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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 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.

[27 May 2023]

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



Bahrain: Torture and Ill-treatment in Prisons

Since the beginning of the political and human rights movement in Bahrain in 2011, the approach of torture and ill-treatment has become popular in Bahrain, which caused the death of several PoCs under torture. On the other hand, the policy of impunity has prevailed to protect the torturers and those involved in torture crimes.

Independent Human Rights Organizations monitored a total of 2156 cases of torture and ill-treatment under variable forms (other than denial of medical treatment) that make more than 60 categories.⁸⁶ Of the cases mentioned were against children and 74 against women, performed by Bahrain's security governmental authorities against PoCs since January 2018 until April of 2023.

Some forms of torture and ill treatment against PoCs are electro shocks, severe beating, sexual assault, sprinkle with pepper spray, sectarian verbal assault, denial of family visits, denial of phone calls, solitary confinement, handcuffing for long hours or days, making prisoners stand for long hours in the sun, causing injuries as a result of shackling, death threat, prohibition from reviving a religious occasion, deprivation of prayer requirements, confiscation of belongings, denial of personal hygiene supplies or other necessities, delay in release, etc.

An important guarantee of a fair trial is the prohibition of coercion to confess and physical and mental torture, including the exclusion of evidence obtained through unlawful means such as torture or ill-treatment. "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) defines torture as follows, "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 or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

Therefore, subjecting the accused to torture and ill-treatment to extract confessions is always prohibited in all circumstances and conditions. In addition, "This right is absolute and non-derogable. It applies to all people. It may never be suspended even during times of war, threat of war, internal political instability, or states of emergency."

This right is of utmost importance to persons deprived of liberty even if the detainee is considered dangerous, as this does not justify subjecting them to torture. Therefore, all law enforcement officials are prohibited from inflicting, encouraging, or tolerating any form of torture or cruel, inhuman or degrading treatment or punishment on any person. In addition, they are not allowed to justify these acts by saying that they are following the orders of their superiors, instead, they are obligated under international standards to disobey and report these orders.

Many international covenants and conventions prohibit torture and ill-treatment, including Article 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights, Principle 6 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Article 8 of the Arab Charter on Human Rights

It is worth noting that the prohibition of torture and ill-treatment not only prohibits means of torture, but also acts that cause mental and physical pain, as well as not providing food or water and preventing the accused from showering or communicating with the outside world – which is common in Bahrain. The state is responsible for providing protection to people from torture and other ill-treatment or punishment committed by others in their official or personal capacity. In addition, the state must enact legislation and administrative decisions to ensure that the person is not subjected to acts of torture and ill-treatment and to criminalize the perpetrators.

It is also the responsibility of the judges to ensure the integrity of the investigation whenever they become aware that torture or ill-treatment has been committed and to be careful not to use any evidence that leads to the belief that it was extracted under torture or ill-treatment.

With respect to Articles 15 and 11 of the Convention against Torture, the judiciary and the concerned authorities must adhere to a criteria that enables the accused to seek a lawyer in order to be present with them during interrogation, especially when the accused is in detention, ensuring that individuals are not subjected to torture, ill-treatment, and coercion to confess during interrogation, preventing prolonged solitary confinement, respecting the right to humane conditions in custody.

Article 7 of the Rome Statute of the International Criminal Court stipulates that torture is considered a crime against humanity when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. In addition, Article 8 stipulates that torture and ill-treatment constitute war crimes when committed as part of a plan or policy or as part of a large-scale commission of such crimes. When the crime of torture or ill-treatment is committed in non-international armed conflicts, it will violate Article 3, common to the four Geneva Conventions of 1949. Moreover, torture and ill-treatment are also grave breaches of the 1949 Geneva Conventions, as stated in Article 147 of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. Grave breaches of the Geneva Conventions constitute war crimes pursuant to Article 8 of the Rome Statute of the International Criminal Court.

It is important to point out that all confessions and evidence extracted under torture or ill-treatment must be excluded and may not be used in the consideration of the lawsuit. Article 12 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment stipulates, “Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in any proceedings.”

Nevertheless, we find that many of the cases in Bahrain – as previously indicated in the trials chapter – are based mainly on the defendants’ confessions, which are suspected to be extracted under torture and threats, while the judge does not have jurisdiction to investigate allegations of torture and file lawsuits against those involved in torture and ill-treatment cases.

The right to humane conditions in custody includes several measures such as being held in a recognized place of detention, not being subjected to prolonged solitary confinement, not using force against detainees, providing the necessary health care, and not being subjected to torture and ill-treatment. Many of these issues were monitored between 2018 and 2023, when it was found that the detainees’ rights were violated, and in many cases, the Bahraini security authorities did not commit to those measures.

This occurs despite the fact that this right stipulates that every person deprived of liberty has the right to be treated humanely and that every person has the right to liberty and security of person, the right to be treated with humanity, the right to ensure the inherent respect of the human person by virtue of belonging to the human family, right to freedom from torture or ill-treatment, and the right to be presumed innocent until proved guilty beyond reasonable doubt in the course of a fair trial. Therefore, it is normal that for every person deprived of their liberty to be “treated with humanity and respect for the inherent dignity of the human person.”

The right to humane conditions of detention is guaranteed in many of the broad international standards stipulated in human rights conventions, which obliges the state to ensure minimum standards of detention and imprisonment and protect the rights of every detainee while deprived of liberty. Among the international covenants and conventions that insist on the right to humane conditions in custody is the International Covenant on Civil and Political Rights, Paragraph 1 of Article 10.

Bahrain Forum for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.

1 Article 7 of the ICCPR, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

2UN Convention against Torture of 1984

3Amnesty International, Fair Trials Manual, p:78

4UN Convention against Torture of 1984

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987

6MervatRishmawi, Human Rights in Arab Countries

7Amnesty International, Fair Trials Manual, p:73