

# SYSTEMATIC VIOLATIONS

IN BAHRAIN... PATTERN OF TORTURE



Salam for Democracy and Human Rights report on the International  
Day in Support of Victims of Torture 2020

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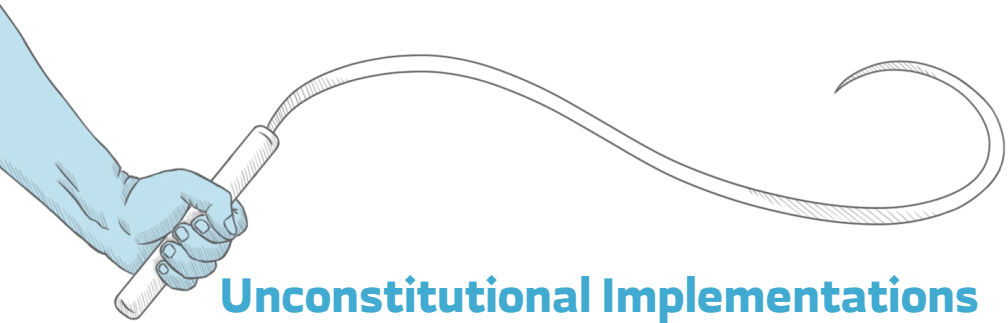
# Introduction

The prohibition of torture is binding on all members of the international community even if a state has not ratified treaties prohibiting this inhumane practice. Torture is considered a crime under international law and it is absolutely prohibited, as the Geneva Conventions of 1949 and its Additional Protocols of 1977 contain a number of provisions prohibiting all cruel or inhumane treatment and attacks on personal dignity.

Bahrain joined the Convention against Torture by Decree Law No. (4) of 1998, but it has stated that it does not consider itself bound by paragraph (1) of Article (30) and has not yet joined the Optional Protocol to the Convention against Torture that has entered into force In June 2006, which its purpose is to establish a preventive system based on regular visits to places of detention by independent international and national bodies, where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. Bahrain has not yet responded to the requests of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, to visit the country since 2006, nor has it responded to requests by United Nations experts for an urgent, thorough and impartial investigation for all allegations of arbitrary detention, enforced disappearance, and torture, in order to hold those responsible accountable and prevent recurring incidents in the future. In this regard we find, for example, that the United Nations experts urged Bahrain in May 2019 to immediately stop the execution of Ali Hakim Al Arab and Ahmad Isa al-Mullali, to abolish the death penalty against them and to ensure that their trials are returned in line with international law and international standards, as a result of compelling evidence that the confessions were extracted under

torture. However, they were executed in July 2019.

On the 36th anniversary of the United Nations Convention against Torture, Bahrain continues to practice atrocious human rights violations such as torture and does not implement measures to prosecute the perpetrators and redress the victims, as recorded in this report.



## Unconstitutional Implementations

A number of local legislations violate the provisions enshrined in the constitution, such as the Bahraini Penal Code and the law protecting society from terrorist acts, or through administrative implementations. ([Salam report on the terrorism law](#))

Article 19 of the Constitution of the Kingdom of Bahrain states that «**B.** A person shall not be arrested, arrested, imprisoned, searched, or his place of residence specified to residence, or his freedom of residence or movement restricted, except in accordance with the provisions of the law and under judicial supervision». «**C.** A person cannot be detained or imprisoned in locations other than those designated in the prison regulations covered by health and social care and subject to control by the judicial authority». «**D.** No person shall be subjected to physical or mental torture, or inducement, or degrading treatment, and the penalty for doing so shall be specified by the law. Any statement or confession proven to have been made under torture or inducement, or such treatment or the threat thereof, shall be null and void».

Article 27 of the Decree-Law No. (68) of 2014 regarding the Law to Protect Society from Terrorist Acts is contrary to Article 19 of the Constitution, Paragraph (B), in which it gave the powers to the judicial arrest officer to arrest the accused for a period not exceeding twenty-eight days, without permission or supervision from the judicial authorities. The same law allowed the use of the following

procedures without permission or supervision by the judiciary:

1. Searching persons with sufficient evidence of accusation and searching of their belongings.
2. Stopping and searching public or private vehicles
3. Prohibition of the movement of means of transport, communications and pedestrians
4. Disconnect communications and correspondence from the crime's place and the locations in which counter-terrorism measures occur, for a period not exceeding twelve hours.
5. Preventing a person on whom there is strong evidence of involvement in terrorist activity from entering certain areas or places at specified times or days, by order of the President of General Security for a period of fifteen days.

The above unconstitutional powers have been widely used, and human rights organizations have documented dozens of testimonies of people who have been subjected to physical and psychological torture, sexual abuse, death threat and the threat of assault on wife, parents, mothers and children, many of whom have been subjected to enforced disappearance and the lawyer or family have been unable to find out the places of detention or the charges. Throughout the investigation period or the arresting authority, and they were unable to obtain information about the charges against them or the reasons for the arrest.

Human rights organizations have been able to document dozens of statements about violations of the constitution and international laws, as homes and vehicles were searched without judicial permission, and communications were cut off in March 2011 during the attack on the Pearl Roundabout in the capital Manama. This was repeated on May 23 2017, when communications were cut off

in the village of Al-Diraz, during the breaking up of a peaceful sit-in in front of Ayatollah Sheikh Isa Qassem's house, after which five people were killed unlawfully. (For more information: [SALAM's report "A Crime Out Of Range": a report on the grave violations in dispersing the peaceful assembly near Ayatollah Sheikh Issa Qassem's house](#)).

In addition, the recommendation No. 1718 of the Bahrain Independent Fact-Finding Commission's report, which included ensuring that the National Security Agency was limited to an intelligence-gathering agency and not having law enforcement and detention powers, was not implemented. ([The Committee's Report](#)).

In violation of Article 19 of the Constitution paragraph (c), people were detained for interrogated in places not designated for detention in accordance with the constitution. For example, Bahraini human rights organizations were able to obtain information that Ali Al-Arab (24 years) was subject to interrogation and torture at the Royal Police Academy and was subsequently executed with Ahmad al-Mullali on July 27, 2019. In another incident, four people that were accused in the alleged case known as "the assassination of the Field Marshal" were detained in army barracks, and reports of torture were received during the period of enforced disappearance they were subjected to, before being tried in the military judicial court. (For more information: [SALAM and other organizations' report "Death or Confession"](#)).

In its security measures, the authorities violate Article 19 paragraph (d) of the Constitution regarding not subjecting anyone to torture, and do not implement Articles (208) and (232) of Law No. (52) of 2012 of the penal code, which provide for the imprisonment of every public servant or person charged with a public service that tortured people under their control or detention. (For more information on cases and patterns of torture and how the judiciary is contributing to the prevalence of torture policy: [SALAM's report "When will Bahrain renounce torture?"](#)).





## An Environment of Impunity

UN experts and special rapporteurs, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment who is an independent expert charged with reporting torture cases in the world, have not been allowed to visit Bahrain since 2006 and visit places of detention or places that have been reported as places where torture occurred. In addition, International mechanisms have not been able to conduct investigations on officials accused of issues related to complaints documented by human rights organizations. The monitoring bodies established by the authorities in Bahrain, which are charged with overseeing the police agencies (the Ombudsman Secretariat, the Prisoners and Detainees Rights Commission, the Special Investigation Unit, and the National Institution for Human Rights) have made no progress in the complaints filed by victims or their relatives, including women who have been subject to physical and sexual violence (For more information: [SALAM's report "Bahrain: the crime of sexual harassment of detainees- the systematic crime committed by Bahraini security services who have not been held accountable by the state"](#)). Many victims still do not wish to use the complaints mechanisms established by the authorities for fear of risk of reprisals. In this regard, we find that the National Institution for Human Rights has not criticized the authorities for its continued violations of human rights, including systematic torture and forced deportation of citizens outside the country after revoking their nationalities, trying civilians in military courts, and extrajudicial executions. Through

our follow-up to the performance of these bodies, we found that they were not independent and did not work to provide justice to the victims, and that other national bodies did not investigate allegations of torture confessions against defendants who were executed. ([Joint report on the effectiveness of the National Institution for Human Rights](#)).

The judiciary in Bahrain is not properly investigating the complaints and allegations it receives from victims of torture during the trials, and has not opened an investigation into these statements that are monitored and documented by international human rights bodies and organizations, including what was indicated in the report of the UN human rights committees and special procedures of the United Nations. The Bahraini judiciary did not guarantee that any court ruling would exclude confessions under torture, which is in violation of Article 15 of the Convention against Torture, the Bahraini constitution and the penal code. The Bahraini judiciary has issued death sentences against the victims despite providing compelling evidence that the confessions were extracted under torture.

Four government agencies participated in the implementation of the royal decree declaring the state of national safety No. 18 of 2011. These bodies are Bahrain Defense Force, Ministry of Interior, National Security Agency, and the National Guard. The authorities allowed to hold some employees of the Ministry of Interior accountable, who were subject to formal trials. In addition, neither an individual nor an official from the rest of the security services who carried out or supervised the crimes of torture during the raids of the victims' homes, during searches on public roads, or in places of detention, investigation, arrest and prisons, were subject to trials. In addition, military personnel practiced torture on a large scale in the Salmaniya Medical Complex, where the medical staff and those who worked in the hospital's logistical and services, such as the kitchen

and hygiene services, were severely beaten up which amounts to torture as they entered and exited the main gate of the hospital.

All of those involved in acts of torture who were identified by the victims and who were reported and provided with evidence proving their involvement in crimes that reached murder in some incidents, were acquitted of the Bahraini judiciary, and some of them were promoted! For example, some of the detainees from the group known as the «thirteen symbol and political activist» who were arrested in March 2011, were able to identify those who tortured them, among them the son of the King of Bahrain Nasser bin Hamad AlKhalifa, as well as the Lieutenant Colonel Mubarak bin Howail and who is accused torturing a number of doctors and many detainees following the events of the same year that filed a complaint in the Bahraini judiciary against him, but he was acquitted. One of the victims of Officer Bin Huwail, Hassan Al Sheikh (36 years old) died under torture in Jaw Prison on November 6, 2014. Likewise, the case prominent jurist Abd al-Hadi al-Khawaja's who was sentenced to life imprisonment, in which the government admitted he was beaten and injured while he was arrested from his home in March 2011, and as a result his jaw was fractured and he was treated in the military hospital. This issue is recorded in the report of the fact-finding committee that investigated the events of 2011, but until today, the group that raided his house and arrested him has not been held accountable.

Countless citizens in Bahrain have been harassed and threatened with torture and imprisonment or threatened with the rape of their wives or daughters because of exercising their basic rights, such as expressing opinion or because of their participation in the protests that occurred in 2011. In addition, many cases of torture that resulted in killing many activists, journalists and dissents, passed without investigation and without accountability. The Bahraini

judiciary had acquitted the police officers accused of killing blogger Zakaria Al-Asheeri under torture on April 9, 2011, despite the presence of overwhelming evidence, such as the effects of torture that were evident on the body and the testimony of witnesses to the court who identified the defendants who were present at the trial session. Muhammad Sultan was among the witnesses, a member of Salam for Democracy and Human Rights, who was with Al-Asheeri in the same cell in which he was killed. These grave violations were practiced on a large scale against human rights activists, journalists and former members of the Bahraini Parliament, such as the former deputy and head of Salam for Democracy and Human Rights Organization, Jawad Fayrouz, who was arrested and tortured in the army's military headquarters and in the Qareen prison (an army prison), and in the headquarters of the National Security Service in In 2011. Jawad's Bahraini nationality was revoked in November 2012, a year after his release.

The impunity enjoyed by members of Bahrain's security services has led to a culture of impunity, which has reached the point where the victims are asked to report to the community the torture, sexual harassment or rape they received, and they say to the victims «We are the highest authority in the country”.



## Places of Torture in Bahrain

Bahrain has informed the relevant international human rights bodies, such as the Committee against Torture, that it has installed surveillance cameras in all police and detention centers, the General Department of Investigations and Criminal Investigations, and in the interrogation rooms used by prosecutors. The security services did not provide the video records when many of those who were tortured have submitted complaints, including the victim Yunus Sultan who was sexually assaulted and tortured by Officer Tahir Al-Alawi in his office at the Northern Governorate Security Command Center in Hamad Town. Jurist Ibtisam Al-Sayegh was subject to torture and sexual assault at the headquarters of the National Security Agency in the Muharraq region. Ibrahim Sarhan, the legal advisor of Salam for Democracy and Human Right, was tortured and sexually harassed in the same headquarters. The authorities denied the acts, but it did not provide video recordings to the UN bodies to substantiate their claim.

There are dozens of testimonies from victims who said they were tortured in the Public Prosecution building, were forced to sign confessions under duress and were threatened with return to the interrogation rooms where they were tortured. At the Royal Police Academy, one case of interrogation and torture was reported.

Prisons in Bahrain are not only places that carry out the punishment of deprivation of liberty, but also places of psychological torture,

as most prisoners do not enjoy basic rights, such as providing the appropriate space for the number of prisoners in a single cell, and the prevention of treatment is also used as a means of punishment and torture. Many of the documented testimonies indicate that some prisoners are forced to extract their swollen teeth to ease the pain, due to deprivation of treatment or delaying their transfer to the hospital in a timely manner. A large number of prisoners have developed skin diseases, such as scabies, as a result of lack of good ventilation and lack of hygiene. In addition, solitary confinement is used in contravention of international standards as a punitive measure against those who claim their rights prisoners or disclose violations occurring inside prisons. On April 8, 2020, the prison administration of Jaw transferred the arrested journalist Mahmoud al-Jaziri to solitary confinement for sending an audio message through a phone call, in which he spoke about the poor prison conditions and the lack of real precautions to confront the Corona virus. This has also happened with the brothers Muhammad and Ali al-Fakhrawi.

In addition, the group of thirteen prisoners of conscience, including the leaders of the opposition, are subjected to psychological torture through complete and comprehensive isolation in a building designated for them in the Jaw Central Prison, and they are not allowed to see the rest of the prisoners. During their transfer to the prison clinic, the prison staff take measures to ensure that there are no prisoners in the clinic or even on the way. During visits, the same procedures are also taken, and the blogs they wrote were confiscated throughout their time in prison since 2011.



## **Holding Perpetrators Accountable and Justice for the Victims**

There is no decision by the highest authorities in the country to hold perpetrators of torture crimes accountable, nor strict instructions for members of the security services to hold perpetrators accountable, nor have the authorities taken any action in communications sent by United Nations mechanisms or human rights organizations about complaints of torture and rape reported by victims, including what the National Security Agency did in 2017. As of the writing of this report, the authorities did not form commissions of inquiry into these complaints and did not hold perpetrators of these crimes accountable. But as usual, the authorities denied these reports and threatened the victims, which forced some of them to migrate out of Bahrain. This is a reassuring course for the perpetrators that they will not be held accountable.

While there are clear legal provisions in the Bahraini Penal Code, they are not applied equally on unlawful killings. Article 333 of the Penal Code states: "Any person who willfully murders another person shall be liable for life or term imprisonment. The punishment shall be the death sentence if murder takes place in cold blood, deliberately or accompanied by or related to another crime, or if it is committed against one of the perpetrator's close relatives or a public servant or an officer entrusted with a public service during, by reason or because of his discharge of his duties or services or if a poisonous or explosive material is used."

Article 20 of the Law on the Protection of Society from Terrorist Acts states: “The penalty shall be death or life imprisonment, if the offender’s act in any of the crimes stipulated in this law results in the death of one or more persons, ” .

Articles (208) and (232) of the Bahraini Penal Code state that the punishment is life imprisonment when torture leads to the death of the victim. However, in reality the sentence is reduced against those in the security services involved in the death of victims under torture. Therefore, in order to provide justice to victims, the state must first of all not deny acts of torture, which leads to the failure of bringing perpetrators of human rights violations to justice, which is the cornerstone of the victims’ right to access to justice.

In Bahrain, the state always denies the practice of torture. In return, victims are punished with long prison terms, and they are often punished by revoking their nationalities. Failure to investigate, administratively or judicially, hundreds of complaints by victims of torture, nullify their right to justice and redress. After the government came under great international pressure and criticism of the human rights bodies for violations of human rights, the authorities worked to hold accountable a small number of employees of the Ministry of Interior. However, the employees were sentenced to disproportionate judgments to the crimes they committed. It is also not possible to verify the implementation of the sentences against them.

In order to give justice to the victims and to compensate them for the damages caused to them by torture crimes, it is necessary to form an international committee to reveal the facts within the mechanisms and human rights bodies of the United Nations (OHCHR, special rapporteurs, task forces, and human rights committees), where it should have the right to access detention centers and prisons,

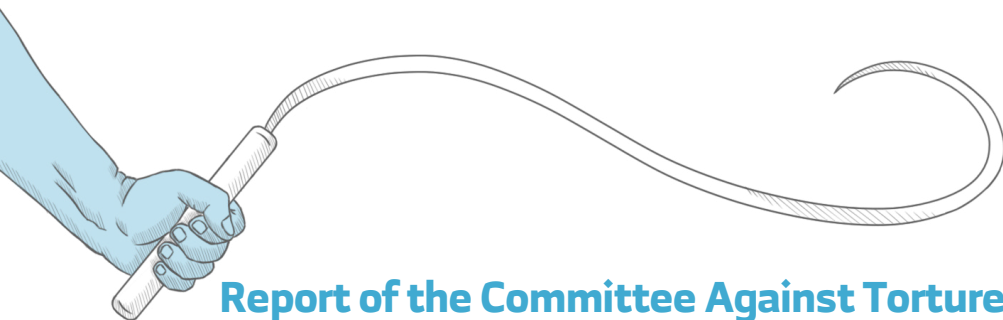


liaison, communication and meeting with victims, investigating extrajudicial executions and killings that occurred, and executions by a decision of the judiciary, and revealing the truth and circumstances of enforced disappearance.

The lack of domestic legislation to provide reparations and redress to victims in Bahrain constitutes a major obstacle to punish those responsible for crimes. There are no measures to protect those who dare to report violations to the competent bodies, and to demand accountability of senior officials who participated in torturing them to invoke their rights to reparation. In addition, there are no administrative procedures that organize or guarantee the rehabilitation of victims and their right to obtain the necessary medical, psychological and social assistance through official institutions. Victims released from prisons are not informed of the availability of any guarantees that contribute to their right to obtain reparations for physical, psychological or material harm. This is a result of the lack of independence of the judiciary, which victims cannot resort to for redress, because it is a party to the violations that occurred to them. Therefore, judicial and administrative reinforcements and mechanisms should be established in conjunction with the enactment of legislation that enables victims to access their rights to redress and reparation.

Bahrain should implement transitional justice, which ensures that serious human rights violations do not occur, injustice is dealt with, the victims are treated with dignity and redress and are compensated with their families for the damage they have suffered, face the policy of impunity and hold those responsible for human rights violations accountable. This requires the establishment of institutions subject to accountability, the reform of the judicial and non-judicial authorities that had a hand in the violations that occurred, including fact-finding and institutional reform,

which must be compatible with international legal standards and obligations. The transitional justice program must be subject to the Office of the High Commissioner for Human Rights, as it is the leading entity within the United Nations system in the area of transitional justice, which provides assistance in developing normative and practical tools in implementing transitional justice mechanisms. The transitional justice program must be at the heart of the constitution in order to earn a supreme constitutional legitimacy. The lack of transitional justice means that mistakes are not addressed and will generate a lack of trust between society and state institutions. It will result in popular protest movements calling for equity, rights and justice, and security institutions will return to suppress protests and practice violations of human rights, which enters society and the state in an endless cycle. The goal of achieving transitional justice is to prevent violations to occur in the future, and it is a gateway to reaching national reconciliation within a consensual legal legitimacy that establishes the foundations of peace and justice. Transitional justice cannot be achieved without political will, the rule of law and the independence of the judiciary.



## Report of the Committee Against Torture

The Committee against Torture issued its concluding observations in May 2017 regarding the second and third periodic reports of Bahrain. The Committee expressed regret that Bahrain was late in submitting the second and third periodic reports as they were submitted in 2015 and 2016, respectively, i.e. after considering the initial report for twelve years. The committee stated that it is concerned about the large gap between the legislative and institutional frameworks and the extent of their implementation in practice, and that Bahrain should announce at the highest levels a clear and unambiguous declaration that it will not be tolerant of torture crimes, and ensure the speedy implementation of investigations of torture perpetrators and key officials, their prosecutions before the law and subjecting them to appropriate penalties. The Committee also raised its concern about the continuous allegations of widespread torture and ill-treatment of detainees, in all places of detention and especially in the Criminal Investigation Directorate, at the moment of their arrest and during pretrial detention in prisons in order to extract confessions or as punishment. It was also concerned about the climate of impunity that appears to prevail as a result of the low number of convictions for the crimes of torture and the disproportionate penalties imposed on those responsible for acts of torture that led to death.

The Committee recommended Bahrain to consider repealing the legislative provisions relating to the trial of civilians by military

courts, to cancel the amendments to the Military Justice Law, and consider the speedy re-establishment of the moratorium on the use of the death penalty.

It also stated its concern about Bahrain's resumption of the death penalty, that the reports it received regarding the trials of those who were executed (Abbas al-Samea, Sami Mushaima, and Ali al-Singace on January 15, 2017, by firing squad by the death squad) were based on confessions obtained under torture, and the failure of the competent authority to investigate these reports properly. The Committee mentioned another example of the death sentences, the case of Muhammad Ramadan and Hussein Ali Musa who are condemned to death and convicted on the basis of confessions extracted under torture. While submitting its report, the Committee stated that Bahrain is called upon to submit its next periodic report by May 12, 2021.

# Conclusion

Bahrain failed to implement the recommendations of the Committee against Torture submitted to it in July 2017, and the recommendations of the Bahraini Fact-Finding Committee that it has approved in November 2011, including the part relating to measures combating torture. Also, the national bodies in charge of overseeing the security services failed in their duties and covered up crime and shadowy reporting. These include: The Ombudsman, the Prisoners and Detainees' Rights Commission, the Special Investigation Unit and the National Human Rights Institution. The Ministry of the Interior and the National Security Agency, continued to use various methods of torture from the moment of arrest and during the investigation period, as well as in conditions of enforced disappearance. Torture in prisons continued by placing prisoners in a disproportionate environment in terms of space and numbers in a single cell, lack of proper hygiene and ventilation, with no adequate treatment provided to patients, and the use of solitary confinement as a punishment when reporting violations that occurred to them in prisons.

The judiciary in Bahrain continues to ignore the complaints of the victims, does not investigate cases related to the extraction of confessions under torture and continues issuance of unfair sentences against them, or cases related to political turmoil such as the revocation of nationalities unlawfully.

Bahrain is still working on a culture of impunity and protecting security personnel from accountability for human rights violations. Bahrain does not implement adequate accountability measures, whether under the judiciary or as deterrent administrative penalties. Bahraini legislation still does not include articles that guarantee justice to victims. In addition, in the Penal Code, there is a clear

distinction between the intentional murder where the perpetrator is sentenced to death, and the murder under torture committed by security officials who get a life imprisonment.

Bahrain continues to reject the requests of special rapporteurs on victims of torture to visit prisons in Bahrain and to meet with victims and accused alike. Bahrain rejected the recommendations of the Committee against Torture related to a visit to Bahrain to verify the allegations of torture that took place, did not implement other recommendations, and continued in the same pattern of violations starting from the moment of arrest and interrogation, to the unfair judgments.

Bahrain is still prosecuting civilians in military courts in violation of the recommendations of the Bahraini Fact-Finding Committee and in violation of international law and international treaties ratified by the country.

## Recommendations

Salam for Democracy and Human Rights urges the authorities in Bahrain to implement the following recommendations:



1. Establishing strict measures to eliminate impunity for perpetrators of torture.
2. Initiating procedures to hold those responsible for torture responsible.
3. Establishing mechanisms for compensation and redress for victims, including drafting legislation to ensure redress and


rehabilitation.

4. Working to reform the judiciary to ensure its complete independence.
5. Repealing the legislation related to the trial of civilians in the military judiciary and canceling the judgments issued by the military judiciary against civilians.
6. Joining the Optional Protocol to the Convention against Torture
7. The invalidity of the rulings and the release of all detainees whose confessions were extracted under torture.
8. Implementing all the recommendations of the BICI and other UN reports on combating torture.




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