

INSIDE JAU

Government Brutality in Bahrain's Central Prison

May 2015

Americans for Democracy



& Human Rights in Bahrain

BIRD
BAHRAIN INSTITUTE FOR
RIGHTS & DEMOCRACY



مركز البحرين لحقوق الإنسان
Bahrain Center for Human Rights

INSIDE JAU

Government Brutality in Bahrain's Central Prison

May 2015

©2015, Bahrain Institute for Rights and Democracy (BIRD), Americans for Democracy and Human Rights in Bahrain (ADHRB) and the Bahrain Center for Human Rights (BCHR). All rights reserved.

Bahrain Institute for Rights and Democracy

The Bahrain Institute for Rights and Democracy (BIRD) is a non-profit organisation focusing on advocacy, education and awareness for the calls of democracy and human rights in Bahrain.

www.birdbh.org

Americans for Democracy and Human Rights in Bahrain

Americans for Democracy and Human Rights in Bahrain is a non-profit, 501(c)(3) organization based in Washington, D.C. Through engagement with U.S. government officials, intergovernmental actors, activists, and the public, we seek to foster awareness of and support for democracy and human rights in Bahrain.

1001 Connecticut Ave. Northwest, Suite 205
Washington, DC 20036
202.621.6141
United States
www.adhrb.org

Bahrain Center for Human Rights

The Bahrain Center for Human Rights (BCHR) is a non-profit, non-governmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the authorities in November 2004 to close, the BCHR is still functioning after gaining a wide local and international support for its struggle to promote human rights in Bahrain.

www.bahrainrights.org

CONTENTS

SUMMARY.....	4
INTRODUCTION.....	6
METHODOLOGY.....	7
JAU PRISON CONDITIONS.....	8
BEFORE 10 MARCH.....	8
MARCH 2015:.....	15
PRISON RIOT AND POLICE RESPONSE.....	15
EVALUATION.....	24
RESPONSES TO THE INCIDENTS AT JAU PRISON.....	25
CONCLUSION.....	27
RECOMMENDATIONS.....	29
ANNEX.....	31
LEGAL FRAMEWORK.....	31
NATIONAL HUMAN RIGHTS INSTITUTIONS.....	35

SUMMARY

On 10 March 2015, a riot broke out in Jau Prison, as some prisoners aggressively protested their treatment in the increasingly overcrowded and unsanitary living conditions. Although only a minority of inmates participated in the riot, Bahraini authorities responded *en masse* and with excessive force. They fired tear gas into enclosed spaces and beat inmates indiscriminately. Once security forces had regained control of the prison, they continued to physically and mentally torture the inmates, insulting them and depriving them of food and sleep. Some inmates were specifically targeted and subjected to enforced disappearance elsewhere in the prison. Police who hesitated to abuse the prisoners were reprimanded and transferred. Though the prison director was present during the entire operation, he did nothing to stop the violence.

The situation has improved only slightly since March. While the authorities have restored some visitation and communication rights, they have failed to address any of the underlying issues. These ongoing problems include the criminalization of dissent, over-incarceration, uninhabitable prison conditions, the deprivation of essential healthcare, and the abusive practices of prison staff.

Jau Prison is the largest male, long-stay prison in Bahrain, but it cannot compensate for the deeper problems of the country's criminal justice system. The prison population has continued to increase alongside the rate of incarceration, and these will continue to grow so long as the judicial system criminalizes peaceful acts of assembly, association and expression. As a product of this over-incarceration, juveniles, human rights activists, and members of the political opposition serve prison time alongside actual criminals, resulting in substantial overcrowding of a prison designed to only contain dangerous criminal offenders; every additional political prisoner puts further pressure on the rapidly deteriorating living conditions.

This report finds that:

1. Prison staff and police continue to subject inmates to torture and humiliating and degrading treatment. This includes physical beatings, the deprivation of food and sleep, enforced disappearance, collective punishment, the use of tear gas and birdshot guns in close quarters, violation of communication and visitation rights, and the deprivation of adequate medical attention to inmates.
2. Physical and mental abuse is further compounded by overcrowded and unsanitary conditions. Inmates sleep in dirty cells or on floors littered with waste, and infectious diseases like scabies quickly spread among the prison population. Juveniles are forced to share cells with adults and do not receive the necessary protections afforded them under the Convention on the Rights of the Child.
3. When the prisoners complained, peacefully protested, and ultimately rioted, police responded with excessive force. When the authorities had regained complete control of the prisons on 10 March, they collectively punished the entire prison population with torture and humiliation, practices that have yet to cease at the time of this report's writing.

4. The Government of Bahrain has failed to address the situation at Jau. External police reinforcements were directly involved in the ill-treatment of inmates, and the prison director was physically present in prison buildings during periods of ill-treatment. The government has thus far failed to hold accountable any police officer, prison official or member of the Ministry of Interior.

Based on these observations, the Bahrain Institute for Rights and Democracy (BIRD), the Bahrain Center for Human Rights (BCHR) and Americans for Democracy and Human Rights in Bahrain (ADHRB), call upon the Government of Bahrain to transparently address the existing failures in its prison system and hold accountable police officers and prison officials responsible for violence and torture. We further call on the Government of Bahrain to stop imprisoning individuals exercising their human rights and release all political prisoners.

INTRODUCTION

Jau Prison is the largest long-stay male prison in Bahrain. According to the Ombudsman of the Ministry of Interior, Jau has an official maximum capacity of 1201; today, conservative estimates suggest that at least 2700 inmates are being held there. Of this excess, most are political prisoners convicted on charges related to the freedoms of expression, assembly and association.

This overcrowding has aggravated Jau's already-poor living conditions. Juveniles are forced to share cells with adults, prison cells and toilets are unsanitary, the healthcare facilities are inadequate and the clinic is not equipped to deal with emergency situations. Visitation rights are also extremely limited, as prison authorities retain full control of when families are able to visit the detainees. Visiting families may arrive at the prison to find their relative has been denied permission to attend the scheduled meeting. Oftentimes, prison staff harass visitors prior to their departure.

The use of both physical and psychological torture is systematic. At its worst, these practices have led directly to death: in November 2014, prison staff severely beat a 35-year-old inmate and left him in solitary confinement, where he died overnight.

Inmates have protested peacefully against overcrowding and ill-treatment in the past, staging small demonstrations in the courtyards and going on hunger strike. But on 10 March 2015, conditions at Jau Prison reached a breaking point. When news spread of a violent altercation between a family and a police officer in the visitation centre, inmates rioted and began to blockade their buildings in protest.

The police subdued the inmates with excessive force. After the riot had ended, police abuse continued for weeks, and is still ongoing at the time of this writing. Inmates have been kept in unsanitary conditions. Sleeping in tents, they are subjected to Bahrain's harsh desert climate without adequate air conditioning or even clothes. Some inmates were specifically separated from the rest and subjected to torture or especially cruel and degrading treatment. In the weeks following, the prison authorities barred families from all contact with inmates.

The outside world was only made aware of what occurred through social media, as inmates filmed the assault with contraband mobile phones. This window into Jau was short-lived, however; within hours, prison officials rounded up and destroyed all phones in the prison. However, recently released inmates have provided further details on the abusive situation.

The Government of Bahrain has not permitted any public independent inspection of the prison since 2005. It has also blocked requested visits by the UN Special Rapporteur on Torture on at least two separate occasions. Yet the events in Jau show that there has never been a more pressing time for such a visit. The Government of Bahrain's response to the events in Jau Prison has been inadequate. It has failed to prosecute police and prison officials for crimes committed against inmates, and has not effectively responded to inmate complaints. The prison riot has been the greatest test thus far for the National

Institution for Human Rights, the Ombudsman of the Ministry of Interior and the Prisoners and Detainees Rights Commission, whose responses have also been significantly lacking.

The events in Jau Prison reflect the state of Bahrain's political situation today, four years after the Arab Spring protests which shook the country in 2011. No meaningful dialogue occurred in the intervening years, and all the leaders of the political opposition and civil rights movements are currently in prison, most of them in Jau. There can be no substantial reform in Bahrain unless these leaders are released and engage directly in negotiations on a national level. Yet, the indiscriminate torture and the excessive force employed against unarmed inmates by police reflects the absence of any political will to take such actions.

METHODOLOGY

The information provided in this report is sourced primarily from anonymous testimony provided to BIRD, BCHR and ADHRB by persons incarcerated in Jau Prison prior to and during the period of abuse. BIRD, BCHR and ADHRB have supplemented this testimony with information received from over 60 complaints and information sent to the organisations from the families of inmates at Jau Prison. The report also uses and reproduces photographs from within Jau Prison taken by inmates using contraband mobile phones, which police collected and destroyed on 10 March.

Analysis of the conditions in Jau Prison is based on the careful application of pertinent international law as applied to the situation, including the UN Covenant on Civil and Political Rights, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the UN Convention on the Rights of the Child, the UN Standard Minimum Rules for the Treatment of Prisoners, UN Standard Minimum Rules for Non-Custodial Measures, UN Standard Minimum Rules for the Administration of Juvenile Justice and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

JAU PRISON CONDITIONS BEFORE 10 MARCH

In the past four years, the prison population at Jau has more than doubled. As a result of the criminalisation of the freedoms of expression, association and assembly, there has been a rapid escalation in politically motivated convictions. In Bahrain, the criminal justice system relies primarily on confessional evidence in order to prosecute defendants. To secure the necessary evidence in politically-motivated cases, security forces have come to rely on torture and coercive interrogation techniques.¹ This chapter looks at three interconnected consequences of these criminal justice trends for the inmates at Jau: overcrowding, poor health and sanitation, and abusive prison staff conduct.

Overcrowding



Inmates sleeping in prison corridors due to overcrowded cells. Jau Prison, Bahrain.

Jau Prison has been substantially overcrowded for at least two years. After his visit in 2013, the Ombudsman calculated the only official figures on the prison population. His office reported that the prison had a capacity of 1201 persons, but housed 1608, representing that Jau prison was approximately 34% over capacity by official numbers. At the time of Ombudsman's visit in 2013, Jau Prison was composed of seven housing buildings, a visitation centre, and several administrative buildings. Since 2013, three new buildings have been constructed to house inmates, for which no data exists. However, inmates

¹ For a detailed analysis of Bahrain's dysfunctional judicial system, see Human Rights Watch, *Criminalizing Dissent, Entrenching Impunity: Persistent Failures of the Bahraini Justice System Since the BICI Report*, 2014, <http://www.hrw.org/reports/2014/05/28/criminalizing-dissent-entrenching-impunity>.

report that new construction efforts have been unable to alleviate overcrowding, as new incarcerations quickly fill the newer buildings with inmates.

Inmates in Building 4 state that overcrowding began to seriously impact their quality of life by the end of 2013. They attest that their cells, which were made for six inmates each, housed as many as twelve persons sleeping on the bed and floor. According to photographic evidence taken with illicit mobile phones, the prison is now so overcrowded that inmates are forced to sleep in hallways between cells; some are even forced to sleep in the prison mosques.

Fig. 1 shows the prison population increase since 2013. The great concentration of inmates appears to be in Buildings 1, 3, 4 and 6, where the events of the March prison riot were concentrated.

Building 3 and Building 6 are purposed to hold young adult and juvenile prisoners, but due to the severe overcrowding these young inmates are routinely forced to share cells with adults. Juveniles do not receive adequate protection or separation from adult prisoners, and are effectively prevented from continuing their education. In one case, a juvenile inmate failed a school year because the prison authorities did not allow him to attend his final examinations.

This great overcrowding is due in large part to the anti-terrorism law, which prescribes incarceration for a great range of peaceful activity, including participation in protests, political activity, human rights work, and the exercise of certain acts of free speech. Courts may sentence individuals to up to seven years for “insulting the King”, whether through a public speech or in a Tweet. In 2014, over 70 individuals were sentenced to life imprisonment under Bahrain’s broad anti-terrorism law.²

Nearly all of these politically-motivated charges stand in contravention to the International Covenant on Civil and Political Rights (ICCPR), which Bahrain has acceded to and which prescribes the universal rights to assembly, association, expression and participation in public affairs. In a dysfunctional judicial system reliant on confessional evidence often extracted under duress, these laws serve to incarcerate substantial numbers of human rights activists, politicians, political activists, and street demonstrators along with real criminals. The associated increase in the prison population does not reflect a sudden rise in criminal activity, but rather the purposeful criminalisation of peaceful activities.

² Human Rights Watch, “Bahrain”, in *World Report 2015*, 2015, <http://www.hrw.org/world-report/2015/country-chapters/bahrain>.

Table 1: Increase in Prison Population, 2013-2015³

Building	Total Capacity	Actual population, September 2013	Estimated population, March 2015	Comments
1	132	193	250	
2	408	511	511*	
3	72	154	250	Holding inmates ages 18-21
4	456	612	1020	Building 4 holds many political prisoners
5	112	121	489*	
6	13	13	175	Expanded in 2014 to house juveniles under 18
7	8	4	13	Bahrain 13, who were held in isolation in Building 6 at the time of the Ombudsman's visit, were transferred to Building 7 in 2014
8	Unknown	N/A	Unknown	Built in 2014
9	Unknown	N/A	Unknown	Built in 2014
10	Unknown	N/A	Unknown	Built in 2014; Over 100 inmates were transferred to Building 10 after 10 March

³ No published statistics regarding Buildings 8, 9 or 10 exist at the time of writing. If the two-thirds increase in figures is indicative of the remaining prison buildings, then there may be close to 3000 inmates currently in Jau, more than twice its intended capacity. Figures for 2013 reproduced from Ombudsman, *Ombudsman's Report on the Visit to the Correction and Rehabilitation Centre (Jau Prison)*, 2014, p. 6. Estimated figures for 2015 are based on correspondence and interviews with inmates.

* Based on estimate of 1000 inmates in Buildings 2 and 5 combined. Most of these inmates are probably in Building 2, which has a larger capacity than Building 5. In order to make as few assumptions as possible, the figure has been split relatively evenly between the two Buildings.

Total	1201	1608	2695	Total capacity and 2015 estimates exclude Buildings 8, 9 and 10.
-------	------	------	------	--

Fig. 1: Prison Population Increase 2013-15, Buildings 1-7

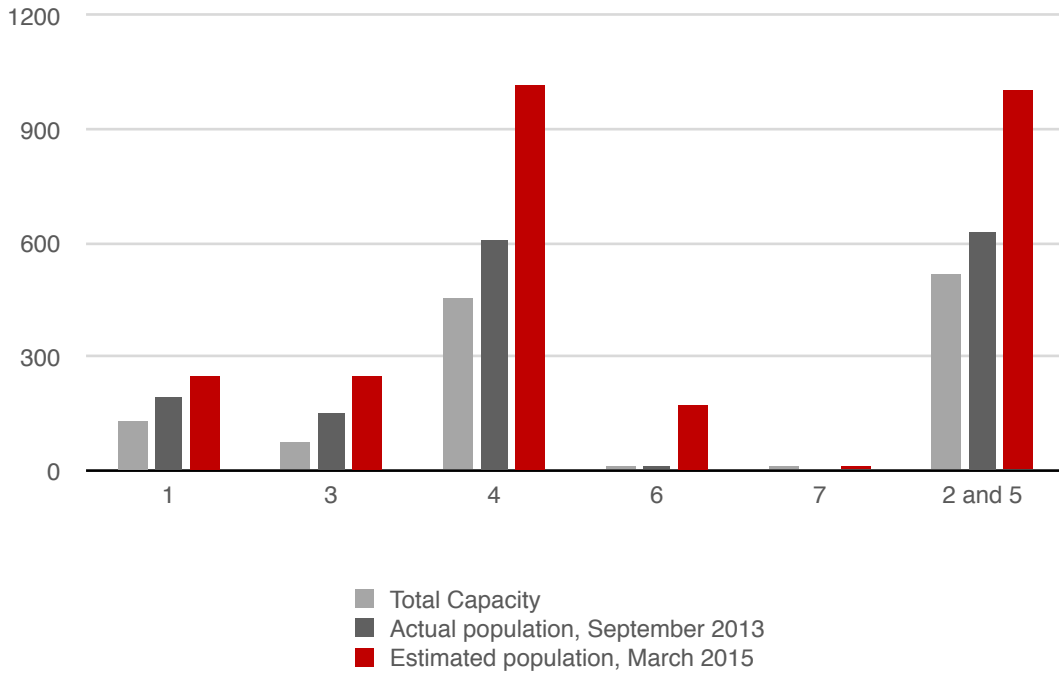
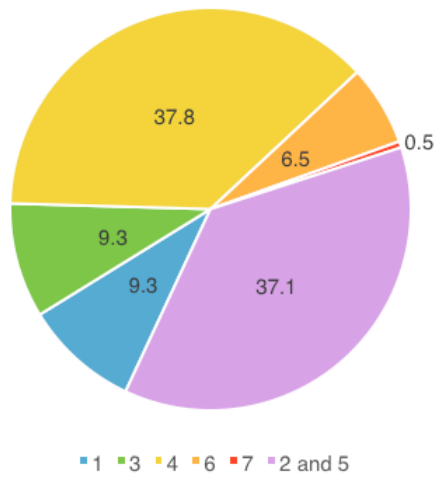


Fig. 2: % of prison population per building in 2015, Buildings 1-7





Prisoners at Jau Prison protest against overcrowding holding sign reading "Overcrowding threatens us all".
Jau Prison, Bahrain.

Prior to the March riots, prison inmates had frequently and non-violently demonstrated against overcrowding. Abdali Al-Singace is pictured above protesting in a prison courtyard with a handmade placard. The picture was taken by an inmate, who uploaded the pictures onto social media.

Health and Sanitation



Filthy standards of living including dirty toilets and rubbish filled corridors. Jau Prison, Bahrain

As the prison population has increased, the conditions of the facility have deteriorated proportionately. Inmates sleep on the floors alongside waste and cockroaches. Damaged or unclean bedding is rarely replaced, and many inmates go without these basic necessities. In addition, inmates have a shortage of underwear, as it is difficult for families to send clothes from outside and the prison shop fails to meet all peoples' needs.⁴ Moreover, inmates that cannot pay for clean undergarments or linens at the prison shop, and have no other recourse to secure supplies.

Not all prison cells have toilets.⁵ An inmate in Building 4 notes that, as the toilets were normally in locked cells, inmates who were forced to sleep in the corridors could not use the toilet unless the prison staff opened a door for them. If they could not find a willing staff member, they would have to use the showers. Eventually, the prison authorities began to leave the cell doors open so that inmates in corridors could access the toilets, but the facility's sanitation did not improve. The same inmate described the showers as "filthy", as photographic evidence indicates.

Inmates typically spend 20 hours a day in their cell, and are only allowed out for two hours in the morning and two hours in the afternoon. This level of inactivity is detrimental to inmates' health and prevents the proper rehabilitation of injuries.

Healthcare at Jau is sluggish and inadequate. The prison clinic is not equipped to handle emergency situations, and as a consequence the most severe cases are often left untreated. The Ombudsman found that the prison clinic lacks medical staff and functioning equipment.⁶ Inmates with long-term illnesses that require regular medication have complained that medicine is rarely provided on time and often not provided at all. The authorities do not grant second opinions on diagnoses.

The clinic's staff does not respect the needs of the inmates. On one occasion, prison officials informed Abdulhadi al-Khawaja,⁷ a human rights defender who suffered severe torture in 2011, that his entire medical record had been "lost". Another inmate, Hassan Mashaima, a cancer survivor, has been denied proper care to prevent the cancer from returning. In the past, the prison's medical staff injected fluids into his body without informing him of the treatment's content or purpose.

In another case, the authorities have refused to provide Abduljalil al-Singace, a high profile member of the opposition who suffers from post-polio, with workable crutches. He has been waiting for replacement crutches so that he can attempt to walk again. He has also been repeatedly denied medical treatment for his injuries and pre-existing conditions.

⁴ *Ombudsman Report*, p. 9.

⁵ *Ibid.*

⁶ *Ibid*, p. 16.

⁷ One of the 'Bahrain 13', thirteen high-profile political prisoners sentenced between 5 years and life in June 2011 for their leading role in peaceful protesters in February-March that year. Hassan Mashaima and Abduljalil al-Singace are also of the Bahrain 13.

Both Mr. al-Singace and Mr. al-Khawaja have resorted to hunger strikes in protest of government neglect.

Physical Abuse

The Government of Bahrain claims to have taken steps to educate the police in human rights and to train them to respect international standards. These steps include the introduction a police code of conduct with a “zero tolerance policy on torture and any other type of mistreatment,”⁸ ostensibly restricting the use of force. In addition, these measures have been supplemented by a technical assistance package from the Government of the United Kingdom. This entailed a review of prison management and detention facilities as well as the implementation of new policies in line with international standards. Advisors from the UK also reportedly provided human rights training to police recruits.

Despite these efforts, in 2013 the Ombudsman found that the police prison staff had poor risk management training and “weak theoretical and practical training” on use of force.⁹ There is substantial evidence of systematic misconduct in Jau before the March 2015 riot. In Building 3, for example, the prison authorities responded to an altercation between prison staff and inmates by withdrawing all staff (who from then on entered the building only to give the inmates food) and banning all visitation and phone calls.

The most extreme case of abuse occurred in November 2014, when a police officer and a drug rehabilitation lecturer severely beat an inmate serving a drug-related sentence. The officials broke his skull and jaw and ruptured his kidney. After the beating, he was placed in solitary confinement, where he died during the night. Inmates told BCHR that they could hear screams from the man’s cell throughout the night. Though authorities investigated some prison staff in relation to the killing, they have not commented on the man’s death.¹⁰

⁸ Government of Bahrain, *Bahrain Police Code of Conduct*, 2012, p. 9, https://www.biciactions.bh/wps/themes/html/BICI/pdf/1717/code_of_conduct_en.pdf.

⁹ *Ombudsman Report*, p. 10

¹⁰ BCHR, *Inmate Reportedly Beaten to Death at Bahrain’s Central Prison*, 13 November 2014, <http://bahrainrights.hopto.org/en/node/7163>.

MARCH 2015: PRISON RIOT AND POLICE RESPONSE



Riot police at Building 3 in Jau Prison, 10 March 2015, Bahrain.

The following chapter is based on interviews with victims of abuse at Jau Prison. In particular, it draws on the testimony of four men who were inmates at the time of the riot and who have since been released from prison. Their names have been changed to protect their identities. Abdulla was an inmate in Building 3. Fahmi and Tariq were located in Building 4. Mustafa was originally in Building 4 as well, but was later transferred to Building 10. Additional information is drawn from correspondence with inmates and relatives.

The events of 10 March were focused in Buildings 1, 3, 4, 6 and 10. It is unclear what occurred in the remaining prison buildings. Due to the limitations of our data, events in Buildings 1 and 6 have not been included in the following chapter.

In the first hours of the riot and police response, inmates photographed and video-recorded the police's excessive use of tear gas and other forms of force using contraband mobile phones. Once police had subdued the inmates, they collected all mobile devices and destroyed them.

On 10 March, an altercation between an inmate's female relative and a prison guard occurred at the prison visitation centre. It was rumoured that the officer had struck the woman without provocation, enraging some inmates. In response, authorities cancelled all visitations for the day and returned all inmates to their buildings. In Building 4, a minority of the prisoners became unruly. "A few prisoners reacted strongly", says Building 4 inmate Fahmi. He states that these inmates stole the guard's keys and forced them out of the building. The inmates proceeded to lock the doors and barricade themselves inside.

Riot police began arriving after 2:00 P.M. They began by firing tear gas into Building 4. Building 3 inmate Abdulla saw inmates housed at Building 4 spill out into the courtyard as a result of the tear gas. Riot police fired sound grenades and high-velocity tear gas cartridges directly at these inmates. One sound grenade exploded near Abdulla, injuring his legs and stomach. "We were asking why we were being fired upon," said Abdulla, "but there response was to fire upon us even more, as though to kill us."

Within two hours, the massed police forces began to retake the prison. Inmates state that there were approximately one hundred officers near Building 4 alone. Police fired tear gas into the courtyards, forcing inmates back inside the cellblocks. "People were collapsing", recalls Fahmi. He tried to hide in a cell with Sunni inmates, in the hopes that the Sunnis would be left alone. In the corridors, he could hear police firing shotgun shells. Tariq, another inmate held in Building 4, witnessed several people suffering respiratory attacks from inhaling tear gas.

Once inside the buildings, the police forcibly cleared each cellblock and transferred the inmates to the lobbies. When police entered Fahmi's cell, they kicked one inmate in the chest and took another outside. The police then ordered Fahmi to leave the cell, whereupon officers began to beat him. "The moment I left the cell, the beating came from all directions." Fahmi quickly fell into another room, where three police officers continued to beat him.

Mustafa, another inmate in Building 4, hid in Cellblock 2. Two police officers entered the cellblock while the majority their unit was clearing Cellblock 3. Some of the prisoners attacked the two officers, knocking them unconscious. Authorities would later take Mustafa to Building 10 and accuse him of participating in the incident. Authorities tortured him during their interrogation.

In Building 3, police threw inmates on top of one another in a pile. Police beat inmates using batons, broken table legs and hoses. Then the police marched them back into the courtyard. "By the time you reached the courtyard you couldn't feel your body," recalls Abdulla. "I was beaten on the head and lost consciousness and woke up by being beaten more. Many guys were badly beaten."

In Building 4, security forces took inmates from their cells to the lobby. They beat some of the inmates as they left their cells; according to Tariq, the police aimed specifically at their genitals. The riot police split the inmates into two groups: one was taken out to the courtyard and the other left in the lobby.

In Building 4, Fahmi and Tariq describe how inmates were forced to walk between two lines of police who beat them with batons as they were led into the courtyard. Fahmi recalls that “everyone was injured by the time they got to the courtyard.”

According to the Ministry of the Interior, the police established total control sometime after 7:00 P.M.¹¹ At this stage, security forces had completely subdued the inmates using excessive force and tear gas; they were all detained in the courtyard or in the lobbies of the prison buildings.



Tear gas fired into barricaded cells at Building 3. 10 March 2015, Jau Prison, Bahrain.

In the courtyard, prison guards handcuffed the prisoners behind their backs with plastic cuffs. Many inmates complained that they had been cuffed too tightly; police responded by further tightening the cuffs. Tariq related that the beatings continued despite the presence of a commanding officer. As he looked on, police forced inmates to sit with their hands on their heads and their knees drawn up to their chests. The police proceeded to beat them while they sat in this position.

The inmates of Buildings 3 and 4 state that the prison director visited their buildings on 10 and 11 March respectively. They recount that neither the director nor any other high-ranking officer intervened to end the use of torture or other abusive treatment.

In the evening of 10 March, prison security actively prevented inmates from sleeping, intermittently waking them up and beating them. After a week, the police erected tents in the courtyards where inmates then spent most of their time. One recently released inmate

¹¹ The Ministry of Interior announced on Twitter at 07:29 PM that police had restored order.

@moi_bahrain tweet, 10 March 2015, https://twitter.com/moi_bahrain/status/575377989308825600 (AR), https://twitter.com/moi_bahrain/status/575387436936654848 (EN).

states that though each tent had a capacity of 100, they held over 200 inmates.¹² Throughout this period, the prisoners were required to sit with their heads down. Some police officers would only respond to inmates if the inmates called them “master.” No food was provided to the inmates until 12 March. Water was occasionally provided, but police would often splash it onto inmates rather than provide it in a drinkable manner.

Tariq and Fahmi both attest that large number of foreign police officers took part in the assault. Though the superior officers appear to have mostly been Bahraini, the inmates report having heard officers speak with Jordanian, Yemeni and Syrian accents. The prisoners were routinely insulted by these officers. Shia Muslim inmates were subjects of religious hate speech. Fahmi relates that officers called him and other inmates “Sons of *Mut’a*”¹³ and asked, “Why do you pray to stones?”¹⁴

“The hardest times were during the Jordanian unit’s shift,” says Tariq. The Jordanians would periodically beat the prisoners, breaking only for half an hour at any given time. According to Tariq’s testimony, physical abuse was constant during this period, and Jordanian officers were consistent perpetrators. Additionally, policemen that attempted to show compassion or provide inmates with services were reprimanded and transferred away from prison duty.

Government forces also denied injured inmates appropriate medical attention. Some prisoners are still in need of immediate medical care, including Abbas Al-Samea, whose front teeth were knocked out and who was bleeding through one of his ears.¹⁵

¹² Alwasat, *الدمستاني: قضينا في «جو» 4 أيام بالعراء ثم في خيام وسط إيذاء نفسي وجسدي*, 29 April 2015, <http://www.alwasatnews.com/4617/news/read/986230/1.html>.

¹³ *Mut’a*: A form of temporary marriage allowed under Shia Islam but not under Sunni jurisprudence.

¹⁴ Shia Muslims pray with a small slab of baked clay on the ground, which they press their forehead against when prostrating. Sunni Muslims prostrate with their forehead placed to the ground, without a stone.

¹⁵ See “Torture and Ill Treatment in Building 10” and “Contact with the Outside World” sections for more information.

Humiliating Treatment in Unsanitary Conditions



Inmates sleeping in corridors, Jau Prison.

Over the course of March, April and May, the police degraded the prison population as a form of collective punishment. Security officers forced inmates to chant loyal slogans to the royal family and insult the leaders of the political opposition. Though interviewed inmates did not relate the exact things they were made to say, it was clear that the officers made them insult themselves and their families. Building 4 inmate Tariq could hear inmates chanting the slogans “Long Live King Hamad” and “Long Live ‘Bu Ali”¹⁶ from Buildings 1 and 3.¹⁷ In Building 3, the police forced inmates to stand against the walls of the courtyard with their arms above their heads and chant pro-governmental slogans and insult their families and the political opposition.

Security officers also forced inmates to sing, dance, and crawl around the courtyard, lick officers’ boots, put their own shoes in their mouths, and rub their own feces on the walls. Police forced them to perform similar humiliating actions over the next several days.

Police banned inmates from using toilets, so that inmates had to defecate themselves in the courtyard. If the police did allow an inmate to use the toilet, he had no longer than a minute to relieve himself. Officers beat inmates on the walk to the toilets. Some inmates

¹⁶ A nickname of the Prime Minister Sheikh Khalifa bin Salman.

¹⁷ A large proportion of Jau’s inmates are serving sentences for politically related charges, including “attempting to overthrow the regime”, “illegal assembly” and “insulting the King and government ministries.” Police forcing inmates to shout such slogans, intended as a form of humiliation, further exhibits the politicised nature of the prison.

requesting to use the toilets were instead taken to a barber, where police shaved their head irregularly and beat them.

Inmates were starved for two days after 10 March. When police finally allowed inmates to eat on 12 March, the inmates were beaten during the meal. Food service continued to be sporadic after 12 March, and one inmate suggests that the police starved the prisoners a second time between 13 and 16 March.

Mistreatment continued to occur in the other buildings throughout the month of March. In Building 4, Fahmi relates that on 25 March, prison staff were informed that there was a mobile phone in one of the tents. Police carried out an inspection of the inmates that appears to have been designed to humiliate them. The staff asked inmates to leave the tents five at a time. During these inspections, prison guards stripped the inmates down to their underwear and threw cold water on them. Inmates were made to hold their hands above their heads and stand for extended periods of time. Security then forced inmates to walk on their haunches in circles while police staff hit them and doused them with water. The police then made the inmates perform various physical activities, like running while bringing their knees up to their chests. As they exercised, the inmates had to chant pro-governmental slogans.

Inmates were not allowed to shower for weeks. Later, the police allowed them to shower intermittently. The inmates slept in close proximity to human waste and were forced to perform humiliating acts with it. Ibrahim al-Dimistani, Vice President of the now-dissolved Bahrain Nurse Society, and a political prisoner released after the riot, told a Bahraini newspaper that “the situation inside the prison has reached a point now where the access to healthcare and medication, to sanitation products and to the use of toilets and showers are all tightly restricted.”¹⁸

A scabies epidemic broke out amongst the prison population sometime in March. After the infection was detected, prison officials provided very little medical attention to the afflicted inmates. In addition, a sandstorm in early April negatively impacted inmate health, particularly affecting those in the courtyards and in the tents, which provided poor protection from the winds. Some inmates experienced difficulty breathing due to the sand and fainted.

¹⁸ Alwasat, «جو، قضينا في» 4 «الدمستاني: قضينا في» 4، أيام بالعراء ثم في خيام وسط إيذاء نفسي وجسدي 4، 29 April 2015, <http://www.alwasatnews.com/4617/news/read/986230/1.html>.

Torture and Ill Treatment in Building 10



Nabeel Rajab, President of the Bahrain Center for Human Rights, examining the injuries of an ex-inmate recently released from Jau Prison, Bahrain.

In the weeks following the riot, police transferred over 100 inmates across the prison complex to Building 10, where police subjected them to sustained torture and ill-treatment. A large proportion of these inmates were peaceful activists who had protested against overcrowding in the weeks before the riot; the police now targeted these individuals for mistreatment on the suspicion that they instigated the disorder. They sectioned off these inmates and arbitrarily tortured them. Abdulhadi al-Khawaja, a human rights defender serving a life sentence in Jau Prison, wrote in a letter to the UN High Commissioner of Human Rights that "Building 10 has become known as the torture building."

Naji Fateel, a human rights defender serving a 15-year sentence on charges of attempting to overthrow the government, was one of the inmates transferred to Building 10. Tariq, who had been with Mr. Fateel when the riot began, says that "Naji Fateel did not get involved with the protesters," and it appears that Mr. Fateel was specifically targeted for his previous participation in peaceful protests. Other inmates transferred to Building 10 and subjected to ill treatment include Abdali al-Singace, a human rights activist, who protested against overcrowding in the weeks before the riot.¹⁹

Police also transferred Mustafa to Building 10 within the first week of the riot. "On the first day [in Building 10] they did not beat me," related Mustafa. He shared a cell with nine others. On the second day, police summoned Mustafa and two other inmates and accused them of physically beating the two officers on 10 March. Three police officers beat Mustafa and the inmates with belts and hoses. Officers accused Mr. Fateel of encouraging violence

¹⁹ See 'Overcrowding' for more.

among prisoners. The police also singled out and abused Abdali al-Singace, Sheikh Jassim Dimistani, and Sheikh Mohammad Al-Mahfouz.²⁰ Police officers shaved these inmates' beards, leaving them with little moustaches.

Mustafa also witnessed the police repeatedly beat a juvenile 17-year-old inmate. The resulting injuries required stitches, which the inmate received, but subsequent beatings caused the wounds to re-open. This type of abuse often took place in the lobbies and in the bathrooms, where there are no CCTV cameras.

Contact with the Outside World

Prison authorities cancelled visitation and phone calls in Jau following the riot, and families were unable to hear from their relatives in the prison for over a week. According to the Ministry of Interior, this was a result of damage caused to the prison facilities by the riot. Inmate's families argue that the visitation centre, which is separate from where inmates are held, was not damaged during the altercation.

The prison authorities restored phone services to inmates on 19 March. However, phone services and visitation were still granted arbitrarily and intermittently, and remain so at the time of this writing. Inmates of Building 10 were denied these services for a particularly long period of time. While the government restored some visitation rights in early April, many families continue to be barred from visiting inmates. The authorities specifically refused to alert the families of the Building 10 inmates to their locations. As these prisoners were also subjected to a longer visitation and phone call ban, the prison administration effectively disappeared them from their families.

One visitor stated in April that the inmates who were able to see their families were mostly gaunt and in low spirits. The inmates spoke to their families quietly, and several cried during visitations. Many inmates asked their families not to complain to authorities as they feared reprisals; some inmates actually refused to contact their families when given the opportunity in fear of the resultant physical abuse. One inmate, who reportedly suffers from broken ribs and could not walk without assistance, told his family that "they are going to kill us."

Inmate Abbas Al-Samea, an inmate sentenced to death on political charges after alleging torture,²¹ was subjected to further beating in Building 10. He was granted a family visit in early April, and at the time had a broken nose, missing front teeth and dangerously swollen gums. Despite evidence of such severe physical injuries, there is no indication that inmates have been given the medical attention they require, or that the physical and psychological torture has stopped.

²⁰ All are notable political figures, human rights activists and religious clerics who are not known to have ever advocated violence and are considered prisoners of conscience.

²¹ ADHRB, *NGOs Condemn Use of Death Penalty amid Allegations of Severe Torture*, 27 February 2015, <http://adhrb.org/2015/02/ngos-condemn-use-of-death-penalty-amid-allegations-of-severe-torture/>.

Naji Fateel, who was still in Building 10, had been granted a visit for 9 April prior to the events of 10 March. After the riot, however, prison authorities did not allow his family to visit him. His wife was given a note signed by Mr. Fateel stating that he did not want to meet them on that day. When she protested that the signature was not in Mr. Fateel's handwriting, the police staff told her to leave. On 12 April, Mr. Fateel phoned his mother and told her that he had been subjected to continuous torture. Inmates in Building 10 state that the police have subjected him to further acts of torture since the phone call, causing him even more substantial injuries.

EVALUATION

ACTIONS UNDERTAKEN BY SECURITY FORCES

From the outset of the riot, the police employed excessive force to subdue the inmates. The use of tear gas and shotguns in the confined spaces of the prison is particular concerning. It is clear the police continued to employ force long past any necessary threshold. In fact, while the degree of force employed by the police was never warranted, the police could have stopped using force altogether on the evening of 10 March, only a few hours after the riot began.

Instead, security forces subjected the entire prison population to a collective punishment. Bahraini officers led security forces apparently comprised of Jordanian, Yemeni, and Syrian units to physically assault the pacified prisoners. Security forces forced inmates outside in the courtyards, where they slept and defecated. They subjected the inmates to extreme weather conditions and denied appropriate shelter. Meals were highly irregular, and at times prison officials forced the inmates to go several days without a proper meal. Inmate health has deteriorated due to the current living standards within the prison, the denial of adequate medical attention, and irregular access to meals and drinking water. For these reasons, Jau Prison has become a humanitarian crisis.

The Bahraini Ministry of Interior and officials at Jau Prison have breached both the basic international standards for the treatment of prisoners and the binding obligations of international human rights law including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In particular, the Bahraini authorities have violated the rights of the inmates to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right to not be disappeared, the right to an adequate standard of living including accommodation, food, clothing, water and bedding, the right to attain adequate standards of physical and mental health, and the right to be treated with dignity. They have also violated the prohibitions on cruel and degrading treatment or punishment, including close confinement, the use of iron chains, and the arbitrary interference with private and family life.

The ongoing human rights violations in Jau Prison are a reflection of the human rights situation in Bahrain as a whole. As the conditions continue to deteriorate, it must be made clear that merely returning the prison to its pre-riot conditions is not a satisfactory response, as it was these conditions which ultimately caused the crisis. Expanding the prison complex to accommodate the prison population is also an inappropriate reaction, as a large proportion of inmates were been convicted in unfair trials. Rather, the release of all inmates serving politically-motivated charges would not only reduce the prison population down to manageable levels, but also begin to address the failures of Bahraini criminal justice. Furthermore, if the government does not adopt remedial policies for suffering inmates and if the courts do not prosecute police officers and high ranking officials for crimes of torture and ill-treatment, then the lack of accountability will undermine any pretence of further human rights reform.

RESPONSES TO THE INCIDENTS AT JAU PRISON

ADHRB, BIRD and BCHR have documented that the Ombudsman received at least 105 requests for assistance from the families of Jau Prison inmates between 10 March and 18 March. As a result, the Ombudsman's team visited the prison and interviewed 124 inmates. Fifteen of the interviewed inmates filed complaints with the Ombudsman. The Ombudsman has yet to make any comment on the conditions at the prison, although the Ombudsman has publicly stated that it has followed the events at Jau.²² Inmates interviewed for this report did not meet with the Ombudsman.

On 23 March, the Ombudsman confirmed that phone services for inmates would resume the following day.²³ It is currently unclear what further follow-up has occurred. However, ADHRB has received several reports from families of inmates stating that their incarcerated family members suffered further torture after complaining about their treatment to the Ombudsman. They believe this torture may have been in retaliation against the complaints, and at least one inmate reported that officers explicitly mentioned his complaint to the Ombudsman while they tortured him.

On 30 April, an article in a Bahraini newspaper criticised the Ombudsman for failing to address overcrowding in the tents in which many inmates reside.²⁴ The Ombudsman responded in the same newspaper, attacking the article for making "unfounded allegations" about "large numbers" of inmates in the tents, and pointed to the Ombudsman's role in re-establishing visitation and phone calls for inmates. Nonetheless, in its article, the Ombudsman once again failed to discuss or address the core issues of torture, ill-treatment and excessive use of force.²⁵

In an interview in the newspaper *Al Ayam*, Abdulla Al-Durazi of the National Institute for Human Rights (NIHR) stated that the NIHR has conducted its own investigation and interviewed prisoners and their families. Their report was sent to the Ministry of Interior in early May but has not been published publicly.²⁶ It is unclear whether this will be a public report or if it will only be submitted to the Ministry of Interior.

In May, the Government of Bahrain announced that Jau Prison will be expanded by four new buildings, which are "designed to take into account the security, safety and healthy living conditions of the inmates, [and] include education and rehabilitation facilities to

²² Bahrain News Agency, *Independent Ombudsman receives 105 requests for assistance from families, relatives*, 18 March 2015, <http://www.bna.bh/portal/en/news/659428>.

²³ @Ombudsman_bh tweet, 23 March 2015, https://twitter.com/Ombudsman_bh/status/579980895307702272.

²⁴ Alwasat, *ماذا يحدث خلف أسوار سجن جو؟*, 29 April 2015, <http://www.alwasatnews.com/4617/news/read/986287/1.html>

²⁵ Alwasat, *الأمانة العامة للتظلمات وتعاملها مع تداعيات أحداث سجن جو من منطلق مهني وحقوقى*, 30 April 2015, <http://www.alwasatnews.com/4618/news/read/986630/1.html>

²⁶ Al-Ayam, *طلبنا زيادة موازنتنا لـ 3 ملايين .. وسنعلن عن شاعر (الأمين العام) في الصحف*, 28 April 2015, <http://img.alayam.com/upload/issue/2015/9515/pdf/13.pdf#viewer.action=download>.

ensure the delivery of their legal and human rights.”²⁷ How these new buildings would accomplish this is unclear. BIRD, ADHRB and BCHR anticipate that this expansion of the prison will not meaningfully resolve overcrowding, as the source of this issue lies in the dysfunctional judicial system.

The Prisoners and Detainees Rights Commission (PDRC) has made no public statement on the human rights violations in Jau prison to date. The Special Investigations Unit (SIU) reportedly received 30 complaints in March 2015. They also received 77 witness statements, interrogated 68 defendants and 29 suspects. However, it is unclear whether these were specifically in relation to the events of Jau prison. The SIU is not transparent in how it handles complaints.

In addition, the Government of Bahrain has shown that it will not tolerate independent documentation of the conditions in Jau Prison. On 2 April, police arrested Nabeel Rajab, President of the Bahrain Center for Human Rights, for tweets documenting torture in Jau that “illegally defamed a statutory body.”²⁸ Mr. Rajab now faces up to ten years imprisonment for these and other charges related to his freedom of expression.

²⁷ Bahrain News Agency, *Reform, Rehabilitation Centre visited*, 13 May 2015, <http://bna.bh/portal/en/news/668492>.

²⁸ BCHR, *NGOs condemn Arrest of BCHR President Nabeel Rajab*, 2 April 2015, <http://www.bahrainrights.org/en/node/7470>.

CONCLUSION

The 10 March prison riot was a spontaneous event. There is no indication that inmates coordinated in taking control of the buildings. The forced expulsion of prison staff, the act that began the riot, was undertaken by a small, unorganised minority. Despite these facts, the government punished Jau's inmates collectively.

Police employed excessive force almost immediately, firing tear gas and shotguns at unarmed inmates. Once the prison had officially come back under government control on the evening of 10 March, the police proceeded to humiliate the inmates for several days. Police banned inmates from using toilet facilities and forced them to relieve themselves in the courtyards. Inmates were further prevented from sleeping, forced to insult themselves and shout pro-government slogans.

Though the incidents on 10 March may have been spontaneous, they were also the inevitable product of deteriorating prison conditions and a dysfunctional police force. Jau prison was already overcrowded when the Ombudsman visited in September 2013. By March 2015, the overcrowding had escalated to crisis levels, with inmates sleeping in every available space. Moreover, rather than abide by set principles aimed at the rehabilitation of inmates, the prison staff has arbitrarily ruled Jau with the constant threat of collective force.

This pervasive attitude may be explained at least in part by the increase in politically motivated incarcerations. A large proportion of inmates have been convicted on charges related to their expression, assembly and opinions. As a result, the prison population has swelled to dangerous levels. As inmate numbers have increased, living conditions have decreased in quality. Simultaneously, security forces have been incentivised to employ techniques of physical coercion and abuse to impose order.

The United Kingdom, which has provided human rights training to Bahrain's police, the Ombudsman, and the seemingly inactive PDRC, are obligated to hold officials accountable for what occurred in Jau. These latest abuses at Jau confirm suspicions that the police do not respect the rights of people under their control. The inaction of the PDRC is a failure of the human rights institutions in Bahrain. The Ombudsman has also failed to condemn torture, and has not gone far enough to protect complainants from reprisals or to seek the cessation of such abuses in general.

The current situation in Jau prison is ultimately indicative of the lack of progress that Bahrain has made in reforming its criminal justice system. The ill-treatment of inmates, the great number of prisoners of conscience, the collective punishment delivered upon inmates, and the trust deficit between inmates, their families, and the national human rights institutions all point to a reform package which has failed to deliver meaningful change. For the Government of Bahrain to deliver such change, it must begin by holding accountable everyone within the Ministry of Interior involved in the torture and ill-treatment of inmates in Jau, and especially the excessive force used against them.

The government's response to the prison riot is emblematic of the ongoing violations of political and human rights in Bahrain. To begin to rectify these violations, the government

must release human rights defenders and political opposition leaders from prison and allow them to participate in a national-level negotiation. With Jau's overwhelming population of political prisoners, its human rights situation will never be resolved without meaningful political reform. The release of political prisoners, and in particular the release of opposition and civil society leaders, is a necessary condition for any real reform in Jau and in Bahrain at large.

RECOMMENDATIONS

The Bahrain Institute for Rights and Democracy, Bahrain Center for Human Rights and Americans for Democracy and Human Rights in Bahrain recommend:

To the Government of Bahrain:

- Release unconditionally all individuals detained on charges and convictions relating to fundamental human rights including their right to hold political opinions and express them freely;
- Allow the UN Special Rapporteur on Torture into the country to conduct an independent investigation into the use of torture and standards of detention;
- Ensure that all staff in correctional facilities are fully informed and educated in the prohibition against torture, ill treatment, cruel and degrading treatment and punishment;
- Ratify the two Optional Protocols to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment, and the International Convention for the Protection of All Persons from Enforced Disappearance;
- Investigate crimes of mistreatment in detention promptly and impartially, and prosecute all individuals found guilty of mistreatment accordingly;
- Ensure that interrogation rules, instructions, methods and practices pertaining to detained and imprisoned individuals are kept under systematic review and assessed with a view to preventing torture and mistreatment;
- Ensure that detainees are promptly provided with information about their rights and obligations;
- Ensure that families and legal representatives are informed promptly about the fact and location of detention;
- Review living conditions at Jau and ensure that inmates are provided with an adequate standard of living including adequate food, water, shelter, clothing and bedding;
- Provide drinking water to prisoners whenever needed and prevent the revocation of their access to water and toilets;
- Ensure that sanitation facilities are provided at all times, that they are kept in a clean and decent manner;
- Provide inmates with their own prison bed with clean bedding and facilities to keep bedding clean;
- Promptly provide inmates with all necessary medical checks and treatment;

- Ensure that prisoners and all detained persons have the highest attainable standard of physical and mental health;
- Ensure that prisoners have the right to request second medical opinions;
- Ensure that restraints and the use of force are used only as a last resort and in a proportionate and necessary manner;
- End the use of chains and iron as restraints;
- Refrain from punishing inmates before they are offered the opportunity to provide an adequate defence with the right to appeal;
- Ensure that inmates have access to qualified ministers of their religion and are allowed to freely manifest their beliefs in practice and observance without unlawful discrimination;
- Ensure that inmates and other detained persons are not prevented from communication with their families; and
- Ensure the independence of remedial institutions including the Ombudsman of the Ministry of Interior, the Prisoners and Detainees Rights Commission, the National Institute for Human Rights and the Special Investigations Unit.

To the Governments of the United States and United Kingdom:

- Review all assistance provided to Bahrain regarding judicial and prison reforms, provide a date of conclusion of the assistance; and
- In the event that the assistance provided has not achieved its practical targets of reform, shift existing technical assistance programmes to the United Nations to implement more effective practical assistance.

To the United Nations:

- Investigate the allegations of torture and mistreatment at Jau Prison and other detention facilities in Bahrain;
- Push for Bahrain to release all political prisoners and those detained on grounds related to their human rights; and
- Ensure that Bahrain implements international human rights standards for prisons.

ANNEX

LEGAL FRAMEWORK

National Bahraini Law

Law (18) 2014 on Correctional and Rehabilitation Institutions

Correctional and rehabilitation facilities in Bahrain are governed by 'Law (18) 2014 on Correctional and Rehabilitation Institutions' which replaces a previous 1964 prisons law. Article 2 of the 2014 law terminates the previous regulations in their entirety.

The new regulations apply to all those held in detention regardless of their "sex, origin, language, religion or creed" according to Article 5.

Article 3 of the 2014 law distinguishes between male and female correctional facilities and prisons. Detainees housed in these facilities are categorised in groups according to:

1. Age;
2. Type of offence committed;
3. Severity of the offence committed;
4. Rate of reoffending;
5. Length of sentence or custodial remand.²⁹

All detention facilities in Bahrain are under the authority of the Minister of Interior,³⁰ who is charged with setting up the facilities and appointing a chief officer to manage each facility.³¹

The law governs the entire administration of the prison system in Bahrain, including the rights and responsibilities of all those held in permanent and temporary detention.

Royal Decree (27) 2012 Concerning the Independent Ombudsman's Office in the Ministry of Interior and Decree (35) 2013 Amending Provisions of Decree (27) of 2012

Article 2 of the decree establishes an 'Independent Ombudsman's Office' at the Ministry of Interior. The head and deputy of the Ombudsman's Office are appointed by decree for a term of five years each following recommendations by the Ministry of Interior and Prime Minister.³² The Ombudsman can be removed from office by royal decree upon the

²⁹ Article 4, Section 2, Law (18) 2014 on the Correctional and Rehabilitation Institute

³⁰ Article 2, Section 1, Law (18) 2014 on the Correctional and Rehabilitation Institute

³¹ Article 6, Section 3, Law (18) 2014 on the Correctional and Rehabilitation Institute

³² Article 2 (1), Royal Decree (27) 2012 Concerning the Independent Ombudsman's Office in the Ministry of Interior

recommendation of the Ministry of Interior and the approval of the Prime Minister.³³ The Office has a mandate to receive and examine complaints of abuse by members of the Ministry of Interior in detention and it can conduct visits to prisons and other detention facilities. Upon identification of any abuse, the Ombudsman can notify the Ministry of Interior and Public Prosecution of the abuse.³⁴ The Ministry of Interior allocates a portion of its own budget as the budget of the Ombudsman's Office.³⁵

Royal Decree (13) 2014 on the Formation of a Prisoner and Detainees Rights Commission and Royal Decree (61) on the Definition of the Mandate of the Prisoner and Detainees Rights Commission

The King of Bahrain passed Decree 61 in September 2013 in response to recommendations made by the Bahrain Independent Commission of Inquiry in 2011.

The decree establishes a Prisoner and Detainees Rights Commission (PDRC) under the authority of the Ministry of Interior and headed by the Ministry of Interior Police Ombudsman.³⁶ Members of the PDRC are appointed by the King through decree after nominations made by the Ministry of Interior Ombudsman, the Public Prosecutor, the National Institute for Human Rights, and the Supreme Judicial Council. The PDRC is mandated with visiting correctional and detention facilities to investigate standards of detention.³⁷

Royal Decree (13) 2014 on the Formation of the Prisoners and Detainees Rights Commission appoints members of the PDRC who hold their position for a period of three years.³⁸

Law (26) 2014 on Establishing the National Institute for Human Rights

The 2014 regulations amend the mandate of the National Institute for Human Rights, established in 2009. The amending law provides that the institution is mandated with implementing a national action plan for the protection of human rights, examining legislation to ensure compliance with international human rights law, monitoring

³³ Article 7, Royal Decree (27) 2012 Concerning the Independent Ombudsman's Office in the Ministry of Interior

³⁴ Article 10, Royal Decree (27) 2012 Concerning the Independent Ombudsman's Office in the Ministry of Interior

³⁵ Article 16, Royal Decree (27) 2012 Concerning the Independent Ombudsman's Office in the Ministry of Interior

³⁶ Article 2, Royal Decree (61) 2013 on the Definition of the Mandate of the Prisoner and Detainees Rights Commission

³⁷ Article 3, Royal Decree (61) 2013 on the Definition of the Mandate of the Prisoner and Detainees Rights Commission

³⁸ Article 1, Royal Decree (13) 2014 on the Formation of the Prisoners and Detainees Rights Commission

violations of human rights, examining complaints of human rights abuses and conducting visits to correctional institutions.³⁹

The Institution is run by a 'Council of Commissioners' comprising of eleven members appointed by royal decree following consultations with "advisory and academic bodies, civil society organisations, trade unions, and social, economic and professional bodies".⁴⁰

International Standards, Guidance and Law

UN Standard Minimum Rules for the Treatment of Prisoners

The UN Standard Minimum Rules for the Treatment of Prisoners was adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Geneva in 1955, and was later approved by the UN Economic and Social Council (ECOSOC). These rules are not binding upon member states, but serve as guidelines for best practices. They lay down the foundation for the treatment of prisoners, and the management of institutions. The rules detail health standards that should be adhered to and specifically prohibit the use of torture, excessive force and corporal punishment. They also state that prisoners should not be denied communication with their families and vice versa. States should endeavour to abide by these rules as they have been accepted as minimum conditions by the United Nations.

Revisions proposed to the above-mentioned rules

There are currently proposals to revise the above-mentioned rules, in mind of modern trends in prisons. Some of the revisions that have been agreed upon and which will be included subsequently expressly forbid torture and prohibit discrimination on the basis of political opinion. The revised provisions also demand that the religious and moral beliefs of every prisoner are respected. The revised provisions establish that the provision of health care is a state responsibility and that health care providers cannot participate actively or passively in torture.

UN Standard Minimum Rules for Non Custodial Measures ("Tokyo Rules")

The UN General Assembly adopted the Tokyo Rules in 1990 to delineate a wide variety of non-custodial measures that can be used prior to sentencing and post sentencing. These rules reinforce that pre-trial detention is only to be used as a measure of last resort.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")

The UN General Assembly adopted the Beijing Rules in 1985 to establish basic procedural safeguards to guarantee the right to fair trial and due process of juveniles. The rules stress the need to divert juveniles out of the criminal system as far as possible, and to ensure speedy disposal of their cases.

³⁹ Article 9, Law (26) 2014 on Establishing the National Institute for Human Rights

⁴⁰ Article 4, Law (26) 2014 on Establishing the National Institute for Human Rights

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

The UN General Assembly adopted these principles in 1988 to guarantee that prisoners are treated in a humane manner, and to ensure that their arrest and detention is in accordance with the law. These principles also reiterate that no circumstances justify torture or other cruel, inhuman or degrading treatment or punishment.

Basic Principles for the treatment of Prisoners Adopted and proclaimed by GA Resolution 45/11

The UN General Assembly adopted these principles in 1990 to ensure that all prisoners are treated with respect for their inherent dignity and value as human beings.

Other International Conventions that protect the rights of prisoners:

The Convention on the Rights of the Child

Bahrain has ratified the UN Convention on the Rights of the Child, and is thereby obligated to prevent torture and the arbitrary arrest and detention of children (below the age of 18), and to ensure that their rights to fair trial, due process and access to legal assistance are protected.

The International Covenant on Civil and Political Rights 1966 (ICCPR)

As a consequence of acceding to the ICCPR, Bahrain is obligated to prevent torture and arbitrary arrest and detention. The government must guarantee that juveniles are detained separately from adults, and that people without convictions are detained separately from convicts. They should also safeguard the prisoners right to freedom of religion, expression, assembly and association.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (CAT)

Bahrain's accession to the UN Convention against Torture signifies that the Government of Bahrain has undertaken to prevent and prosecute acts of torture.

Convention on the Rights of Persons with Disabilities

Bahrain's ratification of the Convention on the Rights of Persons with Disabilities obligates the government to ensure equal access to justice of people with disabilities. Bahrain must ensure that people with disabilities are not deprived of their liberty and security.

NATIONAL HUMAN RIGHTS INSTITUTIONS

Following the events of 2011 and the findings and recommendations of the BICI submitted to the Government of Bahrain in November that year, the Government of Bahrain created three new human rights bodies and legally empowered one other. The Special Investigations Unit (SIU) and the Office of the Ombudsman to the Ministry of Interior were established in 2012; the Prisoners and Detainees Rights Commission (PDRC) was established in 2013. The National Institute for Human Rights, established 2009, was legally empowered by amendments to its mandate in 2012 and 2014 which brought it more in line with the Paris Principles. The PDRC's establishment is a pre-condition to ratifying the Optional Protocol of the UN Convention against Torture.

Special Investigations Unit

To investigate complaints of torture referred to them. Depending on the SIU's findings, it can refer the case for prosecution.

The Office of the Ombudsman to the Ministry of Interior

To regulate the Ministry of Interior's human rights commitments. It does so by accepting and investigating complaints, which it may then refer to the SIU and other relevant bodies and conducting prison visits.

The Prisoners and Detainees Rights Commission

To regulate places of detention and imprisonment, make sure they adequately meet international prison standards and ensure prisoners and detainees are not subjected to torture or ill treatment.

The National Institute for Human Rights

To promote human rights on a national level through various means and review legislation to make sure it is in line with international human rights conventions.

These four institutions have been the subject of intense scrutiny due to their centrality to government reform efforts since 2011. The Ombudsman, which has been the most ambitious government project, has received the most attention and analysis.⁴¹ Amnesty

⁴¹ For an in-depth analysis into the functionality and effectiveness of the Ombudsman and NIHR, see ADHRB and BIRD, *Subservient and Unaccountable: A Shadow Report on the Bahraini Ministry of the Interior's Ombudsman and Bahrain National Institute for Human Rights*, 2014, http://birdbh.org/wp-content/uploads/2014/10/ADHRB_Mechanism_Final-0814_Web.pdf.

International has identified a “trust deficit” between these institutions and the Bahraini public.⁴²

This “trust deficit” is caused by multiple factors. The leadership of each institution has been appointed by royal decree, without any input from the public. The leadership of these institutions and their staff have been drawn from the Ministry of Interior (MOI) and Public Prosecution. As most documented torture has occurred under police custody, the MOI is directly responsible for these violations. The Public Prosecution regularly accepts confessions extracted under duress as evidence in criminal cases, and has reportedly threatened to further torture defendants that expressed intent to recant such confessions.⁴³ The Secretary-General of the Ombudsman formerly worked in the Public Prosecution. While there is nothing to suggest that he was complicit in any malpractice, his association with an institution, which many victims of torture consider complicit in human rights violations, damages the credibility of the Ombudsman amongst torture survivors and victims of violations. Similarly, the location of the SIU’s offices in the same building as the Public Prosecutor’s Office has built distrust.

The PDRC has not visited Jau Prison, but has visited a detention centre and published its findings. The National Institute for Human Rights also addressed some general issues within Bahrain’s prisons in its Annual Report 2014, though it failed to address torture.

Since 2012, the United Kingdom has been providing reform assistance to the Government of Bahrain, including best practice training with the Ombudsman and the PDRC. Both institutions have received training from Her Majesty’s Inspectorate of Prisons (HMIP). In 2014 alone, the UK spent GB£1.5 million on reform assistance to Bahrain.⁴⁴ The Foreign and Commonwealth Office has said that it will not review the effectiveness of this assistance package until the programme has ended, but they have not given a concluding date for the assistance.

This reform assistance has not been effective. In light of the ineffectiveness of the PDRC and the lack of meaningful reform within Bahrain’s judicial system and police force, and the continued use of torture, BIRD, ADHRB and BCHR recommend that the UK end its

⁴² “These institutions continue to labour under a trust deficit and have yet to establish themselves as both independent and credible in the view of many Bahrainis ... That those who lead the institutions were appointed by royal decree without adequate consultation with relevant civil society organizations, has also contributed to the perception, held widely among those who have suffered rights abuses since 2011 and others, that these new bodies lack independence and remain too close to the authorities.” Amnesty International, *Behind the Rhetoric: Human Rights Abuses in Bahrain Continue Unabated*, 2015, p. 18, http://www.amnestyusa.org/sites/default/files/bahrain_report_behind_the_rhetoric_eng_final.pdf.

⁴³ *Ibid*, p. 18.

⁴⁴ Bahrain: written questions – 218821, 18 December 2014, Hansard, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-12-15/218821/>.

assistance programme and shift all technical assistance to the responsibility of the United Nations and its Special Procedures.



©2015, Bahrain Institute for Rights and Democracy (BIRD), Americans for Democracy and Human Rights in Bahrain (ADHRB) and the Bahrain Center for Human Rights (BCHR). All rights reserved.

Bahrain Institute for Rights and Democracy

The Bahrain Institute for Rights and Democracy (BIRD) is a non-profit organisation focusing on advocacy, education and awareness for the calls of democracy and human rights in Bahrain.

www.birdbh.org

Americans for Democracy and Human Rights in Bahrain

Americans for Democracy and Human Rights in Bahrain is a non-profit, 501(c)(3) organization based in Washington, D.C. Through engagement with U.S. government officials, intergovernmental actors, activists, and the public, we seek to foster awareness of and support for democracy and human rights in Bahrain.

1001 Connecticut Ave. Northwest, Suite 205

Washington, DC 20036

202.621.6141

United States

www.adhrb.org

Bahrain Center for Human Rights

The Bahrain Center for Human Rights (BCHR) is a non-profit, non-governmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the authorities in November 2004 to close, the BCHR is still functioning after gaining a wide local and international support for its struggle to promote human rights in Bahrain.

www.bahrainrights.org