

BAHRAIN

Torture Redux

The Revival of Physical Coercion during
Interrogations in Bahrain

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The Revival of Physical Coercion during Interrogations in Bahrain

Summary	1
Key Recommendations	7
I. Methodology.....	8
II. Background.....	10
Bahrain's Security Forces and Law Enforcement Apparatus	15
Cases Giving Rise to Torture Complaints	17
Jidhafs case.....	18
Karzakan case	18
Al-Hujaira case	19
III. Legal Framework	21
Convention against Torture.....	21
International Covenant on Civil and Political Rights	22
Arab Charter on Human Rights.....	22
Bahraini Law	23
IV. Allegations of Torture or Cruel, Inhuman or Degrading Treatment	26
Use of Electro-Shock Devices.....	27
Suspension in Painful Positions	35
Beating of Soles of Feet (<i>Falaka</i>)	48
Severe Beatings	51
Threats to Rape and Kill.....	56
Threats to Rape	56
Threats to Kill	56
Forced Standing	57
Abuse of a Sexual Nature.....	57
V. Bahraini Government Officials' Denials.....	59

VI. Credibility of Witness Accounts	62
Consistency of Accounts.....	62
Declining to Exaggerate or Embellish Testimony	64
Documentary Evidence, including Medical Reports	65
VII. Detailed Recommendations	68
To the Government of Bahrain	68
To the Members of the League of Arab States	69
To the Governments of the United States, France, and the United Kingdom	70
To the United Nations High Commissioner for Human Rights	70
To the Member States of the United Nations Human Rights Council.....	70
Acknowledgments.....	71
Appendix.....	72
Letters to the Government of Bahrain: October 22, 2009 and December 8, 2009	72

Summary

We'll go back to the 1990s.

—Ministry of Interior officer to detainee Nadr Ali Ahmad al-Salatne

By the end of the 1990s, Bahrain appeared to have cast off what had been a well-deserved reputation as a country that routinely tortured detainees. The government had taken significant steps to curtail the use of torture and other ill-treatment by its security officials, and reports of such practices became a rarity. This report concludes, however, that since the end of 2007, officials again have used torture and ill-treatment, particularly during the interrogation of security suspects. Human Rights Watch's conclusion is based on interviews with former detainees and others, as well as its review of government documents.

This reversion to past practices came as political tensions rose in Bahrain. Street demonstrations involving young men from the country's majority Shia Muslim community protesting alleged discrimination by the Sunni-dominated government deteriorated with increasing regularity into confrontations, sometimes violent, with security forces. Arrests often followed. Security officials appear to have utilized a specific repertoire of techniques against many of those arrested designed to inflict pain and elicit confessions.

These techniques included the use of electro-shock devices, suspension in painful positions, beating the soles of the feet (*falaka*), and beatings of the head, torso, and limbs. Some detainees also reported that security officials had threatened to kill them or to rape them or members of their families. Many detainees were subjected to more than one of these practices. The use of these techniques, separately and in combination, violates Bahrain's obligations as a state party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and other international treaties, as well as the prohibition of torture in Bahraini law.

* * *

For many years, government opponents have chosen December 16—Bahrain's National Day—and the days leading up to it as an opportune time to mount street protests. December 2007 saw protests in a number of Shia neighborhoods and villages around the capital, Manama. When a young protestor died—opposition activists charge he was asphyxiated by security forces' excessive use of tear gas, while officials claim he died of natural causes—the

confrontations intensified. In one village, Jidhafs, protestors torched a security forces vehicle and allegedly stole from it an assault rifle and ammunition. Scores of arrests followed, and in subsequent weeks Bahraini human rights activists reported claims from detainees, relayed by family members and later by defense lawyers, that security forces had subjected those arrested to severe beatings, electro-shock devices, prolonged suspension in painful positions, and other forms of abuse that amounted to torture or otherwise illegal treatment. Officials categorically denied that security forces committed any such acts.

The large-scale arrests in response to the December 2007 events led to further cycles of protest and arrest. In March 2008, security forces arrested at least eight young men from around the village of Karzakan, about 20 kilometers south of Manama, following what officials claimed was an arson attack on nearby property belonging to a member of the ruling Al Khalifa family (specifically, a former head of the National Security Agency, or NSA, the security service most directly involved in suppressing the street protests). Security forces arrested some 30 young men in the same area a month later, when clashes between protestors and security forces left an NSA vehicle in flames and a Pakistani NSA officer dead, although the circumstances of his death became the subject of some dispute. Further allegations of torture and ill-treatment were made by these detainees, followed by further government denials.

December 2008 saw additional arrests, this time of approximately 35 men who, the authorities claimed, had traveled to Syria to receive training in the use of explosives and other forms of sabotage, or had been recruited by the leaders of the opposition Haq Movement for Liberty and Democracy to carry out attacks on property and foment violence. These detainees too, through family members and defense lawyers, complained that they had been subjected to torture and ill-treatment. The Public Prosecution Office broadcast a program on state-run television in which 11 of these detainees made statements that purported to be confessions confirming the government's allegations and implicating leaders of the Haq Movement as the organizers of a planned campaign to stage violent protests and destroy property. Three Haq Movement leaders were also arrested, but did not allege that they themselves had been subjected to physical abuse.

At court hearings involving many of those arrested in connection with the above-described incidents, defendants raised allegations of torture. In several cases the court ordered that government doctors conduct medical examinations of those who complained of torture; in a good number of instances, the government doctors found evidence of injuries consistent with the detainees' allegations.

On April 11, 2009, government officials announced that Bahrain's ruler, Shaikh Hamad bin Isa Al Khalifa, had granted a "pardon" to 178 persons then in custody, including many who had been detained in connection with the aforementioned incidents. Those subject to the pardon included persons already convicted and persons whose trials were ongoing. Although government officials, and the Bahraini media, referred to the king's initiative as a pardon, it was never published in the Official Gazette and it appears to have been more of a suspension of sentences and court proceedings, which might be—and for some individuals were—subsequently reinstated.

However conditional the pardon may have been, the release of these detainees presented an opportunity for Human Rights Watch to interview them regarding their treatment in detention and particularly during interrogation. Two Human Rights Watch researchers visited Bahrain from June 6 to June 15, 2009, and met with 20 former detainees: 10 from the December 2007 incidents in Jidhafs; three from February, March and April 2008 incidents in and around Karzakan; and seven who had been arrested in December 2008. A number of other former detainees indicated that they did not feel comfortable meeting with Human Rights Watch. According to Bahraini human rights and opposition activists, authorities had warned former detainees that there might be repercussions for speaking with media or outside investigators.

Human Rights Watch also met with defense lawyers, local human rights activists, local journalists, and government officials. In addition, Human Rights Watch acquired medical reports written by Bahraini government doctors regarding the physical condition of detainees, court documents, and reports generated by the security services and prosecutors.

Most of the former detainees who spoke with Human Rights Watch said that they had been subjected to torture and ill-treatment at the headquarters of the Ministry of Interior's General Directorate of Criminal Investigation (CID) in Adliya, a neighborhood of the capital; at the Ministry of Interior's Short-Term Detention Unit, also known as Dry Dock because of its proximity to a ship repair yard; and/or at the offices of the NSA, also on the grounds of the Ministry of Interior. The NSA and the Ministry of Interior both report to the Supreme Defense Council, a 14-member body that is drawn entirely from the ruling family and headed by the prime minister.

Several of the detainees had also been brought in front of prosecutors who failed to respond appropriately to their complaints of ill-treatment. In a number of instances prosecutors failed to record complaints, order forensic medical examinations, or launch any investigation into a detainee's allegations. In some cases, prosecutors returned detainees to the custody of the

same security officers allegedly responsible for the abuse in the first place. Other prosecutors did appropriately send detainees for medical exams when the detainees complained of torture.

Officials with the Ministry of Interior and the Public Prosecution Office, in separate meetings with Human Rights Watch, denied that torture had been employed against those detained in connection with the incidents referenced above. They said the consistency in the accounts of the former detainees, as discussed below, reflected the fact that the detainees had been imprisoned together and had consulted the same defense lawyers. In the opinion of these officials, the consistency of the allegations was evidence that the allegations had been fabricated. The public prosecutor told Human Rights Watch that, as far as he could recall, he had not referred any complaints of torture to the Ministry of Interior for consideration in relation to the former detainees whose cases are described here. At this writing, in January 2010, Human Rights Watch had received no response to letters to the Ministry of Justice and the Ministry of Interior raising detailed questions about government policies with regard to torture and ill-treatment. (These letters are reproduced in the appendix to this report.)

Human Rights Watch found the accounts of torture and ill-treatment documented in this report to be credible. These accounts were consistent as to the specific techniques employed by security services, which supports their credibility. Further, the accounts of abuse provided to Human Rights Watch matched those that detainees had offered earlier in court proceedings and to their defense counsel. In addition, contrary to the assertions of government officials, there is evidence that some if not all detainees had been held in solitary confinement at the time they first reported abuse, reducing the opportunities for them to fabricate accounts prior to making such reports; with respect to the December 2008 detainees, a court ordered that they be removed from solitary confinement in March 2009, after they already had complained to the court and their lawyers about abuse. The detainees also described in consistent terms various interrogation techniques that, while deceptive, did not constitute torture or ill-treatment. None alleged, moreover, that they suffered abuse continuously, and for the most part they did not allege that abuse took place other than in connection with interrogations (or in some cases at the point of arrest).

Most significantly, the medical reports of government doctors, along with various court papers, provided the strongest corroboration of the former detainees' allegations. In fact, the court in one of the Karzakan cases acquitted all defendants on all charges in part because it concluded—on the basis of medical reports—that the defendants had been physically coerced into confessing.

* * *

Bahrain undertook significant reforms after Shaikh Hamad succeeded his father as ruler (amir, or prince) in 1999. Not the least of these were reforms affecting the security services and the administration of justice. Shaikh Hamad freed thousands of political prisoners and invited the return of hundreds of citizens who had been forcibly exiled. Structural changes included moving the Public Prosecution Office from the jurisdiction of the Ministry of Interior to that of the Ministry of Justice. Perhaps the most significant reform was the abolition of the State Security Court that the government had used for the previous quarter-century to imprison political opponents following closed trials that did not meet international fair trial standards. The State Security Court, which lacked any independence from the executive branch, typically relied on confessions obtained by physical coercion. Beyond these reforms, the government ratified the Convention against Torture, and invited a delegation of the UN Working Group on Arbitrary Detentions to visit the country.

A more negative development was the October 2002 decree issued by Shaikh Hamad (who in the meantime had promoted himself to king) effectively granting amnesty from criminal investigation or prosecution to officials alleged to have ordered or carried out serious crimes such as torture.

Nonetheless, while Bahrain had been notorious between 1975 and 1999 as a country where torture was a serious and systemic problem (as Human Rights Watch and other international human rights organizations documented), reports of torture or ill-treatment in detention were scarce after 1999. By 2005, when Bahrain belatedly presented its first report to the UN Committee against Torture (international experts who review the compliance of state parties to the Convention against Torture), it seemed that the government could legitimately claim to have ceased the practice of torture. Indeed, while Human Rights Watch did document serious abuses over the last decade, such as beatings by security forces at the point of arrest, complaints of torture in detention or during interrogation had grown quite rare—until recently.

It should be noted that while Bahraini government agents began to employ torture again in late 2007, the fact that government doctors are now able to provide corroboration of torture and ill-treatment marks a major improvement from the era of routine torture that characterized Bahrain in the 1980s and 1990s. During those years, doctors were intimidated from issuing reports that corroborated allegations of abuse, if medical examinations were conducted at all.

* * *

Human Rights Watch urges the government of Bahrain to take prompt action to ensure that torture and ill-treatment are once again eradicated from the practices of security officials. The government should conduct prompt and impartial investigations into all allegations of torture or ill-treatment by security officials of any rank in the CID or the NSA (or other security services), and prosecute any offenders to the full extent of the law in a court meeting international fair trial standards. More specifically, such prosecutions should occur before an independent civilian court, rather than the Police Court of the Ministry of Interior, where such prosecutions—to the extent they occur at all—now take place.

Human Rights Watch also urges the government to suspend immediately any security official if credible evidence exists that such official ordered, carried out, or condoned acts of torture or ill-treatment. The government should further commence investigations into whether prosecutors, including those named in this report, responded appropriately to allegations of torture or whether their actions rendered them complicit in acts of abuse. If there is credible evidence that a prosecutor or other state agent was complicit in torture or ill-treatment, the government should pursue appropriate sanctions.

Human Rights Watch also calls on the United States, France, and the United Kingdom, countries with significant security links to Bahrain, to urge the government of Bahrain to take immediate and measurable steps to end the use of torture by the country's security forces. France and the United Kingdom in particular have training and assistance arrangements with Bahrain's NSA and the Ministry of Interior, respectively. Thus, these countries may risk being implicated in prohibited practices and violating their own legal obligations if they cooperate with law enforcement forces they know or should know are employing torture or other ill-treatment.

Key Recommendations

To the Government of Bahrain

- Investigate promptly and impartially all allegations of torture or ill-treatment by security or law enforcement officials of any rank, and prosecute to the fullest extent of the law, in a court that meets international fair trial standards, any official found responsible for ordering, carrying out, or acquiescing in torture or ill-treatment.
- Immediately suspend any security or law enforcement official when credible evidence exists showing that such official ordered, carried out, or acquiesced in acts of torture or ill-treatment.
- Ensure that victims of torture or ill-treatment receive appropriate compensation from the government and those officials responsible in accordance with Bahraini law.

To the Member States of the Arab League

- Call upon Bahrain to respect and comply with article 8 of the Arab Charter on Human Rights, which prohibits subjecting any person to torture or cruel, degrading, humiliating, or inhuman treatment.

To the Governments of the United States, France, and the United Kingdom

- Urge Bahrain to enact and comply with the recommendations of this report. Bearing in mind their own legal obligations with respect to the absolute prohibition of torture, make clear that close relations with Bahrain, including the provision of training to Bahraini security forces, will depend on the Bahraini government's taking measurable steps to stop torture in places of detention and to end impunity for those officials who order, carry out, or acquiesce in such acts.

To the United Nations High Commissioner for Human Rights

- Request an invitation from the government to visit Bahrain to discuss allegations of torture and other issues of concern.

To the Member States of the United Nations Human Rights Council

- Question the government of Bahrain on reported cases of torture or ill-treatment in light of the government's statement during its Universal Periodic Review in April 2008 that there are no cases of torture in the country.

I. Methodology

Human Rights Watch visited Bahrain in June 2009 and interviewed 20 individuals who had been detained by Bahraini security forces over the prior 18 months, beginning in December 2007. Most of those interviewed had been released in mid-April 2009, when the king issued a pardon freeing 178 persons who had been detained on security-related charges.¹

Of the 20 individuals interviewed, 10 had been detained in connection with violent clashes between demonstrators and security forces in Jidhafs village in December 2007 (Jidhafs case). Two had been detained in connection with incidents in March and April 2008 in and around Karzakan village (Karzakan case). Human Rights Watch also interviewed a detainee who had been arrested in February near Karzakan in connection with a separate incident. The remaining seven had been detained in connection with a case known as al-Hujaira, the name of a district in Damascus, Syria, where the defendants had allegedly gone to train in making explosives (al-Hujaira case). The cases are explained in more detail in the next chapter.

The majority of the individuals interviewed had been involved with committees or groups—such as the Unemployment and Low Income Committee, and the Haq Movement for Liberty and Democracy—that are associated with the opposition movement and whose members are drawn largely from the country’s majority Shia Muslim population. Some individuals had not been involved with such committees or groups, but regularly attended opposition rallies and protests. Observant to varying degrees, all 20 individuals interviewed are Shia Muslims.

Human Rights Watch attempted to meet with other individuals detained in connection with these cases, but many did not speak with us for fear of retribution. Several of those we did meet with spoke to us on the condition that we not identify them. Many of those we interviewed said that Bahraini officials had warned them not to speak about their treatment in custody.

Human Rights Watch also spoke with several of the defense attorneys in the Jidhafs, Karzakan, and Hujaira cases as well as Bahraini journalists and human rights activists. In addition, Human Rights Watch interviewed officials from the Ministry of Justice and the Ministry of Interior.

¹ “Shiites Praise Pardon of Activists in Bahrain,” Associated Press, April 14, 2009.

Human Rights Watch conducted all interviews in English, or in Arabic with the assistance of a translator.

Human Rights Watch also reviewed documents and records generated by the Bahraini courts, the Public Prosecution Office, and security forces. Further, Human Rights Watch examined medical reports authored by government doctors regarding complaints of mistreatment by individuals detained in connection with these cases.²

² All documents are in Arabic, on file with and translated by Human Rights Watch.

II. Background

Bahrain, a small island nation, lies along the Persian Gulf coast of the Arabian Peninsula, linked to Dhahran, Saudi Arabia by a 25-kilometer causeway. The current population is approximately 800,000, of which just under half are Bahraini nationals, with the remainder comprising workers and professionals from abroad (mostly from other Arab countries or South Asia).³ Bahraini nationals are almost all Muslims; while approximately 60 percent of them are Shia, the ruling Al Khalifa family is Sunni, and political control, including the security forces, is solidly in Sunni hands.

Bahrain was the site of the first Persian Gulf commercial oil discovery, in 1932. Bahrain's production capacity is extremely modest compared with that of its neighbors, but its oil revenues (and longtime role as the eastern gateway to Saudi Arabia) allowed for the creation of a modern state apparatus prior to that of most neighboring states. In recent decades Bahrain has played a role as a financial services center, in competition with Dubai and other near neighbors.

Britain ruled Bahrain from 1868 until 1971, and Bahrain served as a base for the Royal Air Force and the Royal Navy. Today Bahrain is the headquarters of the United States Navy's Fifth Fleet and is a support base for US military operations in Iraq and Afghanistan.

The Shia-Sunni sectarian divide is a major element in the country's political dynamic. Shia spokespersons charge that although they are a solid majority of the citizenry they have been largely excluded from positions of significant authority, particularly in the political and security realms. The authorities dispute claims of systemic discrimination, but also are

³ The UN State of World Population 2009 put the total population at 800,000: see http://www.unfpa.org/swp/2009/en/pdf/EN_SOWPo9.pdf (accessed December 10, 2009), p. 86. In February 2008 the government's Central Informatics Organization revised sharply upwards (and retroactively) the figure for total population to more than one million, including 512,000 expatriates—an increase of some 42 percent over its prior total population figure of 740,000. The Economist Intelligence Unit interpreted the government's upward revision to reflect the fact that the authorities had previously seriously underestimated the number of foreign workers (Bahrain: Country Profile 2009, p. 14). In response to complaints from al-Wifaq, the largest opposition bloc in the National Assembly, which represents mainly Shia constituents, the government conducted an investigation that reportedly cleared officials of negligence or manipulation of the data. Al-Wifaq dismissed the report as a whitewash. See "Bahrain Shia MPs walk out over population row," Reuters, May 14, 2008. See also Hassan M. Fattah, "Report Cites Bid by Sunnis in Bahrain to Rig Elections," New York Times, October 2, 2006, p. A3. On October 30, 2009, after authorities reportedly refused to accept a petition signed by 190 opposition figures, thousands of demonstrators "formed a 3-kilometer human chain in the capital Manama to protest what the opposition describes as an effort to change the demography of largely Shiite Bahrain and influence the outcome of elections." See "Thousands demonstrate against naturalization law in Bahrain," DPA, October 31, 2009, reproduced at <http://sify.com/news/thousands-demonstrate-against-naturalisation-law-in-bahrain-news-international-jk4w4cgahhf.html> (accessed January 12, 2010).

openly suspicious regarding the national loyalties of many Shia.⁴ Notably, the internal security services are comprised of a high proportion of non-Bahrainis—Jordanians, Egyptians, and other Arabs as well as Pakistanis—almost all of whom are Sunni. Also, the Shia opposition claims, and the government denies, that Bahraini authorities recruit these (and other) non-Bahraini Sunnis to become citizens in an effort to alter the sectarian population balance.⁵

Bahrain's political system is distinctly authoritarian. Following independence, a partially elected constituent assembly drew up a constitution, promulgated in 1972, that established a National Assembly, which was two-thirds elected. The country's first elections were held in 1973. But just two years later, in 1975, the then-ruler, Shaikh Isa, dissolved the National Assembly after it refused to endorse a draconian state security law that, among other things, permitted arbitrary arrests and incommunicado detention, and created a State Security Court that effectively suspended those portions of the constitution guaranteeing due process rights. In the midst of a subsequent political crisis in the 1990s, arising mainly from opposition demands to reinstate the National Assembly, the Bahraini information minister said that the National Assembly had been dissolved because it "hindered the government."⁶

Bahrain undertook significant political reforms after Shaikh Hamad bin Isa Al Khalifa succeeded his father as ruler in March 1999.⁷ These included abolishing the State Security Court, freeing more than 1,300 persons detained solely for exercising their right to freedom of expression and association, and inviting scores of citizens forcibly exiled for political reasons to return. At least one returning exile later became a cabinet minister, and another the editor of the country's first independent daily newspaper. Authorities also showed a greater tolerance for public demonstrations protesting government policies.

In February 2001, Bahrainis, in overwhelming numbers, approved by referendum a National Charter proposed by Shaikh Hamad that elevated his title from amir (prince) to king and endorsed an elected National Assembly.⁸ But exactly a year later the king unilaterally

⁴ International Crisis Group, "Bahrain's Sectarian Challenge," May 2005, <http://www.crisisgroup.org/home/index.cfm?l=1&id=5898> (accessed January 12, 2010).

⁵ On the "naturalization" controversy, see, for example, Andrew Hammond, "Bahraini Shi'ites complain over settling Sunnis," Reuters, June 21, 2009.

⁶ Reuters, January 17, 1996, cited in Human Rights Watch, *Routine Abuse, Routine Denial: Civil Rights and the Political Crisis in Bahrain* (New York: Human Rights Watch, 1997), <http://www.hrw.org/legacy/reports/1997/bahrain/>.

⁷ Until 2001, Bahrain's ruler was known as the amir (prince). In that year Shaikh Hamad decreed that Bahrain would be a kingdom rather than an emirate, and took the title of king.

⁸ Human Rights Watch, *Bahrain's National Charter Referendum, February 2001*, <http://www.hrw.org/en/reports/2001/02/12/bahrains-national-charter-referendum>.

decreed a revised constitution that established an appointed Shura (consultative) Council alongside, and enjoying essentially co-equal powers with, the elected Assembly. The opposition, Shia and Sunni alike, considered this move a betrayal of the National Charter.⁹ In 2002, Bahrain held its first elections to the National Assembly in more than a quarter-century, but most of the opposition refused to contest the election and many boycotted the vote.¹⁰

Many Bahrainis remained unhappy with the king's peremptory and unilateral revisions to the country's constitution, and the very limited prerogatives of their elected representatives.¹¹ There was also a failure to institutionalize many reforms in law. However, during much of the past decade, it at least had become possible in Bahrain to protest publicly, and in association with others, as well as to advocate for additional reforms—a state of affairs that had not existed for the prior 25 years.

Not the least of the reforms implemented by the Bahraini government since 1999 was ending the routine practice of torturing detainees—particularly political detainees—during interrogation. Torture and arbitrary detention had become routine beginning in 1975, when the ruling Al Khalifa family suspended the 1973 constitution and conducted mass arrests of its critics. After the Iranian revolution of 1979 the situation grew increasingly polarized along sectarian lines between the majority Shia population and the Sunni minority, which, as discussed, included the Al Khalifa family, the heads of the various security services, and the courts.

Repression intensified further in 1981, when the government conducted widespread arrests of Shia after it said it had uncovered a plot to replace the Al Khalifa rulers with an Islamic republic modeled on Iran. Another wave of repression began in late 1994, when demonstrations and unrest began erupting regularly in Shia neighborhoods and villages around demands to restore the 1973 constitution and partially-elected parliament, as well as demands for jobs.

⁹ On the political background, see Edward Burke, "Bahrain: Reaching a Threshold," FRIDE Working Paper, Madrid, June 2008); Katja Niethammer, "Voices in Parliament, Debates in Majalis, and Manners on Streets: Avenues of Political Participation in Bahrain," European University Institute Working Paper RSCAS No. 2006/27, Florence, 2006; Steven Wright, "Fixing the Kingdom: Political Evolution and Socio-Economic Challenges in Bahrain," Georgetown University Center for International and Regional Studies, 2008; and International Crisis Group, "Bahrain's Sectarian Challenge."

¹⁰ Ibid.

¹¹ Ibid.

In an investigation published in 1997, based on interviews with former detainees as well as defense lawyers, Human Rights Watch found that “[s]ystematic beating as well as other forms of physical and psychological abuse of detainees are pervasive in Bahrain.”¹² Between 1994 and 1998, Human Rights Watch received reports of at least seven deaths in custody due to torture, mistreatment, or medical neglect.¹³ These episodes occurred despite the fact that Bahrain’s constitution and penal code categorically prohibited any use of torture. Indeed, government officials at the time asserted that allegations of torture were “simply not true, and propagandist in nature,” and that there were “internal procedures for the investigation of complaints about the police.”¹⁴ Nonetheless, at no point are Bahraini authorities known to have conducted an investigation into alleged torture, or disciplined or punished any official in connection with such allegations.¹⁵

Several developments beginning in 1998 indicated that Bahrain’s rulers had decided to address directly the problem of torture and mistreatment. That year the International Committee of the Red Cross (ICRC) conducted prison visits for the first time.¹⁶ Also in 1998 the government ratified the Convention against Torture, and agreed to a visit by the UN Working Group on Arbitrary Detention, which took place in 2001.

In a related (but negative) development, Shaikh Hamad issued Decree 56 in July 2002. The government characterized this decree as providing a “general amnesty” for the purpose of “closing a chapter on the past and helping to create a climate conducive to the enjoyment of public freedoms.”¹⁷ The primary effect of Decree 56/2002 was to confer on present and former government officials immunity from criminal investigation or prosecution for alleged

¹² Human Rights Watch, *Routine Abuse, Routine Denial*, <http://www.hrw.org/legacy/reports/1997/bahrain/>, p. 52.

¹³ Human Rights Watch, *World Report 1999* (New York: Human Rights Watch, 1998), Bahrain chapter, <http://www.hrw.org/legacy/worldreport99/mideast/Bahrain.html>.

¹⁴ Letter of Bahrain’s then-ambassador to the United States to Human Rights Watch, reproduced in Human Rights Watch, *Routine Abuse, Routine Denial*, <http://www.hrw.org/legacy/reports/1997/bahrain/>, p. 106.

¹⁵ A Bahraini defense lawyer told Human Rights Watch in December 1996 that disciplinary measures had likely been taken against officials in cases where torture led to death in detention, but that there were no known instances of this happening. See Human Rights Watch, *Routine Abuse, Routine Denial*, <http://www.hrw.org/legacy/reports/1997/bahrain/>, p. 57.

¹⁶ The ICRC reported in June 1999 that its representatives had visited 1,327 persons detained for security reasons in 13 places of detention; in keeping with ICRC protocol, its findings were conveyed to the government but were not made public. See Human Rights Watch, *World Report 2000* (New York: Human Rights Watch, 1999), Bahrain chapter, <http://www.hrw.org/legacy/wr2k/Mena-02.htm>.

¹⁷ United Nations 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),” CAT/C/BHR/CO/1/Add.1, November 21, 2006, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/Go7/403/80/PDF/Go740380.pdf?OpenElement> (accessed December 29, 2009).

acts of torture or other serious human rights abuses.¹⁸ The king issued the decree prior to the opening of the new National Assembly, with the intent of preempting any attempts by newly elected representatives to delve into such matters. The UN Committee Against Torture subsequently criticized the amnesty decree as well as the inadequate availability of compensation and rehabilitation for victims of torture. The Committee Against Torture also took issue with the absence of data on complaints of torture and ill-treatment, and the absence of data regarding investigations and prosecutions undertaken in response to such complaints.¹⁹

Notwithstanding the issues raised by the Committee Against Torture, there were few complaints of torture in detention in Bahrain between 2000 and the end of 2007 (although Bahraini human rights defenders did report incidents during this period in which protestors were beaten at demonstrations or at the point of arrest). Since December 2007, however, reports of abusive interrogation and detention practices have increased. For example, in July 2008, Human Rights Watch noted credible allegations that a group of political activists arrested in December 2007 had been convicted of crimes (in the Jidhafs case) on the basis of coerced confessions.²⁰ Specifically, the activists alleged that security officials had subjected them to torture, including sexual assault. The US State Department's report on human rights practices in Bahrain in 2008 reported widespread arrests at protests and that those arrested alleged they were subjected to abuses in detention.²¹ In addition, Bahraini

¹⁸ In December 2002 Human Rights Watch wrote to Shaikh Hamad to urge that he clarify that Decree 56/2002 did not apply to allegations of serious crimes such as torture, after the prosecutor-general refused to receive a formal complaint from eight Bahrainis alleging that Adil Jassim Flaifil, a former colonel in the State Security and Intelligence Service, had subjected them to torture. The prosecutor-general reportedly told the lawyers attempting to file the complaint that they were wasting their time. See "Bahrain: Investigate Torture Claims against Ex-Officer," Human Rights Watch news release, December 16, 2002, <http://www.hrw.org/en/news/2002/12/16/bahrain-investigate-torture-claims-against-ex-officer>. The government of Bahrain did not respond to the December 2002 letter. Adil Flaifil currently heads one of Bahrain's political "societies," the Islamic Vanguard Society, and in July 2009 announced his intention to run in the 2010 National Assembly elections.

¹⁹ United Nations Committee against Torture, "Consideration of Reports Submitted by States Parties under Article 19 of the Convention, Conclusions and recommendations of the Committee against Torture, Bahrain," CAT/C/CR/34/BHR, June 21, 2005, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.CR.34.BHR.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.34.BHR.En?Opendocument) (accessed December 29, 2009).

²⁰ See "Bahrain: Convictions Tainted by Claims of Abuse," Human Rights Watch news release, July 15, 2008, <http://www.hrw.org/en/news/2008/07/15/bahrain-convictions-tainted-claims-abuse>, and "Bahrain: New Allegations of Detainee Abuse," Human Rights Watch news release, February 15, 2008, <http://www.hrw.org/en/news/2008/02/15/bahrain-new-allegations-detainee-abuse>. On December 26, 2007, Human Rights Watch wrote to Shaikh Rashid bin Abdullah Al Khalifa, the minister of interior, expressing concern about the treatment of persons detained in connection with confrontations with security forces over the previous 10 days. Shaikh Rashid responded in a letter dated January 28, 2008, attaching a memorandum from the Ministry of Interior's legal department, which detailed what it characterized as acts of arson and vandalism, as well as the theft of a weapon and ammunition from a police vehicle, and disputed allegations that security forces used excessive force in conducting arrests. A follow-up inquiry from Human Rights Watch on March 31, 2008 did not receive a response. Correspondence on file with Human Rights Watch.

²¹ US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2008: Bahrain," February 25, 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119113.htm>, and "Country Reports on Human Rights Practices – 2007: Bahrain," March 11, 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100593.htm> (both accessed December 29, 2009).

human rights activists began to report an increase in complaints of serious abuse and torture from certain detainees.

In response to increasing complaints of torture and ill-treatment in 2008, the Bahrain Human Rights Society (BHRS), a legally-recognized association, requested permission from the Public Prosecution Office to visit the detention facilities of the General Directorate of Criminal Investigation (CID). The CID is housed at a Ministry of Interior compound in the Adliya district of Manama. Abdulla al-Derazi, who heads the BHRS, told Human Rights Watch that the Public Prosecution Office responded positively in January 2008 to its request, but then withdrew permission when the BHRS insisted that physicians be part of the team to visit Adliya. Derazi said that the BHRS has since made periodic requests to visit detention sites immediately after learning of arrests, but to date permission has not been forthcoming. “They usually don’t respond,” Derazi said.²²

Bahrain’s Security Forces and Law Enforcement Apparatus

The CID is an agency of the Ministry of Interior, which comprises directorates of Criminal Investigation, Forensic Evidence, Economic Crimes Prevention, and Narcotics Prevention. The office of the inspector-general of the Ministry of Interior includes a Directorate of Complaints and Human Rights.²³ There is also an Office of Public Security, which supervises regular police.

The Ministry of Interior administers jails and other places of detention under the supervision of the Ministry of Justice. The former detainees interviewed by Human Rights Watch for this report testified that for the most part abuse occurred at CID headquarters in Adliya, where authorities hold persons suspected of serious crimes pending investigations, and in the Short-Term Detention Unit, which Bahrainis commonly refer to as Dry Dock.²⁴

²² Human Rights Watch interview with Abdulla al-Derazi, Manama, June 11, 2009. In August 2009, according to reports in the Bahraini media, the minister of interior said that the BHRS could visit detention sites annually. Officials have also said that Bahrain plans to ratify the Optional Protocol to the UN Convention against Torture, which would, in theory, allow independent inspections of prisons and detention sites. See Sandeep Singh Grewal, “BHRS granted annual prison visitation rights,” Bahrain Tribune, August 20, 2009.

²³ The Ministry of Interior’s three other general directorates are the Coast Guard, Civil Defense, and Traffic. For a list of directorates and associated departments, see http://www.interior.gov.bh/eng/other_directorates.asp (accessed January 12, 2010). Prior to 2002 the Public Prosecution Office was a branch of the Ministry of Interior; in that year it was moved to the Ministry of Justice.

²⁴ A number of those interviewed were first held at the CID detention site and then moved to Dry Dock after meeting with (and providing confessions to) the Public Prosecution Office. In several cases, detainees said they were immediately taken to Dry Dock after their arrest. Persons suspected of lesser offences are typically held in district police stations pending investigation. See United Nations Commission on Human Rights, Report of the Working Group on Arbitrary Detention, Addendum, Visit to Bahrain, March 5, 2002 (E/CN.4/2002/77/Add.2), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G02/112/88/PDF/G0211288.pdf?OpenElement> (accessed December 29, 2009), p. 27.

Several former detainees told Human Rights Watch that they had been arrested by Special Forces, referring to the Special Security Forces under the command of the National Security Agency (NSA).²⁵ Shaikh Hamad issued Decree 14 in May 2002, by which the NSA replaced the General Directorate for State Security Investigations, in the Ministry of Interior. The NSA, while not formally part of the Ministry of Interior, has offices in Interior Ministry headquarters. Its director, currently Khalifa bin Abdullah Al Khalifa, has cabinet rank and is a member, along with the minister of interior, of the Supreme Defense Council, headed by the prime minister, Shaikh Khalifa bin Salman Al Khalifa.

According to the Bahrain Center for Human Rights (BCHR), the NSA has arrested numerous political activists and engaged in attacks on demonstrators.²⁶ In late 2008 the king amended Decree 14/2002 to give NSA forces equivalent status to public security forces and to make military courts the only venue for prosecuting NSA personnel.²⁷ This made it impossible, for instance, for someone to file a civil or criminal complaint against the NSA or any of its forces.

Special Security Forces take persons they have arrested to one of several possible sites for pre-investigation detention, including the CID detention site in Adliya and the Manama Police Fort, which is on the grounds of the Ministry of Interior headquarters. Several former detainees told Human Rights Watch that Special Security Forces officers subjected them to torture and abuse at an NSA facility.²⁸ The great majority of Special Security Forces are reportedly recruited from other Arab countries and Pakistan;²⁹ the BCHR claims that there are no Bahraini Shia in the ranks of the Special Security Forces, and that the only Bahraini Shia working for the NSA are a small number of informants and persons holding low-level positions.³⁰

²⁵ Many Bahrainis refer to the NSA in English as the National Security Apparatus. This NSA is not to be confused with the Naval Support Activity operation associated with the US Fifth Fleet headquarters in Bahrain.

²⁶ Bahrain Center for Human Rights, "Dangerous Statistics and Facts about the National Security Apparatus," March 8, 2009, <http://www.bahrainrights.org/eng/node/2784> (accessed October 21, 2009).

²⁷ Bahrain Center for Human Rights, "Granting the National Security Apparatus the power of General Attorney and immunity from prosecution before Civil Courts," <http://www.bahrainrights.org/eng/node/2698> (accessed January 26, 2009).

²⁸ As noted above, there is significant co-mingling in the operations of the NSA and CID; it is apparently not unusual for NSA personnel to be in CID facilities or vice versa.

²⁹ Pakistani and other non-Bahraini security officers work for the Bahraini security services; they are not seconded by their governments.

³⁰ Bahrain Center for Human Rights, "Dangerous Statistics and Facts about the National Security Apparatus," <http://www.bahrainrights.org/eng/node/2784>. Nabeel Rajab, president of BCHR, told Human Rights Watch that the BCHR determined the composition of NSA forces by reviewing the names of all active-duty members (email communication, October 21, 2009). In September 2009 a Bahraini court sentenced Hassan Salman, a 26-year-old computer expert with the General Authority for Social Insurance, to three years in prison for publishing the names of all NSA officers on a website. Salman reportedly confessed that he had done so out of anger at the role of the NSA in arresting opposition leaders Hassan Mushaima and Shaikh Moqdad (see below). On the Hassan Salman case, see Bahrain Human Rights Monitor, "Public Statement: the Trial of Hassan Salman and its Implications," October 2009.

We note that Bahrain's minister of interior, Shaikh Rashid bin Abdullah Al Khalifa, during a visit to France in late November 2007 signed a cooperation agreement under which French police officers working with the Compagnie Republicaine de Securite (CRS) have provided training for the Special Security Forces in controlling street demonstrations.³¹ Moreover, the United Kingdom, whose nationals had once been deeply implicated in abuses by Bahraini security forces, today provides three full-time advisors from Bramshill, the UK police staff college, in the areas of criminal investigation, forensic science, and community policing.³² Bahrain's security relationship with the United States mainly involves the US's provision of training and equipment for the Bahrain Defense Forces, which have not been involved in suppressing demonstrations or other internal security matters. Bahrain is headquarters for the US Navy's Fifth Fleet, and in 2003 the US designated Bahrain as a major non-NATO ally.

Cases Giving Rise to Torture Complaints

The former detainees whom Human Rights Watch interviewed were among those detained in the Jidhafs, Karzakan, and Hujaira cases, the circumstances of which are detailed below. As mentioned in the previous chapter, most of these individuals had been released as a result of a pardon issued by the king in April 2009. As the procedural history of the Karzakan case makes clear, the pardon did not constitute an amnesty or preclude the prosecution of criminal cases, but rather suspended certain proceedings and allowed for the release from custody of certain individuals at least temporarily.³³ According to one of the defense attorneys in the Hujaira case, the authorities can reinstate the suspended proceedings at any time.³⁴ In fact, the trial of certain defendants in the Karzakan case recommenced after being suspended on the basis of the pardon and concluded on October 13, 2009, with the dismissal of all charges against the defendants, as discussed in greater detail below.³⁵

³¹ The CRS units, affiliated with the Direction Centrale des Compagnies de Securite (DCRS), are the operational reserve units of the French National Police, the branch of the French police principally charged with maintaining public order. The text of the agreement (<http://www.senat.fr/dossierleg/pjlo8-312.html>), which was sent to the French Senate for ratification in April 2009, covers a wide range of security concerns, including counterterrorism and organized crime. French foreign ministry officials, in a meeting on November 24, 2009, told Human Rights Watch that to date training has mainly involved French experts conducting crowd control training in Bahrain, with follow up provided by one or more liaison officers posted at the French embassy in Manama.

³² See the website of the National Policing Improvement Agency, <http://www.npia.police.uk/en/6589.htm> (accessed December 30, 2009). On the leading role of UK nationals in Bahrain's State Security Directorate over three decades, until 1999, see Human Rights Watch, *Routine Abuse, Routine Denial*, p. 16.

³³ Ministry of Justice and Islamic Affairs, Courts' Administration, Case No. 7/2009/1057, Order, April 28, 2009 (the court "discontinued" the Hujaira case, which concerned alleged terrorist activities).

³⁴ Human Rights Watch interview with defense counsel Mohamed Ahmed Abdulla, Manama, June 10, 2009.

³⁵ Mazen Mahdi, "Bahrain Court Acquits 19 of Policeman's Murder," *Gulf Times* (Doha, Qatar), October 13, 2009.

Jidhafs case

In mid-December 2007 protestors held a series of demonstrations in and around Manama, including in the largely Shia village of Jidhafs, in response to alleged abuses by security forces. On December 17 Ali Jassim Makki, a protestor, died following one confrontation between demonstrators and security forces, and clashes involving protestors and security forces grew more intense.³⁶ During clashes on December 21, protestors apparently set fire to an empty police vehicle and allegedly stole a weapon from the vehicle.³⁷

In a statement on December 26, the Ministry of Interior described the incidents as “a cycle of unlicensed and unauthorized rallies” that “tended to quickly degenerate into violence and vandalism.” The statement added that there were “very few arrests,” and that those arrested would face charges of arson and vandalism.³⁸ According to the opposition Haq Movement, authorities detained 48 persons between December 17 and December 27.³⁹ In July 2008, the First Supreme Criminal Court sentenced 11 of the 15 individuals who ultimately had been charged in the Jidhafs case to jail terms for offenses that included illegal assembly, arson, attacking security forces, and illegal possession of weapons.⁴⁰ Those who had been imprisoned on the basis of these convictions were freed pursuant to the king’s pardon.

Karzakan case

There were two events near the village of Karzakan that for judicial purposes were initially treated as related. The first, on March 6, 2008, involved a fire allegedly set on the farm of Shaikh Abd al-Aziz Attiyatallah Al Khalifa, a ruling family member and the head of the NSA from its establishment in 2002 until September 2005. The other incident, on April 9, involved clashes between demonstrators and security forces in which an unmarked police vehicle was set afire. A plainclothes Pakistani officer with the NSA, Majid Asghar Ali, died, although apparently not as a result of being trapped in the burning vehicle, as authorities claimed. The Public Prosecution Office charged 15 individuals in connection with the alleged

³⁶ Government officials at the time said that Jassim had died of natural causes; protestors said he died after inhaling tear gas used by security forces. According to BCHR, the clashes at the time involved NSA forces. See Bahrain Center for Human Rights, “Dangerous Statistics and Facts about the National Security Apparatus,” <http://www.bahrainrights.org/en/node/2784>.

³⁷ “Bahrain: Investigate Alleged Torture of Activists,” Human Rights Watch news release, January 20, 2008, <http://www.hrw.org/en/news/2008/01/20/bahrain-investigate-alleged-torture-activists>.

³⁸ Email communication to Human Rights Watch from Foreign Media Affairs, an office in the Ministry of Information, December 26, 2007.

³⁹ Haq Movement of Liberties and Democracy – Bahrain press release, by email to Human Rights Watch, December 27, 2007.

⁴⁰ Human Rights Watch interview with defense counsel Hafiz Ali Muhammad, Manama, June 11, 2009. Muhammad said that no lawyers were present for the first interrogation of the Jidhafs case defendants by the Public Prosecution Office. He said he met his clients only three weeks after filing a request.

arson on the farm, and 19 in connection with the torching of the police vehicle and the death of the Pakistani officer. The charges included arson and participation in illegal gatherings.⁴¹

Although the First Supreme Criminal Court initially consolidated the two cases, the matters were ultimately severed. The case involving the alleged arson attack on the farm was suspended on April 12, 2009 pursuant to the king's pardon and has not recommenced. Also on April 12, 2009, the court suspended the case concerning the death of the NSA officer.⁴² However, that matter resumed in May 2009 and, as mentioned, concluded in October 2009 with the acquittal of all defendants on all charges.⁴³

One of the individuals Human Rights Watch interviewed, a resident of a village near Karzakan, had been detained in early February 2008 in connection with an alleged earlier arson attack against property belonging to another member of the ruling family. He was released following an initial court hearing that was not part of the Karzakan case.

Al-Hujaira case

During the last two weeks of December 2008, security forces arrested approximately 35 individuals, including prominent opposition leaders Hassan Mushaima and Shaikh Muhammad Habib al-Moqdad.⁴⁴ The Public Prosecution Office accused these individuals of establishing an illegal group for the purpose of undermining the constitution of Bahrain, hindering public authorities from performing their duties, and violating the rights of citizens, including through terrorism. The defendants were also charged with unauthorized weapons and explosives training.⁴⁵ Authorities asserted that many of the defendants had received this training in al-Hujaira, Damascus.⁴⁶

On December 28, 2008, state-controlled television broadcast a compilation of excerpts from taped conversations in which 11 of the defendants appeared to admit to involvement in a

⁴¹ Human Rights Watch interview with defense counsel Muhammad al-Tajer, Manama, June 11, 2009; and Ministry of Justice and Islamic Affairs, Courts' Administration, Case No. 7/2008/03252, Verdict, October 13, 2009. The court concluded in its verdict, based on a forensic report, that the officer had died as a result of an injury to his head, which could have resulted from falling from his car. The court found, thus, that "there [wa]s no connection between the deeds attributed to the defendants and his death..."

⁴² Human Rights Watch interview with Muhammad al-Tajer, June 11, 2009.

⁴³ Ministry of Justice and Islamic Affairs, Courts' Administration, Case No. 7/2008/03252, Verdict, October 13, 2009.

⁴⁴ Human Rights Watch interview with defense counsel Mohamed Ahmed Abdulla, June 10, 2009, and Referral Order, Case No. 1403/2008, Criminal Public Prosecution Office, February 10, 2009. Of the 35 individuals who ultimately were charged, court papers indicate that a number had not been detained at the commencement of the trial.

⁴⁵ Referral Order, Case No. 1403/2008, Criminal Public Prosecution Office, February 10, 2009.

⁴⁶ Human Rights Watch interview with Mohamed Ahmed Abdulla, June 10, 2009.

range of allegedly terrorism-related activities and to carrying out violent acts at an opposition rally earlier in December.⁴⁷ The broadcast assembled brief elements of the statements, shifting from one defendant to another and back again, without at any point naming the defendants, although their faces were shown. The broadcast also included scenes of rioting and voice-over commentary about the threat of terrorism.⁴⁸ Two daily newspapers, the pro-government *Al-Ayyam* and the independent *Al-Waqt*, printed what appear to be complete transcripts of the program the next day, December 29, and named those defendants who allegedly confessed.⁴⁹ In their broadcast statements, the defendants talked about their putative recruitment, preparation, and training, and said that attacks were planned to coincide with important national holidays. They also implicated Hassan Mushaima as being responsible for inciting such activities and violence.⁵⁰

A Bahraini court discontinued the prosecution of this case indefinitely (and before verdict) on April 28, 2009, based upon the king's pardon.⁵¹

⁴⁷ As discussed in Chapter IV, the defendants told Human Rights Watch they believed that they were having conversations with a "shaikh" and were unaware that their conversations were being videotaped for later broadcast as confessions. See the Human Rights Watch interviews below with Yassin Ali Ahmad Mushaima and Muhammad al-Hamadi.

⁴⁸ See, for instance, <http://www.youtube.com/watch?v=3Ede6kVuoJM>, <http://www.youtube.com/watch?v=qecmeixlo7M&feature=related>, and http://www.youtube.com/watch?v=WDA4_kOz8CA&feature=related (all accessed January 12, 2010). Minister of Culture and Information Mai Al Khalifa, after she was questioned by a member of parliament about the broadcast, held the Public Prosecution Office responsible. "It is not the job of the Ministry of Culture and Information, while carrying out a judicial order, to inspect the nature of the broadcast setting, or to be sure of the presence of lawyers," she said. "It is not for the Ministry of Information to interfere in such matters." Bahrain Human Rights Monitor, "Minister of information: Broadcasting 'Hujaira' Confessions is Legal," March 2009, p. 10.

⁴⁹ The printed transcript of the televised "confessions" program is available at <http://alwaqt.com/art.php?aid=144694> and <http://www.alayam.com/ArticleDetail.asp?CategoryId=2&ArticleId=373095>.

⁵⁰ Ibid.

⁵¹ Ministry of Justice and Islamic Affairs, Courts' Administration, Case No. 7/2009/1057, April 28, 2009.

III. Legal Framework

Bahrain is party to three treaties that prohibit torture as well as cruel, inhuman or degrading treatment: the Convention against Torture;⁵² the International Covenant on Civil and Political Rights (ICCPR);⁵³ and the revised Arab Charter on Human Rights (the Arab Charter).⁵⁴ Bahrain's constitution, penal code, and code of criminal procedure also forbid the use of torture or other conduct that violates human dignity.

Convention against Torture

The Convention against Torture, to which Bahrain acceded on February 18, 1998, states,

[T]orture 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.⁵⁵

Under the Convention against Torture, a state must “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”⁵⁶ Authorities must also systematically review custodial and interrogation practices and procedures with a view to preventing torture.⁵⁷ Furthermore, the Convention against Torture requires a state party to conduct a prompt and impartial investigation “wherever there is reasonable ground to believe that an act of torture has been committed in

⁵² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987.

⁵³ International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976.

⁵⁴ Arab Charter on Human Rights, adopted by the Council of the League of Arab States on May 22, 2004, U.N. Doc. CHR/NONE/2004/40/Rev.1., entered into force March 15, 2008.

⁵⁵ Convention against Torture, art. 1(1).

⁵⁶ Ibid., art. 2(1).

⁵⁷ Ibid., art. 11.

any territory under its jurisdiction.”⁵⁸ A state must also ensure that any victim of torture “obtains redress and has an enforceable right to fair and adequate compensation....”⁵⁹ Particularly relevant to this report, statements extracted by torture shall not be used as evidence in any proceeding “except against a person accused of torture as evidence that the statement was made.”⁶⁰

The Convention against Torture also requires states to take measures to prevent acts that fall short of torture but that amount to “cruel, inhuman or degrading treatment or punishment.”⁶¹

International Covenant on Civil and Political Rights

Bahrain acceded to the ICCPR on September 20, 2006.⁶² The ICCPR provides that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”⁶³ Further, arrestees and detainees “shall be treated with humanity and with respect for the inherent dignity of the human person.”⁶⁴ The ICCPR requires that states undertake efforts “to respect and to ensure to all individuals ... the rights recognized in the present Covenant, without distinction of any kind....”⁶⁵

Arab Charter on Human Rights

Bahrain ratified the Arab Charter in 2006,⁶⁶ and the treaty entered into force on March 15, 2008. With regard to torture and ill-treatment, the Arab Charter mirrors the ICCPR, and provides that “[n]o one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhuman treatment.”⁶⁷ The charter obliges states to criminalize such acts, and to guarantee legal redress, rehabilitation, and compensation for torture

⁵⁸ Ibid., art. 12.

⁵⁹ Ibid., art. 14.

⁶⁰ Ibid., art. 15.

⁶¹ Ibid., art. 16(1).

⁶² Bahrain’s Accession to the ICCPR, C.N.764.2006.TREATIES-15 (September 20, 2006), http://untreaty.un.org/English/CNs/2006/701_800/764E.pdf (accessed January 12, 2010).

⁶³ ICCPR, art. 7.

⁶⁴ Ibid., art. 10.

⁶⁵ Ibid., art. 2(1).

⁶⁶ See information provided by Bahrain to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), as set out in Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: combined 5th, 6th and 7th periodic reports of States Parties: Bahrain, CEDAW/C/BHR/2/Add.1, June 6, 2008, <http://www2.ohchr.org/english/bodies/cedaw/cedaws42.htm> (accessed January 12, 2010), p. 7.

⁶⁷ Arab Charter, art. 8(1).

victims.⁶⁸ The Arab Charter further provides that “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”⁶⁹

Bahraini Law

As required by international treaties to which it is a party, Bahrain has implemented legislation that forbids torture.⁷⁰ More specifically, Bahrain’s constitution provides that “[n]o person shall be subjected to physical or mental torture, or inducement, or undignified treatment....”⁷¹ Furthermore, a person accused of a crime may not be harmed physically or mentally.⁷²

Bahrain’s penal code criminalizes the use of “torture, force or threats, either personally or through a third party, against an accused person, witness or expert” in order to induce a person to confess to an offense or to offer statements or related information.⁷³ It also provides that civil servants (and any other persons) who engage in torture shall be subjected to a term of imprisonment.⁷⁴

The code of criminal procedure provides that anyone arrested or detained must be treated “in such a manner as to maintain his human dignity and shall not be subjected to any bodily or psychological harm.”⁷⁵ Further, the law requires that interrogations of those detained be conducted by the Public Prosecution Office in the presence of the accused person’s lawyer.⁷⁶ As a remedy for violations of these provisions, Bahrain’s constitution provides that “[a]ny statement or confession proved to have been made under torture, inducement, or such treatment, or the threat thereof, shall be null and void.”⁷⁷

⁶⁸ Ibid., art. 8(2).

⁶⁹ Ibid., art. 20(1).

⁷⁰ The UN Committee Against Torture, in its 2005 review of Bahrain’s country report, recommended that Bahraini law be modified in order to bring the definition of torture into conformity with that of the Convention against Torture, ensure that all acts of torture constitute criminal offenses, and specify appropriate penalties. UN Committee Against Torture, “Consideration of Reports Submitted by States Parties under Article 19 of the Convention, Conclusions and Recommendations of the Committee against Torture, Bahrain,” CAT/C/CR/34/BHR, June 21, 2005, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.CR.34.BHR.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.34.BHR.En?Opendocument), para. 7.

⁷¹ Bahrain constitution, art. 19(d).

⁷² Ibid., art. 20(d).

⁷³ Bahrain penal code, arts. 208, 232.

⁷⁴ Ibid.

⁷⁵ Bahrain code of criminal procedure, art. 61.

⁷⁶ Ibid., arts. 133-35.

⁷⁷ Bahrain constitution, art. 19(d).

Bahraini law requires that suspects be presented to the Public Prosecution Office within 48 hours of arrest.⁷⁸ When the Public Prosecution Office issues a summons or an arrest warrant, the arresting authority must present the suspect to them “immediately” or, if not feasible, within 24 hours.⁷⁹ The Public Prosecution Office must decide whether to charge the suspect with a criminal offense and, if the individual is charged, whether to continue his detention or order his release.⁸⁰ A person may be held for up to seven days in pretrial detention, after which a court may authorize additional pretrial detention of up to six months.⁸¹ The Public Prosecution Office, however, has the power to extend pretrial detention for up to a total of 45 days for offenses found in the special section of the penal code pertaining to national security crimes.⁸² The High Criminal Court must approve any pretrial detention exceeding 45 days in the context of national security crimes.⁸³

The Public Prosecution Office is charged with investigating and prosecuting all crimes, which would include torture.⁸⁴ The Public Prosecution Office can also demand that law enforcement agencies investigate and punish breaches of duty by their officers.⁸⁵ Ministry of Interior officials told Human Rights Watch that the Ministry of Interior’s inspector-general investigates all complaints of torture and, if warranted, refers such complaints to the Police Court within the Ministry of Interior.⁸⁶ Civil servants, medical professionals, and other civilians are required to report crimes to the Public Prosecution Office or other relevant authorities.⁸⁷

Under Bahraini law victims of torture can also seek redress through a civil action.⁸⁸ However, Decree 56/2002, discussed above, confers immunity from investigation or prosecution on

⁷⁸ Bahrain code of criminal procedure, art. 57.

⁷⁹ *Ibid.*, art. 141.

⁸⁰ *Ibid.*, arts. 57, 141-142.

⁸¹ *Ibid.*, arts. 147-148.

⁸² *Ibid.*, art. 147, and Bahrain penal code, arts. 112-177.

⁸³ Bahrain code of criminal procedure, art. 148.

⁸⁴ *Ibid.*, arts. 5, 8 and 81.

⁸⁵ *Ibid.*, art. 44,

⁸⁶ See below, “Official Denials.” International law does not preclude the use of specialized courts for military or security personnel. However, the trend is very much against the use of such courts, which would at a minimum have to meet international standards of independence and impartiality in order to comply with international law. Human Rights Watch does not have sufficient information regarding the Police Court in Bahrain’s Ministry of Interior to assess whether it meets such standards. The UN Human Rights Committee has consistently called for civilian courts to try cases of alleged human rights violations.

⁸⁷ Bahrain code of criminal procedure, arts. 47-48.

⁸⁸ *Ibid.* art. 22, and Bahrain civil law, art. 158.

government officials alleged to be responsible for torture or other serious human rights abuses committed prior to 2001.⁸⁹ These provisions, on their face, appear to violate the Convention against Torture.

⁸⁹ Royal Decree 56/2002.

IV. Allegations of Torture or Cruel, Inhuman or Degrading Treatment

Based upon its interviews and review of the documentary record, Human Rights Watch has concluded that there is credible evidence demonstrating that, since December 2007, Bahraini security forces⁹⁰ have:

- used electro-shock devices against detainees;
- suspended detainees in painful positions;
- beat detainees' feet with rubber hoses and/or batons;
- slapped, punched, and kicked detainees, and beaten them with implements;
- forced detainees to stand for prolonged periods of time; and
- threatened detainees with death and rape.

The use of these techniques, separately and in combination, violates Bahrain's obligations under international and national law, as reference to any number of authorities makes plain. For example, international courts have repeatedly classified the use of electro-shock devices as torture or cruel, inhuman, or degrading treatment.⁹¹ Similarly, courts have found that suspending victims by their arms and legs constitutes torture.⁹² Further, courts have characterized the beating of feet as torture,⁹³ and have deemed other forms of beating to be torture or cruel, inhuman or degrading treatment.⁹⁴ International tribunals have also concluded that standing for great lengths of time amounts to torture or inhuman treatment.⁹⁵

⁹⁰ The term "security forces" is used in this report for ease of reference rather than to delineate any particular agency.

⁹¹ See *Chitayev and Chitayev v. Russia*, (no. 59334/00), Eur. Ct. H.R., Judgment 18 January 2007 paras. 19, 20, 27 (electric shocks applied to various parts of body including fingertips and ears); *Yaman v. Turkey*, (no. 32446/96), Eur. Ct. H.R., Judgment 2 November 2004 paras. 11, 41 or 47 (electric cables attached to sexual organs shocking victim while suspended); *Akkoc v. Turkey* (no. 22947-8/93), Eur. Ct. H.R., Report of the Commission, 23 April 1999 paras. 59, 120, 136, 162, 224, 304, 329-35 (electric shocks to mouth and sexual organs over a period of four days); *Prosecutor v. Krajisnik*, International Criminal Tribunal for the former Yugoslavia (ICTY), Case No. IT-00-39-T, Judgment paras. 798, 806 (27 September 2006).

⁹² See *Yaman v. Turkey*, (no. 32446/96), Eur. Ct. H.R., Judgment 2 November 2004 para. 1 (suspended by arms from ceiling pipes); *Veznedaroglu v. Turkey*, (no. 32357/96), Eur. Ct. H.R., Judgment 11 April 2000 paras. 12, 35 (suspended by arms); *Bati v. Turkey*, (no. 33097/96, 57834/00), Eur. Ct. H.R., ECHR 2004-IV, paras. 38, 42, 52, 124 (suspended by arms).

⁹³ *Salman v. Turkey*, (no. 21986/93), Eur. Ct. H.R., ECHR 2000-VII, paras. 71, 111, 116 ; *Bati v. Turkey*, (no. 33097/96, 57834/00), Eur. Ct. H.R., ECHR 2004-IV, paras. 26, 35, 43, 124.

⁹⁴ See *Chitayev and Chitayev v. Russia*, (no. 59334/00), Eur. Ct. H.R., Judgment 18 January 2007 para. 19 (considered torture when victims beaten with rubber truncheons and plastic bottles filled with water); *Selmouni v. France*, (no. 25803/94), Eur. Ct. H.R., ECHR 1999-V, paras. 82, 105 (considered torture when victim was punched, kicked, and struck with objects repeatedly over two nights); *Bati v. Turkey*, (no. 33097/96, 57834/00), Eur. Ct. H.R., ECHR 2004-IV, paras. 110, 114, 124; *Ireland v. United Kingdom*, Eur. Ct. H.R., (no. 25), Judgment 18 January 1978 Series A, para. 174 (inhuman treatment when victims exposed to repeated violence during interrogation); *Egmez v. Cyprus*, (no. 30873/96), Eur. Ct. H.R., ECHR 2000-XII, para. 79 (beatings constituted inhuman treatment).

⁹⁵ *Prosecutor v. Kvocka*, ICTY, Case No. IT-98-30/1-T, Judgment para. 146 (2 November 2001); see also *Chitayev and Chitayev v. Russia*, (no. 59334/00), Eur. Ct. H.R., Judgment 18 January 2007 paras. 19, 159 .

In addition, threats to torture, rape and/or kill have been found to constitute torture and/or inhuman treatment.⁹⁶

The testimonies that follow are organized by the types of torture and abuse that were reported to Human Rights Watch. In many cases, the same individual alleged that he was subjected to two or more types of torture or abuse. We provide some background on each individual the first time a detailed portion of his account appears.

Seventeen of the men also identified one or more of the officers from the CID or NSA who they claimed participated in their torture. The officers named were Major Yusuf al-Arabi, Captain Fahd Fadalah, Captain Bassam al-Muraj, and Lieutenant Isa al-Majali of the CID and First Lieutenant Badr al-Ghaith of the NSA. Human Rights Watch was able to confirm that all these men are in fact officers working for the Ministry of the Interior or the NSA. However, at this writing, in January 2010, Human Rights Watch has received no response to letters addressed to the minister of justice and the ministry of interior inquiring as to whether complaints of torture or ill-treatment had been made against these officers, or whether their superiors had ever questioned them about the treatment of detainees.⁹⁷

Use of Electro-Shock Devices

Eleven of the 20 former detainees Human Rights Watch interviewed for this report said that security forces had subjected them to electro-shock devices. From the descriptions offered, these devices likely were stun guns (shaped like an electric shaver) or—in at least one instance—a cattle prod (shaped like a stick).⁹⁸ When held against a nerve cluster for several seconds, a stun gun immobilizes the victim's body. If applied for shorter periods, a stun gun will create the sensation of a powerful punch or kick.⁹⁹ Although when used properly stun guns leave little in the way of marks (see below), it is not uncommon for the application of a

⁹⁶ UN Special Rapporteur on Torture, Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc A/56/156, 3 July 2001, paras. 8 et seq. See also *Prosecutor v. Kvočka*, ICTY, Case No. IT-98-30/1-T, Judgment paras. 144, 160, 640 (2 November 2001) (threats of rape as well as threats to kill a victim's wife and child constituted torture and cruel treatment); *Akkoc v. Turkey*, (no. 22947-8/93), Eur. Ct. H.R., Report of the Commission, 23 April 1999 para. 333 (psychological pressure caused by threats to victim's children constituted torture); *Denmark, Norway, Sweden and Netherlands v. Greece (Greek Case)*, (nos. 3321/67; 3322/67; 3323/67; 3344/67), Report of the European Commission of Human Rights (1969) (non-physical torture included mock executions and threats of death against a detainee's family).

⁹⁷ See the appendix to this report for copies of the letters of inquiry.

⁹⁸ While some of the former detainees who reported that they were subjected to these devices said that they saw the devices, others said that they were blindfolded when the devices were used and only heard the sound of the devices and felt the sensation of an electric shock, as discussed below.

⁹⁹ Darius M. Rejali, *Torture and Democracy* (Princeton University Press, 2007), p. 243.

stun gun to leave small, short-term burns that form thin scabs before disappearing within a week or two.¹⁰⁰

The individuals interviewed reported that security forces employed electro-shock devices, by and large, during the early stages of detention while interrogations were ongoing.

Yassin Ali Ahmad Mushaima

On December 20, 2008, Yassin Mushaima, an unemployed single 21-year-old, went to the NSA headquarters at the Manama Police Fort after learning that security forces had been looking for him at his home. There, officers arrested Mushaima and interrogated him about pipes that they said he used for bomb-making.¹⁰¹ Mushaima was also questioned as to whether prominent Shia opposition leaders—specifically, Hassan Mushaima and Shaikh Muhammad Habib al-Moqdad—were funding illegal activities.¹⁰²

“I was standing with my hands cuffed in front of me,” Mushaima said. “They said I should confess or they would hit me. I heard something that sounded like a bug zapper; they were trying to frighten me. They put a device on my hand for a second which made me shiver.” Mushaima reported that after 10 to 15 minutes of additional questioning, the officers applied the device to his stomach, causing him to fall. “They kicked me until I stood up and then they started slapping my face and hitting my legs,” he said. “Maybe 30 minutes later they put the device on my penis for just one shot. I was wearing pants, but it made me feel lost and numb.” According to Mushaima, during an interrogation the following day, agents took off his clothes and put the electro-shock device on his penis again.

Mushaima told Human Rights Watch that he was later taken to Dry Dock. There officers applied an electro-shock device to his genitals and other parts of his body on four or five occasions during interrogations over the course of Mushaima’s first 15 days at the facility. Mushaima said that the electro-shock devices left temporary dark marks on his hands, feet, chest, and penis. At a court hearing on February 22, Mushaima said, he told the judge that he was innocent and had been subjected to torture. According to Mushaima, the judge said he did not want to hear the details.

¹⁰⁰ Ibid., p. 248.

¹⁰¹ The terms “officers,” “agents,” and “guards” are used interchangeably in this report to refer generally to individuals who work on behalf of the security forces.

¹⁰² Yassin Mushaima and Hassan Mushaima are first cousins once removed.

Mushaima was one of the Hujaira defendants whose purported confession was broadcast on Bahraini television. He claimed that an officer with an Egyptian accent told him that if he spoke with “the shaikh” he would be freed the next day. “They took me to a villa,” Mushaima told Human Rights Watch. “I sat down in one place but they said I should sit over in another place. They removed my blindfold. The shaikh was sitting across from me. He kept asking me to speak more loudly, although others in the room were speaking normally. The officers had told me what to say, so when he asked how I was being treated, I said, ‘Very good, OK.’ My face was swollen, and my shirt had sleeves to cover the scars. I only learned many days later that this was on television.”¹⁰³

Muhammad al-Hamadi

Muhammad al-Hamadi is a 29-year-old single man who works as a hospital cashier. Security forces arrested him on December 16, 2008, at his home and took him to the CID compound in Adliya. Hamadi reported that at Adliya, officers with Egyptian accents (al-Hamadi was blindfolded, but said he recognized Egyptian accents) told him that he had been arrested because he was a bomb maker in a terrorist group. When al-Hamadi replied that he knew nothing about bomb making, one of the officers with an Egyptian accent said, “We’ll help you remember.”

“They ripped my pants and shirt, and tore off all my clothes,” al-Hamadi said. “They made me lie on my side on the floor. I was handcuffed and they held my legs down. An Egyptian was holding an electric device and he put it on my sexual parts. He put it on and off many times.”¹⁰⁴ Al-Hamadi reported that the device was never placed on his body for more than a second or two.

Al-Hamadi said that, later, officers pulled his hands (still cuffed) in front of his knees, and secured a bar behind his knees. They put the ends of the bar on chairs so that al-Hamadi was suspended upside down (see Muhammad al-Singace’s detailed description of this “parrot” suspension position in the next section). While asking him about the location of bombs, officers again applied the electro-shock device. Al-Hamadi reported that he was subjected to electro-shock devices periodically during his first three days in detention. After approximately a week, he said, he was moved to Dry Dock. There he reported that an officer with the NSA applied an electro-shock device to his genitals twice.

¹⁰³ Human Rights Watch interview with Yassin Ali Ahmad Mushaima, Manama, June 10, 2009. Human Rights Watch viewed the televised program, and it appeared that some of the defendants were being coached from off-camera.

¹⁰⁴ Al-Hamadi said that while he did not see the implement in question at the time, he believes it was an electro-shock device based upon the sound it made and the sensation it caused.

Al-Hamadi was another al-Hujaira defendant whose “confession” was broadcast on television. According to al-Hamadi, an officer came to him in Dry Dock and said, “You will meet an important person today. He will be your link to the king. You must admit that you made bombs and that Hassan Mushaima incited you to do it. Then, the king will amnesty you.”

Al-Hamadi said he was then brought to a “villa” in which he was introduced to the director of the NSA.¹⁰⁵ Al-Hamadi said that the director then introduced him to a “shaikh” and instructed al-Hamadi to say that he had been involved with bomb making at the instigation of Hassan Mushaima, Shaikh Muhammad Habib al-Moqdad, and Abdul-Jalil al-Singace (all prominent opposition figures). Al-Hamadi said that he sat on a couch with the NSA director on one side of him and the shaikh on the other, repeating everything that the director told him to say.¹⁰⁶

Muhsin Ahmad al-Gassab

Muhsin al-Gassab, 32, works in human resources for a private company. He is married and has a daughter. On December 23, 2008, plainclothes security forces arrested al-Gassab at his home at 5 a.m. and took him in an unmarked car to Dry Dock; he said it was only after his family visited him a month later that he learned he was being held in the Dry Dock facility. “I asked where I was but they would not even tell me the time,” he told Human Rights Watch.

In Dry Dock, an officer who said he was from the NSA questioned al-Gassab. “When I asked what this was about, the officer replied, ‘You should tell me,’” al-Gassab said. He reported that most of the questioning concerned trips he had taken to Syria and Turkey; the officer asserted that he had received “terrorist training” in Syria. Al-Gassab said he was punched and beaten during the first interrogation session.

On one occasion, al-Gassab said, guards cuffed his hands behind his back and removed his clothing. “They stripped me completely naked except the blindfold,” he said. “When I resisted them taking off my pants, they slapped me on the head until I stopped. Then I heard the sound of sparks, like when you use jumper cables to start a car.” The guards applied an electro-shock device to al-Gassab’s genitals, hands, stomach, back, legs and feet. More specifically, the guards applied the device for a second before removing it and pausing for a moment. Then, they applied the device to another part of al-Gassab’s body for a second

¹⁰⁵ As noted above, the director of the NSA is Khalifa bin Abdullah Al Khalifa.

¹⁰⁶ Human Rights Watch interview with Muhammad al-Hamadi, Manama, June 8, 2009. In the published transcript of the broadcast, al-Hamadi is identified as Muhammad Salman Yusuf.

before removing it again. On a few occasions, guards put the device on al-Gassab for several seconds, which caused him to fall.¹⁰⁷ Al-Gassab reported that this pattern was repeated for what seemed like hours (with sporadic breaks) and that he was repeatedly told to confess to having trained in Syria. Al-Gassab said that his tormentors told him that others had already confessed. “There are people stronger than you who talked,” al-Gassab said they told him. “If you don’t you’ll suffer the fate of those before you.”

After this first session, according to al-Gassab, officers used the electro-shock device on his arm several times on each of three additional days. The device was not used following al-Gassab’s first week of detention. Al-Gassab stated that the device left temporary black marks on his bicep, sternum, thigh, and penis.

Al-Gassab said that when officers took him to the Public Prosecution Office on his fourth day of detention, his blindfold was removed. “There I saw [myself in] a mirror for the first time,” he said. “I had a swollen eye, all red, and dried blood around my nose.” He said the prosecutor asked him if he had been beaten or subjected to abuse, and that he showed the prosecutor marks on his thigh from the electro-shock device. The prosecutor agreed to a request from al-Gassab’s lawyer for an examination by a forensic doctor. Al-Gassab said he saw the doctor several days later and that the doctor took photos of the marks on his body with a mobile phone. According to al-Gassab, the doctor said that the photos would be sent to the prosecutor, but al-Gassab does not believe that the photographs are in his official file.¹⁰⁸ A report by a doctor with the Public Prosecution Office stated that al-Gassab had bruises on his leg and stomach as of December 27, 2008.¹⁰⁹

Al-Gassab said he was held for about 100 days, all but the last 10 days in solitary confinement.¹¹⁰

Hassan Jassim Muhammad Makki

Hassan Makki is a married, 29-year-old father of one who had worked as a bus driver prior to his arrest. It was Makki’s brother, Ali, whose death on December 17, 2007, led to violent clashes between protestors and security forces in Jidhafs and other Shia villages and

¹⁰⁷ As already noted, a stun gun will disable a person when applied for several seconds.

¹⁰⁸ Human Rights Watch interviews with Muhsin Ahmad al-Gassab, Manama, June 9 and 15, 2009.

¹⁰⁹ Public Prosecution Office, General Directorate of Forensic Science Evidence [official translation], Forensic Report on Muhsin Ahmad al-Gassab, December 27, 2008.

¹¹⁰ Human Rights Watch interviews with Muhsin Ahmad al-Gassab, June 9 and 15, 2009. Al-Gassab said that he signed “a paper” at the Public Prosecution Office that resulted in his being charged with receiving military training outside Bahrain, belonging to an outlawed organization, and receiving training in how to use explosives.

neighborhoods. On December 18, 2008, Makki went to see his lawyer after learning that security forces had been looking for him; he was arrested before reaching his lawyer's office. Security forces took Makki to the NSA headquarters at the Manama Police Fort.

According to Makki, officers at the Police Fort taunted him upon his arrival, saying, "Welcome to the brother of the martyr." The officers handcuffed and blindfolded Makki before removing his clothes. They then applied an electro-shock device to his genitals for a second or two before removing it. This process was repeated for several minutes before two officers with Egyptian accents told Makki to confess. Makki reported that over the next two days agents applied the electro-shock device to him intermittently during sessions that typically lasted 10 minutes, usually focusing on the genitals. The agents continually asked about the location of bombs while applying the device. Makki reported that after two days he was taken to Dry Dock, where officers applied the electro-shock device every day or two, generally over the course of five-minute periods with an hour's break in between. The device left temporary black marks on his penis, Makki said.¹¹¹

Naji Ali Hassan Fateel

Naji Fateel is a 35-year-old, married father of three who earns a living by performing maintenance work. Fateel was arrested on December 21, 2007 at his home at 8 a.m. Officers took Fateel to Adliya, where they forced him to stand in the CID compound's yard until 7 p.m.

Later authorities moved Fateel to an office where he encountered Isa al-Majali.¹¹² Al-Majali accused him of setting fire to a Special Forces jeep and stealing a weapon from the vehicle during the December 21 Jidhafs clashes.¹¹³ Fateel denied the accusations. According to Fateel, al-Majali "started calm, but then got angry." Two agents, who Fateel said had been standing behind him, kicked him in the back of the knee and the lower back, and punched him. Then, he said, they used two separate devices to inflict electro-shocks on his torso and neck; one of the devices had the shape of a stick, he said, and the other looked like an electric shaver with two small electrodes sticking out of it.¹¹⁴ Fateel reported that the agents applied the devices to him in response to subtle signs that al-Majali made, such as moving

¹¹¹ Human Rights Watch interview with Hassan Jassim Muhammad Makki, Manama, June 8, 2009.

¹¹² Fateel told Human Rights Watch that he heard a guard say, "Take Naji to al-Majali" before he was brought to the office. He said he came to learn al-Majali's first name during the course of his detention. As noted, al-Majali is a Jordanian national who serves as a lieutenant in the CID.

¹¹³ Security forces kept the detainees blindfolded as a general rule at Adliya. However, as an exception, detainees generally were not blindfolded when being questioned in the offices of more senior staff such as al-Majali.

¹¹⁴ These descriptions match a cattle prod and stun gun, respectively.

an ashtray on his desk.¹¹⁵ Later that evening, while Fateel was suspended from the ceiling (as discussed below), officers applied an electro-shock device to him with a particular emphasis on his genitals. Fateel lost consciousness at times during this episode. According to Fateel, the electro-shock device left temporary burn marks on his body.

Fateel told Human Rights Watch that officers took him to the Public Prosecution Office around midnight on the day of his arrest. He reported that he met for approximately an hour with a prosecutor who questioned him about the burning of a police jeep and the alleged theft of a weapon in Jidhafs. Fateel told the prosecutor about the abuse that he had suffered. A medical examiner in the Public Prosecution Office examined Fateel approximately a week after he had first been detained. According to Fateel, during this 10-minute examination the doctor saw burn marks from an electro-shock device, but said simply that they were minor injuries. The doctor did not comment on the bruises and swelling that Fateel said were evident on his face at the time.¹¹⁶

Muhammad Makki Hamad

Muhammad Hamad, a 20-year-old unemployed high-school graduate from Sanabis, told Human Rights Watch that he had been active with the Unemployment and Low Income Committee. He told Human Rights Watch that he was arrested at about 3 a.m. on December 24, 2007, and detained for approximately seven months. He said that during interrogation sessions in the initial period of his detention security officials badly beat him. On the second night of his detention, he said, while he was suspended naked by his wrists, officers subjected him to an electro-shock device, applying the device to his underarms and his penis. Hamad said that one officer who appeared to be in charge, a captain with the CID, had also been among the group of officers who arrested him and beat him while transporting him to the CID compound. Hamad told Human Rights Watch that the same man participated in the interrogation session, although he did not think he was present during the electro-shock torture.¹¹⁷

¹¹⁵ Another individual reported the same practice on the part of a person he identified as al-Majali. Human Rights Watch interview with witness who requested anonymity, Manama, June 9, 2009.

¹¹⁶ Human Rights Watch interview with Naji Ali Hassan Fateel, Manama, June 7, 2009.

¹¹⁷ Human Rights Watch interview with Muhammad Makki Hamad, Manama, June 13, 2009.

Other detainees

Five other former detainees—Maytham al-Shaikh, Isa Abdullah Isa, Ahmad Abd al-Hadi, and two who requested they not be named—told Human Rights Watch that security forces subjected them to electro-shock devices during the initial periods of their detentions.¹¹⁸

In addition, Ahmad Jaffer Muhammad reported that an officer showed him a black device that looked like an electric shaver (evidently a stun gun), and threatened to use it, but ultimately did not.¹¹⁹ Another individual, who did not wish to be named, also said that officers threatened to subject him to an electro-shock device, but did not do so.¹²⁰

Documentary evidence

Human Rights Watch reviewed several documents that appeared to corroborate allegations regarding the use of electro-shock devices. For example, a report by Ministry of Health doctors regarding Muhammad Tarif (whom Human Rights Watch was not able to interview) states that bruises on Tarif's hand may have been the result of burns.¹²¹ As discussed, stun guns can cause short-term burns that form scabs.¹²² Further, public prosecutor minutes regarding the interrogation of Abd al-Reda al-Saffar note an injury to al-Saffar's left leg, which al-Saffar told prosecutors resulted from an electro-shock.¹²³

The absence of substantial documentary evidence of electro-shock torture is not particularly probative because, when used carefully, stun guns (the electro-shock device described by former detainees in almost all instances) leave few marks and such marks typically heal quickly.¹²⁴ Indeed, torturers employ electro-shock devices in part because, while the applications are extremely painful, their surface physical effects are difficult if not impossible to detect afterwards.¹²⁵

¹¹⁸ Human Rights Watch interviews with Maytham Badr Jassim al-Shaikh, Manama, June 7; Isa Abdullah Isa, Manama, June 7; Ahmad Abd al-Hadi, Manama, June 8, and two witnesses who requested anonymity, Manama, June 9 and 15, 2009.

¹¹⁹ Human Rights Watch interview with Ahmad Jaffer Muhammad, Manama, June 12, 2009.

¹²⁰ Human Rights Watch interview with detainee who requested anonymity, Manama, June 15, 2009.

¹²¹ Ministry of Health, untitled report to President of the First Supreme Court regarding Patient Muhammad Mekki Ahmad Tarif, April 9, 2008.

¹²² Rejali, *Torture and Democracy*, p. 248.

¹²³ Public Prosecution Office, untitled minutes regarding reopening of investigation on December 30, 2008.

¹²⁴ Rejali, *Torture and Democracy*, pp. 243, 248.

¹²⁵ See *Tanli v. Turkey*, App. No. 26129/95, Eur. Ct. H.R., Judgment, ECHR 2001-III, paras. 3, 40, 51.

Suspension in Painful Positions

Of the 20 former detainees whom Human Rights Watch interviewed, 16 reported being suspended in painful positions in one manner or another. More specifically, the former detainees described:

- being suspended by their wrists with their hands pulled over their heads;
- being laid on their stomachs and then suspended off the ground with their ankles and wrists tied together behind their backs; and/or
- being suspended by a bar or pole affixed under the knees and raised onto supports.¹²⁶

Several former detainees also reported that security forces cuffed their hands behind their backs, pulled their hands up, and attached the handcuffs to the grate covering a window air conditioner.

Ahmad Jaffer Muhammad

Ahmad Muhammad, 35, is married with two daughters. He does administrative work for a major international bank. He told Human Rights Watch that Special Security Forces arrested him in the early morning hours of December 28, 2007, and brought him to the CID compound in Adliya. There, Muhammad was blindfolded before being taken to a dark room where someone told him that he had no rights under unspecified new terrorism laws in Bahrain. Someone else said to Muhammad, who was working as a clerk in the Interior Ministry at the time, “You work for us, but really you are against us.”

According to Muhammad, guards took him to another room and placed pieces of cloth around his wrists before placing handcuffs on the pieces of cloth and cuffing his hands in front of him. Muhammad said that the guards then lifted him and put the chain of the handcuffs over an object above his head that he believes was a pipe. When the guards released Muhammad, he was fully suspended in the air. Muhammad estimates that he remained suspended for 10 to 15 minutes while officers hit him with what felt like a rubber hose and kicked him. “I was moving frantically because of the pain in my wrists and shoulder,” Muhammad said. “I bloodied my toes kicking them against the wall without shoes on. They still hurt now.” One of the guards or interrogators told Muhammad to

¹²⁶ Certain individuals described this technique by reference to the term “falaka.” While falaka is sometimes used in Bahrain to refer to being suspended in this manner, the term is more typically understood to entail the beating of the soles of the feet, sometimes with the ankles affixed to a pole. Rejali, *Torture and Democracy*, pp. 273-74.

disclose the whereabouts of “the gun.” Muhammad said that he knew nothing about a weapon.

Eventually, the guards lowered Muhammad to the floor and brought him to an office, where his blindfold was removed. A supervisory officer asked, “Was that enough to talk about the rifle?” When Muhammad said again that he knew nothing about a weapon, guards took him back to the same room and suspended him in the same way. Later that night, guards took Muhammad to a stairwell where they cuffed his hands (with no cloth) and placed the chain of the handcuffs over a rail above his head. Muhammad, who could barely touch the floor, estimates that he remained in this position for an hour.

Muhammad told Human Rights Watch that officers brought him to the Public Prosecution Office after midnight, approximately 24 hours following his arrest. There he met with Wael Boualay, a prosecutor. According to Muhammad, Boualay accused him of having stolen a rifle from a police car after threatening a police officer who was in the car with a machete, causing the officer to flee. Muhammad asked how he could have threatened an armed officer, allegedly before he stole the gun at issue. Boualay simply repeated the accusations, Muhammad said. Muhammad told Boualay that he had been suspended off the floor and showed Boualay a bruise on his leg that he said was the result of being kicked. Boualay had no response. After a meeting that lasted several hours, Muhammad signed a statement without reading it, feeling that he had no choice but to sign.

Muhammad told Human Rights Watch that at the first court proceeding in the Jidhafs case, he and others related the abuses they had suffered to the court.¹²⁷ Ministry of Health doctors later examined Muhammad upon the court’s direction and found healed wounds on Muhammad’s wrist that they concluded could have resulted from pressure applied by handcuffs.¹²⁸

Ahmad Abd al-Hadi

On December 22, 2007, security forces arrested Ahmad Abd al-Hadi, then 17 years old; at the time Human Rights Watch spoke with him, Abd al-Hadi was 19 and had just finished high school. Abd al-Hadi had been in detention for approximately five days when he was taken outside at the CID compound (after being subjected to electro-shocks). There, he said, an officer asked him where “the gun” was and he replied that he did not know. Someone then

¹²⁷ Human Rights Watch interview with Ahmad Jaffer Muhammad, June 12, 2009.

¹²⁸ Ministry of Health, untitled report to President of the First Supreme Court regarding Patient Ahmad Jaffer Muhammad Ali, April 9, 2008.

told Abd al-Hadi, “I advise you to confess before you hang, because people cannot bear it.” When Abd al-Hadi said that he had nothing to confess, the officer told him, “If you bring me the gun, I will take you to your examination [for high school] tomorrow.” Abd al-Hadi said that he would disclose information if he had any.

Abd al-Hadi stated that the guards then took him inside to a stairwell. They cuffed his hands after wrapping pieces of cloth around his wrists. They made him stand on a chair, and someone reaching from above pulled his hands over his head before attaching a second pair of cuffs to those Abd al-Hadi was already wearing. The guards then attached the second pair to a handrail on the stairs. A guard said, “This is your last chance.”

Someone kicked the chair away and Abd al-Hadi was suspended in the air with his feet not touching ground. When he screamed “Get me down,” a guard hit him in the stomach, saying “Don’t yell. Tell me where the gun is.” Abd al-Hadi screamed in pain nonetheless. After a few minutes, he said, guards detached the cuffs from the rail and he fell to the ground. A few moments after that, the guards suspended Abd al-Hadi again in the same manner, this time for perhaps 10 minutes. They repeated the process a third time after which Abd al-Hadi overheard someone say, “If he had anything to say, he would have said it.” Guards then took Abd al-Hadi to an office, where, he said, an officer remarked, “He doesn’t know anything.” Abd al-Hadi was not subjected to any significant abuse thereafter.

Abd al-Hadi told Human Rights Watch that during the Jidhafs case court proceedings in 2008 (and after approximately three-and-a-half months of detention), he was examined by a Dr. al-Arady and other physicians from the Ministry of Health. Abd al-Hadi said that he reported the abuse he had suffered to these doctors, including the suspension and use of electro-shock devices. According to Abd al-Hadi, Dr. al-Arady noted the pain in Abd al-Hadi’s joints and that Abd al-Hadi had a burn that was healing.¹²⁹

Human Rights Watch reviewed a report by Dr. Ali al-Arady and two other physicians that was submitted to the court. The report noted that Abd al-Hadi complained of “hanging” and of being “electrocuted.” The report stated further that Abd al-Hadi had painful limitations to his shoulder mobility which could have been caused by “wrist hanging,” and a healed wound that could indicate he had suffered from a burn.¹³⁰

¹²⁹ Human Rights Watch interview with Ahmad Abd al-Hadi, June 8, 2009.

¹³⁰ Ministry of Health, untitled report to President of the First Supreme Court regarding Patient Ahmad Abd al-Hadi Ahmad Mahdi, April 9, 2008.

Maytham Badr Jassim al-Shaikh

Maytham al-Shaikh, a 33-year-old married father of two, worked as a safety officer for a construction company until he was arrested by CID forces in his father's home at approximately 4 a.m. on December 21, 2007. Officers brought al-Shaikh to CID headquarters at Adliya upon his arrest; after four days, he was told that he was being charged with stealing an assault rifle from a police car.

Shortly after al-Shaikh's arrival in Adliya, guards took him to a stairwell. They placed his handcuffs on a rail above his head and let him hang in the air for what he said felt like hours. Al-Shaikh reported that when he was released he had no feeling in his hands. Guards repeated this process later that day.

Al-Shaikh said that officers took him to the Public Prosecution Office at 4 a.m. on the fourth day of his detention (and after he had been subjected to electro-shock devices and suspension, as discussed above, as well as beatings, as will be discussed below). There, al-Shaikh met with Ahmad Bucceri, a prosecutor. Al-Shaikh said he requested a lawyer, but Bucceri told him that no lawyer was available and began questioning him about events in Jidhafs. According to al-Shaikh, when he said that he had not been at the protests, Bucceri told him to sign a paper, without allowing him to read it.

When al-Shaikh attempted instead to describe the abuses he had suffered, he said Bucceri responded, "Do not tell me about that." Al-Shaikh was then taken to another room where officers beat his stomach, his back, and the back of his head with their hands and feet; according to al-Shaikh the officers seemed to take care not to hit his face. The officers returned al-Shaikh to Bucceri's office. Bucceri smiled and pointed to the paper. Al-Shaikh signed the document, which he said contained false information, in the hope of avoiding further abuse. Al-Shaikh was made to stand near a wall in the CID compound after returning there and to his surprise—in light of his "confession"—guards periodically hit him as they walked by.

Al-Shaikh said that an Egyptian doctor working for the Public Prosecution Office examined him approximately one month after he was arrested. Al-Shaikh told the doctor about having been suspended. According to al-Shaikh, the doctor said, "Bahrainis learned about hanging from the Egyptians." The doctor told al-Shaikh that he had injuries consistent with being suspended.

Al-Shaikh also reported to Human Rights Watch that during the Jidhafs case proceedings, his lawyers requested an independent medical examination, which the court ordered to be conducted.¹³¹ Ministry of Health doctors concluded in a written report provided to the court that al-Shaikh had a “circular bruise around the wrists, probably caused by handcuffs around the wrists, and pressure on them during hanging.” In addition, X-rays found a sprain in al-Shaikh’s left shoulder joint.¹³²

Naji Ali Hassan Fateel

Naji Fateel told Human Rights Watch that after he was subjected to an electro-shock device following his December 2007 arrest, as discussed above, guards blindfolded him and brought him to a room. There, they kicked and punched him until he was bleeding. “Then they handcuffed me and attached my handcuffs to a rope that was hanging down,” Fateel said. “They pulled me off the ground so my feet were not touching.” Fateel reported that guards hit him with a baton and employed an electro-shock device while he was suspended. “They kept telling me to cooperate,” Fateel elaborated. “Later they took me back to Isa al-Majali’s office and I sat down. I couldn’t stand because of the pain. Al-Majali told me to sign a paper. I said I wanted to read it, but al-Majali said, ‘No.’ Eventually, I signed it during that meeting.”

Fateel told Human Rights Watch that doctors from Salmaniyya Hospital examined him four months later, after he had appeared in court.¹³³ Human Rights Watch reviewed the report submitted to the court by Ministry of Health doctors from Salmaniyya Hospital, which stated that Fateel suffered from limited shoulder mobility and pain that “confirmed [Fateel’s] claims of being hung from the ceiling, as such symptoms are rare at that age except when the patient is exposed to such an injury.” The doctors also wrote that there were dark bruises on Fateel’s legs that could have resulted from beatings.¹³⁴

Unnamed detainee

Human Rights Watch interviewed several individuals who said that they were subjected to suspension, but who wished to remain anonymous. One reported that two days after his December 2007 arrest, he was taken to a stairwell in the CID compound (he wore a blindfold,

¹³¹ Human Rights Watch interview with Maytham Badr Jassim al-Shaikh, June 7, 2009.

¹³² Ministry of Health, untitled report to President of the First Supreme Court regarding Patient Maytham Badr Jassim al-Shaikh, April 6, 2008.

¹³³ Human Rights Watch interview with Naji Ali Hassan Fateel, June 7, 2009.

¹³⁴ Ministry of Health, untitled report to President of the First Supreme Court regarding Patient Naji Ali Hassan Fateel, April 6, 2008.

but heard someone walking on the stairs). There, guards wrapped cloth around his wrists before cuffing his hands in front of him. A guard then attached the handcuffs to something over this individual's head, pulling him up so that only his toes were touching the ground. For approximately 20 minutes the individual remained in that position while guards beat his shins and feet, and swung his body. Approximately two weeks later, he said, guards repeated the process.¹³⁵

This individual showed Human Rights Watch indentations on his shins that he attributed to the described beatings. In addition, Ministry of Health doctors noted scars and bruises on this individual's leg as well as a circular scar on his wrist that the doctors concluded could have been caused by a handcuff.¹³⁶

Isa Abdullah Isa

Isa Isa is a married 27-year-old with one son. He works as a courier for a private company. Security forces arrested Isa at a roadblock on December 23, 2007, and took him to CID headquarters.

Isa told Human Rights Watch that at one point guards took him to a "portacabin" where they tightly wrapped strips of blanket around his wrists and bound his hands closely together using a third strip of blanket; they then attached a metal handcuff to the piece of blanket binding his hands together. Two guards then lifted Isa so that he was standing on a chair. One guard attached the open cuff to a metal bar on the stairs and another guard kicked the chair away. They suspended Isa for a period that he estimated to be 30 minutes, during which they swung his body back and forth. After releasing him, guards made Isa run in circles and move his fingers to get his blood circulating.¹³⁷ They then repeated the process.

The next day, Isa said, he was suspended again. During this episode, a guard told him, "We want you to go inside and say, 'Yes, I gave him the weapon.'" Guards then took Isa to a room where he heard the sobbing voice of a person he knew. According to Isa, an officer said, "Isa, tell me about this person." Isa reported that he replied, "I saw him take the weapon from the car," falsely implicating his friend because he simply "needed to rest" and intended to retract his statement later.

¹³⁵ Human Rights Watch interview with victim who requested anonymity, Manama, June 9, 2009.

¹³⁶ Medical report on file with Human Rights Watch.

¹³⁷ Hassan Makki also reported that after being suspended, guards made him move his legs. Human Rights Watch interview with Hassan Jassim Muhammad Makki, June 8, 2009.

Isa told Human Rights Watch that a doctor with the Ministry of Interior examined him toward the end of December 2007. According to Isa, the doctor must have observed a number of injuries to Isa's face and body, but said nothing. At the end of February 2008, Isa reported, a doctor with an Egyptian accent working for the Public Prosecution Office examined him for approximately five minutes. Isa said that this doctor must have observed various scars and bruises, but told Isa that he saw nothing,

Isa said that doctors from Salmaniyya Hospital, including Dr. al-Arady, examined him at the court's direction toward the end of March 2008; Isa noted that three weeks passed between the court's mandating the exam and the actual exam.¹³⁸ In contrast to the findings of the doctors who had examined Isa earlier, the Ministry of Health doctors testified during the trial of the Jidhafs case that they had observed injuries to Isa's person that could have been caused by the abuse that he alleged.¹³⁹ A report written by these doctors noted that Isa had circular wounds to his left wrist and concluded that those wounds "could have been caused by handcuff pressure." The report also stated that Isa's "shoulder pain and stiffening, and wounds around the wrist may indicate that [he had] been hung from his wrists to the roof."¹⁴⁰ At the time of his interview with Human Rights Watch, Isa had visible scars on his wrist that he attributed to having been suspended in this manner.

Ali Muhammad Habib Ashoor

Ali Ashoor is a married 30-year-old who is presently unemployed. He was detained at his home on April 9, 2008, at 3 a.m. Authorities at CID headquarters in Adliya interrogated Ashoor with regard to the alleged arson attack on a farm in Karzakan that belonged to the former head of the NSA.

Eventually, Ashoor told Human Rights Watch, guards took him to a stairwell with high ceilings where they wrapped his wrists together with strips of cloth and attached one loop of a set of handcuffs to the cloth. The guards put Ashoor on a chair and attached the second loop of the handcuffs to something in the ceiling. Ashoor said that the guards kicked the chair away, leaving him suspended in the air with his feet not touching the ground. Ashoor said that a guard hung on him to increase the weight on his arms and wrists, and beat him with a stick in the area of his kidneys and on his toes. After a second suspension episode,

¹³⁸ Human Rights Watch interview with Isa Abdullah Isa, June 7, 2009.

¹³⁹ Ministry of Justice and Islamic Affairs, Courts' Administration, Case No. 7/2008/797, May 11, 2008.

¹⁴⁰ Ministry of Health, untitled report to President of the First Supreme Court regarding Patient Isa Abdullah Isa al-Sarh, April 9, 2008. Similarly to others, this report noted that it was difficult to confirm definitively the causes of Isa's injuries because the examination occurred too long after the injuries were sustained.

Ashoor told Human Rights Watch, he was “ready to sign anything.” He then confessed to setting the fire and to a range of related details that were provided to him by an officer who, he said, introduced himself as Isa al-Majali.

Ashoor was taken at around midnight to the Public Prosecution Office where he met with prosecutor Ahmad Bucceri. Ashoor said that he told Bucceri that he had been beaten and Bucceri replied, “It’s good that they did that. Just shut up.” Ashoor asked for a lawyer and Bucceri said that the hour was too late for a lawyer to come. Bucceri then read from a document that contained statements similar to those Ashoor had made at the CID compound. Ashoor signed the document.¹⁴¹

Said Hadi Hamid Adnan

Said Adnan, 28, was returning from work on March 27, 2008 (it was his second day as a bus driver), when security forces called him and told him to report to a local police station. There, two CID officers pulled Adnan’s shirt over his head and handcuffed him before driving him to CID headquarters at around 9 p.m.

Adnan told Human Rights Watch that on the first day of his detention guards tied his hands together with cloth in the manner described by Isa and Ashoor, made him stand on a chair, and then suspended him. “My arms were being pulled up in a way that made me feel like I was choking,” he said. “Someone saw that I was having trouble breathing and quickly said to get me down.”

Adnan said that guards then brought him outside. According to Adnan, a supervisory officer approached him and said, “Confess or you will not be able to cope.” Adnan replied, “Tell me what to say and I will confess.” When the officer said that he wanted to know about Adnan’s role in the arson at the farm in Karzakan, Adnan replied, “I don’t have anything I can say.” Adnan told Human Rights Watch that the officer responded, “Take him back inside.”

“They suspended me again in the same way,” Adnan said. “I screamed and cried. I felt hopeless. I said, ‘Tell me what you want,’ and they took me down.” Adnan reported that the supervisory officer came to him a few minutes later and said, “You know what you have to confess about.”

¹⁴¹ Human Rights Watch interview with Ali Muhammad Habib Ashoor, Manama, June 10, 2009.

Adnan told Human Rights Watch that the following day officers brought him to see Ahmad Bucceri at the Public Prosecution Office. Adnan said that he told Bucceri about some of the abuse that he had suffered. Bucceri told Adnan that someone had confessed to the arson and also implicated Adnan. Guards then brought in a man whom Adnan knew from Karzakan. This man said that he had telephoned Adnan to make arrangements for starting the fire, that he and Adnan had brought gas to the farm, and that they had broken a lock on a gate to facilitate the entry of co-conspirators. When Adnan said he had never spoken to this man on the telephone, Bucceri countered that he had a recording of the conversation. Adnan said that he replied, “Bring the recording now and I will confess.” In response, Bucceri said, “You call yourself a man. Go back to CID for three days and if you can withstand it, I will call you a man.”

Adnan said that officers brought him back to CID and that on the fifth day of his detention, and after being suspended repeatedly, he confessed to starting the fire. According to Adnan, he was brought again to the Public Prosecution Office where he signed a confession.¹⁴²

Nadr Ali Ahmad al-Salatne

Nadr al-Salatne, 36, works for a private interior design company. Security forces arrested him at his home on December 23, 2007 at 2:30 a.m. While officers drove al-Salatne to CID headquarters in Adliya, one said to him, “You should be a Sunni, not a kafir.”¹⁴³ At Adliya, an officer asked al-Salatne about the location of “the gun,” saying that others had already given statements indicating that al-Salatne had it. When al-Salatne said he did not know anything about a gun, the officer told him, “You Shia want to change the government, but we’re going back to the 1990s.”

According to al-Salatne, guards brought him to a room. “They made me lie face down,” al-Salatne said. “They tied my ankles and wrists together behind my back and put a bar through my arms. They lifted me off the ground—I was screaming. They said, ‘Now, you will talk,’ but I lost consciousness.” Al-Salatne said he awoke on the ground when someone threw water on him. He reported that during his first seven days of detention, all of them at CID headquarters, guards suspended him in this manner approximately five more times. On one occasion, they suspended him by putting a bar under his knees and then lifting it up.

¹⁴² Human Rights Watch interview with Said Hadi Hamid Adnan, Manama, June 10, 2009.

¹⁴³ “Kafir” means apostate; some Sunni ideologues consider Shia Muslims to be “kafir.” Al-Salatne is a Shia Muslim.

Al-Salatne told Human Rights Watch that on the third day of his detention, officers took him to the Public Prosecution Office at around noon where he met with a prosecutor, Ahmad Bucciari. Al-Salatne asked for a lawyer, but Bucciari replied that no lawyer had come to represent al-Salatne (echoing comments attributed to Bucciari by Maytham al-Shaikh and Ali Ashoor). Bucciari told al-Salatne that he had been identified by others as one of the Jidhafs demonstrators and asked al-Salatne about the Bahraini Youth Society for Human Rights (of which al-Salatne is a member) and the Haq Movement. Al-Salatne said that he reported the abuse he had suffered to Bucciari, who cut him off, saying “I’m not interested.” After approximately 21 days in detention, authorities released al-Salatne without charge; al-Salatne never appeared in court or reported his abuse to judicial authorities.¹⁴⁴

Muhammad al-Hamadi

Muhammad al-Hamadi reported that after his December 2008 arrest guards made him sit on the floor with his knees pulled into his chest. They then wrapped pieces of his pants around his wrists (the pants had been torn off previously) and pulled his hands in front of his knees, securing them with handcuffs. A long bar was then placed under al-Hamadi’s knees. Guards put each end of the bar on a chair, suspending al-Hamadi between the chairs.

According to al-Hamadi, he remained suspended for approximately 30 minutes while officers with Egyptian and Bahraini accents repeatedly asked, “Where are the bombs?” Eventually, al-Hamadi said, he confessed falsely to keeping bombs at a laundry in his village, and the guards brought him down. After being given some water, al-Hamadi stated that in fact he did not have any bombs, at which point the guards suspended him again. When the pain caused al-Hamadi to say that he would confess to where the bombs really were, someone in the room replied, “We don’t want to know anymore.”

Al-Hamadi was later held at Dry Dock. He said that there, on one occasion, guards cuffed his hands behind his back and pulled them up over his head, attaching them to an air conditioning grate. Al-Hamadi estimates that he remained in this position for approximately 40 minutes.¹⁴⁵

¹⁴⁴ Human Rights Watch interview with Nadr Ali Ahmad al-Salatne, Manama, June 11, 2009.

¹⁴⁵ Human Rights Watch interview with Muhammad al-Hamadi, June 8, 2009. Hassan Makki also reported having his handcuffs affixed to an air conditioning grate in Dry Dock. Human Rights Watch interview with Hassan Jassim Muhammad Makki, June 8, 2009.

Muhammad Abdullah al-Singace

Muhammad al-Singace, 44, is a chemical technician with the Ministry of Works. He told Human Rights Watch that security forces arrested him at his father's house on December 27, 2007, several nights after the incident in Jidhafs village. Al-Singace said that he was blindfolded and handcuffed upon his arrest, and taken to CID headquarters in Adliya where officers questioned him about the whereabouts of the gun that had reportedly been taken by protestors. Al-Singace said that the police claimed to have found a box of ammunition when they later searched his house; according to al-Singace, the authorities had planted it there. For the first several nights his captors forced him to stand, and handcuffed him in a way that made it painful to sit.

On the third night of his detention, al-Singace said, officers took him into a room where they bound his hands in front of his knees in a sitting position and then hoisted him off the ground with a stick placed behind his knees—he referred to it as the “parrot” position. The officers beat the soles of his feet with a stick for approximately half an hour. Guards then made him stand against a wall, despite his numb and swollen legs, and several times kicked him when he slumped to the ground.

The following night, he said, guards took him to an upstairs room, laid him on his stomach, and bound his arms and legs together behind his back, causing excruciating pain. On the fifth night, he said, he was again brought upstairs and suspended for about 15 minutes by his arms, which were pulled up behind him. Before and after these sessions, he said, officers questioned him about his activities and the whereabouts of the allegedly missing gun. On the sixth night, al-Singace reported, he was brought to the Public Prosecution Office. There, he acknowledged being at the site of the Jidhafs protest, but said that he knew nothing about the gun or any ammunition.

Al-Singace told Human Rights Watch that prior to his first court appearance he was kept mostly in solitary confinement. His lawyers raised his torture complaints at the hearings, he said, and the judge ordered that he get a forensic medical examination at Salmaniyya Hospital.¹⁴⁶ He received a five-year prison term that was suspended with the king's pardon of April 11, 2009. Al-Singace said he was unable to return to his job until he signed a commitment to halt all involvement in political protests.¹⁴⁷

¹⁴⁶ Human Rights Watch interview with Muhammad al-Singace, Manama, June 13, 2009.

¹⁴⁷ Email communication from Abdul-Jalil al-Singace, Muhammad al-Singace's brother, to Human Rights Watch, September 8, 2009. Public sector employees, and sometimes private sector employees as well, are required to obtain a “good behavior” certificate from the Ministry of Interior in order to obtain a job; someone dismissed from a job for security-related misbehavior would also have to re-obtain such a certificate. See the website of the Recruitment and Training Department of the Bahrain

Muhammad Makki Hamad

Muhammad Hamad told Human Rights Watch that, on the second night of his detention at CID headquarters in Adliya in December 2007, guards took him to a stairwell connecting the ground floor with the second floor. The guards stripped him naked and removed a blindfold he had been wearing. They suspended him by a chain attached to his cuffed hands that was then attached also to a metal pipe or bar extended from a stair, he said. Hamad reported that he was suspended like this for what seemed to be nearly an hour. For about 10 minutes of this period, he said, an officer asked him about the whereabouts of the gun allegedly taken from the police car in the Jidhafs incident. Hamad said there were about 10 others present, wearing black masks and street clothes. Hamad said that in addition to subjecting him to electric shocks his captors beat him about the trunk of his body with rubber hoses. “Then [the officer] came back and told them to take me down,” he said.

Later that night, Hamad said, he (like others) was forced to sign a piece of paper indicating that he had been at the Jidhafs demonstration and had taken the allegedly stolen gun. Hamad said that in a subsequent meeting with a prosecutor, he told the prosecutor of the torture, showing scars on his wrist, but the prosecutor wrote that he saw nothing wrong. When Hamad said the confession he had signed was false, the prosecutor tore it up. Hamad said that several officers then beat and kicked him in a courtyard.¹⁴⁸

Ali Salman

Ali Salman, a 23-year-old law student at the University of Bahrain, is an activist with the Detainees’ Committee. Salman told Human Rights Watch that authorities arrested him at his home at about 3 a.m. on February 4, 2008. When he arrived at CID headquarters in Adliya, he said, guards blindfolded him and beat him on the back of his head with their hands.

Salman said he was forced to stand against a wall, blindfolded, for four days, except for periods when he was allowed to eat, pray, and use the bathroom. Salman’s interrogation began on the fifth night. His questioners accused him of starting a fire on the property of a member of the ruling family, which he denied (this was an incident separate from and prior to the alleged arson attack near Karzakan in March 2008). Salman told Human Rights Watch that around midnight Isa al-Majali said that he, al-Majali, had denied requests from other

Civil Service Bureau referring to the requirement of an original copy of a Good Conduct Certificate from the Ministry of Interior (in Arabic) at <http://www.csb.gov.bh/csb/wcms/ar/home/services/recruitmenttrainingservices/index.html;jsessionid=E2oDFBEE035693AB0333BC51CA517FA> (accessed January 12, 2010).

¹⁴⁸ Human Rights Watch interview with Muhammad Makki Hamad, June 13, 2009.

interrogators to subject Salman to rough treatment. “I said, ‘No, let him speak,’” Salman quoted al-Majali as saying, “‘But now I say take him, I need to hear his shouts.’”¹⁴⁹

Several officers took Salman to a room where they made him stand on a chair. They removed his handcuffs, wrapped his wrists with strips of cloth, and bound his wrists together with another strip. They clasped one loop of a set of handcuffs to the strip binding Salman’s wrists together and attached the other loop to the ceiling, about six inches above his head. “Then they kicked out the chair,” Salman said. He reported that guards interrogated him while he was suspended for a period of between 15 and 30 minutes. “Whenever I said something they wanted to hear, the chair comes back. When not, the chair goes. This happened three times. Then they kicked the chair far away.” When guards took him down, Salman said, his hands were very swollen and one of his thumbs had turned black. He was told to flex his hands to regain circulation, and guards took him to see al-Majali. “I just said yes to all his questions about the attack and I signed the statement,” Salman said.

When officers took him to the Public Prosecution Office the next night, Salman said, his hands were still swollen. There, he met with Hamad al-Buainain, a prosecutor, who, Salman claims, told him, “Say the same thing [as in the written statement] or go back to the same [treatment].” Regarding the abuse he suffered, Salman said, “I told him nothing, but he could see my hands. Still, he wrote, ‘No signs of abuse.’ I just gave him the answers he wanted.”

Approximately a week later, Salman said, he had his first court appearance and pleaded not guilty to the charge of starting the fire. When a judge asked why he had confessed, Salman described the torture he had suffered. On March 29, 2008, Salman was released. He told Human Rights Watch that he did not know whether he still faced charges in connection with the case.¹⁵⁰

Unnamed detainee

A second former detainee who requested anonymity told Human Rights Watch that during his initial detention in late December 2008, security officers forced him to stand on a chair and bound his wrists with wire to the ceiling. Then, the officers removed the chair and suspended this individual for about five minutes. The pain made him cry, he said, at which point his tormentors replaced the wire attached to his wrists with cloth strips and

¹⁴⁹ Salman told Human Rights Watch that he knew al-Majali’s identity because al-Majali had summoned and questioned him on an earlier occasion, in November 2007.

¹⁵⁰ Human Rights Watch interview with Ali Salman, Manama, June 13, 2009.

suspended him for a longer period during which he was also beaten with a hose. He said that he told both the prosecutor who interviewed him and later the court about the abuse. When he raised the matter in court, he said, “The judge would not let us go into detail, saying, ‘We have mothers here.’”¹⁵¹

Medical reports and court documents

Human Rights Watch reviewed medical reports and other documentary evidence relevant to allegations of suspension, additional to the numerous medical reports referenced above in this section. For example, Ministry of Health doctors prepared a report regarding 28 suspects in the Karzakan case in which they reported that 10 of the detainees had scars consistent with physical abuse and—notable with respect to allegations of suspension—that five individuals had scars (or bruises) on their wrists. According to the report, these injuries were caused by “handcuffing this area or being hung from the ceiling as most suspects testify.”¹⁵²

Human Rights Watch also reviewed court minutes reflecting the testimony of Ministry of Health doctors in the Jidhafs case. According to the doctors, there were rings or scars around the wrists of certain defendants, which resulted from the “tightening” of an item around the wrists and not from the normal use of handcuffs. The doctors also found that certain defendants had limited shoulder joint mobility and irregularities of the clavicle joint. The doctors testified that it was “probable” that these defendants had been “suspended from the ceiling.”¹⁵³

Ministry of Health physicians wrote in a separate report that Muhammad Tarif (whom Human Rights Watch was not able to interview) had circular bruises around his wrists, indicating that he had been handcuffed in a way that caused pressure such as would result from being suspended. They also noted that Tarif suffered from pain and stiffness in his shoulders that could be traced to Tarif’s having been suspended by his wrists.¹⁵⁴

Beating of Soles of Feet (*Falaka*)

Eleven of the twenty individuals interviewed by Human Rights Watch reported that security personnel had beaten their feet with rubber hoses and/or batons. The practice of beating

¹⁵¹ Human Rights Watch interview with individual requesting anonymity, Manama, June 15, 2009.

¹⁵² Ministry of Health, Report to Minister of Health from Committee Assigned to Examine Suspects Upon Court Order (First Supreme Criminal Court), September 1, 2008.

¹⁵³ Ministry of Justice and Islamic Affairs, Courts’ Administration, Case No. 7/2008/797, May 11, 2008.

¹⁵⁴ Ministry of Health, untitled report to President of the First Supreme Court regarding Patient Muhammad Mekki Ahmad Tarif, April 9, 2008.

the soles of the feet is sometimes referred to as “falaka,” as mentioned. The soles of the feet are not thickly muscled, and beating them causes excruciating pain.¹⁵⁵

Isa Abdullah Isa

Isa Isa reported that after being suspended, as discussed above, he was taken to the office of a supervisory officer. There, guards put him face down on the ground and cuffed his hands behind his back (Isa was not blindfolded at that point). One guard put his foot on Isa’s head and another guard put his foot on Isa’s back. Someone pulled Isa’s bare feet up at a 90 degree angle from the floor. Two guards stood at the ready with rubber hoses that were perhaps a meter in length. The supervisory officer ordered the guards to beat Isa’s feet. One guard beat Isa’s right foot and the second guard beat his left foot. Isa screamed and his mouth went dry “like wood.” He cried out for water. The supervisory officer dripped water from a bottle on the floor, telling Isa to have a “doggy drink.” The officers then brought Isa outside and made him run.¹⁵⁶

Yassin Ali Ahmad Mushaima

Yassin Mushaima said that at CID headquarters in Adliya on the day of his arrest, officers forced him to lie on his stomach and lift his feet into the air. The officers beat Mushaima’s feet with what could have been a baton (it was a hard object and Mushaima was blindfolded). After striking his feet approximately 10 times, the officers made Mushaima jump up and down perhaps 15 times until his blindfold fell from his face. The officers accused Mushaima of having taken it off and slapped him.¹⁵⁷

Muhammad al-Hamadi

Muhammad al-Hamadi stated that after subjecting him to an electro-shock device at CID headquarters in Adliya, guards put him face down on the floor. A guard stood with one foot on al-Hamadi’s back. A second guard pulled al-Hamadi’s feet into the air and a third guard beat them with what seemed to be a rubber hose or a baton. Guards interspersed this tactic with the use of an electro-shock device for a period that al-Hamadi estimates to have been an hour.¹⁵⁸

¹⁵⁵ Rejali, *Torture and Democracy*, p. 273.

¹⁵⁶ Human Rights Watch interview with Isa Abdullah Isa, June 7, 2009.

¹⁵⁷ Human Rights Watch interview with Yassin Ali Ahmad Mushaima, June 10, 2009. Given the experiences of Isa and Mushaima, it is worth noting that making an individual move or jump can reduce the swelling that is sometimes caused by beating feet. See Rejali, *Torture and Democracy*, p. 276

¹⁵⁸ Human Rights Watch interview with Muhammad al-Hamadi, June 8, 2009.

Ahmad Abd al-Hadi

Ahmad Abd al-Hadi reported that on the day of his arrest, a supervisory CID officer showed him photographs of several people at the December 2007 Jidhafs protest who were wearing masks. The officer said that he knew one of them was Abd al-Hadi and if Abd al-Hadi did not confess to being at the protest he would be taken to the “black room.” Abd al-Hadi said that he had not been at the protest and the officer ordered him taken to another room.

There, at the direction of the same supervisory officer, guards made the blindfolded Abd al-Hadi lie on his stomach. They bound his ankles together and tied them behind his back to handcuffs that were on his wrists. Then Abd al-Hadi felt his feet, which were bare, being beaten while the supervisory officer urged him to confess to having been at the protest. After perhaps five minutes, Abd al-Hadi could not bear the pain and yelled, “Stop, I’ll talk.” He said that while he had not gone to the protest, he had visited the family of Ali Jassim Makki, the protestor who had died on December 17, 2007. The supervisory officer replied, “You think I will accept only that?” and the beating on Abd al-Hadi’s feet began again. Abd al-Hadi cried out that he had seen Abd al-Hadi al-Khawaja speak at the protest, and the beating stopped again.¹⁵⁹ Guards untied Abd al-Hadi’s ankles from his handcuffs, leaving him lying cuffed on the floor.

Abd al-Hadi told Human Rights Watch that, later the same night, he was taken to the Public Prosecution Office where he met with a prosecutor. The prosecutor asked for Abd al-Hadi’s age and Abd al-Hadi replied that he was 17. The prosecutor showed Abd al-Hadi a document, saying, “This paper says that you were at the Jidhafs protests.” Abd al-Hadi said he “told the police that because they were beating me.” The prosecutor repeated that Abd al-Hadi had confessed and said, “If you don’t tell the truth here you will go back to CID and then you will return to me and tell the truth.”

Abd al-Hadi told Human Rights Watch that after this threat was repeated, he said to the prosecutor that he had been at the protests. The prosecutor then gave Abd al-Hadi a list of names and asked Abd al-Hadi whether he knew any of them. When Abd al-Hadi said that he only knew one, the prosecutor said, “This is your last chance or you will go back to Adliya.” After Abd al-Hadi insisted that he did not know the others, officers brought him back to CID

¹⁵⁹ Abd al-Hadi al-Khawaja is a leading opposition activist and was for many years president of the now-outlawed BCHR. He is presently the Middle East field representative for Frontline, a Dublin-based international group that specializes in defending human rights activists.

headquarters. There, Abd al-Hadi said, he was subjected to additional beating, electro-shock devices, and suspension (as described above).¹⁶⁰

Hassan Jassim Muhammad Makki

Hassan Makki reported that on the day of his arrest at the NSA headquarters in the Manama Police Fort, guards suspended him upside down by means of a bar placed underneath his knees; Makki's hands were bound around his shins. While Makki was in that position—with the soles of his feet facing up—guards hit the bottoms of his feet for approximately 30 minutes while telling him to confess. Makki cried and yelled from the pain, he said. Makki said that while at Dry Dock guards beat his feet, typically when they employed electro-shock devices against him.¹⁶¹

Other cases

Four other individuals reported that on at least one occasion officers beat the soles of their feet, in some cases while they were held in place by other officers.¹⁶² An additional two individuals (one of whom wished to remain anonymous) reported that the tops of their feet were beaten while they were suspended with their hands over their heads.¹⁶³

Human Rights Watch did not find medical documentation concerning injuries that necessarily resulted from the beating of feet, although one medical report did note a scar on a detainee's foot.¹⁶⁴ The lack of such documentation is not particularly surprising because this tactic, as employed by careful practitioners who wish to escape detection, typically leaves no broken bones, skin lesions, or permanent marks.¹⁶⁵

Severe Beatings

Of the 20 people interviewed by Human Rights Watch, 18 reported that security forces had punched, kicked, or slapped them. Of these, all reported that guards subjected them to

¹⁶⁰ Human Rights Watch interview with Ahmad Abd al-Hadi, June 8, 2009.

¹⁶¹ Human Rights Watch interview with Hassan Jassim Muhammad Makki, June 8, 2009.

¹⁶² Human Rights Watch interviews with Maytham Badr Jassim al-Shaikh, June 7; Naji Ali Hassan Fateel, June 7; Muhammad al-Singace, June 13; and a victim who requested anonymity, Manama, June 15, 2009.

¹⁶³ Human Rights Watch interviews with Ali Muhammad Habib Ashoor, June 10; and a victim who requested anonymity, Manama, June 9, 2009.

¹⁶⁴ Ministry of Health, Report to Minister of Health from Committee Assigned to Examine Suspects Upon Court Order (First Supreme Criminal Court), September 1, 2008.

¹⁶⁵ European Commission of Human Rights, Report on The Greek Case, Vol. 2, pt. 1, 415-16 (1969). See also Jean Kellaway, *The History of Torture & Execution* (London: Mercury Books, 2005), p. 29.

some degree of assault at the time of arrest or while they were being transported to the various compounds at which they were detained; a few reported that there were no notable beatings thereafter. Most individuals reported that guards beat them during interrogations at CID headquarters in Adliya or other facilities during the initial periods of their detention.

Muhsin Ahmad al-Gassab

Muhsin al-Gassab told Human Rights Watch that he was questioned at Dry Dock on the day of his arrest about allegedly receiving training in Syria. Two officers with Jordanian accents (al-Gassab was blindfolded, but said he recognized their accents as Jordanian) ordered guards to punch al-Gassab in the face repeatedly, causing him to bleed from the nose and mouth. A final punch to al-Gassab's eye made him fall against a wall and then to the ground. On the second day of his detention, officers told al-Gassab to confess to receiving training in Syria while they punched him in the back of the head and hit him in the head with a hose. Al-Gassab reported that guards also beat him during subsequent interrogations.¹⁶⁶

Muhammad al-Hamadi

Muhammad al-Hamadi reported that while he was held at CID headquarters in Adliya, guards slapped his face, his ears, and the back of his head. After al-Hamadi was taken to Dry Dock, guards hit him in the legs with a hose on a number of occasions. On two occasions, he said, an NSA officer brought al-Hamadi to a location in the Dry Dock yard where there were insects. The officer told al-Hamadi to "separate the male and female insects." When al-Hamadi was (naturally) unable to do this, the officer punched him in the kidney area.¹⁶⁷

Naji Ali Hassan Fateel

Naji Fateel told Human Rights Watch that he was forced to stand for hours outside in the CID compound on the day of his arrest. Officers passing by slapped and punched him. Also on that first day, a supervisory officer questioned Fateel in his office about the jeep-burning and alleged theft of an assault rifle during the Jidhafs protest. When Fateel denied involvement in these events, two guards standing behind him kicked him in the back of the knees and the lower back. With open hands they hit Fateel's ears and used fists to hit the back of his head. The officers took Fateel to another room and there, when he did not agree to "cooperate," they kicked and punched him until he fell, at which point they stepped on him.

¹⁶⁶ Human Rights Watch interviews with Muhsin Ahmad al-Gassab, June 9 and 15, 2009.

¹⁶⁷ Human Rights Watch interview with Muhammad al-Hamadi, June 8, 2009.

The following night, guards brought Fateel to the same office in which he had initially been questioned for additional interrogation. When Fateel's answers to questions about people he knew were unsatisfactory, two guards standing behind Fateel (who was also standing) kicked him in the back, the back of his legs, and his groin (through his legs). Fateel said that similar although less intense episodes continued for the first two weeks of his detention.¹⁶⁸ As noted above, Ministry of Health doctors reported finding dark bruises on Fateel's legs that they concluded could have resulted from beatings.¹⁶⁹

Nadr Ali Ahmad al-Salatne

Security forces kept Nadr al-Salatne in a car outside his house for 35 minutes following his arrest. In the car, al-Salatne said, officers slapped and punched the back of his head, his face and his body. Al-Salatne reported that a supervisory officer interrogated him several times in the first few days of his detention. At those meetings, if the officer did not like al-Salatne's answers, he looked at two guards who stood behind al-Salatne; the guards then hit al-Salatne.

One night in the CID compound—after al-Salatne had visited the Public Prosecution Office—guards took him to a room with other detainees who had also been interrogated by prosecutors. Guards hit and kicked al-Salatne and the others, including with a baton. Al-Salatne reported that he fell down at certain points, which brought blows of greater intensity. Over the following few days a pattern emerged by which al-Salatne was held in a particular office during regular working hours and then taken to another room at 11 p.m. where officers questioned him regarding the allegedly stolen gun, street protests, and the Haq Movement. Al-Salatne stated that guards often punched or slapped him during these sessions.¹⁷⁰

Ali Muhammad Habib Ashoor

Ali Ashoor told Human Rights Watch that at the CID compound officers made him stand by a wall for approximately five hours. While he stood there, guards who passed by hit him.

At one point during his detention, guards brought Ashoor to Isa al-Majali's office where al-Majali said, "We have a way for humans and a way for animals. You choose."¹⁷¹ Ashoor told

¹⁶⁸ Interview with Naji Ali Hassan Fateel, June 7, 2009.

¹⁶⁹ Ministry of Health, untitled report to President of the First Supreme Court regarding Patient Naji Ali Hassan Fateel, April 6, 2008.

¹⁷⁰ Human Rights Watch interview with Nadr Ali Ahmad al-Salatne, June 11, 2009.

¹⁷¹ As noted, Ashoor said that al-Majali had introduced himself by name.

al-Majali that he chose the “human way.” Al-Majali asked Ashoor why he had set fire to the farm of the former NSA head. When Ashoor said that he did not know anything about the incident, guards standing behind him blindfolded him and hit the back of his head until he fell on a table. The guards then hit Ashoor with what he believes was a rubber hose on the back of his legs.¹⁷²

Isa Abdullah Isa

On the day of his arrest, Isa Isa was put in the corner of a room at the CID compound where guards formed a semi-circle around him, punching and kicking him. An officer of superior rank came into the room and told the guards to stop. He said to Isa, “Now, no one can help you. I will ask you one question and if you don’t answer it this is your last day on earth. Where is the weapon?” Isa responded, “What weapon?” The officer then ordered the guards to continue hitting Isa. Isa said that after what he estimated to be 10 minutes, he felt as if he was going to die and confessed falsely to hiding a weapon in a cemetery in the village of Sanabis.

According to Isa, after a search for the weapon proved fruitless, someone said to him, “Do not tell me anything. We don’t want the gun. We are just going to beat you.” There were several guards standing by Isa, and they kicked and punched him as he begged for mercy. Later that day, a guard poured water in Isa’s ear. Another guard hit the ear five or six times with an open hand.¹⁷³ Ministry of Health doctors found injuries to Isa’s hand that they concluded were “possibly caused by beating” as well as a wound to his ankle.¹⁷⁴

Muhammad Makki Hamad

Muhammad Hamad told Human Rights Watch that officers beat him with fists and sticks when arresting him, hitting him in the groin and face while demanding that he “surrender the weapon.” At CID headquarters, he said, guards took him to the office of a supervisory officer. The officer questioned him for perhaps 10 minutes; each time Hamad denied having or knowing the whereabouts of “the gun,” someone slapped him on the head from behind. Then, Hamad said, the officer and others took him out to a paved yard where they forced him to kneel. The officer said to him, “Just confess to where the weapon is. Otherwise these guys will hurt you.” Someone kicked Hamad, knocking him over. Someone else ran at him and kicked him in the jaw, causing his mouth to bleed. “They took me to the clinic there in the

¹⁷² Human Rights Watch interview with Ali Muhammad Habib Ashoor, June 10, 2009.

¹⁷³ Human Rights Watch interview with Isa Abdullah Isa, June 7, 2009.

¹⁷⁴ Ministry of Health, untitled report to President of the First Supreme Court regarding Patient Isa Abdullah Isa al-Sarh, April 9, 2008.

headquarters and stopped the bleeding,” Hamad said, “and then took me outside again. It was very cold and I only was dressed in a T-shirt. I had to stand in front of a wall blindfolded from 4 to 6 a.m.”¹⁷⁵

Medical reports and court documents

Human Rights Watch reviewed a number of documents beyond those referenced in the Fateel and Isa cases, which recorded injuries consistent with allegations of general physical abuse. For example, Ministry of Health doctors found that Muhammad Tarif (whom we were not able to interview) had jaw injuries that could have been caused by “direct beating on the jaw.”¹⁷⁶ In court proceedings, these doctors reiterated that this was likely the cause of Tarif’s injury.¹⁷⁷

In another instance, the chief medical examiner of the Public Prosecution Office found that Abd al-Reda al-Saffar (whom we were not able to interview) had shoulder bruises and injuries to the bottom of his leg that had been caused by contact between an object and those parts of al-Saffar’s body. The chief medical examiner also noted that al-Saffar had injuries to his body that resulted from contact with a floor, a wall, and handcuffs.¹⁷⁸ Similarly, a medical examiner at the Public Prosecution Office concluded that Hassan Ali Fateil (whom we were not able to interview) had suffered injuries to his head, arms, and legs that were caused by contact with some manner of rough object.¹⁷⁹

Perhaps most significant among the documents that Human Rights Watch reviewed with respect to general beatings was the report by Ministry of Health doctors regarding those detained in the Karzakan case. According to this report, 12 of the 28 examined defendants had bruises or scrapes. Ten of these individuals also had scars that could not be explained by pre-detention incidents (additional individuals had scars from incidents prior to detention). While the doctors noted that too much time had passed from the time of injury to offer definitive conclusions, they opined that the scars and bruises could have been caused

¹⁷⁵ Human Rights Watch interview with Muhammad Makki Hamad, June 13, 2009.

¹⁷⁶ Ministry of Health, untitled report to President of the First Supreme Court regarding Patient Muhammad Mekki Ahmad Tarif, April 9, 2008.

¹⁷⁷ Ministry of Justice and Islamic Affairs, Courts’ Administration, Case No. 7/2008/797, May 11, 2008.

¹⁷⁸ Public Prosecution Office, General Directorate of Forensic Science Evidence [official translation], Forensic Report on Abdul-Resa al-Saffar, December 31, 2008.

¹⁷⁹ Public Prosecution Office, General Directorate of Forensic Science Evidence [official translation], Forensic Report on Hassan Ali Fateil, December 27, 2008.

by beatings. These forensic doctors noted that one individual also had irregularities in his ribs that could have “resulted from beatings.”¹⁸⁰

Threats to Rape and Kill

Human Rights Watch interviewed a number of individuals who reported that security forces threatened to kill or rape them or their families. These threats were made during the interrogation process.

Threats to Rape

Naji Ali Hassan Fateel reported that while being suspended with his hands above his head officers told him that he had to cooperate. Otherwise, one of the officers told Fateel, security forces would arrest Fateel’s wife and put her with a Pakistani guard who would rape her. The officer said that the Pakistani’s regular “job” was to rape boys.¹⁸¹

On the day of his arrest, Yassin Ali Ahmad Mushaima was being questioned regarding pipe bombs. When Mushaima said he knew nothing about bombs, guards removed his clothing and threatened to rape him. They also said that they would rape his sister and mother.¹⁸²

At CID headquarters in Adliya, an officer taunted Ahmad Jaffer Muhammad by saying that he was going to have sex with Muhammad. Muhammad, who was blindfolded at the time, told Human Rights Watch that the threat terrified him.¹⁸³

Isa Abdullah Isa told Human Rights Watch that an officer said to him, “If you don’t confess, I will bring your wife and let all the guards have her, I swear to God.” Isa heard the officer tell someone to “start the car” before saying to Isa that he was going to get Isa’s wife. Isa said he then falsely confessed to giving a gun to another individual.¹⁸⁴

Threats to Kill

Yassin Ali Ahmad Mushaima reported that on the second day of his detention a guard put a heavy object in his hand, saying, “Feel this.” Mushaima, who was blindfolded, realized that

¹⁸⁰ Ministry of Health, Report to Minister of Health from Committee Assigned to Examine Suspects Upon Court Order (First Supreme Criminal Court), September 1, 2008.

¹⁸¹ Human Rights Watch interview with Naji Ali Hassan Fateel, June 7, 2009.

¹⁸² Human Rights Watch interview with Yassin Ali Ahmad Mushaima, June 10, 2009.

¹⁸³ Human Rights Watch interview with Ahmad Jaffer Muhammad, June 12, 2009.

¹⁸⁴ Human Rights Watch interview with Isa Abdullah Isa, June 7, 2009.

it was a gun. The guard took the gun back from Mushaima, covered Mushaima's mouth with his hand and put the gun to Mushaima's head. Mushaima then heard the voice of a friend who was being brought into the room. The friend said that he and Mushaima had thrown Molotov cocktails together, seeming not to know that Mushaima was in the room. After the friend was taken away, the guard removed the gun from Mushaima's head.¹⁸⁵

Abdullah Muhsin Abdullah Muhsin is a 32-year-old employee of a real estate company. He reported that on the day of his arrest, someone put a circular metal object to his head that he took to be the barrel of a gun. An officer then threatened to bring Muhsin's mother and brother to Adliya unless Muhsin revealed the location of the gun that protestors had allegedly taken in the Jidhafs incident.¹⁸⁶

Forced Standing

Of the 20 individuals interviewed by Human Rights Watch, 13 reported that they were made to stand for extended periods of time, typically outside in the courtyard of the CID compound during the night. Some reported that guards forced them to stand for many nights in a row. Others reported that they were made to stand outside for hours when they first arrived at the CID.

Some individuals described being forced to stand as a matter of course during the day when they were held in small offices at the CID compound. Others reported that this practice was employed at Dry Dock as well. Those who complained of this abuse reported that, at times, officers forced them to stand for long periods in response to their refusals to confess.¹⁸⁷

Abuse of a Sexual Nature

Two of the individuals we interviewed described episodes of serious sexual abuse or degradation.

Isa Abdullah Isa reported that while he was blindfolded in a room at Adliya, guards tied a plastic flexible handcuff around his penis and forced him to drink a bottle of water. Every 15 to 30 minutes, the guards forced him to drink more water and Isa began to feel a strong urge to urinate. He cried out, asking to use the toilet, but the guards refused. Isa said he

¹⁸⁵ Human Rights Watch interview with Yassin Ali Ahmad Mushaima, June 10, 2009.

¹⁸⁶ Human Rights Watch interview with Abdullah Muhsin Abdullah Muhsin, Manama, June 11, 2009.

¹⁸⁷ Human Rights Watch interviews with Nadr Ali Ahmad al-Salatne, June 11; Muhsin Ahmad al-Gassab, June 9 and 15; Ahmad Jaffer Muhammad, June 12; and Naji Ali Hassan Fateel, June 7, 2009.

considered urinating where he stood, but the flexicuff prevented him from doing so. Eventually, a guard removed the flexicuff, but Isa still was not permitted to use the bathroom. He urinated on himself.¹⁸⁸

As discussed above, Maytham Badr Jassim al-Shaikh reported that on the first day of his detention he was suspended by his wrists twice. During the second session, officers told al-Shaikh that they knew he had taken “the gun” and demanded to know where it was. When al-Shaikh, who was blindfolded, said that he knew nothing about a gun, the officers removed his clothes and pulled his legs apart. Then, al-Shaikh said, they inserted what he believes was a baton into his anus for a few seconds. One of the officers said, “If you want to pretend to be a real man, we’ll show you how to be a real man.”¹⁸⁹

¹⁸⁸ Human Rights Watch interview with Isa Abdullah Isa, June 7, 2009.

¹⁸⁹ Human Rights Watch interview with Maytham Badr Jassim al-Shaikh, June 6, 2009.

V. Bahraini Government Officials' Denials

While visiting Manama, Human Rights Watch met with a group of officials at the Ministry of Interior, including deputy minister Brigadier Tariq bin Zina and inspector general Brigadier Ibrahim al-Ghaith.¹⁹⁰ The officials denied that torture had taken place in the cases documented here and claimed that the consistency in the accounts of abuse reflected the fact that the individuals Human Rights Watch interviewed had been imprisoned together and had consulted the same group of defense lawyers. In the stated opinion of these officials, the consistency of the specific allegations of abuse was evidence that the allegations had been fabricated. The officials also said that the former detainees who alleged abuse were trying to arouse political sympathy.

When Human Rights Watch pointed out that many of the victims said they had been kept apart from other prisoners for much of their detentions, the officials said this was not true, and that even in the CID headquarters the detainees were confined in groups of three or four persons. We note, however, that at least in the Hujaira case, the court ordered the end of solitary confinement for the defendants more than a month after they had made specific allegations of abuse to the court.¹⁹¹

Human Rights Watch told the officials that much of the alleged abuse occurred during interrogation and that in the Jidhafs case, for example, interrogations seemed to focus on finding the weapon that protestors had allegedly taken from a police vehicle. Inspector general al-Ghaith said that videos in the possession of the authorities allowed them to identify exactly who took the weapon, making it unnecessary to coerce such information.¹⁹²

The officials acknowledged that abuse of detainees had been a problem in the past, referring to the period before Shaikh Hamad assumed power in 1999, but said that the Ministry of Interior now has an appropriate system in place to investigate allegations of torture and ill-treatment. "Abuses happen," one official said, "but we are serious about

¹⁹⁰ The meeting took place on June 14, 2009. Also present were Col. Tariq al-Hassan, commandant of the Police Academy, and Col. Muhammad Buhamad, assistant undersecretary for legal affairs. Brigadier bin Zina said that he also chairs the Human Rights Committee within the Ministry of Interior.

¹⁹¹ Ministry of Justice and Islamic Affairs, Courts' Administration, Case No. 7/2009/1057, March 24, 2009.

¹⁹² The officials at the meeting showed Human Rights Watch a short video clip that appeared to have been recorded on a cellular telephone; the video was shot in an unsteady manner and was often out of focus, making it difficult to know whether such identification was in fact possible. The officials said that security personnel shot the video. The footage did show several demonstrators wielding what appeared to be cumbersome makeshift weapons, which the officials at the meeting said were homemade rifles.

prosecuting.” The officials told Human Rights Watch that inspector general al-Ghaith—in conjunction with the Internal Affairs Department—was responsible for carrying out such investigations and reporting to the chief of police.

The officials also said that some cases of abuse by government agents have gone to the Police Court, an arm of the Ministry of Interior.¹⁹³ The officials told Human Rights Watch that between July 1, 2007, and June 12, 2009, 163 investigations had been completed, 17 of which resulted in convictions. The officials said that there had been no convictions for torture or ill-treatment arising from complaints of detainees in the Jidhafs, Karzakan or Hujaira cases. Col. Muhammad Buhamad, assistant undersecretary for legal affairs and a former prosecutor, said he had sent his officers to the CID “to look for the alleged instruments [of torture], but they didn’t find any.”

Human Rights Watch also met with Ali Fadhul al-Buainain, head of the Public Prosecution Office, which is under the jurisdiction of the Ministry of Justice.¹⁹⁴ Al-Buainain told Human Rights Watch that, by law, suspects are brought to meet with a prosecutor within 48 hours of arrest, except in counterterrorism cases. He said that in meetings with prosecutors, suspects are accompanied by counsel. He also said that a prosecutor will ask a suspect whether he has suffered beatings or any coercion, and look for signs of abuse. If the suspect complains of abuse, according to al-Buainain, the prosecutor continues the interview, but then refers the case to “our forensic doctors.” Some who complain of abuse nevertheless confess, al-Buainain said, but such confessions, by law, have to be ignored and the prosecutor must rely on other evidence to prove the case in court. Some defendants, he said, only raise allegations of abuse when they get to court.

Al-Buainain confirmed that torture complaints are referred back to the Ministry of Interior, which conducts an investigation and deals with the accused officer in the Police Court. He said that, as far as he could recall, he had not referred any such cases to the Ministry of Interior since December 2007, when the first of the incidents documented in this report occurred. Bahraini law gives the Ministry of Interior the responsibility for investigating allegations of torture and ill-treatment by security officials, al-Buainain said, and his office follows up with the Ministry of Interior.

¹⁹³ The chief of police, who also goes by the title of chief of public security, is Gen. Abd al-Latif al-Zayani. General al-Zayani was not in Bahrain at the time of Human Rights Watch’s visit.

¹⁹⁴ The meeting took place on June 15, 2009.

Like the officials with whom Human Rights Watch met at the Ministry of Interior, al-Buainain said that the consistency of the allegations of abuse by detainees was a reason why, for him, they “do not ring true.” He acknowledged that there may have been some “individual mistakes,” but not the kind of systematic abuse that had been alleged.

VI. Credibility of Witness Accounts

Human Rights Watch found the above-described accounts of torture and cruel, inhuman or degrading treatment credible for a number of reasons.

Consistency of Accounts

The consistency of the accounts provided to Human Rights Watch lends them significant credibility. More specifically, those interviewed offered consistent descriptions of a finite set of techniques rather than diverse lists of abusive tactics. As discussed, the individuals we interviewed spoke about being subjected to electro-shock devices, suspension, beatings of the feet, beatings generally, and grave threats to bodily integrity. While many of the former detainees we interviewed reported being subjected to several of these methods, very few said that they had been subjected to all of them.

Moreover, there was a high degree of consistency and specificity with respect to the testimony we heard as to how these techniques were employed. For example, the former detainees who alleged that they had been tortured with electro-shock devices stated that the devices were generally applied for only an instant. The former detainees also offered similar descriptions of the electro-shock devices themselves and the small temporary marks that the devices caused—a result typical of such implements. Further, the few victims who reported being subjected to electro-shock devices for longer than a second stated that they fell down following such applications. These accounts are consistent with the fact that, as discussed, stun guns will incapacitate an individual if applied for three to four seconds—not a desirable result during an interrogation—while shorter applications cause severe localized pain.

Many of those who reported being suspended said that these episodes occurred in a stairwell. Many of these individuals stated that strips of cloth were used to tie their hands together or that blankets were placed on their wrists underneath handcuffs, evidently to prevent visible injuries from being sustained. Additional examples of consistent and detailed testimony regarding various tactics can be found throughout this report.

We recognize, of course, that the individuals interviewed by Human Rights Watch could have colluded to offer false (and similar) accounts of abuse—as Bahraini officials contend—or influenced each other's accounts by discussing together their time in custody.

However, the former detainees had reported specific details regarding their abuse during their initial interviews with defense counsel at a time when they said they were being held in isolation.¹⁹⁵ Moreover, the reports of abuse given to defense counsel matched those given to Human Rights Watch. For example, Muhsin Ahmad al-Gassab reported to his lawyers that he had been subjected to electric shocks, including on his penis, and used terms to describe his beatings that were quite similar to the terms he used with us. Yassin Ali Ahmad Mushaima reported to his lawyers that he had been subjected to electro-shock devices and beaten with a baton, fists, and feet. Neither reported to his defense counsel that he had been suspended and neither made such a report to us.¹⁹⁶

The detainees also reported the use of illegal interrogation techniques to the court while still being held in solitary confinement. For example, in a February 23, 2009 court session, the defendants in the Hujaira case testified that they had been subjected to electro-shock devices, beatings, and threats.¹⁹⁷ As noted, it was more than a month later that the court ordered these defendants to be removed from solitary confinement.¹⁹⁸ Beyond counsel meetings and court sessions, the detainees also complained about abuses similar to those they reported to us while being interrogated by prosecutors and examined by doctors, as official documents establish. Finally, it is significant that the former detainees Human Rights Watch interviewed were involved in three distinct cases and said that they did not know many of the other former detainees.

Further bolstering the general credibility of those we interviewed is the fact that the former detainees described in consistent terms various deceptive interrogation techniques that were not necessarily abusive. For example, many individuals stated that officers showed them photographs of demonstrations and asserted that they were identifiable in the photographs regardless of whether they bore any resemblance to those pictured. In many instances, officers told those being interrogated that their friends had implicated them in allegedly criminal activity. In other instances, security forces brought detainees together and made one (usually blindfolded) implicate another in a particular crime without knowing that the implicated person was present. There would be little reason to coordinate testimony

¹⁹⁵ Human Rights Watch interviews with defense counsel Jalila Sayed and defense counsel Hafudh Ali Mohammed, Manama, June 11, 2009.

¹⁹⁶ Memorandum for Defense of Yassin Ali Ahmad Mushaima, et al., Case No. 1057/2009, March 24, 2009 (a court submission, describing the allegations of abuse made by various detainees, including al-Gassab and Mushaima).

¹⁹⁷ Ministry of Justice and Islamic Affairs, Courts' Administration, Case No. 7/2009/1057, February 23, 2009 (court minutes). Defense counsel told Human Rights Watch that these court minutes summarized the accounts of abuse in language far more sanitized and less specific than those actually used by the defendants in court. Human Rights Watch interview with defense counsel Jalila Sayed, June 11, 2009.

¹⁹⁸ Ministry of Justice and Islamic Affairs, Courts' Administration, Case No. 7/2009/1057, March 24, 2009.

regarding non-abusive techniques as part of a conspiracy to fabricate stories of torture. As such, the former detainees' accounts of these techniques are instructive with respect to their reliability in general.

In addition, the individuals Human Rights Watch interviewed offered consistent testimony regarding less dramatic aspects of their detentions that were not necessarily related to interrogation. For example, nearly all those interviewed stated that security forces pulled their shirts over their heads while they were being driven to government compounds after arrest. Nearly all described having their heads pushed down in the cars that took them to security compounds upon arrest so as to keep them out of sight. It is unlikely that these smaller details would be the subject of a conspiratorial agreement because they are not crucial in and of themselves.

Finally, Human Rights Watch conducted intensive separate interviews with 20 individuals that typically lasted several hours. No material inconsistencies emerged; rather, the descriptions of abuse that we heard were marked by substantial similarities as to the techniques employed and the manner in which those techniques were employed.

Declining to Exaggerate or Embellish Testimony

No detainee interviewed by Human Rights Watch stated that abuse continued unabated throughout his entire period of detention. Rather, the former detainees typically said that they were subjected to abusive tactics for particular periods of time, which ranged from a few days or weeks (most commonly) to a month or more (more unusually). They most frequently reported that abuses occurred during periods of active interrogation rather than as a condition of detention generally. Furthermore, those interviewed did not take advantage of leading questions—intentionally asked—to assert that they had been subjected to abusive techniques beyond those they described or for periods longer than they specified.

An example of this dynamic was the interview of Abdullah Muhsin Abdullah Muhsin. According to Muhsin—who is quite overweight—guards took him to a stairwell in the CID compound where they made him stand on a chair and tied his wrists together with fabric. One end of a rope was then attached to the fabric and the other end was attached to the stairwell. After a guard kicked away the chair on which Muhsin stood, the rope snapped under the pressure of Muhsin's weight, and Muhsin fell a short distance to the ground, unhurt. Guards attempted this maneuver a second time with the same result, at which point, according to Muhsin, someone said, "That's enough." In response to repeated questions, Muhsin reported that he was not subjected to any further abuse during his eight months'

detention; eventually the court acquitted Muhsin.¹⁹⁹ Muhsin's testimony could hardly be characterized as embellished. Rather, it is credible and also bolsters the accounts of others who described being suspended in a stairwell in a similar fashion.

Likewise, Ahmad Jaffer Muhammad reported that a supervisory officer threatened to apply a black electrical device that looked like an electric shaver to him if he did not confess. According to Muhammad, the officer did not turn the device on or ultimately apply it to him.²⁰⁰ Similarly, another former detainee, who requested not to be identified, told Human Rights Watch that during an interrogation session he heard the sound of an electric device being turned on. He said that after he told the guards he suffered from a chronic health condition, he was not subjected to the device or other abuse.²⁰¹ Someone who wished to mislead an investigator regarding the use of electro-shock devices would not offer an account that omits any mention of the use of such devices. As such, these testimonies are credible and corroborate those of other individuals regarding the presence (and type) of electro-shock devices at various security compounds.

Moreover, those interviewed by Human Rights Watch candidly admitted when certain information was beyond their knowledge. For example, these individuals stated that they did not know who had utilized certain techniques against them when, for example, they had been blindfolded or simply had not known the identity of a perpetrator. In other instances, the former detainees openly said that they could not estimate the length of time during which certain techniques were employed or the locations in which such techniques were used. That an individual declines to fabricate testimony under such circumstances enhances his credibility.

Documentary Evidence, including Medical Reports

Ultimately, the documentary evidence Human Rights Watch reviewed, that is, reports generated by government doctors, prosecutors and the security services as well as court papers, provided the strongest corroboration of the former detainees' accounts. Government doctors—primarily from the Ministry of Health—reported in many cases that the detainees they examined bore injuries that could have been caused by the abusive techniques described here. In most instances, the doctors stated that they could not conclusively determine the causes of the relevant injuries because those injuries had been sustained

¹⁹⁹ Human Rights Watch interview with Abdullah Muhsin Abdullah Muhsin, June 11, 2009.

²⁰⁰ Muhammad stated that he was never subjected to electro-shock devices. Human Rights Watch interview with Ahmad Jaffer Muhammad, June 12, 2009.

²⁰¹ Human Rights Watch interview with individual requesting anonymity, Manama, June 15, 2009.

months earlier. Nonetheless, the fact that government doctors concluded that numerous detainees suffered from injuries that could have been caused by the practices of which the detainees complained is quite significant.²⁰²

For example, Ministry of Health doctors testified in court regarding the results of their examinations of defendants in the Jidhafs case. The doctors had found “rings” or scars around the wrists of certain defendants, which they believed resulted from the tightening of an item around the wrists (not handcuffs used in the normal course of detention or restraint). The doctors also found irregularities in the shoulders and clavicle joints of certain defendants. According to the doctors, it was “probable” that these defendants had been “suspended from the ceiling.” The doctors, when asked how they explained the “pains, burns and scars in the same places over all the suspects’ bodies,” testified that the cause could be “their exposure to hanging, beating, torture or handcuffs.”²⁰³

Ministry of Health doctors also prepared a report regarding 28 suspects in the Karzakan case. The doctors found that 17 of these suspects had scars, bruises, or both. Moreover, five of the suspects had scars or bruises on their wrists that, according to the doctors, were caused by “handcuffing this area or being hung from the ceiling as most suspects testify.” The doctors further concluded that the other scars and bruises could have “resulted from beating.”²⁰⁴

Most significantly, in October 2009, the court in a proceeding that was part of the Karzakan case dismissed all charges against all defendants, in part based upon the doctors’ report. More specifically, the prosecution had argued that 18 of the 19 defendants confessed to attacking a police car (thereby leading to the death of an officer). Notably, Captain Fahd Fadalah of the CID, one of the officers named by a number of the detainees Human Rights Watch interviewed, testified that these defendants had confessed.

The court, however, wrote that it saw “the statements of the defendants and their confessions at the prosecution office [as being] taken by semi-coercion” in that the defendants “said they were physically coerced and intimidated during criminal investigations ... if they didn’t confess....” Further, the court stated that it “found it to be true

²⁰² As discussed, given the highly sensitive nature of allegations of torture by government agents, it is notable that government doctors were willing to put forth corroborative findings regarding the detainees’ injuries and the potential causes of those injuries. Documenting such findings would have been inconceivable before 1999, when Shaikh Hamad took power.

²⁰³ Ministry of Justice and Islamic Affairs, Courts’ Administration, Case No. 7/2008/797, May 11, 2008.

²⁰⁴ Ministry of Health, Report to Minister of Health from Committee Assigned to Examine Suspects Upon Court Order (First Supreme Criminal Court), September 1, 2008.

that the medical committee ... found that [the defendants] have bruises on their wrists which the defendants said are because of hanging from the ceiling, beside that the report of the committee found the presence of bruises and traces of wounds....” Because the court “[was] not comfortable with the confessions attributed to the defendants, and [had] doubts that the confessions were voluntary and by their choosing,” the court elected to “annul all confessions.”²⁰⁵

Beyond the reports regarding groups of defendants discussed in this section, Bahraini government doctors also issued reports regarding many individual detainees which found that those detainees had injuries consistent with their accounts of abuse, as discussed above.

Human Rights Watch also interviewed attorneys who had been counsel to certain of the defendants in the Jidhafs case, the Hujaira case, and/or the Karzakan case. These counsel reported observing various signs of physical abuse on their clients such as bruises and cuts during their initial attorney-client meetings.²⁰⁶ While not documentary evidence, these reports were telling as well.

In sum, doctors employed by the Bahraini government found numerous detainees to have injuries consistent with the detainees’ allegations of abuse. These findings constitute highly significant—and somewhat unusual—corroboration of the accounts that the former detainees provided to Human Rights Watch. Indeed, given the prevalence of the injuries reported by the doctors—for example, 17 of 28 defendants in the Karzakan case were found to have bruises or scars—it would be difficult to reach any conclusion other than that the detainees had been subjected to abuses of the sort reported.²⁰⁷ In fact, this is precisely the conclusion reached by a Bahraini court in the Karzakan case.

²⁰⁵ Ministry of Justice and Islamic Affairs, Courts’ Administration, Case No. 7/2008/03252, Verdict, October 13, 2009.

²⁰⁶ Human Rights Watch interviews with Jalila Sayed and Hafudh Ali Mohammed, June 11, 2009.

²⁰⁷ Given the prevalence and nature of the injuries reported, it would be far-fetched to contend that it was simply by chance that the detainees suffered from these ailments. Further, there would be no basis to assert that the reported injuries occurred prior to detention because the government doctors distinguished between pre- and post-custody injuries. See, for example, Ministry of Health, Report to Minister of Health from Committee Assigned to Examine Suspects Upon Court Order (First Supreme Criminal Court), September 1, 2008 (noting that a scar on a defendant in the Kazarkan case was from a prior surgery; Human Rights Watch did not include this description of a scar among those it discussed above as having been suffered by a detainee in custody).

VII. Detailed Recommendations

To the Government of Bahrain

- Investigate promptly and impartially all allegations of torture or ill-treatment by security or law enforcement officials of any rank, and prosecute to the fullest extent of the law, in a court that meets international fair trial standards, any official found responsible for ordering, carrying out, or acquiescing in torture or ill-treatment.
- Immediately suspend any security or law enforcement official when credible evidence exists showing that such official ordered, carried out, or acquiesced in acts of torture or ill-treatment.
- Appoint a special independent public prosecutor to investigate allegations of torture or ill-treatment in detention by security or law enforcement officials as documented in this report, including in the Ministry of Interior's General Directorate of Criminal Investigation (CID), and the National Security Agency (NSA). Such investigations should include an investigation into the alleged responsibility of Major Yusuf al-Arabi, Captain Fahd Fadalah, Captain Bassam al-Muraj, Lieutenant Isa al-Majali, and First Lieutenant Badr al-Ghaith for acts of torture or ill-treatment. The special prosecutor should be empowered to report his findings publicly and to bring criminal charges, if warranted, against any officials identified as responsible for ordering, carrying out, or acquiescing in acts of torture or ill-treatment.
- This independent investigation should also determine the extent to which public prosecutors failed to respond properly to detainee complaints of torture or ill-treatment, or when detainees with visible injuries were brought to their offices, and recommend appropriate sanctions or criminal charges.
- Issue and publicize widely a directive from the king, Shaikh Hamad bin Isa Al Khalifa, stating unequivocally that the government will not tolerate acts of torture or ill-treatment by security and law enforcement officials, will investigate allegations of torture or ill-treatment promptly and thoroughly, and will criminally prosecute officials suspected of such acts.
- Ensure that allegations of torture or ill-treatment by CID or other Ministry of Interior officials are thoroughly investigated and, if warranted, prosecuted before an independent civilian court, and ensure that victims of torture or ill-treatment receive appropriate compensation from the government and those officials responsible in accordance with Bahraini law.
- Ensure that allegations of torture or ill-treatment by NSA officials are thoroughly investigated and, if warranted, prosecuted before an independent civilian court, and

amend Decree 14/2002 to ensure that victims of torture or ill-treatment are able to file civil or criminal complaints against the NSA or any of its forces and receive appropriate compensation from the government and those officials responsible in accordance with Bahraini law prohibiting torture.

- Establish an independent civilian authority to receive complaints of torture or ill-treatment by security or law enforcement officials, to monitor investigations and prosecutions in response to complaints, and to make public the numbers and types of complaints, and the results of any investigations and prosecutions.
- Ensure that administrative and judicial proceedings regarding alleged acts of torture or ill-treatment are subject to public scrutiny.
- Enact legislation, consistent with Bahrain's obligations as a state party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), clarifying that Decree 56/2002, providing a general amnesty for offenses committed prior to 2001, does not preclude the investigation or prosecution of persons alleged to have committed torture or ill-treatment and does not eliminate the opportunity for redress or an enforceable right to fair and adequate compensation by victims of torture or ill-treatment.
- Amend the penal code by adopting a definition of torture consistent with article 1 of the Convention against Torture in order to ensure that all acts of torture are criminal offenses under the law and that penalties reflect the grave nature of such offenses.
- Invite the UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit and report on conditions in Bahrain.
- Ratify without delay the Optional Protocol to the Convention against Torture to allow independent international experts to conduct regular visits to places of detention in Bahrain.
- Allow nongovernmental human rights organizations, including medical professionals, access to all places of detention.

To the Members of the League of Arab States

- Call upon Bahrain to respect and comply with article 8 of the Arab Charter on Human Rights, which prohibits subjecting any person to torture or cruel, degrading, humiliating or inhuman treatment.

To the Governments of the United States, France, and the United Kingdom

- Urge Bahrain to enact and comply with the recommendations of this report. Bearing in mind their own legal obligations with respect to the absolute prohibition of torture, make clear that close relations with Bahrain, including the provision of training to Bahraini security forces, will depend on the Bahraini government's taking measurable steps to stop torture in places of detention and to end impunity for those officials who order, carry out, or acquiesce in such acts.

To the United Nations High Commissioner for Human Rights

- Request an invitation from the government to visit Bahrain to discuss allegations of torture and other issues of concern.

To the Member States of the United Nations Human Rights Council

- Question the government of Bahrain on reported cases of torture or ill-treatment in light of the government's statement during its Universal Periodic Review in April 2008 that there are no cases of torture in the country.

Acknowledgments

Joshua Colangelo-Bryan, a consultant with Human Rights Watch and senior attorney in the New York office of Dorsey & Whitney LLP, researched and wrote this report, with assistance from Joe Stork, deputy director of Human Rights Watch's Middle East and North Africa Division. Human Rights Watch extends special thanks to Dorsey & Whitney for making it possible for Joshua Colangelo-Bryan to work with us on a pro bono basis. Joe Stork and Ian Gorvin, senior program officer in the Program Office of Human Rights Watch, edited the report, and Aisling Reidy, senior legal advisor, provided legal review. Lauren Tarantello, Mohammad Alloush, Felix Legrand, and Lara Haddad, interns with the Middle East and North Africa Division, as well as Elizabeth Rozon, Benjamin Hellerstein, Caroline Gardner, and Carol Calfa at Dorsey & Whitney, also provided research assistance. Amr Khairy, Arabic translation and website coordinator with the Middle East and North Africa Division of Human Rights Watch, arranged the translation of Arabic documents into English and supervised translation of this report into Arabic. Brent Giannota, associate with the Middle East and North Africa Division, provided research and production assistance. Grace Choi, publications director, and Fitzroy Hepkins, mail manager, prepared the report for publication.

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Appendix

Letters to the Government of Bahrain: October 22, 2009 and December 8, 2009

October 22, 2009

Brig Ibrahim al-Ghaith
Inspector-General
Ministry of Interior
Manama

By fax: +973 17 277 455

Dear Brig. al-Ghaith,

I hope this letter finds you well. As you are aware from our meeting in June, Human Rights Watch has been investigating allegations of torture and other serious abuse by individuals held in official custody on security-related charges in the period between December 2007 and April 2009. At the conclusion of our meeting it was suggested that I should address further inquiries and concerns to you.

As I mentioned at the time we met, my colleague and I spoke with numerous individuals who had been among those detained in connection with the Jidhafs clashes of December 2007 (the Jidhafs case), the fire allegedly set on the property of Shaikh Abd al-Aziz Attiyatallah Al Khalifa near the village of Karzakhan in April 2008 (the Karzakhan case), and the group, detained in December 2008 on charges that they had received arms and explosives training in the Syrian town of al-Hujaira (the al-Hujaira case).

We also met with government officials, including yourself, in order to obtain the views of the government on this matter. In addition, we reviewed

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documents, including Ministry of Health reports and court papers, pertaining to the question of alleged abuse in detention.

As a result of our inquiry, we feel we have credible allegations, in some cases supported by documentary evidence, that Bahraini security forces employed a variety of techniques against detainees during the period under consideration that amount to torture or cruel, inhuman or degrading treatment. These abusive techniques include the use of electro-shock weapons and devices, suspending detainees in painful positions, beating the soles of detainees' feet, severe beatings generally, forced standing, and in several cases, threats of rape or other grave physical harm. We think you would agree that these are techniques that, when used separately or in combination, constitute torture or cruel, inhuman and degrading punishment, as defined by the UN Convention Against Torture.

These abuses, according to the persons we interviewed, took place for the most part in the compound of the General Directorate of Criminal Investigation (CID) in Adlia, and at the Short-Term Detention Center (which detainees referred to as Dry Dock because of its close proximity to the Arab Shipbuilding and Repair Yard, or ASRY). We understand that both of these sites are run by the Ministry of Interior.

We are aware of the court opinion handed down recently, on October 14, in which the court dismissed all charges against 19 defendants who were being tried on charges in connection with an alleged attack on a security forces vehicle in the Karzakh area in April 2008, and the death of a member of the security forces. While the court raised a number of reasons for its decision, a key one was the conclusion that defendants' confessions may have been coerced, and that the prosecution had produced insufficient evidence to convict other than the tainted confessions.

The court's conclusion rested in part on the findings of Ministry of Health doctors contained in a September 2008 report produced pursuant to a court request. In this report, the doctors noted that of 28 examined defendants, 10 had scars consistent with physical abuse, including five who had scars on their wrists. According to the report, these scars were caused by "handcuffing this area or being hung from the ceiling as most suspects testify." Moreover, the Ministry of Health doctors found that 12 of the defendants had bruises that could have been caused by beatings.

Ministry of Health doctors also testified in the Jidhafs case. According to court minutes, the doctors testified that there were rings or scars around the wrists of some defendants which were apparently caused by the tightening of an item around the wrists (and not from the

normal use of handcuffs). The doctors also found that certain defendants had limited shoulder joint mobility and irregularities of the clavicle joint. The doctors testified that it was “probable” that these defendants had been “suspended from the ceiling.” Further, when asked how they explained the “pains, burns and scars in the same places over all the suspects’ bodies,” the doctors testified that the cause could have been the suspects’ “exposure to hanging, beating, torture or handcuffs.”

In addition, Human Rights Watch has reviewed separate reports by Bahraini government doctors regarding individual defendants in the referenced cases, which found that those defendants suffered from a range of injuries consistent with the abuse alleged by the defendants.

The use of torture and ill-treatment in order to secure confessions, or for any other purpose, would clearly violate Bahrain's obligations under international human rights law as well as Bahrain’s Constitution and national laws. Under international law, it is the responsibility of the authorities to conduct impartial and thorough investigations, and to hold accountable those found responsible for ordering or carrying out such abuse, or failing to stop it.

We will, of course, reflect the view that you and other officers expressed when we met, namely, that allegations of torture are false, and that the Ministry of Interior has a system in place to detect and punish such offences if and when they are committed.

Before publishing our findings, we solicit your comments on related matters. In particular, we ask that you respond to the following inquiries:

When we met, you stated that complaints of torture or abuse coming to your attention are investigated internally, under your authority as inspector-general, and that if warranted the person(s) alleged to be responsible would be referred to the Police Court, within the Ministry of Interior, for adjudication and possible disciplinary action. Should we understand this to mean that the Public Prosecutor refers back to the Ministry of Interior any credible allegations of torture or abuse by Ministry of Interior officials, or on Ministry of Interior premises, and that no judicial authority outside of the Ministry of Interior would necessarily investigate or adjudicate the allegations?

Is the Ministry of Interior also responsible for investigating complaints of torture or abuse made against members of the National Security Apparatus?

When we met, you stated that between July 1, 2007 and June 12, 2009, your office had completed 163 investigations, which resulted in 17 convictions. Could you please tell us how many of those investigations and convictions, if any, concerned findings of torture or abuse?

Could you indicate how many (if any) officers with the CID or other forces under the jurisdiction of the Ministry of Interior faced criminal prosecution in Bahrain's criminal justice system, as distinct from the Police Court within the Ministry, and, if so, for what offenses?

According to my notes, Col. Muhammad Buhamad stated during our meeting that there have been no criminal investigations or convictions in connection with the complaints made by defendants in the Jidhafs, Karzakhan, and al-Hujaira cases. Could you please confirm if this remains the case?

Has the Ministry of Interior conducted any manner of investigation regarding complaints of torture or abuse made by defendants in the Jidhafs, Karzakhan and Al-Hujaira cases? If not, please explain why no such investigation has occurred. If any investigation has occurred with respect to these cases, please describe the specific investigative measures taken and the findings of such investigation.

Has the Ministry of Interior reviewed the medical reports and court minutes referenced above regarding the injuries suffered by defendants in the Jidhafs, Karzakhan and al-Hujaira cases? If not, please explain the reason(s) why no such review has occurred.

If the Ministry of Interior has reviewed the medical reports and court minutes referenced above regarding the injuries suffered by defendants in the Jidhafs, Karzakhan and al-Hujaira cases, please state whether the Ministry of Interior believes that these documents support the credibility of detainee allegations of illegal treatment. Please also indicate the basis for the Ministry of Interior's position as to whether or not these documents constitute credible allegations of illegal treatment. Please describe the actions, if any, that the Ministry of Interior has taken in response to any review of these documents that it has undertaken.

When we met, you and your colleagues said that the consistency in the specific allegations of torture and abuse by the defendants in the Jidhafs, Karzakhan and al-Hujaira cases indicated that these defendants had together, and with their lawyers, fabricated their accounts. Is it the Ministry of Interior's position that all of the defendants in these three cases were detained together, and shared the same legal counsel, and therefore had the opportunity to construct similar allegations? Is it the Ministry of Interior's position that the

defense lawyers in these cases conspired with the defendants with respect to the fabrication of testimony?

During our meeting you stated that the Ministry of Interior had a video of the Jidhafs events enabling authorities to identify the individual who allegedly took a weapon from a police vehicle during those events (you also played that video for me). Was this video introduced into evidence during the trial of the defendants in the Jidhafs case? What is the identity of the individual allegedly shown on the video to be taking the police weapon?

When suspects are arrested by the forces of the National Security Apparatus, are they brought to the CID compound in Adlia for questioning?

Once a suspect is brought before the Public Prosecutor, is it common for that person to be brought to the CID compound in Adlia thereafter? What determines whether a person is taken to the CID compound after visiting the Public Prosecutor or is referred to another place of detention, such as the Short-Term Detention Center (Dry Dock)?

Could you please inform us regarding the composition and responsibilities of the Police Court within the Ministry of Interior? Does it have the authority to conduct independent investigations? Is the Police Court empowered to impose custodial sentences, in addition to disciplinary measures? Are the rulings of the Police Court subject to review or appeal?

If your office were to uncover evidence that Ministry of Interior officials were responsible for ordering, condoning, or carrying out torture or abuse, would such a case be handled by the Police Court only or would it also be referred to the Public Prosecutor and the criminal justice system? We look forward to your responses to these questions and any other information you believe relevant. We would appreciate it very much if we could have your response by November 12, 2009 in order that we may reflect the government's views in our report. Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Stork', with a long horizontal flourish extending to the right.

Joe Stork
Deputy Director, Middle East division

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October 22, 2009

His Excellency Khalid bin Ali bin Abdulla Al Khalifa
Minister of Justice and Islamic Affairs
Kingdom of Bahrain
By fax: +973 17 531 222

Your Excellency,

I hope this letter finds you well. As you are aware from our brief meeting in June, Human Rights Watch has been investigating allegations of torture and other serious abuse by individuals held in official custody on security-related charges in the period between December 2007 and April 2009.

As I mentioned at the time we met, my colleague and I spoke with numerous individuals who had been among those detained in connection with the Jidhafs clashes of December 2007 (the Jidhafs case), the fire allegedly set on the property of Shaikh Abd al-Aziz Attiyatallah Al Khalifa, near the village of Karzakhan in April 2008 (the Karzakhan case), and the group detained in December 2008 on charges that they had received arms and explosives training in the Syrian town of al-Hujaira (the al-Hujaira case).

We also met with government officials in addition to yourself, including Attorney General Ali Fadhul al-Buainain, in order to obtain the views of the government on this matter. In addition, we reviewed documents, including Ministry of Health reports and court papers, pertaining to the question of alleged abuse in detention.

As a result of our inquiry, we feel we have credible allegations, in some cases supported by documentary evidence, that Bahraini security forces employed a variety of techniques against detainees during the period under consideration that amount to torture or cruel, inhuman or degrading treatment. These abusive techniques include the use of electro-shock weapons and devices, suspending detainees in painful positions, beating the soles of detainees' feet, severe beatings generally, forced standing,

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These abuses, according to the persons we interviewed, took place for the most part in the compound of the General Directorate of Criminal Investigation (CID) in Adlia, and at the Short-Term Detention Center (which detainees referred to as Dry Dock because of its close proximity to the Arab Shipbuilding and Repair Yard, or ASRY). We understand that both of these sites are run by the Ministry of Interior.

We are aware of the court opinion handed down on October 14, in which the court dismissed all charges against 19 defendants who were being tried on charges in connection with an alleged attack on a security forces vehicle in the Karzakhan area in April 2008, and the death of a member of the security forces. While the court raised a number of reasons for its decision, a key one was the conclusion that defendants' confessions may have been coerced, and that the prosecution had produced insufficient evidence to convict other than the tainted confessions.

The court's conclusion rested in part on the findings of Ministry of Health doctors contained in a September 2008 report produced pursuant to a court request. In this report, the doctors noted that of 28 examined defendants, ten had scars consistent with physical abuse, including five who had scars on their wrists. According to the report, these scars were caused by "handcuffing this area or being hung from the ceiling as most suspects testify." Moreover, the Ministry of Health doctors found that 12 of the defendants had bruises that could have been caused by beatings.

Ministry of Health doctors also testified in the Jidhafs case. According to court minutes, the doctors testified that there were rings or scars around the wrists of some defendants, which were apparently caused by the tightening of an item around the wrists (and not from the normal use of handcuffs). The doctors also found that certain defendants had limited shoulder joint mobility and irregularities of the clavicle joint. The doctors testified that it was "probable" that these defendants had been "suspended from the ceiling." Further, when asked how they explained the "pains, burns and scars in the same places over all the suspects' bodies," the doctors testified that the cause could have been the suspects' "exposure to hanging, beating, torture or handcuffs."

In addition, Human Rights Watch has reviewed separate reports by Bahraini government doctors regarding individual defendants in the referenced cases, which found that those defendants suffered from a range of injuries consistent with the abuse alleged by the defendants.

The use of torture and ill-treatment in order to secure confessions, or for any other purpose, would clearly violate Bahrain's obligations under international human rights law as well as Bahrain's Constitution and national laws. Under international law, it is the responsibility of the authorities to conduct impartial and thorough investigations, and to hold accountable those found responsible for ordering or carrying out such abuse, or failing to stop it.

Before publishing our findings, we solicit your comments. In particular, we ask that you respond to the following inquiries:

When a suspect is brought before the Public Prosecutor, is the prosecutor obliged to inquire if the suspect has been subjected to torture or abuse, or is this left to the discretion of the prosecutor?

If a suspect exhibits physical evidence indicating torture or abuse, such as scars or bruises, or if the suspect alleges that he was subjected to torture or abuse, what steps is the prosecutor required to take?

Once suspects have met with the Public Prosecutor, where are they next sent? Once a suspect has been brought before the Public Prosecutor, are there any circumstances in which that person would be returned to the custody of the CID?

Does the prosecutor have the authority to determine if a criminal investigation is warranted into evidence or claims of torture or abuse? Is it necessary for the prosecutor to obtain the agreement of any other official or official body before undertaking a criminal investigation?

Officials with whom we met at the Ministry of Interior stated that complaints of torture or abuse coming to their attention are investigated internally, by the office of Inspector-General Brig. Ibrahim al-Gheit, and that if warranted the person(s) alleged to be responsible would be referred to the Police Court, within the Ministry, for adjudication and possible disciplinary action.

- Should we understand this to mean that the Public Prosecutor refers any credible allegations of torture or abuse by Ministry of Interior officials, or on Ministry of

Interior premises, back to the Ministry of Interior, and that no independent judicial authority would necessarily investigate or adjudicate the allegations?

What steps is the Ministry of Justice required to take if suspects raise allegations of torture or abuse when they are brought to court?

When suspects are arrested by forces of the National Security Apparatus, to which detention site are they brought for questioning?

Is the Ministry of Justice aware of any complaints alleging abuse of those in official custody over the past two years? In particular,

- Are the authorities aware of complaints of torture or abuse raised by persons detained in or around December 2007 in connection with the Jidhafs case?
- Are the authorities aware of complaints of torture or abuse raised by persons detained in or around April 2008 in connection with the Karzakhan case?
- Are the authorities aware of complaints of torture or abuse raised by persons detained in or around December 2008 in connection with the al-Hujaira case?
- Has the Office of Public Prosecution disqualified any confessions in these cases because there were allegations and/or evidence that they had been coerced? If so, could you indicate the number of confessions so disqualified and the identity of the individuals whose confessions had been disqualified?

Former detainees with whom we spoke identified the following individuals as complicit in ordering, condoning, or directly taking part in the torture or abuse of suspects: Isa al-Majali; Badr Ibrahim al-Ghaith; Fahd Fadalah; Yusuf al-Arabi; and Bassam al-Muraj. Has the Ministry of Justice conducted any inquiry or criminal investigation into allegations against these individuals? If so, have any of these investigations been completed, and what have been the findings?

Has the government conducted any criminal investigations regarding alleged abuse of those in official custody over the past two years, including with respect to those detained in connection with the Jidhafs, Karzakhan, and al-Hujaira cases? If not, please explain why no such investigations have been conducted.

If such criminal investigations have been conducted, please indicate:

- What specific investigative measures were taken, and by what official body or bodies?
- Was any evidence of abuse discovered?
- Where evidence of abuse was discovered, what action, if any, was taken as a result of this finding?
- How many convictions resulted from these proceedings?

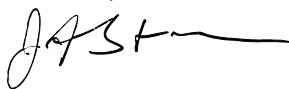
Has the Ministry of Justice reviewed the medical reports and court minutes referenced above regarding the injuries suffered by defendants in the Jidhafs, Karzakhan and al-Hujaira cases? If not, please explain the reason why no such review has occurred.

If the Ministry of Justice has reviewed the medical reports and court minutes referenced above regarding the injuries suffered by defendants in the Jidhafs, Karzakhan and al-Hujaira cases, please state whether the Ministry of Justice believes that these documents support the credibility of detainee allegations of illegal treatment. Please indicate the basis for the Ministry of Justice's position as to whether or not these documents support these allegations of illegal treatment. Please describe the actions, if any, that the Ministry of Justice has taken in response to any review of these documents that it has undertaken.

Many of the former detainees with whom we spoke claimed that they had been held for substantial periods of time in solitary confinement. Could you please inform us of any policies of the government with regard to the use of solitary confinement?

We look forward to your responses to these questions and any other information you believe relevant. We would appreciate it very much if we could have your response by November 12, 2009 in order that we may reflect the government's views in our report. Thank you in advance for your cooperation.

Sincerely,



Joe Stork

Deputy Director, Middle East division

cc: Attorney General Ali Fadhul al-Buainain

by fax: +973 17 840 078

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December 8, 2009

Brig Ibrahim al-Ghaith
Inspector-General
Ministry of Interior
Manama

By fax: +973 17 277 455

Dear Brig. al-Ghaith,

I am writing to follow up the letter we addressed to you on October 22, 2009. In that letter we reviewed the major findings from our inquiry into allegations of torture and other abuse that a number of detainees had raised concerning their treatment in detention, and particularly during interrogation by officers of the Ministry of Interior's General Directorate of Criminal Investigations (CID). These abuses, according to the persons we interviewed, took place for the most part in the CID compound in Adliya, and at the Short-Term Detention Center (which detainees referred to as Dry Dock because of its close proximity to the Arab Shipbuilding and Repair Yard, or ASRY). We understand that both of these sites are run by the Ministry of Interior.

In our letter of October 22, we also raised several questions. Up until now we have received no response. As we wrote then, we would like to be able to reflect the government's views in our upcoming report.

For that purpose, I re-state those questions below. Before doing so, I would like to mention that our information includes allegations of torture and abuse that numerous detainees made against specific officers in the CID. Those individual officers are: Major Yusuf al-Arabi, Captain Fahd Fadal, Captain Bassam al-Muraj, and Lieutenant Isa al-Majali

Can you confirm that Major al-Arabi, Captains Fadal and al-Muraj, and Lieutenant al-Majali are officers serving in the CID, and that their

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responsibilities include interrogation of criminal suspects? Can you inform us of the number of other CID officers who may also be responsible for conducting interrogations, and provide us with their names and ranks?

We also received allegations concerning the involvement in torture and abuse of one officer serving with the National Security Apparatus, namely, First Lieutenant Badr al-Ghaith.

When we met in June 2009, you stated that complaints of torture or abuse coming to your attention are investigated internally, under your authority as inspector-general, and that if warranted the person(s) alleged to be responsible would be referred to the Police Court, within the Ministry of Interior, for adjudication and possible disciplinary action. Should we understand this also to mean that the Public Prosecutor refers back to the Ministry of Interior any credible allegations of torture or abuse by Ministry of Interior officials, or on Ministry of Interior premises, and that no judicial authority outside of the Ministry of Interior would necessarily investigate or adjudicate the allegations? Has the Ministry of Interior investigated any complaints of torture or abuse against Major al-Arabi, Captains Fadalah and al-Muraj, and Lieutenant al-Majali?

Is the Ministry of Interior also responsible for investigating complaints of torture or abuse made against officers serving in the National Security Apparatus? If so, has the Ministry of Interior investigated any complaints of torture or abuse against First Lieutenant al-Ghaith? If not, could you please indicate to whom in the National Security Apparatus we should direct this inquiry?

When we met, you stated that between July 1, 2007 and June 12, 2009, your office had completed 163 investigations, which resulted in 17 convictions. Could you please tell us how many of those investigations and convictions, if any, concerned allegations of torture or abuse? Did any of those investigations involve the afore-mentioned CID officers?

Could you indicate how many (if any) officers with the CID or other forces under the jurisdiction of the Ministry of Interior faced criminal prosecution in Bahrain's criminal justice system, as distinct from the Police Court within the Ministry, and, if so, for what offenses?

According to my notes, Col. Muhammad Buhamad stated during our meeting in June that there have been no criminal investigations or convictions in connection with the complaints made by defendants in the Jidhafs, Karzakhan, and al-Hujaira cases. Could you please confirm if this remains the case?

Has the Ministry of Interior conducted any manner of investigation regarding complaints of torture or abuse made by defendants in the Jidhafs, Karzakhan and Al-Hujaira cases? If not, please explain why no such investigation has occurred. If any investigation has occurred with respect to these cases, please describe the specific investigative measures taken and the findings of such investigation.

Has the Ministry of Interior reviewed the medical reports and court minutes referenced above regarding the injuries suffered by defendants in the Jidhafs, Karzakhan and al-Hujaira cases? If not, please explain the reason(s) why no such review has occurred.

If the Ministry of Interior has reviewed the medical reports and court minutes referenced above regarding the injuries suffered by defendants in the Jidhafs, Karzakhan and al-Hujaira cases, please state whether the Ministry of Interior believes that these documents support the credibility of detainee allegations of illegal treatment. If the Ministry of Interior does not consider these documents to constitute support for the credibility of detainee allegations of illegal treatment, please indicate the basis for that conclusion. Please also describe the actions, if any, that the Ministry of Interior has taken in response to any review of these documents that it has undertaken.

When we met, you and your colleagues said that the consistency in the specific allegations of torture and abuse by the defendants in the Jidhafs, Karzakhan and al-Hujaira cases indicated that these defendants had together, and with their lawyers, fabricated their accounts. Is it the Ministry of Interior's position that all of the defendants in these three cases were detained together, and shared the same legal counsel, and therefore had the opportunity to construct similar allegations? Is it the Ministry of Interior's position that the defense lawyers in these cases conspired with the defendants with respect to the fabrication of testimony?

During our meeting you stated that the Ministry of Interior had a video of the Jidhafs events enabling authorities to identify the individual who allegedly took a weapon from a police vehicle during those events (you also played that video for me). Was this video introduced into evidence during the trial of the defendants in the Jidhafs case? If so, can you please inform us as to the identity of the individual allegedly shown on the video to be taking the police weapon?

When suspects are arrested by the forces of the National Security Apparatus, are they brought to the CID compound in Adliya for questioning? If not, where does such questioning take place?

Once a suspect is brought before the Public Prosecutor, is it common for that person to be brought to the CID compound in Adliya thereafter? What determines whether a person is taken to the CID compound after visiting the Public Prosecutor or is referred to another place of detention, such as the Short-Term Detention Center (Dry Dock)?

Could you please inform us regarding the composition and responsibilities of the Police Court within the Ministry of Interior? Does it have the authority to conduct independent investigations? Is the Police Court empowered to impose custodial sentences, in addition to disciplinary measures? Are the rulings of the Police Court subject to review or appeal? Could you also please inform us of what safeguards are in place to guarantee the independence of Police Court proceedings from possible interference from Ministry of Interior officials or any other government institution or official.

If your office were to uncover evidence that Ministry of Interior officials were responsible for ordering, condoning, or carrying out torture or abuse, would such a case be handled by the Police Court only or would it also be referred to the Public Prosecutor and the criminal justice system? We look forward to your responses to these questions and any other information you believe relevant.

We had requested that you respond to our October 22 letter by November 12, 2009 in order that we may reflect the government's views in our report. Inasmuch as we have not received that response, we sincerely hope that the Ministry of Interior can respond to this letter no later than December 28. Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Stork', followed by a horizontal line.

Joe Stork
Deputy Director, Middle East division

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Jane Olson, *Chair, Board of Directors*

December 8, 2009

His Excellency Khalid bin Ali bin Abdulla Al Khalifa

Minister of Justice and Islamic Affairs

Kingdom of Bahrain

By fax: +973 17 531 222

Your Excellency,

I am writing to follow up on the letter we addressed to you on October 22, 2009. In that letter we reviewed the major findings from our inquiry into allegations of torture and other abuse that a number of detainees had raised concerning their treatment in detention, and particularly during interrogation by officers of the Ministry of Interior's General Directorate of Criminal Investigations (CID) and officers with the National Security Apparatus. These abuses, according to the persons we interviewed, took place for the most part in the compound of the CID in Adlia, and at the Short-Term Detention Center (which detainees referred to as Dry Dock because of its close proximity to the Arab Shipbuilding and Repair Yard, or ASRY). We understand that both of these sites are run by the Ministry of Interior.

In our letter of October 22, we also raised several questions. Up until now we have received no response. As we wrote then, we would like to be able to reflect the government's views in our upcoming report.

For that purpose, I re-state those questions below. Before doing so, I would like to mention again that our information includes allegations of torture and abuse that numerous detainees made against specific officers in the CID. Those individual officers are: Major Yusuf al-Arabi, Captain Fahd Fadalal, Captain Bassam al-Muraj, and Lieutenant Isa al-Majali. We also received allegations concerning the involvement in torture and abuse of one officer serving with the National Security Apparatus, namely, First Lieutenant Badr al-Ghaith.

We would appreciate it if you could inform us whether or not the Ministry of Justice, including the Office of the Public Prosecutor, has received any complaints against these particular officers alleging that they were responsible for acts of torture or abuse? If so, could you inform us regarding

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any investigation carried out by the Ministry of Justice or the Office of the Public Prosecutor into those complaints, and what the conclusion or those investigations were.

We also received information indicating that some officials working in the Office of the Public Prosecutor may have been complicit in torture and abuse by failing to respond appropriately to complaints of torture made by suspects during their meetings with the prosecutor's office. In a number of instances, according to our information, the prosecutor failed to record the complaint(s), order a forensic medical examination of the person making the complaint, or launch any investigation into the allegations. In some cases, this complicity extended to returning the suspect to the custody of the same CID officers allegedly responsible for the torture in the first place. Those prosecutors were Wael Boualay, Ahmad Bucceri, and Hamad Buanain.

Has the Ministry of Justice received complaints regarding the due diligence of any of these three officials? If so, could you inform us of the steps taken by the Ministry of Justice to address these complaints?

When a suspect is brought before the Public Prosecutor, is the prosecutor obliged to inquire if the suspect has been subjected to torture or abuse, or is this left to the discretion of the prosecutor?

If a suspect exhibits physical evidence indicating torture or abuse, such as scars or bruises, or if the suspect alleges that he was subjected to torture or abuse, what steps is the prosecutor required to take?

Once suspects have met with the Public Prosecutor, where are they next sent? Once a suspect has been brought before the Public Prosecutor, are there any circumstances in which that person would be returned to the custody of the CID?

Does the prosecutor have the authority to determine if a criminal investigation is warranted into evidence or claims of torture or abuse? Is it necessary for the prosecutor to obtain the agreement of any other official or official body before undertaking a criminal investigation?

Officials with whom we met at the Ministry of Interior stated that complaints of torture or abuse coming to their attention are investigated internally, by the office of Inspector-General Brig. Ibrahim al-Ghaith, and that, if warranted, the person(s) alleged to be responsible would be referred to the Police Court, within the Ministry of Interior, for adjudication and possible disciplinary action.

- Should we understand this to mean that the Public Prosecutor refers any credible allegations of torture or abuse by Ministry of Interior officials, or on Ministry of Interior premises, back to the Ministry of Interior, and that no independent judicial authority would necessarily investigate or adjudicate the allegations?
- Does the Ministry of Justice have any oversight or other role in the operation of the Police Court? Does the Police Court have the authority to conduct independent investigations? Is the Police Court empowered to impose custodial sentences, in addition to disciplinary measures? Are the rulings of the Police Court subject to review or appeal? Could you also please inform us of what safeguards are in place to guarantee the independence of Police Court proceedings from possible interference from Ministry of Interior officials or any other government institution or official.

What steps is the Ministry of Justice required to take if suspects raise allegations of torture or abuse when they are brought before a criminal or civil court?

When suspects are arrested by forces of the National Security Apparatus, to which detention site are they brought for questioning? Does the Ministry of Justice have the authority to investigate complaints of torture or abuse against an officer of the National Security Apparatus? If not, what is the mechanism for handling such complaints?

Is the Ministry of Justice aware of any complaints alleging abuse of those in official custody over the past two years? In particular,

- Are the authorities aware of complaints of torture or abuse raised by persons detained in or around December 2007 in connection with the Jidhafs case?
- Are the authorities aware of complaints of torture or abuse raised by persons detained in or around April 2008 in connection with the Karzakhan case?
- Are the authorities aware of complaints of torture or abuse raised by persons detained in or around December 2008 in connection with the al-Hujaira case?
- Has the Office of Public Prosecution disqualified any confessions in these cases because there were allegations and/or evidence that they had been coerced? If so, could you indicate the number of confessions so disqualified and the identity of the individuals whose confessions had been disqualified?

Has the government conducted any criminal investigations regarding alleged abuse of those in official custody over the past two years, including with respect to those detained in connection with the Jidhafs, Karzakhan, and al-Hujaira cases? If not, please explain why no such investigations have been conducted.

If such criminal investigations have been conducted, please indicate:

- What specific investigative measures were taken, and by what official body or bodies?
- Was any evidence of abuse discovered?
- Where evidence of abuse was discovered, what action, if any, was taken as a result of this finding?
- How many convictions resulted from these proceedings?

Has the Ministry of Justice reviewed the medical reports and court minutes referenced above regarding the injuries suffered by defendants in the Jidhafs, Karzakhan and al-Hujaira cases? If not, please explain the reason why no such review has occurred.

If the Ministry of Justice has reviewed the medical reports and court minutes referenced above regarding the injuries suffered by defendants in the Jidhafs, Karzakhan and al-Hujaira cases, please state whether the Ministry of Justice believes that these documents support the credibility of detainee allegations of illegal treatment. If the Ministry of Justice has concluded that these reports do not support the credibility of the allegations of torture, please indicate the basis for this conclusion. Please describe the actions, if any, that the Ministry of Justice has taken in response to any review of these documents that it has undertaken.

Many of the former detainees with whom we spoke claimed that they had been held for substantial periods of time in solitary confinement. Could you please inform us of any policies of the government with regard to the use of solitary confinement?

We had requested that you respond to our October 22 letter by November 12, 2009 in order that we may reflect the government's views in our report. Inasmuch as we have not received that response, we sincerely hope that the Ministry of Justice can respond to this letter no later than December 28. Thank you in advance for your cooperation.

Sincerely,



Joe Stork

Deputy Director, Middle East division

cc: Attorney General Ali Fadhul al-Buainain

by fax: +973 17 840 078

Torture Redux

The Revival of Physical Coercion during Interrogations in Bahrain

By the end of the 1990s, Bahrain appeared to have cast off a well-deserved reputation as a country that routinely tortured detainees. The government had curtailed the use of torture and other ill-treatment by its security officials, and reports of such practices became a rarity.

This report, based on interviews with former detainees and others and a review of government documents, concludes that since the end of 2007 officials again have resorted to torture of security suspects.

Many of those detained were young men from the majority Shia Muslim community whose street protests against alleged discrimination by the Sunni-dominated government had regularly led to confrontations with security forces. At court hearings many of those detained claimed that they had been tortured. In several cases in which the court ordered government doctors to conduct medical examinations of the detainees, doctors found evidence of injuries consistent with their allegations of torture.

Human Rights Watch urges Bahrain to take prompt action to once again eradicate torture from the practices of security officials. The government should promptly investigate all torture allegations and prosecute offenders according to international fair trial standards. Human Rights Watch also urges the government to suspend immediately any security official if credible evidence exists that such official ordered, carried out, or acquiesced in acts of torture. The government should further investigate whether prosecutors responded appropriately to allegations of torture or whether their actions rendered them complicit in acts of abuse. Where there is credible evidence that a prosecutor or other state agent was complicit in torture, the government should pursue appropriate sanctions.