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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 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.

[01 February 2021]

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



Relentless Torture and Impunity in Bahrain

Americans for Democracy & Human Rights in Bahrain Inc (ADHRB) takes this opportunity at the 46th Session of the United Nations (UN) Human Rights Council (HRC) to raise concerns over the widespread and persistent practice of torture in Bahrain. The Bahraini government continues to fail to address the vicious circle of torture and impunity. Bahrain also persistently refuses to investigate promptly, impartially and thoroughly allegations of torture committed in custody or in prison against persons deprived of liberty by police and security force officers. These past years have seen major widespread abuses, yet accountability for perpetrators remains minimal.

State authorities above the law

In Bahrain, torture occurs in various settings and timing. From the very moment of the arrest until the serving of their sentences, persons deprived of liberty often have to endure physical and psychological torture intentionally inflicted at hands of Bahraini public officials. The forces identified by the victims and their families as perpetrating the torture are officers from the Ministry of the Interior (MOI), the Criminal Investigation Directorate (CID), the National Security Agency (NSA), the Special Security Force Command (SSFC), Riot police and unidentifiable forces in plain clothing. Victims and their families also reported that torture usually takes place in the CID, police stations, Dry Dock Detention Center, in Jau Prison, and at unknown locations.

Widespread warrantless arrests and enforced disappearances heightening the risks of abuses

After warrantless arrests, many individuals whose cases have been documented by ADHRB reveal a recurrent pattern of torture and ill-treatment during prolonged interrogation while being forcibly disappeared. The methods of interrogation typically include beatings, forced standing, hanging, electrocution, psychological torture such as insults and threats of further torture or harming family members, as sexual abuse to the detainees or their family members. These methods of torture are used in order to extract confessions, to obtain information and/or to punish those who refuse to work as informants. In addition, sectarian insults and blasphemous language reveal that acts of torture are also motivated by sectarian-based discrimination.

Bahraini citizens subjected to enforced disappearance are frequently detained without valid legal justification. They typically disappeared into the CID for several days or weeks of unspeakable physical and psychological abuse before re-emerging in prison or in courtroom proceedings.

Torture as the routine technique for extracting confessions used for conviction

Bahraini officials resort to physical and psychological torture to extract confessions or to force individuals to sign pre-drafted statements without knowing their content. Bahraini authorities continue to forcibly disappear its citizens, and frequently torturing them into signing confessions of having committed crimes, always without the presence of a legal counsel. Lawyers are systematically denied attendance during interrogation and too often not allowed time to prepare the defense with their clients. Just over the last four years, multiple coerced confessions have been used against individuals during their trials and even used as evidence for sentencing them to death or life imprisonment. The practice of preventing persons deprived of liberty from attending in person their trials is also common, thereby depriving them of the opportunity to challenge witnesses and denounce torture-based confessions before the judge.

Minors subjected to appalling torture and abuse by Bahraini forces

ADHRB's findings reveal that violent arrests and methods of torture used for adults are also employed against persons below the age of 18 and/or persons suffering from mental disabilities. In just three years (2017-2019), ADHRB documented at least 15 cases of persons below the age of 18 who have been subjected to arbitrary arrest and/or enforced disappearance followed by torture or ill-treatment during interrogation inflicted intentionally by Bahraini forces.

The vicious circle of torture and impunity

Bahraini personnel involved in these abuses are rarely held accountable, thereby feeding a vicious circle of torture and impunity. Perfectly aware of the fact that investigation authorities resort to torture to force confessions, the competent staff of the Office of the Public Prosecutor threaten the persons under investigation of further torture in the absence of a confession. Judges blatantly ignore allegations of confessions obtained through torture raised by accused persons or their lawyers. Allegations of torture-based confessions are never investigated or disqualified as evidence. On the contrary, judges use them to convict individuals even to life sentences and death penalty. State oversight mechanisms mostly never reply or do not effectively react to complaints of torture and ill-treatment by opening effective investigations and holding accountable those responsible.

Legal considerations

The continued use of torture violates Bahrain's own laws as well as its obligations as a state party to the Convention against Torture (CAT) and the International Covenant on Civil and Political Rights (Article 7). Despite the repression of torture enshrined in the Bahraini Penal Code and the institutional framework designed to monitor MOI officers and other police or military forces, the widespread persistence of torture in Bahrain manifestly reveals a lack of political will to completely abandon torture-based methods of interrogation and systematically punish perpetrators with commensurate sanctions.

On a technical level, Bahrain has improved its laws and institutional framework to criminalise torture, identify cases of torture and refer cases with merit for investigation. However, these technical improvements have not translated into tangible protection from torture for individuals arrested on charges that carry the death penalty in Bahrain.

In order to be effective, complaints mechanisms must be independent, impartial, confidential and accessible to victims of torture, including persons deprived of their liberty. They must have the capacity to deal freely with any complaint, provide effective follow-up for the purpose of remedial action and ensure that those who file complaints do not face reprisals. Persons deprived of their liberty must be aware of and have confidence in these mechanisms. ADHRB has found out that detainees do not trust the existing complaint mechanisms, or have fear of reprisals precluded them from seeking protection.

Conclusions and Recommendations

ADHRB condemns in its strongest terms every single act of torture and ill-treatment as well as the persistent inaction by Bahraini judicial authorities to prosecute perpetrators and disqualify evidence obtained through torture.

Over the last few years, the Government of Bahrain has not taken any substantial step towards eradicating the pervasive culture of torture and impunity dominating within the Bahraini investigative and judicial authorities. Despite numerous reports and recommendations submitted to Bahrain's government since 2011, torture continues to be commonly practiced in a widespread by law enforcement officials to coerce information, confessions or as punishment.

For this reason, ADHRB calls on the Government of Bahrain to:

- Compile a database on cases of abuses and deaths occurred in police and prison custody and make it publicly available in the interest of transparency and facilitating effective investigations;
- Investigate into all cases of convicted individuals who allege due process violations and torture in their trial and detention, ensuring the cases are re-tried in accordance with standards set by international law;
- Guarantee that all allegations of torture or ill-treatment are investigated promptly, effectively and impartially and start ensuring accountability for perpetrators of torture;
- Ensure that complainants in all places of detention are protected against any reprisal as a consequence of their complaint;
- Investigate into all cases of individuals sentenced to death who allege due process violations and torture in their trial and detention;
- Continue to strengthen its cooperation with United Nations human rights mechanisms, in particular by accepting country visits of special rapporteurs;
- Ensure the independence, impartiality and effectiveness of the Special Investigations Unit, the Office of the Ombudsman of the Ministry of the Interior and other relevant human rights institutions in investigating all allegations of torture and other ill-treatment;
- Ratify the Optional Protocol to the Convention against Torture providing for international and national mechanisms for the prevention of torture in places where persons are deprived of their liberty;
- Ensure that solitary confinement is subject to strict supervision and judicial review. In no case shall solitary confinement exceed the duration provided by the law and clear and specific criteria shall be established for decisions on isolation.
