to the Special Investigation Unit or the Public Prosecution for criminal investigation. In every case, Ombudsman investigators take a full complainant statement and request potentially relevant evidence from a wide range of sources. As soon as the Ombudsman examines evidence that appears to suggest that a criminal offence may have been committed the case file is, in line with the requirements of the Ombudsman Decree, immediately referred with copies of all of the related case notes and evidence to the appropriate agency for criminal investigation.

Question Three

Composition of the PDRC: what are the names and professional credentials of the 11 members of the PDRC? How many PDRC members currently hold or previously held positions within the Ministry of Interior or other government ministries or agencies? How many members of the PDRC are women?

To what extent does the composition of the PDRC reflect the requirement, set out in article 2 of Decree No. 61 of 2013, that "the representation of all sects and doctrines in the Kingdom should be observed when forming the Commission?

The PDRC is comprised of 13 Commissioners. Particular efforts were made to ensure that all sects and doctrines were represented and that the composition is representative of Bahrain's diverse community

The Commissioners are:

	Name	**Specialization**
1	Dr Jawher Al Mudhki	Education
2	Osama Al Asfoor	Legal
3	Marya Khori	NIHR
4	Dr, Waleed Almanae	Medical
5	Dr Abdulla Aldurazi	NIHR
6	Saad Al shamian	NGO
7	Ahmed Al malki	NGO
8	Atya Roohani	NGO
9	Mohammed Amman	Judge
10	Mai Matar	Judge
11	Wael BuAlai	Public Prosecution
12	Ali Alshuaikh	Public Prosecution

Three of the Commissioners are women: Dr, Jawher Al Mudhki, Marya Khori and Mai Matar

Question Four

Referring to the Ombudsman first Annual Report complaint statistics:

a) ***What are the "Security Courts" to which the report refers?***

b) ***What were the precise charges in each of the two cases that resulted in convictions? What was the name, nationality, rank and employing agency of each of those convicted?***

c) ***What was the basis for the dismissal of the four cases in this reporting period and in each case what was the nature of the complaint and the name, nationality, rank and employing agency of the individual/s against whom the complaint was made?***

d) ***What is the current status of the three cases that were pending in court and of the 35 cases under investigation at the time of the report's publication? How many of these have resulted now (a) been dismissed, (b) resulted in charges in cases that remain pending before the court, (c) have resulted in trials and convictions, and on what charges and with what penalties imposed, and (d) have resulted in trials that resulted in acquittals, and on what charges?***

Referring to the Ombudsman second Annual Report:

e) ***What precisely does the report mean by the "Security Prosecution?"***

f) ***What were the precise charges that resulted in convictions in seven cases and what sanctions did the courts impose on offenders? In each case, what was the name, nationality, rank and employing agency of those convicted?***

g) ***What was the basis for the dismissal of the 14 cases mentioned above and by what authorities were they dismissed, and in each case what was the name, nationality, rank and employing agency of the individuals concerned?***

h) ***What is the current status of the 10 cases that were pending in court and the 71 cases under investigation at the time of the report's publication? How many of these have resulted in convictions since publication of the report and on what charge/s? In each case, what was the name, nationality, rank and employing agency of those convicted? How many have resulted in dismissals or acquittals since the publication of the report and on what basis?***

a. The Security Courts / prosecution have the authority to prosecute members of the Public Security Forces (PSF) for alleged crimes committed in the course of their duties. (Crimes involving allegations of torture or inhumane or degrading treatment would always be referred to the Special Investigation Unit (SIU))

b. The first charge related to the use of abusive language towards a Bahraini citizen by a member of the PSF. The second incident concerned a car accident where the charges related to speeding, negligence and manslaughter.

c. The four cases were dismissed by the Security Courts. The original complaints concerned i) Inappropriate use of position as a police officer to interfere in a domestic child custody matter ii) Unwarranted damage to a car iii) Insulting and fighting with a member of the public at a checkpoint iv) Complaint about misconduct (made by a fellow officer)

The reason for dismissal was one of the following:

- Lack of evidence
- Non-infringement
- No crime committed
- Wrong information submitted

d. Outcomes for the three cases pending were as follows:

Case (1): The Military Court ruled that the two accused must be deprived of consideration for promotion for 2 years.

Case (2): The Court ruled on the innocence of the accused

Case (3): The Court sentenced the accused to one month in prison

The Ombudsman first Annual Report states (Page 10) that 39 complaints were still under investigation at the end of the reporting period. The outcomes of these investigations are included in the outcome figures reported in the 2014 / 2015 Annual Report. Many of the cases concerned did not involve serious allegations and fall within the complaint not upheld or resolved category. You will note that the second Annual Report records that 87 complaints were still being investigated at the end of April 2015 and the outcomes of these cases will, likewise, feed into the 2015 / 2016 Annual Report.

e. The Security Courts / prosecution have the authority to prosecute members of the Public Security Forces (PSF) for alleged crimes committed in the course of their duties. (Crimes involving allegations of torture or inhumane or degrading treatment would always be referred to the Special Investigation Unit (SIU)) agreed

f. The charges that resulted in seven convictions were as follows:

Case	Charges that Resulted in Conviction	Sanctions
1	I. Assault II. Violation of the Public Security Forces Act by acting in a manner incompatible with the dignity of military duty	Minor military court ruled on the innocence of the accused on 20/05/2015 Appeal pending
2	I. Failure to carry out legitimate orders connected with the publication of a video clip of the victim. II. Acting in a manner incompatible with the dignity of military duty by photographing a victim on mobile phone.	Military Court sentenced to one month in prison and promotion postponed for a year
3	I. Theft of mobile phone. II. Acting in a manner incompatible with the dignity of military duty.	Military Court sentenced to three years and expelled from service Appeal pending
4	I. Failure to carry out legitimate orders. II. Acting in a manner incompatible with the dignity of military duty.	Military Court expelled from service
5	I. Assault II. Fraud	The Military Court ruled on the innocence of the accused in connection with the Fraud charges and awarded a disciplinary penalty to postpone promotion for three years. The Criminal Court sentenced the accused to five years in prison.

6	Three accused all charged with: I Inflicting intentional suffering and severe pain for the purpose of extracting a confession II Use of insulting language	The Court ruled on the innocence of the accused
7	I. Attack on an anonymous victim by firing shotgun during public unrest	The Court sentenced the accused to three months in prison

g. As detailed in the Ombudsman second Annual Report Page 20, all 14 cases were dismissed by the Security Prosecution. All fourteen cases were dismissed for one of the following reason

- Lack of evidence
- Non- infringement
- Lack of crime
- Death of the defendant
- Wrong information submitted

As explained in the second Annual Report, the Ombudsman monitors the progress of all referred cases and keeps the complainant informed. Each case is also reviewed by the Ombudsman following conclusion of the criminal or disciplinary investigation process to determine whether there are any outstanding administrative, policy or practice issues where the Ombudsman could usefully make recommendations. In the case of complaints referred for criminal investigation, the Ombudsman also considers whether further disciplinary investigation is required. This process of review is also very helpful in informing future ombudsman investigative, evidence gathering and case preparation policy and practice.

The outcomes of the 14 cases referred to above are in the process of being reviewed.

h. Nine of the 10 reported are still pending in court. A verdict was issued in one case as follows:

Charges	**Sanctions**
Accused 1, 2 and 3: I. Inflicting intentional suffering and severe pain for the purpose of extracting a confession II Using insulting language Accused 4, 5 and 6 I Agreeing and accepting acts of torture by permitting ii Accused 1, 2 and 3 to enter a prison. II Agreeing to retain a person without the permission of the expert authority	Criminal Court, 31 May 2015 Sentenced as follows: - Accused 1, 2 and 3 accused sentenced to five years - Accused 4 sentenced to three years - Accused 5 and 6 sentenced to one year The SIU has appealed the sentence and the Appeal hearing before the Supreme Court is set for 9 October 2015.

The "71 cases under investigation"

The Ombudsman second Annual Report records, in fact, that there were 87 ongoing investigations at the end of April 2015. Many more complaints and requests have been received in the last three months. Whilst the status of the 71 cases is not monitored separately from the Ombudsman total current case load, management information reports on performance statistics, including outcomes and referrals, are monitored constantly. A full report will be included in the 2015 / 2016 Annual report.

Question Five

Jaw Prison unrest: the Ombudsman's second annual report says that 196 of a total of 589 "requests for assistance that the Ombudsman Office received during the designated reporting period related to the Jaw prison unrest of March 2015. The report states that "requests for assistance … usually involve a person seeking information about, for example, such matters as: how to arrange a prison visit or phone call; prison or detention center medical service or how to access education". In the same period, the Ombudsman Office received 319 complaints, but the report does not make it clear whether any of these also related to the Jaw Prison unrest of March 2015. Consequently, we request to be informed:

- ***How many complaints did the Ombudsman receive in relation to the unrest and what is the current status of those complaints?***

Further to the requests for assistance reported above, the Ombudsman met 156 inmates in connection with the Jau prison unrest. 15 of those interviewed made a formal complaint. Because of the serious nature of the allegations included in the complaints, all 15 were referred to the SIU for criminal investigation. The Ombudsman is monitoring the progress of referred cases and case conference reviews will be carried out at the conclusion of the criminal investigation process.

Appendix V: Response Letter from Ombudsman Nawaf M. al-Moawda to Human Rights Watch on November 3, 2015

مملكة البحرين
Kingdom of Bahrain

الأمانة العامة للتظلمات
OMBUDSMAN
Ministry of Interior وزارة الداخلية

OMBUDSMAN OFFICE
مكتب الأمين العام

3 November,2015

Dear Ms. Whitson,

Letter to Interior Minister Lt-Gen Shaikh Rashid bin Abdullah Al Khalifa

I refer to your e-mail of 27 October seeking an Ombudsman response to a letter from Human Rights Watch's Middle East director Sarah Leah Whitson to The Minister of the Interior. You will appreciate that as an independent Office, it would not be appropriate for the Ombudsman to respond to a letter written to the Minister.

I would, however, wish to draw your attention to the Ombudsman 2015 / 2016 Annual Report and my letter to you of 5 August 2015 (attached), responding to a series of questions and information requests that you had addressed to my Office. Noting that your letter to the Minister refers to the failures of the new offices set up in response to the BICCI recommendations and raises issues about the independence of the Ombudsman, I would draw your attention to the information in these documents and, in particular:

- Independence of the Ombudsman: The Ombudsman sits entirely outside the hierarchical structure of the Ministry of Interior, but issues (public) reports to the Minister of Interior. The Ombudsman Office is administratively and financially independent as mentioned in the Decree No (27) of 2012 Concerning the Independent Ombudsman for the Ministry of Interior as amended by Decree No (35) of 2013:

  Article 3
  The Head of the Ombudsman's Office shall exercise his authority and duties with complete independence as regards Complaints submitted to him and the decisions made in relation to them. The Head of the Ombudsman's Office shall:
  1. Have the authority of control, supervision and oversight of the Directorate of Audit and Internal Investigations in the Ministry of Interior, including as regards the allocation of work in relation to complaints.
  2. Determine the expenditure required for the function of the Ombudsman's Office.

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3. Make recommendations and give advice concerning the method of work of the Directorate of Audit and Internal Investigations in order to fulfil the objectives set out in Article 6 of this Decree, including recommendations concerning the gathering and safeguarding of evidence.
Propose the appropriate disciplinary penalty to be imposed upon Ministry of Interior person the competent authority .

Article 15
The Head of the Ombudsman's Office shall submit an annual report to the Minister of Interior on the carrying out of the work of the Ombudsman's Office. This report shall be published in compliance with the applicable laws in the Kingdom of Bahrain.
The Head of the Ombudsman's Office may also submit a report to the Minister of Interior regarding any Complaint or Complaints that have been Examined in accordance with the provisions of this Decree, and anything relating to them by way of observations and results.

Article 16
A separate part of the overall budget of the Ministry of Interior shall be allocated to the Ombudsman's Office sufficient to cover its administrative expenses. The Head of the Ombudsman's Office shall have the sole authority to decide on the disbursement of the allocated budget.

The requirement for transparency and of public reporting of the work of the Office of the Ombudsman, is a safeguard to insure the independence of the office. The public will not only be able to scrutinize the annual public report, but also other special, which may be made public upon the Ombudsman's discretion.

- The evidenced policy, practice and substantial training that has been put in place by the Ombudsman to develop investigator competence and to ensure the integrity of serious allegation investigations. This is progressively delivering robust outcomes.

- The recommendations made by the Ombudsman (and PDRC) to ensure the availability of independent evidence in connection with serious allegation investigation. It is to note that all of the new prison buildings have comprehensive CCTV camera coverage which can and is examined by the Ombudsman immediately following any allegation of

- Mistreatment. A recommendation for full CCTV coverage of every detainee from the time of arrest to release or transfer to dry Dock has been accepted by the Minister and is progressively being implemented.

- The prison estate development programme; the separation of under 18s and under 21s from the adult prison population; the provisions of the new Prison Law and Regulations; the new staff recruitment programme and the new staff training programmes have all been informed by Ombudsman findings and recommendations and are designed to create the conditions that will encourage the delivery of a fully human rights centred, rehabilitative regime. A substantial financial commitment has and is being made to these important reform initiatives.

You mention that you have interviewed 1o detainees who alleged torture. The Ombudsman has made it absolutely clear that he will investigate each and every complaint and allegation brought to him. You do not say whether my Office has been given the opportunity to investigate the allegations brought to you but we remain very willing to do so. It is to note that where complaints have been brought to the Ombudsman by other NGOs, the Ombudsman has fully reported his investigation findings. It is to note also that Ombudsman investigations have both found evidence to substantiate serious allegations made to NGOs and evidence to demonstrate conclusively that alleged incidents did not occur.

Finally, you should be aware that Ahmed al-Malki is no longer a member of the PDRC. Whilst culturally many people in Bahrain do not feel comfortable about personal information about their religious background being placed in the public domain, I must emphasise again the significant efforts that have been made to ensure that the PDRC represents all sects and doctrines of Bahraini society. As Chair of the PDRC, I take my role very seriously and I cared deeply about this objective being achieved.

Yours sincerely,

Nawaf Al Mouada
Ombudsman

Cc:

His Excellency Minister of Interior

His Excellency Attorney General

His Excellency Head of Special Investigation Unit

Appendix VI: Response Letter from Inspector-General Major General Ibrahim al-Ghaith on November 4, 2015

KINGDOM OF BAHRAIN
MINISTRY OF THE INTERIOR
Inspector General

مملكة البحرين
وزارة الداخلية
المفتش العام

Ref: MOI/4/1/20
Date: 4 November 2015

Ms Sarah Leah Whitson
Executive Director
Middle East and North Africa Division
Human Rights Watch

By email to mcgeehn@hrw.org and fax to +1-646-468-9348

Dear Ms Whitson

Thank you for your letter dated 22 October 2015, addressed to His Excellency the Minister.

The content of your letter addresses the offices of the Public Prosecutor, the Special Investigations Unit, the Prisoners and Detainees Rights Commission and the Ombudsman for this Ministry. You indicate that you have forwarded your letter to most of these institutions, and I expect that they will respond to the various allegations you have made.

Insofar as this Ministry is concerned, I have the following general but important remarks:

1. We have implemented all of the Bahrain Independent Commission of Inquiry (BICI) recommendations that concern this Ministry. Reports that describe in detail our BICI implementation efforts and some other reforms are, as you are aware, published annually on the Ministry's website at www.policemc.gov.bh. It is our hope and expectation that Human Rights Watch will record in its public reporting the extensive reforms that the Ministry has already undertaken and implemented;

2. As has regrettably been the case with Human Rights Watch's reporting on Bahrain for a number of years, you appear to raise previously unreported and unverified allegations of abuse, said to be from a small number of people. The very brief description of those allegations provides scant or no detail. As in the past, I expect that the allegations will continue to remain untested in the report that you publish.

   The Kingdom of Bahrain has set up new and independent mechanisms to investigate all allegations of abuse. I can only urge you to act responsibly and lodge all complaints with these institutions. You have engaged them

هاتف : ١٧٥٧ ١١٥٥ / ١٧٢٤ ١٤٤٢ (+٩٧٣) ، فاكس : ١٧٢٧ ٧٤٥٥ (+٩٧٣)، ص.ب : ١٣
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by way of your current letter. Why not provide them with sufficient information to enable them to conduct effective investigations? No human rights purpose is served by criticising the institutions publicly before they have had the opportunity to receive and investigate the allegations. To the contrary, by doing so, you undermine their purpose and effort to protect peoples' rights;

3. You have also made allegations in relation to the riot that broke out at Jaw Prison some months ago, where prisoners took over a large area of the prison and physically attacked prison guards and police. During that attack, 141 policemen were injured, with 2 very severely requiring hospitalization. No prisoner was severely injured; 104 prisoners sustained overwhelmingly minor injuries. Nevertheless, there followed independent investigations into the police's conduct both by the Special Investigations Unit and the Ombudsman. Pending the results of those, I do not believe that the police contravened the law;

4. You are wrong to insinuate that the Ombudsman for the Ministry of Interior is not wholly independent from this Ministry. It is, and always has been. It was established based on the advice of eminent international experts, and I believe that it continues to conform to the creation and working of similar offices around the world.

In view of these facts, and the responses that those in copy may provide, your conclusion that "the authorities have failed to tackle a culture of impunity among the security forces" is incorrect and unfounded.

I request that you publish this and all letters received from those in copy, by your very short deadline, as an addendum to your report.

Yours sincerely,

I. Al Ghaith

Major-General Ibrahim Al Ghaith,
Inspector-General.

Copies Dr Ali Bin Fadhul Al Buainain, Attorney-General
Nawaf Abdullah Hamza, Head, Special Investigations Unit
Nawaf Al-Ma'awda, Ombudsman for the Ministry of Interior

“The Blood of People Who Don’t Cooperate”

Continuing Torture and Mistreatment of Detainees in Bahrain

In 2011, the Bahrain Independent Commission of Inquiry (BICI) issued a report that concluded Bahrain’s security forces systematically mistreated and tortured detainees in suppressing anti-government protesters. In response, Bahraini authorities established institutions with a collective mandate to end torture in interrogation and detention facilities, including an Ombudsman’s Office in the Ministry of Interior and a Special Investigations Unit in the Office of the Public Prosecutor.

This report examines the continuing problem of torture in Bahrain since the BICI published its findings. It details continuing allegations of detainees that authorities subjected them to coercive interrogations and torture at the Ministry of Interior’s Criminal Investigations Directorate, in police stations, and in Jaw prison, and demonstrates the ineffectiveness to date of the institutions set up to end the practice of torture. Detainees described electric shocks; suspension in painful positions; forced standing; extreme cold; and abuse of a sexual nature. These methods are identical to those documented by BICI investigators in 2011, and by Human Rights Watch in a 2010 report.

Human Rights Watch calls on Bahrain’s government to issue an immediate invite to the United Nations special rapporteur on torture and to take steps to ensure the independence, effectiveness, and transparency of the country’s anti-torture institutions.

Demonstrators in Manama, Bahrain’s capital, hold placards of torture victims during a sit-in next to the United Nations building organized by the political opposition to mark the International Day in Support of Victims of Torture on June 26, 2014.

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