

Bahrain
Shadow Report – To the Committee Against
Torture – 2005

Report by: -
The National Committee for Martyrs and Victims of
Torture

And
The Bahrain Center for Human Rights (BCHR)



Kingdom of Bahrain
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Introduction

As non-governmental bodies we are honored to submit to the Committee against Torture this document containing the shadow report to the Kingdom of Bahrain report.

The “National Committee for Martyrs and Victims of Torture” is a national committee with a mandate to assist torture survivors to seek justice, reparation and to campaign for bringing those accused of torture to justice. The administrative members of the committee were elected by around three hundreds of Bahraini’s torture victims on 1st of January 2004. *

The committee has closely followed the situation of torture survivors in Bahrain and has actively supported** their efforts to obtain remedy and public apologies or other form of reparation.

The Bahrain Center for Human Rights (BCHR) is a nonprofit, nongovernmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the authorities in October 2004 to close it, the BCHR is still functioning on the ground after gaining a wide internal an external support for its struggle for human rights.

The 26-member general assembly includes prominent doctors, lawyers, journalists, and NGO leaders, men and women. Membership in the assembly is open to volunteers who serve more than six months at the Center and on its committees. BCHR’s general assembly elects its board of directors and officers for a two-year term. The current board, which was elected in January 2005, includes Abdulhadi Khawaja as president, and Nabeel Rajab as vice president.

Main Activities of the organization include advocacy, training, human rights education, reporting and legal aid. Although a young organization, it has carried out many projects, including training, workshops, seminars, international conferences, and media campaigns. The BCHR played a major role in the establishment of the “National Committee for Martyrs and Victims of Torture”.

This Report:

Given the absence of a regional human rights mechanism in the Middle East, the United Nations was the main body monitoring Bahrain’s compliance with its human rights obligations. Bahrain’s decision to accede to the Convention against Torture in 1998, bringing its domestic law and policies under the examination of the Commission Against Torture, is of major importance because Bahrain is not yet a party to the International Covenant on Civil and Political Rights. However, Bahrain’s first state report to the Committee against Torture is long overdue. Even though Bahrain has not yet acceded to the individual right of petition to the Committee against Torture, Bahrain has withdrawn its reservation under Article 20 of the

* Annex no (6) the new board of The National Committee for Martyrs and Victims of Torture.

** Annex no (7) List of activities that sporting the victims’ demands that arranged by the Committee.

Convention. This empowers the Committee to initiate an enquiry where it has reason to believe that “torture is being systematically practiced” in Bahrain.

This report highlight the most important violations to the Convention Against Torture as well as focusing on the impunity that has been given to the perpetrators whom are accused of practicing torture.

We gave specific of victim’s cases that had been tortured before and after Bahrain acceded to the Convention.

1-The Practice of Torture in Bahrain (from 1974 to 2000) **(Impunity Issue)**

During the period in which the State Security Act 1974 was in force,¹ from 1974 to 2000, torture was endemic in Bahrain. The State Security Act contained measures permitting the Interior Ministry specifically the Interior Minister to arrest and imprison individuals without trial for a period of up to three years for crimes relating to state security. Other measures relating to the 1974 Act were introduced, (namely the establishment of State Security Courts) which added to the conditions conducive to the practice of torture.

Torture appears to have been most prevalent between 1994 and 2000 when civilians sought the return of a liberal Constitution and their Parliament by presenting two public petitions to the Emir (head of the country then). Individuals who were connected to this petition were deemed to be acting against the regime and were subsequently detained under the State Security Laws, subjected to torture and a number of them were forced into exile. More than 70 citizens were killed during this time. Some of them under torture and some by the use of excessive force.²

The Special Rapporteur summed up the practice of torture during that period in his 1997 report to the Human Rights Commission:

“Most persons arrested for political reasons in Bahrain were held incommunicado, a condition of detention conducive to torture. The Security and Intelligence Service (SIS) and the Criminal Investigation Department (CID) were alleged frequently to conduct the interrogation of such detainees under torture. The practice of torture by these agencies was said to be undertaken with impunity, with no known cases of officials having been prosecuted for acts of torture or other ill-treatment. In cases heard before the State Security Court, defendants were reportedly convicted solely on the basis of uncorroborated confessions made to political or security officials or on the testimony of such officials that confessions had been made. Although defendants often alleged that their "confessions" had been extracted under torture, impartial investigations of such claims were reportedly never ordered by the court. In addition, medical examinations of defendants were rarely ordered by the court, unless the defendant displayed obvious signs of injury. Such outward displays of injury were

¹ This led the government to dissolve the assembly in order to enact the State Security Laws. In essence this was the root cause of human rights violations within Bahrain during the last 20 or so years. US Department of State, Bahrain Country Report on Human Rights Practices for 2001 supra, p. 1; Foreign and Commonwealth Office, Foreign Policy: Regional Country Profiles – Bahrain, p. 2; Amnesty International report: “Bahrain Violations of Human Rights”9 May 1991, p. 4.

² Annex no (1) contained List of victims and how they have been killed in the custody and by the use of excessive force.

said to be uncommon, since torture victims were usually brought to trial well after their injuries had healed.

In addition to its use as a means to extract a "confession", torture was also reportedly administered to force detainees to sign statements pledging to renounce their political affiliation, to desist from future anti-government activity, to coerce the victim into reporting on the activities of others, to inflict punishment and to instill fear in political opponents.

Methods of Torture in Bahrain: The methods of torture reported included: falaqa (beatings on the soles of the feet); severe beatings, sometimes with hose-pipes; suspension of the limbs in contorted positions accompanied by blows to the body; enforced prolonged standing; sleep deprivation; preventing victims from relieving themselves; immersion in water to the point of near drowning; burnings with cigarettes; piercing the skin with a drill; sexual assault, including the insertion of objects into the penis or anus; threats of execution or of harm to family members; and placing detainees suffering from sickle cell anaemia (said to be prevalent in the country) in air-conditioned rooms in the winter, which could lead to injury to internal organs.³

Bahrain's past track record for gross violations of human rights, in particular torture has been frequently raised in a variety of UN fora; it has been one of the countries subjected to the 1503 procedure⁴ and has been the subject of a resolution by the Sub-Commission on Prevention of Discrimination and Protection of Minorities⁵ as well as urgent appeals from the Special Rapporteur on Torture and the Working Group on Arbitrary Detention.⁶ Bahrain has also attracted condemnation for its use of torture by the European Union during the 1990's; the European Parliament has passed two resolutions (the first in 1995 and the second in 1997), both of which condemned the use of torture. In 1995, the European Parliament demanded that "an independent inquiry be opened into allegations of murder and torture" and that Bahrain "abolish the State Security Law and other legal provisions which restrict liberties and human rights"⁷. In 1997, the European Parliament passed a further resolution on Bahrain calling on the Government "to release political prisoners, to facilitate the return of exiles and institute due process of law, according to accepted international standards".⁸ Furthermore, concerns about Bahrain's human rights record has been raised by British MPs in Parliament. This appears to have been triggered by the large number of Bahraini's in exile

³ Fifty-third session, Item 8(a) of the provisional agenda UN Doc. E/CN.4/1997/7, 10 January 1997, para 26; see also US Department of State, Bahrain Country Report on Human Rights Practices for 2001, supra, p. 1; Amnesty International report: "Bahrain Violations of Human Rights" supra, Summary, p. 2; and Report of the Working Group on Arbitrary Detention – Visit to Bahrain, para 90 according to which prisons are no longer overcrowded and conditions of detention are satisfactory. UN Doc.E/CN.4/2002/77/Add.2.

⁴ From 1991 to 1993, 47th-49th session, see Office of the High Commissioner for Human Rights, States examined under the 1503 procedure by the Commission on Human Rights (as up to 2003).

⁵ Situation of human rights in Bahrain, Sub-commission resolution 1997/2, adopted at the 24th meeting, 21 August 1997, in which the Sub-Commission noted "the information concerning a serious deterioration of the human rights situation in Bahrain, including discrimination against the Shi'a population, extrajudicial killings, persistent use of torture in Bahraini prisons on a large scale as well as the abuse of women and children who are detained, and arbitrary detention without trial or access by detainees to legal advice" and expressed "its deep concern about the alleged gross and systematic violations of human rights in Bahrain."

⁶ See e.g. UN Doc. E/CN.4/1996/35, 9 January 1996, para.33; UN Doc. E/CN.4/1998/38, 24 December 1997, para.24 and Opinion No.15/1997 of the Working Group on Arbitrary Detention, UN Doc. E/CN.4/1998/44/Add.1, 3 November 1998.

⁷ Points 3 and 5 of Resolution on the continued human rights violations in Bahrain B4-0208 and 0276/95.

⁸ Para 3 of Urgency Resolution under Rule 47 of the Rules of Procedure passed on 18 September 1997

in the UK and by the alleged involvement of Ian Henderson, a UK national, as head of the Security and Intelligence Services.⁹

1-1-Recent development:

More recently, Bahrain has received praise for the improvements it has made to its human rights record. In October 2001, the Working Group on Arbitrary Detention visited Bahrain for the first time. Although it confirmed the condemnatory decisions and opinions it had previously made in relation to the state security laws with further investigations, it congratulated Bahrain on “the decisive scale and scope of the reforms that have been undertaken and the accompanying acts of clemency” following the repeal of the State Security laws and the release of political prisoners.¹⁰ It viewed the repeal of the State Security laws “amount to a major political shift in favour of human rights”. However it also recognised that: “Not all the instruments currently in force are flawed, the problem lies rather in their practical application”. However, it is encouraging to note that the authorities have assured the Working Group on Arbitrary Detention that “there is a genuine willingness to build a State governed by the rule of law”¹¹

Torture is also a specific statutory crime; this is set out in a number of the provisions of the Penal Code. However the Penal Code does not contain a clear definition of torture that reflects the definition set out in the Convention Against Torture. This is hardly surprising given that the Criminal Penal Code was enacted in 1976, long before Bahrain became a signatory to the Convention. On account of the lack of Bahraini jurisprudence, it is unclear whether the existing crimes cover the full scope of the definition of torture in the Convention in compliance with its obligations.

2-The Legal Framework

2.1The Substantive Law: Criminal offences and punishment

Crimes under the Penal Code are divided into two categories: felonies and misdemeanours. A crime will amount to a felony only where mens rea is present whereas a misdemeanour is committed even where there is an absence of intention to commit the act.¹²

The crime of torture is principally set out in article 208 of the Criminal Code that states:

"a prison sentence shall be the penalty of every civil servant or officer entrusted with a public service who uses torture, force or threat, either personally or through a third party, against an accused person, witness or expert to force him to admit having committed a crime or give statements or information in respect thereof.

The penalty shall be life imprisonment should the use of torture or force lead to death”.

⁹ Commons written answers 31 Jan 1995 reported in Hansard – see also debate on Bahrain in the House of Commons on 3rd June 1997

¹⁰ See Report of Working Group on Arbitrary Detention, in particular paras. 9 to 13.

¹¹ Ibid. In the Working Group on Arbitrary Detention’s report following their visit, they commented that: “this [State] emergency legislation underlay most of the decisions and opinions (six) in which, between 1996 and 2000, the Working Group found that the detention of 34 individuals whose cases had been brought to its attention was arbitrary...For further information on this matter, the delegations conducted interviews with former detainees – some released recently, others a while ago – and with lawyers who had practices at the State Security Court. This enabled it to amass a body of specific, consistent testimony confirming the nature of the violations reported by the Working Group in its communications” (paras 9 and 10).

¹² Articles 13 and 14 of the Penal Code.

Perpetrators of torture or inhumane and degrading treatment may fall within other crimes set out in the in the Criminal Code and may amount to an aggravated crime pursuant to article 75(4) of the Criminal code which provides that:

"the committing of the offence by a civil servant by reason of or while performing his duties unless the law prescribes a special penalty in view of his capacity".¹³

For example: rape or sexual assault by an official is an aggravated crime under articles 344 and 348 of the Penal Code as amended by Legislative decree no 7 of year 1985 and legislative decree no 1 of year 1986. Article 232 follows the wording of the crime of torture carried out by a public official in article 208 except it does not need to be inflicted by a public official:

"A prison sentence shall be the penalty for any person who uses torture, force or threatens to use them, either personally or through a third party, against an accused person, witness or expert to make him admit the commission of a crime or to give statements or information in respect thereof."

Articles 238 provides that the use of "coercion, threat or offering a gift, privilege of any kind whatsoever or a promise of any of the above to force another not to give a testimony or to give a false testimony without revealing his intention" may also be an aggravated offence when committed by a public official. Additionally, there are number of crimes for physical assault committed by a public official under articles 336 and 337 of the Penal Code.

In addition to these crimes, it is also an offence under article 230 if a "civil officer" fails to report any crime which "has come to his knowledge during or by reason of the performance of his duties" and an offence for medical officers if during the course of a medical examination they see signs of injury or death caused by a felony or misdemeanour and fail to report it to the appropriate authorities under article 231. In addition to the above, the penal code also criminalised an attempt and conspiracy to commit an offence under articles 36 and 43.

The Penal Code lists a number of defences under the chapter headed "plea of justification". The general defences include acts done "in fulfilment of duty required by law" or "in exercise of a right justified by law or custom".¹⁴ Given that torture is prohibited under the Charter and Constitution, it seems highly unlikely that such a defence will be available to perpetrators of torture. Such a defence would also be contrary to the UN Convention against Torture.

General provisions on penalties are given in part III of the Penal code under the heading of "Punishment". This states that: "the penalty for a serious crime shall be capital punishment or imprisonment and civil disqualification for a period of at least 3 years and no more than 15 years".¹⁵

Article 52 further provides that:

"Imprisonment means keeping a convicted person for like or for an adjudicated term in a jail intended for this purpose in accordance with the Law.

A term of temporary imprisonment shall not be less than 3 years and shall not be more than 15 years unless the law otherwise provides".

¹³ Article 107 provides for the definition of a civil servant, which includes "persons in a position of authority, staff of government ministries, departments and local administrative units".

¹⁴Articles 15 and 16.

¹⁵Article 49. Article 50 provides that: "the penalty for a misdemeanour shall be imprisonment, a minimum fine of BD 5 and legal disqualification for no more than 3 years and no less than one year"

In relation to rape, the Penal code gives specific provisions under article 232 that perpetrators "shall be imprisonment for at least 6 months if torture or use of force results in harming the safety of the body" or imprisonment "if the use of force or torture leads to death". Whereas, aggravated rape or sexual assault carries a punishment of life imprisonment, where the victim is under 16 years old, the death penalty may be imposed.¹⁶

For the aggravated crimes of assault under articles 336 and 337, the maximum penalty is 14 years.¹⁷ Acts of attempt carry a lesser penalty (articles 42 & 37) whereas complicity carries the same maximum punishments as the principal offender (art 45).

As mentioned above, disciplinary sanctions may be imposed. Civil disqualification includes the right to hold a public office or service.¹⁸ Such a penalty "shall have the consequence of dismissing him from such service".¹⁹

3-The “contravention” of the Convention Against Torture in Bahrain

3.1 –Immunities and Impunity

A general power to promulgate laws granting an amnesty is given under articles 89 and 90 of the Penal Code provided that the amnesty law does “not affect third parties’ rights”.²⁰ The Royal Decree 56 of 2002 which has recently been passed purports to grant a blanket amnesty to all officials who allegedly perpetrated crimes of torture or other crimes against victims who were granted an amnesty for “offences that endangered or pose a threat to state national security” under Decree 10 of 2001 and which fell within the jurisdiction of the unconstitutional State Security Court. The amnesty granted in Decree 56 of 2002 applies to both civil and criminal claims. Decree 56 appears to be in direct contravention with the provision in article 89 of the Penal Code that only allows amnesty laws, which do “not affect third party rights”. Moreover, decree 56 goes against the principles in relation to torture in the National Action Charter that states:

“No person shall in any way be subjected to any kind of physical or moral torture, inhumane, humiliating indignant treatment....Law ensures punishment of those who commit an offence of torture, a physically or psychologically harmful act”.²¹

More than 30,000 people were reported to have petitioned the King to repeal Decree No. 56. At the time of writing, no investigation has been opened in relation to these cases.

¹⁶ Legislative decree no 1 of year 1986.

¹⁷ These articles need to be in conjunction with article 76 under chapter 5 of Part III “Aggravating circumstances” which provides “If the penalty involves imprisonment, the maximum thereof shall be doubled.” Redress Report.

¹⁸ Article 53 of Penal Code.

¹⁹ Civil disqualification for a period of at least 3 years and no more than 15 years - see art 61 which varies that to between 1 and 10 years "commencing from the date of completing the inflicting of the penalty or elapse therefore for any other reasons. If the penalty is a jail term, the adjudged deprivation shall be extended by the period to be spent by the convicted person in jail." See variation for misdemeanours under art 63.

²⁰ Article 89 states: "Total amnesty shall be decided by law and shall have the effect of discontinuing proceedings or nullifying the conviction judgment passed in respect thereof, but it shall have no effect on penalties previously executed. A total amnesty shall no affect third parties’ rights”. Article 90 states: “A special amnesty shall be decided by an Amiri decree providing for extinguishing all or part of the penalty or replacing it with a less severe penalty. A total amnesty shall not affect third parties' rights".

²¹ Second – Protection of individual freedoms and equality of Chapter 1 Basic principles of society of the National Charter (para 2).

In any event, the blanket amnesty granted by Decree 56 is contrary to the UN Convention Against Torture and the provisions relating to the survivors' right to an effective investigation and an effective and enforceable remedy.

Decree 56 not only violates the obligation of the Bahrain Government to investigate and bring to justice and punish those responsible for gross human rights violations, it abrogates the right to a fair trial, as it makes it impossible to individualize or identify those responsible.

3.2-Trials or Impartial Investigation

To date, no alleged perpetrator has been tried for torture or ill treatment even though the practice of torture during the 1980s and 1990s has been well documented.²² The situation has been further aggravated by the introduction of Decree 10 of 2002 that provides a blanket amnesty for any case (criminal or civil) whatsoever being brought by persons accused of or convicted of state security crimes. In November 2002, eight torture victims lodged complaints relating to their treatment with the Directorate of Public Prosecutions for an effective investigation.²³ At the time of writing, no investigation has been opened in relation to these eight cases or even other cases. Further, the Directorate of Public Prosecution had refused the cases. This is contrary to the UN Convention against Torture - Article 12&13. The US State Department's Human Rights Country Report (February 2005) stated that the impunity in Bahrain remains to be a big concern. The above-mentioned cases that were declined by the Court were cited in the above report.²⁴

Several cases against torturers were filed in Bahraini courts, but all were rejected and blocked by Decree 56. The victims were threatened to be detained again if they continue their demand to bring torturers to justice. On the other hand, torturers are promoted to better positions, legally protected from prosecution and some are granted lands and given facilities and privileges to conduct businesses as in the case of the well known colonel Adel Falifel and Mahmood Akoori whom were accused of practising torture.

The Bahraini Royal Decree 56-2002 is unlawful and violates both national and international laws. On the National level, this Decree breaches Article 19 – D of the Constitution of Bahrain and the National Action Charter – Article 3 in Chapter 1 which states “Law ensures punishment of those who commit an offence of torture, a physically or psychologically harmful act.”

It also violates Article 4 and 13 of ‘Convention Against Torture. In addition, this law is not in compliance with the ‘Vienna Declaration’ that was adopted at the World Conference on Human Rights – 1993.

3.3-No Available Remedies or Rehabilitation

There are no specific statutory remedies for torture. However, article 158 of Decree Law No 19/2001 provides torture survivors with a legal basis for a civil claim for compensation for acts of torture and ill-treatment. Article 158 states that:

²² US State Department Report 2001, supra.

²³ Open letter to the Ambassador of Bahrain dated 17th December 2002 from REDRESS, OMCT, APT FiACAT and IRCT.

²⁴ Annex no (2) Attached – Document for 8 victim's cases refused by the court.

"Every unlawful act that has caused damage to others makes an obligation upon the person who committed it to pay compensation."

Even though article 169 of this law provides a defense to public officials where they were either acting in accordance with the law or on superior orders.²⁵ Arguably this would not apply given that such a defense is in direct contravention to the obligations of the state of Bahrain under the Torture Convention- article 14.

The victims may file their claims for compensation before civil courts provided that torture can be proved and substantiated regardless of whether a criminal case has been brought against the alleged perpetrator. However a victim has a 3 year time limit either "from the date on which the victim knows of the damage and the person liable for it, or fifteen years from the date on which the unlawful act has occurred, whichever comes first".²⁶

The Government intends to ignore and forget those thousands of victims, which are still suffering and leading a very hard life carrying out a lot of physical and psychological scars.

3.4-No Compensation

No known compensation cases for acts of torture or ill treatment have so far been successfully pursued in the courts to date.

The lack of claims for compensation has been further aggravated by the introduction of the Amnesty Law The Royal Decree 56 of 2002 because this prevents a claimant who had been charged under the State Security Act from lodging a civil compensation claim on account of the treatment he/she received while in custody.

The obligation on the State to provide an effective remedy and the needs of torture survivors to receive compensation and other forms of reparation was stressed by the Working Group on Arbitrary Detention.²⁷ The views of civil society have also placed emphasis on the need for effective and enforceable remedies for torture survivors: "that mainstream opinion puts the highest priority on victims' right to compensation inter alia for torture, and in particular to the medical care with specific physical and psychological attention.

With no adequate compensation, including the means for as full rehabilitation as possible, the Government directly contravened article 14 of the Convention of Torture.

Bahrain failed in fulfilling Article 14 of the Convention, which clearly stated that:

"Each State part shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible."

²⁵ Article 169 of Decree Law No 19/2001 states: "A public official shall not be liable for his act which has caused damage to others, if he was acting in accordance with the law, or upon an order received from his supervisor, when he had to obey such order or he thought he had to obey, and he proves that he had justifiable reasons that made him believe his act was lawful, and that he exercised due care and diligence."

²⁶ Article 169 of Decree Law No 19/2001 states: "A public official shall not be liable for his act which has caused damage to others, if he was acting in accordance with the law, or upon an order received from his supervisor, when he had to obey such order or he thought he had to obey, and he proves that he had justifiable reasons that made him believe his act was lawful, and that he exercised due care and diligence."

²⁷ Report of the Working Group on Arbitrary Detention, para 28

Bahrain announced in December 2004 that “Karama” Center for rehabilitation of victims” established to treat the victims. This centre failed in satisfying its objectives because:

- The Centre is part of the “Bahrain Society for Human Rights-BSHR”.
- There is a lack of trust on the part of victims because the SBHR is considered to have close ties with Government.
- The “Karama” was established with the consent of the Government.
- Lack of experiences in the field of rehabilitation, except one or two seminars .
- Lack of resources, the Centre is only a small room within the BSHR. It opens for two hours once a week
- The “Karama” Centre was set up originally to treat victim of torture but it became a center to treat all kinds of victims of violence.
- It has a limited number of psychiatrists whose duty is to receive victims and transfer them to public hospitals.
- Public hospitals do not have adequate training or treatments for cases of torture, and officially they are not authorized to refer to the cases as related to torture.
- The center is not able to provide the victims with reports or documentation that connect the cases with torture.
- The Centre Failed to treat victims referred by the “Bahrain National Committee of Martyrs and Victims of Tortures”. While most victims prefer to go for treatment through the National Committee.
- Based on the aforementioned, the Center is hardly a serious institution for the treatment of victims of torture. It appears that the main objective of the Centre is cosmetics for the image of the Government
- The Centre, or the government should be asked to provide copies of reports of cases that were seriously treated as cases related to torture.

3.5-Education Regarding the Prohibition Against Torture

The measures that had been taken by the Government to fulfill its obligation on Article 10 –1 & 2 of the Convention, were not clear and without any statistical lists that show practical application of that article

There is not any specific details indicating that the Government includes the prohibition against torture in the rules or instruction issued in regards to the duties and functions of persons who may be involve in the custody, interrogation or treatment of any individual subjected to be any form of arrest, detention or imprisonment.

3.6-Treatment of “Non-Governmental” Human Rights organizations:

In the Government report page number 19 – B-article 2 –70- b-. The Government gave a summary about the non-governmental human rights committees and associations such as the Bahraini Human Rights Association and the Bahrain Center for Human Rights.

The government had recently dissolved the Bahrain Center for Human Rights because it was fully independent and carries out important activities and programmes, which focus on the human rights issues, including the prevention of torture.

The government does not recognize the “Bahrain National Committee of Martyrs and Victims of Tortures” let alone having dialog with it. The restrictive 1976 Penal Code article

163 consider the activities under “unauthorized” organizations as punishable for up to six months imprisonment.

3.7- “Death” of Victims as a Result of Torture

Due to the fact that cruel torture was endemic in Bahrain especially in the 80s and 90s several victims were tortured to death in custody.²⁸ Until now no compensation has been entitled to their dependants or families. Moreover there were no any investigations in the circumstances of their deaths even though there cases were documented by the UN and Amnesty International; for example, the schoolboy Saeed Al-Eskafy approximately 14 years old, was sexually assaulted in custody and tortured until death. Neglecting victims’ families that lost their children under torture and denying them from any compensation, is a very clear violation of article 14-1 of the Convention Against Torture.

After ratification of the Convention, a young victim was killed under torture in the custody.²⁸

3.8- No Guarantees Against Repetition of “Torture”

The Public Prosecution Office is a very important directorate in the judicial branch. Today, in Bahrain, Abdulrahman bin Jaber Al-Khalifa, who was the chairman of the abolished State Security Court chairs this Public Prosecution Office. This person is not trusted as he was involved in unfair trails that were proceeding under the State Security Act 1974.

To date, officers and civilians who practiced or were involved in the act of torture especially in 80s and 90s are still in their official position in the Ministry of Interior.^{*29}

In the judicial system, judges are appointed by royal order and there are no independent criteria for choosing them, which means that they are not independent in their decisions. The 2005 US State Department report on Human Rights was concerned about the integrity of judges in Bahrain.

3.9 Cases of “Detainees” whom recently tortured

²⁸ Annex no (1) contained List of victims and how they have been killed in custody and through the use of excessive force.

^{*29} Annex no (8) list of the officers and civilians who accused of practicing or were involved in the act of torture

Recently we have recorded some cases of detainees, which alleged to be tortured while investigating with them by the “Public Prosecution” mainly to give confessions and information.²⁹

Many civilians were arrested on 1998,1999,2000³⁰ many of them were allegedly tortured or ill-treated, which meant after the government ratification of the Convention. Up to the date no investigation has been conducted on any of the mentioned cases.

Recommendations

1. Nullification of Royal Decree 56-2002, that grants impunity to those accused of practising torture.
2. A full and impartial Investigation into all cases of murder and torture by a neutral national committee acceptable to the general public, consisting of judiciary individuals, and representatives of human rights organizations and political societies.
3. Survivors of torture and their family members should be entitled to bring civil claims for the physical and psychological harm they suffered as a result of torture and ill treatment, and should be entitled to, among any other remedies, compensation and rehabilitative care.
4. The government of Bahrain should provide in its penal code for all forms of torture, fully incorporating all elements of the definition contained in article 1 of the Convention.
5. We recommend that the government of Bahrain should establish machinery for a systematic review of interrogation rules, methods and practices, particularly in police premises, in order to honour its commitments under article 11 of the Convention.
6. The Government of Bahrain should introduce real reforms to its penal code, particularly with regard to the reduction of the excessive powers granted to the executive by certain legislative provisions and the length and conditions of police custody and administrative detention as well as those old articles that violates the human rights.
7. We recommend that, while paying particular attention to the protection of the rights of persons arrested and detained, the State party should intensify the educational, training and information programmes provided for in article 10 of the Convention, for all the officials concerned.

²⁹ Annex (3) Attached- Document for the recently detainees alleged that they have been tortured.

³⁰ Annex no (4) Attached- list of detainees alleged that they have been tortured between 1998, 1999, 2000.

8. We recommend that the Bahraini authorities should undertake and expedite serious investigations into the conduct of the police forces in order to establish the truth of the many allegations of acts of torture and, if the results of the investigations are positive, bring the persons responsible before to the courts and issue and transmit to the police specific and clear instructions designed to prohibit any act of torture.
9. The government should reopen the non-governmental committee that had been dissolved recently specifically the **Bahrain Center for Human Rights (BCHR)**.
10. We recommend that the government should allowed a neutral human right committee to make a sudden visits for the jails, custodies, detentions and any other places where the authorities keep detainees.
11. We recommend that the government should fire all those colonels, officers, civilians that were accused of practising torture and investigations under the State Security Act of 1974.
12. We recommend that the government of Bahrain should give full statistical information about the number of detainees from the 1974 until 2000 as well as the number of those killed under torture.
13. We recommend that the government of Bahrain should compensate those families lost their relatives under torture or through the excessive force used by the riot police.

References

1. US State Department Report 2001, supra.
2. US Department of State, Bahrain Country Report of Human Rights Practices 2005.
3. Human Rights Watch Report: ‘Routine Abuse, Routine Denial Civil Rights and the Political Crisis in Bahrain’ June 1997, p.17.
4. “Redress” report on Bahrain
5. “Redress” Submission of Redress Trust to the meeting on Bahrain – The House of Lords – 17 August 2004. London.
6. The National Action Charter.
7. The Penal Code.
8. The Code of Criminal Procedures.

List of annexes

1. List of victims that been killed in the custody or through the excessive force.
2. List of the eight cases that refused by court.
3. List of recent cases of detainees who were allegedly subjected to torture.
4. Some cases of detainees who were allegedly subjected to torture between 1998 – 1999 – 2000.
5. The petition that had been signed by 33,000 of Bahraini against the degree law 56 which gives impunity to the officers and those who were accused of torture.
6. The new board of The National Committee for Martyrs and Victims of Torture.
7. List of activities that sporting the victims' demands that arranged by the Committee.
8. List of the officers and civilians who accused of practicing or were involved in the act of torture