



Universal Periodic Review

Submission to the UN Universal Periodic Review
41st session of the UPR Working Group

Salam for Democracy and Human Rights
Bahrain Center Against Torture
 with the support of the World Organisation Against Torture (OMCT)

Salam for Democracy and Human Rights (SALAM DHR) is an independent non-governmental organisation that promotes respect for and adherence to international human rights standards and principles of democracy.

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The **World Organisation Against Torture (OMCT)** is an international NGO that was created in 1985. OMCT works for, with and through an international coalition of over 180 NGOs - the SOS-Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment.

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Introduction

1. This submission focuses on the Government of Bahrain (GoB)'s compliance with recommendations relating to torture and ill-treatment received during its third UPR cycle. During its third UPR cycle, Bahrain accepted 10 recommendations relating to torture, ill-treatment and impunity. To see the specific recommendations, as derived from the midterm assessment, see **annex 1**.
2. This submission focuses on the ongoing use of torture of detainees, notably in pre-trial detention, to extract confessions, as well as the practice to subject prisoners to cruel, inhuman or degrading treatment with complete impunity. Finally, it provides recommendations for Bahrain's fourth UPR cycle.
3. This submission draws on the analysis carried out by SALAM DHR and its partners in their November 2019 midterm assessment as well as targeted research undertaken from outside of the country, notably in relation to human rights defenders and those facing the death penalty or ill-treatment in custody. The submission also draws on credible, publicly available information and partnerships, notably with human rights defenders, including in Bahrain.

Assesment of Legal Framework

4. Bahrain ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in March 1998. Articles 19(d) of Bahrain's Constitution provides that "No person shall be subjected to physical or mental torture, enticement or degrading treatment, and the law shall provide the penalty for these acts." In 2012, Royal Decree No. 52 of 2012 amended the definition of torture under the Criminal Code, bringing it in line with the definition provided in Article 1 of CAT. The amendments also abolished the 10-year statute of limitations on the crime of torture and introduced life imprisonment if victims are tortured to death.
5. Articles 208 and 232 of Bahrain's 1976 Penal Code provide respectively for a prison sentence in respect to a public official who intentionally inflicts pain and the criminalisation of the infliction of pain for the purpose of obtaining information or a 'confession'.
6. Article 253 of the Code of Criminal Procedures invalidates any "confession proved to have been obtained through coercion or threat."
7. In addition, Article 81 bis of Decree Law No. 53 of 2012 amending the 2002 Code of Criminal Procedure reads as follows: "The Public Prosecution shall exercise its jurisdiction to consider allegations of torture or inhuman or degrading treatment or death against the accused, witness, or expert during the identification, investigation or proceedings before the court. In other cases, the Public Prosecution shall exercise its jurisdiction for the General Security Forces based on what is referred to it by the Ombudsman or the Inspector General."
8. Decree No. 14 of 2012 issued by the Minister of the Interior on January 30, 2012 on the Code of Conduct for Policemen, stipulate that Policemen are absolutely prohibited from using torture or other ill-treatment and they may not invoke superior orders or exceptional circumstances such as a state of war or the existence of a threat to national public security to justify torture.
9. Bahrain is a State Party to the League of Arab States' Arab Charter on Human Rights, which was amended in 2004. While in part problematic, articles 8, 9, and 20 criminalise torture and ill-treatment. Bahrain is not a Party to the Optional Protocol (OPCAT).
10. While Bahrain has improved its laws to criminalize torture, these legal safeguards have failed to prevent the use of torture by State officials and have not translated into effective and tangible protection from torture.

Persistence of Torture and Cruel, Inhuman and Degrading Treatment and Punishment

11. During its third UPR cycle, the GoB accepted four recommendations relating to the prohibition of torture (see annex), notably in respect to establishing an independent and effective mechanism to investigate claims of ill-treatment (114.17); implementing measures to protect victims (114.81) and to investigate all allegations of torture (114.79).
12. The cases illustrated below, which occurred during the reporting period, show that the GoB has failed to implement these recommendations. Rather, they show that torture and other cruel, inhuman or degrading treatment are structural and widespread, and are routinely practiced, including against human rights or non-violent political activists.
13. In broad terms, the phenomena of torture and other cruel, inhuman or degrading treatment appears most prevalent and indeed, structural, in pre-trial detention. It is also evidenced in post-sentence detention, notably when the detainees seek to assert their rights, such as during the pandemic.
14. **In May 2017**, the National Security Agency detained human rights defender (HRD) and member of Salam for Democracy and Human Rights, **Ebtisam AlSaegh**. Officials of the National Security Agency (NSA) tortured her at a detention facility in Muharraq. On 4 July 2017, the Special Rapporteurs on HRDs and torture and other cruel, inhuman or degrading treatment or punishment issued a letter concerning her case (ref. UA BHR 8/2017). She told SALAM DHR that officials telephoned her and instructed her to go to the NSA building. When she arrived at the building in Muharraq, they blindfolded and interrogated her because of her human rights activities. During the interrogation, they used the worst forms of physical torture. They insulted her, threatened her, and sexually abused her. Speaking at a Front Line Defenders seminar on 3 October 2019, she said that “in every room torture methods were different” at the NSA facility in Muharraq and that “ [they were] beating and kicking. [...] Then the torturer sexually harassed me (from behind) and he did not stop there but he was even proud that he was a torturer. He told me that he can do whatever he wants with me and no one can stop him. He said that he had a green light from Trump [and] Britain [...] and all countries that support human rights [...] They later threatened to rape me and ultimately target me and my loved ones with criminal charges [...] and instructed me, within one hour of my release, to post one tweet and then close all my social media accounts; change all my phone numbers and cut my ties with my organisation and all the organisations with which I collaborate. The tweet was ‘I am Ebtisam AlSaegh and I stop my human rights work. I don’t want anyone to get in touch with me again.’”
15. After her release in October 2017 following international mobilisation, she was transferred to the hospital in a complete nervous breakdown. A medical examination concluded that she was beaten severely on the head and then she was physically assaulted. However, the doctor refused to issue a medical report for fear of reprisals.
16. To show the intergenerational impact of such conduct and how it can undermine rule of law itself, she added that her “[...]youngest son is always terrorised by the consecutive break-ins of our house [by the police] [and] hates the blue colour as it was the colour of the official uniform of the police officers that usually come to the house to arrest us for a short period of time [...] My son was treated for neuroses connected with the blue colour caused by these incidents but [one time] he collapsed when he saw them walking into his room [...]”
17. A few months later, Ebtisam AlSaegh officials once again arrested her in retaliation for publicly denouncing the torture she faced. Officials kept her in solitary confinement, humiliated her and charged her with terrorism. She reported that one of the detectives told her “you will remain in prison for 10 to 15 years - if you do not die in prison... We just want you to remain

- silent because you talk and you dare to challenge us, men.”
18. Also in May 2017, the NSA summoned another human rights defender, lawyer **Ebrahim Sarhan** to its facility in Muharraq. Officials repeatedly kicked his genitals and threatened him with rape, while he faced sexual harassment by two officers. Officials demanded that he confess to crimes he never did. As in the case above, on 31 October 2017, Special Procedures raised his case with the GoB. The government replied that Ebrahim Sarhan raised no complaint and concluded that it had no case to answer. For more information on this and other instances, see the 2019 SALAM DHR [report](#).
 19. **In November 2017**, police officers detained **Younis Ahmed Sultan** in connection with the alleged activities of his brother, human rights defender Mohamed Sultan, who is also a member of Salam for Democracy and Human Rights. In this instance, the Bahraini security forces used torture as a form of reprisal in relation to the activism of a family member. Officials tortured, sexually harassed and ill-treated him. He recounted, in a [2021 report](#), the severe torture he suffered at the hands of officers allegedly under the command of General Sheikh Rashid bin Abdullah Al Khalifa. They accused Younis Sultan of conspiring with his brother, the State of Qatar and Iran to overthrow the ruling family in Bahrain. Following a brief release, an officer whom he named as Taher al-Alawi summoned him to return to the station one week later, where other officials beat his stomach and used a large wooden stick to rape him. No one is known to have been held to account.
 20. **On 17 April 2018**, the security services arbitrarily detained [Younis al-Nasiri](#). At the time of arrest, officials beat him, and prison guards subjected him to cruel, inhuman or degrading treatment.
 21. NGOs have expressed concern in 12 specific instances where there appeared to be a link between torture and ill-treatment and the death penalty in the cases of **Hussein Ali Moosa** and **Mohamed Ramadan**. Despite persistent allegations of torture and ill-treatment, the Court of Cassation upheld the death penalty handed down to them for alleged murder. [SALAM DHR's and others' 8 August 2020 open letter](#) to King Hamad detailed these and a further 10 such cases in which torture may have shaped the use of the death penalty in Bahrain.
 22. The authorities held scores, if not hundreds of detainees in inhuman and degrading conditions of detention during the Covid-19 pandemic, and failed to implement UN / OHCHR and WHO recommendations to prevent the spread of the virus. [SALAM DHR described in a statement](#) conditions faced by detainees, including overcrowding, a lack of basic sanitation, natural ventilation, sunlight, and clean water. They were provided with insufficient food and denied access to information regarding family members' safety.
 23. The lack of access to healthcare in prison led to at least one death. Prisoner of conscience **Hussein Barakat**, 48, died on 9 June 2021 after contracting Covid-19 on or around 27 May 2021. He had been double-vaccinated. According to an audio clip from his wife, which was widely shared on social media, she received calls from her husband asking her to mobilise on his behalf to get help, for he was barely able to stand on his feet and that his death was imminent. In the clip, Barakat's wife demanded that the Bahraini authorities allow her to see him, if only for an instant and a single glance. On 9 June 2021, SALAM DHR was told by Barakat's wife that she had received a call from Salmaniya Medical Hospital notifying her of her husband's death. Fellow inmates, jailed with him in the same building, had urged the prison officers to take him to the hospital; the prison administration thought it sufficient to take him only to the prison clinic, after which he was diagnosed with having severely low oxygen levels in his lungs and body. Despite the diagnosis, officials returned Hussein Barakat to his cell, where he remained for five days, before his condition rapidly deteriorated and officials decided to transfer him from Jau Central Prison to the ICU at Salmaniya Medical Hospital. GoB courts had handed down a life sentence to Hussein Barakat in May 2018 in a mass trial known as

- ‘Zulfiqar Brigades’ [case]. Tried under the anti-terrorism law, the trial failed to meet the set international standards for fair trial.
24. **On 17 April 2021**, the authorities used disproportionate force against detainees who peacefully protested prison conditions. An [OHCHR statement](#) expressed concern over “[...] the use of unnecessary and disproportionate force by police special forces to dismantle a peaceful sit-in in Bahrain’s Jau prison on 17 April. According to accounts received from eyewitnesses of the incident, special forces threw stun grenades and beat detainees on their heads, badly injuring many of them [...]” To the best of the submitting organisations’ knowledge the authorities have not carried out an independent investigation into this matter.
 25. Detainee **HA** (identity withheld for protection), held at Jau Prison, in eastern-central Bahrain, [told SALAM DHR](#) in June 2021 that officers regularly torture and ill-treat detainees. He claimed that prison officers attacked him, asserting that guards used harmful substances on his person. “Until today I have marks from torture all over my body. Torture is an ongoing practice here, they fear nothing”, he told SALAM DHR. The submitting organisations are unaware whether there has been any independent investigation.
 26. In March 2022, a [news report revealed that activist Najah Yousuf](#) continued to wait for compensation in connection with ill-treatment she experienced in custody in 2020, as called for by the United Nations Working Group on Arbitrary Detention.

Chronic Impunity for Torture and Ill-treatment

27. Legal and institutional measures adopted to prevent and punish torture and ill-treatment have failed to ensure accountability to victims of torture as effective prosecution and punishment of State agents accused of torture and other forms of ill-treatment is not guaranteed in the current context.
28. [On 25 April 2017, during its review before the Committee Against Torture, the government asserted](#) that a Special Investigation Unit had been set up in 2012 to investigate allegations of torture and that 52 cases had been brought to criminal courts, in which 101 suspects had been found guilty of torture. [On 8 May 2019, the Rai al-Youm news platform reported](#) that the SIU was to prosecute 12 officials. [On 6 September 2019, the Bahrain Mirror platform reported](#) that one member of the security services had been referred to the SIU. The report stated that the [...] “unit heard the statements of 29 plaintiffs and 23 witnesses, and questioned 30 defendants and suspects from the security forces. It referred 12 plaintiffs to the forensic doctor and two others to the psychiatrist in the unit”. It is not clear what was the outcome to this process. The [8th Annual Report](#) (2020-21) of the GoB’s Ministry of the Interior’s Ombudsman details examples of (section 2) investigations undertaken and (section 3) investigations into deaths in custody. It asserts that the Ombudsman’s Office referred cases to the Special Investigative Unit (SIU). While the contributing organisations welcome these steps, in none of the cases is there any account of prosecution or sentencing; nor even suspension from employment pending a review of conduct. Furthermore, while a [December 2021 news article](#) asserted the role of the SIU in upholding human rights; being “the mainstay for eliminating all forms of torture or ill-treatment and achieving criminal justice”, the [2021 annual report of the SIU](#) provides only scant evidence that the authorities took action to combat torture on a routine basis. The report details cases referred from all of the government human rights bodies, yet cites only seven referrals to the criminal court and confirmed four minor convictions for assault without detailing the nature of the cases. It also stated that the Military Courts Department of the Ministry of Interior imposed sanctions in respect to five different cases against nine members of the Public Security Forces. It did not provide any details on the sanctions imposed.

29. On 4 December 2021, the state-run Bahrain News Agency reported on the SIU's role, but did not provide any concrete information about its work or cases. SALAM DHR was unable to find independent confirmation regarding cases concluded, nor the fate of pending cases up to the present.

Recommendations

30. The submitting organisations call on the GoB to use the UPR to take stock and re-assess its trajectory notably by acting on the implementation of repeated recommendations.
31. The submitting organisations urge the GoB to:
- Ensure that all complaints or allegations of torture and ill-treatment are independently, promptly and thoroughly investigated;
 - Release all detainees whose confessions were extracted under torture;
 - Adopt a legislation to ensure redress and rehabilitation;
 - Provide operational independence to existing redress mechanisms or establish new and independent ones to review claims relating to compensation and redress for survivors;
 - Commute all death sentences and adopt a moratorium on executions;
 - Address and implement in an objectively and verifiable manner the recommendations made by the Committee against Torture and other UN human rights treaty bodies;
 - Ratify the Optional Protocol to the Convention against Torture;
 - In the 'decade year' since the publication of the [Bahrain Independent Commission of Inquiry](#) (BICI) report, act to implement the 2011 recommendations by the end of the 4th Cycle of the UPR; and
 - Extend an unconditional invitation to all UN Special Procedures.
 - Ensure transparency and disclose information about cases addressed by the Ombudsman or the SIU

