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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 August 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Bahrain: Torture and ill-treatment*

International laws and legislations ban torture and ill-treatment, whether physical, mental, or psychological torture, as Article 7 of the International Covenant on Civil and Political Rights stipulates, “No one shall be subjected to torture or to cruel, inhuman, degrading treatment or punishment”.

Article 1 of the Convention against Torture states “for the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he has committed or is suspected of having committed by him or a third person, or intimidating or coercing him or a third person - or when such pain or suffering is based on discrimination of any kind for any reason, or when performed with the abetment, consent or agreement of a public official or other person acting in an official capacity. This does not include pain or suffering caused only by legal sanctions or inherent for these sanctions, or what is considered a side effect caused by legal sanctions.”¹

Furthermore, Article 8 of the Arab Charter on Human Rights stipulates that:

1. No one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhuman treatment.
2. Each State party shall protect every individual subject to its jurisdiction from such practices and shall take effective measures to prevent them. The commission of, or participation in, such acts shall be regarded as crimes that are punishable by law and not subject to any statute of limitations. Each State party shall guarantee in its legal system redress for any victim of torture and the right to rehabilitation and compensation.

Regarding Bahrain, the text of the Constitution of Bahrain in Article 19, paragraph (d) stipulates that “No one shall be subjected to physical or mental torture, or abetment, or undignified treatment, and the law defines the punishment of anyone who does so. Any statement or confession proved to have been made under torture, abetment, or threatening with such treatment, is considered abolished”.

As for the law that punishes the crime of torture, and which is confirmed in the previous constitutional article, Article 208 of Bahrain's penal code condemns any employee who makes use of torture or threat power, either directly or indirectly, for it stipulates that “The penalty of imprisonment is inflicted on any public official who uses torture, force or threat, whether by himself or through others, with the accused, witness or expert to get him to confess a crime or to make a statement or information about it. The penalty shall be life imprisonment if use of force or torture led to death”.

Article 232 also stipulates that: “Whosoever uses torture, force or threat, whether by himself or through others, with the accused, witness or expert to make him confess the occurrence of a crime or to make a statement or information about it. The penalty shall be imprisonment for not less than six months if torture or force affected the body health”.

Plenty of evidences referring to the continuation of torture and ill-treatment in Bahraini prisons and detention centers are available in Bahrain, especially after applying some of the procedures and laws that contribute to the possibility of torture and ill-treatment for detainees; this was already mentioned in the chapter on arbitrary arrests and enforced disappearances.

Many other matters intensify fears and concerns from the continuation of torture. These include Bahrain’s refusal of the visit of the UN Special Rapporteur on torture for many times as well as the rest of the rapporteurs, and the continuous refusal of security authorities, general prosecutors and courts to expose detainees on neutral doctors to make sure if they might have been tortured.

On the contrary, everyone who is bringing up this topic is accused of insulting the Ministry of Interior, or of publishing

¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is adopted by the United Nations General Assembly under resolution 39/46 of December 10, 1984, effective date: June 26, 1987, according to the provisions of Article 27 (1)

false news, which is what happened to the MP Khaled Abd El-Aal, who was sentenced to one year in prison after posting Tweets on his Twitter account saying the Ministry of Interior has become a torture den. The same thing happened with the lawyer of detainee Hassan Jassem Al-Hayki, who died in prison in July 30, 2016 as a result of being tortured. The General Prosecution accused Al-Hayki's lawyer of publishing false news when announcing that the body of Al-Hayki showed "cuts and bruises on the body of the deceased which confirms beyond any doubt the existence of a criminal suspicion behind his death".

Available information indicates the existence of a systematic level of torture, ill-treatment and degrading inhuman practices performed by the security services. Such systematic level has not changed even after the pledges of the Bahraini Government to implement the recommendations included in the report of Bahrain Independent Commission of Inquiry (BICI) and the recommendations of Human Rights Council recommended during the review UPR.

This approach cannot continue this way except if there were orders coming from superior security, administrative and political levels, or if there were no serious attempts to stop it despite being aware of it. On the contrary, there are clear indications that prove that officials in the Bahraini government implement the policy of providing immunity for those involved in torture, which in turn contributes to the occurrence of torture crimes continuously. What aids the continuation of torture crimes are the unfair sentences issued by the Bahraini judiciary, where the killers of citizens and those involved in their torture were acquitted, as well as the complicity of the General Prosecution with the security services, which also led to the continuation of the same approach. Trying many persons under the law on protecting society from terrorist acts (Terrorism Law) gives the security forces excessive powers that would increase the risk of torture and ill-treatment.

Several information and indications confirm that torture in Bahrain is continuous and supported by the government. Raihanna Al-Moussawi, death-row prisoner Mohammed Ramadan, the two brothers Mohammed and Ali Fakhrawi, and others are all example that prove this reality.

*Bahrain Forum for Human Rights, NGO without consultative status, also shares the views expressed in this statement.