



## **Bahrain**

### **Torture: Still a Concern**

### **Submission to the list of issues in view of the second review of Bahrain by the Committee against Torture**

**Alkarama Foundation – 9 February 2015**

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## 2 Introduction

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Based on the List of issues prior to the submission of the second periodic report of Bahrain (CAT/C/BHR/2), adopted in 2010 by the Committee against Torture (hereinafter CAT), Alkarama wishes to present an updated List of Issue for the upcoming second periodic review of Bahrain.

Alkarama is preoccupied by the fact that despite investigations, inquiries and recommendation from various Human Rights Bodies and Independent commissions, torture still remains a subject of concern. Many victims of torture are still to deplore since the last review. Moreover, while the authorities have consistently claimed that they did not oppose peaceful demonstrations, various human rights organisations continue to report an excessive use of force by authorities to repress protests.

Indeed, the authorities continue to deny the existence of this practice to the extent that the Interior Minister declared in April that torture was prohibited in the Constitution and punishable by law, and that Bahrain was meeting international standards in this area. He even said that anyone who would make "false allegations" of torture will be subject to legal action.

Despite government promises to set a date for the visit of the Special Rapporteur on torture – visit which was canceled in 2012 and 2013 respectively by the authorities – these commitments have not been honoured since. In March 2014, the Special Rapporteur, Mr Juan E. Méndez, had even met with the Minister for Foreign Affairs who had then stated that the authorities were not then able to set a date for the visit.

## 3 Definition of torture (article 1)

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Alkarama takes notes of the amendment of Law No. 52 of 2012 that revised articles 208 and 232 of the Criminal Code on 9 October 2012, as to comply with the definition of torture enshrined in the Convention. We also note that according to Bahraini authorities, the law extends now the crime of torture to a broader category of non-officials. The Criminal Code was amended in the following ways:

- On the *mens rea*: "coercing a confession" which was the only intent criminalised under the previous law has been complemented by the others prohibited purposes that may give rise to a charge of torture. The provision now includes "the purpose of punishing that person for an act he/she or any other person had committed or is suspected to have committed, or to intimidate or coerce that person or any other person, for any reason whatsoever, based on any form of discrimination." We note that the definition's language is drawn directly from the text of article 1 of UNCAT.
- On the *rationale personae* scope of the crime: the law expanded the definition of the victim by removing the terms "an accused person, witness or expert" as categories of persons who can be victims of the crime.
- On status of limitations: the previous law's 10-year statute of limitations on the crime of torture has been lifted.
- On sentences: the maximum sentence is life imprisonment.

### Questions:

1. *Could the State party provide information of torture cases being investigated and prosecuted under the new law?*
2. *Has the State party ensured that all forms of participation in acts of torture as set out in the Convention, including complicity, are enshrined in its domestic law?*
3. *Has the State party planned to provide training on the new law to all officials including from law enforcement, military and justice?*

## **4 Criminalisation of torture and absolute prohibition (articles 2 and 4)**

Despite the positive changes in the law, torture is still practiced in order to extract confessions that are subsequently admitted as substantive evidence at trial, after which the victims are often sentenced to lengthy terms of imprisonment. The Department of Criminal Investigation, which is under the authority of the Ministry of the Interior (MoI), is well known for the practice of torture in its premises, including within the "Dry Dock" Centre.

### **4.1 Effective measures to prevent acts of torture (article 2 (1))**

Local human rights groups, as well as political opponents, have been reporting acts of torture and other ill-treatment including the denial of the right to medical treatment. These violations are mainly committed in order to obtain confessions or as a measure of punishment and are often based on discriminatory grounds. The most frequently cited locations for mistreatment includes the following MoI facilities: the Adliya Criminal Investigation Division (CID), the Isa Town Detention Centre for Women, the Dry Dock Detention Centre, and the Jaw Prison. Moreover, complaints of abuses occurring during transfers and at unofficial temporary facilities reported the use of techniques including blindfolding detainees; beating, punching, and hitting them with rubber hoses, cables, pieces of metal, wooden planks, or other objects; electric shock; exposure to extreme temperatures; stress positions; verbal abuse; threats to rape the detainee or family members; sexual assault; preventing detainees from praying; sleep deprivation; and insulting the detainee's religious affiliation (Shia). Victims also reported that security officials used physical and psychological mistreatment to extract confessions and statements under duress or as a punishment.

*Questions:*

4. *Is the State party willing to put in place an effective policy of eradication of torture by all elements of its forces as well as to arrest and prosecute state officials who committed such crimes?*
5. *What are the steps taken by the State party in order to ensure that all places of detentions are free from torture and other ill-treatment?*

### **4.2 Absolute prohibition of torture (article 2 (2))**

Despite the incrimination of torture in the Code of Criminal Procedure, it seems that its absolute prohibition still needs to be clearly expressed in law and codes of conducts.

6. *Does the State party recognise the absolute and non-derogating character of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment?*
7. *Could the State party indicate if it has adopted legal provisions to implement the principle of absolute prohibition of torture in its domestic law without any possible derogation?*
8. *Further to the Committee's previous concluding observations, could the State party provide details on the steps taken to ensure that detainees held by the Criminal Investigation Department are promptly presented to a judge (para. 7 (j))?*

#### **4.2.1 Absolute prohibition of torture and counter-terrorism policies and laws**

The CAT expressed its concern in its previous concluding observations (para. 7(f)), on the amendment of the anti-terrorism law and requested details of the amendments of the State party to its draft anti-terrorist law to ensure that the safeguards to protect individuals against torture were upheld, as well as information about the implementation of the Act on the Protection of Society from Terrorist Acts since its adoption in 2006.

Alkarama notes with concern that Bahrain's antiterrorism law has been amended in 2013 and that the new law allows for more severe penalties (including the arbitrary deprivation of nationality). The law has also been amended again in December 2014 by the Royal Decree No. 68/2014. The amendments allow for a longer period of pre-trial detention, passing from 10 to a maximum of 28 days. After this period, the suspect can be presented to the Public Prosecution in charge of counterterrorism who is can renew the pre-trial detention for up to six months, without giving the possibility for the suspect to challenge his detention.

Moreover, this situation is all the more worrisome since according to information submitted before the Committee before Bahrain's last review, 13 persons were charged with antiterrorism offences and subjected to torture by electric shocks, beatings and were suspended by the wrists for long periods while being held *incommunicado* at the headquarters of the National Security Centre in Manama. Their "confessions" were later broadcasted on government controlled television station on 28 December 2008. This case is an example of a broader pattern of using torture to extract forced confession in counterterrorism cases.

*Questions:*

9. *Can the State party provide detailed information on these cases and on other cases of complaints filed by individual suspected or prosecuted for terrorism on allegations of torture to obtain confessions from them?*
10. *Is there any case where the prosecution decided to dismiss such confessions as evidence?*
11. *What are the specific safeguards in law and practice that the State had taken in order to ensure that interrogation techniques used in counter-terrorism operation are not breaching its obligations under the Convention?*
12. *Is the State party willing to bring its criminal procedures applicable to counterterrorism in line with international standards on fair trials?*

#### **4.3 Defence of Superior order (article 2 (3))**

*Questions:*

13. *What are the legal standards used to assess superior's responsibility in case of torture committed by his subordinates? Is this legal standard in line with the international legal standard of command responsibility?*
14. *Could the State party provide clear provisions stating that no order from a superior officer or a public authority may be invoked as a justification of torture or ill-treatment and no one should be exempted from liability for committing torture by invoking an order from a superior officer or a public authority?*
15. *Can the State party provide information on steps taken to ensure the safety of law-enforcement official and military personnel who refuse to carry out an illegal order?*

#### **4.4 Criminalisation of torture under domestic criminal law (article 4)**

*Questions:*

16. *Can the State party explain what the steps are being taken to criminalise effectively all forms of torture and other ill treatment according to the Convention's definition and modes of participation (i.e. attempt and complicity)?*
17. *Could the State party provide detailed cases in which anti-torture provisions were invoked before or by a court?*
18. *Can the State Party explain what were the sanctions imposed on individuals who were found guilty of torture?*

### **5 Non refoulement (article 3)**

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The CAT previously expressed concerns over the mechanisms taken to ensure that the State party's obligations under article 3, their existence and their effectiveness (para. 7 (c)).

Alkarama reiterates these concerns especially since Bahrain is part of the Gulf Cooperation Council (GCC) Joint Security Agreement, which was adopted in December 2012. According to the agreement, GCC countries must "extradite persons in their territory who have been charged or convicted by competent authorities in any state party".

19. *How is the GCC Agreement compatible with article 3 UNCAT?*
20. *What steps have been taken to incorporate article 3 UNCAT into Bahrain domestic law?*
21. *Does Bahrain conduct inquiries as to ensure that the individuals at risk of extradition are not sent back to a State where he/she could face torture?*
22. *Can the State party explain the considerations that are taken into account while expelling or returning individuals to their other countries, especially concerning migrant workers or persons suspected of terrorism?*
23. *Could the State party provide detailed information on the procedure applied before an extradition, an expulsion or a refoulement with a specific mention to the measures taken to ensure the concerned people are not in danger of being tortured? What are the conditions adopted by the State to ask for diplomatic insurances in cases where an individual is returned to another State and where there is a risk of torture or ill-treatment?*
24. *Are individuals facing expulsion, refoulement or extradition, informed of their right to seek asylum and appeal a deportation decision?*
25. *Has the State party ensures that its obligation rising from regional security agreements do not contradict its obligations under article 3?*

## **6 Universal jurisdiction (articles 5, 6, 7 and 8) and international cooperation (article 9)**

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*Questions:*

26. *Does the State party's domestic legislation includes provisions establishing universal jurisdiction for acts of torture? Has the State party exercised such jurisdiction and brought charges or initiated any proceedings to give effect to this provision of the Convention, regardless of the nationality of the perpetrator or the victim?*
27. *Has the State implemented the principle of "aut dedere aut judicare" in order to ensure that individual who committed do not escape from legal accountability?*

## **7 Dissemination of information, training of law enforcement officials, review of interrogation rules (articles 10 and 11)**

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Alkarama noted that between September 2013 and June 2014, the Second Technical Assistance Program in Support of the Bahrain Justice and Law Enforcement Sectors on the International Protection of Human Rights and the Enhancement of Investigatory and Prosecutorial Capabilities of the Office of the Attorney General organised three training sessions, involving cumulatively 58 participants, on topics such as the Convention Against Torture and the Istanbul Protocol and UN Standard Minimum Rules for the Treatment of Prisoners and Prison Administration.

*Questions:*

28. *Has the State party planned a systematic policy of training and awareness raising towards both judicial and security authorities as well as civil society to ensure the enforcement of legal provisions and to end arbitrary detention as well as promote detainees rights?*
29. *Can the State party provide detailed information about code of conduct for law enforcement officials, including date of entry into force of rules of conduct for interrogation of arrested, detained and imprisoned persons?*

30. Has any training material been produced and training sessions effectively been implemented for all government forces including special forces, intelligence and counter-terrorism specialised forces?

## **8 Investigations, right to redress, protection and compensation (articles 12, 13 and 14)**

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### **8.1 Duty to investigate**

In its previous concluding observations, the CAT requested to be informed of steps taken to amend Decree No. 56 of 2002 which extended blanket amnesty to all alleged perpetrators of torture or other cruel, inhuman or degrading treatment committed prior to 2001. However, Alkarama regrets that the Decree has not been amended to date.

*Questions:*

31. Can the State Party explain the reason why Decree No. 56 of 2002 has not been amended to date?

32. What are the steps that the State party is willing to take to remedy to this situation?

In November 2014, the authorities have publicly announced that they would carry out investigations on different cases of torture and especially inmates who have died under such acts. One of the victims, a 36-year-old man named Hassan al-Sheikh, died under torture in the Jaw Prison. The Minister of Interior, Sheikh Rashid bin Abdullah al-Khalifa, stated that he had ordered an internal review after the prosecution's investigation into the death of the prisoner. Witnesses reported that he was shouting as he was being beaten in his cell and other inmates could hear his screams. The autopsy of the victim showed a disfigured face, a fractured skull, broken ribs, and an exploded kidney<sup>1</sup>.

*Question:*

33. Can the State party indicate what the outcome of the investigation was and if there are prosecutions, including of superior under the command responsibility doctrine, which were carried out following this death? What were the redress measures that were taken for the victim's family?

### **8.2 Right to redress, protection, and compensation**

Alkarama has documented several cases of torture that were unpunished despite repeated claims from victims and their lawyers and shows a pattern of lack of accountability for acts of torture. In April 2009, 178 detainees charged with security and terrorism-related offences were afterwards pardoned by the King and released because they had been victims of ill-treatment. According to public sources, the authorities did not however carry out investigations into the claims of the victims on both their ill-treatment and their arbitrary detention based on political reasons<sup>2</sup>.

Moreover, since 2011, Bahrain established an Ombudsman's office within the Ministry of Interior and a Special Investigations Unit within the Public Prosecution Office, but neither of these offices took steps to hold senior officials accountable for serious human rights abuses or address what the Bahrain Independent Commission of Inquiry (BICI) characterised as a "culture of impunity"<sup>3</sup>.

*Questions:*

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<sup>1</sup> Al Jazeera, [Bahrain launches probe into prisoner death](#), 10 November 2014 (accessed on 9 February 2015).

<sup>2</sup> NewYorkTimes, [Bahrain King Pardons Shiite Political Prisoners](#), 12 April 2009 (accessed on 9 February 2015).

<sup>3</sup> Bahrain Independent Commission of Inquiry, [Report](#), Manama, Bahrain, 23 November 2011 (accessed on 9 February 2015).

34. *Have any of these victims been compensated? Could the State party provide information on redress and compensation measures ordered by courts and provided to victims of torture and their families?*
35. *Could you please comment on allegations that many of these individuals were detained as a result of their political opinions?*
36. *Has the State party taken any steps to remedy to the culture of impunity denounced by the BICI report?*
37. *Could Bahrain provide measures taken to promote access to justice to the victim of torture or ill-treatment and ensure no legal, institutional or social barrier prevent the referral to the competent authority?*

### **8.3 Independence of the judiciary and prosecution of acts of torture**

Numerous NGOs have been reporting on the lack of independence of the Public Prosecution Office following frequent interferences from the National Security Apparatus.

Questions:

38. *Can the State party provide information about eventual steps that it plans to take in order to ensure that no judicial authority hinders investigations or prosecution of high level officials due to a lack of independence and impartiality?*
39. *Can the State party explain how it ensures that the executive does not interfere in high profile cases and if anything has been done to ensure that those cases receive full attention and proper investigation and prosecution, without any interference? Can the State party explain what steps it has taken in order to reinforce the independence of the judiciary and avoid interference from the executive and police as well military and intelligence forces in the legal processes?*
40. *What were the steps taken by the State Party to put in line its National Human Rights Institution in line with the Paris Principle?*

## **9 Fundamental safeguards**

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### **9.1 Fundamental Legal Safeguards of arrested individuals**

Question:

41. *Can the State party explain the steps that it is planning to take in order to ensure that no one is detained incommunicado and that all procedural safeguards are granted to all detainees with no exception whatsoever?*

### **9.2 Use of evidence obtained through torture (article 15)**

Alkarama is concerned by the lack of oversight of the interrogation processes particularly of individuals that are suspected of security and terrorism related crimes.

Questions:

42. *What are the legal safeguards implemented by the State party in order to ensure that no evidence obtained under torture or inhuman and degrading treatment whether inside or outside of its jurisdiction during counter-terrorism operations are excluded from all proceedings before its courts?*



43. *In this regard what are the legal safeguards that the State party has taken in order to ensure that it is not participating, directly or indirectly to illegal rendition of suspected terrorist?*

44. *What steps were taken to ensure that statements obtained under torture cannot be used as evidence in any proceedings, including the procedure whereby the police may bring the accused person who has confessed to a crime before the investigating judge so that they can repeat their confessions? How does the State party ensure that a lawyer is present at this stage of proceedings?*

## **10 Other forms of cruel, inhumane or degrading treatment (article 16)**

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*Questions:*

45. *What is the legal threshold adopted by the State party in order to differentiate between torture and other forms of ill-treatment?*

46. *Is cruel, inhumane and degrading treatment criminalised in Bahraini law and are victims of such violations offered the same rights to redress as stipulated in article 12, 13 and 14 of the Convention?*

### **10.1 Conditions of detention, use of *incommunicado* detention, access to medical examination**

Reports, including from the Bahrain Independent Commission of Inquiry (BICI), relate of cases of *incommunicado* detention, cases in which the family members of inmates were not even informed on the fate and whereabouts of their relatives. Inmates were denied their fundamental rights, including for example the right to legal counsel<sup>4</sup>.

In its reports to the Human Rights Council, the Special Rapporteur on Torture mentioned cases of political detainees being denied the right to a medical treatment<sup>5</sup>. In parallel, during Bahrain's last review, the CAT expressed concern about the inadequate access of detainees to a doctor and lawyer and the possibility to contact their family in its previous concluding observations (para. 7 (j)).

General patterns of mistreatment in custody have been reported and include insults, threats of sexual assault and actual sexual assaults, forced to sign papers used then as evidence in proceedings; use of specific techniques during interrogations used to extract information and in some cases, confessions (they include: blindfolding and handcuffing, forced standing, severe beatings, electro-shock devices and cigarettes, beatings of soles of feet, verbal abuse, sleep deprivation, threats of rape, abuses of sexual nature, hanging, solitary confinement, exposure to extreme temperatures, other humiliating or degrading techniques). The BICI report further affirms that: "[t]he physical and psychological treatment described above evidences a deliberate practice of mistreatment on the part of the National Security Agency and the Ministry of Interior"<sup>6</sup>. The report further added that "[t]he recent recurrence of many of the violations identified by the Committee Against Torture may indicate that prison officials are being guided by a similar set of practices, or even policies, as existed in the past"<sup>7</sup>.

<sup>4</sup> Bahrain Independent Commission of Inquiry, [Report](#), Manama, Bahrain, 23 November 2011 (accessed on 9 February 2015). para. 1195 and following.

<sup>5</sup> JAU 16/03/2012 Case No. BHR 4/2012; State reply: 18/04/2012 Alleged denial of medical treatment of an opposition leader ; JUA 09/02/2012 Case No. BHR 2/2012; State reply: 19/03/2012 Alleged beating in detention and denial of access to specialist medical treatment.

<sup>6</sup> Bahrain Independent Commission of Inquiry, [Report](#), Manama, Bahrain, 23 November 2011 (accessed on 9 February 2015). para. 1238.

<sup>7</sup> *Ibidem*, para.1243.

47. *Could the State party comment on these allegations and provide an update on the implementations of the recommendations of the commission (para. 1246 and following), in particular as for the accountability of perpetrators?*
48. *Can the State party provide information on the measures taken to ensure access of detainees to a doctor and lawyer of their own choice and to contact their family from the outset of detention? Could the State party provide details about the procedure in place?*

### **10.1.1 Concerns over the findings of the Prisoners and Detainees Rights Commission on conditions of detention at the Dry Dock Detention Centre**

Alkarama has carefully read the first report of the Prisoners and Detainees Rights Commission established by Royal Decree 61 /2013, after its first assignment to visit the Dry Dock Detention Centre (DDDC) from 21-24 April 2014<sup>8</sup>. According to the report, the commissioners inspected all buildings in the facility including wings, cells and conducted unmonitored interviews and had free interactions with the detainees in order to gather firsthand information on any issues, concerns or difficulties encountering them at DDDC. We also fear that the shortcomings observed in the DDDC are just a mirror of the conditions of detention in the rest of the country. Alkarama reviewed the report and noted the following points of concern:

➤ On the methodology of the inspection:

The report stated that “[d]etainees were interviewed using a random sample that provided information on detainees’ names, nationalities and age, bearing in mind that detainees are not classified according to nature of their charges”.

*Questions:*

49. *Did the State party provide access to all the detainees including those charged with security or terrorism related crimes?*
50. *What was the procedure governing the interactions between the detainees and the commissioners and especially those governing confidentiality?*

➤ On the substantial findings:

The commission noted in its reports that “[t]here is a ministerial resolution on the fundamental principles of the legal use of force, but there are no written procedures for its use at DDDC.” Moreover, “there is no theoretical and practical training on how to use force when necessary to prevent risks and maintain order”.

*Questions:*

51. *Recorded interrogations are a precious tool for monitoring and avoiding violations of the fundamental rights of detainees including torture: Can the State party explain if steps were taken to remedy to this gap?*
52. *Can the State party explain the steps it is willing to take to remedy the following serious shortcomings:*
- The lack of written procedures governing the process and method of searching detainees;
  - Medical examinations are performed on DDDC staff and detainees following the use of force to verify if there are subsequent injuries or health risks. *Is this medical examination conducted by an independent medical doctor?*

<sup>8</sup> The Prisoners and Detainees Rights Commission,(PDRC), [Report No. 1: Unannounced visit to the Dry Dock Detention Centre \(DDDC\)](#) (accessed on 9 February 2015).

- The lack of translation services and the violations it may causes to the right to have all documents translated in one's mother tongue as a fundamental guarantee in fair trials rights.

The Commission noted that during and after transfers, "the detainee is not notified in court or in the prosecution office of the location of his detention". Further in the report, the Commission explains that that "procedures allow detainees to inform their families about their detention place, sometimes such information is delayed for more than one day". We remind the State party that if detainees are not allowed to inform their families about their detention place, it amounts to *incommunicado* detention and/or enforced disappearance in some cases. *Incommunicado* detention and enforced disappearance amount to at least cruel, inhumane degrading treatment, if not to torture if carried out for a prolonged period of time with the specific intent stated in article 1 of the Convention. Moreover, these conditions of detentions may facilitate acts of torture and other ill-treatment against the detainees.

*Questions:*

*53. Can the State party explain the rules applicable to the right of detainees to inform their families about their detention place in order to avoid incommunicado and enforced disappearances?*

*54. Can the Sate party explain what steps it is willing to take in order to remedy to this serious shortcoming that is violating fundamental rights of detainees?*

Moreover, the commission reported that "detainees are able to communicate with the outside world within the provisions of the laws and regulations".

*Question:*

*55. Can the State Party explain the content of these laws and regulation and, if applicable, exceptions based on the nature of charges that the detainee is facing?*

The commission stated that "there are no adequate rehabilitation programs for detainees who were victims of abuse, rape, or domestic violence." The CAT has been expressing his concern on the rehabilitation of victim of these abuses especially since they can that fall under the category of torture, cruel, inhumane and degrading treatment.

*Question:*

*56. What are the steps that the State party is planning to take in order to establish a rehabilitation plan for victims of such violations that is consistent with its obligations under the Convention?*

Concerning legal rights for detainees, the commission noted that "detainees have the right to consult their lawyers. Detainees have the right to contact their lawyers within allocated weekly time via telephone. There is a dedicated place for meetings between detainees and lawyers. However, there is no privacy due to the presence of guards during the meetings."

Alkarama expresses its concern over such findings that clearly violate the State's obligation to establish safeguards for persons deprived of liberty and especially access to a lawyer. Detainees should have the freedom to choose their lawyer. The meetings between the detainee and his/her lawyer must be private to ensure the maintenance of lawyer-client confidentiality.

*Question:*

*57. Can the State party explain why are these guarantees not implemented? Can the State party take immediate steps to ensure that those fundamental rights of friar trials are respected?*

The Commission finally explains that "a procedure exists that allows detainees to submit complaints through forms and a complaint box. The forms are collected weekly. Urgent complaints are delivered to a guard who acknowledges receiving them. However, the procedures do not guarantee privacy because the complaints are submitted in unsealed envelopes and placed in the box by the guard". Coupled with the absence of confidentiality of the meetings between detainees and their legal counsel, this form of complain is in complete contradiction with the letter and spirit of an effective right to complain as understood by international law and principles. Detainees should be afforded the right to file complaints confidentially to an independent institution if they were subjected to torture and other ill-treatment. One can easily conceive that prison guards would not transfer complains that might incriminate them, if they can read it before their reach the independent institution in charge with monitoring and complaints.

All the more, and on the same vein Alkarama noted with serious concern that:

- there is no existing records that indicate how they have been dealt with;
- there is no specially designed complaint form for allegation of torture and ill-treatment;
- there is no follow up mechanism and outcomes of complaints,
- there is no records and clear procedures for tracking their outcome;
- there is no classification, or procedure to monitor the complaints or analyse the data;
- there is no posters or leaflets explaining the right of detainees to submit complaints;
- there is no clear procedure to enable the detainees to communicate with the relevant authorities to submit their complaints;
- no measures are taken to protect the detainees from staff or other detainees in the event of recriminations and complaints;
- there is no procedure to submit grievances over the decisions regarding the complaints;
- there is no procedure for detainees on submitting complaints about health issues;
- the medical examination is conducted in a private room, but there is no privacy.

*Question:*

*58. Is the State party willing to take effective steps to remedy to this situation that not constitutes breaches of detainees' fundamental rights but also a breeding ground for violations like torture and other ill-treatment?*

## **11 Use of excessive force to repress protesters**

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On 21 May 2014, a young demonstrator aged 14, Sayed Mahmoud Sayed Mohsen, was killed by police shootings during the dispersal of a demonstration in Sitra, south of Manama. Since 2011, nearly a hundred extrajudicial killings following excessive use of force were recorded, but the absence of an investigation and criminal prosecution, casts heavy doubts on the willingness of the authorities to ensure accountability and provide redress for the victims.

*Questions:*

*59. What are the Standard Operating Procedures applicable to the use of force? How are the authorities ensuring that all security forces abide by the UN Basic Principles on the Use of Force and Firearms by Law Officials? Is the State party planning to train its forces according to international human rights standards concerning the use of force in law and order operations?*

*60. Were investigations ex officio open into the allegations of torture and excessive use of force? If so, were the perpetrators prosecuted and punished? Were the victims provided with full redress, including fair and adequate compensation, and as full rehabilitation?*

## **12 Institutional reforms**

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Alkarama welcomes the creation of the Prisoners and Detainees Rights Commission by Royal Decree No.61/2013 and the National Human Rights Institution by Royal Order No. 46/2009.

### **12.1 The National Human Rights Institution**

The National Human Rights Institution (NHRI) was established by the King on 11 November 2009 through Royal Order No. 46/2009. On 25 April 2010, Royal Order No. 16/2010 appointed 17 men and five women as the first members of the NHRI, including prominent human rights activists Salman al-Sayyid 'Ali Kamal al-Din, the former deputy secretary-general of the independent Bahrain Human Rights Society, as president. However, on 6 September 2010 Salman Kamal al-Din resigned as president, in protest at the institution's failure to criticise the arrests of political opponents.

*Questions:*

- 61. Can the State party comment on the institution's independence, resources, scope, mandate and composition. Does the draft law allow the commissioners and/or its staff to undertake visits to all places of detention where torture might be practiced without prior notice?*
- 62. Is the NHRI competent to hear cases of torture? Has it ever referred allegations of torture to the competent judicial authorities?*

### **12.2 The Prisoners and Detainees Rights Commission**

The Prisoners and Detainees Rights Commission is competent to inspect the detainees' conditions and the treatment they receive to ensure they are not subjected to torture or cruel, inhuman or degrading treatment through unannounced visits in detention centres.

In accordance with the Royal Decree establishing it, the PDRC's first assignment was an unannounced visit to the Dry Dock Detention Centre (DDDC). The duration of the inspection was four days including one evening visit from 21-24 April 2014. The report's problematic findings are discussed above in Part 10.1.1.

*Questions:*

- 63. Can the State party precise the effective scope of the mandate of the Commission, including if it has access to all detainees including those charged with security or terrorism related crimes?*
- 64. Can the State party provide information on the next steps to be taken after the Commission published its first report highlighting numerous violations of fundamental rights and guarantees of the detainees?*