



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

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**Committee against Torture**

**Fourth periodic report submitted by Bahrain  
under article 19 of the Convention pursuant to the  
optional reporting procedure, due in 2021\*, \*\***

[Date received: 26 May 2021]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



## Introduction

1. The Kingdom of Bahrain agreed to submit its report to the Committee against Torture using the simplified reporting procedure. As part of this procedure, Bahrain received from the Committee a list of issues transmitted prior to the submission of its fourth periodic report. The replies of the Kingdom of Bahrain to the list of issues constitute its fourth periodic report under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. The replies of the Kingdom of Bahrain follow the numbering in the list of issues dated 2 June 2020.

## Reply to the list of issues

### Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

#### Issues identified for follow-up in the previous concluding observations

##### *Issue No. 1*

3. While the death penalty<sup>1</sup> is not prohibited per se under international law, a broad set of restrictions and criteria are in place concerning its use. The practice in the Kingdom of Bahrain is consistent with the safeguards guaranteeing protection of the rights of those facing the death penalty, as set out in the annex to United Nations Economic and Social Council resolution 1984/50, adopted on 25 May 1984. Accordingly, the death penalty is imposed only for the most serious crimes against society for which it is specifically prescribed.
4. Accused persons must have a lawyer, failing which the State undertakes to appoint a lawyer to act on their behalf.
5. All death sentences are imposed with respect for basic fair trial guarantees and are subject to mandatory appeal before the courts of appeal and cassation. Death sentences are handed down only by a unanimous decision of the judges and are not enforced unless approved and ratified by the King, who is empowered to give a pardon in certain cases and to mitigate the penalty. A final death sentence may furthermore be reviewed by the Court of Cassation, in which event its enforcement is suspended until a final decision is rendered.
6. The law provides that the death penalty may not be applied to pregnant women or juveniles.
7. There are rules and restrictions in place with which courts must comply, before and after the verdict is pronounced, when hearing cases that may be punishable by death. Where an offence carries the death penalty, the confession of the accused is not, for instance, taken into consideration. The court must complete the investigation, hear the testimony of prosecution witnesses and conduct other trial procedures, and the sentence must be handed down unanimously by the members of the court. Should a death sentence be given, it must, by law, be contested before the courts of appeal and cassation. The Court of Cassation may overturn the sentence and return the case to the trial court for a new hearing by a different panel. Other strict safeguards and procedures have also been established by the legislature in respect of the death penalty.
8. During the period 2017–2019, the Prisoners and Detainees Rights Commission conducted 10 visits, both announced and unannounced, to places of detention to inspect conditions and check on the treatment of detainees as well as listen to their statements and any observations or complaints that they might have. The Commission’s task forces also gather information by directly examining and reviewing relevant documents in line with

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<sup>1</sup> Detailed information on the death penalty was provided in document [CAT/C/BHR/CO/2-3/Add.1](#).

established inspection criteria. Recommendations are then made and submitted to the authorities. All inspection visit reports are published on the Commission's website.

9. Entities having thus far made visits,<sup>2</sup> whether announced or unannounced, to the Correctional and Rehabilitation Centre since 2018 are identified below.

10. Name of visiting entity

(i) International Committee of the Red Cross:

- 7 visits in 2018
- 7 visits in 2019
- 4 visits in 2021

(ii) National Institute for Human Rights:

- 1 visit on 12 March 2020
- 1 visit on 2 March 2021

(iii) Office of the Ombudsman:

- 13 visits in 2018
- 3 visits in 2020
- 7 visits in 2021

(iv) Discover Islam:

- 1 visit in 2019

(v) Churches:

- 3 visits in 2019

(vi) Embassies:

- 18 visits in 2019

11. In response to the press briefing note on Bahrain issued on 30 April 2021 by the spokesperson for the United Nations High Commissioner for Human Rights, Marta Hurtado, and to a number of statements emanating from the European Parliament and various Western States, the Ministry of the Interior took the unusual step of inviting members of the international diplomatic corps to visit the Jaw Correctional and Rehabilitation Centre, on 3 May 2021, so that they could look over all the services and programmes, see how the Centre is run and have all questions answered about issues raised in those press statements and in the media. Taking part in the visit were Mr. Abdullah bin Rashid al-Dilawi, Dean of the Diplomatic Corps and Ambassador of the Sultanate of Oman; Mr. Anwar, Ambassador of the People's Republic of China; Mr. Kay Thamo Bochmann, Ambassador of the Federal Republic of Germany; Mr. Roddy Drummond, Ambassador of the United Kingdom; Mr. Jérôme Cauchard, Ambassador of the French Republic; Ms. Paola Amadi, Ambassador of the Italian Republic; Mr. Patrick Simonnet, Head of the Delegation of the European Union to the Kingdom, residing in Riyadh; Ms. Margaret Nardy, Chargé d'Affaires at the Embassy of the United States of America; the Head of Consular Affairs at the Embassy of the Russian Federation; and Mr. Mohamed El Zarkani, Chief of Mission of the International Organization for Migration and Resident Coordinator for the United Nations.

12. Lasting some two hours and conducted with a high level of transparency, the visit confirmed the constructive cooperation between the Ministry of the Interior and the Correctional and Rehabilitation Centre. The members of the diplomatic corps expressed their gratitude and appreciation for this gesture and for being given the opportunity to see how the Centre is run in line with relevant best practices and standards.

<sup>2</sup> Information on visits was provided in document [CAT/C/BHR/CO/2-3/Add.1](#).

## Articles 1 and 4

### Observations concerning paragraphs 6 and 7

#### *Observation No. 2*

13. At the initiative of the legislature, the Code of Criminal Procedure promulgated by Decree-Law No. 46 of 2002 was amended to incorporate provisions relating to the Convention and to vest in the public prosecution the jurisdiction to look into allegations of torture or inhuman or degrading treatment, or of death linked with either, where such incidents occur during the evidence-gathering or investigation stages or in the course of court proceedings. In other instances, the public prosecution exercises its jurisdiction in relation to the Public Security Forces on the basis of referrals made to it by the Ombudsman or the Inspector General, as the case may be.

14. The Unit has received no complaints from any inmates at the Jaw Correctional and Rehabilitation Centre about them having been tortured for confessions. The only complaints have been about physical or verbal abuse. In 2020, however, the Unit was alerted by a number of rapporteurs of the Office of the United Nations High Commissioner for Human Rights to an allegation that two convicted persons, Mohammed Ramadan and Hussain Moosa, had been psychologically tortured while at the Correctional and Rehabilitation Centre. With regard to this allegation and to all complaints, the Unit has acted in accordance with the law and with relevant standards and international conventions.

15. With reference to awareness-raising, the Ministry of the Interior has paid particular attention to the human rights aspect. Its Royal Academy of Police has organized numerous education and training programmes, conferences, seminars and awareness talks for the Ministry's personnel, including, for example:

- A human rights diploma programme
- Courses on the role of the police in human rights protection
- The Ministry has also sent many its personnel to study at prestigious universities specializing in human rights.

16. Training schemes are prepared on a continual basis and efforts are made to ensure that officers and personnel participate in training courses designed to improve job performance in the areas of correction and rehabilitation. These courses cover the following topics:

- Human rights safeguards in policing
- Interacting with the public
- Police duties
- Inspection
- Duties of officials on guard

17. A set part of the annual departmental training plans of the Ministry of the Interior, human rights training courses and programmes are continuous and run in keeping with international standards and human rights principles.

18. From 2016 to 2020, a total of 158 human rights training courses were conducted internally for personnel of the Ministry of the Interior and attended by 3,045 officials.

19. From 2011 to 2020, a total of 19 human rights training courses were conducted externally for personnel of the Ministry of the Interior and attended by 140 officials.

20. An overview of the human rights education and training programmes held at the Royal Academy of Police from 2011 to 2020 is as follows:

- Officer Training College:
  - (i) Postgraduate and master's programmes – 544 officials
  - (ii) University diploma programme – 329 officials

- (iii) Police Training Institute – 13,692 officials

## Article 2

### Observations concerning paragraphs 12 and 13

#### *Observation No. 3 (a)*

21. We affirm at the outset that persons are arrested, detained or punished only for wrongdoings carried out in violation of Bahraini law and never on grounds of their rights-related or social activity or religious or other affiliation. Such persons are tried and sentenced on that basis to detention, imprisonment or other penalties set out in the Penal Code and are detained and serve their sentences in places designated for the purpose.

22. The Bahraini Penal Code promulgated by Decree-Law No. 15 of 1976 established the principle of individualized punishment and affords judges the freedom to choose between the maximum or minimum sentence, rather than directing them to hand down a particular sentence, the idea being that criminal punishments should be fair and proportionate to the facts of each case.

23. The death penalty is imposed for the most serious crimes, which are strictly defined by law.

24. Please refer to the reply to issue No. 1 concerning the basic guarantees surrounding this penalty.

#### **Provision of information on:**

25. Ali Mohamed Ali Mohamed al-Arab: On 1 April 2018, the Special Investigation Unit received a complaint from the Office of the Ombudsman in which it was alleged that Mr. al-Arab had been tortured by police. The Unit began its investigation by asking the complainant about the details of his complaint. He testified that he had been beaten while under arrest and during questioning so as to force a confession from him and that he had been ill-treated while at the Department for Correction and Rehabilitation. He was seen by the forensic physician, who concluded that he had sustained no injuries consistent with his allegation. The members of the Public Security Forces who had dealt with the complainant denied his allegation and the Unit decided to close the case for lack of evidence of the alleged incident.

26. Ahmed Isa Ahmed al-Malali: On 29 March 2017, the Special Investigation Unit received a complaint from Mr. al-Malali in which he alleged that he had been tortured by police. The Unit began its investigation by asking the complainant for details of the incident. He testified that he had been beaten during questioning with the aim of extracting a confession from him and that he had been ill-treated while at the Department of Correction and Rehabilitation in an incident that he said had been witnessed by an inmate. The complainant was seen by the forensic medical examiner, who found no injuries consistent with his allegation. On being questioned, the inmate witness stated that he did not know the complainant and denied his allegation, as did the members of the Public Security Forces who had dealt with the complainant. The Unit decided to close the case for lack of evidence of the alleged incident.

27. As to the third person, Kamal al-Din Miyah, after exhausting the ordinary and extraordinary means of appeal, he received a final death sentence for the premeditated murder of the imam of a mosque whose body he had dismembered and disposed of.

#### *Observation No. 3 (b)*

28. The death sentence was appealed in cassation (as is mandated by law) and upheld by the court on 13 July 2020. The sentence remains unenforceable, however, until it has been ratified by the King.

29. In the cases of the two persons mentioned, the Special Investigation Unit has taken all ordinary and extraordinary legal measures in view of the seriousness of the penalty prescribed by law and having learned of the allegations of torture and ill-treatment at the end of 2016

after the sentences of the two individuals had been confirmed as final by the Court of Cassation on 16 November 2015. The court in both instances responded to all defence requests.

30. The investigations, which lasted almost four years, concluded that the allegations by the two convicted persons, Mohammed Ramadan and Hussain Moosa, that they had been physically and psychologically tortured to compel them to confess were untrue and that their statements as documented in the evidence-gathering and investigation reports of the public prosecution were reliable and had not been made under any physical or mental duress.

31. While being investigated by the public prosecution, neither of the said two individuals alleged that they had been tortured or ill-treated, notwithstanding that the public prosecution had assured them at the time of their interrogation of their legal right to deny the accusations against them, which were that they had committed premeditated murder and caused an explosion resulting in the death and injury of victims.

32. The findings of the investigations conducted by the Unit are consistent with the revelation made in the final criminal judgement – following a review – that the injury suffered by the complainant Mohammed Ramadan had been sustained at a later date, i.e., after he had been questioned for evidence and interrogated by the public prosecution during its investigations. As to the complainant Hussain Moosa, the injuries to his hands were as a result of restraint. X-rays showed that he has a congenital defect in his lumbar and sacral vertebrae that is long-standing in nature and has no implications as far as his statements are concerned. The confessions of the two men were, therefore, neither tainted in any way nor prompted by coercion.

33. The trial proceedings of Mohammed Ramadan and Hussain Musa were conducted in accordance with the legal procedures provided for in the national legislation as well as in conformity with international standards, the international obligations of Bahrain and the human rights principles recognized by the United Nations.

34. The men's convictions were, in both cases, based on evidence other than their confessions as documented in the reports on the evidence-gathering and the investigations of the public prosecution.

35. The Penal Code promulgated by Decree Law No. 15 of 1976 established the principle of individualized punishment and affords judges the freedom to choose between the maximum or minimum sentence, rather than directing them to hand down a particular sentence, the idea being that criminal punishments should be fair and proportionate to the facts of each case.

36. Please refer to the reply to issue No. 1 concerning basic fair trial guarantees.

*Observation No. 3 (c) (Situation of the other Bahrainis who currently face the death sentence and any considerations given to pardoning and reprieving all inmates currently on death row and commuting their sentences)*

37. As already explained, the death penalty is applied in the case of specific crimes only and death sentences are not enforced until after they have been reviewed by the Court of Cassation and ratified by the King. Generally speaking, there are instances in which the enforcement of judgements of conviction, irrespective of the sentence given, may not take place or may be suspended, such as where:

- (i) The King does not ratify judgements requiring his ratification;
- (ii) Decrees granting royal pardons are issued;
- (iii) Provisions of the Penal Code and alternative measures are applied to the convicted person if the conditions are met.

38. Please refer to the reply to issue No. 1 concerning the basic guarantees surrounding this penalty.

*Observation No. 3 (d) (Steps taken during the period under review to ensure that allegations are investigated)*

39. Established by the Attorney General pursuant to his Decision No. 8 of 2012, the Special Investigation Unit is independent and impartial in holding to account government officials who have committed acts in violation of the law or who, by their negligence, have caused the death, torture or ill-treatment of civilians. Its objective on that score is to take legal and disciplinary action against such persons, including civilian and military personnel in positions of leadership to whom the principle of “leadership responsibility” firmly applies, in accordance with international standards.

40. By its own account, since its establishment in 2012, the Unit has followed all legal procedures in respect of complaints that have been submitted or referred to it or that it has monitored. As a result, 170 officers and members of the Public Security Forces have been referred for criminal prosecution or court-martial and been given criminal or disciplinary sentences.

41. As part of using all legal channels to protect victims, their family members, witnesses and anyone providing information relevant to cases from any potential harm, the legislature, pursuant to Act No. 7 of 2020, amended article 127 bis (1) of the Code of Criminal Procedure. Consequently, the public prosecution may, of its own accord – without waiting for a request from victims, witnesses or anyone providing information relevant to cases, and on reasonable grounds relating to the safety of those persons or of others close to them – order that necessary action be taken to protect them from risks to which they may be vulnerable on account of, or in connection with, having provided testimony or information. In so doing and until the risk ceases to exist, it may require that all or some of the measures prescribed by law be implemented, using modalities that it deems appropriate and working in coordination with the protected persons, in line with decisions and directives issued by the Attorney General in coordination with the concerned authorities. Such measures include changes of domicile, changes of identity, non-disclosure of information concerning the identity, whereabouts and places of residence of protected persons, and restrictions on the dissemination of such information. Under the same amendment, persons or their places of residence may also be placed under guard to maximize protection.

42. In pursuance of the effective implementation of legal protection measures, the Attorney General, by his Decision No. 1 of 2021, established the Victims and Witnesses Affairs Division of the Special Investigation Unit. Among other things, the Division is tasked with considering requests for the instigation of protection measures provided for in the Code of Criminal Procedure that it receives from victims, their family members, witnesses or persons who provide information relevant to cases within the Unit’s purview or that are referred to it by investigators of the Unit to whom it becomes apparent, during investigations, that circumstances are such as to require measures to protect the aforesaid categories from intimidation, reprisal and any risk to which they may be vulnerable as a result of having brought complaints, given testimony or provided information relevant to cases. The Division’s reports are submitted to the head of the Unit for appropriate action to be taken on legal protection measures.

43. All activities and measures undertaken within this newly created Division are top secret. Together with all its procedures, requests submitted or referred to it and decisions and orders pertaining thereto are strictly confidential and may not be divulged to third parties, including other parties in the case. The Division maintains a confidential and secure online record of its activities.

*Observation No. 3 (e) (Consideration given to abolishing the death penalty and voting in favour of the recurring resolutions on a moratorium on the use of death penalty, adopted by the General Assembly since its sixty-second session)*

44. Bahrain voted against the General Assembly resolution on a moratorium on the use of the death penalty on the premise that the death penalty is not prohibited per se in international law. Nonetheless, there are restrictions and conditions in place around its use. The practice in Bahrain is consistent with the safeguards guaranteeing protection of the rights

of those facing the death penalty, as set out in the annex to United Nations Economic and Social Council resolution 1984/50, adopted on 25 May 1984.

45. Please refer to the reply to issue No. 1.

### **Paragraphs 16 and 17**

*Observation No. 4 (a) (Measures undertaken to ensure the effective implementation of article 253 of the Code of Criminal Procedure so that evidence obtained through torture and coercion is inadmissible in all judicial proceedings, in accordance with article 15 of the Convention)*

46. Article 19 (d) of the Constitution of Bahrain provides that: “No person shall be subjected to physical or mental torture, inducement or undignified treatment, and the law shall establish the penalty for those who commit such acts. Any statement or confession found to have been obtained as a result of torture, inducement or such treatment, or threat thereof, shall be null and void.”

47. Article 104 of the Constitution provides that:

“(a) The honour of the judiciary and the impartiality and fairness of judges are the basis of governance and a guarantee of rights and freedoms;

(b) Judges shall be subject to no other authority in their administration of justice and no interference in the course of justice shall be permitted under any circumstances. The law shall guarantee the independence of the judiciary and set out the safeguards and rules for judges.”

48. Article 253 of the Code of Criminal Procedure promulgated by Decree-Law No. 46 of 2002, as amended, provides that: “Judges shall adjudicate in cases on the basis of their freely formed convictions. They may not, however, base their judgements on any evidence that is not presented before them in a hearing. Any statement found to have been made by an accused person or witness under duress or threat thereof shall be deemed null and void.”

49. Evidence presented in proceedings is therefore assessed and examined by the competent court in accordance with judicial procedure, guaranteeing to the parties that they may make submissions as they consider appropriate, which is in keeping with the international approach to the matter. Where it is alleged before a criminal court that the confession of an accused person was obtained under torture or duress, the court is required by law to determine for itself from the evidence the veracity of the allegation and to record any physical or psychological effects in the minutes of the hearing. In addition, the judgement must consider how those effects and the evidence are linked with the confession allegedly extracted under torture, failing which it is flawed and the public prosecution and the convicted person are entitled to appeal against it before the Court of Cassation. The Special Investigation Unit is also notified of any offences of torture or ill-treatment concluded by the court to have taken place. It promptly and impartially investigates such offences with the aim of identifying and bringing to criminal trial the principals or accomplices responsible for them.

50. In this respect, in 2022, the judge for the enforcement of sentences referred to the Unit a written complaint submitted by a lawyer representing a convicted person in which the lawyer alleged that his client had been physically assaulted by beating while serving his sentence at the Jaw Correctional and Rehabilitation Centre. The Unit immediately went to the Centre, questioned the complainant about the details of his complaint and took all steps to investigate the incident, without intervention from the Centre’s administration. The case remains under investigation.

51. Evidence presented in proceedings is therefore assessed and examined by the competent court in accordance with judicial procedure, guaranteeing to the parties that they may make submissions as they consider appropriate, which is in keeping with the international approach to the matter.

*Observation No. 4 (b) (Whether any new legislation has been enacted during the period under review that provides for inquiries into well-founded allegations of torture that are brought to the attention of judges)*

52. Article 81 bis of the Code of Criminal Procedure promulgated by Decree-Law No. 46 of 2002, as amended, provides as follows below.

53. “The public prosecution shall exercise its jurisdiction to look into allegations of torture or inhuman or degrading treatment, or of death linked with either, in incidents involving suspects, witnesses or experts during the evidence-gathering or investigation stages or in the course of court proceedings. In other instances, the public prosecution shall exercise its jurisdiction in relation to the Public Security Forces on the basis of referrals made to it by the Ombudsman or the Inspector General, as the case may be.”

54. With procedural legitimacy as one of the basic principles of criminal prosecution in Bahrain, no convictions are made without lawful evidence. The nullity of evidence invalidates all effects arising from that evidence, irrespective of its probative value, as an inevitable consequence of “the fruit of the poisonous tree” doctrine. Article 20 of the Bahraini Constitution and article 253 of the Code of Criminal Procedure provide that any statement or confession proven to have been made under coercion or threat is null and void, while article 286 of the Code states that nullity applies to all effects arising from an invalid procedure and that, where possible, the status quo ante must be restored.

55. Where it is alleged before a criminal court that the confession of an accused person was obtained under torture or duress, the court is required by law to determine for itself from the evidence the veracity of the allegation and to record any physical or psychological effects in the minutes of the hearing. In addition, the judgement must consider how those effects and the evidence are linked with the confession allegedly extracted under torture, failing which it is flawed and the public prosecution and the convicted person are entitled to appeal against it before the Court of Cassation. The representative of the public prosecution attending the hearing also notifies the Special Investigation Unit of any offences of torture or ill-treatment concluded by the court to have taken place. The Unit promptly and impartially investigates such offences with the aim of identifying and bringing to criminal trial the principals or accomplices responsible for them.

*Observation No. 4 (c) (Whether judges have reviewed cases of convictions based solely on confessions)*

56. Attention is drawn to article 220 of the Code of Criminal Procedure promulgated by Decree-Law No. 46 of 2002, as amended.

57. Please refer to the provisions of article 226 bis of the Code of Criminal Procedure promulgated by Decree-Law No. 46 of 2002, as amended.

58. Accused persons who confess to a misdemeanour are permitted by law to request a speedy trial, should they so wish, in accordance with the above provisions. In addition, if an accused person retracts a confession, the court may decide to hear the case as usual, meaning that accused persons may retract their confessions before a conviction is handed down.

59. Accused persons convicted on the basis of a confession of theirs may contest the ruling by all means prescribed by law, as convicted persons may contest a first-instance ruling before courts of appeal constituted of a different judicial panel and thereafter before the Court of Cassation. This ensures that judges review convictions handed down on the basis of the accused person’s confession.

60. The Supreme Judicial Council decided to set up a judicial committee to examine cases in which judgements become final without being contested by the persons convicted, the aim being to confirm the integrity of those judgements and of the trial proceedings. The committee has reviewed 30 judgements relating to 31 accused persons, including 13 who have served their sentences and been released. Six of the remaining 18 still in detention had their sentences reduced because of time served and became eligible for release. Charges relating to freedom of expression are to be dropped in respect of a further five, four of whom will be released as a consequence, whereas the fifth continues to be held on other charges.

All charges relating to freedom of expression will be erased from their files. Seven persons still stand convicted.

*Observation No. 4 (d) (Investigations into allegations of torture in Jaw prison)*

61. Please refer to the reply to observation No. 2 in respect of investigations.

**Paragraphs 14 and 15**

*Observation No. 5 (Legal safeguards enjoyed by persons deprived of their liberty)*

62. The Ministry of the Interior strives to respect human dignity as provided for in the Constitution of the Kingdom of Bahrain and required by law and international human rights principles. Detained persons are afforded fundamental legal safeguards from the very outset of their detention, as persons under arrest are informed of the nature of the charge against them and are permitted to communicate with their family members and to have a lawyer present. After their statements have been documented, they are permitted to read and sign them, should they so wish. To safeguard their rights, a note of all procedures undertaken is made in the electronic criminal filing system administered by the responsible authorities.

63. In the interest of establishing greater legal safeguards for persons deprived of liberty from the outset of their detention, suspects and detainees are questioned in rooms installed with audiovisual equipment that records their interrogations so that any breaches of the law or incidents of torture can be detected and legal action taken accordingly.

**Paragraphs 8 and 9**

*Observation No. 6 (Treatment and safeguards in places of detention)*

64. The Code of Criminal Procedure provides for integrated measures to guard against the potential risks surrounding victims, witnesses and those providing information relevant to criminal cases.

65. Such measures are designed to provide a range of legal protection for victims, witnesses, those providing information and experts who assist justice. This generally encourages them to report offences and to testify before investigative bodies, without fear or reluctance, so that offenders or persons with an interest in harming or abusing them, their family members or persons close to them can be pursued. It also reassures victims and witnesses that the authority to which information is reported is able to keep them safe, along with their family members, and provide them with necessary legal protection and security.

66. These provisions are consistent with international principles and standards and in line with international human rights safeguards for ensuring that testimony and information relevant to cases can be safely provided during the investigation and trial stages.

67. In the light of the above-mentioned provisions of the Code of Criminal Procedure, the Attorney General decided that an office to be known as the Victim and Witness Protection Office should be established within the public prosecution in view of the latter's role in remedying the effects of crime and involving human rights bodies in assisting victims of crime as directed by law. The Office examines and enforces orders for instituting protection in the manner prescribed by law on the basis of factually justified requests or where it becomes apparent to the investigator that the circumstances so require. It also enforces court decisions to institute protection for victims, witnesses and experts or persons close to them.

68. The Office is also entrusted with helping to remedy psychological and moral damage incurred by victims as a result of crime. It cooperates with the two prosecution services that deal respectively with families and children and with trafficking in persons in enforcing the protection and care orders provided for in the Domestic Violence Act and the Trafficking in Persons Act, especially orders pertaining to women and children that are issued to coincide with investigations into such types of cases or orders issued by the court.

69. The procedures followed by the Office for instituting protection include examining and considering requests or proposals that it receives on the subject. The Office gathers the

information required to assess protection-related risks and needs as well as the nature, type and required duration of the protection, which typically involves:

- Guarding persons or their places of residence
- Changes of place of residence
- Changes of identity
- Non-disclosure of information concerning the identity, whereabouts and places of residence of persons who are to be protected, or restrictions on the dissemination of such information.

70. Through a variety of ways and means, the Office ensures that its work is conducted with utmost secrecy. All its activities are fully confidential, as are requests submitted to it or received, decisions pertaining thereto and protection or assistance orders, which may under no circumstances be examined by third parties, including other parties in the case.

71. Concerning the investigation of claims of torture, please refer to the above reply to observation No. 2.

72. National legislation has been enacted to establish monitoring bodies tasked with guaranteeing the rights of detainees and prisoners, reducing the incidence of any ill-treatment in places where persons are deprived of their liberty and eliminating impunity for such offences. Examples of such bodies include:

- The Special Investigation Unit, which was established by the Attorney General pursuant to his Decision No. 8 of 2012 and which investigates and handles all allegations of killing, torture and ill-treatment made against law enforcement officials;
- The Office of the Ombudsman, which was established pursuant to Decree-Law No. 27 of 2012, as amended;
- The National Institute for Human Rights, which was established by Act No. 26 of 2014;
- The Prisoners and Detainees Rights Commission, which was established by Act No. 61 of 2014;
- The Human Rights Committee at the Ministry of the Interior which was established by Decision No. 92 of 2018.

73. Act No. 52 amending the definition of torture contained in articles 208 and 232 of the Penal Code was promulgated on 9 October 2012 and affirms that there is no statute of limitations for offences of this type.

74. Also amended, by Act No. 49 of 2021, was article 81 of the Public Security Forces Act, which provides that offences relating to cases of alleged torture, inhuman or degrading treatment or deaths associated therewith are not to be treated as military offences.

75. The Code of Criminal Procedure was supplemented with article 22 bis, pursuant to which persons claiming to have been subjected to reprisal for having previously alleged that they had been subjected to torture or to other cruel, inhuman or degrading treatment or punishment may, where reprisal constitutes an offence, bring a civil case against the accused during the evidence-gathering or investigation stages or at any point up until the closure of pleadings before the court that is hearing the criminal proceedings. Where the reprisal takes a form that is not punishable under criminal law, the civil courts have jurisdiction.

## **Paragraphs 10 and 11**

### *Observation No. 7 (a) (Amendment of the Military Justice Code)*

76. Reflecting the unanimous national will to strengthen security, safety and stability in the Kingdom of Bahrain, this amendment identifies criminal acts associated with the financing of terrorism so as to address serious terrorist offences, which have increased significantly in recent times. The amendment takes account of the fact that the military justice system is independent and includes all judicial guarantees of a fair trial, especially with

respect to the multiplicity of levels of proceedings, the right of appeal, the independence of the appeal process, and compliance with all measures provided for in the Code of Criminal Procedure of 2002, in much the same way as the country's civil justice system.

77. The above-mentioned amendment by the legislature applies only to serious terrorism offences that endanger public security and safety and to attacks on the Defence Force and the National Guard and their respective installations, units, troops, equipment and interests. It used as its starting point the legal bases for the criminalization of terrorist acts, including Security Council resolutions, international and regional instruments and relevant national legislation.

*Observation No. 7 (b) (National safety cases)*

78. Decree-Law No. 28 of 2011, which deals with national safety cases and provides for the jurisdiction of each court, states that the Court of Cassation may hear appeals submitted to it by the National Safety Court of Appeal. This confirms in respect of sentences handed down by the national safety courts that all fair trial procedures are followed and that all prescribed methods of appeal are exhausted, as the sentences can be challenged before the National Safety Court of Appeal and subsequently before the Court of Cassation.

79. In evaluating current national safety cases and reviewing the legal status of persons accused in such cases, and in keeping with the conclusions drawn in the report of the Bahrain Independent Commission of Inquiry, the public prosecution dropped all charges that were at odds with the right to exercise freedom of expression, specifically incitement to hatred of the regime, civil disobedience, and dissemination of fake news and malicious rumours potentially detrimental to security and public order.

80. As a result of the foregoing:

- Several cases have been finally resolved;
- 334 accused persons have had charges against them dropped.

81. Some cases are still ongoing, however, even though such charges have been dropped, because they are to do with other types of offences involving violence and sabotage in the form of attacks on persons and property.

82. Thirty judgements relating to 31 defendants have been reviewed. Of those defendants, 13 have served their sentences and been released. Six of the remaining 18 still in detention had their sentences reduced because of time served and became eligible for release. Charges relating to freedom of expression are to be dropped in respect of a further five, four of whom will be released as a consequence, whereas the fifth continues to be held on other charges. All charges relating to freedom of expression will be erased from their files. Seven persons still stand convicted.

*Observation No. 7 (c) (The National Security Agency)*

83. Certain provisions of Decree No. 14 of 2002 establishing the National Security Agency were amended pursuant to Decree No. 115 of 2011, promulgated on 28 November 2011. The amendments provide that: "The National Security Agency shall have jurisdiction to gather information and to monitor and identify all harmful activities relating to espionage, intelligence and terrorism. The Agency shall refer cases requiring arrest or detention to the Ministry of the Interior for necessary legal action."

84. In subsequent years, the Kingdom saw a rapid and noticeable increase in the commission of terrorism offences targeted at security facilities, police vehicles, financial and tourism establishments, and components of the national economy, in particular the oil sector. The numbers of deaths and injuries among security personnel, citizens and residents also rose. In response, Decree No. 1 of 2017 was promulgated to amend certain provisions of Decree No. 14 of 2002 establishing the National Security Agency so as to confer law enforcement status on the Agency for "terrorism offences only". Cases involving other offences are referred to the Ministry of the Interior.

85. Established in February 2012 pursuant to Royal Decree No. 28 of 2012, the Office of the Inspector General of the National Security Agency has powers akin to those of the Office

of the Ombudsman of the Ministry of the Interior. It can investigate any complaint relating to misconduct of Agency personnel, access persons and information as required in order to conduct investigations, and inform complainants of measures taken as a result of investigation.

## Paragraphs 26 and 27

### *Observation No. 8 (Minimum age of criminal responsibility)*

86. In conformity with the international conventions and treaties ratified by the Kingdom of Bahrain, a law on restorative justice for children and their protection from ill-treatment was promulgated on 14 February 2021, pursuant to Act No. 4 of 2021, article 3 of which repeals Decree-Law No. 1 of 1976 concerning juveniles was repealed. The law gives precedence to the best interests of the child and takes into account the pressing need to ensure children's access to age-appropriate care. Article 2 of the law raises the age of a child to 18 years.

87. The aforementioned law includes non-custodial measures that may be taken in respect of child offenders. Article 13 of the law provides that: "If a child is found to be in one of the situations of risk set out in article 12 of this law, the Judicial Committee may impose in his or her regard one of the measures provided for in articles 14 to 26 of this law."

88. The Bahraini legislature has furthermore guaranteed to juveniles, in the same way as to other persons, legal and procedural safeguards to prevent them from being subjected to torture or to abuse of their human dignity. Article 10 of the above-mentioned law also provides that: "At all stages of criminal proceedings and during the enforcement of sentence, children are assured of all rights and guarantees prescribed in the Code of Criminal Procedure. Children may be exonerated from punishment or be given a lesser sentence in the mitigating circumstances provided for in the Penal Code promulgated by Decree-Law No. 15 of 1976 or in any other law, as well as in those set out in the present law."

89. Article 32 of the same law provides that: "No child may be placed, held in custody, detained or imprisoned in the same location as adults. Throughout their placement, custody, detention or imprisonment, children shall be categorized on the basis of age, sex, type of offence and term of sentence."

90. Article 4 of the Correctional and Rehabilitation Institution Act No. 18 of 2014 provides that: "Inmates and persons in custody shall be categorized on the basis of age, type gravity and frequency of the offence, term of sentence or duration of the order for detention in custody, and other factors that can be readily assessed. The implementing regulation sets out the categories for inmates and persons held in custody, the rules in place for each category, and the factors that can be readily assessed."

91. Article 11 of Decision No. 131 of 2015, concerning the implementing regulation for the Correctional and Rehabilitation Institution Act No. 18 of 2014 provides that:

- Inmates shall be divided into categories in the following manner:

Category A: Inmates sentenced to imprisonment

Category B: Inmates sentenced to detention for a period of more than 3 months

Category C: Inmates and prisoners under physical restraint

Category D: Inmates sentenced to detention for a period of less than 3 months

Category E: Inmates in the 15–18 age group sentenced to imprisonment

Category F: Inmates in the 15–18 age group sentenced to detention

Category G: Inmates with special needs

92. Places are designated in the centre for each of the inmate categories set out in paragraph 1 of this article.

93. Act No. 18 of 2017, concerning alternative penalties and measures, includes the application of non-custodial measures for convicted persons in the cases provided for therein.

## Paragraphs 18 and 19

### *Observation No. 9 (a) (Bringing persons before a judge within 48 hours)*

94. Article 57 of the Code of Criminal Procedure promulgated by Decree-Law No. 46 of 2002 provides that the law enforcement officer must immediately take statements from arrested suspects. Where the innocence of the suspects is not established, the officer must, within 48 hours, hand them over to the public prosecution.

95. Terrorism offences pose a grave danger to society and the security of citizens and are so particular in nature that special legislation, with provisions that differ from those governing ordinary offences in the Penal Code and the Code of Criminal Procedure, must be established to address them. For those reasons, article 27 of Act No. 58 of 2006, concerning the protection of society from terrorist acts, has been amended to allow law enforcement officers an adequate and reasonable period of time within which to gather information about such offences and the criminal terrorist organizations behind them. In these instances, suspects may be held under arrest for a period of 28 days. The duties of law enforcement officers are determined after this period has expired.

### *Observation No. 9 (b) (Judicial supervision and pretrial detention)*

96. The Code of Criminal Procedure promulgated by Decree-Law No. 46 of 2002, as amended, contains a section on custodial remand, by virtue of which pretrial detention is clearly regulated in articles 143 to 148.

97. Act No. 18 of 2017, concerning alternative penalties and measures, replaces pretrial detention for minor crimes with non-custodial measures in article 18, which states that: "Prosecutors or judges – as the case may be – may impose on accused persons one or more of the following alternative measures in place of detention in custody:

- (a) House arrest
- (b) Reporting to a police station at set times
- (c) Exclusion from a specific place or places
- (d) Non-contact with specific persons or entities
- (e) Electronic tagging

98. The right of access to justice is available to persons who have been subjected to an unlawful act for which they wish to seek compensation. Such compensation is based on the damage caused by the act and is regulated by article 162 of the Civil Code (Act No. 19 of 2001), which states that compensation is awarded for an act that causes damage, even if the damage is moral, and that moral damage includes physical or psychological damage resulting from prejudice to a person's life, physical integrity, freedom, dignity, honour, reputation, social or moral status or financial position, in addition to feelings of sadness and grief. Civil liability and compensation awarded as a result do not preclude imposition of the prescribed penalty for criminal liability.

### *Observation No. 9 (c) (Judicial supervision and pretrial detention)*

99. It was replaced pursuant to Act No. 39 of 2014 amending certain provisions of the Code of Criminal Procedure promulgated by Decree-Law No. 46 of 2002.

### *Observation No. 9 (d) (Judicial supervision and pretrial detention)*

100. Article 147 et seq. of the Code of Criminal Procedure regulate the rules on arrest and detention on remand, surrounding them with safeguards to ensure that the means of exercising the power of arrest and detention strike a balance between society's right of punishment and the guarantees of a fair criminal trial. In the context of dealing with periods of detention on remand and the authority to order such detention, the Code permits the public prosecution to detain suspects in custody pending investigation, where it considers it appropriate to do so, for a period of 7 days. If it deems necessary, it may continue to detain the suspects and the matter must be presented to a lower court judge before the 7-day period

expires. The judge may extend the detention for a period or consecutive periods of up to 30 days in total, on condition that no period exceeds 15 days, or may order the suspect's release, with or without bail. To the benefit of suspects, this creates a form of ongoing judicial control over the exercise of that power. If the investigation is not completed and the public prosecution sees fit to extend the detention beyond the aforesaid period, the matter must be presented to the High Criminal Court, before this period expires, for it either to issue an order, if required in the interest of the investigation, to extend the detention for successive periods, none of which must amount to more than 30 days, or order the suspect's release, with or without bail.

101. In no case may the period of detention in custody exceed 6 months, unless the suspects have received notification of their referral for trial. If a suspect is accused of a serious criminal offence, the period of detention in custody cannot exceed 6 months unless, before the expiration of that period, an order has been obtained from the competent court to extend the detention for a period not exceeding 30 days, renewable for similar periods, failing which the suspect must be released.

102. With a view to further guarantees of judicial oversight, the Code affirms that, once three months have elapsed since a suspect was detained in custody, the matter must be presented to the Attorney General for him to take measures to ensure that the investigation is completed as soon as possible. The court and the public prosecution may, in any event, release suspects whose detention is unjustified, without prejudice to the right of suspects to request the public prosecution to release them and, if their request is denied, to file a complaint with the Advocate General, followed by the First Advocate General and thereafter the Attorney General, as indicated in article 149 of the Code of Criminal Procedure.

103. In addition to the rules governing detention in custody and, as mentioned earlier, the amendment to the Code of Criminal Procedure pursuant to Act No. 39 of 2014, it is important to point out the amendment made to Act No. 58 of 2006, concerning the protection of society from terrorist acts, pursuant to Decree-Law No. 68 of 2014. The amendment removed the power of the public prosecution to extend the period of arrest by law enforcement officers in terrorism offences and set that period at not more than 28 days, in accordance with article 27 of the Act. In line with this amendment, the public prosecution may, pursuant to article 26 of the Act, order the detention of persons accused of offences provided for in the Act for a period or consecutive periods not exceeding 6 months in total.

104. In no case may the period of detention in custody exceed 6 months unless the suspects have received notification of their referral to the competent court before the expiration of this period. If a suspect is accused of a serious criminal offence, the period of detention in custody cannot exceed 6 months unless, before the expiration of that period, an order has been obtained from the competent court to extend the detention for a period not exceeding 30 days, renewable for other similar periods, failing which the suspect must be released.

105. The matter must, however, be presented to the Attorney General once three months have elapsed since a suspect was detained in custody so that such measures as he deems appropriate can be taken to ensure that the investigation is completed.

106. Hence, the period of detention in the custody of the public prosecution is 7 days, which may not be prolonged until after the matter has been presented to the competent court. In no case may the period of detention exceed 6 months in total.

*Observation No. 9 (e) (Judicial supervision and pretrial detention)*

107. Terrorism offences pose a grave danger to society and the security of citizens and are so particular in nature that special legislation, with provisions that differ from those governing ordinary offences in the Penal Code and the Code of Criminal Procedure, must be established to address them. For those reasons, article 27 of Act No. 58 of 2006, concerning the protection of society from terrorist acts, has been amended to allow law enforcement officers an adequate and reasonable period of time within which to gather information about such offences and the criminal terrorist organizations behind them. In these instances, suspects may be held under arrest for a period of 28 days. The duties of law enforcement officers are determined after this period has expired.

*Observation No. 10 (a) (Solitary confinement)*

108. As provided in article 56 of the Correctional and Rehabilitation Institution Act, periods of solitary confinement in correctional facilities must not exceed 7 days. To ensure enforcement and prevent abuse of power in respect of that requirement, article 67 of the implementing regulation to the Act provides that disciplinary penalties for inmates, including solitary confinement, must be enforced by means of a three-member disciplinary committee. Inmates may file a complaint about disciplinary penalties imposed on them, taking into account the fact that such penalties must be proportionate to the offence and its seriousness. Inmates are fully cared for during the enforcement of these penalties, with no violation of their human dignity.

109. Places of confinement and detention in general and of solitary confinement in particular are supervised by independent oversight bodies and the judiciary, as provided in article 63 of the Code of Criminal Procedure and article 63 of the Correctional and Rehabilitation Institution Act.

110. Under supervision of the centre's physician, inmates also undergo frequent medical examinations before, during and after a punishment of solitary confinement is enforced to check that their health is good and not affected or damaged by the confinement.

*Observation No. 10 (b) (Solitary confinement and medical care)*

111. Please refer to the reply to the above observation concerning solitary confinement.

112. With respect to care provided to inmates, article 2 of the regulation provides that every correctional centre must have a full medical clinic that delivers free medical treatment to inmates and persons detained in custody. The centre's physician may introduce measures to safeguard the health of inmates and persons detained in custody, to which end he may inspect their accommodation, check that they are given a proper diet and make any recommendations that he deems necessary for maintaining the centre's general hygiene. Article 35 states that centres must provide food and drinking water and that the food must be varied, well prepared and served at set times. No inmate or person detained in custody may be denied the prescribed meals or have their meals restricted other than for medical or health reasons. Inmates and persons detained in custody are also permitted to follow a special diet if the nutritionist so decides and if approved by the head of the centre.

*Observation No. 10 (c) (Solitary confinement and medical care)*

113. Nabeel Ahmed Abdulrasool Rajab: He was convicted by the competent court on a charge of insulting statutory bodies and sentenced to a 2-year term of imprisonment pursuant to a definitive ruling in case No. 0201700840. He was also convicted on a charge of disseminating fake news to the detriment of military preparations and operations and sentenced to a 5-year term of imprisonment pursuant to a definitive ruling in case No. 07201605778. His custodial sentence therefore amounted to a term of 7 years, which he began serving on 28 December 2016. On 9 June 2020, he was released after the remainder of the custodial sentence, amounting to 3 years and 6 months, was replaced with an alternative sentence involving community service, electronic tagging and non-contact orders. He began serving the alternative sentence on 14 June 2020 as an administrative coordinator in the Capital Governorate. At no point was he subject to solitary confinement while serving his sentence at the Correctional and Rehabilitation Centre. He also enjoyed all rights provided for in the Correctional and Rehabilitation Institution Act, which are consistent with international human rights standards, in the same way as all male and female inmates, without discrimination on grounds of sex, origin, language, religion, belief or type of offence committed, as all inmates are treated equally.

114. The report of the Office of the Ombudsman concerning the allegations made in the complaints submitted in his regard, which it examined and handled, is annexed hereto (annex 1).

### Paragraphs 32 and 33

#### *Observation Nos. 11 (a) and (b) (Detention and freedom of opinion)*

115. No person is ever arrested or detained other than for a wrongdoing carried out in violation of Bahraini law. Such persons are tried and sentenced on that basis to detention or imprisonment and serve their sentence in places designated for the purpose. The law also provides that prison governors may admit persons only pursuant to an order signed by the competent authorities and that no person must be made to stay beyond the specified period.

116. Basic principles on the use of force and firearms were issued by the Minister of the Interior pursuant to his Decision No. 24 of 2014 and are consistent with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

117. As mandated in article 23 of the Constitution, freedom of opinion is guaranteed and all persons have the right to express and disseminate their opinions, verbally or in writing, in accordance with the terms and conditions prescribed by law, without prejudice to the principles of the Islamic faith or the unity of the people and in such a manner as not to fuel discord or sectarianism. This is a constitutional rule that epitomizes one of the legal pillars of freedom of expression and its precepts. Consequently, as the guardian of rights and freedoms and the protector of constitutional legitimacy, the public prosecution is careful not to accuse any person of conduct not provided for in criminal law, in line with the legality principle affirmed in article 20 of the Constitution, which states that there is no crime or punishment except as defined by law. Accordingly, no person or journalist has been charged for carrying out their profession or for expressing an opinion protected by law, but rather for criminal offences punishable by law, such as those of verbally abusing or slandering individuals in a manner offensive to their dignity, honour and reputation, insulting or inciting hatred of a community or group of persons, and undermining national security.

118. With respect to the revocation of citizenship, rulings to that effect are enforced only with the consent of the country's King. Consequently, and in line with the Constitution and legislation of the Kingdom of Bahrain, Bahraini citizenship cannot be revoked except pursuant to the mechanism provided for by law, which is either on the basis of judicial rulings or on that of submissions made by the Minister of the Interior in accordance with relevant legal procedures and subject to the approval of the Cabinet. Persons who have had their citizenship revoked have the right to appeal the decision before the Bahraini courts, in conformity with the applicable legal procedures.

119. An independent Office of the Ombudsman was created at the Ministry of the Interior pursuant to Decree No. 27 of 2021 on the subject. The Office is authorized to visit prisons and places of detention as well as receive complaints from detainees to ascertain that no inmates are being subjected to torture or to inhuman or degrading treatment.

120. Established by the Attorney General pursuant to his Decision No. 8 of 2012, the Special Investigation Unit is independent and impartial in holding to account government officials who have committed acts in violation of the law or who, by their negligence, have caused the death, torture or ill-treatment of civilians. In so doing, its aim is to take legal and disciplinary action against such persons, including civilian and military personnel in positions of leadership to whom the principle of "leadership responsibility" firmly applies, in accordance with international standards.

121. Stemming from the belief of the Government of the Kingdom in the right of all citizens to claim compensation for any harm inflicted on them, the Code of Criminal Procedure was supplemented with article 22 bis, pursuant to which persons claiming to have been subjected to reprisal for having previously alleged that they had been subjected to torture or to other cruel, inhuman or degrading treatment or punishment may, where reprisal constitutes an offence, bring a civil case against the accused during the evidence-gathering or investigation stages or at any point up until the closure of pleadings before the court that is hearing the criminal proceedings. Where the reprisal takes a form that is not punishable under criminal law, the civil courts have jurisdiction.

122. We affirm that persons in the Kingdom of Bahrain are arrested, detained or punished only for wrongdoings carried out in violation of Bahraini law and never on grounds of their

rights-related or social activity or religious or other affiliation. Such persons are tried and sentenced on that basis to detention or imprisonment and are detained and serve their sentences in places designated for the purpose.

123. Fair trial guarantees:

(i) The judiciary in the Kingdom of Bahrain operates under an integrated and binding legislative framework that makes no distinctions or exceptions except insofar as they are compatible with and appropriate to prescribing penalties and structuring them in a hierarchy from the lightest to the heaviest, within the limits set by law. No member of the judiciary, whether a judge or a prosecutor, may violate the procedural or penal provisions of law;

(ii) Courts hear all cases in accordance with binding legal procedures that may not be violated, failing which the ruling either becomes null and void or is vacated. In criminal matters, the court is required to:

- Establish that the accused has been fully informed of the criminal proceedings to be held before it;
- Conduct trials in public, except where it deems it appropriate to hold a hearing in camera to safeguard morals or protect witnesses and victims, especially children;
- Permit accused persons to seek the assistance of a lawyer and, if they have no criminal lawyer, it must appoint one to defend them;
- Permit accused persons and their lawyers to exercise their right to articulate statements and pleas as they see fit, and investigate any substantive legal defence and pleas that they put forward;
- Not take the silence of accused persons as evidence against them;
- Deliver reasoned judgements setting out all aspects and details of the proceedings, including the grounds for its judgement in the light of the conclusions drawn from its final investigation therein (art. 261 of the Code of Criminal Procedure);

(iii) No court may base its judgement on evidence derived from an unlawful procedure, in which regard article 253 of the Code of Criminal Procedure provides that:

- Judges must adjudicate cases in complete freedom on the basis of their own conviction. They may not, however, base their judgements on evidence not presented during a hearing. Any statement that is established to have been made by an accused person or witness under coercion or threat thereof is null and void and to be treated as unreliable;

(iv) Evidence on the basis of which accused persons are referred for trial may be oral evidence, excluding their own statements, in the form of testimony from witnesses or persons in possession of information; material evidence, such as items connected with the incident and seized from the possession of the accused or third parties; technical evidence, specifically expert reports on the examination of seized items, effects, fingerprints and so forth; and investigative and other material and circumstantial evidence. The court reaches its verdict on the basis of its satisfaction with all such evidence taken as a whole. It does not therefore rely on the statements of the accused if their integrity is suspect but may rely on other evidence if it is confident that its source is legitimate;

(v) The decisions, actions and rulings of the judiciary and the public prosecution are subject to numerous forms of control and internal supervision, including:

- The right to challenge judicial rulings by way of objection and appeal and subsequently to contest them before the Court of Cassation, which is the highest court in the judicial system and which is concerned with establishing whether judicial rulings have been correctly rendered in accordance with the law, and the right to seek a judicial review once a ruling becomes final and unappealable by the afore-mentioned methods;

- Judicial inspection of the courts and of the public prosecution, which involves scrutinizing the activities of judges and prosecutors in their respective areas of jurisdiction and taking necessary action where any violation of the law is found to have occurred, even if attributable to complacency or negligence. Under the Judiciary Act, furthermore, the Attorney General and the Supreme Judicial Council are empowered to punish and discipline those found to have committed an infringement or a violation.

*Observation No. 11 (c) (Detention and freedom of opinion)*

124. We affirm that persons in the Kingdom of Bahrain are arrested, detained or punished only for wrongdoings carried out in violation of Bahraini law and never on grounds of their rights-related or social activity or religious or other affiliation. Such persons are tried and sentenced on that basis to detention, imprisonment or other penalties set out in the Penal Code.

125. The exercise of the freedoms of expression, assembly and association is guaranteed by the Constitution of the Kingdom of Bahrain, as provided in article 28 (b) thereof, as well as by Act No. 18 of 1973 and Decree-Law No. 32 of 2006.

126. The inmates mentioned in the observation are in good health and enjoying all their rights. Nabeel Rajab has been released and has had the remaining term of his sentence replaced with the alternative non-custodial sentence described earlier.

127. Abduljalil Abdullah Yousef al-Singace, Abdulhadi Abdullah Habel al-Khawaja and Abdulwahab Hussain Ali Ahmed were all sentenced to life imprisonment pursuant to a definitive judgement in case No. 11/2011/1415 concerning an attempt to overthrow the ruling system.

128. The Office of the Ombudsman received a number of grievances from Abdulwahab Hussain, most recently in 2014.

129. Pursuant to a definitive judgement in case No. 20131171663, Naji Hassan Fateel was sentenced to a 15-year term of imprisonment on a charge of founding a terrorist group. He was also sentenced, pursuant to a definitive judgement in case No. 201548207, to a 10-year term of imprisonment for having committed the offence of deliberately destroying and setting alight public property intended for common benefit as well as the offence of using force and violence against public officials with the intent of compelling them to refrain from performing their official duties.

130. The report of the Office of the Ombudsman concerning the allegations made in the grievances submitted in their regard, which it examined and handled, is annexed hereto (annex 2).

## **Paragraphs 34 and 35**

*Observation No. 12 (a) (Domestic violence)*

131. Article 1 of the Domestic Violence Act No. 17 of 2015 defines domestic violence as “any act of abuse that occurs within the family setting and is perpetrated by one family member (the abuser) against another (the victim).” Each of the four types of abusive acts identified has its own definition, as follows:

- (i) Physical abuse: Any physical attack by any means on the victim
- (ii) Psychological abuse: Any attack, including slander and insult, that causes the victim to suffer psychological harm
  - Sexual abuse: As provided in this Act, any of the following acts carried out by the abuser against the victim: sexual assault or use of any means of coercion or exploitation to satisfy the sexual desires of the abuser or a third party
  - Exposing the victim to sexual materials or behaviour
- (iii) Economic abuse: Any act that deprives the victim, to their detriment, of their right or freedom to dispose of their assets.

132. For its part, the Bahraini Penal Code addresses women's protection from violence in all its physical and psychological forms, including spousal violence, in articles 333 to 356. Considered as one of the worst kinds of domestic violence, the physical abuse of a female spouse is grouped with assault offences in general, to which either men or women may be subjected, and with offences affecting the family in particular. Under the Penal Code, even the death penalty can be imposed for the offence if it is premeditated, committed against an ascendant of the offender, or accompanied by other circumstances covered in article 333 of the Code. In other cases where beating unintentionally leads to death, the perpetrator is punished by imprisonment for a term of up to 7 years (art. 336). If the assault is not sufficiently severe as to require a heavier penalty, the offender is punished by imprisonment for a term of up to 1 year or by a fine of up to 100 Bahraini dinars (BD).

133. The Bahraini Penal Code criminalizes harassment, threat and coercion.

*Observation No. 12 (b) (Domestic violence)*

134. The Supreme Council for Women has examined provisions of the Penal Code, including article 353 thereof, which exempts offenders from prosecution for rape if they marry the victim. In its detailed views transmitted to the Council of Representatives, the Supreme Council proposed that the article should be repealed. A bill on its repeal is still under consideration by the legislature.

135. With respect to article 334 of the Penal Code, of which it remains a part, the penalty is equally reduced for whichever spouse catches the other in the act of adultery.

*Observation No. 12 (c) (Domestic violence)*

136. The Ministry of Interior, in cooperation and discussion with all national stakeholders and directorates in all governorates of the Kingdom, has created offices for dealing with family issues and domestic violence (family protection offices), which are equipped to ensure that visitors to their premises enjoy privacy and confidentiality. The offices are staffed by personnel who are well qualified to handle family issues and cases of domestic violence and take all necessary action concerning allegations of violence against women, including domestic violence and sexual violence.

137. To ensure that such allegations are impartially and effectively investigated and offenders punished, the Women's Police Force and the family protection offices carry out the following:

- Verify the allegation and its seriousness
- Check whether the person making the allegation has any previous criminal record
- Confirm injuries (Women's Police Force only)
- Photograph injuries sustained from the assault, taking care to respect the woman's modesty
- Coordinate with the competent authority in sending victims to be examined without delay by a forensic physician
- Immediately inform the public prosecution of the incident
- Secure protection for victims, place them in domestic violence shelters or social care homes, such as Dar al-Aman and Dar al-Karamah, and provide them with humanitarian services
- Ensure periodic follow-up with the forensic physician until the victim recovers
- Provide rehabilitation for victims of violence at the family protection offices located in police stations
- Periodically follow up on the victim while the case is being heard until it ends with a ruling

*Observation No. 12 (d) (Domestic violence)*

138. As part of the implementation of procedures and measures set out in the Code of Criminal Procedure, the Victim and Witness Protection Office was established by a decision of the Attorney General to protect victims, witnesses and persons providing information relevant to cases from risks to which they are potentially vulnerable.

139. The Office examines and enforces orders for instituting protection in the manner prescribed by law on the basis of factually justified requests or where it becomes apparent to the investigator that the circumstances so require. It also enforces court decisions to institute protection for victims, witnesses and experts or persons close to them.

140. The Office is furthermore entrusted with helping to remedy psychological and moral damage incurred by victims as a result of crime. It cooperates with the two prosecution services that deal respectively with families and children and with trafficking in persons in enforcing the protection and care orders provided for in the Domestic Violence Act and the Trafficking in Persons Act, especially orders pertaining to women and children that are issued to coincide with investigations into such types of cases or orders issued by the court.

141. The Domestic Violence Act No. 1 of 2017 provides as follows:

- Protection orders: Orders issued by the public prosecution, the competent court or the investigating judge to protect victims as provided for in this Act;
- Article 14: On receiving a report of domestic violence, the public prosecution must produce a record comprising the following information:
  - Hour, date and place of receipt of the report;
  - Name and personal details of the person making the report;
  - Start and end times of the investigation;
  - Type of violence committed against the victim and any instruments used;
  - Information on children who are at risk of violence or who have witnessed violence or experienced violence against them;
  - Any other information concerning the circumstances, causes and consequences of the violence;
  - Any relevant documents that the victim wishes to have attached to the report.
- Article 15: The public prosecution may issue a protection order of its own accord or at the victim's request. The abuser is required to:
  - Have no contact with the victim;
  - Keep away from areas under protection and from anywhere mentioned in the protection order;
  - Refrain from damaging personal property belonging to the victim or any family member of theirs;
  - Enable the victim or the victim's representative to take possession of personal belongings;
  - A protection order must last for no longer than 1 month and, if breached or violated by the abuser, may be renewed by a lower criminal court for up to 3 months;
  - Either party to the dispute may file a grievance against a protection order within seven days of the date of being notified of it and request its cancellation or amendment. In the case of orders issued by the public prosecution, the grievance must be filed before a lower criminal court. As to orders issued by a lower criminal court, the grievance must be filed before the Higher Criminal Court sitting in its appeal capacity.

142. Through various means and mechanisms, a number of ministries, official institutions and civil society establishments provide domestic violence prevention and protection

services for women victims of violence and their families. Ranging from guidance, counselling and legal and psychological support to assessment, treatment, rehabilitation and shelter, these services are provided as follows:

- The Supreme Council for Women monitors the implementation of the National Strategy for the Protection of Women from Domestic Violence, which was launched in 2015 as a road map for comprehensive national action to protect women from violence and in fulfilment of the requirements for family stability as set out in the National Plan for the Advancement of Bahraini Women (2013–2022);
- A national unified and comprehensive database of domestic violence cases (Takatuf) is used to identify and monitor such cases;
- The Supreme Council for Women provides appropriate counselling for women victims of violence and points them towards the legal procedures that they can follow. It also sends those who are without shelter to Dar al-Aman, where they are temporarily accommodated, and offers legal assistance by acting as their legal representative before the shariah courts if they meet the applicable conditions;
- The Unified Framework for Family Counselling and Awareness Services (2019–2022) was launched as an organizational framework for combining official, non-governmental and private efforts to provide family conciliation, counselling and awareness services with a view to enhancing and increasing knowledge and understanding of family life, building a culture of healthy families with duties and responsibilities, promoting positive behaviour, and developing the life skills of young men and women to prepare them for the stages before, during and after marriage so that they can adapt to their new life and contribute to strengthening family cohesion in its overall sense;
- The Ministry of Interior receives complaints about domestic violence at the offices tasked with family and social care follow-up, which are part of the Women's Police Force and are located in the police directorates. It opens follow-up files and seeks amicable solutions for ensuring victim safety and preserving the family entity. Cases may be referred to the competent authorities for health services and forensic medical examinations. Victims of violence are referred to Dar al-Aman, which falls under the Ministry of Labour and Social Development;
- In 2017, a family protection office was established in the Muharraq Police Directorate and, following the success of the experiment, family protection offices were then set up in the police directorates in all governorates;
- Family counselling centres: Since 2007, the Ministry of Labour and Social Development has opened 10 family counselling offices in the social centres located throughout the country's governorates. Their aim is to provide preventive counselling, treatment and development services to Bahrainis so as to build their family skills, including in order to promote positive and effective communication within the family and help its members to resolve their psychological and social difficulties. In addition to laying on talks for those about to marry on forestalling marital problems and for parents on bringing up their children, the centres run specialized programmes for women victims of domestic violence. The social centres, rather than police stations, host visits for children of divorced parents in accordance with judicial orders;
- Dar al-Aman: Established in 2007, Dar al-Aman is a State-run social care institution that falls under the Ministry of Labour and Social Affairs. It provides temporary shelter for abused women, whether citizens or residents, and for their minor children, in addition to assessing cases and offering social and psychological support and legal advice to victims of violence. It takes in victims day and night and refers them to the competent authorities, depending on the type of case, either during or after their stay;
- The Child Protection Centre: Established in 2007, the Centre is a social care institution that falls under the Ministry of Labour and Social Development. It works to protect children, providing those up to the age of 18 years with a range of psychological, social, legal and preventive services to protect them from all forms of ill-treatment, neglect and sexual and psychological abuse and from severe lack of care. In

cooperation with relevant stakeholders, it offers protection for children who are subjected to ill-treatment at home or within the community; strives to rehabilitate families so that children can remain in the family setting, wherever possible, or be accommodated in a social care home where they and their family can be rehabilitated; raise awareness of child protection and children's rights among children and the community; and monitors the implementation of child protection laws and treaties. The free child helpline 998 was launched through the Centre and receives complaints from children;

- Civil society institutions have also played a pivotal role in providing services to abused women and their families and in raising community awareness of domestic violence. Non-exhaustive examples of these institutions include:
  - The Family Support Centre run by the Bahrain Women's Union: Established in 2008, the Centre delivers its services through a technical task force specializing in matters of personal status and domestic violence. It offers free legal advice, psychological support and social services to women victims of domestic violence, in conjunction with official stakeholders, and runs family awareness and education programmes for various community groups;
  - The Aisha Yateem Family Counselling Centre: Established in 2007, the Centre delivers its services through a social counselling unit, a psychological counselling unit and a legal counselling unit. It monitors court cases involving families affected by violence and domestic problems and operates a helpline offering immediate advice to abused women;
  - The Mawadah Family Consultation Centre run by the Association of Bahraini Women Social Workers: The Centre was opened in 2017 and offers various psychological, social, legal and family guidance services to abused women;
  - The Wadd Family Counselling Centre run by the Bahraini Women's Development Association: The Centre offers family counselling and psychological, social and legal services for families and abused women;
  - The Awal Legal Assistance Centre run by the Awal Women's Society: Opened in 1998, the Centre works to reduce domestic violence against women through a family and legal support office that provides assistance to affected women. The aim is to build cohesive families, help abused women to develop safety plans and tackle problems and challenges, and promote rehabilitation and social integration;
  - The Batelco Domestic Violence Care Centre: Established in 2005 with the support of the Bahrain Telecommunication Company (Batelco), the Centre provides assessment services and psychological and social support for women victims of domestic violence and also resolves problems in broken homes;
  - Shelter run by the Migrant Workers Protection Society: The shelter has been operating since April 2005, when it first began taking in female domestic workers of all nationalities who experience ill-treatment;
  - The Migrant Workers Protection and Support Centre: The Centre is affiliated with the Labour Market Regulatory Authority and was the first all-round centre to offer preventive and counselling services for migrant workers of both sexes. Its services include the provision of shelter for potential trafficking victims.

143. Stemming from the principle of community partnership, Dar al-Aman was established to provide free temporary shelter for abused women and their minor children. It is run by a civil society association and is supervised by the Ministry of Labour and Social Development.

144. The Family Counselling Group, which falls under the Social Welfare Department at the Ministry of Labour and Social Development, implements the articles of the Domestic Violence Act No. 17 of 2015, in cooperation with stakeholders in the Kingdom, as follows:

- It refers a number of the cases (involving physical and sexual abuse) identified by family counselling offices to the competent entities, such as the Child Protection

Centre and Dar Al-Aman so that legal action can be taken and necessary protection provided for the abused women;

- It takes on under-age juveniles transferred by police stations who have been involved in acts of violence in the community and gives them counselling and rehabilitation sessions once they have provided a written undertaking to the police that they will refrain from engaging in any further acts of violence;
- Through the family counselling offices dotted about the governorates of the Kingdom of Bahrain, it provides counselling for families experiencing problems and domestic violence in particular;
- Women family counsellors follow up on the cases of women at Dar al-Aman who have experienced violence, providing them with counselling services and psychological support and helping them to resolve their difficulties.

*Observation No. 12 (e) (Domestic violence)*

145. The Supreme Council for Women has conducted training programmes and specialized workshops to enhance competence and further build the capacities of men and women working in police stations and social centres in the area of prevention, protection and rehabilitation for both sexes. The training courses forming part of the Council's support programme include one on listening to women victims of domestic violence and another on listening to child victims of sexual, psychological and physical violence.

146. The Aisha Yateem Family Counselling Centre is also intending to work on and organize training programmes for university students and to carry out research and studies on family and psychological counselling. It is currently conducting a field study on the situation of family services in the Kingdom of Bahrain.

147. The Ministry of Labour and Social Development endeavours to deliver services and take measures to reduce domestic violence by providing and disseminating ample information about family counselling, treatment, rehabilitation and shelter, about how to access these services and about the entities that offer them. It also organizes training programmes and talks on domestic violence for law enforcement officials, judges and prosecutors.

148. During the coronavirus disease (COVID-19) pandemic, the Supreme Council for Women continued its advisory and awareness support and provided live family guidance and counselling as well as legal services, thanks to the communication channels developed for the Women's Support Centre, in particular a virtual consulting programme offering video sessions and live chats on the Supreme Council's website. It was therefore possible to respond remotely to queries and requests for support and guidance.

149. As part of the "Together for the safety of Bahrain" campaign, the Supreme Council for Women worked with the national team set up to fight the COVID-19 virus and coordinated with the Ministry of the Interior to carry out the following:

- Settle financial debts and sums owed by Bahraini women with judicial rulings against them who were included in the lists posted by the Ministry of the Interior on the Fael Khair (Benefactor) application;
- Initiate procedures for returning women to their families, especially as some of those in debt are family breadwinners or have chronic diseases and are in need of care to preserve their health.

150. Many of those employed in the country's ministries and institutions to address cases of domestic violence receive skills training in how properly to handle such cases. A workshop for those specializing in families and their problems was held, together with a workshop on family protection aimed at improving the resourcefulness of personnel and equipping them to deal with families and with children experiencing violence or difficulties. The workshop was attended by a number of police officers whose job it is to receive reports on such matters. Several community awareness programmes were also organized to help protect families from physical, psychological and sexual violence of all kinds. Care has been taken to ensure that these programmes are diverse, outstanding in quality and innovative and that modern

counselling methods are used. Numerous groups have benefited from them, such as students, social workers, teachers, Ministry of Education officials and administrators, staff of care homes for parents, men and women in local communities, and family counsellors. Information talks on counselling services are organized for all community groups so that everyone is aware that they can access the services provided by the Family Counselling Group, including counselling for families experiencing violence.

151. Talks and programmes are offered for those about to embark on marriage with the aim of preparing them to establish a modern family attuned to life's requirements, reducing the divorce rate and creating stable family lives.

152. The Ministry of the Interior continually directs utmost attention and focus towards organizing a greater number of human rights training programmes for its personnel. It also endeavours to send them on external human rights training courses run by outside entities, including international organizations and the General Secretariat of the Cooperation Council for the Arab States of the Gulf, and in addition sends a number of its officers to study human rights at the postgraduate level in universities at home and abroad.

153. Paying keen attention as always to international conventions and their provisions, the Ministry of the Interior is engaged in developing security work and in training law enforcement officials in accordance with the latest international standards by ensuring that they participate in courses, seminars, conferences, workshops and awareness talks on the subject. Training on the absolute prohibition of torture is mandatory for all public officials coming into contact with persons deprived of their liberty, including law enforcement personnel and those conducting interrogations, as from when they first start and continuing on right through to their current ranks.

## Article 10

### *Observation No. 13 (a) (Strengthening of capacity-building)*

154. Human rights training programmes for officials of the Ministry of the Interior are being intensified.

155. The Ministry's officials are sent to participate in a range of external courses run by outside entities, such as international organizations and the General Secretariat of the Cooperation Council for the Arab States of the Gulf.

156. A number of its officers are sent to study human rights at the postgraduate level in universities at home and abroad.

157. The Ministry of the Interior is engaged in developing security work and in training law enforcement officials in accordance with the latest international standards.

158. Training on the absolute prohibition of torture is mandatory for all public officials coming into contact with persons deprived of their liberty, including law enforcement personnel and those conducting interrogations, as from when they first start and continuing on right through to their current ranks.

159. The effectiveness of its training programmes and courses is assessed by means of questionnaires that are circulated to all concerned staff and persons having benefited from the programmes.

160. Training courses are held as instructed and their implementation is followed up in the Ministry's annual training course programme to meet the training needs of the competent authorities once the effectiveness of the training provided to the public officials concerned has been assessed by their departments.

161. Periodic and ongoing refresher courses on the Code of Conduct for Police Officers are held for all members of the Public Security Forces.

162. Training courses on the rules on use of force and use of weapons in general are organized for their benefit and the Ministry also calls on the International Committee of the

Red Cross to give talks to those working in correctional and rehabilitation centres about checking on the treatment of inmates and hearing their complaints.

163. The Ministry of Justice has also held training courses for judges and prosecutors. Over the past four years, an extensive and comprehensive training programme, designed in 2012 in tandem with the Siracusa International Institute for Criminal Justice and Human Rights of Italy, has been implemented. As part of the programme, internationally renowned experts delivered talks on international human rights standards, minimum standards for criminal justice, and the rule of law. The training programme also included a study of cases in some European courts and on-site visits to judicial bodies in Switzerland, Austria, France and Italy. The most striking feature of the programme was its integrated approach, which promotes openness among the authorities involved in investigations and prosecutions relating to torture and ill-treatment, improving coordination in turn. As such, the training took place in small groups composed of law enforcement officials from the judiciary, the public prosecution and the police. Judges and prosecutors are also continually sent to attend training courses outside the country.

164. The training of judges and prosecutors is extremely important and, for that reason, a comprehensive strategic training plan has been developed on the basis of two key areas of focus. The first is training for new judges and prosecutors and the second is ongoing and targeted training for judges and prosecutors already employed in the judiciary. The salient features of this plan are set out below.

165. Three training courses were implemented in agreement with the aforesaid Siracusa Institute in Italy. All 60 judges and prosecutors participating in the three courses received 10 days of intensive theoretical training at the Institute's headquarters. During that time, they met with a group of top Arab and international experts in human rights, criminal justice, international humanitarian law and international criminal law. They also visited a number of law enforcement agencies in southern Italy, which they followed with a field trip to various European capitals in order to visit national and international judicial institutions and meet their counterparts.

166. The Ministry of Justice and the Supreme Judicial Council have also conducted a series of studies in conjunction with reputable international bodies, such as the Slyn Foundation in the United Kingdom and the Bingham Centre for the Rule of Law. The aim of these studies is to develop and strengthen the capacity of judges and prosecutors in protecting the fundamental rights of individuals in criminal proceedings.

167. The Supreme Judicial Council contracted international experts to design training courses tailored to the needs of members of the judiciary, which are being implemented jointly with the Institute for Judicial and Legal Studies and a number of international institutions and organizations, including the United Nations Development Programme and the United Nations Office on Drugs and Crime.

168. Taking into account the importance of continuous national human resources training, Bahrain has invited non-governmental organizations specializing in torture prevention and monitoring to provide training for judges and prosecutors in combating torture. Training workshops on the prevention and punishment of torture under the Convention are arranged for government officials, parliamentarians, prosecutors and other stakeholders involved in the implementation of measures relating to the prevention, monitoring and punishment of torture.

169. The public prosecution runs its own training programmes, in which context prosecutors have visited numerous courts and judicial institutions in Europe, notably the Court of Cassation in Italy and the Colmar Court of Appeal in France, and had meetings with Italian, French, German and United Kingdom prosecutors. They have also visited the Office of the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross in Geneva, the European Court of Human Rights in Strasbourg and the Court of Cassation in France, where they met the French Public Prosecutor. They similarly travelled to the Berlin Court, where they attended the proceedings of a court hearing and met with the German Public Prosecutor.

170. At the domestic level, the Institute for Judicial and Legal Studies offers basic and continuing training for all Bahraini law enforcement personnel. Since 2012, it has provided special training for all judges and prosecutors on international human rights standards, criminal justice, prevention of torture and upholding of the rule of law. In 2014, the Institute signed an agreement of understanding with the Siracusa International Institute for Criminal Justice and Human Rights, which included the formulation of a comprehensive plan to hold continuing training programmes for members of the judiciary and lawyers at the Institute's main office in Bahrain so as to better their skills and experience in the areas of criminal justice and upholding of the rule of law. The programme is currently delivered through seminars and workshops that are ongoing throughout the year. In an effort to build its relationship with international institutions and organizations involved in judicial and legal training, the Institute signed a cooperation agreement with the United Nations Office on Drugs and Crime for designing a training programme to further strengthen the capabilities of members of the judiciary and legal personnel for fighting crime. Several workshops and seminars have been held.

171. For its part, the American Bar Association has had an office at the Ministry of Justice, Islamic Affairs and Endowments since 2004 and has cooperated on numerous programmes for the development of judicial training and training for lawyers in arbitration, mediation, case management and criminal justice, especially in relation to restorative justice, as well as in safeguards for accused persons, the Juveniles Act, protection of accused persons from ill-treatment, and the development of procedures for the protection of witnesses and experts.

*Observation No. 13 (b) (Strengthening of capacity-building)*

172. Paying keen attention as always to international conventions and their provisions, the Ministry of the Interior is developing security work and training law enforcement officials in accordance with the latest international standards by engaging them in training courses, seminars, conferences, workshops and awareness talks on the subject. Training on the absolute prohibition of torture is mandatory for all public officials coming into contact with persons deprived of their liberty, including law enforcement personnel and those conducting interrogations, as from when they first start and continuing on right through to their current ranks.

*Observation No. 13 (c) (Strengthening of capacity-building)*

173. In assessing the effectiveness of its training programmes and courses, the Ministry of the Interior circulates questionnaires to all concerned staff and persons having benefited from the programmes. It then analyses and studies them so as to develop training programmes for use by schools, institutes and those of its departments that run courses. It also runs training courses as instructed and follows up on their implementation in the Ministry's annual training course programme to meet the training needs of the competent authorities once the effectiveness of the training provided to public officials concerned has been assessed by their departments.

*Observation No. 13 (d) (Strengthening of capacity-building)*

174. The Code of Conduct for Police Officers issued by the Ministry of the Interior pursuant to Ministerial Decision No. 14 of 2012 is drawn from international best practices and the United Nations Code of Conduct for Law Enforcement Officials and is intended to promote the principles of transparency, justice, equality and accountability. The Code provides that continuing training for all public security personnel, irrespective of rank, is a key right ensuring that police officers perform their duties in the best possible manner, in an environment of financial and psychological stability, thereby assisting them in that endeavour and in advancing their worthy mission. Training courses are a prerequisite for promotion and the award of other benefits.

175. The Ministry of the Interior holds periodic and ongoing refresher courses on the Code of Conduct for Police Officers for all members of the Public Security Forces. One of the most important course subjects is training in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Training courses on the rules on use of force and use of weapons in general are organized in addition to their benefit and the Ministry also calls on

the International Committee of the Red Cross to give talks to those working in correctional and rehabilitation centres about checking on the treatment of inmates and hearing their complaints.

## Article 11

### Paragraphs 22 and 23

#### *Observation No. 14 (a) (Detention facilities and supervision thereof)*

176. New accommodation blocks have been built to alleviate overcrowding and house inmates comfortably, serving in turn to strengthen correctional programmes. Designed to house twice as many inmates and constructed to modern building standards, multistorey blocks 15, 21, 22 and 23 are now complete. A new clinic building has also been opened to provide necessary and advanced medical care for inmates, in addition to which a field hospital was built inside the Correctional and Rehabilitation Centre (block 18) and used during the COVID-19 pandemic.

177. Old buildings with shared toilet facilities and implications for the adequacy of care are no longer in use. Inmates have been housed in modern new buildings that are compliant with relevant standards and provide all comforts. Inmates have their own private toilet facilities in their rooms and are given nutritionally balanced and varied meals to keep them healthy and meet their needs, in accordance with article 29 of the Correctional and Rehabilitation Institution Act and article 2 of its implementing regulation. Local and international companies have been engaged to supply and evaluate such meals, and buildings have a constant supply of drinking water to which inmates have unrestricted access and which cannot be used against them as a means of torture or pressure. Inmates are always able to receive visits from their family members in the places designated for the purpose. No such visits have been halted or restricted without good reason, although they were temporarily suspended as a precautionary measure during the COVID-19 pandemic to protect inmates and their family members from the risk of contracting the virus. This was offset, however, by the introduction of a video communication system via social media that allows inmates sufficient contact with their families and the outside world, which they themselves welcomed.

178. The Correctional and Rehabilitation Institution recently became the first such institution in the Middle East to win a global award from Bureau Veritas, a company specializing in international quality standards with respect to the implementation of and compliance with COVID-19 health and safety protocols. We would stress that no inmates in the centre have been infected with COVID-19.

#### *Observation No. 14 (b) (Detention facilities and supervision thereof)*

179. Please see the reply to observation No. 14 (a).

180. The Ministry of Health works in partnership with the Ministry of the Interior to improve the health of detainees in all prisons and provide high-quality health services that meet their needs while in prison. To that end, health services, including emergency services and outpatient, primary health care and public health clinics, are put to optimal use.

181. Follow-up teleconsultation appointments are arranged for all detainees at outpatient clinics or with consultant physicians to protect them from exposure to COVID-19. Necessary medications are dispensed to detainees in line with Ministry of Health protocols.

182. The Ministry of Health has focused on performing checks required by the Ministry of Interior to maintain safety for detainees, such as water and environmental safety checks. It cooperates in applying the health policy vis-à-vis communicable disease among prisoners and in assessing all medical and health services in prison clinics.

183. In collaboration with the Ministry of the Interior, the necessary facilities have been put in place for conducting ongoing and random testing and implementing measures to isolate persons infected with COVID-19 in designated locations. There has also been cooperation to

transfer detainees in need of more expert or intensive medical care to specialist government hospitals.

*Observation No. 14 (c) (Detention facilities and supervision thereof)*

184. Act No. 18 of 2017, concerning alternative penalties and measures, constituted an important qualitative leap forward by lawmakers towards decisively addressing practical problems associated with implementation, some of them relating to the personal circumstances of accused persons and others to appropriateness in the choice of measures. Following the example of international legislation and experiences that have proved successful, the Act prescribes other types of penalties to allow judges greater scope for discretion and to choose alternatives to custodial penalties, where necessary and as called for by factual and personal circumstances.

185. The Act also permits the public prosecution and judges, as an alternative to detaining accused persons in custody pending investigation, to order use of any of the measures for which it provides in their respect, in accordance with the rules set out in the Act and without affecting the course of justice.

186. The alternative penalties consist of community service, house arrest, exclusion from a specific place or places, non-contact with specific persons or entities, electronic tagging, reporting to a police station at set times, attending rehabilitation and training programmes, and paying compensation for damage arising from the offence.

187. The alternative penalties to detention in custody are house arrest, where the accused person is obliged to reside in a specific location and forbidden to leave it, reporting to a police station at set times, exclusion from a specific place or places, non-contact with specific persons or entities, and electronic tagging.

188. The perceived benefits of the Act are described below.

189. The Act allows judges wider scope for prescribing non-custodial sentences. It also makes it possible for judges and the public prosecution to replace detention in custody with alternative measures, which can alleviate overcrowding in prisons. Convicted persons can instead simply either be monitored, be excluded from places so as to forestall any problems conducive to offending, be required to compensate victims or other injured parties for damage arising from an offence or to perform community service, or be sentenced to other alternative penalties and measures. The new law undoubtedly benefits accused persons and their families, especially if they are the family breadwinners and receive a custodial sentence that will affect the family's stability and livelihood.

*Observation No. 14 (d) (Detention facilities and supervision thereof)*

190. The centres run by the Correctional and Rehabilitation Institution work to rehabilitate inmates physically, psychologically and intellectually so that they become productive members of society who can make a contribution towards building the country's future. To that end, focus is placed on re-evaluating the behaviour of inmates so as to reinforce the positives and eliminate the negatives and on developing their talents, practical skills and untapped potential, which are then harnessed in the right direction. The centres also offer, and oversee the implementation of, educational, rehabilitative, sports and health programmes and seek to uphold the rights of inmates, preserve their human dignity and avoid undermining it in any way. They are further tasked with enforcing punishment applicable to inmates in accordance with the law and public order.

191. With that in mind, and given the crucial role of these centres, the Ministry of the Interior has accorded particular attention to the Department of Correction and Rehabilitation, redeveloping and modernizing its premises and upgrading its equipment to ensure that correctional programmes employ state-of-art methodologies and are compliant with the latest international standards.

192. Under the country's laws, national supervisory bodies are empowered to monitor the extent to which the Correctional and Rehabilitation Institution and similar institutions achieve the aforementioned objectives. Article 63 of the Correctional and Rehabilitation

Institution Act furthermore authorizes the following to visit and inspect centres, examine their records and receive and hear complaints or grievances from any inmate:

- (i) The President of the Court of Cassation
- (ii) The Attorney General
- (iii) The President of the High Court of Appeal
- (iv) The President of the High Criminal Court
- (v) The President of the High Civil Court
- (vi) The judge for the enforcement of sentences
- (vii) Prosecutors, within their respective areas of jurisdiction

193. Article 5 of the National Institute for Human Rights Act provides that the Institute may, in accordance with established procedures governing human rights monitoring, visit the sites of correctional institutions, detention facilities, workers' gatherings and health-care and educational establishments, or any other public place suspected of being a site of human rights violations. Visits are periodically scheduled, as the Ministry of the Interior welcomes cooperation with the National Institute and is keen to facilitate its tasks and coordinate its periodic visits to the various centres.

194. The Office of the Ombudsman is authorized to visit prisons, juvenile care facilities and places of custody and detention to ascertain the legality of confinement and ensure that no inmates, detainees or persons in custody are being subjected to torture or inhuman or degrading treatment.

195. The Special Investigation Unit, pursuant to article 6 of the Attorney General's Decision No. 26 of 2013 issuing directives on the Unit's activities, may conduct periodic or unannounced inspections of prisons and places of detention at any time and on more than one occasion in connection with offences under investigation.

196. Established pursuant to Decree No. 61 of 2013, the Prisoners and Detainees Rights Commission has jurisdiction to monitor prisons, places of detention, juvenile care facilities and other places where persons may be held, such as hospitals and psychiatric clinics, in order to ensure that inmates and detainees are not subjected to ill-treatment. The Commission comprises judges, prosecutors and representatives of civil society organizations.

197. The Internal Audit and Investigations Department of the Ministry of Interior is competent to receive complaints and reports about the Ministry's civilian and military personnel as part of ensuring compliance with the country's laws and with the policing standards provided for in the Code of Conduct for Police Officers, within a general framework of respect for human rights, the principles of justice and the rule of law.

*Observation No. 14 (e) (Detention facilities and supervision thereof)*

198. During the period 2017-2019, the Prisoners and Detainees Rights Commission conducted 10 visits, both announced and unannounced, to places of detention to inspect conditions and check on the treatment of detainees as well as listen to their statements and any observations or complaints that they might have. The Commission's task forces also gather information by directly examining and reviewing relevant documents in line with established inspection criteria. Recommendations are then made and submitted to the Cabinet for consideration as to whether to instruct the concerned authorities to implement them.

199. All inspection visit reports are published on the Commission's website.

**Paragraphs 24 and 25**

*Observation No. 15 (a) (Violence, rules on use of force and their limits as a deterrent)*

200. In line with procedures, a team from the Office of the Ombudsman went to the Correctional and Rehabilitation Centre and interviewed 124 inmates, 15 of whom had submitted complaints to the Office, mostly about irregular contact with family members. The Office established that the inmates had access to their full legal rights and enjoyed the care

guaranteed to them by law. Another finding was that the irregular contact with family members experienced by some inmates was due to a backlog created because various pieces of equipment had stopped working after being smashed by certain inmates, who were consequently disciplined (annex 3).

201. In 2015, the Special Investigation Unit investigated an allegation by a group of inmates at the Jaw Correctional and Rehabilitation Centre that they had been beaten by personnel of the Centre during an attempt by the Public Security Forces to control a large crowd of inmates who were creating mayhem and going on the rampage, destroying and occupying buildings and setting some of them alight, and attacking and resisting members of the Public Security Forces, one of whom they attempted to kill. Following the investigation, 13 accused members of the Public Security Forces, including an officer, were referred to the competent criminal court, which convicted 10 of them for having physically attacked others while performing their duties.

202. In 2019, the Special Investigation Unit investigated an incident in which several inmates of the Jaw Correctional and Rehabilitation Centre had been physically assaulted immediately after the administration of the Centre had detained two officers and members of the Public Security Forces for having beaten a number of inmates while performing their duties. It listened to the testimony of all the assault victims and of other inmates, as it saw fit, as well as to that of the governor of the Centre as the person responsible for supervising the accused persons and taking control of the incident. In his testimony, the governor asserted that the accused persons had acted alone, without legal justification and out of step with the approach pursued in correctional and rehabilitation centres, which is aimed at respecting and promoting human rights. The forensic medical reports made available by the Unit established that some of the victims had sustained injuries and provided information about how the injuries had occurred and on what date. The Unit ultimately referred 12 accused members of the Public Security Forces, including 2 officers, to the competent court, which convicted 5 of them, including a first lieutenant, for the offence of carrying out physical attacks while performing their duties.

203. The Special Investigation Unit received no complaints and identified no cases of collective punishment in the Jaw Correctional and Rehabilitation Centre in 2017 or the Dry Dock Detention Centre in 2016.

*Observation No. 15 (b) (Violence, rules on use of force and their limits as a deterrent)*

204. The Correctional and Rehabilitation Institution Act No. 18 of 2014 provides in article 59 that force may not be used in dealing with inmates and persons in custody except where necessary to prevent acts of violence or attempted escape or to stop resistance or disobedience.

205. Article 56 of the same Act provides that disciplinary punishments imposed on detainees who breach rules while in detention must be tiered, with solitary confinement for a period of up to 7 days as the maximum. Collective punishment does not feature among the punishments to which detainees may be subjected.

*Observation No. 15 (c) (Violence, rules on use of force and their limits as a deterrent)*

206. Article 47 of the Correctional and Rehabilitation Institution Act No. 18 of 2014 provides that:

- “Inmates shall have the right of recourse to the competent judicial bodies and to lodge complaints and petitions with the director or deputy director of the Institution, the procedures for which shall be established by the implementing regulation.”

207. The Office of the Ombudsman was established as an independent office at the Ministry of the Interior pursuant to Decree No. 2 of 2012, as amended by Decree No. 35 of 2013.

208. The Prisoners and Detainees Rights Commission, which performs its functions in an entirely free, impartial, transparent and independent manner, was established pursuant to Decree No. 61 of 2013. Aimed at guaranteeing the rights of detainees, those functions are defined in the Decree as follows:

- (i) Visit inmates in prisons, detention centres, care facilities for juveniles and detainees and other places where persons may be detained, such as hospitals and psychiatric clinics, and seek information about their conditions of detention and their treatment;
- (ii) Visit places where the aforementioned inmates are detained to verify their compliance with international standards;
- (iii) Conduct interviews and converse freely with inmates in their places of detention and with other concerned persons so as to understand the nature and significance of their problems;
- (iv) Notify the competent authorities of cases of torture or cruel, inhuman or degrading treatment that it may uncover;
- (v) Make recommendations and proposals to the competent authorities for improving conditions for inmates and bettering their treatment.

209. The punishment of inmates or persons in custody is subject to the provisions and procedural rules provided for in articles 52 to 58 of the Correctional and Rehabilitation Institution Act No. 18 of 2014, as detailed in the implementing regulation thereof issued by the Minister of the Interior in his Decision No. 131 of 2015. The administration of the centre is thus enabled to instil discipline and preserve the rights of inmates and persons in custody.

210. As the authority competent to investigate and handle all allegations of torture or ill-treatment by members of the Public Security Forces, the Special Investigation Unit is the main guarantee of human rights within the centres run by the Correctional and Rehabilitation Institution. If it finds that such members, in dealing with inmates, have violated provisions of the law or of decisions regulating the right to use force or firearms, thereby acting unlawfully, it may immediately take legal action by referring them –including those in leadership positions, to whom the principle of leadership responsibility applies – for criminal prosecution.

*Observation No. 15 (d) (Violence, rules on use of force and their limits as a deterrent)*

211. National legislation has been enacted to establish monitoring bodies tasked with guaranteeing the rights of detainees and prisoners, reducing the incidence of any ill-treatment in places where persons are deprived of their liberty, and eliminating impunity for such offences. Examples of such bodies include:

- The Special Investigation Unit, which was established by the Attorney General pursuant to his Decision No. 8 of 2012 and which investigates and handles all allegations of killing, torture and ill-treatment made against law enforcement officials;
- The Office of the Ombudsman, which was established pursuant to Decree-Law No. 27 of 2012, as amended;
- The National Institute for Human Rights, which was established by Act No. 26 of 2014;
- The Prisoners and Detainees Rights Commission, which was established by Act No. 61 of 2014;
- The Human Rights Committee of the Ministry of the Interior which was established by Decision No. 92 of 2018.

212. The Correctional and Rehabilitation Institution Act No. 18 of 2014 provides with respect to guaranteeing the rights of detainees and prisoners that the President of the Court of Cassation, the Attorney General, the President of the High Court of Appeal, the President of the High Criminal Court, the President of the High Civil Court, the judge for the enforcement of sentences and prosecutors within their respective areas of jurisdiction may visit and inspect correctional and rehabilitation centres, examine their records, check that no one is being unlawfully detained, receive and hear complaints and grievances from any inmate or person in custody, and ensure that all orders issued by the public prosecution and the investigating judge, as well as judicial rulings, are being enforced in the prescribed manner.

213. The centres run by the General Directorate for Correction and Rehabilitation include offices that deal exclusively with verbal and written complaints and requests received from inmates or detainees for legal action to be taken accordingly. Written complaints must be deposited in the designated complaint boxes of the Office of the Ombudsman or the Directorate. Complaint boxes for families of inmates and detainees are similarly available in the buildings where visits take place. Inmates may also always lodge complaints by contacting the monitoring authorities directly.

*Observation No. 16 (Investigations with regard to allegations of sexual abuse)*

214. Some online sites posted allegations that Ms. Ebtisam al-Saegh had been physically abused. The Office of the Inspector General of the National Security Agency, which has legal jurisdiction and is independent and impartial, therefore took up Ms. al-Saegh's complaint relating to claims that she had been subjected to abuse. We wish to make the following clarifications:

- No formal complaint was filed with the Office by Ms. al-Saegh, her representative or any of her family members. She simply posted her allegations online and no more;
- The Inspector General summoned Ms. al-Saegh's husband to determine the truth of the allegations made by his wife and he admitted that she had never mentioned anything to him while she was under arrest about having been subjected to any abuse;
- The Special Investigation Unit began its procedures in respect of Ms. al-Saegh's allegations that she had been subjected to abuse by listening to her statements and ordering her to be seen by its forensic physician and its psychiatrist. She was not found to have sustained any injuries, although she refused to be examined by the Unit's (female) forensic physician. Nor was she found to be suffering from any psychiatric illness or symptoms. The Unit requested the judicial police to investigate the incident and completed its investigations by questioning the person who had questioned the complainant, who denied that the allegations made were true. The Unit therefore closed the investigation for lack of evidence.

215. During the period under review, the Office of the Ombudsman received complaints from two inmates of the Directorate for Correction and Rehabilitation in which it was alleged that they had been sexually harassed. Both complaints were duly referred to the Special Investigation Unit.

216. Allegations received by the Unit from inmates and persons in custody were about physical and verbal abuse only. The Unit has taken legal action against the persons responsible for those offences by referring them for criminal or disciplinary prosecution as provided by law and in accordance with relevant international agreements and standards.

217. By its own account, the Unit received only two complaints in 2018 and 2019 from the Office of the Ombudsman alleging that the two inmates had been sexually assaulted in the Jaw Correctional and Rehabilitation Centre. It took all necessary investigative measures, such as arranging forensic medical examinations, hearing witnesses and examining security camera footage. It finally closed the investigation, having concluded that the allegations were untrue, based on the fact that the statements had been forwarded and were uncorroborated by any other evidence.

### **Paragraphs 30 and 31**

*Observation No. 17 (a) (Monitoring of places of detention)*

218. National legislation has been enacted to establish monitoring bodies tasked with guaranteeing the rights of detainees and prisoners, reducing the incidence of any ill-treatment in places where persons are deprived of their liberty, and eliminating impunity for such offences. Examples of such bodies are provided below.

219. The Special Investigation Unit, which was established by the Attorney General pursuant to his Decision No. 8 of 2012, and which investigates and handles all allegations of killing, torture and ill-treatment made against law enforcement officials.

220. The Office of the Ombudsman, which was established pursuant to Decree-Law No. 27 of 2012, as amended.
221. The National Institute for Human Rights, which was established by Act No. 26 of 2014.
222. The Prisoners and Detainees Rights Commission, which was established by Act No. 61 of 2014.
223. The Human Rights Committee of the Ministry of the Interior which was established by Decision No. 92 of 2018.
224. Article 63 of the Correctional and Rehabilitation Institution Act No. 18 of 2014 provides that the President of the Court of Cassation, the Attorney General, the President of the High Court of Appeal, the President of the High Criminal Court, the President of the High Civil Court, the judge for the enforcement of sentences and prosecutors within their respective areas of jurisdiction may visit and inspect correctional and rehabilitation centres, examine their records, check that no one is being unlawfully detained, receive and hear complaints and grievances from any inmate or person in custody, and ensure that all orders issued by the public prosecution and the investigating judge, as well as judicial rulings, are being enforced in the prescribed manner.
225. The centres run by the General Directorate for Correction and Rehabilitation include offices that deal exclusively with verbal and written complaints and requests received from inmates or detainees for legal action to be taken accordingly. Written complaints must be deposited in the designated complaint boxes of the Office of the Ombudsman or the Directorate. Complaint boxes for families of inmates and detainees are similarly available in the buildings where visits take place. Inmates may also always lodge complaints by contacting the monitoring authorities directly. The Special Investigation Unit points out that, in accordance with the procedural safeguards established for the protection of detainees and inmates and the principles relating to the effective investigation and documentation of offences of torture and ill-treatment established in the Istanbul Protocol, it listens in private to complaints from inmates and persons in custody, with no members of the Public Security Forces present, either in its offices at the Jaw Correctional and Rehabilitation Centre or at its offices in a separate building away from all executive and judicial authorities.

*Observation No. 17 (b) (Cooperation with United Nations human rights mechanisms)*

226. The Kingdom of Bahrain has adopted a number of advanced pieces of national legislation and established national protection mechanisms as part of a sophisticated network for promoting and protecting human rights that ultimately promotes just and effective remedies. It seeks to cooperate with all the different international human rights mechanisms, such as treaty committees, working groups and the Office of the United Nations High Commissioner for Human Rights, in addition to special procedures. As explained in numerous United Nations forums, the Kingdom of Bahrain has begun implementing the recommendations of the Bahrain Independent Commission of Inquiry, some of which relate to topics associated with functions similar to those of special rapporteurs, including with respect to combating torture and to redress. The Kingdom will consider the matter of extending an invitation to special rapporteurs, taking into account the trajectory of enormously positive developments and the Kingdom's achievements in the area of human rights, especially in connection with the Convention against Torture.
227. With regard to ratification of the Optional Protocol to the Convention, the Kingdom of Bahrain is in the process of joining the Group of Friends of the Optional Protocol.

## Articles 12 and 13

### Paragraphs 28 and 29

#### *Observation No. 18 (a) (Supervisory mechanisms and their independence)*

228. The Kingdom of Bahrain has undertaken numerous reforms and decisive measures to protect human rights, prevent violations or infringements and hold any perpetrators accountable. It has established national mechanisms for redress that are vested with broad powers and are fully autonomous, with their own budgets and independent administrative and functional structures. They are empowered to receive and examine complaints and to refer them to the competent authorities for necessary action. Thanks to their effectiveness and credibility demonstrated over the years of work since each of them was established, they have won the confidence of the public.

229. Articles 22 to 42 of the Code of Criminal Procedure promulgated by Decree-Law No. 46 of 2002, as amended, govern the general rules on civil claims relating to criminal proceedings. In particular, a civil claim may be brought by persons who have previously been threatened with torture, as is provided in article 22 bis of the Code, which states that: “Persons claiming to have been subjected to reprisal for having previously alleged that they had been subjected to torture or to other cruel, inhuman or degrading treatment or punishment may, where reprisal constitutes an offence, bring a civil case against the accused during the evidence-gathering or investigation stages or at any point up until the closure of pleadings before the court that is hearing the criminal proceedings. Such cases shall be inadmissible before appeal courts.”

230. Where the reprisal takes a form that is not punishable under criminal law, the civil courts have jurisdiction.

231. Article 47 of the Correctional and Rehabilitation Institution Act No. 18 of 2014 provides that:

- “Inmates shall have the right of recourse to the competent judicial bodies and to lodge complaints and petitions with the director or deputy director of the Institution, the procedures for which shall be established by the implementing regulation.”

232. Article 30 of Decision No. 131 of 2015, concerning the implementing regulation of the Correctional and Rehabilitation Institution Act No. 18 of 2014, provides that:

- “Inmates and persons in custody shall have the right to complain to the judicial and security authorities of the Kingdom of Bahrain, the Office of the Ombudsman and the director of the Correctional and Rehabilitation Institution. The administration of each centre shall situate two complaint boxes in a prominent location in the buildings where inmates and persons in custody are held. The first box shall be for complaints addressed to the Office of the Ombudsman and the second for complaints addressed to the judicial and security authorities and the director of the Institution;
- The director of the Institution shall, immediately on receipt, forward complaints submitted to him to the head of the relevant centre for investigation and remedy. In relation to other complaints, the director shall contact the relevant bodies in writing and inform the inmate or person in custody of the action taken;
- The head of the relevant centre shall, within seven days from the date of referral, make a decision on complaints forwarded to him by the director of the Institution and inform the individual concerned (the inmate or person in custody) of the action to be taken. Inmates and persons in custody have the right to file a grievance with the direction of the Institution within seven days from the date of being informed of the action to be taken in respect of their complaints. The director shall decide to accept or dismiss the grievance within seven days of its submission.

#### *Observation No. 18 (b) (Supervisory mechanisms and their independence)*

233. Article 81 bis of the Code of Criminal Procedure provides for a mechanism that enables human rights institutions to refer complaints among themselves to ensure that there

is no overlap of competence. The public prosecution exercises its jurisdiction to consider allegations relating to the torture, inhuman or degrading treatment, or death connected therewith, of an accused person, witness or expert during the evidence-gathering or investigation stages or during the conduct of proceedings before the court. In other cases, the public prosecution exercises its jurisdiction with regard to the Public Security Forces on the basis of matters referred to it by the Ombudsman or the Inspector General, as the case may be. This is a clear legal safeguard to ensure that there is no overlap of competence. To avoid any such overlap among the Office of the Ombudsman, the Department of Internal Investigations at the Ministry of the Interior, the Prisoners and Detainees Rights Commission and the Special Investigation Unit, their mandates are defined as follows:

- Decree No. 2 of 2012, as amended by Decree No. 35 of 2013, regulates the functions and responsibilities assigned to the Office of the Ombudsman, which are essentially to receive and examine any complaints of wrongdoing made against members of the security forces;
- Article 6 of the same Decree states that, at the proposal of the Ombudsman, the Minister of the Interior may issue necessary decisions to coordinate the work of the Office of the Ombudsman and the Department of Internal Investigations at the Ministry of the Interior in connection with the exercise of their respective functions;
- The Ombudsman is also empowered to direct, supervise and monitor the Department of Internal Investigations at the Ministry of Interior, including in respect of the distribution of work relating to complaints, as provided in article 3 of Decree No. 27 of 2012, as amended by Decree No. 35 of 2013, thereby ensuring that there is no overlap of competence;
- In accordance with Decree No. 61 of 2013 establishing the Prisoners and Detainees Rights Commission, which is competent to monitor prisons, detention centres, care facilities for juveniles and detainees and other places where persons may be detained, such as hospitals and psychiatric clinics, so as to seek information about the conditions of detention for inmates as well as about their treatment to ensure that they are not subjected to torture or inhuman or degrading treatment;
- A memorandum of understanding was signed between the Office of Ombudsman and the Special Investigation Unit on the organization of investigative mechanisms and cooperation between the two to ensure that there is no overlap of competence;
- A memorandum of understanding was signed between the Office of the Ombudsman and the National Institute for Human Rights on the organization of cooperation between the two to ensure that that there is no overlap of competence.

*Observation No. 18 (c) (Supervisory mechanisms and their independence)*

234. Article 63 of the Correctional and Rehabilitation Institution Act No. 18 of 2014 provides that the President of the Court of Cassation, the Attorney General, the President of the High Court of Appeal, the President of the High Criminal Court, the President of the High Civil Court, the judge for the enforcement of sentences and prosecutors within their respective areas of jurisdiction may visit and inspect correctional and rehabilitation centres, examine their records, check that no one is being unlawfully detained, receive and hear complaints and grievances from any inmate or person in custody, and ensure that all orders issued by the public prosecution and the investigating judge, as well as judicial rulings, are being enforced in the prescribed manner.

235. The Office of the Ombudsman has its own complaint boxes at correctional and rehabilitation centres and custodial facilities for women and at police stations. It is also directly supervising the process of making complaint boxes available in all correctional and rehabilitation centres so that every inmate has the opportunity to make complaints to it without having to involve anyone working at the centres. The Office is responsible for examining such complaints and for meeting inmates at the centres to hear their statements in its own separate investigation room.

236. Apart from written and verbal complaints made to prison governors and provided for in article 64 of the Code of Criminal Procedure, the Special Investigation Unit receives

complaints concerning allegations of incidents of torture or ill-treatment in correctional centres. To ensure a speedy investigation and the safety of those making the allegations, such complaints can be received by any means, such as by telephone, in which case the reports are officially logged, or via social media platforms or the Unit's email address, and can be made by the complainants themselves or by their family members or any person who knows of the offence. The Unit takes its usual legal steps to ascertain the veracity of the allegations and also takes all requisite measures to maintain the safety of those making the allegations and ensure that they face no reprisals.

237. By its own account, the Unit, in the final third of the past decade, identified and received 43 complaints either by telephone or electronically, in addition to written complaints from victims, their family members and all concerned authorities in the Kingdom.

*Observation No. 18 (d) (Supervisory mechanisms and their independence)*

238. The Code of Conduct for Police Officers issued by the Ministry of the Interior pursuant to Ministerial Decision No. 14 of 2012 is drawn from international best practices and the United Nations Code of Conduct for Law Enforcement Officials and is intended to promote the principles of transparency, justice, equality and accountability. Listed in the Code as a key duty of police officers is the zero tolerance of torture and other forms of ill-treatment, which they may not excuse by invoking superior orders or exceptional circumstances such as a state of war or a threat to national security as a justification of torture.

239. In line with its operational instructions, the Unit is empowered to have persons who may have engaged in torture or ill-treatment removed from any position that gives them, directly or indirectly, any influence or authority over victims, witnesses or their families. In that context, it may request the competent authorities to suspend officials from duty until investigations are completed to ensure that the progress of the investigations is not hindered by way of their functional authority.

240. In 2019, while the Unit was investigating a case involving the ill-treatment of inmates at the Jaw Correctional and Rehabilitation Centre by officers and members of the Public Security Forces, a decision was made to suspend two accused officers from duty until the end of the investigations. The two officers and some of the individual members were referred for criminal prosecution, with the result that the competent court convicted five suspects, including a first lieutenant, for the offence of carrying out physical attacks while performing their duties.

*Observation No. 19 (a) (Handling of complaints)*

241. During the period under review, the number of complaints submitted to the Office of the Ombudsman rose to 1,512. After examining and investigating these complaints, the Office referred 323 of them, amounting to roughly 21 per cent of the total, to the competent disciplinary authority, the public prosecution and the Special Investigation Unit. The Office also received 2,686 requests for assistance, which reflects the growing confidence in the Office and contradicts what is stated in the observation.

*Observation No. 19 (b) (Handling of complaints)*

242. Since its establishment, the Special Investigation Unit has carefully examined all allegations of torture or ill-treatment made to international bodies and taken necessary legal steps to determine their accuracy. During its more than eight years of activity, the Unit has received no complaint of reprisals against persons, whether deprived of liberty or not, for having made allegations to an international authority or body.

243. In 2020, by its own account, the Unit checked an allegation received from a number of rapporteurs of the Office of the United Nations High Commissioner for Human Rights, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, that the convicted persons Mohammed Ramadan and Hussain Moosa had been psychologically tortured while at the Jaw Correctional and Rehabilitation Centre. The Unit immediately went to meet them, listened to their statements and took all of its usual legal steps in respect of the allegation. Neither of the two claimed during the investigations

to have been subjected to any reprisals, notwithstanding that the Unit had been alerted to the complaint by an international body.

244. With respect to the allegation that detainees were made to sign documents stating that they refused to go to hospital, meaning that they had no medical examination, that no injuries of theirs were documented and that they were prevented from receiving medical treatment to which they were entitled by law, the Unit received no complaints of inmates or persons in custody being forced to sign declarations stating that they did not wish to be taken to see the competent judicial or technical authorities.

## **Article 14**

### **Paragraphs 28 and 29**

#### *Observation No. 20 (Compensation)*

245. The perpetrator of any wrongful act that causes injury to a third party is obliged to compensate for such injury. If the act constitutes an offence punishable by law, it gives rise – in addition to civil proceedings for compensation – to criminal proceedings to punish the perpetrator as prescribed by law for the offence. Each of the proceedings is separate from the other. The first are undertaken by the injured party before the competent civil court, as provided in the Code of Civil and Commercial Procedure, and the second by the public prosecution before the criminal courts, as provided in the Code of Criminal Procedure.

246. With respect to the offences of torture and ill-treatment, a single act forms the basis for both civil and criminal liability. In that event, article 22 of the Code of Criminal Procedure permits injured parties, during the evidence-gathering or investigation stages or at any point up until the closure of pleadings, to bring civil proceedings against the accused before the court hearing the criminal proceedings for a decision that accords with the decision reached in those proceedings. If the civil plaintiff is admitted in the investigation, the referral of the criminal case to the court includes the civil case.

247. This neither affects the independence of the criminal and civil proceedings nor precludes injured parties from filing their case before the originally competent civil court if they so wish. Injured parties may also go so far as to abandon their cases filed before the criminal court and revert to filing them before the civil court, as provided in article 38 of the Code of Criminal Procedure.

248. Article 22 bis of the Code of Criminal Procedure states that persons claiming to have been subjected to reprisal for having previously alleged to have been subjected to torture or to other cruel, inhuman or degrading treatment or punishment may, where reprisal constitutes an offence, bring a civil case against the accused during the evidence-gathering or investigation stages or at any point up until the closure of pleadings before the court that is hearing the criminal proceedings. Where the reprisal takes a form that is not punishable under criminal law, the civil courts have jurisdiction.

249. The Unit states for the record that the functions of the Victims and Witnesses Affairs Division include helping to remedy psychological and moral damage that may be suffered by victims, their family members, witnesses or anyone who gives information relevant to cases over which the Unit has jurisdiction. To that end, it offers necessary psychological support and guidance on legal means of compensation, in line with the Unit's objectives as provided in its operational instructions, which are to ensure reparation and fair compensation for injured parties.

250. At the proposal of the national committee established to follow up on the implementation of the recommendations of the report of the Bahrain Independent Commission of Inquiry, the Government of the Kingdom of Bahrain adopted the civil settlement initiative to compensate victims of the events of February and March 2011, without prejudice to the right of victims who do not accept a consensual settlement to seek redress in the civil courts and without in any way affecting criminal accountability. The Civil Settlement Office has initiated compensation in 52 cases, including the 35 cases mentioned in the report of the Bahrain Independent Commission of Inquiry, as well as in 17 other cases

not covered in the report that, in the Office's view, merited compensation. A compensation budget in the sum of BD 3.120 million, or approximately US\$ 8.296 million, was authorized for all cases approved for compensation by the committee and the sums were disbursed to recipients who had accepted a civil settlement in full. With regard to cases of injury, consideration of requests submitted to the Civil Settlement Office has begun in order to determine eligibility for compensation. The final report received on such cases included the scale of injury in each. On that basis, compensation in the sum of BD 363,000, equivalent to approximately US\$ 965,217, was paid in 50 cases.

## Article 16

### Paragraphs 36 and 37

#### *Observation No. 21 (Situation with regard to corporal punishment)*

251. The Ministry of Education is responsible for supervising and monitoring private educational institutions, including kindergartens, to ensure that they are compliant from both the educational and administrative perspectives with the provisions of Decree-Law No. (25) of 1998 concerning private educational and training institutions and with decisions issued in implementation thereof so that children enjoy a safe environment and are not subjected to violence or ill-treatment. Corporal punishment is prohibited in educational and private institutions.

252. Article 5 (iii) of the regulations on student discipline at all academic levels in State and private schools, issued by Decision No. 99/mim 'ayn nun/2017, provides as follows: "Violations: (a) Verbal, gestured and physical abuse directed at students, teaching or administrative staff, or school or ministry employees;"

253. Abuse in all its forms is prohibited. The punishments meted out for it do not include corporal punishment.

254. All alternative care facilities and shelters run by the Ministry of Labour and Social Development are established on the basis of current laws and ministerial decisions. They are directly supervised to ensure that quality services are provided, that the recipients of such services enjoy their full rights and that corporal punishment is not practised on them. These facilities are visited by members of the Prisoners and Detainees Rights Commission and of the National Institute for Human Rights to ascertain the correctness of procedures, listen to inmates and pinpoint any violations or infringements.

255. Article 1 of the Domestic Violence Act No. 17 of 2015 defines domestic violence as "any act of abuse that occurs within the family setting and is perpetrated by one family member (the abuser) against another (the victim)."

256. Security forces personnel and law enforcement officials generally continue to attend a variety of vocational and training programmes to enhance their awareness and knowledge of best legal practices to be followed in performing their duties and to further build their capacity to discharge their responsibilities as part of the Kingdom's commitment to the application of human rights standards. Highly qualified human rights experts are engaged as lecturers to assist in that endeavour. Those personnel and officials are also subject to a robust legal system underpinned by the Constitution, legislation and international treaties, especially those relating to human rights. The Code of Conduct for Police Officers, for example, is based on the Code of Conduct for Law Enforcement Officials adopted pursuant to United Nations General Assembly resolution 34/169 and forms part of the system for combating torture, which is an offence punishable by law.

257. To ensure that human rights are protected and neither violated nor undermined in the Kingdom of Bahrain and that perpetrators are held accountable, the national legislation permits all persons detained in custody, in accordance with article 30 of the implementing regulation, to submit complaints to the country's judicial and security authorities and to the Office of the Ombudsman and the director of the Correctional and Rehabilitation Institution. The administration of each centre situates two boxes in a prominent location in the buildings where inmates and persons in custody are held. The first box is for complaints addressed to

the Office of the Ombudsman and the second is for complaints addressed to the judicial and security bodies and the director of the Institution.

#### **Paragraphs 40 and 41**

*Observation No. 22 (Status of the request by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit the State party and the status of requests of any other special procedure mandate holders)*

258. Please refer to the reply to observation No. 17 (b).

#### **Other issues**

*Observation No. 23 (Anti-terrorism measures and human rights observance)*

259. In continuing its anti-terrorism strategy, the Kingdom of Bahrain remains committed to international laws and treaties such as the United Nations conventions on terrorism, the Arab Convention for the Suppression of Terrorism, and the Convention of the Cooperation Council for the Arab States of the Gulf on Combating Terrorism, all of which embody principles and strategies aimed at achieving justice and protecting human rights in a way that balances the rights of accused persons with the rights of victims' families.

260. Pursuant to Decree-Law No. 50 of 2020, a committee was established to combat extremism, terrorism, the financing of terrorism, and money-laundering, in which regard it is competent to propose policies and to coordinate, consolidate, review and periodically reinvigorate national public efforts.

261. It makes proposals concerning the classification of individuals and entities and their inclusion on the country's terrorism lists.

262. It assesses the risks associated with extremist ideology, terrorism and money-laundering.

263. It proposes legislation and regulations for combating extremism and terrorism.

264. On 21 April 2019, a royal order was issued to confirm the nationality of 551 persons whose citizenship had been revoked under article 24 bis of Act No. 58 of 2006 concerning the protection of society from terrorist acts.

265. A number of training courses on these matters were organized for law enforcement officials, including, for example:

- Training courses on the Code of Conduct for Police Officers;
- A human rights diploma course run by the Royal Academy of Police, which has already produced five sets of graduates, with a sixth currently about to graduate.

*Observation No. 24 (Combating terrorism in emergency situations such as the COVID-19 pandemic)*

266. Torture and other forms of cruel, inhuman or degrading treatment or punishment are an offence under articles 208 and 232 of the Penal Code. The Kingdom of Bahrain has established several protective mechanisms and adopted a Code of Conduct for Police Officers as part of a system for combating that offence and punishing perpetrators by law. In the face of the COVID-19 pandemic and the damage caused by its spread, the country took proactive steps to protect against violence through introducing precautionary and preventive measures, in compliance with its international treaty obligations, and promptly responding to the needs of Bahraini women and families. These measures have helped to sustain the efficiency of the social protection and economic systems and the judicial and family counselling services. Initiatives have included a unified framework programme for family counselling and awareness services, which is a comprehensive integrated system for all official, non-governmental and private services offered to Bahraini women and families with a view to promoting cohesion and stability. The aim of the programme is to develop services and legislation in the interest of Bahraini women and families and to secure and protect the sustainability of family cohesion by building the communication skills of family members,

fostering harmony among them and enabling their access to the best possible guidance, mentoring and protection, in line with relevant best applications and practices appropriate to the culture and specificity of Bahraini families and society.

267. The Kingdom has not disregarded the impact of the COVID-19 pandemic on the inmates of correctional and rehabilitation centres and, in the light of current circumstances, has taken the decisions and measures described below.

268. Reflecting his keenness to promote a spirit of tolerance, strengthen fraternal bonds among members of the community and instil hope for convicted persons, the King issued a decree granting a royal pardon to 901 individuals and applying alternative sentences to 585 others. A total of 1,486 inmates were released, in conformity with the law and the principles of international human rights conventions.

269. Medical examinations were performed free of charge on those included in the royal pardon and no cases of COVID-19 infection were recorded.

270. An application was facilitated in respect of a permit allowing the national carrier (Gulf Air) to evacuate to their home countries 544 aliens of different nationalities who were included in the royal pardon.

271. A video communication service was set up for the mutual benefit of inmates and their family members, with 10,320 video calls made since the start of the pandemic.

272. Inmates of correctional and rehabilitation centres were moved around into new buildings and all buildings in such centres were sterilized and disinfected daily. Inmates were also provided with medical and hygiene supplies.

273. Medical isolation centres were created in correctional and rehabilitation centres and custodial facilities, including those for women, and a building in the Correctional and Rehabilitation Centre was designated as a field hospital.

274. A video consultation service was provided for inmates so that their health could be checked while maintaining social distancing.

275. The Office of the Ombudsman created a mechanism for receiving complaints by email or via smart applications available free of charge through Google Play or the App Store. It also has a WhatsApp number that can be used to communicate with it.

276. The National Institute for Human Rights carried out inspection visits to correctional and rehabilitation centres to review the human rights situation and the medical care provided to inmates in the light of the precautionary measures taken by the administration of each centre as part of national efforts to contain the spread of the virus. The conclusions set out in the Institute's statement are as follows below.

277. The precautionary and preventive measures introduced by the administration of each centre are exemplary and up to the international standards recommended by the World Health Organization to contain the spread of the virus.

278. Medical personnel are readily available to provide necessary medical care and services.

279. There are no cases of the virus among inmates.

280. New inmates undergo the necessary medical checks, are placed in quarantine and subsequently admitted to centres after it has been confirmed that they are virus-free.

281. Appropriate medical examinations are performed on inmates, including those given a royal pardon, while in the centres and before their release.

282. All personnel and officers on duty are screened before entering the building to prevent transmission of the virus to inmates.

283. Usual visits to all inmates have been replaced with video calls.

284. Talks on prevention are provided for all inmates, who are also shown videos on how to prevent the virus from spreading.

285. The entire building is disinfected daily and sanitizers are also provided daily, together with personal protective equipment, to all inmates.

286. With regard to hospitals, homes for older persons and institutions for persons with mental and psychological disabilities, the days and number of visiting hours in public hospitals have been reduced and all patients, visitors, workers and medical personnel are required to wear a medical mask in hospitals.

287. The Correctional and Rehabilitation Institution recently became the first such institution in the Middle East to win a global award from Bureau Veritas, as indicated above in observation No. 14 (a).

### **General information on the other measures and developments relating to the implementation of the Convention in the State party**

*Observation No. 25 (Provision of relevant statistical information relevant to the implementation of the Convention)*

288. Act No. 4 of 2021, concerning restorative justice for children and their protection from abuse, constitutes a qualitative addition to the modern-day legislative and judicial system and implementing procedures guaranteeing children's rights, the protection of children from ill-treatment, exploitation and emotional, physical and spiritual neglect, and care for their health, education and social well-being.

289. The Victim and Witness Protection Office was established as part of the implementation of the Code of Criminal Procedure, including the procedures and measures set out therein, to protect victims, witnesses and persons providing information relevant to cases from risks to which they are potentially vulnerable.

290. Act No. 18 of 2017, concerning alternative penalties and measures, was enacted to keep pace with the most modern democracies and their penal policies aimed at deterring crime and reintegrating offenders into society, at avoiding the shortcomings identified in studies on conventional punishments and their adverse effects, and at realizing the principle of individualized punishment, in line with thinking on criminal justice and with international instruments and treaties. Since 16 May 2018, a total of 2,842 men, women and minors have thus far benefited from alternative sentences, which 1,934 persons have finished serving. A number of convicted inmates have been pardoned and released by royal decree after serving part of the sentences handed down to them.

#### **Decrees granting pardon in 2017**

<i>Number of male and female inmates</i>	<i>Date of issuance of the decree</i>
82	11 December 2017
153	21 August 2017
211	26 May 2017

#### **Decrees granting pardon in 2018**

<i>Number of male and female inmates</i>	<i>Date of issuance of the decree</i>
89	14 December 2018
132	15 August 2018
155	14 June 2018

#### **Decrees granting pardon in 2019**

<i>Number of male and female inmates</i>	<i>Date of issuance of the decree</i>
269	15 December 2019
64	5 October 2019

<i>Number of male and female inmates</i>	<i>Date of issuance of the decree</i>
105	8 August 2019
167	3 June 2019

### **Decrees granting pardon in 2020**

<i>Number of male and female inmates</i>	<i>Date of issuance of the decree</i>
29	30 July 2020
154	22 May 2020
901	12 March 2020
169	15 December 2020

### **Decrees granting pardon in 2021**

<i>Number of male and female inmates</i>	<i>Date of issuance of the decree</i>
91	12 April 2021

## **Conclusion**

291. The report is within the word count limit (21,200 words) and, to compensate for this brevity, the delegation of the Kingdom of Bahrain will, during the consideration of the report and as part of interacting positively with the Committee, provide further information confirming that the Kingdom of Bahrain is intent, in terms of legislation, policy and action, on fulfilling its obligations with respect to the implementation of the Convention against Torture.