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## Human Rights Council

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### Human rights situations that require the Council's attention

## **Written statement\* submitted by Americans for Democracy & Human Rights in Bahrain Inc, 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.

[19 August 2022]

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\* Issued as received, in the language of submission only.



## **Bahrain: Lack of Accountability and Widespread Culture of Impunity in the Country**

### **The Lack of Accountability in Bahrain**

Americans for Democracy & Human Rights in Bahrain (ADHRB) wishes to take the opportunity at the 51st session of the United Nations (UN) Human Rights Council (HRC) to raise concerns over the pervasive culture of impunity in Bahrain, with abuses often perpetuated and/or overseen by individuals within the highest levels of the government. Relatedly, ADHRB also wishes to address the lack of accountability for security force personnel who commit such abuses. As the government has gradually tasked the MOI with enforcing new and more stringent prohibitions on fundamental freedoms, it remains alarmingly common that those authorities implicated in the perpetration of abuses not only manage to evade justice but are in fact rewarded for their behaviors which exist in direct contravention of international law.

### **Arbitrary Detention and the Ministry of Interior**

Bahrain is one of the most heavily policed countries in the world. While the government does not provide detailed information on the Ministry of Interior (MOI) – Bahrain's chief law enforcement agency – estimates put its strength at 11,000 officers supplemented by another 15,000-20,000-civilian staff in support roles. With a citizen population of approximately 675,000, this means that Bahrain maintains approximately 46 security personnel per 1,000 civilians.

The various agencies of the MOI coordinate to perpetrate widespread and systematic human rights violations, including arbitrary detention and warrantless home raids; enforced disappearance; torture; due process interference; substandard detention conditions; denial of healthcare; excessive force and police brutality; and religious discrimination. The Criminal Investigation Directorate (CID) and the Special Security Force Command (SSFC), as well as the local governorate police forces, knowingly detain individuals solely for exercising basic human rights and they almost universally refuse to present legal grounds for their actions. Thousands of arrests related to nonviolent acts of expression, association, and assembly are documented every year in Bahrain, resulting in the arbitrary detention of peaceful demonstrators, political activists, journalists, religious leaders, and human rights defenders.

Six Bahraini children between the ages of 14 and 15 from Sitra village have been detained since 27 December 2021. Despite the Law on Restorative Justice for children, which came into force in August 2021, they have consistently been denied basic rights. Their lawyers and parents were not allowed to be present during interrogation. They are currently prevented from continuing their education despite the protestations of their parents and are being held in an orphanage, in a room with no sunlight.

### **The Pervasiveness of Torture**

Torture is systematically perpetrated by Bahraini officials in government buildings and prisons, with human rights defenders, political activists, online activists, journalists and other dissenting voices bearing the brunt of the Kingdom's reliance on torture to maintain its oppressive sectarian and authoritarian rule. Royal Guard Commander Sheikh Nasser bin Hamad AlKhalifa, one of the king's sons and a high-ranking military official, has been directly implicated in the torture of activists during the government's violent suppression of pro-democracy protests during the Arab Spring demonstrations of 2011.

The corrosive impact of the widespread use of torture in Bahrain can be seen in the extent to which it intersects with and facilitates other gross violations of human rights and fundamental freedoms. Chief amongst these are the rights to a fair trial and the rights to freedom of expression and peaceful association and assembly. MOI personnel employ a range of torture methods varying in sophistication and cruelty. The most common method is beating with fists,

weapons, or blunt objects. Other methods include forced standing, hanging, or stress, electric shock, and sexual assault, including rape. MOI personnel most frequently torture individuals during their initial detention at the CID or local police stations to extract confessions or forced testimony. Often, the individual is beaten during arrest and in transit to the initial detention location. It is standard practice for MOI personnel to forcibly disappear detainees or hold them incommunicado during the period of initial detention, either at official facilities or at black sites to disorient the individuals and prevent their family or legal counsel from intervening.

Torture and abuse do not just occur during arrests and interrogation but continue during incarceration. Bahrain's prison system is notorious for its poor living conditions, denial of adequate health care, and rampant abuse against inmates. Lt. Col. Adnan Bahar, formerly the Acting Head of Jau Prison, has been identified as a lead perpetrator of torture starting as early as 2005. In 2008, the United Nations Special Rapporteur on Torture documented severe cases of torture and sexual violence overseen by Lt. Col. Bahar when he was still a sergeant. Major Maryam AlBardouli, who is the commander of Isa Town Women's Prison, has also reportedly beaten and assaulted detainees.

Given its centrality within Bahrain's deeply flawed criminal justice system, the use of torture also has alarming implications as it concerns the kingdom's decision to end the moratorium on the death penalty in 2017. Beyond its more pronounced deleterious effects, the insidious nature of the death penalty in Bahrain can be found in its inextricability from the kingdom's restriction on civil and political rights and the systemic use of torture to silence dissent. 83% of the men executed in Bahrain since 2011 were convicted of terrorism charges, and 100% of these individuals have alleged the use of torture to extract a confession; of the 51 people sentenced to death in Bahrain since 2011, 65% allege torture.

### **Impunity Within the MOI and the Lack of External Oversight**

Virtually immune from prosecution, mid-level and senior officers rise through the ranks at a rapid pace and are typically only reprimanded for failing to effectively suppress dissent rather than violating the rights of Bahraini citizens. Numerous individuals implicated in human rights abuses have been continuously promoted since 2011 with the explicit approval of the king, Prime Minister, or Interior Minister. Of the 12 senior commanders identified by ADHRB within the MOI's top eight abusive units, every one reached a higher rank or command post despite evidence of severe rights violations. Just one faced prosecution, and he was promptly acquitted and promoted. While Bahrain has created oversight bodies including the Ministry of Interior Ombudsman, the Special Investigations Unit, and the National Institute of Human Rights with the purported intent of ensuring accountability, these internal mechanisms lack independence from the monarchy and as a result have consistently failed to adequately investigate human rights abuses and even actively concealed evidence of abuse.

The culture of impunity within Bahrain stems not only from the Bahraini government's failure and refusal to adequately address and investigate allegations of abuse, but also from the governments ongoing refusal to allow the UN Special Procedures into the kingdom. The most recent Special Procedures visit to Bahrain took place on 25 April 2007. In November 2018, five UN experts sent a letter to Bahraini authorities addressing human rights violations, specifically those pertaining to the Zulfiqar Brigades case. A joint letter written by the Vice Chair of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had expressed their concerns regarding the human rights violations that were being upheld by the CID of the MOI. This is only one of dozens of communications Special Procedures offices have sent to Bahrain regarding a myriad of concerning rights abuses. Since 2011, Special Procedures offices have sent over 89 communications to Bahrain.

## Conclusions and Recommendations

Considering that Bahrain has publicly indicated its commitment to reform, despite its pervasive culture of impunity, abysmal human rights record, and lack of cooperation with international human rights bodies and mechanisms, ADHRB makes the following recommendations:

- The international community should impose sanctions on key perpetrators across all MOI agencies and within the Bahraini government, up to and including Interior Minister Sheikh bin Abdullah Al Khalifa and Prince Nasser bin Hamad.
- The Government of Bahrain must fully implement all recommendations it has received from the UN mandate holders, including the release of all political prisoners and ending impunity, thus bringing perpetrators to justice.
- The Government of Bahrain must reform the judiciary and the existing accountability mechanisms, such as the Ombudsman and Special Investigations Unit (SIU), so that they can operate independently and hold perpetrators of human right violations responsible for their actions

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1 K.T. Abdulhameed, “Bahrain’s Migrant Security Apparatus,” in Abdulhadi Khaladf, Omar al-Shehabi, and Adam Hanieh, Eds., *Labor Migration and Citizenship in the Gulf*, Pluto Press: 2015, Print.

World Population Review, Bahrain, 2022, <https://worldpopulationreview.com/countries/bahrain-population>

Ibid.