

Bahrain Institute for Rights and Democracy (BIRD), Americans for Democracy & Human Rights in Bahrain (ADHRB), and Reprieve

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A. Introduction

1. Since the 2011 unrest, Bahraini security forces have routinely employed a variety of abusive practices to disperse peaceful protests and suppress dissent. Bahrain's 2nd Cycle Universal Periodic Review in 2012 informed calls for reform in Bahrain and coincided with the November 2011 Bahrain Independent Commission of Inquiry (BICI) and its 26 human rights reform recommendations. The BICI was fully accepted by the Government of Bahrain, as were a large proportion of UPR recommendations, which in many cases mirrored the BICI's recommendations. Bahrain claimed to have completely implemented the BICI recommendations in May 2016. However, in a 2015 review, BIRD and ADHRB found that only two recommendations had been implemented; eight remain unimplemented; and 16 are only partially implemented. BIRD and ADHRB maintain this assessment at the time of this submission.
2. In the second UPR cycle in 2012, the Government of Bahrain fully supported six recommendations that sought to improve police practices:
 - 115.89** Ensure that security forces respond proportionally and with the utmost restraint to non-peaceful protests (Germany)
 - 115.102** Continue the process of reform of the security forces to provide them with better capacity and training on human rights and moderate the use of force (Spain)
 - 115.104** Continuing of institutional and capacity building of the Bahraini police forces in a way that positively reflects effective respect to human rights (Palestine)
 - 115.105** Enhance the efforts for capacity building for police and law enforcement officers (Saudi Arabia)
 - 115.109** Take steps to develop new legislation and policies for law enforcement officials to guarantee accountability of security forces and respect for human rights (Canada)
 - 115.130** Entrench in the standard procedures that every person arrested be given a copy of the arrest warrant and no person should be held incommunicado. In any event, all detention should be subject to effective monitoring by an independent body (Netherlands)
3. We assess that these recommendations have not been implemented, and that there has been no meaningful progress. The Government of Bahrain has proven unable or unwilling to halt the use of abusive police practices and hold perpetrators accountable during the period under review. Simultaneously, it has conducted training programs and established ostensible accountability measures that have, at best, failed to produce tangible improvements in police practices or have, at worst, served to whitewash security forces' human rights abuses in areas including torture and restriction of free expression, association, and assembly.
4. This submission examines the problematic status of police practices in Bahrain today with reference to the concerns raised in the previous UPR cycle. The submission is divided into the following sections:
 - Arbitrary detention and enforced disappearance
 - Excessive use of force

- The implementation of training and accountability programmes

B. Arbitrary Detention and Enforced Disappearance

5. Despite accepting the above six recommendations towards improving the methods of its police force and in particular **115.130 (Netherlands)**, the Bahraini police have continued to employ practises of arbitrary arrest and detention and enforced disappearance. In recent years, the Bahraini police have arbitrarily or unlawfully arrested thousands of nonviolent demonstrators, political activists, government critics and human rights defenders without presenting a proper warrant or reason for arrest. Victims of arbitrary detention are at an extremely high risk of experiencing other human rights abuses in Bahrain, including enforced disappearance, torture and unfair trial. These are in violation of articles 7, 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded in 2006.
 - In 2015 alone, BIRD, ADHRB and the Bahrain Center for Human Rights (BCHR) documented 1,883 arrests related to forms of expression, association and assembly, including protests. Of the arrested, 237 were children under the age of 18, and 34 were women. BIRD has observed that the security forces conducted the arrests illegally or arbitrarily, contravening both Bahraini and international law.
 - ADHRB, BIRD and BCHR tracked police actions in the last third of 2015 and found that Bahraini security forces made more than 421 arrests, 319 of which failed to meet the international standards provided by the ICCPR. ADHRB, BIRD and BCHR found that in approximately 76 percent of the documented arrests, the authorities failed to inform the arrestees of the reason for their detention or of any charges against them. During home raids, which accounted for the majority of total arrests recorded for this period, security forces consistently entered the property without a court order and did not identify themselves. Many detainees and their families have reported that the arresting officers were dressed in plainclothes and/or wearing masks, which obstruct their identification in incidents of violations. BIRD, BCHR, and ADHRB found that approximately 90 percent of house raids conducted by Bahraini security forces in the last third of 2015 were unlawful. Arbitrary arrests occurred in many locations, with more than 100 arbitrary arrests recorded at checkpoints, travel hubs, courts, hospitals, traffic offices, prisons, and other public spaces during the same period.¹
6. Bahrain's penal code criminalises a wide range of expression and assembly. The police often enforce these laws to detain activists and government critics. Detention in relation to persons exercising their rights to freedom of expression, assembly and association, as protected under the articles 19 and 20 of the Universal Declaration of Human Rights and articles 19 and 22 of the International Covenant on Civil and Political Rights are defined arbitrary by the UN Working Group on Arbitrary Detention (WGAD).
 - BCHR president **Nabeel Rajab** currently faces prosecution on multiple charges related to his free expression. He is charged with "spreading false news during wartime", "offending a foreign country (Saudi Arabia)" and "offending a public institution" under articles 133, 215 and 216 of the penal code (respectively), and faces up to 15 years in prison. All of these charges relate to his messages on social media. The charges stem from Twitter messages in which Mr Rajab exposed acts of torture in Bahrain's Central Jau Prison and criticised Bahrain's involvement in the war in the Saudi-led war in Yemen and the resulting humanitarian crisis there. In September 2016, Bahrain's Public Prosecution brought a new criminal charge of "intentionally broadcasting false news and malicious rumours abroad impairing the prestige of the state" against Rajab after the *New York Times* published a letter in his name. Mr Rajab was arbitrarily arrested on 13 June 2016 and has been detained in police custody since. He was held in solitary confinement for the first 15 days of his detention. This is a form of ill-treatment that may have amounted to torture in Mr

Rajab's case, as it resulted in a serious deterioration in his health, necessitating urgent medical attention. Since then, he has remained largely isolated from other detainees.

7. Articles 178 and 180 of Bahrain's penal code and Law 32/2006 on Public Gatherings criminalise public assembly. Security forces exploit the offence of "illegal gathering" to arrest hundreds of individuals for exercising their right to nonviolent free assembly. The WGAD defines arrests and detention arising from a person's exercise of their freedom of religion and association (as protected under articles 18 and 19 of the UDHR and ICCPR) as arbitrary.
 - On 20 June 2016, the Ministry of Interior ordered that Sheikh Isa Qassim, the spiritual leader of Bahrain's Shia majority, be stripped of his citizenship. Immediately after, police surrounded his hometown of Duraz with checkpoints, banning all non-residents from entering the village. Protesters still managed to gather outside Sheikh Isa Qassim's house, where a prolonged sit-in demonstration continues nightly. Since then, over 60 Shia clerics have variously been questioned, charged and prosecuted in relation to their participation in this sit-in and for their speech, in some cases including their religious sermons. At the time of this submission, at least seven clerics have been sentenced in relation to their assembly and speech. Six of them received one-year sentences for "illegal gathering", and the seventh, **Sayed Majeed Al-Misha'al**, was sentenced to two years for illegal gathering and inciting hatred against the government.
8. The Government of Bahrain has taken no steps towards ratification of the International Convention on the Protection of All Persons from Enforced Disappearance (ICPPED).
9. Over the last five years, Bahraini security forces have subjected hundreds of detainees to short-term enforced disappearances. The authorities routinely hold these individuals incommunicado and refuse to disclose information regarding their status or whereabouts to their family. During this period, Bahraini officials commonly subject victims of enforced detention to torture and other forms of ill treatment.
10. Enforced disappearances most commonly occur in the initial stage of an arbitrary detention. Typically, Bahraini security forces arrest the individual—on many documented occasions without warrant—and proceed to hold them in indefinite incommunicado detention at the Criminal Investigations Directorate (CID). The authorities usually disappear individuals for a period of between several days and two weeks, but in some cases they have failed to reveal the whereabouts of a detainee for several months.
 - From November 2014 to November 2015, BCHR and the Bahrain Youth Society for Human Rights documented 441 cases of enforced disappearance in Bahrain. In 37 percent of these cases, the victims were children under the age of 18.
11. Bahrain government efforts to eliminate these abuses have been extremely limited and ineffective. In 2012, the government announced that it planned to institute an electronic system to track a detainee's experience within the criminal justice system in order to increase accountability and prevent abuses like enforced disappearance. A year later, the BICI Follow-up Unit suggested that the mechanism had been implemented, stating that authorities were increasing their use of "electronic monitoring and notification systems to prevent breaches of the rights of suspects at the points of investigation, arrest and detention." Bahraini lawyers informed BIRD and ADHRB that they had found no evidence that the system was being used to detect abuses; rather, the authorities typically use the system to monitor individuals and assist in their prosecution. BIRD and ADHRB know of no cases where the government has used the information to compel officials to release details about a detainee to his or her family members; rather it has prevented lawyers from accessing the records. If the authorities do provide information after a request from a detainee's legal counsel for use in court, it is often incomplete.

12. BIRD, ADHRB, and Reprieve have additionally found that ill-treatment and torture remain strongly linked to arbitrary arrest and enforced disappearance. Since October 2013, ADHRB has documented and submitted complaints to the UN Special Procedures concerning the arrests of more than 500 Bahraini citizens, including 71 minors; of the 495 cases documented between 2013 and 2015, 370 included instances of torture. ADHRB has so far submitted an additional 13 complaints to the UN Special Procedures concerning cases of torture in 2016, and BCHR has received reports of ten new cases of torture between 1 January 2016 and 26 June 2016. Of those ten cases, five were minors at the time of arrest. Victims of these abuses are rarely provided proper access to legal counsel, and the authorities routinely interrogate detainees in the absence of a lawyer.

- The cases of **Mohammed Ramadan** and **Husain Moosa** exhibit the use of arbitrary detention, enforced disappearance and torture. Their cases are among the most extreme in Bahrain, as their torture led directly to the imposition of death sentences. Both individuals exhausted all legal means of appeal in November 2015, when the High Appeals Court ruled against them. Their executions are thus imminent.
- Police arrested **Mohammad Ramadan** on 20 March 2014 without presenting an arrest warrant. Mr Ramadan was arrested from the Bahrain International Airport, where he worked as a police officer, on suspicion of involvement in a 14 February 2014 attack on a police convoy. He was transferred to the Criminal Investigations Directorate (CID) without his family being informed of his location immediately. Mr Ramadan is an innocent man; there is not now nor was there ever any evidence linking him to the crime of which he is accused. Instead, Mr Ramadan was targeted because he had attended peaceful pro-democracy rallies in the past. Accordingly, absent any evidence linking him to the crime, both Mr Ramadan's lawyer and his family say he was subjected to torture for the purpose of extracting a false confession. His family state that police beat him with punches, kicks and wires. Much of this was focused on his genitalia. Officers sexually insulted his wife and threatened him with sexual harassment; they also insulted his Shia faith. Officers allegedly told him that they do not care about his human rights or the findings of the Bahrain Independent Commission of Inquiry. Police allegedly told him that they knew he was innocent, but would see him sentenced anyway as a means of retaliation for his attendance at opposition rallies. Mr Ramadan did not confess, but he was tortured into signing a sheet of paper while blindfolded. This paper was later admitted to Bahrain's Fourth Higher Criminal Court as Mr Ramadan's "confession." Despite the fact that Mr Ramadan never confessed to a judge or to Bahrain's Public Prosecutor, he was convicted and sentenced to death, largely on the strength of this "confession."
- In December 2014, Mohammad Ramadan and his co-defendant **Husain Moosa** were sentenced to death in relation to the aforementioned police convoy attack. Mr Moosa also has strong innocence claims and says he was subjected to torture in the CID. He claims to have been subjected to beatings, suspension from his hands and wrists, and threats of rape of his family members. Mr Moosa confessed to involvement in the bombing incident after three days under condition of torture and later recanted this confession before the Public Prosecution. Following that, Mr Moosa was transferred back to the CID, where he was subjected to torture again. Like Mr Ramadan, despite recanting his confession, Mr Moosa was sentenced to death in a trial that relied almost solely on his coerced confession.

13. **Recommendations:** In order to implement second-cycle UPR recommendation **115.130 (Netherlands)** and curtail the practice of enforced disappearance by security forces, the Government of Bahrain must:

- Enforce existing protections for rights of detainees, such as prompt communication with legal counsel and family.

- Establish a dedicated, independent oversight body tasked with monitoring the status and location of detainees.
- Guarantee detainees immediate access to legal counsel.
- Require, both in theory and in practice, that security personnel present an arrest warrant when conducting arrests.
- Establish independent judicial oversight of arrest warrants and home raids.
- Commute all death sentences, and in particular all cases where defendants have been subject to practices of arbitrary arrests, arbitrary detention, enforced disappearance and torture.
- Commute all prison sentences arising from arbitrary arrests, in particular persons arbitrarily detained for exercising their freedoms of expression, assembly, association and religion.
- Reform the legal system to decriminalize all forms of nonviolent dissent so as to eliminate arbitrary arrests related to the freedoms of expression, assembly, and association and religion.
- Cease bringing criminal charges against all persons detained in relation to their peaceful assembly, expression and association.
- Allow the UN Working Group on Arbitrary Detention to visit Bahrain.

C. Excessive Force

14. Bahraini security forces continue to misuse crowd control equipment to violently disperse demonstrations, in contravention of recommendations **115.89 (Germany)** and **115.109 (Canada)**. Security forces routinely fire non-lethal ammunition directly at individuals' vital organs and at close range, either negligently or deliberately increasing the likelihood of serious injury and death.
 - In May 2014, the authorities fired birdshot at fourteen-year-old **Sayed Mahmood Mohsen Ahmed** during a funeral procession in Sitra; the pellets, fired from a range of 2-3 meters, penetrated his lungs and heart, killing him.
 - In January 2015, the authorities fired birdshot at two different demonstrations, wounding both participants and bystanders; in one of the incidents, birdshot hit 14-year-old **Mohammad Mahdi al-Sawad** in the face as he was playing outside of his grandparent's house. Al-Sawad was blinded in one eye as a result.
15. Security forces have also deployed tear gas indiscriminately and in confined places, causing severe respiratory problems for those in the target area. This practice is particularly dangerous for children and the elderly. This contravenes the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in particular articles 4, 5, and 8. According to the BCHR, the use of excessive force by security personnel has led to the death of at least 97 individuals between 14 February 2011 and 6 February 2015. Eighteen of the deceased were children under the age of 18.
 - In just one month in 2013, security forces killed 87-year-old **Habib Ibrahim** and 8-year-old **Qassim Habib** after they launched tear gas rounds into the villages of Malkiya and Karbabad, respectively. Both died of asphyxiation as a result of tear gas inhalation.
 - In general, the authorities have fired tear gas canisters in such a way as to inflict blunt physical trauma. On 19 November 2014, Sitra residents held a memorial event for 16-year-old Ali Yousif Badah, who was killed after being run over by a police jeep in 2011. The peaceful gathering was attacked by police, who shot tear gas at the protesters at close range. The father of the deceased, **Yousif Badah**, who was holding a banner near the front of the gathering, was struck in the face by a tear gas canister, irreparably damaging his left eye socket.

16. In February 2014, the Bahraini government issued Decree 24/2014, which sought to amend the 2012 code of conduct for police and further regulate the use of force. The new law limits on paper the use of force by police to only those situations of “extreme necessity” such as self-defence where there is a serious threat to an officer’s life. It also states that force must be governed by the principles of legitimacy, necessity, proportionality, and accountability, echoing the four basic principles in the International Rules and Standards for Policing.² However, the law grants police commanders the right to authorize the use of force even in situations that do not meet the conditions of “extreme necessity.” This vaguely defined provision effectively negates what positive language is included in the decree, as it empowers commanders to waive the aforementioned restrictions and sanction the use of lethal force in a range of unnecessary circumstances, such as peaceful protests or funeral processions (see Para. 15).
17. **Recommendations:** In order to implement second-cycle UPR recommendations **115.89 (Germany)** and **115.109 (Canada)** and curb the use of excessive force against non-violent protests by police, the Government of Bahrain must:
1. Impose greater restrictions on the use of force, and specifically the deployment of ‘non-lethal’ equipment such as teargas, birdshot, and baton rounds.
 2. Limit the discretion of police commanders to authorize force in unnecessary situations.
 3. Investigate independently all reports of excessive use of force.
 4. Prosecute all cases of excessive use of force.
 5. Decriminalize nonviolent assembly and expression, including laws banning protests in Manama.

D. Training Programs and Accountability Mechanisms

18. Despite a number of policies enacted since 2012, including the introduction of training and accountability mechanisms, the Bahraini security forces under the Ministry of Interior remain an unaccountable body with superficial human rights training. This is in spite of recommendations **115.102 (Spain)**, **115.104 (Palestine)** and **115.105 (Saudi Arabia)** which recommended human rights capacity building for Bahraini law enforcement.
19. With the assistance of international partners, the Government of Bahrain has instituted several training programs with the stated purpose of improving police practices and bringing the security apparatus in line with international standards.
20. Reportedly, the National Institute for Human Rights (NIHR) and the Special Investigations Unit (SIU) of the Public Prosecution Office (PPO), which is tasked with prosecuting cases of abuse committed by security personnel, have both provided the security services with frequent lectures and training workshops focused on protecting human rights and related policing issues. As of 2016, the Government of Bahrain claimed that approximately 8,000 security personnel had “received public order training” since 2011 and that the Ministry of Interior had distributed a handbook of international policing standards to all its officers. The government has not publicly released information regarding any similar training for the Bahrain Defense Force (BDF), the National Guard, or its private security contractors.
21. Despite these programs, Bahrain’s police continue to commit human rights violations with impunity. As demonstrated above, security forces regularly employ abusive practices such as arbitrary detention, enforced disappearance, excessive force and torture (see Paras. 5-16). Despite the introduction of a number of ostensible accountability measures since 2012, very few police have been prosecuted for acts of ill-treatment; those prosecuted have received light sentences; and no senior officials in the Ministry of Interior have been held accountable.

- The Bahraini Ministry of Interior continues to be led by **Sheikh Rashid bin Abdullah Al Khalifa**, who has held the post of Minister of Interior since 2004. Crucially, he is the same minister under whom arbitrary arrest, enforced disappearance and torture have been practised systematically both before and after the events of the 2011 Arab Uprisings.
- The Bahraini Chief of Public Security, **Tariq AlHassan**, remains unchanged since prior to the events of 2011. As with his superior the Minister of Interior, it is under him that systematic violations of human rights have occurred, by the Public Security Forces he commands.
- The most senior security official prosecuted after 2011 was **Lt. Col. Mubarak bin Huweil**. Huweil was named by multiple victims of torture in the aftermath of the March-June 2011 State of Emergency. The Public Prosecution eventually charged him in connection with torture of four medical professionals. On 1 July 2013, the Third High Criminal Court acquitted Huweil. On the same day, Huweil met the Prime Minister of Bahrain Sheikh Khalifa bin Salman Al Khalifa. In the visit, filmed and published online, the Prime Minister thanked him for his “good work” and told those gathered, “these laws cannot be applied to you.”³ Huweil has since been promoted to Brigadier rank and is now General Director of the Southern Governorate Police Directorate.
- Since the acquittal of Huweil in 2013, no high ranking security personnel have been prosecuted.

22. Bahrain has established three mechanisms which have the stated objective of ensuring accountability, though all three are problematic, both in law and in practice. These are the Ombudsman of the Ministry of Interior, the Prisoners and Detainees Rights Commission (PDRC) and the SIU.

23. The Ombudsman of the Ministry of Interior, established in 2012, is intended to receive and investigate complaints filed against Bahraini security forces and Ministry of Interior employees. Where it finds merit in a complaint, the Ombudsman is supposed to refer that complaint to the SIU for criminal investigation. Victims, their families, lawyers and/or agents (including NGOs) can submit complaints to the Ombudsman, which it is obliged to investigate. While the Ombudsman has had limited positive impact, the institution is fatally flawed at the level of its enabling legislation, which grants the Ministry of Interior undue influence over the Ombudsman’s office. Article 7 of Decree 27/2012, which defines the Ombudsman, vests the Minister of Interior and the Prime Minister with the power to dismiss the chief Ombudsman and his deputy if they are judged to not be fulfilling their mandate. Article 16 of the same decree states that the Ministry of Interior apportions the Ombudsman’s budget. While the Ombudsman claims independence, these articles determine its total operational dependency on the Ministry of Interior’s goodwill. In practice, the Ombudsman has routinely failed to satisfy the international minimum standards governing torture inquiry bodies, principally the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, commonly known as the Istanbul Protocol. The best-documented case of these failings is that of Mohammad Ramadan. Mr Ramadan’s wife submitted a complaint alleging his mistreatment in custody in April of 2014. ADHRB submitted a separate complaint on behalf of Mr Ramadan’s wife in July 2014, alleging Mr Ramadan’s torture in great detail (see Para. 12). Despite this, the Ombudsman never opened any investigation into Mr Ramadan’s torture, even when he went on to be convicted and sentenced to death on the basis of confessions which he and his co-defendant allege were coerced. Following a lengthy investigation over the past six months, Reprieve, BIRD, and ADHRB demonstrated to the UK Foreign and Commonwealth Office (FCO), which sponsors and trains the Ombudsman’s office, that the Ombudsman had received multiple complaints about Mr Ramadan’s torture more than two years ago and failed to investigate them. In spite of this, the Ombudsman’s office continued to lie to the UK FCO for months, claiming it never received such complaints. Finally, in June 2016, and in the face of overwhelming evidence, the Ombudsman’s office had no choice but to admit that it had received torture complaints in Mr Ramadan’s case and did not investigate them. The Ombudsman’s office subsequently opened a new investigation into Mr Ramadan’s

torture. Reprieve, BIRD, and ADHRB have followed the investigation closely and communicated with the Ombudsman's office regarding its progress. Unfortunately, this investigation has not come close to satisfying the Istanbul Protocol's minimum requirements. These violations have included, but are not limited to: the Ombudsman's office has interviewed Mr Ramadan inside of Jau Prison without allowing him the presence of his legal counsel, in violation of paragraph 81 of the Istanbul Protocol; the Ombudsman's office refuses to share any details of its investigation, including transcripts of its meetings with Mr Ramadan and his wife, with Mr Ramadan's legal counsel, in violation of paragraph 81 of the Istanbul Protocol; the Ombudsman's office has apparently not arranged for a compliant, independent medical examination to be conducted on Mr Ramadan, in violation of paragraph 104 of the Istanbul Protocol, and; the Ombudsman's office has ignored offers of international expert advice and assistance, in violation of paragraph 90 of the Istanbul Protocol. The Ombudsman's conduct in the case of Mr Ramadan is indicative of the quality of its investigations and the level of its independence overall. The Ombudsman's office should not be mistaken for an impartial inquiry body, and it should certainly not be considered a compliant National Preventive Mechanism (NPM) in line with the Optional Protocol to the UN Convention Against Torture (CAT), which Bahrain has not ratified.

- These issues result in a trust deficiency between victims of abuse and Ombudsman, which is counter-productive to holding security forces to account and improving police practices in line with the relevant recommendations.

24. The SIU was established in 2012 and, like the Ombudsman, is mandated to investigate allegations of torture and ill-treatment. The SIU is administratively placed within the Public Prosecution Office and its offices are based in the same location. The SIU has a Memorandum of Understanding with the Ombudsman. The Ombudsman transfers cases with potential criminal liabilities to the SIU, and must cease all investigations into a case if the SIU undertakes criminal investigation into it. In 2015/16, the Ombudsman transferred 55 complaints to the SIU; zero resulted in criminal convictions. The SIU has no public reporting mandate, and complaints are treated without transparency. Complaints to the Ombudsman which result in transfers to the SIU for criminal investigation thus also have non-transparent results for complainants. The SIU has not secured the conviction of any high-ranking officials.

- SIU investigations, like that of the Ombudsman (see Para. 23), breach the Istanbul Protocol. The SIU takes no confidentiality precautions, in contravention of para. 84 of the Istanbul Protocol. BIRD recorded one incident in late 2015 where the brother of a detainee submitted a complaint to the SIU. The complaint set out his concern that his brother was being illegally detained at the National Security Agency (NSA), which was formally stripped of law enforcement powers after the events of 2011's Arab Uprisings. Within days, the complainant received a summons from the NSA, where he met an official who held the original hand-written complaint and who wanted to know why he had written this complaint against them. This lack of confidentiality is typical of the SIU.
- These issues result in a trust deficiency between victims of abuse and SIU, which is counter-productive to holding security forces to account and improving police practices in line with the relevant recommendations.

25. The PDRC, established in 2013, is tasked with inspecting places of detention and publicly reporting its findings. This body is effectively subordinate to the Ombudsman, who is mandated as its permanent leader under Decree 61/2013. Other members of the PDRC are drawn from the NIHR, public prosecution and judiciary. BIRD has found the PDRC to lack independence, while its inspections and reporting mechanisms are poor. Its reports tend to brush over issues of torture and violence, and its inspections of police stations and the CID, a location named in many allegations of pre-trial ill-treatment and torture, are brief and brush over issues of torture. In late 2015 the PDRC inspected the Central Jau Prison, Bahrain's large male long-stay prison. The resulting report was the longest of the PDRC's reports, and was touted

by the PDRC and as a major improvement and sign of progress. BIRD, ADHRB, and Reprieve take issue with this narrative and note that the report's length—which, at 50 pages is still relatively light for a report of this kind—is not an indication of its quality. To the contrary, the PDRC's report on Jau Prison is marred by serious failings and inconsistencies. Principal among these is the PDRC's failure to investigate a mass torture event that took place in Jau Prison. In March 2015, Jau was the location of acts of collective punishment and torture for which no police have been held accountable. BIRD and ADHRB investigated this event and found that hundreds of prisoners had been collectively humiliated, starved, forced to sleep in courtyards in extreme weather conditions, and subjected to torture. In its report, the PDRC explains that it is only mandated to examine the prison conditions at the time of its inspection, and does not investigate allegations of abuses. The report then goes on to repeat the Ministry of Interior's narrative of events of March 2015, which exonerates the prison staff and police force, and the PDRC does not appear to have questioned inmates on the events or on other incidents of torture and ill-treatment.

Recommendations: In order to implement second-cycle UPR recommendations **115.102 (Spain)**, **115.104 (Palestine)**, and **115.105 (Saudi Arabia)**, and to improve the conduct of its police forces, the Government of Bahrain must:

1. Establish more effective human rights training programs for its security forces that focus explicitly on issues of arbitrary detention, enforced disappearance, and excessive force.
2. Release all information regarding police training programs to the public in the interest of transparency.
3. Discontinue or restructure any training program that does not appropriately address human rights issues or does not adhere to international standards of police conduct.
4. Amend Decree 27/2012 establishing the Ombudsman Office of the Ministry of Interior to guarantee its total independence, by removing all authorities of the Ministry of Interior over the Ombudsman as contained within articles 2, 4, 5, 6, 7, 16 and 17.
5. Amend Decree 61/2013 establishing the Prisoners and Detainees Rights Commission, in particular articles 2 and 9, to separate its leadership and finance from the Ombudsman and guarantee its total independence.
6. Ratify the Optional Protocol to the UN CAT in order to bring both the PDRC and the Ombudsman's office under the supervision of the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
7. Allow the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Bahrain.

E. Conclusion

BIRD, ADHRB, and Reprieve find that the government has entirely failed to implement its second-cycle UPR recommendations to bring police practices in line with international standards and improve respect for human rights within the security apparatus. Arbitrary detention, enforced disappearance, and use of excessive force remain systematic and widespread in Bahrain. Security forces have consistently employed these abusive practices to target nonviolent demonstrations, human rights defenders, opposition figures, and religious leaders. At the same time, government oversight bodies have not held perpetrators accountable and training programs have failed to produce tangible results. While the establishment of the Ombudsman, SIU and PDRC in 2012-13 suggested progress, none of these bodies are independent from the state, and in practice they have consistently failed to protect victims of abuse, failed to adhere to the Istanbul Protocol, and actively worked against the interest of complainants. In doing so, they help to reinforce the practices of arbitrary arrest, arbitrary detention, excessive use of force, and ill-treatment and torture. It is for this reason that BIRD, ADHRB and Reprieve consider there to be no meaningful

progress in the implementation of recommendations **115.89 (Germany)**, **115.102 (Spain)**, **115.104 (Palestine)**, **115.105 (Saudi Arabia)** and **115.130 (Netherlands)**.

¹ "From the Ground: Arbitrary and Unlawful Arrests in Bahrain," ADHRB, BCHR, and BIRD, 10 February 2016, <http://www.adhrb.org/2016/02/8768/>.

² International Committee of the Red Cross, *International Rules and Standards for Policing*, p. 18, <https://www.icrc.org/eng/assets/files/other/icrc-002-0809.pdf>.

³ The video is available on YouTube: <https://www.youtube.com/watch?v=YVundvyyNS8>. Lt. Col. Mubarak bin Huweil is seated to the Prime Minister's right.