



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

**Comments by the Government of Bahrain to the conclusions
and recommendations of the Committee against Torture
(CAT/C/CR/34/BHR)***

[21 November 2006]

* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

6 December 2006

**Reply of the Kingdom of Bahrain to the concluding observations
of the Committee against Torture**

The Committee discussed the initial and supplementary reports of the Kingdom of Bahrain and, at its 663rd meeting (CAT/C/SR.633), it proceeded to adopt its concluding observations. The Committee requested the Kingdom to provide, within one year, information on its response to the Committee's recommendations as contained in paragraphs 7 (e), (m) and (o) of the concluding observations set forth in document CAT/C/CR/34/BHR, dated 21 June 2005. What follows is some preliminary information concerning the above-mentioned recommendations. The Kingdom of Bahrain hopes to include, in its second periodic report, any additional information that it may have on this topic.

**A. Legal system, redress and an enforceable right
to fair and adequate compensation (para. 7 (e))**

1. The Civil Code, in articles 177 to 181, lays down the rules for awarding compensation for damage caused by an unlawful act. Article 180 contains a special provision on liability arising from an offence which is favourable to the injured party. It provides:

(a) No case involving liability for an unlawful act shall be heard once 3 years have elapsed since the day on which the victim became aware of the damage and the party responsible for it, or once 15 years have elapsed since the commission of the unlawful act, whichever of the two time limits expires first.

(b) However, if the case involving liability for an unlawful act pertains to a criminal act, it shall not be time-barred from prosecution as long as criminal proceedings are pending, even if the time limits specified in the preceding paragraph have expired.

2. With regard to the Code of Criminal Procedures:

(a) Article 22 of the Code recognizes the right to sue for damages in criminal proceedings. It affords anyone who is directly harmed by an offence the right to file a civil suit against the accused person during the evidence-gathering or investigation stages or before the court hearing the criminal case. The civil suit shall be included in the criminal proceedings referred to the court.

(b) According to article 23 of the Code, if a person harmed by an offence lacks the means to file a suit and has no legal counsel, the court may, at the request of the Department of Public Prosecutions, appoint counsel, free of charge, to claim that person's civil rights.

(c) According to article 32 of the Code, any judgement delivered in criminal proceedings must rule on the plaintiff's claim for compensation, unless the court decides to refer the matter to a civil court.

3. The reform project launched by His Majesty the King focused on national reconciliation and the realization of transitional justice, beginning with a general amnesty and the establishment of the National Action Charter. The process put an end to internal strife and brought the country out of the political and social crisis which had beset it, closing a chapter on the past and helping to create a climate conducive to the enjoyment of public freedoms.

4. The Government of the Kingdom paved the way for the provision of humanitarian assistance to all those who had suffered harm in the past, including victims of torture, ill-treatment, terrorism, arson and sabotage. It did this out of the conviction that it was in the interests of the Bahraini people to put the past behind them and to avoid the exploitation of personal suffering for short-term political ends, even though those who had allegedly been tortured did not sue for damages and not a single civil suit was brought in that regard.

B. Remove inappropriate restrictions on the work of non-governmental organizations, especially those dealing with issues related to the Convention

1. The Kingdom of Bahrain understands the importance of protecting and promoting human rights and endeavours to ensure the application of relevant laws and international treaties. It also keeps up with human rights developments, in conjunction with domestic, regional and international organizations. The Kingdom's approach to, and policy on, human rights are based on cooperation and constructive interaction with non-governmental organizations that work in this domain, as illustrated by the following examples:

(a) The Bahraini Human Rights Society visited the Jaw Reform and Rehabilitation Centre on 24 and 31 December 2005. A specialized team interviewed 56 inmates, selected from a random sample which the Society had identified on the basis of lists drawn up by the management of the Centre. The Society was given absolute freedom to inspect all the Centre's facilities without any interference on the part of management. At the end of the visit, the Society prepared a report, which was then published in the newspapers and on the Society's website.

(b) At the invitation of the Bahraini Association for Public Freedoms and Democracy, the Ministry of Foreign Affairs took part in a seminar entitled "Follow up on transitional justice in Bahrain", which was attended by Mr. Joe Stork of Human Rights Watch, Mr. Hani Majalli of the International Centre for Transitional Justice, and Mr. Idris El-Yazmi, Director of the International Federation and member of the Justice and Reconciliation Committee of Morocco.

(c) On 8 November 2006, the Ministry of Foreign Affairs took part in a debate organized by the Bahraini Human Rights Society and entitled "Beginnings of political and democratic reform in the Arab Gulf: the example of Bahrain" (the event was attended by the Human Rights Information and Training Centre of Yemen).

2. As for the removal of restrictions on the work of non-governmental organizations, especially those dealing with issues related to the Convention, we should point out that a group of individuals - none of whom applied for permission to establish an association - set up the so-called Committee for Martyrs and Torture Victims. Although they were asked to comply with the law and to apply for permission to form an association as required by law, they used the

group as a cover for political and sectional interests and prevented direct communication between the State and persons who considered themselves to be victims, in an attempt to distort the facts. They had no dealings of any kind with the State, apart from organizing rallies and demonstrations and committing acts amounting to criminal offences. Indeed, they have provided the State neither with a list of persons who consider themselves victims nor of the acts that they consider to be violations. As a result, the details of those in their midst who deserve humanitarian assistance have not been disclosed.

C. Provide information to the Committee about the proposed committee for the prevention of vice and promotion of virtue (para. 7 (o))

1. On 13 April 2004, a member of the House of Representatives presented a proposal on the establishment of a mechanism, attached to the Ministry of Islamic Affairs, tasked with providing moral instruction and guidance and promoting virtue and preventing vice, using the information and promotional media. The mechanism was not to be given any security powers.
2. On 15 April 2005, the House of Representatives approved the proposal, having found it to be sound from a constitutional and legal point of view and consistent with the enjoyment of the freedoms guaranteed to citizens by the Constitution and the law. The proposal was forwarded to the Government.
3. On 10 September 2005, the Cabinet, at its 1851st meeting held on 4 September 2005, [sic] approved the establishment of the Department for Moral Instruction and Guidance, at the Ministry of Islamic Affairs, together with an increase in the number of instructors and counsellors employed at the Ministry.
4. It is clear from the above that the proposed committee was not established and that what was established was the Department for Moral Instruction and Guidance at the Ministry of Islamic Affairs. The work of the Department is confined to preaching. It follows that Bahrain does not have a committee to enjoin virtue and prohibit vice. The delegation of the Kingdom has already explained this matter to the Committee against Torture at Geneva.
