



## **TORTURE IN THE KINGDOM OF BAHRAIN**

For Consideration ahead of the 41<sup>st</sup> Session of the Universal Periodic Review Working Group

**March, 2022**

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**Submitting Organization**

The following submission has been prepared by Alsalam Foundation is a non-profit organization works toward tolerance and youth education creating programs and working on research to prevent extremism and human rights violations. Alsalam Foundation holds ECOSOC consultative status with the United Nation (UN) since 2013.

## **Introduction**

1. The systematic use of torture in Bahrain is just one aspect of the continuous deterioration of human rights in the country. Institutional and legal reforms have been unsuccessful in addressing these fundamental problems, and a culture of impunity is still enjoyed by Bahraini authorities who engage in acts of torture. The Government of Bahrain has thus far failed to create an environment conducive to the respect of basic human rights and has left victims without adequate means of redress and remedy. Despite attempts by the government to portray an image of a rights-respecting country; a lack of adequate and impartial investigative mechanisms, a disregard for international obligations, and a prevailing culture of impunity signify an opposing reality.
2. This report aims to portray the ongoing prevalence of torture within Bahraini society, by analyzing the country's domestic legal and institutional frameworks, as well as the relevant international human rights instruments, and by providing a number of torture cases collected by our organization in just the last three years. As a result, this report will highlight the failure of the government to make any meaningful change since its previous UPR cycle and reveal that the practice of torture and ill-treatment continues to represent a major human rights concern in the country.

## **Bahrain's Domestic Legal and Institutional Framework**

3. At first glance, Bahrain’s domestic framework appears to adequately address the issue of torture, through its criminalization in both the country’s Penal Code and Constitution. Article 208 of Bahrain’s Penal Code prohibits the use of “torture, force or threats... against an accused person,” in order to induce a confession or other related statements.<sup>1</sup> It further provides a term of imprisonment for civil servants (and any other persons) who engage in acts of torture.<sup>2</sup> Article 232 of the Penal Code then determines that this prison sentence shall be for at least six months if the torture results in harming the safety of the body, and life imprisonment if the torture results in death.<sup>3</sup>
4. Article 19(d) of the Bahraini Constitution further reinforces these provisions by stipulating that "no person shall be subjected to physical or mental torture, enticement or degrading treatment," and providing that any statement or confession elicited by such means “shall be null and void.”<sup>4</sup>
5. In 2012, the King issued Royal Decree No. 56 amending the Penal Code, including Articles 208 and 232, attempting to bring the definition of torture further in line with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The amendments defined torture as an act committed by a public official inflicting “[deliberate] severe pain or suffering, whether physical or moral” upon a “prisoner or detainee.”<sup>5</sup> However, this wording fails to provide protections for persons who may have been tortured but were not detained or in prison at the time of the torture. Moreover, the amendments to Article 232 removed the provision requiring a minimum six-month sentence of any use of torture that results in bodily harm, further weakening attempts to combat all forms of torture.<sup>6</sup> Therefore, Bahrain’s definition of

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<sup>1</sup> Bahrain Penal Code, 1976, Article 208 [online] Available at: [https://menarights.org/sites/default/files/2016-12/BHR\\_PenalCode\\_1976.EN\\_.pdf](https://menarights.org/sites/default/files/2016-12/BHR_PenalCode_1976.EN_.pdf)

<sup>2</sup> Ibid.

<sup>3</sup> Bahrain Penal Code, 1976, Article 232 [online] Available at: [https://menarights.org/sites/default/files/2016-12/BHR\\_PenalCode\\_1976.EN\\_.pdf](https://menarights.org/sites/default/files/2016-12/BHR_PenalCode_1976.EN_.pdf)

<sup>4</sup> Bahrain’s Constitution of 2002 with Amendments through 2017 [online] Available at: [https://www.constituteproject.org/constitution/Bahrain\\_2017.pdf?lang=en](https://www.constituteproject.org/constitution/Bahrain_2017.pdf?lang=en)

<sup>5</sup> ADHRB, BIRD, BCHR (2015) ‘Shattering the Façade: a report on Bahrain’s implementation of the BICI recommendations four years on’ Available at: <https://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrains-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

<sup>6</sup> Shadow report ahead of the Committee Against Torture’s review of Bahrain in its 60th Session [online] Available at: [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BHR/INT\\_CAT\\_CSS\\_BHR\\_26919\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BHR/INT_CAT_CSS_BHR_26919_E.pdf)

torture remains problematic, and fails to adhere to the requirements of CAT.

6. In response to the recommendations of the Bahrain Independent Commission of Inquiry (BICI),<sup>7</sup> the Bahraini government created the Ombudsman of the Ministry of the Interior (MOI) and the Special Investigations Unit (SIU). The government frequently cites the existence of these bodies as proof that it takes human rights seriously in the Kingdom, and claims they are effective institutions for investigating complaints of torture.<sup>8</sup>
7. However, the MOI's Inspector General, Ibrahim Habib al-Gaith, has been known to routinely reject allegations of systematic torture,<sup>9</sup> and was reportedly the leading agent in the torture of high-profile political detainees.<sup>10</sup> Further, the Ombudsman depends upon the MOI both administratively and financially, with the MOI maintaining the power to remove the Ombudsman. This results in the Ombudsman effectively reviewing their own complaints, with reports also revealing that victims face reprisals by MOI security agents for submitting complaints.<sup>11</sup> As a result, the domestic mechanisms created in order to adhere to human rights expectations fail to independently investigate allegations of torture, and to ensure adequate redress for victims.
8. Furthermore, whilst the Government of Bahrain has taken steps towards adopting legislation that officially criminalizes torture, the legislation fails to *require* the Attorney General to investigate claims of torture and leaves the possibility of investigation to his discretion. Since the implementation of these laws, it has become clear that in the rare situations in which the Attorney General does investigate claims of torture, it disproportionately results in acquittals or sentences which fail to reflect the severity of

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<sup>7</sup> The Bahrain Independent Commission of Inquiry was established by King Hamad bin Isa Al Khalifa in Royal Order No. 28 of 2011 to investigate and report on the events occurring in Bahrain in February-March 2011, and to make such recommendations as it deemed necessary.

<sup>8</sup> Patterns of Torture in Bahrain: Perpetrators must Face Justice A Report by the Gulf Centre for Human Rights (GCHR). (2021). [online] Available at: <https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2021/03/GCHR-Patterns-of-Torture-in-Bahrain-16-March-2021-En.-FF.pdf> [Accessed 3 Nov. 2021].

<sup>9</sup> Ibid.

<sup>10</sup> BCHR, GCHR, European Union (2021) 'Bahrain: Torture is the Policy and impunity is the Norm' pp.13. Available at: <https://www.gc4hr.org/report/download/130> [Accessed 11 Nov. 2021]

<sup>11</sup> Ibid.

the crimes inflicted.<sup>12</sup>

9. This is portrayed most notably in the Special Investigations Unit's (SIU) production of only seven convictions since 2014,<sup>13</sup> with all convictions failing immeasurably to reflect the gravity of their offences.<sup>14</sup> Further, the SIU has only investigated 150 cases despite the BICI's documentation of over 300 instances of torture, leaving numerous victims without adequate redress.<sup>15</sup> Moreover, investigations do not extend to the inquiry of high-level officials, contributing even further to the culture of impunity enjoyed by many Bahraini officials.
10. Further undermining these domestic mechanisms is the rife corruption of the Public Prosecutions Office (PPO), which is heavily influenced by the MOI. Public Prosecutors continue to work closely with the MOI and are often complicit in concealing their crimes.<sup>16</sup> Alsalam found that when detainees raise allegations of torture, prosecutors routinely send victims back to the centers responsible for such crimes to face further abuse.<sup>17</sup>
11. In light of these consistent patterns of bias and partiality, in May 2017 the UN Committee against Torture raised their concerns as to the "discrepancy between the legislative and

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<sup>12</sup> ADHRB, BIRD, BCHR (2015) 'Shattering the Façade: a report on Bahrain's implementation of the BICI recommendations four years on' [online] Available at: <https://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrain-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

<sup>13</sup> Ibid. p.11 Available at: <https://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrain-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

<sup>14</sup> ADHRB, BIRD, BCHR, (2016) 'Collective Efforts: international calls for accountability and reform in Bahrain' [online] Available at: <https://www.adhrb.org/2016/09/10820/>

<sup>15</sup> Al-Monitor: The Pulse of the Middle East. (2014). *Bassiouni: Bahrain's progress limited by "piecemeal" approach to reforms*. [online] Available at: <https://www.al-monitor.com/originals/2014/06/cherif-bassiouni-bici-bahrain-uprising-violations.html> [Accessed 11 Nov. 2021].

<sup>16</sup> ADHRB, BIRD, BCHR (2017) 'Bahrain's Third Cycle UPR: a record of repression' [online] Available at: [https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2017/03/2017.2.28\\_Web-Version\\_ADHRB\\_BCHR\\_BIRD\\_Bahrain-3rd-Cycle-UPR-Assessment.pdf](https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2017/03/2017.2.28_Web-Version_ADHRB_BCHR_BIRD_Bahrain-3rd-Cycle-UPR-Assessment.pdf)

<sup>17</sup> NGO Submission 2017 Bahrain Universal Periodic Review by Freedom House Bahrain Center for Human Rights Gulf Center for Human Rights. (2016). [online] Available at: [https://www.upr-info.org/sites/default/files/document/bahrain/session\\_27\\_-\\_may\\_2017/js4\\_upr27\\_bhr\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/bahrain/session_27_-_may_2017/js4_upr27_bhr_e_main.pdf) [Accessed 4 Nov. 2021]

institutional frameworks and their implementation in practice,” as well as the “allegations of torture and ill-treatment and related impunity” in Bahrain.<sup>18</sup>

12. The government has failed to take any substantive or effective steps to stop the continued use of torture in the Kingdom, contributing to the rampant levels of impunity enjoyed by Bahraini authorities. Despite thousands of torture cases, convictions remain low, if not non-existent, with no genuine attempts made by the government to uphold fundamental human rights and adhere to their international obligations within their domestic human rights framework.

### **International Human Rights Framework**

13. Despite Bahrain’s ratification and accession to the CAT in 1998, torture remains a systemic issue in the Kingdom in violation of several key articles of the Convention.
14. Article 2 of the CAT calls for the implementation of effective measures to prevent acts of torture and states an order from a superior officer or public authority may not be invoked as a justification of torture. In Bahrain’s 3rd UPR Cycle, Ghana recommended Bahrain, “establish an independent, effective and well-resourced national preventive mechanism” to hold perpetrators to account.<sup>19</sup> Despite such recommendations, the government has failed to implement an independent mechanism to investigate and prosecute cases of torture. As perpetrators are rarely punished, this has reinforced a culture of impunity enjoyed by Bahraini authorities. This impunity has become entrenched in the mentality of police forces, who have been known to reprimand and transfer police who “hesitated to abuse prisoners.”<sup>20</sup>

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<sup>18</sup> GCHR (2021) ‘Patterns of torture in Bahrain: Perpetrators must face justice’ [online] Available at: <https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2021/03/GCHR-Patterns-of-Torture-in-Bahrain-16-March-2021-En.-FF.pdf>

<sup>19</sup> Uwazi.io. (2017). *Library • UPR Info*. [online] Available at: [https://upr-info-database.uwazi.io/en/library/?q=\(allAggregations:!f,filters:\(state\\_under\\_review:\(values:!\(a7lnz4qu33\)\)\),from:0,includedUnpublished:!f,limit:30,order:desc,searchTerm:%27114.17%27,sort:\\_score,types:!\(%275d8ce04361cde0408222e9a8%27\),unpublished:!f\)](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:!f,filters:(state_under_review:(values:!(a7lnz4qu33))),from:0,includedUnpublished:!f,limit:30,order:desc,searchTerm:%27114.17%27,sort:_score,types:!(%275d8ce04361cde0408222e9a8%27),unpublished:!f)) [Accessed 2 Nov. 2021].

<sup>20</sup> ADHRB, BIRD, BCHR, (2017) ‘Bahrain’s Third Cycle UPR: A record of Repression’ p. 28 .Available at: [http://www.adhrb.org/wp-content/uploads/2017/03/2017.2.28\\_Web-Version\\_ADHRB\\_BCHR\\_BIRD\\_Bahrain-3rd-Cycle-UPR-Assessment.pdf](http://www.adhrb.org/wp-content/uploads/2017/03/2017.2.28_Web-Version_ADHRB_BCHR_BIRD_Bahrain-3rd-Cycle-UPR-Assessment.pdf)

15. Article 11 of the CAT calls for the establishment of an independent body with a mandate to visit and/or supervise places of detention. Bahrain's failure to abide by this article is portrayed in the failure of the SIU, PPO, and Ombudsman of the MOI to deliver appropriate convictions, and their tendencies to dismiss cases without conducting any formal investigations. Article 11 also stipulates Member States should allow impartial non-governmental organizations to conduct visits to prisons and detention centers. However, Alsalam, alongside numerous other human rights NGOs, have been consistently denied access to do so.
16. In an attempt to whitewash the issue of torture and ill-treatment in Bahraini prisons, the government extended a strategic invitation to the British Ambassador to visit Jau Prison in May 2021. The Ambassador stated he was shown a "well-run facility, with good medical provisions,"<sup>21</sup> despite only being shown a predetermined and limited section of the prison. The Ambassador had also refused to look into reports of torture in the prison and failed to meet with prisoners of conscience or their families during his visit.<sup>22</sup> Visits by ambassadors cannot be a substitute for regular inspections with internationally recognized NGOs and UN experts, to ensure this practice of whitewashing cannot be continued on an international scale.<sup>23</sup>
17. During Bahrain's 3rd UPR cycle, the government accepted recommendations 114.79 and 114.80, which called upon Bahraini authorities to thoroughly investigate all allegations of torture, and to ensure accountability for torture and access by victims to justice. However, Bahrain's judiciary has remained intrinsically linked to the security forces and the PPO; a tripartite relationship which has facilitated the regular

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<sup>21</sup> Roddy Drummond, Twitter. (6<sup>th</sup> May 2021). [online] Available at:

<https://twitter.com/roddydrummond/status/1390253057401933824?lang=en-gb> [Accessed 2 Nov. 2021].

<sup>22</sup> Trendsmap.com. (2021). *Paul Scriven's tweet - "UK Ambassador doing more PR for #Bahrain's dictators. He ignored 2 letters from me on disappearance of 60+ inmates from this prison. He refused to speak w/ their families Last year he toured Priti Patel around a known torture hub. Is Roddy hoping for a job after retirement?"* - Trendsmap. [online] Available at: <https://www.trendsmap.com/twitter/tweet/1390614143233888256> [Accessed 11 Nov. 2021].

<sup>23</sup> Bahrain Mirror. (2021). *UK Ambassador Whitewashes Bahrain's Image after Jaw Prison Visit, Alaswad, Sharif and Fairouz Respond among Others.* [online] Available at: <http://bahrainmirror.com/en/news/59616.html> [Accessed 11 Nov. 2021].

prosecution and conviction of individuals whose confessions were elicited under circumstances of torture and ill-treatment.

18. Bahrain has not ratified the Optional Protocol to the Convention against Torture (OPCAT), which would ensure the State Party set up a national preventive mechanism.<sup>24</sup> Further, after repeated cancellations, Bahrain has also indefinitely postponed a visit from the Special Rapporteur on Torture, despite several recommendations made during Bahrain's 3rd UPR Cycle that they should have access to the country. Bahrain's decision not to cooperate with these international mechanisms is yet another example of their blatant rejection of key instruments against torture.
19. Finally, on March 11, 2021, the European Parliament passed a resolution on the human rights situation in the Kingdom of Bahrain, in which they condemned the "continu[ed] use of torture, including denial of medical care, and other cruel and degrading treatment or punishment of detainees," and called for "thorough and credible investigations into all torture allegations."<sup>25</sup>
20. Despite explicit international obligations and calls from the international community to halt the ongoing practice of torture in the Kingdom, Bahrain has thus far failed to adequately respond to such requests.

### **Systematic Torture and Ill-Treatment**

21. Despite obligations arising from both Bahrain's domestic legal framework and international conventions, torture remains systematic in the Kingdom. This is portrayed in the numerous cases outlined below, which demonstrate a pattern of inflicting torture as a means of punishing dissent and eliciting false confessions. All

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<sup>24</sup> Ohchr.org. (2019). *OHCHR | Optional Protocol to the Convention against Torture*. [online] Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx> [Accessed 28 Oct. 2021].

<sup>25</sup> Europa.eu. (2021). Texts adopted - The human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders - Thursday, 11 March 2021. [online] Available at: [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0086\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0086_EN.html) [Accessed 29 Oct. 2021].



individuals were arrested based upon fabricated or misleading charges which did not reflect the reality of their offences.

#### Use of Torture against Minors

22. **Sayed Mijtaba Saeed Alwai alKhabbaz**, a 16-year-old minor, was arrested in October 2020. During his detention, he was psychologically and physically tortured with electric wires, beaten with batons, put in a cold room, and subjected to various beatings. In just ten days, he lost seven kilos due to lack of food and the torture inflicted. On November 2, 2021, Sayed was beaten and assaulted in front of a security camera by two officers named Abu Hasan and Mohamed Ali, and had his books confiscated. He was then transferred to another ward in Dry Dock Detention Center and is currently awaiting his judgment.

#### Use of Electrocutation During Torture

23. **Husain Ali Radhi** was arrested in January 2019, and again in April 2019, with authorities failing in both instances to state the reason for his arrest. During his first arrest, he was blindfolded, beaten on his back, slapped, forced to crawl, and electrocuted on his legs. During his second arrest, he was electrocuted on his neck.

24. **Jaffar Faisal Allawi Sayed Saleh Hashem** was arrested in November 2019, after masked officers in civilian clothing raided his grandfather's house at 2:00 AM. They proceeded to beat Jaffar in the house and out on the street, until his screams could be heard in the neighboring houses. Jaffar was subjected to extreme torture during interrogation, including severe beatings, electric shocks, sexual assault, and was placed in solitary confinement for the entirety of his interrogation which lasted 20 days.

25. **Ali Husain Ali Salman Maki** was arrested in January 2019 and was subjected to various forms of physical and psychological torture. He was electrocuted, severely

beaten, stripped of his clothes, and suspended from the ceiling by tying his hands with a rope. Perpetrators touched his genitals and threatened sexual abuse his on sisters. He was also insulted on the basis of his sect.

26. **Abbas AbedAli Ali Mohamed Husain** was arrested on November 28, 2019, only a couple of days after the arrest of his brother Moosa AbedAli who is an activist residing in the United Kingdom. During his interrogation, he was blindfolded with his hands cuffed with metal chains behind his back, and chains on his legs. Prior to his interrogation, he was put in a cold room, forced to stand, prohibited from sleeping or using the bathroom, and was banned from worshipping. He was then subjected to various forms of physical and psychological torture, including severe beatings and electric shocks to his back and testicles, and was then threatened that his wife and mother would be sexually assaulted if he did not confess. He did not sign the testimony.

27. **Ali Hasan Mahdi Abdulmohsen Tooq** was arrested on November 6, 2021, after officers stripped Ali of his clothes and seized all phones. He was then transferred to the Central Investigation Department, where he remained for 15 days and was subjected to various forms of torture. This included severe beatings to his head and eyes, and electric shocks. His coerced confession was then used against him at trial, where he was sentenced to five years in prison.

28. **Ali Husain Mohamed Hakeen A.Nabi Al Taraifi** was arrested on November 13, 2019 in a park whilst playing football. During his interrogation, he was subjected to various forms of torture, including beatings to body, including sensitive parts, and electric shocks to his shoulders. He was also insulted with indecent language.

#### Use of Torture to Extract Confessions

29. **Yaser Jawad Ebrahim** was arrested in April 2021 after authorities raided his house at 5:00 AM without a warrant. Yaser was interrogated for seven days, without access

to his lawyer. The torture Yaser endured was inflicted in an attempt to elicit a confession and left him with injuries to his hands and marks all over this body. His coerced confession was then accepted and used against him at trial.

30. **Ahmed Jameel Abdulla Ahemed Abdulla** was arrested on November 3, 2019.

During interrogation, he was subject to several forms of physical and psychological torture, including beatings, stripping of clothes, threats of rape, and had perpetrators touch his genitals. After denying the charges against him, officers increased the level of torture. After four days, Ahmed collapsed and was forced to sign a pre-written confession. He was then placed in solitary confinement for 10 days in order for the marks and injuries sustained from the torture to heal before he saw the forensic doctor.

## **Conclusion and Recommendations**

31. Although the Bahraini government ostensibly supported most recommendations regarding torture during its 3rd UPR cycle, no meaningful steps have since been taken to implement them. Torture remains endemic throughout Bahrain's criminal justice system, and the government has failed to adequately address concerns regarding the impartiality of investigative mechanisms. The judiciary remains dependent upon and continues to utilize confessions extracted by means of torture. This lack of substantive change allows torture to remain commonplace within the criminal justice system, contributing to the prevailing culture of impunity enjoyed by Bahraini authorities. To address these critical deficiencies and to fully implement the recommendations made during Bahrain's previous UPR cycle, we urge the government to engage in the following:

- Immediately ratify the OPCAT;
- Fully cooperate with the mandate of the Special Rapporteur on Torture and accept a visit request without delay;
- Amend the Bahraini Penal Code to comply with the obligations set forth in the CAT;
- Prosecute all security agents that have allegedly committed torture;

- Adequately investigate all alleged cases of torture and mistreatment;
- Establish a culture of accountability by ensuring all competent authorities, including the MOI and the PPO, promptly investigate all allegations of torture and bring any officials found responsible to justice;
- Commute all prison sentences which were provided on the basis of confessions obtained through means of torture;
- Ensure in practice all confessions and statements obtained through means of torture or ill-treatment are inadmissible in court; and
- Actively uphold the right of the accused to access family and legal counsel, particularly during periods of interrogation.