



# General Assembly

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## Human Rights Council

### Fifty-fourth session

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Agenda item 3

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

## **Written statement\* submitted by Bahrain Jurists Society, 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.

[22 August 2023]

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



## **Evaluation of the Mechanism of Bahrain to Combat the Crime of Torture, the "Special Investigation Unit"**

The Bahrain Jurists Society (BJS) "an organization with consultative status with the United Nations Economic and Social Council", clarifies that criminal legislation and judicial measures in Bahrain guarantee respect for and adherence to human rights and fundamental freedoms, including procedural guarantees and punitive legislation to prevent cases of torture or inhuman or degrading treatment, in accordance with relevant international agreements and standards, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Rights. Civil and political, the Universal Declaration of Human Rights and other international conventions, declarations, and standards, oblige States to take effective legislative, administrative, judicial, or other measures to prevent acts of torture in any territory under their jurisdiction and to conduct a prompt and impartial investigation whenever there are reasonable grounds to believe that an act of torture has been committed, through an investigative body independent of any institution, undertaking, or person who is the subject of investigation of an alleged torture or ill-treatment.

Effective legislative and judicial measures have been taken to prevent acts of torture and inhuman treatment, including the issuance of Law No. 52 of 2012 amending some provisions of the Penal Code so that the provisions of Articles 208 and 232 are compatible with the provisions of the crime of torture stipulated in Article I of the Convention against Torture. Same.

Law No. 49 of 2012 amending Article 81 of the Public Security Forces Law and Legislative Decree No. 53 of 2012 amending some provisions of the Code of Criminal Procedure were also issued, whereby the Public Prosecution would investigate and dispose of crimes of torture, inhuman or degrading treatment or associated death whenever they occurred against a defendant, witness or expert during the evidentiary or investigation stage or the course of the case before the court. Based on what is referred to it by the Ombudsman or the Inspector General, as the case may be.

Bahrain was not satisfied with these legislative measures but also took many measures, including the Attorney General's Decision No. (8) of 2012 to establish the Special Investigation Unit as an independent judicial body within the judicial system in Bahrain, which exercises its legal competencies under the full authority of its head, and is independent in its work from all investigation and trial bodies that handle cases in which the person alleged torture, ill-treatment or cruel punishment is accused, and is competent to determine criminal responsibility against government officials who have committed unlawful acts that caused Murder, torture, abuse or ill-treatment, including those in leadership positions under the principle of command responsibility, in accordance with the provisions of the law, codes of conduct and professionalism, and international agreements and protocols, including as the most important element of the Istanbul Protocol for the Investigation and Documentation of Cases of Torture.

The Unit carries out its work in accordance with the provisions stipulated in the decision of its establishment and the instructions of its work, which is the introductory, guidance and practical document of the Special Investigation Unit, including the nature of the unit, its objectives and the powers vested in it, a statement of its competencies and composition, and the tasks of its specialized divisions and divisions that contribute to facilitating the process of receiving complaints, completing investigations, providing appropriate conditions, protections and care for complainants, in addition to the duties of the members of the unit and its affiliates, the qualities that they should have, and the means of collecting anecdotal and material evidence. It has been prepared in the light of the provisions of the law and the new legal principles and based on the rules established by the Istanbul Protocol for the investigation and documentation of cases of torture and ill-treatment.

The Special Investigation Unit has become the main pillar for the protection of human rights in the criminal justice system, with its measures to protect the rights of accused and convicted persons in the criminal system, from the beginning of arrest, evidentiary, and investigation

procedures until the implementation of legal punishment in various rehabilitation and correctional centres.

During 2022, the Special Investigation Unit received 61 complaints, which it listened to the statements of 84 complainants and witnesses, interrogated 96 defendants and suspects, presented 23 complainants to the Forensic Medicine and Psychological Support Division, and referred 10 defendants from the members of the public security forces to criminal and disciplinary trial, and the conviction in those cases was 100%, and the association also notes that there is a decrease in the number of complaints compared to previous years, and the association also monitored the work of the unit during the first third of this year. It received 14 complaints, in which it heard the statements of 33 complainants and witnesses, while it interrogated 43 accused and suspects and presented 23 complainants to the Forensic Medicine and Psychological Support Division, and 18 complainants to the Forensic Medicine and Psychological Support Division. against two members of the public security forces as a result of the accusations against them.

The Special Investigation Unit has launched its website, which enables individuals to submit complaints and view news and periodic and annual reports issued by the unit. BJS also appreciates the efforts made by the unit by spreading human rights awareness to all national bodies through Its launch of the national training program to enhance the capacities of those concerned with the protection of human rights in the criminal justice system in October of last year, which came in cooperation and joint coordination with the United Nations Development Program, the Royal Academy of Police and the Institute of Judicial and Legal Studies, with the participation of a group of officials and affiliates of the relevant national institutions, mechanisms and agencies. To protect human rights and civil society institutions.

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