

**Americans for Democracy**



**& Human Rights in Bahrain**



**ECDHR**

European Center for Democracy and Human Rights

**THE TORTURE AND ILL-TREATMENT OF MINORS IN DETENTION IN THE  
KINGDOM OF BAHRAIN**

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

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Submission by Americans for Democracy & Human Rights in Bahrain (ADHRB),  
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## **Submitting Organizations**

1. The following submission has been prepared by Americans for Democracy & Human Rights in Bahrain (ADHRB) and the European Center for Democracy and Human Rights (ECDHR) based on data collection carried out by these organizations, and information received from independent human rights defenders in Bahrain. ADHRB is a non-profit organization that fosters awareness of, and support for, democracy and human rights in Bahrain and the wider Gulf region. ADHRB has repeatedly requested permission to formally visit Bahrain to consult with official human rights bodies, such as the National Institute for Human Rights (NIHR) but has so far been denied access. Thus far, the Government of Bahrain has declined to cooperate with ADHRB on any level. The European Center for Democracy and Human Rights (ECDHR) is a Brussels based NGO seeking to promote human rights and democracy in the Gulf Cooperation Council Countries.
2. This submission focuses on Bahrain's compliance with its third cycle recommendations to stop the arrest and ill-treatment of minors within its criminal justice system, and to bring its practices in line with international standards such as those outlined in the UN Convention on the Rights of the Child (CRC).

## ***Bahraini Law Pertaining to the Treatment of Children***

3. On February 14, 2021, King Hamad bin Isa Al Khalifa approved Law No. 4/2021 on Child Restorative Justice and Protection from Abuse. This law was passed to reflect Bahrain's commitment to the child-related international agreements and treaties it has ratified, ensuring children's interests and rights.<sup>1</sup> Bahraini criminal laws currently treat individuals ages 15 and older as adults.
4. Though this law would mark considerable progress, ADHRB and ECDHR has not been able to verify progress in the implementation of institutional arrangements that are necessary for the actualization of this legislation. Only days after the approval of this law,

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<sup>1</sup> Bahrain News Agency, "Corrective Justice Law for Children to strength Bahrain's human rights status, says Labor Minister," February 17, 2021, <https://www.bna.bh/en/CorrectiveJusticeLawforChildrentostrengthBahrainshumanrightsstatussaysLabourMinister.aspx?cms=q8FmFJgiscL2fwIzON1%2bDp31HhZjNC3C04ShHxHkFqc%3d>.

police beat and threatened children as young as eleven years old. This type of behavior suggests that law enforcement will find it difficult to change their current practices to bring them in line with this law. It is essential that the international community ask the Kingdom of Bahrain to immediately establish universal and transparent mechanisms for consultation with NGOs and international organizations to properly prepare for and implement Law No. 4/2021.

5. We have documented an increase in the number of children being tortured in Bahraini prisons. Since 2017, more than 15 people under age 18 have been tortured in Bahraini prisons. Most of these individuals were also harassed by Bahraini authorities in public places before being taken to different interrogation centers; some were forcibly disappeared for days prior to their imprisonment.
6. Other laws meant to strengthen the rights of children have similarly not worked as established. These laws include Article 31 of Decree-Law No.15 of the Penal Code<sup>2</sup>; Article 4 of the Constitution of the State of Bahrain of 1973<sup>3</sup>; Law No. 37 of 2012 or the Promulgating the Child Law<sup>4</sup>; Law No. 10 of 2015<sup>5</sup>; Ministerial Order No. 69 of 2016 <sup>6</sup>; and Article 19 (d) of the Constitution<sup>7</sup>
7. Article 251 of the Code of Criminal Procedure states that in all cases in which a serious or major offense is committed against a minor who is not yet 15 years of age, an order may be given for the minor to be entrusted into the care of a trustworthy person who will pledge to supervise and look after him or her. Otherwise, the minor may be placed with a recognized charity, pending the resolution of the case. The order may be issued by the Office of the Public Prosecutor or by the court hearing the case, as appropriate.<sup>8</sup>

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<sup>2</sup> United Nations, "Updated information on the list of issues," November 14, 2018.

<sup>3</sup> "Constitution of the State of Bahrain," May 26, 1973, Part Two, Fundamental Constituents of Society, Article 4.

<sup>4</sup> Ministry of Foreign Affairs, "Kingdom of Bahrain pioneering model in protection of child rights internationally," November 19, 2019, <https://www.mofa.gov.bh/Default.aspx?tabid=7824&language=en-US&ItemId=111879>.

<sup>5</sup> Amiri decree no. 15 of 1976 with respect to enactment of the Penal Code, [http://www.vertic.org/media/National%20Legislation/Bahrain/BH\\_Criminal\\_Code.pdf](http://www.vertic.org/media/National%20Legislation/Bahrain/BH_Criminal_Code.pdf).

<sup>6</sup> United Nations, "Updated information on the list of issues," November 14, 2018.

<sup>7</sup> "Constitution of the State of Bahrain," May 26, 1973, Part Three, Public Rights and Duties, Article 19(d).

<sup>8</sup> Ibid.

8. Despite each of these laws, ADHRB and other NGOs have repeatedly documented instances of children being subjected to torture, as well as children being placed in cells with adults, being denied further education while in jail, and in some cases, of people under 18 with mental health issues having been mistreated both physically and psychologically.

### **Relevant Instruments of International Law**

9. The State of Bahrain ratified the CRC in 1991, the International Covenant on Civil and Political Rights (ICCPR) in 2006, the International Covenant on Economic, Social and Cultural Rights (ICESR) in 2007 and the Convention Against Torture (CAT) in 1998. All these international treaties include articles pertaining to the protection of children and the importance of not using torture against them as well as ensuring they're not exposed to an environment where torture is commonplace.
10. Bahraini authorities have been implicated in torture and other inhumane treatment, arbitrary arrests, enforced disappearances, mass trials, the denial of access to proper health care, and the denial of access to education for people under 18, among other concerning violations.
11. International law provides multiple frameworks to protect children. Imprisonment as a minor interrupts normal psychological, emotional, and social development. These effects are exacerbated for both minors imprisoned alongside adult inmates, as well as for minors who witness or experience torture and ill-treatment.
12. Although the ratification of international laws to protect children should lead to better treatment of children in the State Party, Bahrain's ratification of these laws has not been enough to protect Bahraini children.
13. In addition to the binding international laws that Bahrain has ratified, as a Member of the General Assembly of the United Nations, Bahrain should strive to show its commitment to following both the United Nations Standard Minimum Rules for the Treatment of

Prisoners (The Nelson Mandela Rules) and the United Nations Standard Minimum rules for the Administration of Juvenile Justice (The Beijing Rules).

### Trends and Recent Cases

14. ADHRB and ECDHR have observed a considerable trend of arbitrary arrest and ill-treatment of underage individuals in Bahrain. Instances of ill-treatment throughout the arrest, detention, and imprisonment of minors has been regularly reported. In particular, torture has been used to coerce confessions from these minors. This is in direct violation of Bahrain's obligations under the CAT (article 7), CRC (article 8), and the ICCPR (article 9), as well as numerous aspects of the Mandela and Beijing Rules. It is also in violation of the Bahraini Penal Code.
15. For example, *Ali Hussein Burashid* and *Abdullah Zuheir Hilal* were both subjected to torture during investigations.<sup>9</sup> *Ali Husain Ali Salman Maki*, who was 16 years old when arrested, was also subjected to different methods of physical and psychological torture during the interrogation period.<sup>10</sup> He was electrocuted, severely beaten, stripped of his clothes, and was suspended from the ceiling by tying his hands with a rope. Officials also touched his genitals and threatened they would sexually abuse his sisters.
16. Minors with disabilities have also been targeted by Bahraini officials. On March 16, 2017, *Mehdi Ebrahim Ali Abbas Kuwaid*, who was 17 years old at the time and has a mental disability, was arrested with his two brothers. Mehdi was violently handled by police officers until his brother stepped in to attempt to stop any physical harm; Mehdi's brother was then tortured. Mehdi was subjected to both physical and psychological torture; he was handcuffed to a chair, kicked, and threatened, and forced to watch the severe beatings of his two brothers. Out of fear, Mehdi confessed to all the charges attributed to him.<sup>11</sup>

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<sup>9</sup> Bahrain Mirror, "Bahrain: Two Children Arrested from Al-Malikiya Tuesday at Dawn," June 28, 2018, <http://www.bahrainmirror.com/en/news/48102.html>.

<sup>10</sup> "Case of Ali Husain Ali Salman Maki," Documented by Americans for Democracy & Human Rights in Bahrain (ADHRB), 2017.

<sup>11</sup> "Case of Mehdi Ebrahim Ali Abbas Kuwaid," Documented by Americans for Democracy & Human Rights in Bahrain (ADHRB), 2017.

17. Similarly, *Jassim al-Banna*, a 17-year-old high school student suffering from the genetic disorder, Marfan's Syndrome, was detained for more than 90 days based on vague and politically motivated charges.<sup>12</sup>
18. Bahraini authorities are known for conducting politically and religiously motivated arrests of Shi'a citizens on a disproportionate basis.<sup>13</sup> Most commonly, the Bahraini authorities conduct arbitrary arrests during early hours, without a reason or a warrant. Unfortunately, children are not spared during these arrests.
19. In January 2020, *Ali Hasan Al-Jamri* was surprised around 2:30 a.m. by a large group of masked riot police officers, commando forces, and security forces of the Ministry of Interior (MoI).<sup>14</sup> His home was raided, and Ali was arrested without being presented a warrant. Ali's room was searched, and officers handcuffed him and seized his phone and identity card.<sup>15</sup>
20. *Ali Mahmood Mohamed's*, house was raided in January 2019 by Special Security Force Command (SSFC) officers, riot police, and civilian officers at 3:40 a.m. Mohamed, who was a 15-year-old at the time, was beaten in front of other people before being arrested.<sup>16</sup>

### Enforced Disappearances

21. Arbitrary arrests are often followed by enforced disappearances i.e. (a) deprived of liberty against their will, (b) by government officials, who (c) failed to disclose their fate and whereabouts.<sup>17</sup>

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<sup>12</sup> ADHRB, "Take Action: Disabled Teen Neglected in Bahraini Prison," April 9, 2014, <https://www.adhrb.org/2014/04/take-action-disabled-teen-neglected-in-bahraini-prison/>.

<sup>13</sup> United States Department of State: Office of International Religious Freedom, "2020 Report on International Religious Freedom: Bahrain," May 12, 2021, <https://www.state.gov/reports/2020-report-on-international-religious-freedom/bahrain/>.

<sup>14</sup> ADHRB, "Profile in Persecution: Ali Hasan Al-Jamri," December 24, 2020, <https://www.adhrb.org/2020/12/profile-in-persecution-ali-hasan-al-jamri/>.

<sup>15</sup> Ibid.

<sup>16</sup> "Case of Ali Mahmood Mohamed Ali Moosa Husain Mohamed," Documented by Americans for Democracy & Human Rights in Bahrain (ADHRB), 2019.

<sup>17</sup> United Nations, "Enforced or Involuntary Disappearances," July 2009, p 31, <https://www.ohchr.org/Documents/Publications/FactSheet6Rev3.pdf>

22. *Ali Hasan Al-Jamri*, 17 at the time, was subjected to an enforced disappearance for 37 days before he was able to see his parents.<sup>18</sup>
23. *Haider Jaafar Mohamed AbdAli Khair*, 16-years-old in 2016, was forcibly disappeared for 12 days after the first day of his arrest; authorities refused to provide his family with information about his whereabouts.<sup>19</sup>
24. *Sayed Redha*, who was psychologically and physically tortured, disappeared for more than one month. During this time, his family had no knowledge of his whereabouts, and he was not allowed to contact a lawyer.<sup>20</sup>
25. *Husain Mohamed Saleh Ahmed Husain Al-Derazi*, 16-years-old at the time of his last arrest in January 2019, was arrested three different times. Al-Derazi was only able to contact his family after being forcibly disappeared for almost 20 days in January 2019.<sup>21</sup>

#### Lack of a Fair Trial and the Use of Torture to Extract Confessions

26. After being subjected to arbitrary and warrantless arrests, torture, and enforced disappearance, minors are not granted a fair trial. Bahraini authorities frequently prevent access to legal counsel to those who have been arbitrarily detained, and further fail to observe numerous aspects of fair trial norms. Additionally, many minors have been convicted based on confessions obtained through the use of torture.
27. For example, *Ali Hussein Burashid*, *Ali Husain Ali Salman Maki*, and *Abdullah Zuheir Hilal*, were all tortured to extract incriminating confessions.<sup>22</sup> These confessions were later used as evidence to convict them in fabricated cases.<sup>23</sup>

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<sup>18</sup> ADHRB, “Profile in Persecution: Ali Hasan Al-Jamri,” December 24, 2020.

<sup>19</sup> “Haider Jaafar Mohamed AbdAli Khair,” Documented by Americans for Democracy & Human Rights in Bahrain (ADHRB), 2016.

<sup>20</sup> ADHRB, “Profile in Persecution: Sayed Redha Fadul,” March 25, 2021, <https://www.adhrb.org/2021/03/profile-in-persecution-sayed-redha-fadhul/>

<sup>21</sup> “Case of Husain Mohamed Saleh Ahmed Husain Al-Derazi,” Documented by Americans for Democracy & Human Rights in Bahrain (ADHRB), 2019.

<sup>22</sup> Bahrain Mirror, “Bahrain: Two Children Arrested from Al-Malikiya”

<sup>23</sup> Ibid.

28. These unfair trials are furthermore characterized by exploiting the overly broad counter-terrorism law. *Ali Hasan Al-Jamri* did not have the adequate resources to prepare for his trial and was accused of training under the Iranian Revolutionary Guard.<sup>24</sup> Ali was ultimately charged with terrorism and organizing a terrorist cell linked to the case of Qasem Soleimani.<sup>25</sup> His confessions, extracted from him through torture, were used against him during his judgement.<sup>26</sup>

29. In January 2021, *Sayed Redha*, a minor at time of his arrest, was sentenced to 15 years in prison for allegedly joining an illegal group and raising funds to support it.<sup>27</sup>

### Mass Trials

30. Mass trials have also been commonly used in Bahrain to unfairly imprison minors. On November 3, 2020, *Ali Isa Abdulla Yusuf Jasim*, 15-years-old at the time of his arrest, was one of 51 individuals sentenced as part of a mass trial. Ali was sentenced to 10 years in prison under the following trumped-up charges: (1) Joining a terrorist group; (2) receiving funds and spending them on terrorist activities; (3) receiving fireworks, storing them, and participating in detonating them; and (4) initiating an intentional arson attack and training in manufacturing local weapons and explosives for use in this activity.<sup>28</sup>

### Denial of Access to Education

31. Imprisoned minors are continuously denied their right to access education. Given that most of the minors were students at the time of their arrest, Bahraini officials must provide the necessary access to education. However, minors have been denied access to an education throughout their pre-trial detention—normally lasting about one year—and whilst being imprisoned. Their pursuit of education is hindered by the administration, who make it deliberately complicated to request adequate education whilst in their custody. This constitutes major violations of the CRC (article 11), the ICESCR, and the

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<sup>24</sup> ADHRB, “Profile in Persecution: Ali Hasan Al-Jamri,” December 24, 2020.

<sup>25</sup> Qasem Soleimani was an Iranian military officer who served in the Islamic Revolutionary Guard Corps (IRGC). From 1998 until his death in 2020, he was the commander of the Quds Force, an IRGC division primarily responsible for extraterritorial and clandestine military operations.

<sup>26</sup> Ibid.

<sup>27</sup> ADHRB, “Profile in Persecution: Sayed Redha Fadhul,” March 25, 2021.

<sup>28</sup> ADHRB, “Profile in Persecution: Ali Isa Abdulla Yusuf Jasim,” January 7, 2021, <https://www.adhrb.org/2021/01/profile-in-persecution-ali-isa-abdulla-yusuf-jasim/>



Beijing Rules. Denying access to education to a minor is also in direct violation of Bahraini Law No. 27 of 2005 with respect to education.

32. During the pre-trial detention of *Ali Husain Ali Salman Maki*, he was not allowed to continue his education.<sup>29</sup> The judgement was issued shortly before the start of the COVID-19 pandemic, so his parents were unable to follow-up on this matter. The administration has conditioned Maki to continue his education upon repeating levels he had already completed. Consequently, Maki has effectively been denied his right to an education since the time of his arrest.
33. Similarly, *Ali Isa Abdulla Yusuf Jasim* and *Haider Jaafar Mohamed AbdAli Khair* have been denied access to education whilst in prison, even although their families have repeatedly requested it.

#### Denial of Access to Healthcare

34. *Minors in* Bahraini prisons are also denied access to proper healthcare. This is in direct violation of the right to health stipulated in article 25 of the UDHR.
35. For example, *Ali Hasan Al-Jamri* suffers from a skin disease.<sup>30</sup> He called his family in November 2020 to tell them that he was suffering from a severe itch, and that he believed that he had a skin condition which could be scabies.<sup>31</sup> He told them that he was in a cell that did not meet hygienic standards, and that young detainees were mixed with foreign detainees suffering from infectious diseases, which was causing the spread of infection. On November 30, 2020, Ali was transferred to Salmaniya Hospital to be seen by a skin specialist, and he was then transferred to sanitary isolation because he had scabies. Ali continuously complains to his family about his continued physical and psychological suffering as well as his poor health.<sup>32</sup>

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<sup>29</sup> “Case of Ali Husain Ali Salman Maki,” ADHRB.

<sup>30</sup> ADHRB, “Profile in Persecution: Ali Hasan Al-Jamri,” December 24, 2020.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

36. If COVID-19 spreads throughout the prison, there would be an imminent threat to the lives of the inmates since infection can be fatal. Consequently, there would be a violation of the prisoners' right to life. This right is protected by Article 6 of the ICCPR.<sup>33</sup>

#### Relationships with Family Members

37. Children in prison are **unable to maintain positive relations with their families**.

Parents are unable to provide their children with much needed clothes and beddings, which is in violation of the Mandela Rules. Moreover, due to the COVID-19 pandemic, family visits and calls are no longer allowed, which constitutes a violation of the Mandela Rules and the Beijing Rules.

#### Culture of Impunity

38. Finally, the most common element in the pattern of the arrest and ill-treatment of minors is the culture of impunity surrounding officials. Police officers have not been subjected to investigations, and no perpetrators have been held accountable for their crimes of torture and ill-treatment of minors. By not prosecuting perpetrators of systematic violations of international law, Bahrain is completely disregarding its international law obligation to *aut dedere, aut judicare*, under the CAT.<sup>34</sup>

#### **Conclusion and Recommendations**

39. As a member of the UN Human Rights Council, it is imperative that Bahrain is held to high standards when it comes to its commitment to human rights. The incarceration of minors, particularly those advocating for human rights, is deeply concerning. Despite the few superficial measures taken to raise the age of criminal responsibility and to change the definition of a minor, these steps will be meaningless if the Bahraini government continues to arbitrarily arrest minors and torture them as a means of obtaining coerced confessions. The Government of Bahrain must further take meaningful steps to improve the treatment of minors within prisons:

- a. Immediately drop all charges against minors and prisoners who were arrested when they were minors;

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<sup>33</sup> United Nations, "International Covenant on Civil and Political Rights," December 16, 1966.

<sup>34</sup> United Nations, "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," December 10, 1984.

- b. Release all minors detained on charges related to human rights activism;
- c. Stop the arbitrary detention of minors and uphold due process rights in cases when detaining minors is necessary and proportional;
- d. Put an end to torture and ill-treatment of children and all persons. In particular, stop using methods of physical and psychological torture to extract confessions;
- e. Respect and uphold each of the international human rights laws that Bahrain has ratified—namely, the UDHR, ICCPR, ICESCR, CRC, and CAT—as well as the Mandela Rules and Beijing Rules;
- f. Abolish the overly broad counter-terrorism law, which is used to arbitrarily sentence minors; and,
- g. Launch meaningful investigations in all cases of the arrest, detention, and torture of children, and hold the perpetrators and institutions accountable.