



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

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COMMITTEE AGAINST TORTURE

Forty-third session
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**List of issues prior to the submission of the second periodic report of
BAHRAIN (CAT/C/BHR/2)***

**Specific information on the implementation of articles 1 to 16 of the Convention, including
with regard to the Committee previous recommendations****

Articles 1 and 4

1. With reference to the Committee's previous concluding observations, please provide detailed information on the measures taken to adopt a definition of torture in domestic penal law consistent with article 1 of the Convention, and which also includes appropriate penalties taking into account the gravity of the offence (paras. 6 (b) and 7 (a)). If this has not yet taken place, please explain the reasons why.

Article 2

2. In light of the Committee's previous concluding observations in which it expressed concern about the inadequate access of detainees to a doctor and lawyer and the possibility to contact their family (para. 7 (j)), and considering the follow-up information submitted by the State party on 13 February 2009, please provide information about what measures have been

* The present list of issues was adopted by the Committee at its forty-third session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

** Paragraph numbers in brackets refer to the Committee's concluding observations on the State party's initial report (CAT/C/CR/34/BHR).

taken for ensuring access of detainees to a doctor and lawyer of their own choice and to contact their family from the outset of detention. Please provide details about the procedure in place.

3. Further to the Committee's previous concluding observations, please provide details on the steps taken to ensure that detainees held by the Criminal Investigation Department are promptly presented to a judge (para. 7 (j)).
4. Please indicate which specific data is systematically recorded upon registration of a detainee by the police. Please give details of the procedures in place for registration.
5. According to information before the Committee, a draft law on the establishment of a National Human Rights Commission in Bahrain is under discussion. Please provide information about steps taken to adopt this law, whether this institution complies with the Paris Principles as per the Committee's previous concluding observations (para. 7 (l)) and comment on the institution's independence, resources, scope, mandate and composition. Does the draft law allow the commissioners and/or its staff to undertake visits to places of detention without prior notice?
6. Please indicate whether the State party's legislation includes the fundamental principle of habeas corpus, and if so, how it is applied in practice.
7. Please explain what types of monitoring mechanisms exist in detention facilities, if any, to prevent torture or other forms of cruel, degrading, or inhuman treatment or punishment and that complaints are duly investigated. Please provide specific information on the monitoring and complaints procedures in places of detention where women are held, where according to information before the Committee, sexual violence is of concern. Please also provide information on the complaints mechanism in place for women who may have been sexually assaulted and who wish to report it and are they able to do without facing the risk of repercussions?
8. Please provide information on the body charged with supervising the State security forces of Bahrain and ensuring that all members abide by the obligations set out in the Convention? Please also provide information on the procedure by which individuals can submit complaints against members of the security forces.
9. Please comment on allegations that the Public Prosecution Office lacks independence and that the National Security Apparatus frequently intervenes in the work of the Public Prosecution. Please also provide detailed information on the number of prosecutors working in this office, and how many are former members of military or intelligence agencies in Bahrain.

Article 3

10. In light of the Committee's previous concluding observations, please provide information about the mechanisms taken to ensure that the State party's obligations under article 3 are fulfilled and what steps have been taken to incorporate it into domestic law (para. 7 (c)).
11. Please provide information about the number of persons that have been returned, extradited and expelled and give details about the basis on which they were sent back, including a list of countries to which individuals were returned. Please also explain the type of appeal

mechanisms that may exist, whether any persons appealed and the outcomes of all appeals, if any.

12. Does the State party resort to diplomatic assurances when adjudicating requests for refoulement, extradition and expulsion of persons? If so, please provide information about such assurances or guarantees and what post-return monitoring mechanisms has the State party undertaken in such cases.

Articles 5, 6 and 7

13. Please indicate whether the domestic legislation of the State party includes provisions establishing universal jurisdiction for acts of torture. Has the State party exercised such jurisdiction and brought charges or initiated any proceedings to give effect to this provision of the Convention, regardless of the nationality of the perpetrator or the victim?

Article 10

14. Is the prohibition of torture clearly included in all interrogation rules and procedures of the State party? Please provide details. Please explain to the Committee how the interrogation rules, instructions and methods currently applicable in the State party to prevent torture are monitored and by whom.

15. With reference to the Committee's previous concluding observations, please provide information of mandatory training programmes in relation to the rights established by the Convention for law enforcement officials as well as civil, military and medical personnel, public officials and others involved in custody, interrogation and treatment, in particular on the recognition of the physical consequences of torture including on the Istanbul Protocol (para. 7 (n)). Who have been the subject of training programmes, how many persons have been trained and what have the outcomes of such trainings been?

Article 11

16. Please indicate the steps taken to implement the recommendations contained in recommendation 4 of the report of the Working Group on Arbitrary Detention (E/CN.4/2002/77/Add.2) with regard to the treatment of juveniles between 15 to 18 years, particularly on the issue of whether they are held separately from adults in prisons.

17. Please provide data, disaggregated, inter alia, by age, gender, ethnicity and nationality of persons deprived of their liberty in prisons and other detention facilities, including pretrial detainees.

18. In light of the Committee's previous concluding observations, please provide information about the number of female law enforcement personnel and female judicial officials (para. 7 (h)) and their functions.

19. Please provide information about the percentage of female migrants in the penitentiary population.

Articles 12 and 13

20. In light of the Committee's previous concluding observations and the follow-up information provided by the State party in 2006, please inform the Committee about steps taken to amend Decree No. 56 of 2002 which extended blanket amnesty to all alleged perpetrators of torture or other cruel, inhuman or degrading treatment committed prior to 2001. What specific measures have been taken to combat impunity?

21. Please indicate how many complaints for crimes of torture or acts amounting to cruel, inhumane or degrading treatment, have been filed since the consideration of the initial report in 2005, and report on sentences given, if any. Further to the Committee's previous concluding observations, please provide statistical data, disaggregated by age, gender and nationality, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials, as well as on the related investigations, prosecutions, and punishments meted out for individuals found guilty, if any (para. 8 (a)). Please also include details about any deaths in custody, the results of investigations into those allegations, and whether any officials were prosecuted and convicted (para. 7 (b)).

22. Please provide information on the 178 detainees charged with security offenses who were pardoned by the King in April 2009 and subsequently released. Were any investigations into the grounds for detention or conditions of detention opened in any of these cases? According to information before the Committee, many of these individuals were members of the opposition who had been accused of terrorism-related offences. Have any of these individuals been compensated? Please comment on allegations that many of these individuals were detained as a result of their political opinions.

Article 14

23. In light of the Committee's previous concluding observations, please provide information on steps taken to ensure that the legal system provides victims of acts of torture with redress and an enforceable right to fair and adequate compensation (para. 7 (e)). Please also provide detailed information about legislation providing for compensation and rehabilitation as well as details of such compensation and rehabilitation that may have been provided to victims (para. 8 (b)).

Article 15

24. Please provide information on the steps taken to ensure that statements obtained under torture cannot be used as evidence in any proceedings, including the procedure whereby the police may bring the accused person who has confessed to a crime before the investigating judge so that they can repeat their confessions. How does the State party ensure that a lawyer is present at this stage of proceedings? Please comment on allegations that the National Security Apparatus, the State intelligence agency, has used torture and ill-treatment to exact confessions from individuals who have been active in peaceful protests and demonstrations, which are then used by the State Prosecutors to convict them.

Article 16

25. In light of the previous concluding observations, in which the Committee expressed concern over Sharia court judges having overbroad discretionary powers and their failure to take

action in cases of violence against women (para. 6 (n)) to which the State party claimed the existence of guarantees to avoid abuses, please provide further details as to the nature of these guarantees. Please also provide detailed information of cases in which a Sharia court judge may have ruled in favour of the complainant on the basis of medical certificates and other clear evidence of violence. Please provide information about the number of complaints, investigations, prosecutions and convictions of cases of violence against women, including sexual and domestic violence.

26. Please provide information about the progress made to adopt a Family Code (para. 7 (i)) and explain how it will ensure that all forms of domestic violence, including marital rape, are criminalized and that marriage to the victim does not exempt perpetrators of rape from prosecution.

27. Please indicate whether the State party has adopted measures to prevent, protect and punish offenders of violence against women, girls and female migrant workers, including on trafficking. Please also provide statistical data concerning the prevalence of trafficking of women and girls, and violence against and ill-treatment of female migrant workers, including allegations that migrant workers are denied wages and have their passports confiscated by their employers with little or no legal recourse.

28. According to information before the Committee, the State party has resumed the use of the death penalty after more than ten years of de facto abolition. Please provide information about why this step has been taken, which crimes they have been sentenced for and whether the convicted had any possibilities of appeal.

29. Please comment on the reports that human rights defenders have been singled out as targets for abuse and intimidation, harassment and politically motivated charges.

30. Please provide information to the Committee about the frequency of inter-prison violence, including any cases involving possible negligence on the part of law enforcement personnel and the number of complaints made in this regard. What preventive measures have been taken?

31. Please provide information about the penal sanctions in place for corporal punishment.

32. Please provide information on the measures taken to improve the current system of sponsorship and the negative situation it brings for migrant workers making them more vulnerable and exposed to the risk of trafficking. Please also indicate the legislative measures taken by the State party to improve the situation of migrants working as domestic servants, who are excluded from the protection mechanisms.

Other issues

33. Pursuant to the Committee's previous concluding observations (para. 7(f)), please provide details of how the State party amended its draft anti-terrorist law to ensure that the safeguards to protect individuals against torture were upheld. Please provide the Committee with information about the implementation of the *Act on the Protection of Society from Terrorist Acts* since its adoption in 2006, and indicate all individuals that have been charged under the Act,

including information about the penalties given. Please provide data on the number foreigners sentenced and executed as compared to nationals.

34. According to information before the Committee, 13 persons were charged with anti-terrorism offences and subjected to torture with electric shocks, beatings and suspended by the wrists for long periods after their arrests while being held incommunicado at the headquarters of the National Security Center in Manama and their “confessions” were broadcast on government-controlled television station on 28 December 2008. Please provide detailed information on these cases.

35. In light of the Committee’s previous concluding observations (paras. 6 (k) and 7 (g)) regarding the restrictions to the work of non-governmental organizations, please provide detailed information in addition to the follow-up information submitted by the State party in 2006, about the law that regulates the establishment of associations and provide information about the new draft law on civil society organizations of 2007.

36. With reference to the Committee’s previous concluding observations, please indicate whether the State party intends to make the declaration under articles 21 and 22 of the Convention. Please also indicate whether the State party intends to ratify the Optional Protocol to the Convention (para. 9) and what steps may have been taken in this respect.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

37. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the previous report, including any relevant jurisprudential decisions.

38. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level, that have occurred since the previous report, including on any national human rights plans or programmes, and the resources allocated to it, its means, objectives and results.

39. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee’s recommendations since the consideration of the initial report, including the necessary statistical data, as well as on any events that occurred in the State party and are relevant under the Convention.
