



# Breaking the Silence

*Bahraini Women Political Prisoners Expose Systemic Abuses*



Americans for Democracy  
& Human Rights in Bahrain



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& Human Rights in Bahrain**

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Americans for Democracy & Human Rights in Bahrain (ADHRB) is a non-profit, 501(c)(3) organization based in Washington, D.C. that fosters awareness of and support for democracy and human rights in Bahrain and the Arabian Gulf.

The Bahrain Institute for Rights and Democracy (BIRD) is a London-based non-profit organisation focusing on research, investigation, and advocacy for human rights and democracy in Bahrain.

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# Contents

Foreword ..... 5

Acronyms ..... 7

Executive Summary..... 8

Recommendations..... 11

Methodology ..... 13

Background..... 15

About the Women..... 19

Chapter 1: Arrest..... 22

Chapter 2: Interrogation..... 32

Chapter 3: Trial ..... 48

Chapter 4: Prison Conditions ..... 64

Chapter 5: Oversight Bodies ..... 80

Chapter 6: International Actors and the UK and US Governments..... 88

Conclusion ..... 104

Acknowledgements..... 110

About the Experts ..... 111

Annexes: Case Briefs..... 113

## **Authors of this Report**

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## Foreword

### BY LAMA FAKIH, ACTING MIDDLE EAST DIRECTOR OF HUMAN RIGHTS WATCH

In recent years, Gulf states have waged an intensifying campaign of repression against their citizens, committing serious human rights violations. As more women have taken leading roles in resisting these oppressive government practices and defending human rights, they have increasingly become the targets of their abuse. While the shocking reports of Saudi Arabia imprisoning and torturing brave female activists who fought for their right to drive garnered significant media attention this past year, scant attention has been paid to the degrading rights situation for women human rights defenders in other Gulf states, including in Bahrain, despite the intensifying crack-down against female activists there.

After the Bahraini government violently cracked down on pro-democracy protests in 2011, it appeared to be taking some steps towards genuine reform. In June 2011, King Hamad bin Isa AlKhalifa established the Bahrain Independent Commission of Inquiry (BICI) to investigate the abuses and identify the perpetrators so they could be held accountable. However, eight years after the BICI issued its recommendations to the Bahraini government, hardly any of its recommendations to the government have been implemented.

Since 2017, the Bahraini government has adopted a zero-tolerance policy towards dissent. It has imprisoned or forced into exile virtually all opposition members, closed down the country's only independent newspaper and all opposition political societies, banned independent candidates from participating in elections, and resumed executions after a seven-year moratorium.

Targeted for their human rights activism, and in some cases, for the activism of their male relatives, the nine women featured in this report have been subject to Bahrain's escalating repression.

These women's accounts of torture, sexual abuse, and inhumane treatment should be cause for grave concern. Their accounts point to a policy of intimidation aimed at punishing these women for participating in activities critical of the government and deterring other women from doing so. The abuses documented in this report mirror those documented by Human Rights Watch and other rights groups against male detainees in Bahrain. This, however, is the first overarching look into the experiences of female political detainees in Bahrain.

Despite the far-reaching physical and psychological implications of the violations these women describe, they have shared the details of their ordeals to urge accountability.

To date, Bahraini officials and security officers have committed crimes with impunity. Since 2011, authorities have failed to credibly investigate and prosecute officials and police officers who allegedly committed serious violations against detainees, including torture and other ill-treatment. Despite numerous complaints by detainees and their family members, the oversight bodies that the government set up in response to a BICI recommendation have repeatedly failed to investigate credible allegations of prison abuse or hold officials responsible for torture to account, garnering international criticism for failing to be independent and effective.

The abuses outlined in this report are violations of international human rights law, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT), both of which Bahrain has ratified.

This report aims to shed light on the Bahraini government's abuse of female detainees. The international community, including Bahrain's allies, has to date been shamefully silent on the human rights abuses committed against Bahraini citizens. The horrific accounts of abuse and torture described in this report add to the mounting evidence of serious crimes committed by Bahraini officials against detainees. It is my hope that the findings of this report spur the international community into action to demonstrate to Bahrain – and abusive governments around the world – that actions have consequences. Human rights violations such as those described by these brave women should not go unpunished.

Lama Fakhri

*Acting Middle East Director, Human Rights Watch*

## Acronyms

**ADHRB** - Americans for Democracy & Human Rights in Bahrain

**BICI** - Bahrain Independent Commission of Inquiry

**BIRD** - Bahrain Institute for Rights and Democracy

**CAT** - United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**CEDAW** - Convention on the Elimination of all forms of Discrimination Against Women

**CID** - Criminal Investigations Directorate

**DoS** - United States Department of State

**F1** - Formula One

**FBI** - United States Federal Bureau of Investigation

**FIA** - Fédération Internationale de l'Automobile

**FCO** - United Kingdom Foreign and Commonwealth Office

**GBF** - Global Britain Fund

**GCC** - Gulf Cooperation Council

**GDCIFS** - General Directorate of Criminal Investigation and Forensic Science

**GDRR** - General Directorate of Reform and Rehabilitation

**HRC** - United Nations Human Rights Council

**HRW** - Human Rights Watch

**IAF** - Integrated Activity Fund

**ICC** - International Criminal Court

**ICCPR** - International Covenant on Civil and Political Rights

**ICESCR** - International Covenant on Economic, Social and Cultural Rights

**ICTR** - United Nations International Criminal Tribunal for Rwanda

**ICTY** - United Nations International Criminal Tribunal for the former Yugoslavia

**MENA** - Middle East and North Africa

**MOI** - Ministry of the Interior

**MP** - Member of Parliament

**NADR-ATA** - Nonproliferation, Antiterrorism, Demining, and Related Programs - Anti-terrorism Assistance

**NATO** - North Atlantic Treaty Organization

**NGO** - Non-Governmental Organisation

**NICO** - Northern Ireland Cooperation Overseas

**NIHR** - National Institution for Human Rights

**NSA** - National Security Agency

**OHCHR** - United Nations Office of the High Commissioner for Human Rights

**OMCT** - World Organisation Against Torture (*Organisation Mondiale Contre la Torture*)

**OPP** - Office of Public Prosecution

**PDRC** - Prisoners' and Detainees' Rights Commission

**SIU** - Special Investigations Unit

**SSFC** - Special Security Force Command

**UDHR** - Universal Declaration of Human Rights

**UK** - United Kingdom

**UN** - United Nations

**UN CAT** - United Nations Committee Against Torture

**US** - United States of America

**WGAD** - United Nations Working Group on Arbitrary Detention

## Executive Summary

On 14 February 2011, tens of thousands of Bahrainis demonstrated peacefully for greater civil, political, and human rights during the Arab Spring movement that swept through the region. The government responded with violence, cracking down on civil and political societies and targeting activists, human rights defenders, political figures, and religious scholars. In the years following, and particularly since 2017, the government has intensified the repression through the arrest, detention, and conviction of individuals who draw attention to the kingdom's human rights record or criticise the government.

In *Breaking the Silence: Bahraini Women Political Prisoners Expose Systemic Abuses*, the Bahrain Institute for Rights and Democracy (BIRD) and Americans for Democracy & Human Rights in Bahrain (ADHRB) offer a comprehensive analysis of the abuse endured by nine Bahraini women who are victims of this crackdown. Their testimony provides a critical insight into the abuse endured by former and current female political prisoners in the country, a pattern that has never been documented at length.

**Ameera AlQashami, Ebtisam AlSaegh, Faten Naser, Hajer Mansoor, Medina Ali, Najah Yusuf, Zahra AlShaikh, Zainab Marhoon, and Zakeya AlBarboori** have all been targeted by authorities in an effort to silence their human rights work, activism, political views, or those of their relatives, and were convicted in unfair trials, the majority of which were enabled by Bahrain's broad counter-terror law. *Breaking the Silence: Bahraini Women Political Prisoners Expose Systemic Abuses* traces the path of these women from their arrest through their interrogation, trials, and detention, documenting the responses of Bahrain's accountability and oversight bodies and the ongoing support provided by the UK and US governments to the Bahraini authorities.

Drawing mainly from BIRD and ADHRB's primary documentation, each of these cases reveal explicit misconduct at every stage of criminal procedure, in a diverse range of serious and sustained due process violations perpetrated by Bahraini law enforcement, judicial, and prison officials. The report finds that:

- **Women were arrested without search warrants, including in highly militarised police raids:**  
All the arrests - conducted during house raids by masked and plainclothes officers or through summonses - were performed without a warrant. Authorities also failed to present warrants for the search and seizure of belongings, and in each case failed to inform the women of the charges against them or the location where they were being taken. House raids were highly militarised and often entailed excessive force, including physical, verbal, and psychological abuse against the women and, in some cases, against members of their families.
- **Women were subjected to physical, psychological, and sexual assault during interrogations by Bahraini authorities:**  
Interrogations - all conducted without legal representation - were marred with physical and psychological abuse with varying degrees of intensity, sometimes amounting to torture, with the primary objective of extracting confessions. This includes beatings, kicks, and punches; sexual assault; threats of their rape or death and that of their families; prolonged solitary confinement and enforced disappearance; forced standing; and being held in cold or dark rooms - sometimes in painful positions - for several hours.
- **National Security Agency officers allegedly sexually assaulted women during their interrogation:**  
The two women interrogated by the National Security Agency (NSA) suffered the most severe abuse during their interrogations at the Muharraq Security Complex. Besides being beaten, kicked, and threatened, they alleged that they were sexually assaulted by NSA officers after refusing to work as informants. The Director of the Muharraq Security Complex was a beneficiary of a £16,000 UK taxpayer-funded training in 2015.

- **Bahrain’s judiciary used coerced confessions as evidence to convict the women and failed to investigate allegations of torture and ill-treatment:**

All eight of the women who were convicted reported several violations to their rights to fair trial and due process rights, demonstrating the lack of independence of Bahrain’s judiciary. Courts used coerced confessions to convict six of them, with judges dismissing allegations of torture and ill-treatment by presenting such allegations as techniques to avoid punishment or by utilising medical forensic reports that do not meet international standards. The absence of any inculpatory physical evidence was deemed irrelevant in assessing the women’s guilt in two cases, and over half of the women reported restrictions or denial of access to legal representation. This resulted in the inadequate preparation of their defence, which, in three cases, was compounded by the use of mass trials.

- **Overly broad interpretations of counter-terror laws facilitated the conviction of the women and in some cases revocation of citizenship:**

Bahrain’s vaguely-worded counter-terror law was used to target seven women and convict six of them of terror-related crimes, demonstrating how such legislation is used to criminalise dissent, assembly, and expression as threats to “national security.” The law has also allowed the government to strip the citizenship of two of the women, the first women to have their citizenship revoked through court order since 2012. Although their citizenship was later reinstated, one woman - who has completed her sentence and been released - is yet to be granted her full rights as a citizen.

- **Eligible female political prisoners were denied alternative sentences under Bahraini Law No. 18 of 2017, legislation for which Bahrain received UK assistance:**

Three of the five eligible prisoners in custody who applied for non-custodial alternative sentences were denied, despite qualifying under Bahraini Law No. 18 of 2017. The UK government received delegations from Bahrain’s Ministry of Interior and Ministry of Justice in August 2018 and March 2019 as part of its technical assistance to Bahrain to discuss the scope and implementation of the law. These visits incurred a total cost of £14,319.00 on the part of the UK government.

- **The Head of Isa Town Prison and prison officers conducted reprisals against women following international advocacy efforts conducted on their behalf:**

Political prisoners at Isa Town prison have reported reprisals against them in the prison when their cases are raised abroad, including in the UK Parliament and at the United Nations. These ranged from punitive measures, including restrictions to phone calls, family visits, time outside their cell, and religious participation, to humiliating searches, intimidation, and physical assault.

- **Prison officials failed to provide women with adequate medical care and standards of hygiene that are consistent with international standards:**

Authorities at Isa Town prison continually fail to provide prisoners with adequate medical care for conditions including diabetes, high blood pressure, and kidney stones. Authorities failed to provide timely mammogram results to a prisoner who discovered a lump in her breast, and failed to organise recommended follow-up appointments. Prisoners also reported unhygienic living conditions and insect-ridden food, leading to one recorded incident of food poisoning.

- **Oversight bodies trained with UK funding have consistently whitewashed complaints of human rights abuses:**

Oversight institutions that have received training funded by the British government, including the Ministry of Interior Ombudsman, National Institution for Human Rights, the Prisoners’ and

Detainees' Rights Commission, and the Special Investigations Unit, remain closely tied to the Bahraini government. By failing to respond to complaints in a timely manner, conducting inadequate investigations, and breaking their confidentiality policies, oversight institutions have contributed to the whitewashing of human rights violations and a climate of impunity in the country.

- **The Bahraini Embassy to the UK perpetuates the abuses of the Bahraini authorities by dismissing allegations, misrepresenting facts, and whitewashing violations:**

The Bahraini Embassy to the UK typically issues statements misrepresenting facts, dismissing allegations of torture and ill-treatment levelled against Bahraini authorities, and revealing information before the appropriate authorities have released it in Bahrain. They have also disclosed to a British MP the outcome of a conviction a week before it took place and coordinated with domestic oversight bodies in Bahrain to divulge private information on social media without procuring prior consent.

- **The UK government relies on assurances by the Bahraini Embassy to the UK while ignoring allegations of torture and abuse, and uses taxpayer money to train institutions responsible for whitewashing abuses:**

Evidence presented by NGOs and members of both chambers of the British Parliament has been routinely ignored, with the government encouraging those raising human rights abuses to refer their complaints to Bahraini oversight bodies trained with UK taxpayer money, despite the fact that those institutions lack independence and whitewash abuses.

- **The US Department of State has raised concerns for human rights in public statements, but this message has not been carried into diplomatic meetings or actions:**

The US Department of State has provided several statements during press briefings outlining concerns for alleged human rights violations perpetrated against some of the women in this report, and has noted some of the cases in its annual human rights report. Nonetheless, US government officials have continued to meet with Bahraini officials and emphasise counter-terror efforts, with little indication that human rights concerns are raised during such meetings.

- **The US government provides funding, training, and assistance to Bahraini government bodies implicated in human rights abuses:**

The US government has provided funding and training to Ministry of Interior units that have been implicated in allegations of human rights violations against female political prisoners. In some cases, the US removed language from budget documents and requests that was initially intended to introduce a human rights focus to trainings for some units. US assistance and funding to Bahrain remains at risk of misuse, and signals that the US government will not seek to combat abuse and impunity.

# Recommendations

## For the Government of Bahrain

1. Release Hajer Mansoor, Medina Ali, and Zakeya AlBarboori, whose convictions involved serious fair trial and due process violations, or, if there is evidence that they may have been responsible for a recognisable criminal offence not related to speech, political opinion, or peaceful assembly, re-try them in a judicial procedure which comports with international fair trial standards, including independent investigations of allegations of abuse;
2. Provide a timely, transparent, and thorough investigation into allegations of arbitrary arrests, coercive interrogation tactics, and physical and sexual assault, ensuring that all responsible officers are held accountable;
3. Conduct an impartial, independent review of conditions at Isa Town Women's Prison and Detention Centre and hold perpetrators of human rights abuses accountable; investigate allegations of medical negligence, assault, punitive measures, and denial of religious rights; and assure that all prisoners are provided full protections under the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners (Bangkok Rules);
4. Establish an independent commission to oversee the reform of oversight and accountability institutions to guarantee genuine impartiality and independence from the government of Bahrain;
5. Allow country access to the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Working Group on Arbitrary Detention, and the Special Rapporteur on Violence Against Women and allow them to independently assess allegations of torture;
6. Ratify the **Optional Protocol to the Convention Against Torture**, which calls for the establishment of "a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment;"
7. Ratify the **International Convention for the Protection of All Persons from Enforced Disappearance**, which obliges signatories to "take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law;"
8. Ratify the **First Optional Protocol to the International Covenant on Civil and Political Rights**, which establishes an individual complaint mechanism for reporting violations of the ICCPR, particularly regarding the right to free expression; and
9. Ratify the **1954 and 1961 UN Conventions on Statelessness**, which guarantee the human rights of stateless individuals and commits states to preventing and reducing statelessness over time.

## For the Government of the United Kingdom

1. Urge the Government of Bahrain to release Hajer Mansoor, Medina Ali, and Zakeya AlBarboori, through private and public means, as well as any other prisoners arrested and/or convicted solely for exercising their right, guaranteed under international law and Bahrain's constitution, to freedoms of expression, opinion, and peaceful assembly, or that of their family members;

2. Suspend all funding to institutions and units involved in perpetrating human rights abuses against the women included in this report, until the UN Special Rapporteur on torture is granted access to the country and other human rights advances are made;
3. Ensure complete transparency regarding the use of taxpayers' money in funding technical assistance programmes to the Bahraini government and establish clear, independent mechanisms to periodically assess the efficacy of the technical assistance programme;
4. Take into account reports issued by the United Nations and international human rights NGOs when assessing Bahrain's human rights record;
5. Publicly condemn the Government of Bahrain's harassment and targeting of political figures, journalists, human rights defenders, activists, and their families and urge the Government of Bahrain to halt this practice;
6. Introduce an immediate embargo on the sale of arms and other equipment that may be used for the purpose of internal repression in Bahrain, and make all trade agreements to Bahrain conditional upon the country meeting the obligations outlined in the international human rights treaties to which they are party; and
7. Open an investigation into Bahraini officials implicated in torture allegations under universal jurisdiction - including those who are beneficiaries of British training - and ensure they are barred from entering the UK on official visits and imposing sanctions where appropriate.

## **For the Government of the United States**

1. Urge the Government of Bahrain to release Hajer Mansoor, Medina Ali, and Zakeya AlBarboori, through private and public means, as well as any other prisoners arrested and/or convicted solely for exercising their right, guaranteed under international law and Bahrain's constitution, to freedoms of expression, opinion, and peaceful assembly;
2. Halt arms sales and security and logistical assistance to the units or directorates involved in the arrest or abuse of human rights defenders and activists, including the women of this report, until such time as:
  - a. The Bahraini government has undertaken independent, thorough, and transparent investigations into the allegations of human rights violations detailed in this report;
  - b. Perpetrators of these violations are held accountable; and
  - c. The Bahraini government has made substantial progress to improve the situation of female political prisoners in Bahraini prisons;
3. Ensure that any assistance or training programmes to Bahraini security and oversight institutions and security and military units are dependent upon the country meeting its obligations outlined in the international human rights treaties to which it is party;
4. Ensure reasonable and good faith monitoring of any training, security, or logistical assistance to see that such assistance is properly implemented in a manner that does not infringe upon human rights;
5. Provide further detailed public reporting on training programmes to officials affiliated with the Bahraini institutions involved in the cases in this report;
6. Initiate and implement visa bans and other sanctions against Bahraini government and oversight officials who oversee abuse or otherwise fail to report and prosecute abuses in accordance with the Global Magnitsky Human Rights Accountability Act and, for direct perpetrators of gross violations of human rights, section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act.

# Methodology

## Scope of the Report

The nine women whose cases are included in this report were all arrested, interrogated, and convicted between February 2017 and January 2019. These nine women were chosen due to their status as current or former political prisoners, particularly in relation to the crackdown on civil and political spaces in Bahrain, which escalated in 2017.

There is no universal definition of “political prisoner” under international law. In reviewing various definitions, including those of Amnesty International<sup>1</sup> and the Parliamentary Assembly of the Council of Europe (PACE),<sup>2</sup> we have adopted a broad definition of the term.<sup>3</sup>

For the purposes of this report, the organisations define “political prisoner” as an individual who is detained or imprisoned for political purposes, including:

1. the political status or actions (actual or perceived) of the prisoner;
2. the political status or actions (actual or perceived) of someone to whom the prisoner is connected;
3. the detention is the result of a conviction under laws which are political in nature or application; or
4. the detention is the result of unfair trial proceedings, in connection with a political motivation of the authorities.

Some of the women covered in this report are human rights defenders,<sup>4</sup> as they actively advocate for the protection of human rights of others. BIRD and ADHRB have also included some women who were charged with violent crimes, including promoting, funding, or otherwise supporting terrorist acts - their inclusion does not presume innocence or guilt of these charges, and does not condone any such alleged violent acts. Their cases are included with the understanding that the Bahraini government typically uses its overly-broad counter-terror laws to silence expression, dissent, and assembly.<sup>5</sup> The umbrella term of “political prisoner” is used to encompass all of the women included in the report.

## Documentation of Abuses

Since 2015, the Government of Bahrain has refused entry to human rights organisations and other international monitoring bodies, including offices of the UN High Commissioner for Human Rights. Despite these restrictions on access, BIRD and ADHRB have been in communication with the nine women and

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1 Amnesty International Handbook (London: Amnesty International Publications, 2002), p. 40-41.

2 Cases of alleged political prisoners in Armenia and Azerbaijan (Council of Europe July 16 2001), SG/Inf (2001)34 Addendum I (pub. October 24 2001), para. 54.

3 While we have not adopted Amnesty International’s definition of “political prisoner”, we have adopted their definition of “political”, which relates to “the principles, organization or conduct of government or public affairs; and the relation of all these to questions of language, ethnic origin, sex or religion, status or influence (among other factors). See Amnesty International Handbook (London: Amnesty International Publications, 2002), page 40-41.

4 A human rights defender is a person who “acts[s] to address any human right (or rights) on behalf of individuals or groups.” For further information, see Fact Sheet No. 29: Human Rights Defenders: Protecting the Right to Defend Human Rights, p. 2, <https://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>.

5 The definition of “terrorism extends to non-violent acts aimed at “disrupting the public order, “threatening the Kingdom’s safety and security” and “damaging national unity.” See Law No. (58) of 2006 in regards to the protection of the society from terrorist acts, Art. 1.

their relatives since 2017, the majority of whom were still serving their prison sentences during the drafting of the report. BIRD has been conducting regular telephone interviews with the women during their time in prison and, where applicable, after their release, and in some cases with their families. ADHRB's information is drawn from its UN Complaint Program, which is based on extensive interviews and multiple communications over several days with family members of the victims and, where possible, with the victims themselves.

A tenth woman shared her testimony about the conditions of her imprisonment, but requested not to be named for fear of retribution. All of the women gave their informed consent and, in some cases, their relatives also gave their consent. Neither BIRD nor ADHRB offered any incentives to the women or their families.

The interviews were conducted in Arabic, recorded, transcribed, and translated. In some cases, the women provided their own written testimonies of abuses from prison or testimonies written after their release. The organisations also made contact with family members and conducted interviews with several defence lawyers. Other lawyers expressed concerns about potential retribution due to government surveillance and declined to speak with us.

For five of the women, the organisations were able to obtain court judgments, public prosecution arguments (including the Office of Public Prosecution's interviews with the individual), defence arguments and indictments. Where possible, the organisations corroborated the victims' testimonies and identified due process violations through records of medical examinations conducted either in detention or shortly after interrogation, analysing social media posts and relevant audio recordings. In some cases, it proved challenging to obtain official documents, as the victims, their families, and in some cases, their lawyers, did not have access to necessary documentation, including court judgments and medical records. In other cases, lawyers declined to disclose documentation for fear of retribution.

The organisations further conducted interviews with legal, medical, and academic experts who have worked on issues of women in detention, torture and sexual assault trauma, and unfair trials, and included their commentary to supplement our analysis. These interviews were conducted in person, via Skype, and in one case through written correspondence.

Additionally, the organisations submitted complaints to official oversight bodies, mainly the Ministry of Interior Ombudsman, National Security Agency Ombudsman and the National Institution for Human Rights, and included some of the responses we received from these institutions. We also monitored statements by Bahraini government bodies, including the Ministry of Interior and the Bahraini Embassy to the UK.

BIRD and ADHRB have also reviewed the position of the international human rights community on the women's cases, by analysing public statements, reports, and urgent appeals by the United Nations. In addition, we scrutinised the military, technical, and political support the UK and US governments provide to Bahrain to assess the impact this support has on the human rights climate in the country and on individual cases specifically. To do so, we have monitored UK parliamentary questions and debates, public statements, and human rights country reports, as well as including information collected through the media and information drawn under the UK Freedom of Information Act 2000. We have also reviewed information from US State Department statements, press briefings, and annual country human rights reports, as well as reviewed financial disclosures such as budget and appropriations for US security assistance to Bahrain.

## Background

The Kingdom of Bahrain is a small island state neighbouring Saudi Arabia and Qatar. Bahrain has a population of almost 1.5 million people; half of which are Bahraini nationals.<sup>6</sup> The Arabic-speaking state has a Shia Muslim majority population, and a Sunni Muslim ruling monarchy. Bahrain is the Arab country with the highest prison population rate per capita in the Middle East as of 2019.<sup>7</sup>

## Aftermath of the Bahraini Uprising: BICI Reforms

In February 2011, Bahrain and the neighbouring Gulf states witnessed mass calls for government reform, resulting in the widespread Arab Spring protests across the region. In response to this movement, the Bahraini government implemented a violent crackdown on thousands of protestors, with military assistance from Saudi Arabia.<sup>8</sup> On 1 July 2011, in the aftermath of the crackdown, King Hamad bin Isa AlKhalifa issued Royal Order No. 28 of 2011 establishing the Bahrain Independent Commission of Inquiry (BICI). Under this order, the BICI was to investigate abuses committed by the government in the aftermath of the February/March 2011 protests, providing a comprehensive report on such findings.<sup>9</sup> On 23 November 2011, the BICI presented 26 recommendations for government and human rights reform in the Kingdom to address the culture of impunity in Bahrain.<sup>10</sup> Among these, the report outlined the necessity of independent mechanisms to seek legal accountability of government actors responsible for perpetrating torture and abuse.

## Deterioration of Human Rights Since 2017

Despite the recommendations of the BICI and the establishment of supposedly independent oversight mechanisms, the human rights landscape in Bahrain has deteriorated since the 2011 pro-democracy movement - particularly since 2017. In January 2017, the Bahraini government executed Sami Mushaima, Ali AlSingace, and Abbas AlSamea by firing squad, despite concerns that their confessions were obtained under torture.<sup>11</sup> These executions marked an end to the kingdom's seven-year *de facto* moratorium on the use of capital punishment. That same month, the government additionally rolled back two of the BICI recommendations that had been partially implemented,<sup>12</sup> resulting in the reinstatement of the National Security Agency (NSA)'s arrest powers and allowing civilians to once again be tried in military courts.<sup>13</sup> The decision to roll back the BICI recommendations signalled a new era of government efforts to close civil and political space and eradicate dissent. On 26 January, security forces executed a lethal raid on a peaceful sit-in protest in the village

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6 Central Intelligence Agency, *The World Factbook*, "Bahrain" (24 July 2019), available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/ba.html>, accessed 7 August 2019.

7 World Prison Brief, "Prison Population Rate" (2019), available at: [https://www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate?field\\_region\\_taxonomy\\_tid=21](https://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=21) (Accessed 7 August 2019).

8 Ethan Bronner and Michael Slackman, "Saudi Troops Enter Bahrain to Help Put Down Unrest," *New York Times*, 14 March 2011, Available at: <https://www.nytimes.com/2011/03/15/world/middleeast/15bahrain.html>.

9 *Royal Order No. 28 of 2011*, Article 1. Kingdom of Bahrain. 29 June 2011, Available at: <http://www.bici.org.bh/wp-content/uploads/2011/08/RoyalOrder28of2011.pdf>.

10 Bahrain Independent Commission of Inquiry, *Report of the Bahrain Independent Commission of Inquiry*, Manama, Bahrain: Bahrain Independent Commission of Inquiry, 2011. Available at <http://www.bici.org.bh/BICIREportEN.pdf>.

11 Patrick Wintour, "Bahrain executes three Shia men in first death sentences since 2010," *Guardian*, 15 January 2017, Available at: <https://www.theguardian.com/world/2017/jan/15/bahrain-three-men-death-sentence-shia-muslims-gulf> (Accessed on 19 July 2019).

12 Recommendations 1718 and 1720, calling for the NSA to be stripped of its arrest and law enforcement powers and for civilians to be tried in ordinary courts. <http://www.bici.org.bh/BICIREportEN.pdf>.

13 *Royal Decree No. 1 of 2017, Amendment to Establishment of the National Security Agency*, Kingdom of Bahrain, January 2017.

of Duraz, resulting in the death of 18-year-old Mustafa Hamdan.<sup>14</sup> Violent raids on peaceful protestors in Duraz continued in May 2017, when another five protestors were killed during a raid initiated by Bahraini security forces.<sup>15</sup> As public space to organise and express dissent shrank, the government forcibly closed Bahrain's only independent newspaper, Al-Wasat, in June 2017.<sup>16</sup> Furthermore, on 26 July 2019, Ali AlArab and Ahmed AlMalali, who had both been convicted in a mass trial of 60 people following 'confessions' extracted under torture,<sup>17</sup> were executed by firing squad despite widespread international condemnation and calls for their executions to be halted,<sup>18</sup> including from the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.<sup>19</sup>

To date, the government has increasingly pursued human rights defenders, their family members, and others, including the women in this report, and engaged in reprisals targeting protesters, journalists, human rights defenders, and their relatives.

## Key Institutions

### LAW ENFORCEMENT

Bahrain's **National Security Agency** (NSA) serves as the kingdom's secret police unit and is mandated "to detect and uncover all activities that undermine the national security of the kingdom, its institutions and its [ruling system], or that threaten the security and stability of the nation, or its interests or accomplishments."<sup>20</sup> In 2011, the king stripped the NSA of its arrest and interrogation powers in accordance with a recommendation from the Bahrain Independent Commission of Inquiry (BICI),<sup>21</sup> but restored those powers in 2017 to allow the arrest of terrorist suspects.<sup>22</sup> Since then, the NSA has targeted human rights defenders and allegedly engaged in torture, including sexual assault, as in the cases of female human rights defender **Ebtisam AlSaegh**<sup>23</sup> and activist **Najah Yusuf**.<sup>24</sup>

The **Ministry of Interior** (MOI) is Bahrain's chief law enforcement agency, and has authority over police units, including the Special Security Force Command (SSFC); investigations and evidence, such as the Criminal Investigations Directorate (CID); and prison administration, including the General Directorate of Reform and Rehabilitation (GDRR), under which the Women's Reformation and Rehabilitation Centre at Isa Town (commonly referred to as **Isa Town Prison**) falls.

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14 CIVICUS Monitor Tracking Civil Space, "GROWING CONCERN OVER THE CONTINUOUS PERSECUTION OF CIVIL SOCIETY, JOURNALISTS AND ACTIVISTS," CIVICUS, last modified March 13, 2017, Available at: <https://monitor.civicus.org/newsfeed/2017/03/13/civic-space-freedoms-remain-under-attack-bahrain/> (Accessed on 18 July 2019).

15 Urgent Appeal to the Government of Bahrain, Ref No. UA BHR 6/2017 (Jun. 9, 2017)

16 "Bahrain: Only Independent Newspaper Shut Down," Human Rights Watch, 18 June 2017, Available at: <https://www.hrw.org/news/2017/06/18/bahrain-only-independent-newspaper-shut-down>.

17 Amnesty International, "URGENT ACTION: Three men executed by firing squad in Bahrain" (2 August 2019), available at: <https://www.amnesty.org/download/Documents/MDE1108302019ENGLISH.pdf>, accessed 7 August 2019. This is the same trial in which two of the subjects of this report, Ameera AlQashami and Faten Naser, were also convicted.

18 Andrew England, Financial Times, "Bahrain executes two men on terror-related charges" (27 July 2019), available at: <https://www.ft.com/content/792ab522-b070-11e9-8cb2-799a3a8cf37b>, accessed 7 August 2019.

19 Agnes Callamard, UN Special Rapporteur on extrajudicial, summary or arbitrary execution, United Nations Human Rights Office of the High Commissioner (26 July 2019), available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24855&LangID=E>, accessed 7 August 2019.

20 *Royal Decree No. 14 of 2002 regarding the establishment of the National Security Agency*, Kingdom of Bahrain.

21 Bahrain Independent Commission of Inquiry (2011), *Report of the Bahrain Independent Commission of Inquiry*, Finding 1703, Recommendation 1720 at 419, 422–423 (Mahmoud Cherif Bassiouni et al.).

22 *Royal Decree No. 1 of 2017, Amendment to Establishment of the National Security Agency*, Kingdom of Bahrain, January 2017.

23 See Case Brief: Ebtisam AlSaegh, page 115.

24 See Case Brief: Najah Yusuf, page 126.

The **Special Security Force Command** (SSFC), more commonly referred to by Bahrainis as “commandos,” is the paramilitary branch of the MOI, often employed in counter-terror measures and to disperse riots, including providing security for the Formula One race.<sup>25</sup> The SSFC was reportedly involved in a number of arrests in this report, employing excessive paramilitary tactics against these women and their families.

The **Criminal Investigations Directorate** (CID) is the primary subdivision of the General Directorate of Criminal Investigation and Forensic Science within the MOI, and is charged with “storing and retrieving electronically all available information on people and their activities outside the land.”<sup>26</sup> The CID is the primary government body which detains, interrogates, and investigates targets, and multiple detainees have reported that CID personnel tortured them to extract testimony or confessions - many of which are fabricated.<sup>27</sup> All but two of the women in this report came into contact with the CID at some point throughout the process of their detention.

## OVERSIGHT BODIES

As Bahrain’s human rights situation has deteriorated, the kingdom’s oversight and accountability institutions have continued to operate. In many instances, however, these institutions have been instrumental in whitewashing ongoing systematic human rights violations - demonstrating their lack of effectiveness and independence from the Bahraini government.<sup>28</sup> In 2014, the Government of Bahrain issued a decree calling for the establishment of an independent Ombudsman’s office.<sup>29</sup> The office of the **Ministry of Interior Ombudsman** (MOI Ombudsman) is charged with independently investigating complaints of abuse of authority, misconduct, or criminal offenses committed by MOI officials.<sup>30</sup> However, the MOI Ombudsman’s office has failed to fulfil their mandate, as the MOI has prosecuted and convicted only a small number of low-level officials,<sup>31</sup> thereby leaving torture complaints unaddressed and allowing impunity to prevail.

The **National Institution for Human Rights** (NIHR), also created by Royal Decree following BICI recommendations,<sup>32</sup> is tasked with “focus[ing] on the promotion, development and protection of human rights, in addition to striving to consolidate the relevant values and awareness of such values, and ensuring that these values are practiced freely and independently.”<sup>33</sup> However, the NIHR tends to support government positions over claims of abuse by individuals. In particular, the NIHR has backed the military trials of

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25 Americans for Democracy & Human Rights in Bahrain, *Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior* (2019), pg. 26.

26 Fatima Zayed al-Zayed, “Total commitment: Top services pledge by Criminal Investigation,” Al-Amn, Police Media Center, MOI, Kingdom of Bahrain, November 2017, Available at: <https://www.policemc.gov.bh/en/al-amn-magazine/al-amn-magazine/76825>.

27 See Comm. Against Torture, Concluding Observations on the Second and Third Periodic Reports of Bahrain, U.N. Doc. CAT/C/BHR/CO/2-3 (29 May 2017), Available online in Word and PDF at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBHR%2fCO%2f2-3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBHR%2fCO%2f2-3&Lang=en). Human Rights Watch, *The Blood of People Who Don’t Cooperate: Continuing Torture and Mistreatment of Detainees in Bahrain*, HRW, November 2015, Pages 28-45, Available at: [https://www.hrw.org/sites/default/files/report\\_pdf/bahrain1115\\_4upload.pdf](https://www.hrw.org/sites/default/files/report_pdf/bahrain1115_4upload.pdf). ADHRB’s UN Complaint Program also documented 92 cases of individuals who alleged torture at the CID from 2014-2019.

28 See Oversight, page 80.

29 *Decree No. (27) of 2012 Concerning the Office of the Independent Ombudsman at the Ministry of Interior*, Kingdom of Bahrain, 28 February 2012, Available at: <http://www.theioi.org/downloads/dfo7/Decree%20Nr.%2027%20of%202012%20concerning%20the%20Office%20of%20the%20Independent%20Ombudsman%20at%20the%20Ministry%20of%20Interior.pdf>

30 “About the General Secretariat of the complaints,” Ministry of Interior Ombudsman (website), Available at: <https://www.ombudsman.bh/en/about/>. (Accessed on 9 May 2019)

31 Bahrain Ministry of Interior Ombudsman, *Annual Report 2017-2018*, (Manama: Ministry of Interior Ombudsman, 4 October 2018), Available at: <https://www.ombudsman.bh/mcms-store/magazine/en/2017-2018/index.html>.

32 *Law No. 26 of 2014 Establishing the National Institution for Human Rights*, Kingdom of Bahrain, 24 July 2014. Available at: [http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/download/Royal%20Decree%20Law\\_No\\_26\\_of\\_2014.pdf](http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/download/Royal%20Decree%20Law_No_26_of_2014.pdf).

33 “NIHR in Brief,” National Institution for Human Rights, Available at <http://www.nihr.org.bh/EN/About/Brief>. (Accessed on 13 May 2019)

civilians<sup>34</sup> as well as the aforementioned January 2017 executions of three victims of torture,<sup>35</sup> which were described as “extrajudicial killings” by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.<sup>36</sup>

The **Prisoners’ and Detainees’ Rights Commission** (PDRC) - established under Royal Decree 61 of 2013 - is responsible for oversight of Bahrain’s prisons and detention centres.<sup>37</sup> However, the PDRC has also contributed to the kingdom’s broader issue of impunity. Notably, the PDRC is placed within the MOI Ombudsman’s purview, and thereby indirectly incorporated into the Ministry of Interior’s structure and lacking similar impartiality.<sup>38</sup>

Similarly to the MOI Ombudsman’s office, the **National Security Agency Ombudsman** (NSA Ombudsman) - created by Royal Decree in 2012 - is tasked with the mandate of independently investigating complaints pertaining to torture or ill-treatment allegations involving NSA officials.<sup>39</sup> However, the NSA Ombudsman’s office has previously demonstrated failures to implement impartial investigations,<sup>40</sup> and the highest appointments in the office come at the nomination of the Head of the NSA.<sup>41</sup>

## THE JUSTICE SYSTEM

The **Office of Public Prosecution** (OPP), within the Ministry of Justice and Islamic Affairs, was created by Law No. 42 of 2002, and Bahrain’s criminal code provides that “[t]he Public Prosecution shall be solely competent to initiate and conduct a criminal action and shall not be commenced by any other party except in the events indicated in the Law.”<sup>42</sup> In the context of this report, a hearing before the OPP was typically the first time any of the women were brought before any sort of judicial authority. The OPP has been accused many times of coordinating with law enforcement to enable groundless raids and arrests, and of accepting coerced confessions,<sup>43</sup> as occurred in most of the cases included in this report.

The **Special Investigations Unit** (SIU) was established in 2012 in the office of the Attorney General and is mandated to investigate allegations of torture and ill-treatment, and recommend cases for prosecution where violations are sufficiently evidenced.<sup>44</sup> However, the SIU is notably tied to the Public Prosecution, as the unit is mandated to be staffed by seven prosecutors drawn from the office,<sup>45</sup> which has been accused of involvement in unfair trials.<sup>46</sup>

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34 National Institution for Human Rights, *Fact-Finding Report of the National Institution for Human Rights on the Allegations of Torture and Enforced Disappearance Crimes against a number of Convicts in the case known as (1/Terrorism/2017)*, 2018. Available at [http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/download/nihr1r\\_en.pdf](http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/download/nihr1r_en.pdf).

35 “NIHR’s Statement on the Execution of Three Individuals,” National Institution for Human Rights, January 2017, Available at: <http://www.nihr.org.bh/EN/Administrator/MediaHandler/GenericHandler/documents/Statements/16Jan2017.pdf>. (Accessed on 13 May 2019)

36 AgnesCallamard, (@AgnesCallamard), #Bahrain executed Abbas al-Samea, Ali al-Singace, Sami Mushaima. Torture, unfair trial + flimsy evidence: these are extrajudicial killings, Twitter, 15 January 2017, Available at: <https://twitter.com/agnescallamard/status/820532830744772608?lang=en>, (Accessed on 19 July 2019)

37 Decree No. 61 of 2013 on the Formation and Functions of the Commission for the Rights of Prisoners and Detainees, 2 Sept. 2013.

38 Ibid., Art. 2.

39 Decree No. 28 of 2012 Regarding the Ombudsman Office And Professional Standards office in NSA, Kingdom of Bahrain, 28 February 2012, Available at: <http://www.ombudsman.nsa.bh/en/office-of-the-ombudsman/Ombudsman-Office-Royal-Decree/>.

40 See Oversight Bodies Chapter, page 80.

41 Decree No. 28 of 2012 Regarding the Ombudsman Office And Professional Standards office in NSA, Kingdom of Bahrain.

42 Decree No. 46 of 2002 with respect to promulgating the code of Criminal Procedures, Kingdom of Bahrain, Art. 7.

43 Bahrain Centre for Human Rights, *BCHR: Bahrain-The Public Prosecution and its Violations to Human Rights*, 30 Oct. 2009, Available at: <http://www.bahrainrights.org/en/node/2965>.

44 *Decision (8) of 2012 Establishing a Special Investigations Unit*, Attorney General of the Kingdom of Bahrain, 27 February 2012, Available at: <http://www.biciunit.bh/en/decision-of-creating-SIU.html>.

45 Ibid.

46 See Trials Chapter, page 48.

## About the Women

### AMEERA ALQASHAMI

Ameera, 36, worked as an accountant at the American Mission Hospital before her unlawful detention. She participated in popular demonstrations calling for reform and defending human rights and the rights of activists. Ameera believes that she was arrested and tortured in part to pressure her father and brother during their interrogations. She was sentenced in an unfair mass trial, along with Faten Naser, two other women, and 56 men.

*Status: Released for manual labour under alternative sentencing, having served more than half of her prison term.*



### EBTISAM ALSAEGH

Ebtisam, 50, is a human rights defender and former prisoner of conscience who has been repeatedly targeted for her human rights activities, including through arrest, torture, sexual assault, and arbitrary detention. She is particularly outspoken on Instagram and Twitter in raising the cases of prisoners and detainees, and has engaged in advocacy at the United Nations Human Rights Council and with the Office of the High Commissioner on Human Rights. She has also previously worked for the Bahraini Society for Human Rights and Salam for Democracy and Human Rights.

*Status: Released from custody.*



### FATEN NASER

Faten, 42, who runs a fresh produce stall at a market with her husband, was arrested in February 2017. She was subjected to an unfair trial under Bahrain's broad counter-terrorism law, and may have been arrested for her connection to family members.

*Status: Released for manual labour under alternative sentencing, having served more than half of her prison term.*



## HAJER MANSOOR

Hajer, 51, is the mother-in-law of London-based human rights defender Sayed Ahmed Alwadaei. Her detention began in March 2017, and she was sentenced to three years in prison alongside her son and nephew in October 2017. Hajer was targeted for arrest due to her son-in-law's political and human rights activities and tried in an unfair trial under Bahrain's overly broad counter-terrorism law. Amnesty International labelled her a prisoner of conscience and the UN Working Group on Arbitrary Detention found that her detention is arbitrary and in reprisal for Sayed Ahmed's work.

*Status: Imprisoned, serving a three-year sentence.*



## MEDINA ALI

Medina, 29, is a former sales assistant. She has remained in custody following her arrest in May 2017 and was sentenced to three years in prison in February 2018 on charges of hiding a fugitive, an individual who had been convicted on charges related to political unrest.

*Status: Imprisoned, serving a three-year sentence.*



## NAJAH YUSUF

Najah, 42, is an activist and a former civil servant in Bahrain's Labour Market Regulatory Authority. She was first summoned and sexually assaulted by authorities in April 2017. Najah was targeted for arrest for her activities on social media, and convicted in an unfair trial under Bahrain's overly broad counter-terrorism law.

*Status: Pardoned and released.*



## ZAHRA ALSHAIKH

Zahra, 29, is an activist who has participated in peaceful sit-ins protesting the Bahraini government and its policies, and who has been arrested multiple times for her role in these protests. She is currently in England - she fled Bahrain in October 2018 after her latest arrest. Zahra was targeted for arrest due to her activism and convicted *in absentia* in an unfair trial under Bahrain's broad counter-terror law.

*Status: Released from custody, now residing in the UK.*



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### ZAINAB MARHOON

Zainab, 33, holds a degree in Islamic Studies and Islamic Law from the University of Bahrain. She comes from a politically active family, though Zainab says she is not active herself. Zainab's uncle, Fadhel Abbas, was shot by the police with live ammunition in May 1996. She was subjected to an unfair trial under the vague and broad counter-terror law in Bahrain.

*Status: Released, having served a one-year sentence. Her citizenship was revoked, but was reinstated after her release.*



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### ZAKEYA ALBARBOORI

Zakeya, 31, is a chemical engineer with no previous criminal record, who has participated in previously licensed demonstrations. She was arrested in May 2018 and has remained in detention ever since. Zakeya was convicted in an unfair trial under Bahrain's overly broad counter-terrorism law.

*Status: Imprisoned, serving a five-year sentence. Her citizenship was revoked but was later reinstated through Royal Order.*



## ARREST

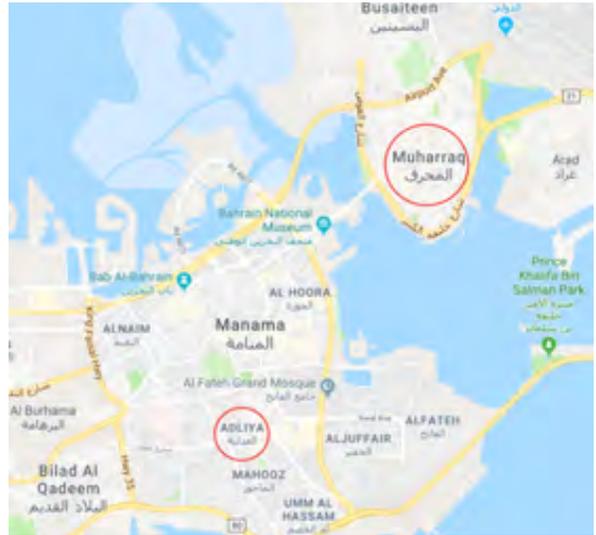
*“The torture started from the first moment in the car by masked, armed, civilian-clothed men. They insulted my sect and dignity and threatened me with rape. They threatened to rape members of my family. I was blindfolded and tortured with violent beatings aimed at the face and hitting my head against the wall violently.”*

MEDINA ALI, 11 OCTOBER 2017

## Introduction

The nine women featured in this report entered the custody of government officials through arrests during house raids, summonses for interrogation, and, in one case, arrest from unidentifiable officers in the street. The Criminal Investigations Directorate (CID) and the National Security Agency (NSA) have the power to make arrests, although the latter are only able to arrest individuals suspected of terrorist offences. The NSA's arrest powers were reinstated in January 2017,<sup>47</sup> having been stripped of this power in 2011 due to findings that the agency was responsible for the unlawful deaths of civilians.<sup>48</sup> Other government forces, such as the Special Security Force Command (SSFC), do not have the capacity to arrest suspects, but can assist CID and NSA officers. To conduct arrests, officers are obliged by law to hold an arrest warrant issued by the Office of Public Prosecution (OPP). The OPP also has the authority to summon individuals directly, who are subsequently released or arrested by the CID or NSA.

Four women - **Ebtisam AlSaegh**, **Najah Yusuf**, **Hajer Mansoor** and **Zahra AlShaikh** - received summonses for interrogation. **Ebtisam** and **Najah** were summoned by the NSA to the Muharraq Security Complex, whereas **Hajer** was summoned by the CID to their facility in Adliya. **Zahra**, whose home was raided in her absence, was summoned to the OPP, where upon arrival, she was blindfolded and transferred to the CID facility by officers presumed to be from that office. A further four women were arrested during house raids executed by plainclothes officers who were often masked and armed, SSFC officers, and officers from the NSA. Four women were arrested under the authority of the CID, namely **Faten Naser**, **Ameera AlQashami**, **Zakeya AlBarboori** and **Zainab Marhoon**. Six weeks after being released from her summons, **Ebtisam** was arrested during a house raid conducted by the NSA. One individual, **Medina Ali**, was forcibly arrested by unidentifiable officers in plain clothing and masks as she drove to work, when the officers transferred her to the CID building.



Google Maps, Screenshot of Manama and Muharraq area in Bahrain, Google, 2019, available at: <https://www.google.com/maps/@26.2285548,50.5814788,13.16z>, accessed 06 August 2019.



“It is important to look at the impact of not just the acts of torture or the acts that happen in the detention context, but to look at the whole journey, the whole trajectory. From when you are picked up off the street, whether you are blindfolded, whether you are insulted, whether you are intimidated, whether you are threatened - ‘You’re never going to see anyone again., ‘We’re going to teach you a lesson.’ It’s not just once you enter detention, it’s any judicial processes as well, and the general way in which these women are treated.”

NIMISHA PATEL, CLINICAL PSYCHOLOGIST  
SPECIALISING IN TORTURE SURVIVORS



47 Human Rights Watch, “Bahrain: Arrest Powers Restored to Abusive Agency,” last modified 31 January 2017, accessed 21 June 2019, <https://www.hrw.org/news/2017/01/31/bahrain-arrest-powers-restored-abusive-agency>.

48 Bahrain Independent Commission of Inquiry (2011), *Report of the Bahrain Independent Commission of Inquiry*, Finding 1703, Recommendation 1720 at 419, 422–423 (Mahmoud Cherif Bassiouni et al.).

All of the women reported multiple abuses perpetrated by officers during their arrest. In every case, officers failed to inform the women of their charges or reasons for their arrest or summons. No warrants were presented for their arrests nor for the search and seizure of their belongings. The women's testimonies also suggest that officers conducted arrests in a chaotic manner. In many cases, the women reported that officers "terrorised" and even abused their families during the house raid.<sup>49</sup> **Medina's** arrest was particularly aggressive, with officers physically assaulting her en route to the CID facility. On one occasion, **Ebtisam's** legal representation was also refused entry into the interrogation room despite accompanying her to the building. "The methods of arrests seem to be sources of psychological intimidation for the women being arrested or summoned, while also sending a clear message to others who may contemplate engaging in human rights activism or political opposition - there is a price to pay," commented **Aya Majzoub**, Bahrain Researcher at Human Rights Watch.<sup>50</sup>

## Summonses

Four women received summonses which detailed the date and location of their interrogation. The NSA summoned **Najah** and **Ebtisam**, the OPP summoned **Zahra**, and the CID summoned **Hajer**. None of the summonses offered any explanation for the order.

**Najah** reported that the NSA deceived her by claiming that she needed to visit their office to sign a pledge on behalf of one of her sons. It transpired, however, that Najah was the focus of their investigation, as she was questioned extensively on her own activism. NSA officials interrogated Najah over the course of five days from 23 to 27 April 2017. At the end of each day, officers ordered Najah to return the next day for further interrogation, initially by bribing her with an offer of employment as an informant. Najah said:

*"At first they took an approach of encouragement, that they will release my son, and that I will be relaxed with them and the government, and if I did not agree, they will have other procedures [to take]. They gave me a day and allowed me to go home and return the next day, to tell them my response...When I refused, the second procedure began."<sup>51</sup>*

Officers forced her to return to their office under coercion - Najah said that officials sexually assaulted her and threatened to inform her family of this abuse despite her wanting it to remain private. "The threat of sexual shaming is very common," said **Shahrzad Mojab**, Professor at the University of Toronto and scholar-activist on the MENA region. "My research shows how a lot of women are threatened by interrogators to shame them sexually in the presence of their male members of the family, husbands, brothers, or children. This is not just a physical assault, but it is emotional and psychological torture with life-long effects. Sometimes women cannot even go back to their families because of the sexual violence that was perpetrated against them."<sup>52</sup> **Nimisha Patel**, Clinical Psychologist, further elaborated on the shame associated with sexual assault and threats of a sexual nature, which compelled Najah to keep the details of her interrogation private: "The most profound thing I often see with women is the internalising of the shame, which is

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49 Zakeya AlBarboori's family member, Telephone interview with BIRD, June 2018.

50 Aya Majzoub, Bahrain Researcher, Human Rights Watch, Skype Interview with BIRD, 3 June 2019.

51 Najah Yusuf, Interview with BIRD, 2 July 2017.

52 Shahrzad Mojab, Professor at the University of Toronto and scholar-activist on the MENA region, Skype interview with ADHRB, 20 May 2019.

of course the aim of torture. You start to feel ashamed and responsible for what was done to you, and it is your job not to bring shame to your entire community by saying that this is what's happened to you; that you've been "soiled," "dirtied," "damaged."<sup>53</sup>

**Ebtisam's** case bears a number of similarities with Najah's - also orchestrated by the NSA - including the use of sexual assault. On 25 May 2017 at 9.30pm, the NSA called Ebtisam and ordered her to visit the Muharraq Security Complex the following day.<sup>54</sup> Ten days earlier, on 15 May 2017, Ebtisam's car had allegedly been set on fire the day after local news outlets labelled her a traitor.<sup>55</sup> In the days prior to the summons, Ebtisam had documented cases of mistreatment and torture in Duraz village. Fearing that she had been summoned for her human rights activities, Ebtisam promptly contacted her lawyer and the UN Office of the High Commissioner for Human Rights (OHCHR). She was concerned by the reports that she had heard that other human rights defenders were subjected to "*horrible torture, sexual harassment and threats*" in the complex.<sup>56</sup>

"This is a strategy that is being used against an individual woman activist to punish the entire community," elaborated **Shahrzad Mojab**, Professor at the University of Toronto. "It's designed to induce fear to deter others from joining any movements or human rights groups calling for reform."<sup>57</sup>

**Ebtisam's** lawyer had accompanied her to the Muharraq Security Complex on 26 May 2017, but was refused his request to attend Ebtisam's interrogation despite his insistence.<sup>58</sup> Instead, officials ordered him to leave.<sup>59</sup> **Hajer** faced a similar predicament when officers in plainclothes visited her home on 5 March 2017 and summoned her to the CID. She informed her lawyer, who advised her that he would not be permitted entry into the building and therefore could not accompany her to the interrogation.<sup>60</sup> Furthermore, while **Najah** and **Ebtisam's** summonses were pursuant to their own human rights activities, **Hajer's** coincided with her son-in-law Sayed Ahmed Alwadaei's participation at the 34th session of the UN Human Rights Council. Her summons came three days after a group of masked men detained her son and nephew without a warrant. Prior to entering custody, Hajer informed Sayed Ahmed Alwadaei that her son had called to say that he had been tortured and forced into implicating other relatives in criminal activity.<sup>61</sup>



"Now, what you need to understand is that sex, or mentions of sex in very conservative Gulf or Middle Eastern culture, is a taboo. You can not easily talk about your experiences, what happened to you - no. It is not something you can do. So, for people like this who have been subjected to sexual assault, possibly rape - because some of these sexual assaults could amount to rape - it is very difficult, it takes huge courage to speak out."

SIMA WATLING, BAHRAIN CAMPAIGNER AT AMNESTY INTERNATIONAL



53 Nimisha Patel, Clinical Psychologist specialising in torture survivors, Professor of Clinical Psychology at the University of East London, In-person interview with BIRD, 20 May 2019.

54 Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

55 Al-Wasat, "حريق يلتهم سيارة الناشطة الصايغ بجدهلي... و«الداخلية»: بسبب ماس كهربائي كهرائي", 17 May 2017, Available at <http://www.alwasatnews.com/news/1240549.html>. (Accessed on 21 June 2019).

56 Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

57 Shahrzad Mojab, Professor at the University of Toronto and scholar-activist on the MENA region, Skype interview with ADHRB, 20 May 2019.

58 Ebtisam AlSaegh, Interview with BIRD, 15 July 2019.

59 Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

60 Hajer Mansoor, telephone interview with BIRD, March 2017.

61 Human Rights Watch, "Bahrain: Activist's Family Targeted Retribution Appears Linked to Human Rights Work," last modified 6 March 2017. Available at <https://www.hrw.org/news/2017/03/06/bahrain-activists-family-targeted> (accessed 21 June 2019).

Commenting on the reprisals exacted on **Hajer** and her family members, **Sima Watling** of Amnesty International said: “Who is the next best target to retaliate against? Family members in the country. They were arrested, detained, interrogated, and the basis of their charges is ridiculous - absolutely fabricated. The authorities could have said ‘OK, we’ll stop, we haven’t found anything’ - but they chose to convict them all as well. It truly is a targeted approach, and purely vindictive towards people who do not accept being silenced. The more you speak out, the harsher the lesson.”<sup>62</sup>

Unlike the other women, **Zahra**’s summons did not appear to be prompted by a specific incident. Zahra had previously been an active member of Bahrain’s civil society, but she ended her activism after she was released from Isa Town prison in 2015. However, Zahra would still use Twitter to expose instances of harassment and ill-treatment inflicted on her husband in prison. She eventually stopped these efforts as she noticed that his treatment was worsening as a result.<sup>63</sup> On 9 September 2018, while Zahra took her son to school, masked plainclothes officers raided her family home without presenting a warrant and presented her mother-in-law with a summons for Zahra to appear at the OPP the following day.<sup>64</sup> Zahra complied with the order and appeared at the OPP on 10 September 2018. Here, officers claiming to be from the CID blindfolded her and took her to the CID facility for interrogation.<sup>65</sup>



“These methods have been documented time and again. Large numbers of officers - some of them in plain clothes, some of them dressed in black, surrounding the houses with their cars.”

SIMA WATLING, AMNESTY INTERNATIONAL



## House Raids

**Zakeya, Zainab, Ebtisam, Faten, and Ameer**a were arrested during house raids, while **Medina** was forcibly arrested while she drove to work after officers raided the residence of the fugitives she was accused of hiding. **Faten** and **Ameer**a were arrested in the same case - along with two other women - following raids on their respective parents’ homes.<sup>66</sup> While the circumstances of each arrest vary considerably, parallels can be drawn between the women’s alleged experiences. “They always try very hard to scare the women by going to their family home - that’s very intimate,” commented **Carin Benninger-Budel**, Programme Director at the World Organisation Against Torture (OMCT), on the intrusiveness of these types of arrest.<sup>67</sup>

### EXCESSIVE USE OF SECURITY PERSONNEL AND EQUIPMENT

The raids and subsequent arrests were typically conducted by officers in civilian clothing and, in some cases, supplemented by security forces. **Aya Majzoub** of Human Rights Watch observed the “disproportionality in the deployment of armed security forces” involved in the house raids.<sup>68</sup>

62 Sima Watling, Campaigner on Bahrain, Kuwait, UAE, Oman, Qatar at Amnesty International, Skype interview with BIRD, 7 May 2019.

63 Zahra AlShaikh, communication with ADHRB, 2 July 2019.

64 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, January 2019.

65 Ibid.

66 Police Media Center, “20 terrorists arrested, including four women”, last modified 21 February 2017. Available at: <http://www.policemc.gov.bh/en/news/ministry/60462/>. (Accessed on 21 June 2019)

67 Carin Benninger-Budel, Programme Director at the World Organisation Against Torture (OMCT), Skype interview with BIRD, 13 June 2019.

68 Aya Majzoub, Bahrain Researcher, Human Rights Watch, Skype interview with BIRD, 3 June 2019.

On the night of 4 August 2017, officers raided **Zainab's** home while she was out. After receiving a call from her husband requesting her to return, Zainab arrived soon after midnight to find her home surrounded by police officers. Several plainclothes officers and three security force officials searched her home for her brother's belongings. **Medina** was driving to work alone on 29 May 2017 when approximately five masked and armed plainclothes officers stopped her car and arrested her.<sup>69</sup>

**Ebtisam** also reported the excessive use of personnel that conducted her arrest at 11.45pm on 3 July 2017 - around six weeks after her interrogation with NSA officials.<sup>70</sup> Approximately 25 masked and plainclothes officers, all armed and sporting body and head cameras, raided her home.<sup>71</sup> She was then handcuffed by two masked female officers before being transferred to an unknown location.<sup>72</sup>

In addition to the excessive numbers of officers, some raids also involved security vehicles. For instance, armed officers from the CID, SSFC, NSA, and masked plainclothes officers raided **Faten's** parents' home on 9 February 2017, reportedly using helicopters to conduct the raid.<sup>74</sup> Similarly, two NSA security cars, eight SSFC Jeeps, and a bus surrounded the home of **Ameera's** parents at 9.00am on 9 February 2017 while Ameera was not present.<sup>75</sup> Women officers in police uniforms remained outside the house while masked officers in plain clothing conducted the raid inside. **Zakeya's** arrest also involved approximately ten plainclothes and armed SSFC officers accompanied by heavy paramilitary forces. On 17 May 2018, at approximately 3.00am, security vehicles surrounded Zakeya's home and helicopters landed on her roof while the officers entered her home.<sup>76</sup> **Carin Benninger-Budel** of OMCT singled out Zakeya's case as particularly excessive: "For the arrest of Zakeya, you had paramilitary individuals and equipment. *Why?* You're arresting *one* woman! Such circumstances are hugely intimidating. Although this case did strike me, it is something we see very often."<sup>77</sup>

## EXCESSIVE FORCE

Of all the women in the report, **Medina** was subjected to the most violent arrest, which entailed physical, verbal, and psychological abuse. Officers apprehended Medina while she was driving to work, then proceeded to blindfold her and transfer her to another vehicle. En route to the CID, officers stopped at the police cavalry station in Budaiya, in North-West Bahrain. Here, Medina alleges that they hit her head against a wall, inflicting a wound which has left a scar to this day. She elaborated:



"The use of such forces to arrest an activist is simply a technique of intimidation but also securitises activism. The state treats activists as the 'enemy' and therefore initiates a 'war-like' offensive against them through the use of security forces."<sup>73</sup>

SHAHRZAD MOJAB, PROFESSOR AT THE UNIVERSITY OF TORONTO



69 Medina Ali, telephone interview with BIRD, 11 October 2017.

70 Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, August 2018.

71 Amnesty International, 'URGENT ACTION: Detained Defender Interrogated Continuously', 14 July 2017, Available at: [https://www.amnesty.org.uk/files/2017-07/FI16517\\_1.pdf?sOx4RoxrL08Bi9901wZl9a8RLInnoQd4](https://www.amnesty.org.uk/files/2017-07/FI16517_1.pdf?sOx4RoxrL08Bi9901wZl9a8RLInnoQd4) (Accessed on 5 July 2019).

72 BIRD, 'BAHRAIN: Women Rights Activist Ebtisam Al-Sayegh Arrested by NSA, Serious Risk of Torture', 04 July 2017. Available at: <http://birdbh.org/2017/07/bahrain-women-rights-activist-ebtisam-al-sayegh-arrested-by-nsa-serious-risk-of-torture/> (Accessed 04 July 2019)

73 Shahrzad Mojab, Professor at the University of Toronto and scholar-activist on the MENA region, Skype interview with ADHRB, 20 May 2019.

74 Case of Faten Naser, ADHRB UN Complaint Program Documentation, November 2018.

75 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, January 2018.

76 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, May 2018.

77 Carin Benninger-Budel, Programme Director at the World Organisation against Torture, Skype interview with BIRD, 13 June 2019.

*“The torture started from the first moment in the car by masked, armed, civilian-clothed men. They insulted my sect and dignity and threatened me with rape. They threatened to rape members of my family. I was blindfolded and tortured with violent beatings aimed at the face and hitting my head against the wall violently.”<sup>78</sup>*

Commenting on Medina’s arrest, **Jo Baker**, Independent Researcher on women in detention, said, “Research indicates that the arrest and interrogation stages are one of the highest risk stages of torture, and this can be seen here. While in some of these cases the beatings may not have been motivated by gender, we could ask why the torture often concentrated on the women’s faces and heads. In the cultures where female beauty is a key value, it may be that ‘ruining’ this beauty is motivated by the will to shame and degrade them.”<sup>79</sup>

The women also reported instances of violence against their relatives during the arrest procedures. For instance, the day after **Zakeya** was arrested, at approximately 4:00am on 18 May 2018, the police conducted a second raid on her home, during which a member of her family said they “terrorised” her entire family.<sup>80</sup> The officers entered a room where three members of her family were sleeping, including a child who was allegedly awakened with a slap and ordered to leave the room. Another member of the family, who suffers from epilepsy, was reportedly kicked and beaten on the chest, thereby inducing seizures.<sup>81</sup> After the police left, the family called an ambulance to attend to them.<sup>82</sup>

Intimidation tactics were also used during **Ameera’s** and **Faten’s** arrests, with officers detaining Ameera’s mother in the kitchen while Ameera was not present,<sup>83</sup> whereas armed officers directed weapons and video cameras at members of **Faten’s** family.<sup>84</sup> Similarly, **Ebtisam’s** family home was raided for a second time on 6 July 2017, just a few days after her arrest. Masked men entered her home at 1.00am and confiscated all mobile phones on the property. They were searching for **Ebtisam’s** phone and reportedly spoke to her family aggressively, telling them “your mother didn’t cooperate with us.”<sup>85</sup>

## OPACITY AND DECEPTION

All the women reported a sense of insecurity and fear. Authorities did not inform them of the charges against them or where they were being taken, and often relied on deception to arrest them. “What I can see in most of the women’s testimony is that nothing happened in an ordered manner that could be clearly understood by them or their family members,” said **Shahrzad Mojab**, Professor at the University of Toronto. “The movement between places and detention centres adds to the creation of desperation, anger, intimidation within the immediate family members who are asking - ‘Where is this person?’ ‘What is the charge?’. So it’s chaotic and it’s violent, and sometimes it’s difficult to follow the trace of who has done what and who they should contact to have their rights respected.”<sup>86</sup>

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78 Medina Ali, Telephone interview with BIRD, 11 October 2017.

79 Jo Baker, Independent Researcher on the human rights of women in detention, commentary provided to ADHRB, 28 May 2019.

80 Zakeya AlBarboori’s family member, telephone interview with BIRD, June 2018.

81 Ibid.

82 Ibid.

83 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, January 2018.

84 Case of Faten Naser, ADHRB UN Complaint Program Documentation, November 2018.

85 BIRD, ‘BAHRAIN: Women Rights Activist Ebtisam Al-Sayegh Arrested by NSA, Serious Risk of Torture’, 04 July 2017. Available at: <<http://birdbh.org/2017/07/bahrain-women-rights-activist-ebtisam-al-sayegh-arrested-by-nsa-serious-risk-of-torture/>>, (Accessed on 04 July 2019).

86 Shahrzad Mojab, Professor at the University of Toronto and scholar-activist on the MENA region, Skype interview with ADHRB, 20 May 2019.

Three women were subjected to enforced disappearances and solitary confinement after being arrested. **Ebtisam** was disappeared for 24 hours, during which time officers refused to answer her family's questions about why she was taken, refused to provide them with clear information on her whereabouts, and gave them conflicting information.<sup>87</sup> **Faten** was forcibly disappeared for three days, while **Zakeya** was subjected to an enforced disappearance for about two weeks and solitary confinement for 28 days while in custody. During this time, Zakeya said she was subjected to “*strong pressure*” and lost track of time. Her family's attempts to get information from the CID as to her whereabouts were in vain, as they denied having her in their custody. In stark contrast, on the night of her initial arrest, officers instructed **Zainab** to call her family to inform them that she was fine. After this call, which lasted “seconds,” Zainab was prevented from speaking to her family for over two weeks.<sup>88</sup>

None of the women were informed of the charges under which they were being arrested, despite direct requests for information made by the women or their families to officials, such as in **Zakeya**'s case.<sup>89</sup> “This creates huge insecurity,” said **Carin Benninger-Budel** of OMCT. “How can you defend yourself? You don't really know what they're looking for and so you don't really know what you can say. It just adds to their sense of fear.”<sup>90</sup>

In particular, it appears that officers actively deceived the women when bringing them into custody - which mirrors the tactics used to summon **Najah** to the Muharraq Security Complex. **Faten**, for example, was arrested after CID officers accompanied her to the CID facility under the pretence that her brother was wanted by the authorities. Upon her arrival, however, CID officers released her brother and detained her.<sup>91</sup> **Zainab** was arrested under similar circumstances; officers informed Zainab that she must accompany them to the CID for questioning and that she was not under arrest. Despite this, she remained in detention for ten months before being temporarily released on 23 May 2018 until January 2019, when she returned to Isa Town Prison to complete her sentence.<sup>92</sup> When **Ameera** questioned the officers about the rationale for the raid, they responded that they were there to arrest wanted criminals. Soon thereafter, officers arrested Ameera without disclosing the charges against her.<sup>93</sup> Twelve hours later, Ameera called her family and told them that she had been taken to the CID but still had not been informed of the charges being levelled against her.<sup>94</sup>

## ABSENCE OF WARRANTS

All nine women reported the authorities' failure to present warrants for arrest, searches, and seizure of belongings. For instance, **Medina** claims that officers confiscated her car and its contents without a warrant, as well as raiding the home where the fugitives she was allegedly hiding were residing.<sup>96</sup> “*The method of arrest was arbitrary,*” she said. “*They came by car and raided the house. They took belongings from the house ... I learnt this from my family.*”<sup>97</sup>

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87 BIRD, ‘BAHRAIN: Women Rights Activist Ebtisam Al-Sayegh Arrested by NSA, Serious Risk of Torture’, 04 July 2017. Available at: <http://birdbh.org/2017/07/bahrain-women-rights-activist-ebtisam-al-sayegh-arrested-by-nsa-serious-risk-of-torture/> (Accessed on 25 July 2019); see also Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, August 2018.

88 Zainab Marhoon, telephone interview with BIRD, 2 April 2019.

89 Case of Zakeya AlBarboori, ADHRB UN Complain Program Documentation, May 2018.

90 Carin Benninger-Budel, Programme Director at the World Organisation Against Torture (OMCT), Skype interview with BIRD, 13 June 2019.

91 Case of Faten Naser ,ADHRB UN Complaint Program Documentation, November 2018.

92 Zainab Marhoon, telephone interview with BIRD, 2 April 2019.

93 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, January 2018.

94 Ibid.

95 Aya Majzoub, Bahrain Researcher, Human Rights Watch, Interview with BIRD, 3 June 2019.

96 Medina Ali, Telephone interview with BIRD, 22 May 2019.

97 Medina Ali, Telephone interview by BIRD, 11 October 2017.

In **Faten's** case, the authorities mentioned that they had a warrant but failed to present it.<sup>98</sup> Moreover, when **Ameera's** family asked about the reason for her arrest and requested to see the arrest warrant, a policewoman replied that they did not need one.<sup>99</sup> When **Ebtisam** made a similar inquiry as to the premise of her arrest, she was told "You don't need to talk, you will know as soon as you reach there."<sup>100</sup> "I just think that they feel that they don't have to go through that procedure," said **Carin Benninger-Budel** of OMCT. "They just get into the house without a warrant and feel like they can do whatever they want - and they have the law on their side anyway."<sup>101</sup>

Notably, **Medina, Zakeya, and Zainab's** cars were all seized, even though their vehicles were not relevant to their alleged crimes.<sup>102</sup> In addition to **Zainab's** car, officers searched her home and confiscated her laptop, her husband's phone, and photos of her children, without a warrant. To date, these items are yet to be returned to Zainab, despite her completing her sentence.

## Legal Analysis

The pattern of warrantless arrests by unidentifiable officers and unclear or misleading summonses exhibited in these cases are in violation of Bahraini national laws as well as international human rights laws to which Bahrain is a state party, including the International Covenant on Civil and Political Rights (ICCPR).<sup>103</sup>

These arrests were in violation of the Bahraini Constitution, which requires a warrant for arrest or search, and judicial supervision for detention.<sup>104</sup> The Bahraini Code of Criminal Procedures further necessitates a warrant issued by a judicial authority and informing the individual of the grounds for his or her arrest.<sup>105</sup> The Code of Criminal Procedures also provides that arrested individuals have the right to contact their families or legal counsel.<sup>106</sup>

The ICCPR provides for the right to liberty and security of person, and prohibits arbitrary arrest. The ICCPR further requires anyone arrested to be informed at the time of arrest the grounds for arrest and any charges



"What struck me was the seemingly extrajudicial nature of the arrests - even when asked, the security officers often failed to present warrants."<sup>95</sup>

AYA MAJZOUB, HUMAN RIGHTS WATCH



98 Case of Faten Naser, ADHRB UN Complaint Program Documentation, November 2018.

99 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, July 2017.

100 Amnesty International, 'URGENT ACTION: Detained Defender Interrogated Continuously', 14 July 2017, Available at: [https://www.amnesty.org.uk/files/2017-07/FI16517\\_1.pdf?sOx4RoxrL08Bi9901wZl9a8RL1nnoQd4](https://www.amnesty.org.uk/files/2017-07/FI16517_1.pdf?sOx4RoxrL08Bi9901wZl9a8RL1nnoQd4) (Accessed on 5 July 2019).

101 Carin Benninger-Budel, Programme Director at the World Organisation Against Torture (OMCT), Skype interview with BIRD, 13 June 2019.

102 For further information of their charges, see Trial chapter pp 48

103 United Nations International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].

104 Constitution of the Kingdom of Bahrain, 14 Feb. 2002, Art. 19(b) ("A person cannot be arrested, detained, imprisoned or searched, or his place of residence specified or his freedom of residence or movement restricted, except under the provisions of the law and under judicial supervision").

105 Code of Criminal Procedure 2002 (Bahr.), Art. 61 ("No one shall be arrested nor imprisoned except by an order of the legally competent authority. He shall be treated in such a manner as to maintain his human dignity and shall not be subjected to any bodily or psychological harm. Every person who is arrested shall be informed of the reasons for his arrest. He shall have the right to contact any of his relatives to inform him of what has happened and to seek the aid of a lawyer").

106 Ibid.

against them,<sup>107</sup> and requires anyone accused of a crime to be brought before a judicial authority promptly and to be tried within a reasonable time.<sup>108</sup> The ICCPR also contains prohibitions on interference with privacy.<sup>109</sup>

Further, the unidentifiable officers and unknown locations used in many of these arrests - including those of **Hajer, Medina, Ebtisam, Ameera, Zakeya, and Faten** - placed the women at a heightened risk of enforced disappearance, as they were unable to identify either the arresting forces or their own whereabouts. In three cases - **Faten, Zakeya, and Ebtisam** - the women were subjected to an enforced disappearance for varying times, as they were deprived of liberty against their will by government actors who refused to disclose their fate and whereabouts.<sup>110</sup> Enforced disappearance places individuals outside the protection of the law and violates the right to recognition as a person before the law; the right to liberty and security of the person; and the right to freedom from torture and other ill treatment, and can constitute a threat to the right to life.<sup>111</sup>

The risk of disappearance and arbitrary pre-trial detention is heightened in these cases in part due to Bahrain's counter-terror law, which allows for prolonged pre-trial detention without judicial review. The original iteration of the law, Law No. 58 of 2006 on the Protection of Society from Terrorist Acts, allowed for initial detention up to five days, with the possibility of extending this for a further 10 days, for a total of 15 days' detention without formal criminal charges brought against the individual.<sup>112</sup> Amendments to this law in 2014 allow for initial detention of 28 days before the arresting officer is required to present the individual before the terrorist crimes division of the OPP,<sup>113</sup> who can order detention for up to six months.<sup>114</sup>

The use of officers from the NSA in arrests is significant, as this body was only recently re-empowered to conduct arrests and interrogations, after being stripped of these powers in 2011. The NSA was first established by Royal Decree No. 14 of 2011 with a mandate "to detect and uncover all activities that undermine the national security of the kingdom, its institutions and its [ruling system], or that threaten the security and stability of the nation, or its interests or accomplishments."<sup>115</sup> During the 2011 pro-democracy protests, the NSA operated as secret police, forcibly disappearing dissidents in unannounced home raids.<sup>116</sup> The Bahrain Independent Commission of Inquiry (BICI) found that throughout the national state of emergency that lasted from March to June 2011, the NSA arrested more than 200 people and engaged in widespread torture.<sup>117</sup> As a result, the BICI recommended that the NSA be only an intelligence-gathering body, which the Government of Bahrain accepted, promulgating Royal Decrees No. 115 of 2011<sup>118</sup> and No. 28 of 2012<sup>119</sup> to this effect. However, in January 2017, Royal Decree 1 of 2017 was issued, which restored powers of arrest and interrogation to the NSA for terrorist crimes.<sup>120</sup>

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107 ICCPR, Art. 9(2).

108 Ibid., Art. 9(3).

109 Ibid., Art. 17.

110 Declaration on the Protection of All Persons from Enforced Disappearance, G.A. Res. 47/133, U.N. Doc. A/RES/47/133 (Dec. 18, 1992).

111 Ibid., para. 2.

112 Law No. 58 of 2006 on the Protection of Society from Terrorist Acts (Bahr.), Art. 27.

113 Decree-by-Law No. (68) of 2014 on amendment of some provisions of Law No. (58) of 2006 on Society Protection from the Terrorist Acts (Bahr.), Art. 27 (amend.).

114 Ibid., Art. 26 (amend.).

115 Royal Decree No. 14 of 2011 Establishing the National Security Agency (Bahr.).

116 BAHRAIN INDEPENDENT COMMISSION OF INQUIRY, REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY (Mahmoud Cherif Bassiouni et al. eds. 2011).

117 Ibid., Finding 1703, Recommendation 1718 at 419, 422–423.

118 Decree No. 115 of 2011, Amendment to Establishment of the National Security Agency (Bahr.).

119 Decree No. 28 of 2012, Regarding the Ombudsman Office and Professional Standards Office in NSA (Bahr.).

120 Royal Decree No. 1 of 2017, Amendment to Establishment of the National Security Agency (Bahr.).

# INTERROGATION

*“The interrogator said: ‘We are not the Criminal Investigation Directorate, we are the Intelligence, and I am called the Torturer, my hobby is torture, my profession is to torture. I have the art of torture.’”*

EBTISAM ALSAEGH, 31 MAY 2017

## Introduction

According to the women, their interrogations were initially conducted by officers of the Criminal Investigations Directorate (CID) at their facility in Adliya or by National Security Agency (NSA) officials at the Muharraq Security Complex. The Office of Public Prosecution (OPP) typically conducts the formal interrogation, usually after the CID or NSA end their questioning. The CID is responsible for the majority of interrogations - the NSA are only mandated to question individuals suspected of terrorism-related offences. Numerous individuals have reported accounts of torture and ill-treatment inflicted by the authorities at the CID and NSA since the Bahraini uprising in 2011. The NSA, in particular, has been the subject of many controversial allegations regarding its use of sexual assault during interrogations.<sup>121</sup>

Of the nine women in this report, seven were interrogated by CID officers, namely **Medina Ali**, **Zahra AlShaikh**, **Faten Naser**, **Ameera AlQashami**, **Zainab Marhoon**, **Hajer Mansoor**, and **Zakeya AlBarboori**. The remaining two women - **Najah Yusuf** and **Ebtisam AlSaegh** - were questioned by the NSA at the Muharraq Security Complex. The women were held in custody throughout the process, with the sole exception of **Najah**, who was ordered to return for further questioning at the end of each day. All of the women were presented to the OPP after their initial interrogation.

The women's testimonies suggest that the majority of their interrogations were intense and long, although the duration varied considerably. For example, **Zainab** was interrogated thrice for 20 minutes at a time, while **Hajer** was interrogated for ten hours in one day. Two women, **Najah** and **Zakeya**, were questioned for hours over five and six days, respectively. **Ebtisam** endured the most intense interrogation following her arrest in July 2017, with Ebtisam reporting that officers transferred her from detention in Isa Town Prison to an unknown location every day over the course of two weeks to interrogate her for around 12 hours per day - with one instance lasting 18 hours.<sup>122</sup>

While the duration of some of the interrogations may be attributable to usual practice, all of the women were detained for periods that exceeded the time they spent in questioning. **Zainab's** treatment presents the most extreme example, as CID officers questioned her for an



"These cases bear all the hallmarks of gender-based violence and torture. Consider the conditions in which they are held and the forms of abuses that they're subjected to: threats, stripping, insults, their family being tortured. All of these are very common strategies and they're very rarely used singularly. These are patterns of systematic torture and ill treatment, and are very often used by states because it is effective in silencing people. Does it work in terms of extracting the truth? Clearly not, all the evidence suggests that it doesn't. But it isn't about truth seeking - it's more about the brutal silencing, objectification, degradation, humiliation of victims. It's designed precisely to shut people up."

NIMISHA PATEL, CLINICAL PSYCHOLOGIST  
SPECIALISING IN TORTURE SURVIVORS



121 Phil Miller, "Britain Trained a Bahraini Police Chief Who Presided Over Abuse of Political Dissidents," *Vice*, 06 April, 2018, Available at: [https://www.vice.com/en\\_uk/article/43b4k9/britain-trained-a-bahraini-police-chief-who-presided-over-abuse-of-political-dissidents](https://www.vice.com/en_uk/article/43b4k9/britain-trained-a-bahraini-police-chief-who-presided-over-abuse-of-political-dissidents) (Accessed on 2 March 2019).

122 Ebtisam was interrogated for 18 hours on 12 July 2017. See BIRD, 'Jailed Rights Defender Ebtisam Al-Sayegh Resumes Hunger Strike as Isolation Continues', 04 July 2017, Available at: <http://birdbh.org/2017/08/jailed-rights-defender-ebtisam-al-sayegh-resumes-hunger-strike-as-isolation-continues/>, (Accessed on 04 July 2019).

hour in total but kept her in custody for two days. **Faten** was forcibly disappeared for three days, while officers disappeared **Zakeya** for two weeks and held her in solitary confinement for a total of 28 days. Additionally, **Ebtisam** was disappeared for 24 hours and was held in prolonged solitary confinement which totalled 45 days following her July arrest.<sup>123</sup> Such practices likely heightened their fear and compounded the abuses that they endured.

Although no two women reported identical interrogation experiences, the methods described follow a general pattern of abuse - culminating in confessions in five cases. All nine women reported multiple violations throughout their respective interrogations, including physical, psychological, and verbal abuse, and the denial of legal counsel. Two women reported sexual assault at the hands of NSA officers, while another three were forcibly disappeared.

**Aya Majzoub**, Bahrain Researcher at Human Rights Watch, said: “These abuses are similar to those we have previously documented against men. It is perpetrated by the same actors - particularly within the Criminal Investigations Directorate - using the same methods. Now, female human rights defenders and political activists are going through the same thing, either for their own work or for the work and activism of their male relatives.”<sup>124</sup>



“Detention can cause many psychological and other health problems; and where prolonged detention includes repeated ill-treatment and torture, including ongoing uncertainty, isolation from the outside worlds and loved ones and not knowing when the detention will end, when the suffering will end, the psychological problems can become severe and chronic. These psychological problems include severe anxiety, depression, sleep disturbance, cognitive functioning impairment and in some cases, there may be features of psychosis. These problems may continue long after release for some people, and for some stay with them for many years after detention.”

NIMISHA PATEL, CLINICAL PSYCHOLOGIST



Duration of Interrogations\*

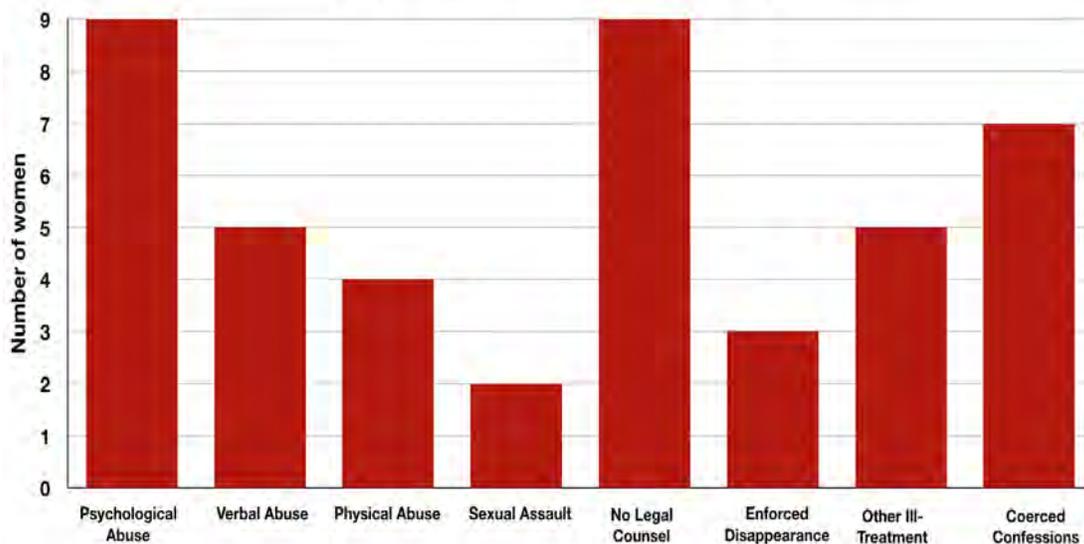
AMEERA	Detained and interrogated for 2 days
EBTISAM	Interrogated for 7 hours, then interrogated for between 12 and 18 hours a day, every day, for 2 weeks. <b>Enforceably disappeared</b> for 1 day and in <b>solitary confinement</b> for 45 days
FATEN	Interrogated and <b>enforceably disappeared</b> for 3 days
HAJER	Interrogated for 10 hours whilst detained for 3 days
MEDINA	Interrogated for 2 hours and then for 7 hours
NAJAH	Interrogated for 8 hours a day, every day, for 5 days
ZAHRA	Interrogated for 12 hours
ZAINAB	Interrogated for 20 minutes on 3 separate occasions whilst detained for 2 days
ZAKEYA	Interrogated for 6 days whilst <b>enforceably disappeared</b> for 14 days, and in <b>solitary confinement</b> for 28 days

\*Total detention time periods are not included in this table as many of the women are still in detention and have been for years

123 Ebtisam AlSaegh, interview with BIRD, 16 July 2019.

124 Aya Majzoub, Bahrain researcher, Human Rights Watch, Skype interview with BIRD, 3 June 2019.

## Allegations of Abuse During Interrogation



## Psychological Abuse and Threats

Psychological torture was the type of abuse most regularly employed during interrogations, reported in the cases of all nine women. Threats of death, rape, or imprisonment were commonplace and levelled against the women themselves, as well as against their relatives.

**Ebtisam** and **Najah**, the two women interrogated by NSA officials, were the only ones who were asked to work as informants for the authorities.<sup>125</sup> **Shahrzad Mojab**, Professor at the University of Toronto, verified that this technique is common in the region, and “constantly used” in Iran.<sup>126</sup> Following their refusal to work as informants, NSA officers physically and sexually assaulted **Ebtisam** and **Najah**.

When **Ebtisam** arrived at the Muharraq Security Complex on 26 May 2017, she reported that an NSA officer ordered her to cooperate and threatened that “*no one was going to hear [her] at that place, and no one could protect [her] there, not the Human Rights Council or any other organisation.*”<sup>127</sup> During her July 2017 interrogations, state officials accused Ebtisam of trying to incite hatred against the government through her human rights work.<sup>128</sup> Although she was blindfolded, she recognised the voice of one of the interrogators from her May interrogation. During short breaks from questioning, the officials made persistent noises with an object “*because they could tell it made me nervous.*” When she asked for the noise to stop, interrogators increased its volume and intensity.<sup>129</sup>

Officers threatened six of the women with physical abuse or death during their interrogation. An officer threatened that if **Ameera AlQashami** did not confess, her head would be cut off and she would never

125 Najah Yusuf, Telephone interviews with BIRD, 2 July 2017; 6 April 2019; Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

126 Shahrzad Mojab, Professor at the University of Toronto and scholar-activist on the MENA region, Skype interview with ADHRB, 20 May 2019.

127 Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

128 Ebtisam AlSaegh, interview with BIRD, 15 July 2019.

129 Ebtisam AlSaegh, interview with BIRD, 15 July 2019.

see her family or children again.<sup>130</sup> An officer threatened **Ebtisam** that he would hit her on the head with a sandal if she failed to answer her interrogator's questions.<sup>131</sup> She revealed that another officer threatened that the NSA would go after *"those dearer to [her] heart"* if she did not cease her human rights work and resign from Salam for Democracy and Human Rights.<sup>132</sup> An officer *"told [Ebtisam] that he could make up whatever case against [her], and whatever accusation he wished to choose."*<sup>133</sup> **Ebtisam** was also amongst the three women who faced threats of sexual violence and rape,<sup>134</sup> alongside **Najah** and **Medina**, although only **Najah** and **Ebtisam** were sexually assaulted.<sup>135</sup> **Medina's** case is unique as she was also allegedly threatened with the rape of her family members.<sup>136</sup>

**Hajer, Medina, Najah, Zakeya, Zahra, and Faten** reported that their interrogators intimidated them with either threats of their own imprisonment or that of their family members if they failed to cooperate with the authorities. **Hajer** elaborated that authorities threatened to suspend her husband's pension payments and arrest her family members. She further alleged that CID officers threatened to put her in *"a dark room filled with rats,"* which led her to collapse.<sup>137</sup> **Medina** explained that the Public Prosecutor told her *"you and the trash who are with you ... don't think this will pass, you will spend over 10, 15 years with us."*<sup>138</sup> **Zakeya** reported that CID officers threatened to imprison her brothers and accused them of espionage.<sup>139</sup> They threatened that, if Zakeya failed to respond to their questions, her family members would *"pay the price"* and would be charged *"even if [they] didn't do anything."*<sup>140</sup> Officers told **Najah** that her sons would be imprisoned and killed, whereas **Faten** and **Zahra** were threatened with the death of their parents.<sup>141</sup> In addition, officers threatened to harm **Zahra's** child if she did not record a video apologising to the king. She said: *"I could not bear the agony, and became weak and apologised and my mobile phone was confiscated."*<sup>142</sup> "Torture does not always leave a scar," said **Carin Benninger-Budel**, Programme Director at the World Organisation Against Torture (OMCT), in relation to the psychological abuse inflicted on the women. "If someone threatens you by saying 'I am going to kill your mother' or 'I am going to rape you' like they did, that doesn't leave any scars on your body but you are so afraid. I think that it is a severe form of psychological torture."<sup>143</sup>

In two cases, the women were forced to hear their relatives being tortured. **Zainab** was confronted with what she believes to have been the torture of her family members. While held at the OPP, she could hear what sounded like the *"torture"* of her brother and husband nearby. *"I was so scared for my brother and that he would die,"* she explained. *"I wasn't scared for myself, I was more scared for them."*<sup>144</sup> **Ameera** was similarly forced to cope with abuse against her family members. During her transfer from the CID to the OPP, she alleged that guards forced her to watch her father in chains and made her listen to her brother's

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130 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, January 2018.

131 Ebtisam AlSaegh, Telephone interview with BIRD, 31 May, 2017.

132 Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

133 Ibid.

134 Ibid.

135 Case of Medina Ali, ADHRB UN Complaint Program Documentation, July 2018.

136 Medina Ali, Telephone interview with BIRD, 11 October 2017.

137 Hajer Mansoor, Telephone interview with BIRD, 25 October 2017.

138 Medina Ali, Telephone interview with BIRD, 11 October, 2017.

139 Zakeya AlBarboori, Telephone interview with BIRD, 22 February 2019.

140 Ibid.

141 Case of Zahra AlShaikh,, ADHRB UN Complaint Program Documentation, January 2019; Case of Faten Naser, ADHRB UN Complaint Program Documentation, November 2018.

142 Zahra AlShaikh, Communication with ADHRB, 8 February 2019.

143 Carin Benninger-Budel, Programme Director at the World Organisation Against Torture (OMCT), Skype interview with BIRD, 13 June 2019.

144 Zainab Marhoon, Telephone interview with BIRD, 2 April 2019.

voice while he was being “*tortured*.”<sup>145</sup> Commenting on the practice, **Nimisha Patel**, Clinical Psychologist, asserted that, “Being forced to listen to family members being tortured is a form of psychological torture. For the women, this can cause unbearable anguish – being made to feel that they are responsible or that they could do or say something to make the torture stop. It is an impossibly painful and emotionally torturous experience and victims can feel intense fear, pain, and helplessness that they cannot make the torture stop, or take away the suffering of their loved ones.”<sup>146</sup>

## Verbal Abuse

**Zainab, Ebtisam, Faten, Hajer, and Najah** said that officers subjected them to verbal abuse and harassment during interrogation. **Zainab** reported that the public prosecutor shouted at her, screaming “*Do you know your charges? You are going to get 15 years, 15 years, forget your children.*”<sup>147</sup> **Ebtisam** alleged that NSA officers “*only talked to me through shouting*” at one point during her interrogation.<sup>148</sup> Having been moved to a secondary room, she claimed she was “*ordered to stand with my feet apart*” and that she “*parted them as far as I could, but one of the men there shouted at me to part them further...and call[ed] me vile names.*”<sup>149</sup> Ebtisam further reported that the perpetrator of her sexual assault began by insulting her.

Insults targeted multiple facets of the women’s identity. **Ebtisam** was accused of treason and of “*having no loyalty to the king*” because she was unable to recite the national anthem upon demand.<sup>150</sup> **Faten** reported that she was insulted and degraded by officials for her Shia beliefs.<sup>151</sup> In **Najah** and **Hajer**’s cases, officers targeted the personal integrity of each woman. **Najah** reported that “*every day ... what I heard, were unethical words*” and that officers insulted her “*dignity and honour.*”<sup>152</sup> Officers remarked on intimate matters, with Najah noting one such occasion: “*He was saying ‘How many times have boys ridden you?’ He would name men and ask ‘How many times did he ride you?’ And words like that.*”<sup>153</sup> Similarly, **Hajer** disclosed that “*three officers ... insulted me, swore at me, threatened me with dirty, abusive words.*”<sup>154</sup> Officers also accused her of having a relationship with a man in her village, and other “*dirty things than can’t be said.*”<sup>155</sup>



“It is not just about the words that are being used, but the process in which they are said and context in which they are delivered as well. The report describes officials shouting at the women, intimidating them. Importantly, this abuse is being used in conjunction with other forms of ill-treatment, like sleep deprivation, forcing them to wait in very cold rooms. This kind of interrogation when taken as a whole may well amount to inhuman or degrading treatment, potentially torture.”

OLIVER WINDRIDGE, SENIOR LEGAL CONSULTANT  
AT GLOBAL RIGHTS COMPLIANCE



145 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, November 2018.

146 Nimisha Patel, Clinical Psychologist specialised in torture survivors and professor of Clinical Psychology at the University of East London, Interview in person with BIRD, 22 May 2019.

147 Zainab Marhoon, telephone interview with BIRD, 2 April 2019.

148 Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

149 Ibid.

150 Ibid.

151 Case of Faten Naser, ADHRB UN Complaint Program Documentation, November 2018.

152 Najah Yusuf, Telephone interview with BIRD, 2 July 2017.

153 Najah Yusuf, Telephone interview with BIRD, 8 July 2017.

154 Hajer Mansoor, Telephone interview with BIRD, 25 October 2017.

155 Ibid.

**Jo Baker**, Independent Researcher on the human rights of women in detention, asserted that, “[D]egrading verbal abuse reported used notions of shame around women, honour, and sex in their culture to suggest that the women had no value. In Ebtisam’s case, her verbal sexual abuse led up to her physical sexual abuse. These cases appear to clearly breach a range of international laws and standards around torture, discrimination and violence against women.”<sup>156</sup>

## Physical Abuse

Four of the women reported instances of physical abuse, all with varying degrees of severity. According to **Zahra**, officials pulled her hair and slapped her once during her 12-hour interrogation.<sup>157</sup> Both **Medina** and **Najah** reported that officers struck them on the head and face. **Medina** said that “*the beatings were focused on my face*” and that an officer had been “*hitting my head against a wall,*” leaving her with a scar to this day.<sup>158</sup> **Najah** claimed that “*they hit me on the head and hit me with shoes on the shoulders.*”<sup>159</sup> She further recalled that “*I was kicked on my behind, not by the interrogator but by an officer specifically for this role. He tried to suffocate me with my hijab, he attempted to strip my clothes and take off my hijab.*”<sup>160</sup> **Nimisha Patel**, Clinical Psychologist, described the abuse that Najah recounted as being “so loaded because of what the *hijab* represents, especially in that context. And of course it is both gendered and sexual. Every act of ill-treatment and torture towards a woman is sexual because it is designed to objectify, degrade, and humiliate the woman. Before you even touch her, you have already assaulted her.”<sup>161</sup>



“Torture is never used in one single event or act, and it’s often both psychological and physical. Not all psychological forms of torture will have a physical aspect. But undoubtedly all forms of physical torture do have psychological aspects. There is no clear distinction. They are in fact intertwined.”

NIMISHA PATEL, CLINICAL PSYCHOLOGIST



**Ebtisam** suffered the most frequent and severe physical abuse throughout her interrogation, largely stemming from her refusal or inability to carry out specific orders. Generally, NSA officials beat and punched **Ebtisam** when she failed to answer the interrogator’s questions “*to his liking.*”<sup>162</sup> When she failed to recite the national anthem, her beatings allegedly worsened. When **Ebtisam** refused to eat the food provided by officials - on the basis that she was fasting - she claimed that “*they called the tormentor who came and immediately started slapping.*”<sup>163</sup> Her inability to part her feet as wide as officers demanded resulted in one of them hitting and kicking her while insulting her. When she was released, she was immediately hospitalised for her injuries. The doctor noted evidence of abuse, including bruising and swelling to Ebtisam’s head and trauma to “sensitive areas.” Officers later confiscated this medical report and

156 Jo Baker, Independent Researcher on the human rights of women in detention, commentary provided to ADHRB, 28 May 2019.

157 Case of Zahra AlShaikh, ADHRB UN Complaint Program Documentation, January 2019.

158 Medina Ali, Telephone interview with BIRD, 11 October 2017.

159 Najah Yusuf, Telephone interviews with BIRD, 2 July 2017. The same information was confirmed in a telephone interview with BIRD on 6 April 2019.

160 Najah Yusuf, Telephone interview with BIRD, 2 April 2019.

161 Nimisha Patel, Clinical Psychologist specialised in torture survivors and professor of Clinical Psychology at the University of East London, Interview in person with BIRD, 22 May 2019.

162 Anonymous, Phone interview with BIRD, 4 - 6 July 2017.

163 Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

other documents from Ebtisam’s home during her arrest in July 2017. A few days into the interrogations that followed this arrest, other inmates in Isa Town Prison witnessed Ebtisam wearing a neck brace and something that covered her nose.<sup>164</sup>

After reading about the women’s testimonies of physical abuse as reported here, **Oliver Windridge** of Global Rights Compliance concluded: “Sometimes the lack of severe physical abuse is actually indicative of intentional use of physical abuse in order to coerce confessions. Only in a few cases did the authorities resort to actually hitting the women on the face and shoulders with shoes, or other abuses that might have left a mark. The fact that in the majority of cases the abuse was difficult to prove as there is no ‘long term damage’ suggests that this is an intentional pattern of using premeditated tactics with the objective of extracting a confession, but not leaving any evidence of the physical abuse, rather than being the result of a single officer - that ‘bad apple’ - who lost their head and just did something terrible.”<sup>165</sup>

## Sexual Assault

**Ebtisam** and **Najah**, the two women interrogated by NSA officers, reported being threatened with sexual assault and being sexually assaulted by authorities. While they both requested that exact details of the incidents not be divulged, Ebtisam and Najah have each spoken out about their assault.

An officer told **Najah** *“I will ride you.”* Najah elaborated: *“He even called another interrogator over the phone and put him on speaker phone, and he said ‘I will come and ride you.’”*<sup>166</sup> **Ebtisam** claimed that an officer *“brought someone to threaten that he would rape me”* and that *“the man standing behind me grabbed my hand and forced me to stand, while telling me that he could rape me and do whatever he wanted to me.”*<sup>167</sup> “Rape threats are very serious because of the consequences rape can have. That is why rape is often used in certain societies as a weapon against women, because it really breaks them. It breaks family and societies,”<sup>168</sup> said **Carin Benninger-Budel** of OMCT.

According to her testimony, officials sexually assaulted **Ebtisam** while attempting to force her resignation from human rights work in May 2017. When Ebtisam failed to provide satisfactory answers relating to other activists, she reported that an officer



“Most cultures attach a different value to women’s sexual activity compared to men’s - one that carries much more shame and responsibility, and links a woman’s human value with her sexual activity. In most cultures it’s therefore a short step to holding women responsible for involuntary sexual activity too - rape and victimisation - and judging them to be devalued.”

JO BAKER, INDEPENDENT RESEARCHER



164 Unnamed inmate from Isa Town prison, Phone interview with BIRD, 4 - 6 July 2017.

165 Oliver Windridge, Senior Legal Consultant of Global Rights Compliance and International Human Rights Lawyer , Skype interview with BIRD, 24 June 2019.

166 Najah Yusuf, Telephone interview with BIRD, 8 July 2017.

167 Ebtisam ALSaegh, Testimony provided to ADHRB, 7 June 2017.

168 Carin Benninger-Budel, Programme Director at the World Organisation Against Torture (OMCT), Skype interview with BIRD, 13 June 2019.

*“started ... sexually assaulting me. He touched my bosom repeatedly, while a huge-sized man was holding me from behind. I started screaming and fainted, so they poured water on me, and when I gained consciousness, I was ordered to stand up again.”<sup>169</sup>*



“The context allows this form of violence to be torturous and to amount to torture. A woman’s body becomes the symbolic and literal container of the honour and dignity of the entire family. So what does that do? It makes women into walking targets. If you touch that woman; you get her father, her brother, her husband, her children. It’s the ‘perfect’ and most brutal way to destroy whole communities.”

NIMISHA PATEL, CLINICAL PSYCHOLOGIST



In **Najah’s** case, officials allegedly “attempted to strip [her] and touch [her] sexual organs directly and indirectly, that is, through the clothes, and they removed [her] head-scarf” on the second day of her interrogation.<sup>170</sup> She added that an officer “entered his hand from behind, under my clothes. This was from behind. On my chest, it was over the clothes.”<sup>171</sup> These assaults followed questions on Najah’s activism and terrorism accusations levelled against her by officials. “The sexual assault Ebtisam and Najah were allegedly subjected to is particularly horrifying because of the very proven psychological and physical impacts that sexual assault has on detainees even after they’ve been released,” commented **Aya Majzoub** of Human Rights Watch, having read their allegations. “On top of that, especially in cultures like Bahrain’s, sexual assault is associated with connotations of shame being brought to the family. This kind of abuse can really have very far-reaching impacts on the lives of these women.”<sup>172</sup>

## Lack of Legal Representation

CID and NSA officers denied all nine women legal representation throughout their interrogations. All the women, with the exception of **Hajer** and **Ebtisam**, were also denied access when taken before the OPP. “The accounts I read seemed to suggest violations of international law,” stated **Aya Majzoub** of Human Rights Watch. “The fact that these interrogations were conducted without the presence of a lawyer, the fact that these women weren’t read their rights beforehand and that some of them were not told why they were being investigated in the first place. These conditions contributed to the coercive environment in which the interrogations were conducted.”<sup>173</sup>

Officials reportedly verbally abused the women when they requested legal representation. **Medina** alleged that she “was not treated in a neutral way” and that, when she requested to be accompanied by a lawyer, the prosecutor replied “I don’t have time to waste on you.”<sup>174</sup> **Ebtisam** stated that when she requested her lawyer’s presence during her two week interrogation in July 2017, she was told: “this is not possible - we want to speak with you. You will spend ten years in jail.”<sup>175</sup> When **Hajer** requested to speak with her lawyer, officers reportedly told her: “[i]f [your] lawyer comes, [we] will hang him on the flag.”<sup>176</sup> She was

169 Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

170 Najah Yusuf, Telephone interview with BIRD, 2 July 2017.

171 Najah Yusuf, Telephone interview with BIRD, 8 July 2017.

172 Aya Majzoub, Bahrain Researcher at Human Rights Watch, Skype interview with BIRD, 3 June 2019.

173 Aya Majzoub, Bahrain Researcher at Human Rights Watch, Skype interview with BIRD, 3 June 2019.

174 Medina Ali, Telephone interview with BIRD, 11 October 2017.

175 Ebtisam AlSaegh, interview with BIRD, 15 July 2019.

176 Hajer Mansoor, Telephone interview with BIRD, 25 October 2017.

only granted access to legal representation when she was brought before the prosecutor.

**Ebtisam** said that her lawyer accompanied her to the Muharraq Security Complex when she was summoned in May 2017, but that he was not allowed into the interrogation room. She elaborated:

*“My lawyer demanded being present with me in the investigation as it’s my right as a citizen according to the law, but the law and my rights were disregarded and my lawyer was not allowed to accompany me.”<sup>177</sup>*



“The lack of legal representation is a serious concern - everyone is entitled to legal representation from the moment they are arrested and certainly throughout their interrogation, trial, and appeal. There certainly seems to be a pattern of lawyers being prevented from accessing clients.”

OLIVER WINDRIDGE, GLOBAL RIGHTS COMPLIANCE



Similarly, **Zakeya’s** lawyer arrived at the OPP and was dismissed by the office.<sup>178</sup> Her lawyer informed the OPP that they were there to provide Zakeya legal counsel, yet Zakeya was forced to stand before the Public Prosecution without representation.

## Enforced Disappearance

In the cases of **Zakeya**, **Faten**, and **Ebtisam**, officers resorted to enforced disappearances and solitary confinement. **Faten** was forcibly disappeared for three days during her interrogation.<sup>179</sup> **Zakeya** was subjected to an enforced disappearance for 14 days and was kept in solitary confinement for 28 days - a period where she “*lost track of time.*”<sup>180</sup> Zakeya also claims to have endured an “*exhausting*” six-hour interrogation during this period, when she was subjected to “*strong pressure.*”<sup>181</sup> Her family attempted to obtain information as to her whereabouts, but the CID denied having her in their custody.<sup>182</sup> For at least 24 hours following her arrest without a warrant on 3 July 2017, the whereabouts of **Ebtisam** were unknown and she remained *incommunicado*. Officials reportedly refused to provide Ebtisam’s family with information on where she was being taken, and only on 5 July 2017 did they receive a phone call from her.<sup>183</sup>

**Carin Benninger-Budel** of OMCT said, “If you are disappeared and nobody has access to you - no doctor, no lawyer, not your family - then you are completely in the hands of state officials. It tremendously increases the risk of torture and ill treatment, as they can do whatever they want with you as nobody is there to bear witness.”<sup>184</sup>

177 Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017.

178 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, June 2018.

179 Case of Faten Naser, ADHRB UN Complaint Program Documentation, November 2018.

180 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, July 2018.

181 Ibid.

182 Ibid.

183 BIRD, ‘BAHRAIN: Women Rights Activist Ebtisam Al-Sayegh Arrested by NSA, Serious Risk of Torture’, 04 July 2017, Available at: <http://birdbh.org/2017/07/bahrain-women-rights-activist-ebtisam-al-sayegh-arrested-by-nsa-serious-risk-of-torture/> (Accessed on 25 July 2019).

184 Carin Benninger-Budel, Programme Director at the World Organisation Against Torture (OMCT), Skype interview with BIRD, 13 June 2019.

## Other Ill-Treatment

**Medina, Hajer, Ebtisam,** and **Ameera** further reported other instances of ill-treatment, including sleep deprivation, being placed in cold and dark cells for several hours, or being blindfolded. Other practices included being forced to stand or remain in other painful positions for long periods, being prevented from performing prayers, being denied access to the toilet, and being forced to eat. Expert **Oliver Windridge** of Global Rights Compliance has commented on the employment of these treatments, saying, “The use of sleep deprivation, the use of very cold rooms, either prevention of food, or in this case force feeding in contravention of beliefs - are all classic techniques, straight out of the ‘torturer’s handbook.’ Taken together, these actions appear to be a clear violation of international law.”<sup>185</sup>

CID officers subjected **Medina** to a combination of these methods. Prior to the start of her interrogation, Medina was allegedly kept in a room that was “*extremely cold*” for several hours. She reported that CID officers “*let [her] use the toilet just once*” and “*didn’t let [her] sleep throughout the night*” between interrogation and presentation before the OPP.<sup>187</sup> **Zainab** similarly reported being held in a cold room for two days. At this time, she found a dirty cloth on the floor, which she used as a blanket to keep warm.<sup>188</sup>

Throughout her interrogation at the CID, officers required **Hajer** to remain standing for ten hours, which caused her to collapse and sustain an injury to her hand and shoulder. As a result, she was transferred by

ambulance to a hospital where she required intravenous fluids.<sup>189</sup> Officers inflicted similar abuse on **Ebtisam** in May 2017. NSA officers blindfolded her and forced her to stand for several hours and “*when [she] could not stand, the man standing behind [her] grabbed [her] hand and forced [her] to stand.*”<sup>190</sup> Officers further attempted to force her to eat, as they knew that she was fasting. **Ebtisam** stated “*I said that I couldn’t eat because I was in too much pain, so [the officer] told me that he would make me drink urine.*” She further explained, “*I asked for some dates to eat, and he said that he wanted me taken to be questioned immediately. One of the [female officers] offered me some dates, I could eat only one before I started throwing up.*”<sup>191</sup> **Ameera** endured abuses very similar in nature to Ebtisam. During Ameera’s interrogation at the CID, officers handcuffed her in a painful position in a dark room for two days, during which time she was unable to move or pray. She also reported that officers attempted to force-feed her as she launched a hunger strike.<sup>192</sup>



“These coercive environments described above violate international law. In some cases the interrogators might have tried to use techniques which don’t leave any marks of violence so that if these women alleged that they had been coerced into making their confessions, there wouldn’t be direct evidence. It would be the detainees’ word against the authorities.”<sup>186</sup>

AYA MAJZOUB, HUMAN RIGHTS WATCH



185 Olivier Windridge, Senior Legal Consultant at Global Rights Compliance and International Human Rights Lawyer, Interview in person with BIRD, 26 June 2019.

186 Aya Majzoub, Bahrain Researcher at Human Rights Watch, Skype Interview with BIRD, 3 June 2019.

187 Medina Ali, Telephone interview with BIRD, 11 October 2017.

188 Zainab Marhoon, Telephone interview with BIRD, 2 April 2019.

189 Hajer Mansoor, Telephone interview with BIRD, March 2017.

190 Ebtisam AlSaegh, Testimony provided to ADHRB, 7 June 2017. See also Amnesty International, *Bahrain: Woman Human Rights Defender tortured, including sexually assaulted, as Bahrain renews campaign to silence peaceful critics*, 31 May 2012, Available at: <https://www.amnesty.org/download/Documents/MDE1163922017ENGLISH.pdf> (Accessed on 11 June 2019).

191 Ibid.

192 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, January 2018.

## Coerced Confessions

As a result of the pressure exerted by authorities, five women eventually confessed under coercion. In the cases of **Najah**, **Medina**, **Faten**, and **Hajer**, these abuses culminated in the woman signing a prepared confession, typically without being permitted to read it beforehand. **Zahra** was forced to admit guilt through a recorded apology rather than a formal confession. Despite the pressure they were subjected to, **Ameera**<sup>193</sup> and **Zainab**<sup>194</sup> did not confess, and ultimately signed a statement where they denied all charges.

“There’s no doubt that the interrogation tactics were meant to coerce these women into making false confessions. In these cases, and in others that we have documented, we’ve seen the use of forced confessions in convictions,” said **Aya Majzoub** of Human Rights Watch. She elaborated: “It seems to be part of this campaign of repression against human rights activists and political opponents in order to punish those who have engaged in activism and to deter other individuals from engaging in this kind of activism as well.”<sup>195</sup>

**Najah** signed a prepared statement after four days of interrogation. She reported that she was physically and emotionally exhausted, and would do “*whatever they wanted*” to avoid enduring another day of interrogations. As Najah refused to sign the statement without reading it beforehand, officers handed the statement to her. While she was reading it, however, she was “*further beaten and kicked with ... shoes*” and threatened with rape, prompting her to sign the confession without reading it in full.<sup>196</sup>

**Zahra’s** case diverged from this pattern, as officers demanded that she apologise to the King of Bahrain, forcing her to record it on camera. Soon thereafter, Zahra was released on bail but authorities did not return her phone. The next day, on 11 September 2018, authorities published the video of her coerced apology on her Instagram account.<sup>197</sup> **Oliver Windridge** of Global Rights Compliance elaborated, “I’ve seen accounts being forcibly shut down. I’ve seen people being prosecuted for using social media accounts. I don’t think I’ve personally ever seen a case in which individuals are forced to use their social media presence to convey an apology. It just demonstrates that the state acknowledges the power of social media.”<sup>198</sup>



“The interrogation techniques are very clearly in violation of the laws and the treaties that Bahrain has signed up to. Torture in any case to extract confessions that will later be used to convict people is completely wrong and goes against international law. It leads to unfair trials and makes a mockery of the justice system. International law prohibits the use of torture - be it physical or mental - it shouldn’t happen.”

SIMA WATLING, CAMPAIGNER AT AMNESTY INTERNATIONAL



193 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, February 2018.

194 Zainab Marhoon, telephone interview with BIRD, 16 April 2019.

195 Aya Majzoub, Bahrain Researcher at Human Rights Watch, Skype Interview with BIRD, 3 June 2019.

196 Najah Yusuf, Telephone interview with BIRD, 8 March 2018.

197 Zahra has specifically requested that the organisations do not share the link to the video, as it has caused her great distress, and she does not want the video to be further distributed.

198 Oliver Windridge, Senior Legal Consultant at Global Rights Compliance and International Human Rights Lawyer, Skype interview with BIRD, 24 June 2019.

“Using an Instagram account to send an apology to the king is a very novel thing that I have never seen before,” commented **Shahrzad Mojab**, Professor at the University of Toronto.<sup>199</sup> “Public shaming is a very effective form of punishment. More often, national radio and television are the main medium to force prisoners to communicate their regrets and apology, where they read texts that are often drafted by the state. Certainly, the spread and the reach of new social media is faster and wider and can easily also travel transnationally.”

Some of the women were required to sign a formal prepared confession at the OPP, with some reporting the office’s unwillingness to or lack of interest in accounting for their allegations of abuse. **Najah**, for example, felt that the Prosecutor “*was addressing the questions in a way [that she] would be convicted no matter what [she] said*” and that her attempts to raise her sexual assault were disregarded.<sup>200</sup> She added: “*I didn’t feel any cruelty from them, but it was an interrogation in which my psychological state was destroyed. I wanted to get through the issue.*”<sup>201</sup> **Hajer** tried to deny the accusations against her, explaining the conditions that led her to sign a confession at the CID. She stated that it was in response to the threats and coercion directed at her by CID officials. As in the case of **Najah**, however, **Hajer** was ignored.<sup>202</sup>

The OPP also threatened **Medina** and **Hajer** in an effort to prevent them from reviewing or recanting their statements. When **Medina** asked to read her statement, the prosecutor responded, “*make that request again and you’ll be returned to the CID.*”<sup>203</sup> Similar threats were issued to **Hajer**, who also signed out of fear that she would be taken back to the CID and further interrogated. She said she told them, “*If you are sending me back to the CID, I will say whatever you want me to say and I will sign it.*”<sup>204</sup> **Carin Benninger-Budel** of OMCT said, “I think that what **Hajer** said is something you see quite often. People confess because they just want their abuse to stop. And that’s why torture is so dangerous - it only facilitates people’s conviction but does not help to find the truth.”<sup>205</sup>



“I think it is very important to question the intention behind the questioning. In these cases, it seems the authorities were really looking for a confession or information, or even just punishing a third person for someone else’s activities.”

CARIN BENNINGER-BUDEL, OMCT



## Legal Analysis

The tactics employed by CID and NSA officials during the interrogations of these women are in violation of a number of domestic and international laws and treaties, including the Bahraini Constitution and Criminal Code, the International Covenant on Civil and Political Rights (ICCPR), the Convention Against

199 Shahrzad Mojab, Professor at the University of Toronto and scholar-activist on the MENA region, Skype interview with ADHRB, 20 May 2019.  
200 Najah Yusuf, Telephone interview with BIRD, 8 March 2018.  
201 Najah Yusuf, Telephone interview with BIRD, 2 July 2017.  
202 Hajer Mansoor, Telephone interview with BIRD, March 2017.  
203 Medina Ali, Telephone interview with BIRD, 11 October 2017.  
204 Hajer Mansoor, Telephone interview with BIRD, March 2017.  
205 Carin Benninger-Budel, Programme Director at the World Organisation Against Torture (OMCT), Skype interview with BIRD, 13 June 2019.

Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

The use of threats of violence against the women or their family members, physical and sexual assault, solitary confinement, and disorientating conditions of detention (cold, dark cells, blindfolds, sleep deprivation, etc.) constitute ill-treatment, and may even rise to the level of torture, which is prohibited under Bahraini law, as well as in the ICCPR, CAT, and CEDAW, each of which Bahrain has acceded to. Torture is defined in the CAT as:

“any act by which severe pain or suffering, *whether physical or mental*, is intentionally inflicted on a person *for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind*, when such pain or suffering is *inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.*”<sup>206</sup>

The right to freedom from torture is further codified in the ICCPR.<sup>207</sup> Furthermore, the gendered elements of the threats and violence used against the women are a form of gender-based discrimination, in violation of Bahrain’s obligations under the CEDAW.<sup>208</sup>

Of the cases included in this report, all of the women reported being subjected to some form of mental distress, caused by threats to themselves or their families, with **Ameera, Ebtisam, Najah, Medina, Hajer, Zakeya, Zahra,** and **Faten** each reporting such threats if they did not confess or otherwise cooperate with the authorities, and with **Zainab** and **Ameera** further reporting being forced to listen to the torture of their family members. Such actions constitute torture under the CAT definition, as they were intentionally perpetrated by government officials acting in their official capacity and investigatory authority, for the purposes of gathering information or intimidating, and as the women reported mental suffering sufficient to meet the requisite severity. Additionally, the UN Committee Against Torture has previously found that the threat of torture may be sufficient to constitute psychological torture,<sup>209</sup> as have some regional human rights courts.<sup>210</sup> The solitary confinement reported by **Zakeya** and **Ebtisam** almost certainly constitutes mental torture, as the use of prolonged solitary confinement has consistently been identified as an act of torture.<sup>211</sup>

In addition to the psychological torture that the women reported, the physical abuse described by **Ebtisam, Zahra, Najah,** and **Medina** - beating, kicking, punching and slapping; slapping and hair pulling; beating with shoes, kicking, and attempted suffocation with hijab; and beatings and hitting her head against a wall, respectively - are all likely severe enough to constitute torture, as each action was specifically tied to a

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206 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [hereinafter CAT], Dec. 10, 1984, 1465 U.N.T.S. 85., Art. 1 (emphasis added).

207 United Nations International Covenant on Civil and Political Rights [hereinafter ICCPR], Dec. 16, 1966, 999 U.N.T.S. 171, Art. 7.

208 See United Nations Committee on the Elimination of All Forms of Discrimination against Women, General recommendation No. 19: Violence against women (1992), Available in PDF at: [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_3731\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf).

209 See Comm. Against Torture, 1990, Rep. on Argentina, U.N. Doc. A/45/44 (1990), §154.

210 See Maritza Urrutia v. Guatemala, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R., paras. 92-93 (Nov. 23, 2003).

211 Human Rights Comm., 44th Sess., General Comment No. 20 No. 20: Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment) (1992), para. 6; see also Comm. Against Torture, Concluding Observations on Denmark, UN Doc. CAT/C/DNK/CO/5, 2007, para. 14; see also United Nations Standard Minimum Rules for the Treatment of Prisoners, G.A. Res. 70/175, U.N. Doc. A/RES/70/175, 7 (Dec. 17, 2015) [hereinafter “the Nelson Mandela Rules”], Rule 37(d).

failure to provide information or confession, or was a punishment for failing to comply with requests from authorities. In addition, the sexual assault that **Najah** and **Ebtisam** reported constitutes torture, as the long-term physical and mental effects of such acts are well-established, as is the legal principle that rape and sexual assault can constitute acts of torture.<sup>212</sup>

The actions described by **Ebtisam** and **Najah** also constitute rape under many jurisdictions and is illegal under both international and domestic law. Under the Bahraini Penal Code, any person who assaults a woman without her consent shall be given life imprisonment.<sup>213</sup> Additionally, the physical violence inflicted by the officers is considered rape under international standards, including the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY),<sup>214</sup> the United Nations International Criminal Tribunal for Rwanda (ICTR),<sup>215</sup> and the International Criminal Court (ICC).<sup>216</sup> However, at the time of writing this report, no officers have been held criminally accountable for these actions.

Torture is also prohibited in Bahraini domestic law, with Article 19(d) of the Constitution providing “No person shall be subjected to physical or mental torture, or inducement, or undignified treatment, and the penalty for doing so shall be specified by law. Any statement or confession proved to have been made under torture, inducement, or such treatment or the threat thereof, shall be null and void.”<sup>217</sup> Further, the Bahraini Penal Code provides “A prison sentence shall be the penalty for every civil servant or officer entrusted with a public service who uses torture, force or threat, either personally or through a third party, against an accused person, witness or expert to force him to admit having committed a crime or give statements or information in respect thereof.”<sup>218</sup>

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212 See *Prosecutor v. Mucuc, et al.*, Case No. IT-96-21, ¶ 494-496 (Nov. 16, 1998), (“The Trial Chamber considers the rape of any person to be a despicable act which strikes at the very core of human dignity and physical integrity. The condemnation and punishment of rape becomes all the more urgent where it is committed by, or at the instigation of, a public official, or with the consent or acquiescence of such an official. Rape causes severe pain and suffering, both physical and psychological. The psychological suffering of persons upon whom rape is inflicted may be exacerbated by social and cultural conditions and can be particularly acute and long lasting. Furthermore, it is difficult to envisage circumstances in which rape, by, or at the instigation of a public official, or with the consent or acquiescence of an official, could be considered as occurring for a purpose that does not, in some way, involve punishment, coercion, discrimination or intimidation . . . Accordingly, whenever rape and other forms of sexual violence meet the aforementioned criteria, then they shall constitute torture, in the same manner as any other acts that meet this criteria.”; see also *Prosecutor v. Semanza*, Case No. ICTR-97-20, Judgement, at ¶ 482 (May 15, 2003).

213 Bahrain Penal Code (20 March 1976), Art. 344.

214 *Prosecutor v. Furundzija*, Case No. IT-95-17, Judgement, ¶ 185 (10 Dec. 1998) (“the sexual penetration, however slight, either of the vagina or anus of the victim by the penis of the perpetrator, or any other object used by the perpetrator... where such penetration is effected by coercion or force or threat of force against the victim or a third person.”).

215 *Prosecutor v. Akayesu*, Case No. ICTR-96-4, Judgement, ¶ 597, 598, 688 (2 Sept. 1998) (Rape is “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive.... Sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact.”)

216 Elements of Crimes, Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 3, Art. 7(1)(g)-1, Available at: <https://www.icc-cpi.int/resource-library/legal-texts> (“The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any part of the body. The invasion was committed by force...against such person...”).

217 CONSTITUTION OF THE KINGDOM OF BAHRAIN, 14 Feb. 2002, Art. 19(d).

218 Bahrain Penal Code (20 March 1976), Art. 208; see also Art. 232 (“Article 232: A prison sentence shall be the penalty for any person who uses torture, force or threatens to use them, either personally or through a third party, against an accused person, witness or expert to make him admit the commission of a crime or to give statements or information in respect thereof. The punishment shall be imprisonment for at least six months if the torture or use of force results in harming the safety of the body. The punishment shall be imprisonment if the use of force or torture leads to death”).

The use in court of information, statements, and confessions obtained through torture or ill treatment - as reported in the cases of **Najah, Medina, Faten, Ameera, Zainab, and Hajer** - is also in violation of Article 15 of the CAT, and subjected the women to unfair trials in violation of Bahraini and international law (discussed further in the Trials chapter).

# TRIAL

*“I said to the court - ‘I am innocent! I told you in previous session, I was subjected to sexual assault, physical and psychological torture’ - But the judge told me to be quiet.”*

NAJAH YUSUF, JULY 2018

## Introduction

Bahrain's criminal justice system is recognised as flawed by the international human rights community. The UN Committee Against Torture notably expressed concern for the “widespread torture and ill-treatment” in places of detention and the “widespread acceptance by judges of forced confessions” as evidence in court.<sup>219</sup> Human Rights Watch described it as a “highly functional injustice system” for failing to “deliver basic accountability and impartial justice.”<sup>220</sup>

Bahraini courts convicted eight of the nine women - **Zakeya AlBarboori, Najah Yusuf, Ameera AlQashami, Faten Naser, Hajer Mansoor, Medina Ali, Zahra AlShaikh, and Zainab Marhoon** - between October 2017 and February 2019. **Ebtisam**, who was released from detention on 22 October 2017, is the only woman whose case did not go to trial. She only received confirmation that the case against her was closed due to insufficient evidence on 28 February 2019, nearly two years after her detention and interrogation.<sup>221</sup> The women were handed down prison sentences of six months (**Zahra**), one year (**Zainab**), three years (**Hajer, Najah, Medina**), and five years (**Zakeya, Ameera, and Faten**), although the sentences of **Ameera** and **Faten** - who were tried in the same case - were reduced to three years on appeal, and they were later released under the alternative sentencing law, after serving more than half of their sentences. **Najah** was later pardoned and released with 104 other individuals, as part of a royal practice to mark Eid AlAdha.<sup>222</sup> Despite being in custody at the time of her conviction, **Medina** did not attend her court hearing. **Zahra** was also sentenced *in absentia*, having fled to the UK two months before.

Five women - **Hajer, Ameera, Faten, Medina, and Najah** - have exhausted all legal remedies. **Hajer, Ameera** and **Faten** appealed their cases through the Court of Appeals and the Court of Cassation, Bahrain's highest court, which ultimately upheld their convictions and sentences. **Medina** and **Najah** appealed their cases to the Court of Appeals, but were unable to appeal to the Court of Cassation. **Medina** did not file the appeal before the statutory period had lapsed, and **Najah** was not granted power of attorney - due to delays from the prison administration, Office of Public Prosecution (OPP), and National Security Agency (NSA). **Zahra** and **Zakeya** - convicted in December 2018 and January 2019 respectively - have not exhausted all available legal remedies, although only **Zakeya** remains in custody. **Zainab**, convicted in November 2018, has completed her prison sentence and was released in March 2019. **Zahra** continues to seek asylum in the UK and is unable to appeal without being present in Bahrain.

All eight women convicted reported several violations to their rights to fair trial and due process. To convict at least six of them - **Hajer, Najah, Medina, Zainab, Faten, and Ameera** - the court used confessions elicited by the women or their relatives under duress.<sup>223</sup> In the cases of **Najah, Hajer, and Ameera**, the court's acceptance of coerced confessions was facilitated by medical forensic reports which refuted the allegations of abuse. The absence of inculpatory physical evidence was deemed irrelevant in assessing the women's guilt in at least two cases - **Hajer** and **Ameera**. In addition, in the cases of **Hajer, Najah, Faten,**

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219 UN Committee Against Torture (CAT) (29 May 2017), Concluding observations on the second and third periodic reports of Bahrain, CAT/C/BHR/CO/2-3, Available at: <https://www.refworld.org/docid/596f56684.html> (Accessed on 30 January 2019).

220 Human Rights Watch, Bahrain: A System of Injustice, 28 May 2014, Available at: <https://www.hrw.org/news/2014/05/28/bahrain-system-injustice> (Accessed on 25 June 2019).

221 Letter from Hamad Al Bouainain, Chief Public Prosecutor, 28 February 2019.

222 Bahrain News Agency, 'HM King pardons 105 inmates', 10 August 2019. Available at <https://www.bna.bh/en/HMKingpardons105inmates.aspx?cms=q8FmFJgiscL2fwIzON1%2bDoL%2b%2bvM%2bxPsvT01r8DWI%2fwU%3d>. Accessed on 12 August 2019.

223 Medina Ali has reported that the court used her confession in her trial. However, BIRD and ADHRB were unable to independently verify this information with the legal documents.

and **Ameera**, the women's attempts to recant forced confessions were ignored by the court and the public prosecution, with the defence's arguments being dismissed as attempts to avoid punishment. In addition to the improper use of evidence, at least five women - **Ameera, Faten, Zakeya, Najah, and Zainab** - reported restrictions or denial of access to legal representation before and during their trial. This resulted in the inadequate preparation of their defence.

After reading about the women's trials, **Carin Benninger-Budel**, Programme Director at the World Organisation Against Torture (OMCT) concluded, "What is clear is that the judiciary is not independent. They clearly all work together, very closely with the government, towards convicting the person. This happens in countries where there is no rule of law; if the opposite were true, there would not be so much impunity."<sup>224</sup>

## Abuse of Counter-Terror Legislation

**Medina, Ameera, and Faten** were convicted of harbouring a fugitive,<sup>225</sup> but the majority of the women - **Zakeya, Zainab, Hajer, Najah, Zahra, and Ebtisam** - were charged with terror-related offences and, with the exception of **Ebtisam**, were convicted under Bahrain's counter-terror law.<sup>226</sup> Such legislation has been criticised internationally for its overly broad and vague language which allows the Bahraini government to criminalise dissent, assembly, and expression as a threat to national security.<sup>227</sup> Commenting on the abuse of anti-terror legislation, **Oliver Windridge**, Senior Legal Consultant of Global Rights Compliance, said, "Nobody is arguing that there should not be effective legislation to prosecute terrorists. The problem is that the terrorist narrative is being used consistently across the world to target individuals who are not terrorists, but are, in fact, activists and human rights defenders. Legislation is so vague and often misused such that anyone who says anything against their government or the rulers of the country is considered to be fermenting or pursuing terror."<sup>228</sup>



Counter-terrorism laws are being made increasingly broad so that more people can be arrested and subsequently punished under those laws. And, unfortunately, we see this in many countries: states are using legislation more and more to prosecute human rights activists.

CARIN BENNINGER-BUDEL, OMCT



224 Carin Benninger-Budel, Programme Director at the World Organisation Against Torture (OMCT), Skype interview with BIRD, 13 June 2019.

225 Kingdom of Bahrain, Ministry of Justice, Islamic affairs & Waqf, Court Directorate, Verdict against Ameera AlQashami and Faten Naser, Fourth High Criminal Court, case No. 07291708045, 31 Jan. 2018. Page 211; BIRD, 'Bahrain: Four Women Sentenced to Three Years Imprisonment for Politically Motivated Charges', 21 February 2018. Available at: <http://birdbh.org/2018/02/bahrain-four-women-sentenced-to-three-years-imprisonment-for-politically-motivated-charges/> (Accessed on 25 July 2019).

226 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, January 2019 ; Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Report Submitted by the Public Prosecution Against Defendants [including] Zainab Marhoon; Court case No. 07201804332, 29 nov. 2018; Kingdom of Bahrain Fourth High Criminal Court, Verdict on Sayed Nizar Nama Baqir, Alwadaei, Hajer Mansour Hasan Ali, and Mahmoud Marzouq Mansour Hassan, 30 October 2017; Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Verdict against Najah Yusuf , case No. 07021802559, Fourth High Criminal Court, 25 June 2018; Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, August 2018; and Case of Zahra AlShaikh, ADHRB UN Complaint Program Documentation, January 2019.

227 The definition extends to non-violent acts, the aim of which include "disrupting the public order," "damaging national unity" and "threatening the Kingdom's safety and security;" See Human Rights Watch, World Report 2019, Bahrain: Events of 2018, Available at: <https://www.hrw.org/world-report/2019/country-chapters/bahrain> (Accessed on 12 July 2019) .

228 Oliver Windridge, Senior Legal Consultant of Global Rights Compliance and International Human Rights Lawyer, In-person interview with BIRD, 24 June 2019.

The law and its amendments also allow the government to denationalise individuals, as in the case of **Zainab** and **Zakeya** - the only Bahraini women to have their citizenship revoked through court order since 2012.<sup>229</sup> The use of this tool is severe in both cases, but more so in **Zainab's** considering that her prison sentence only amounted to one year.<sup>230</sup> Although the two had their Bahraini nationality restored by Royal Order in April 2019,<sup>231</sup> their cases are part of a larger trend of arbitrary citizenship revocation in Bahrain used against activists and critics of the government.<sup>232</sup> “The Bahraini authorities’ widespread use of stripping the nationality from hundreds of people clearly violates international norms. Although the authorities justify the citizenship revocations on the basis of national security, the reality is that they are using this practice to punish Bahrainis for voicing peaceful dissent.” (**Aya Majzoub**, Bahrain Researcher at Human Rights Watch).

## Coerced Confessions

The use of coerced confessions for the basis of conviction is among the most egregious violations faced by six women - **Zainab**, **Hajer**, **Najah**, **Medina**, **Ameera**, and **Faten**. **Zahra** was also forced to confess by way of a public apology to the king - which was forcibly posted on her Instagram account by CID officers - although it is unclear whether her “confession” was used to convict her.<sup>233</sup> The confessions used were mainly those extracted from the women themselves, except in the cases of **Hajer**, **Ameera**, and **Zainab**, whose convictions also involved confessions produced by their relatives under torture. In the cases of **Hajer**, **Najah**, **Faten**, **Zainab**, and **Ameera**, the court dismissed the allegations of torture and ill-treatment of the women or their relatives raised by the defence, stating that they sought to avoid punishment. The court or OPP also failed to order independent investigations into such allegations.

“The use of confessions procured under torture is a clear violation of international law,” commented **Oliver Windridge** of Global Rights Compliance. “To be clear, it is not just the treatment that leads to the false confession which violates international law, but the use of that confession that has been signed or agreed to incarcerate them. Where an allegation of torture is made, any related evidence cannot be used in trial, without a full, transparent, and effective investigation into the use of torture, unlike the cases here. There are a number of concerns arising from these women’s testimony that would command a full inquiry at the very least.”<sup>234</sup>

**Najah's** case is a strong indicator of the court’s tendency to dismiss severe allegations of torture and abuse. When **Najah** informed the court that her confession had been obtained under torture, the court responded that it viewed her denial as “a way to shake off the charge and a method of defence that aims at escaping

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229 According to BIRD and ADHRB documentation, the Bahraini government has stripped 990 Bahrainis of their citizenship since 2012. Citizenship is often revoked by royal or ministerial decree. Some individuals denationalised did not receive a trial, could not present evidence in their defence, and have had limited opportunities to appeal.

230 Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Report Submitted by the Public Prosecution Against Defendants [including] **Zainab Marhoon**, Court Case No. 07201804332, 29 November 2018. Page 37.

231 **Zakeya** No. 463 and **Zainab** No. 551; ‘MOI: Procedures to reinstate convicts’ citizenship taken’ Bahrain News Agency, 27 April 2019. Available at: <https://www.bna.bh/en/MOIProcedurestoreinstateconvictscitizenshiptaken.aspx?cms=q8FmFJgiscL2fwlzeON1%2bDIIS%2fBEq8da5KUv0Si1tyYc%3d> (Accessed on 9 May 2019)

232 From 2012 to April 2019, 990 individuals had been stripped of their Bahraini citizenship. However, on 21 April 2019, the king issued an order reinstating the citizenship of 551, leaving 439 denationalised.

233 **Zahra** later on proceeded to delete the post and made the account private. For further information, see the chapters on Arrest and Interrogation.

234 **Olivier Windridge**, Senior Legal Consultant at Global Rights Compliance and International Human Rights Lawyer, in-person interview with BIRD, 24 June 2019.

punishment, as well as an attempt to discredit the evidence trusted by the court.”<sup>235</sup> When recounting the issue, Najah stated *“I said to the court - ‘I am innocent! I told you in previous session, I was subjected to sexual assault, physical and psychological torture. But the judge told me to be quiet.’*<sup>236</sup> In addition, the main witness in her case - an officer from the NSA - was also a witness to her torture and sexual assault during her earlier interrogation at the Muharraq Security Complex. Despite reporting this immediately to the court, Najah was ignored.<sup>237</sup>

“The idea that these individuals are saying they have been tortured to escape criminal charges is a very old fashioned, hackneyed approach used by governments trying to shift the blame on to the individual rather than the state,” elaborated **Oliver Windridge** of Global Rights Compliance. “International obligations surrounding torture are so strong because torture is such an insidious, devastating, corrupting, corrosive issue - not only for the individual or individuals concerned but society more generally - that every allegation deserves to be fully and impartially investigated. As somebody who has ratified the Convention Against Torture, Bahrain has a duty to do so.”<sup>238</sup>

**Faten’s** defence also attempted to assert to the court the invalidity of her confessions on the basis of “physical and mental coercion.”<sup>239</sup> As with **Najah**, however, the court rejected her allegations, stating that she “confessed before the public prosecution freely and consciously” and that the court was confident of the confession’s validity.<sup>240</sup> Similarly, in **Hajer’s** case, the court dismissed allegations of ill-treatment and the lack of physical evidence of torture in their decision to convict her.<sup>241</sup> Although Hajer retracted the confession procured by Criminal Investigation Directorate (CID) officers during her interrogation, the court proceeded to refer to it in her judgment.<sup>242</sup> Authorities failed to order any investigation into Hajer’s allegations of ill-treatment and the court disregarded her claims “as a mere strategy to reject the charge and as a way the defence uses to avoid punishment.”<sup>243</sup> The judgment concluded that the court has no obligation to consider “every statement made, evidence presented, or argument raised by the defence, as long as the Court has the confidence that the evidence the court relies upon is the truth.”<sup>244</sup>

“A court is not obliged to believe a defendant,” commented **Oliver Windridge** of Global Rights Compliance, “but it is obliged to weigh all the evidence in a fair manner. Everyone has the right to a fair trial, including the right to a full defence, and when there is a clear pattern showing that judges have made pre-emptive decisions to avoid believing or listening to the defence’s evidence, then there’s an issue. Where you have an explicit statement from a judge saying that they are essentially not going to consider the defence’s arguments at all, you will find violations of international law.”<sup>245</sup>

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235 Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Verdict against Najah Yusuf, case No. 07201802559, Fourth High Criminal Court, 25 June 2018.

236 Najah Yusuf, telephone interview with BIRD, July 2018.

237 BIRD, ADHRB and Human Rights Watch, Letter to Inspector General Mohammad Rashid Al Rumaihi, 18 April 2019.

238 Oliver Windridge, Senior Legal Consultant at Global Rights Compliance and International Human Rights Lawyer, In-person interview with BIRD, 24 June 2019.

239 Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Verdict against Ameera AlQashami and Faten Naser, Fourth High Criminal Court, case No. 0720170804, 31 Jan. 2018. Page 135

240 Ibid, Page 148.

241 Kingdom of Bahrain Fourth High Criminal Court, Verdict on Sayed Nizar Nama Baqir, Alwadaei, Hajer Mansour Hasan Ali, and Mahmoud Marzouq Mansour Hassan, 30 October 2017, page 5-6.

242 Ibid, Page 3.

243 Ibid, Page 9

244 Ibid, page 8.

245 Oliver Windridge, Senior Legal Consultant of Global Rights Compliance and International Human Rights Lawyer, in-person interview with BIRD, 24 June 2019.

As well as her own confessions, the court also relied on confessions extracted from **Hajer's** son, Sayed Nizar Alwadaei, who was tried in the same case and implicated her in the alleged crime.<sup>246</sup> The court dismissed his lawyer's argument that the confession was invalid. Instead, the court decided that it "has the right to take into consideration whatever it believes to be the truth and it is in the court's discretion to determine whether the confession was the result of physical or moral coercion."<sup>247</sup>

**Ameera** and **Zainab** are the only two women who never confessed to the alleged crime themselves. Instead, the court used their relatives' confessions, allegedly extracted under torture, to convict both women. **Ameera's** case, in particular, mirrors Hajer's, as the court arrived at this conclusion despite the absence of physical evidence linking her to the alleged crime. The torture allegations raised by Ameera's brother were dismissed on the grounds that the court "has the right to take into consideration the defendant's confession against himself and against others ... even if the defendant has changed his mind when the court is reassured about the validity of the confession ..."<sup>248</sup>

As for **Zainab**, the court used her brother's and husband's allegedly coerced confessions, even though her husband had attempted to retract his statement. She described the moment when she learned that her husband had implicated her:

*"I was shocked, this made me collapse. It meant that my husband had confessed against himself but had also implicated me. There was nothing against me, my testimony was very clear, my testimony was perfect, both at the CID and at the Public Prosecutor. There was nothing to convict me for."<sup>249</sup> She continued: "When I first visited [my husband], after a few months, I asked him - 'Why did you say that? ... This damaged both of us. He was about to cry. He looked at me and said ... 'They threatened me that they would rape you in this place if I didn't confess ... What could I do? They caught me in my weakness, which is you. I was scared for your safety."<sup>250</sup>*

The court concluded that there were no signs that the confessions of Zainab's husband and brother were coerced, stating that "when it comes to confessions made before the Public Prosecution, it is up to the court to decide what they want to believe."<sup>251</sup>

Commenting on **Zainab's** case and the implications of being forced to confess against members of the family, **Nimisha Patel**, Clinical Psychologist, said, "I think there is an intense sense of guilt and profound helplessness that you couldn't protect each other in the family, that you somehow end up being used as a weapon against each other. It creates a cocktail of emotions - profound despair, pain, rage, helplessness, and guilt - incredible guilt."<sup>252</sup>

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246 Kingdom of Bahrain Fourth High Criminal Court, Verdict on Sayed Nizar Nama Baqir, Alwadaei, Hajer Mansour Hasan Ali, and Mahmoud Marzouq Mansour Hassan, 30 October 2017. Page 3.

247 Ibid, Page 5.

248 Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Verdict against Ameera AlQashami and Faten Naser, Fourth High Criminal Court, case No. 0720170804, 31 Jan. 2018. Page 143.

249 Zainab Marhoon, telephone interview with BIRD, 2 April 2019.

250 Ibid.

251 Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Report Submitted by the Public Prosecution Against Defendants [including] Zainab Marhoon, Court Case No. 07201804332, 29 November 2018. Page 37.

252 Nimisha Patel, Clinical Psychologist specialised in torture survivors and professor of Clinical Psychology at the University of East London, In-person interview with BIRD, 20 May 2019.

## Forensic Medical Evidence

The forensic medical examinations performed on several of the women failed to meet internationally prescribed standards. Non-independent doctors, typically from the OPP, failed to report the allegations presented by the women and accepted the absence of visible injuries as indication that torture and/or ill-treatment did not occur. In addition, no psychological assessment was conducted on any of the women. In the cases of **Najah**, **Hajer**, and **Ameera**, the court used evidence from doctors from the OPP to dispute their allegations of torture or ill-treatment, which contributed in part to their conviction. **Medina** and **Ebtisam**'s cases differ from the others. **Medina** sustained a visible injury to her forehead during her arrest but, to date, has never been taken for a forensic examination.<sup>253</sup> **Ebtisam** underwent an independent medical forensic examination documenting her ill-treatment and sexual assault in May 2017, though the report was later confiscated when security forces arrested her in July 2017.<sup>254</sup>

Elaborating on the use of medical forensic evidence to dispute allegations of abuse and torture, **Aya Majzoub** of Human Rights Watch said, "Just because there are no marks of torture, it doesn't mean that torture didn't happen - I've seen this in many cases in Bahrain. I've read court documents where defendants allege abuse or torture and the judge asks the defendants to prove it by displaying marks of torture. When the defendant is unable to reveal any visible scars, the court decides that no torture has occurred. This is ludicrous for at least two reasons. First, the court hearing often occurs months after the alleged torture took place, allowing plenty of time for injuries to heal. Secondly, even severe forms of torture may not leave any physical marks."<sup>255</sup>

**Najah** reported that she informed the forensic doctor of her abuses during her examination, explaining her physical and sexual assault, but none of these allegations were included in the report, nor was a psychological evaluation performed.<sup>256</sup> Najah stated, "*I told her I was subjected to beatings in these specific areas: my head, my shoulders, and my behind. Then she examined me. I told her that [an officer] attempted to suffocate me, but she said there were no marks.*"<sup>257</sup> Agreeing with Aya Majzoub, **Nimisha Patel**, Clinical Psychologist, emphasised that "[T]he absence of physical signs does not mean that no torture has happened," and added that "[T]hat's when you actually have to do a full and independent psychological assessment and document all forms of ill-treatment and torture using the Istanbul Protocol. What happened exactly, when, where, by who etc. Is there documentation by the forensic health professional that say, someone's hijab has been pulled off? Or that they've been verbally threatened with rape? Or that she's forced to hear a family member being tortured – that is the nature of psychological torture. It is designed to leave no marks."<sup>258</sup>

The report submitted to the court by the Directorate of Forensic Science Evidence did not find any recent signs of injury, reporting that **Najah** did not currently feel pain or exhibit visible injury. The doctor further noted that there was no trace "indicating the occurrence of violence or resistance appeared on her body."<sup>259</sup>

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253 Medina Ali, telephone interview with BIRD, 22 May 2019.

254 Testimony of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, November 2018.

255 Aya Majzoub, Bahrain's researcher at Human Rights Watch, skype interview with BIRD, 3 June 2019.

256 Directorate of Forensic Science Evidence, Public Prosecution, "Forensic Medical Report on the case with the communication number 3/2017," 7 May 2017.

257 Najah Yusuf, Telephone interview by BIRD, 9 April 2019.

258 Nimisha Patel, Clinical Psychologist specialised in torture survivors and professor of Clinical Psychology at the University of East London, In-person interview with BIRD, 20 May 2019.

259 Kingdom of Bahrain Public Prosecution: Directorate of Forensic Science Evidence, Forensic Medical Report on the case with the communication number 3/2017, Communication of the National Security Agency Regarding the defendant Najah Ahmed Habib Yusuf, 7 May 2017.

Notably, the medical examination was conducted on 4 May 2017, ten days after the officers of the NSA allegedly sexually assaulted her on 24 April 2017. Despite Najah's attempts to report her torture to the OPP, court, and national oversight bodies, she was ignored and her allegations dismissed. When the court eventually convicted her, the judgment included findings that "the forensic doctor did not prove anything that indicated criminal violence or resistance."<sup>260</sup>

Commenting on Najah's case specifically, **Oliver Windridge** of Global Rights Compliance stated, "The onus is on the state to protect individuals and on the authorities to conduct a full and independent inquiry into those injuries. If you are really trying to find out whether allegations are indeed true, an examination should be conducted in a safe space for individuals who may - for either cultural reasons or reasons over victim status - not be able to give a detailed account of the physical or sexual abuse they suffered in an open court to a male judge and male prosecutors. On top of that, the alleged perpetrator may also be in court. It's both in contravention of international law and also manifestly unfair that an individual should have to explain their treatment in the way described in this report. Examinations should be conducted in safe environments in which individuals are able to fully recount the details safely on their terms."<sup>261</sup>

**Hajer's** forensic medical report was similarly employed by the court in her conviction. Although Hajer informed the doctor of the abuses she endured during her interrogation,<sup>262</sup> the report did not include any of those details nor found any visible evidence suggesting violence or resistance and, again, omitted a psychological evaluation.<sup>263</sup> The report only noted that "There was a needle hole, around 1X1 mm covered in brown skin/scab and surrounded by a green and blue blood clot which covers an area of 2.5X6 cm, on the left hand. She [Hajer] says it would have been caused by a blood sample she gave last Sunday, 5 March 2017."<sup>264</sup> On 5 March 2017, Hajer had collapsed and fainted after being forced to stand during her ten-hour interrogation. She was transferred to the hospital by ambulance, having sustained an injury to her hand and shoulder.<sup>265</sup> As in Najah's case, Hajer's court judgment cited medical forensic evidence, finding that "it has been proved that there were no visible injuries, which was also supported by the forensic report."<sup>266</sup>

"The indicator shouldn't be whether or not there are marks of torture on the bodies of the detainees," stated **Aya Majzoub**, of Human Rights Watch. "There should be psychological examinations, interviews with the security officers who were present, interviews with the victims alleging torture as well as reviews of any security camera footage that may have recorded some of the abuse."<sup>267</sup>

**Ameera** did not allege that she was subjected to physical abuse during her interrogation, but claims that she was subjected to psychological torture.<sup>268</sup> The medical report concluded that officers did not inflict

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260 Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Verdict against Najah Yusuf, case No. 07201802559, Fourth High Criminal Court, 25 June 2018.

261 Oliver Windridge, Senior Legal Consultant at Global Rights Compliance and International Human Rights Lawyer, In-person interview with BIRD, 24 June 2019.

262 Hajer Mansoor, Interview with BIRD, 30 July 2019.

263 Kingdom of Bahrain Public Prosecution: Directorate of Forensic Science Evidence, Forensic Medical Report on the case with the communication number 41/2017, Communication of the Criminal Investigation Directorate on the defendant Hajer Mansoor Hassan, 12 March 2017.

264 Ibid.

265 Amnesty International, 'Bahrain: Halt the targeting of critic living abroad through the harassment of his family in Bahrain', Index: MDE 11/6486/2017, 12 June 2017, Available at: <https://www.amnesty.org/download/Documents/MDE1164862017ENGLISH.pdf>, (Accessed on 9 July 2017)

266 Kingdom of Bahrain Fourth High Criminal Court, Verdict on Sayed Nizar Nama Baqir, Alwadaei, Hajer Mansour Hasan Ali, 30 October 2017. Page 6.

267 Aya Majzoub, Bahrain's researcher at Human Rights Watch, Skype interview with BIRD, 3 June 2019.

268 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, October 2018.

physical abuse on Ameera, but the examination did not include a psychological evaluation. The judgment further omitted any reference to her mental state during her interrogation.<sup>269</sup>

**Medina** and **Ebtisam** are exceptional cases: neither of them were examined by a state-appointed forensic doctor. **Medina** sustained an injury to her forehead during her arrest, which has left a scar to date.<sup>270</sup> Although she sought a consultation with a forensic medical doctor on multiple occasions, the authorities failed to facilitate an examination, resulting in her conviction in February 2018 without her allegations being investigated. At the time of drafting, she has yet to be granted this consultation.<sup>271</sup> **Ebtisam**, on the other hand, arranged for a private medical examination following her release from custody in May 2017, after she was allegedly tortured and sexually assaulted by NSA agents. The medical report noted evidence of abuse, including bruising and swelling to Ebtisam’s head and trauma to “sensitive areas.” However, security forces confiscated the report when they rearrested Ebtisam and raided her home in July 2017.<sup>272</sup> “Ebtisam is a seasoned human rights defender, so her human rights training immediately kicked in despite her terrible ordeal. She knew the importance of documenting any evidence that proves her allegations. Clearly the Bahraini authorities also knew this, and so took the necessary measures to conceal the truth,” commented **Sima Watling**, Campaigner at Amnesty International.

“The obligation to provide fair trial is not just a right to a lawyer, although that is a basic starting point,” further elaborated **Oliver Windridge** of Global Rights Compliance with regards to Ebtisam’s case. “Any state interference with the seizure of documents, as described in this report, would likely amount to a pretty clear violation of fair trial rights. The fact that the authorities are seizing these documents would suggest that they realise their importance. These medical reports are the kind of documents that you would rely on in order to demonstrate the truth of the allegations of mistreatment and argue that any confession produced as a result of this mistreatment and relied upon in court is in violation of international law and even Bahraini law.”<sup>273</sup>

## Misuse of Police Forensics and Documentary Evidence

Two women, **Hajer** and **Ameera**, were convicted solely on the basis of coerced confessions, without any physical evidence corroborating the alleged crimes. In using her brother’s coerced confession to convict **Ameera**, the court concluded that it “has the right to take into consideration the defendant’s confession against himself and against others *despite not being supported by other evidence*.”<sup>274</sup> In **Hajer**’s case, authorities failed to establish a link between the defendants and the fake bomb the police allegedly found.<sup>275</sup> Neither Hajer’s DNA nor her fingerprints were detected on the device.<sup>276</sup> As with Ameera, the court concluded that it “has the right to accept confessions made by defendants against themselves or others *even when they are*

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269 Ibid.

270 Medina Ali, telephone interview with BIRD, 11 October 2017.

271 Medina Ali, telephone interview with BIRD, 22 May 2019.

272 See Interrogation chapter, page 32.

273 Oliver Windridge, Senior Legal Consultant at Global Rights Compliance and International Human Rights Lawyer, In-person interview with BIRD, 24 June 2019.

274 Ibid, Page 143 (emphasis added).

275 Kingdom of Bahrain Ministry of Interior, Forensic Science Lab, Report of examination of samples found in the body, 22 February, 2017.

276 Kingdom of Bahrain General Directorate of Crime Detection & Forensic Science, Directorate of Forensic Science Fingerprints Department, Technical report: examining samples, 14 February 2017.

*not supported by further evidence ... whenever the court believes it to be right.*<sup>277</sup> As a result, the only bases for Hajer's conviction were "confidential sources" and the confessions that Hajer and her family claim were coerced.<sup>278</sup> Commenting on Hajer's case specifically, **Carin Benninger-Budel** of OMCT said, "If someone can be convicted on the sole ground of a confession, that can actually encourage ill treatment or torture - may that be psychological or physical. It will be repeated again and again. A confession that doesn't need to be corroborated perpetrates impunity. Alone, it should not be enough to convict a person - you never know under what circumstances a person has signed or made a confession. It's very important to corroborate it with further evidence."<sup>279</sup>

**Najah's** case differs from Ameera and Hajer's. The court used Najah's coerced confession that she had "shared videos, news, events, crowded events, and shared tweets that incite hatred for the ruling regime" from shared social media accounts.<sup>280</sup> However, Najah maintains that her confession was the result of physical, sexual, and psychological torture and that she was not responsible for those posts, as she was only one of multiple individuals who has access to the social media accounts.<sup>281</sup> Najah informed the court of the same, but this was not taken into consideration. Evidence from this account also included posts calling for a series of peaceful protests surrounding the Formula One Bahrain Grand Prix in April 2017 and the release of "Formula One detainees," individuals who had been arrested for protesting Formula One's presence in Bahrain.<sup>282</sup>

## Restrictions to Legal Representation and Mass Trials

**Ameera, Faten, Zakeya, Najah,** and **Zainab** faced restrictions to their access to legal representation leading up to their trial, which resulted in the inadequate preparation of their defence. The authorities' negligence also resulted in **Najah** not being able to appeal her sentence at the Court of Cassation.

**Ameera, Faten,** and **Zainab's** ability to present a defence was hindered, as they were tried in mass trials. While **Ameera** and **Faten** were sentenced together in a mass trial of 60 individuals,<sup>283</sup> **Zainab** was convicted alongside 20 other defendants.<sup>284</sup> Zainab reported that the number of defendants in her trial grew considerably, saying, "*The hearings were [repeatedly] postponed, because the CID added many things. Initially we were only eight when the case started.*"<sup>285</sup> She further elaborated that she felt that her trial would have been unfair from the start: "*An officer who came to our home told my sister - 'You better provide your sister with*

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277 Kingdom of Bahrain Fourth High Criminal Court, Verdict on Sayed Nizar Nama Baqir, Alwadaei, Hajer Mansour Hasan Ali, 30 October 2017, page 5 (Emphasis added).

278 Kingdom of Bahrain Fourth High Criminal Court, Verdict on Sayed Nizar Nama Baqir, Alwadaei, Hajer Mansour Hasan Ali, 30 October 2017.

279 Carin Benninger-Budel, Programme Director at the World Organisation Against Torture (OMCT), Skype interview with BIRD, 13 June 2019.

280 Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Verdict against Najah Yusuf, case No. 07201802559, Fourth High Criminal Court, 25 June 2018. Page 7.

281 Ibid

282 Kingdom of Bahrain Public Prosecution, Evidence presented in the case of Najah Yusuf, Order in case No. 205168/ 2017 Criminal Proceedings of the Public Prosecution, 21 February 2018.

283 Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Verdict against Ameera AlQashami and Faten Naser, Fourth High Criminal Court, case No. 0720170804, 31 Jan. 2018.

284 Kingdom of Bahrain Public Prosecution, Report Submitted by the Public Prosecution Against Defendants [including] Zainab Marhoon; Court case No. 07201804332, 29 nov. 2018

285 Zainab Marhoon, telephone interview by BIRD, 2 April 2019.

*a good lawyer!' - it seemed they knew what they wanted to do with me.*<sup>286</sup>

“When a trial has 20 or 60 defendants, it’s very hard to guarantee that every individual has a fair defence,” commented **Aya Majzoub** of Human Rights Watch. “We’ve seen in other cases in Bahrain that mass trials are usually very, very quick, so the defence isn’t given an opportunity to present its evidence, and that is a very grave due process violation.”<sup>287</sup>

**Oliver Windridge** of Global Rights Compliance elaborated on the breadth of issues involved: “I think it’s almost impossible for a mass trial to be fair under international standards. There are numerous issues, from the ability to have full disclosure of evidence, having a case properly heard, guaranteeing that the judge will be able to fully understand each and every case, all the way through to just very practical issues, like the ability to hear what’s going on in court. In cases of mass trial there is almost always a package of rights that are being violated. The mass trials I have observed are, put simply, chaotic. In the end, the court may find that the accused are all guilty, but you lose any semblance of the examination of individual cases and individual criminal responsibility.”<sup>288</sup>



One of the Facebook posts used to convict Najah Yusuf.

**Ameera** and **Faten** were also denied access to legal representation prior to their trial. **Ameera** was unable to contact her lawyer for three months after her arrest on 9 February 2017,<sup>289</sup> whereas **Faten** was only granted one face-to-face meeting with her lawyer before the trial began.<sup>290</sup> This meeting, however, took place in the presence of state officials, who allegedly monitored the meeting and largely prevented Faten from speaking freely with her lawyer.<sup>291</sup> As a result of such limitations, Faten’s lawyer lacked adequate instruction, access to Faten, and time to prepare her defence in court. “Defendants should be able to speak to their lawyers in private without the presence of any officers,” commented **Aya Majzoub** of Human Rights Watch. “Denying detainees access to their lawyer is a violation of international law.”<sup>292</sup>

**Zakeya’s** lawyer also encountered similar issues, as they did not receive the list of charges against Zakeya until a hearing on 31 January 2019, which Zakeya did not attend.<sup>293</sup> Zakeya was convicted one week later on 6 February 2019.<sup>294</sup> **Najah** was denied access to legal counsel on multiple occasions both during and ahead of court appearances. She explained: “Of course I did not see the lawyer. The first time they took me to the

286 Zainab Marhoon, telephone interview with BIRD, 2 April 2019.

287 Aya Majzoub, Bahrain Researcher at Human Rights Watch, Skype interview with BIRD, 3 June 2019.

288 Oliver Windridge, Senior Legal Consultant at Global Rights Compliance and International Human Rights Lawyer, In-person interview with BIRD, 24 June 2019.

289 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, October 2018.

290 Case of Faten Naser, ADHRB UN Complaint Program Documentation, December 2018.

291 Ibid.

292 Aya Mazjoub, Bahrain Researcher at Human Rights Watch, Skype interview with BIRD, 3 June 2019.

293 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, February 2019.

294 Kingdom of Bahrain Public Prosecution, @bpbahrain, Instagram Post, 6 February 2019, Available at: [https://www.instagram.com/p/BtirN53F-z\\_/?utm\\_source=ig\\_share\\_sheet&igshid=13haxars6pyte](https://www.instagram.com/p/BtirN53F-z_/?utm_source=ig_share_sheet&igshid=13haxars6pyte) (Accessed on 14 May 2019)

*Public Prosecution was without a lawyer, and the second time - they took me to a court - was also without a lawyer, and then again they took me to the Public Prosecution.*<sup>295</sup>

Most notably, authorities did not grant power of attorney rights to **Najah**'s lawyer.<sup>296</sup> Najah believes she signed documents relating to power of attorney while in detention at Isa Town Women's Detention Centre in 2017. However, her legal counsel confirmed that he never received such documents.<sup>297</sup> Najah's lawyers also submitted requests to be granted power of attorney on two occasions.<sup>298</sup> The OPP accepted a request<sup>299</sup> from her legal counsel on 8 May 2017,<sup>300</sup> but the request fell through when NSA officials failed to coordinate with Isa Town officials to permit Najah access to the OPP to complete the necessary procedures. The OPP approved a second request<sup>301</sup> submitted by Najah's legal representation on 30 May 2017,<sup>302</sup> but the NSA again failed to coordinate Najah's access to her counsel. Given that power of attorney is required for lawyers to visit their clients in detention, Najah was unable to prepare an adequate defence. Without power of attorney she was also unable to appeal her case to the Court of Cassation within the statutorily required period, and so she exhausted all methods of redress. However, she was later pardoned and released in August 2019.

Commenting on Najah's case, **Oliver Windridge** of Global Rights Compliance stated, "Preventing the power of attorney from being authorised raises serious concerns over international standards for fair trial. There should be an unimpeded relationship between the accused and their lawyers in order to fully guarantee their rights to a defence or, in the case of conviction, their ability to prepare their appeal. And so again, I have serious concerns in terms of violations of international standards as to why Najah wasn't able to enjoy unimpeded attorney-client relationship."<sup>303</sup>

## Alternative Sentencing

Some of the women have also been denied relief post-conviction, with little to no explanation as to the reason behind the rejection. While **Faten** and **Ameera** were released in early August 2019, **Hajer**, **Medina**, and **Najah** applied for and were denied non-custodial alternative sentences, despite qualifying for such under the Bahraini law. Law No. 18 of 2017 provides that alternative sanctions (including community service, house arrest, restitution, etc.) may be granted if a prisoner meets certain conditions: (1) the prisoner has served at least half of their sentence, (2) the prisoner is "of good conduct," (3) the prisoner is not a

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295 Najah Yusuf, Telephone interview by BIRD, 2 July 2017.

296 Najah Yusuf's Lawyer, Telephone correspondence with BIRD, 9 April 2019; In the Court of First Instance and the First Appeals Court, Legal Counsel can represent their client without being granted power of attorney as the client will be present during the hearings and so can provide consent.

297 Najah Yusuf's Lawyer, telephone correspondence with BIRD, 9 April 2019.

298 Ibid.

299 "Subject: Empowering the Defendant (Najah Ahmed Habib Yusuf Holding the ID ) to Appoint a Lawyer." Jassim Sarhan to Chief of the Terrorist Prosecution. 8 May, 2017. Kingdom of Bahrain.

300 "On the occasion of reviewing the case communication number 3/2017." Public Prosecution to Mr. / Head of the National Security Agency, 8 May 2017. Kingdom of Bahrain.

301 "On the occasion of reviewing the case communication number 3/2017." Public Prosecution to Mr. / Head of the National Security Agency, 30 May, 2017. Kingdom of Bahrain.

302 "Subject: Empowering the Defendant (Najah Ahmed Habib Yusuf Holding the ID ) to urgently appoint a lawyer." Jassim Sarhan to Chief of the Terrorist Prosecution. 29 May, 2017. Kingdom of Bahrain.

303 Oliver Windridge, Senior Legal Consultant at Global Rights Compliance and International Human Rights Lawyer, In-person interview with BIRD, 24 June 2019.

security risk, and (4) the prisoner has paid restitution or fees to the court, if they are able.<sup>304</sup> As of 30 April 2019, the Bahraini Embassy in London reported that 52 women have applied for and been granted these alternative sanctions,<sup>305</sup> though notably only two of the prisoners included in this report have had requests granted. In **Hajer**'s case, her family applied in May 2019 and received a notice of rejection from the court via text message a few days later, with no explanation.<sup>306</sup>

## Legal Analysis

The trials that the Bahraini authorities conducted against the women in this report were in violation of multiple provisions of Bahraini law, as well as international treaties and standards, including those in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

The lack of access to legal counsel - in some cases obstruction or outright denial of access to legal counsel - described by the women is in violation of the Bahraini Constitution, which provides for a number of basic fair trial provisions, including that individuals are innocent until proven guilty in a fair trial and that everyone is entitled to legal counsel to prepare a defence.<sup>307</sup> Similarly, the Bahraini Penal Code provides that arrested individuals have the right to seek legal counsel,<sup>308</sup> that accused individuals and their lawyers are permitted to attend all investigation proceedings,<sup>309</sup> and that each individual accused of a crime is entitled to a lawyer at each hearing.<sup>310</sup>

In addition to domestic measures designed to protect fair trial rights, the ICCPR contains provisions for fair and equitable trials before courts and tribunals, and enumerates requirements for what constitutes a fair trial. In particular, the ICCPR provides that every individual is entitled to a fair and public hearing by impartial and independent judicial authorities,<sup>311</sup> presumption of innocence,<sup>312</sup> the right to be informed promptly of any charges against them,<sup>313</sup> the right to legal counsel and sufficient time and meetings with such to prepare a defence,<sup>314</sup> and to be tried in their presence,<sup>315</sup> among others. In the cases presented in this report, many of these provisions were violated. **Ameera, Faten, Zakeya, Najah, and Zainab** each reported restrictions of access to legal counsel, preventing their ability to prepare defences and violating their rights under the ICCPR and Bahraini law. The use of mass trials to convict **Ameera, Faten, and Zainab** also prevented them from receiving a fair and impartial trial, as this may have prevented the court from being able to definitively decide individual guilt or innocence in trials of that size.

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304 Law No. 18 of 2017 with respect to alternative measures and sanctions, Art. 13.

305 Bahrain Embassy UK, @BahrainEmbUK, Twitter Post, 30 Apr. 2019 12:44pm, Available at: <https://twitter.com/BahrainEmbUK/status/1123251869059563520>.

306 Criminal Court, Rejection of application for alternative sentencing, Case No. 07201704397, May 2019.

307 Constitution of the Kingdom of Bahrain, 14 Feb. 2002, Art. 20(c), (e).

308 Code of Criminal Procedures, Legislative Decree No.(46) of the year 2002, Art. 61.

309 Ibid., Art. 84.

310 Ibid., Art. 216.

311 United Nations International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR], Art. 14(1).

312 Ibid., Art. 14(2).

313 Ibid., Art. 14(3)(a).

314 Ibid., Art. 14(3)(b).

315 Ibid., Art. 14(3)(d).

In addition to the denial of access to legal counsel, the use of confessions coerced through torture or ill-treatment - as in the cases of **Hajer, Najah, Medina, Zainab, Faten, and Ameera** - is also in violation of Bahraini and international law. Torture is illegal in both Bahraini and international law,<sup>316</sup> and the use of confessions coerced through torture is in violation of Bahrain's obligations under the CAT.<sup>317</sup> Torture is also in violation of the ICCPR, and the Human Rights Committee has stated that the use of such statements is in violation of an individual's fair trial right under the ICCPR to freedom from compulsion of testimony or guilt.<sup>318</sup> Further, the Committee has previously found violations of fair trial rights under the ICCPR in cases where confessions obtained through torture were used to convict another individual<sup>319</sup> - as occurred in the cases of **Hajer, Zainab, and Ameera**, who were convicted on the basis of confessions of their relatives.

The CAT and ICCPR not only prohibit torture and provide for the right to freedom from torture, but the CAT in particular also imposes a positive obligation on State parties to open impartial investigations into allegations of torture.<sup>320</sup> The Human Rights Committee has also stated that "Complaints [of torture and ill treatment] must be investigated promptly and impartially by competent authorities so as to make the remedy effective."<sup>321</sup>

In the cases presented here, however, the investigations (in the rare occasion that they were carried out) failed to meet international standards for investigating allegations of torture. In the cases of **Najah, Hajer, and Ameera** for example, the courts used medical examinations to contradict allegations of torture to coerce confessions. In those cases, the examinations failed to meet the standards set forth in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Istanbul Protocol"), which require a detailed description of abuse alleged by the victim, including complaints of physical and psychological symptoms,<sup>322</sup> and an assessment into the psychological health of the victim.<sup>323</sup> These investigations did not appear to be conducted in good faith with the goal of holding perpetrators accountable, but rather to allow the courts to admit evidence obtained through coercion. The Istanbul Protocol also provides that "the absence of physical evidence should not be construed to suggest that torture did not occur."<sup>324</sup> The lack of psychological assessments in these cases, where the harms alleged were largely psychological rather than physical, is especially glaring.

Another element undermining the fairness of proceedings in many of these cases is that the law used to convict a majority of the women - **Zakeya, Zainab, Hajer, Najah, and Zahra** - was itself unfair. The law used, Bahrain's 2006 Act on the Protection of Society from Acts of Terrorism (referred to commonly as the counter-terror law), defines terrorism as any action "infringing public security or endangering the safety and security of the kingdom or of damaging national unity . . . [by harming] the environment, public

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316 For further information, see the Legal Analysis section of the previous chapter, Interrogations, pg XX.

317 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [hereinafter CAT], Dec. 10, 1984, 1465 U.N.T.S. 85, Art. 15.

318 Human Rights Comm., 90th Sess., July 9-27, 2007, General Comment No. 32 Article 14: Right to equality before courts and tribunals and to a fair trial (Aug. 23, 2007), paras. 41, 60 (citing to Human Rights Comm. Communications No. 1044/2002, Shakurova v. Tajikistan, para. 8.2; No. 915/2000, Ruzmetov v. Uzbekistan, paras. 7.2 and 7.3; No. 1042/2001, Boimurodov v. Tajikistan, para. 7.2).

319 See Bazarov v Uzbekistan, Human Rights Comm./ Communication No. 959/2000, 14 July 2006, para. 8.3.

320 CAT, Art. 12.

321 Human Rights Comm., 44th Sess., General comment No. 20: Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment) (1992), para. 14.

322 Office of the High Commissioner for Human Rights, Professional Training Series No. 8/Rev.1 (2004), para. 83 (b), (c).

323 Ibid., para. 104.

324 Ibid., para. 161.

health, the national economy, or public property, institutions, or facilities . . . or prevents or impedes public authorities, houses of worship, or institutes of learning from exercising their functions.”<sup>325</sup> This definition is overly broad and vague, as the definition of “terrorism” impedes on a number of protected rights, and is in violation of Bahrain’s obligations under the ICCPR, which provides protections for freedoms of thought,<sup>326</sup> opinion and expression,<sup>327</sup> assembly and association,<sup>328</sup> and the right to freedom from arbitrary detention.<sup>329</sup>

In July 2018, under Bahrain’s most recent review of its obligations under the ICCPR, the Human Rights Committee expressed concerns that the law “includes an overly broad definition of terrorism that provides too much room for interpretation and may result in violations of the right to freedom of expression, association and assembly.”<sup>330</sup> The Committee also raised concerns about the “extensive” use of the counter-terror law against human rights defenders and political activists.<sup>331</sup> The Committee ultimately recommended that the Government of Bahrain amend and reform the counter-terror law “with a view to clarifying and narrowing the broad concepts . . . and thus ensuring that they comply with the principles of legal certainty and predictability and that the application of such legislation does not suppress protected conduct and speech.”<sup>332</sup>

The counter-terror law is also the basis for many denationalisations - with 990 Bahrainis stripped of their citizenship from 2012-2019.<sup>333</sup> Amendments to the counter-terror law in 2013 provided for automatic revocation of citizenship in tandem with a conviction for some of the crimes in the 2006 law,<sup>334</sup> including joining or establishing an organisation that the government has determined to be a terrorist organisation (the charge against **Zakeya**), and supplying weapons, ammunition, or premises for the like (the charge against **Zainab**). The revocation of citizenship through the courts is appealable, and the denationalisation is appealed in conjunction with the conviction.

Arbitrary revocation of citizenship is prohibited in international law, particularly when doing so would render an individual stateless. The right to a nationality is included in the UDHR, which provides that “[e]veryone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”<sup>335</sup> Nationality is also considered to be an enabling right, as the possession of nationality on a territory provides an individual with additional rights and protections.<sup>336</sup> As such, the deprivation of nationality can also impact other rights which rely upon citizenship - including rights to health, education, and others. Therefore the arbitrary deprivation of citizenship, as occurred in the cases

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325 Law No. (58) of 2006 in regards to the protection of the society from terrorist acts, Art. 1.

326 ICCPR, Art. 18.

327 *Ibid.*, Art. 19.

328 *Ibid.*, Arts. 21, 22.

329 *Ibid.*, Art. 9.

330 Human Rights Comm., Concluding observations on the initial report of Bahrain, 3516th meeting, Jul. 19, 2018, U.N. Doc. CCPR/C/BHR/CO/1 (Nov. 15, 2018), para. 29.

331 *Ibid.*

332 *Ibid.*, para. 30.

333 Reuters, ‘Major opposition figures not among those given back Bahraini citizenship’, 29 April 2019, Available at: <https://uk.reuters.com/article/uk-bahrain-security/major-opposition-figures-not-among-those-given-back-bahraini-citizenship-idUKKCN-1S50QK> (Accessed on 25 July 2019).

334 Decree Law No. 20 of 2013 on Amendment of some provisions of Law No. 58 of 2006 on protection of the society against terrorist acts.

335 UDHR, Art. 15.

336 Institute on Statelessness and Inclusion, Addressing the right to a nationality through the Convention on the Rights of the Child (June 2016), p. 2, Available at: [http://www.institutesi.org/CRC\\_Toolkit\\_Final.pdf](http://www.institutesi.org/CRC_Toolkit_Final.pdf).

of **Zakeya** and **Zainab**, impacted not only their rights to nationality, but also their other rights protected under the ICCPR and the International Covenant on Economic, Social and Cultural Rights. Notably, Bahrain is not a party to either the 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.

# PRISON CONDITIONS

*“They treat us like animals. Animals only eat and sleep and prison authorities expect us to do the same.”*

ZAINAB MARHOON, 16 APRIL 2019

## Introduction

Isa Town Women's Prison and Detention Centre (Isa Town Prison) is the only detention facility for women in Bahrain and holds pre-trial detainees and convicted individuals in separate sections of the prison.<sup>337</sup> International human rights bodies<sup>338</sup> and NGOs<sup>339</sup> have raised widespread concerns that conditions inside of Isa Town Prison are inadequate.

According to the most recent report by Bahrain's Prisoners' and Detainees' Rights Commission in 2016, as of January 2015 there were 115 women detained at Isa Town Prison, three of whom were imprisoned for charges related to "public disorder."<sup>340</sup> According to the National Institution for Human Rights (NIHR),<sup>341</sup> as of October 2018, the total prison population in Isa Town was 205 inmates. While no recent breakdown exists as to the nature of their charges, according to BIRD's records there are currently six women political prisoners who are serving their sentences in Isa Town Prison.<sup>342</sup>

Three of the women included in this report are detained in Isa Town Prison at the time of writing. **Ebtisam AlSaegh, Zahra AlShaikh, Zainab Marhoon, Ameera AlQashami, Faten Naser, and Najah Yusuf** are not presently in custody. The testimony of a tenth woman, "*Maryam*" (a former political prisoner whose name has been changed to maintain anonymity), is included in this chapter.

Prison authorities allegedly subject political prisoners to discrimination and punitive measures that are inconsistent with international standards.<sup>343</sup> *Maryam* further noted that political prisoners are treated differently from the rest of the Isa Town prison population:



"Places of detention tend to be opaque and secretive places, out of public sight. This allows cultures of abuse to develop, and makes detainees terribly vulnerable."

JO BAKER, INDEPENDENT RESEARCHER ON THE HUMAN RIGHTS OF WOMEN IN DETENTION



337 Bahrain Centre for Human Rights (BCHR), Locked Inside a Nightmare: Voices from Bahraini Prisons, 9 June 2014, Available at: <http://bahrainrights.org/sites/default/files/Prison%20Report%20-%20FINAL%20II.pdf> (Accessed on 17 April 2019).

338 UN Human Rights Council, Situation of Women Human Rights Defenders: Report of the Special Rapporteur on the situation of human rights defenders, A/HRC/40/60 Geneva: United Nations General Assembly (2019), Available at :[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/40/60](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/60) (Accessed on 14 May 2019).

339 Amnesty International, Suppression of Opposition Ahead of Bahraini Elections, Amnesty International Public Statement MDE 11/9440/2018, 23 November 2018, Available at: <https://www.amnesty.org/download/Documents/MDE1194402018ENGLISH.pdf> (Accessed on 25 March 2019).

340 Prisoners & Detainees Rights Commission (PDRC), Unannounced visit to the Women's Reformation and Rehabilitation Center (WRRC) January 18-20 2015, Report No. 8, 2016, Available at: [https://www.pdrc.bh/mcms-store/pdf/aa3910d7-7470-480d-9c4e-d8fb30f8a6e0\\_Reformation%20and%20Rehabilitation%20Center%20\(WRRC\).pdf](https://www.pdrc.bh/mcms-store/pdf/aa3910d7-7470-480d-9c4e-d8fb30f8a6e0_Reformation%20and%20Rehabilitation%20Center%20(WRRC).pdf) (Accessed on 31 May 2019).

341 National Institute for Human Rights (NIHR), NIHR's delegation visits Women's Reformation Centre in Isa Town, (Arabic) 1 October 2018, Available at: <http://www.nihr.org.bh/administrator/MediaHandler/GenericHandler/documents/Statenments/2018/1Octo2018.pdf> (Accessed on 31 May 2019); English version available at: <https://www.bna.bh/en/NIHRsdelegationvisitsWomensReformationCentreinIsaTown.aspx?cms=q8FmFJgiscL2fwIzON1%2bDidUh906oOfkl1CxEx01L08%3d> (Accessed on 31 May 2019).

342 For a full definition of "political prisoner" see Methodology.

343 United Nations Congress on the Prevention of Crime and the Treatment of Offenders, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), A/C.3/70/L.3, Geneva: United Nations General Assembly (1955), available at [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/C.3/70/L.3&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/70/L.3&Lang=E) (accessed on 25 March 2019).

*“The prisoners convicted in criminal cases were treated in a very good manner and we [political prisoners] used to be harshly treated...My psychological condition extremely worsened and I currently still get scared during the night.”<sup>344</sup>*

**Hajer Mansoor, Najah Yusuf, and Medina Ali** have accused prison officials of acting in reprisal for international attention to their cases. Prison guards seemingly targeted them through physical and psychological abuse, including beatings, strip searches, inappropriate touching, and intimidation. The three women, who shared a prison cell until Najah’s release in August 2019, allege that the Head of Isa Town Prison, Lieutenant Colonel (Lt. Col.) Mariam AlBardoli, is the main perpetrator behind a number of incidents.

**Hajer, Najah, and Medina** also believe that the prison administration has implemented a policy of collective punishment against the entire prison population to alienate them from the rest of the inmates. **Zainab**, for example, confirmed experiencing an array of restrictions which were not in place during her previous detention. Measures included denial of or restrictions to: access to medical treatment, participation in religious rites, family visitation, phone calls, and time outside the cell. Prisoners also reported lack of privacy and denial of drinking water and hygiene products. In addition, **Ebtisam** also described inadequate standards of hygiene, which resulted in one known instance of food poisoning for herself, **Najah, and Zainab**. In protest of poor prison conditions, **Ameera, Hajer, Najah, and Medina** each resorted to hunger strikes.

## Reprisals: Intimidation and Physical Abuse

**Hajer, Medina, and Najah** claim that prison officials have intimidated them with threats and have retaliated with lack of privacy, confiscation of books, and physical assault following increased international scrutiny of their cases and detention conditions in Isa Town prison.

### THREATS, LACK OF PRIVACY, AND CONFISCATION OF PERSONAL POSSESSIONS

On 20 March 2018, a prison official refused to give **Hajer** privacy on a phone call with her family. The official told Hajer that she was ordered to “*make [Hajer’s] life difficult*” the more she publicly complained about prison conditions.<sup>345</sup> **Medina** faced similar threats for attracting attention to Isa Town prison conditions. Lt. Col. AlBardoli allegedly threatened to suspend Medina’s family visitation privileges and phone calls for exposing the treatment of prisoners; however, Medina refused to stop, stating “*I cannot remain silent.*”<sup>346</sup> Commenting on the threats levelled against the women, **Sima Watling**, Campaigner at Amnesty International, said, “This is a clear example – ‘You want to criticise us? We will stop at nothing to try and silence you and teach you a lesson.’ And anyone who would want to be critical will have to think twice - is it worth this high price to pay?”<sup>347</sup>

International attention to reprisals in Isa Town Prison at the UN and in the UK Parliament has further resulted in threats from prison officials. On 5 July 2018, after international organisations and activists

344 Maryam, communication by interview with ADHRB, 12 February 2019.

345 The Bahrain Institute for Rights and Democracy (BIRD), ‘Mother-in-law of UK-based Bahraini Activist Declares Hunger Strike, as her Mistreatment Continues’, 20 March 2018, available at <http://birdbh.org/2018/03/mother-in-law-of-uk-based-bahraini-activist-declares-hunger-strike-as-her-mistreatment-continues/> (accessed on 25 March 2019).

346 Medina Ali, telephone interview with BIRD, 23 March 2018.

347 Sima Watling, Campaigner on Bahrain, Kuwait, UAE, Omar, Qatar at Amnesty International, Interview with BIRD, 7 May 2019.

raised awareness for reprisals in Isa Town at several public events,<sup>348</sup> **Hajer** and **Najah** claim that Lt. Col AlBardoli threatened to punish **Hajer** if she continued to publicise her treatment in prison. Hajer alleges that Lt. Col. AlBardoli told her, *“I don’t care if people call me a torturer, but you must stop speaking out about what happens in the prison.”*<sup>349</sup>

“Hajer is any other woman. It could be your mother, sister, or friend. She is a normal citizen who was thrown into all this,” commented Amnesty International’s **Sima Watling**. She went on to explain: “Yes, Hajer’s son-in-law is an activist but that doesn’t mean that she was one herself. She might have had her own ideas, but she was not vocal about it, yet she ended up in this situation. Now she is speaking from the prison and has become the voice of these other women.”<sup>350</sup>

That same month, **Najah** was subjected to discriminatory practices, including lack of privacy during phone calls with her family, confiscation of her books, monitoring of her activities in the prison yard, and repeated threats of solitary confinement.<sup>351</sup>

## PHYSICAL ASSAULT

**Hajer, Medina, and Najah** allege that on 16 September 2018, prison guards physically assaulted Hajer and Medina under the leadership of Lt. Col. AlBardoli.<sup>352</sup> Najah was also present during the incident, although she was not physically targeted. According to the three women, prison guards arrived when they were attempting to join their fellow inmates in the commemoration of Ashura;<sup>353</sup> in previous weeks, authorities had denied them of their religious right to participate. Of the assault, **Hajer** reported:

*“We were trying to join our Bahraini fellow inmates and participate in the religious rites. It was then that the prison guards arrived. I found myself on the floor. An officer was sitting on my chest trying to handcuff me. One hand, handcuffed, was held by one officer, while the other hand, also handcuffed, was held by another officer. Even my legs were held by officers.”*<sup>354</sup>

The women claim that they were then held in a cell that was segregated from the rest of the prison population for two hours.<sup>355</sup> En route to the cell, **Medina** claims Lt. Col AlBardoli punched her in the back in an area without any CCTV monitoring.<sup>356</sup> Once the women were in the cell, **Najah** reported that Lt. Col AlBardoli tried to *“throw Hajer onto the floor but we held her and saved her from falling.”*<sup>357</sup> Lt. Col. AlBardoli allegedly encouraged Hajer to fight back, but **Hajer** refused, stating, *“I’m not going to, I’m a well-be-*

348 BIRD, ‘Reprisals Against Bahraini Female Prisoner Escalate, as Her Son-in-Law Sayed Alwadaei Engages With the UN and the UK Parliament’, 13 July 2018, Available at: <http://birdbh.org/2018/07/reprisals-against-bahraini-female-prisoner-escalate-as-her-son-in-law-sayed-alwadaei-engages-with-the-un-and-the-uk-parliament/> (Accessed on 5 June 2019).

349 Hajer Mansoor, telephone interview with BIRD, 5 July 2018.

350 Sima Watling, Campaigner on Bahrain, Kuwait, UAE, Omar, Qatar at Amnesty International, Interview with BIRD, 7 May 2019.

351 Najah Yusuf, telephone interview with BIRD, 27 February 2019.

352 Hajer Mansoor, telephone interview with BIRD, 24 September 2018; Najah Yusuf, telephone interview with BIRD, 26 September 2018; Hajer Mansoor, Medina Ali, Najah Yusuf, joint statement provided via telephone to BIRD, 25 October 2018.

353 Ashura is considered one of the most important events of the Islamic year for Shi’a Muslims. It commemorates the martyrdom of the prophet Muhammad’s grandson Hussein at the Battle of Karbala in 680 CE.

354 Hajer Mansoor, telephone interview with BIRD, 24 September 2018.

355 Najah Yusuf, telephone interview with BIRD, 26 September 2018.

356 Ifex, ‘Conditions in Isa Town prison for women highlighted in NGO letter to UN High Commissioner’, 20 October 2018, Available at: <https://www.ifex.org/bahrain/2018/10/20/isa-town-prison-women/> (Accessed on 21 January 2019)

357 Najah Yusuf, telephone interview with BIRD, 26 September 2018.

*haved person, my family didn't teach me to fight.*<sup>358</sup> Following the assault, Hajer was left with bruises on her hands and back and was hospitalised due to a drop in her blood sugar levels.<sup>359</sup>

**Hajer, Najah, and Medina** believe that this incident was a reprisal for recent international attention.<sup>360</sup> More specifically, on 11 September 2018, **Najah** and **Medina's** cases were highlighted in a debate at the UK Parliament focusing on human rights in Bahrain.<sup>361</sup> **Hajer's** imprisonment was also raised as a case of reprisal in the UN Secretary-General's ninth annual report on cooperation with the United Nations at the Human Rights Council, which was published a few days before the assault.<sup>362</sup> The allegations of assault drew the attention of UN Special Procedures, which raised concerns for intimidation and reprisal enacted against Hajer for cooperating with UN mechanisms.<sup>363</sup>

## Medical Negligence

Denial of and restrictions to medical care are pervasive problems for political prisoners in Isa Town Prison. **Faten, Maryam, Hajer, and Medina** cited instances of the denial of appropriate medical care during pre-trial detention and imprisonment. This is emblematic of a wider failure in Isa Town Prison to provide proper diagnoses and follow-up treatment to prisoners in general.<sup>364</sup>

**Faten's** family expressed concern for the effects of prison conditions on Faten's health. Her health generally deteriorated throughout her imprisonment, in part due to lack of attention to chronic health conditions, including diabetes and irregular blood pressure, despite both conditions being manageable with close monitoring, regular examinations, and medication.<sup>365</sup>

The prison administration also denied **Maryam** treatment and failed to provide adequate medical care to manage several chronic conditions, including heart problems,



"The denial of medical treatment is a form of ill treatment and could constitute torture in some instances. For example, if someone is suffering from chronic pain or infection - which can then lead to other health complications - knowingly denying them an examination or any kind of medical treatment to manage that pain and suffering could amount to torture in my view."

NIMISHA PATEL, CLINICAL PSYCHOLOGIST  
SPECIALISED IN TORTURE SURVIVORS



358 Ibid.

359 Hajer Mansoor, telephone interview with BIRD, 24 September 2018.

360 Catherine Philip, 'Bahrain 'tortured woman' to avenge human rights leaks', The Times, 28 September 2018, Available at: <https://www.thetimes.co.uk/article/bahrain-tortured-woman-to-avenge-human-rights-leaks-cb5rqlh6x> (Accessed on 25 March 2019)

361 Hansard, Westminster Hall Debate: Human Rights and Technical Assistance to Bahrain, Volume 646, London: House of Commons, 11 September 2018, Available at: <https://hansard.parliament.uk/Commons/2018-09-11/debates/D741EBB4-DB9C-4F66-AF85-B0E1043E5214/Bahrain?highlight=bahrain#contribution-5C71E97B-5231-4F13-98F3-9881AE03FDF5> (Accessed on 25 March 2018)

362 UN Human Rights Council, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights\*: Report of the Secretary-General, A/HRC/39/41, Geneva: UN General Assembly, 13 August 2018, Available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=a/hrc/39/41](http://www.un.org/en/ga/search/view_doc.asp?symbol=a/hrc/39/41) (Accessed on 25 March 2018).

363 UN Working Group on Arbitrary Detention, Letter to the Government of Bahrain, Ref. AL BHR 7/2018 (Jan. 17, 2019), Available online at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24269> (Accessed on 7 August 2019)

364 Amnesty International, 'Bahrain: Medical negligence leaves prisoners in agony, puts lives at risk', 28 September 2018, Available at: <https://www.amnesty.org/en/latest/campaigns/2018/09/continuing-lack-of-adequate-medical-care-in-bahrain-prisons/> (Accessed on 25 March 2019).

365 Case of Faten Naser, ADHRB UN Complaint Program Documentation, February 2018.

irregular blood sugar levels, low blood pressure, and epilepsy. *Maryam* reported that prison officials “used to mock [her] by saying: ‘stop your stupidity.’” She further alleges that “they did not give me the treatment. They used to take me in an ambulance to AlQalaa clinic, however they did not give me any adequate treatment.”<sup>366</sup>

Prison authorities prevented **Hajer** from receiving proper medical treatment since August 2018, when she received medical attention for a lump in her breast. Hajer underwent a mammogram that month, but was not promptly informed of the results. Hajer complained to the prison authorities on multiple occasions to request a follow-up visit, as she felt the lump had grown in size and she feared it might be cancerous. The prison administration, however, ignored her requests. After her case gained attention with the British media<sup>367</sup> and the UK Parliament,<sup>368</sup> Hajer was taken for another appointment on 24 February 2019. The doctor informed her that the lump was not cancerous, but authorities did not disclose to her the actual medical report. Prison authorities have further refused to facilitate follow-up treatment, despite the doctor’s recommendations for additional examinations. Hajer elaborated:

“My doctor requested immediate further examination, namely an X-ray, and gave that order to the CID officers, but they did not take me. I then asked them when they would provide the examination, they replied they did not know and that possibly after one, two, or three months. They did not take the matter seriously.”<sup>369</sup>

**Sima Watling** of Amnesty International reacted to Hajer’s situation by underlining that “She is not talking about asking to be released here, she is only demanding basic medical care. It seems to me that they are trying relentlessly to pressure a woman who is already vulnerable and fearing for her health, through every possible means. The more they deny her these basic human rights, the more this fear builds up.”<sup>370</sup> **Nimisha Patel**, Clinical Psychologist, added, “Unfortunately, this is common and I do think it is a form of deliberate cruelty. They are playing on the fact that people are terrified for their own life and their safety. Especially things like if you know that you are bleeding, or you’ve had a lump: it’s a constant death sentence hanging over you, but without being able to tell anyone, of course. It’s a question of whether whatever they’re doing - or deliberately not doing, or withholding (for example medical or psychological help) - leads to severe physical and emotional pain and suffering. The denial of treatment is wilful and designed to cause pain and suffering to that person - that can be torture in itself.”<sup>371</sup>

**Najah** noted that Hajer’s treatment appeared to be “just for show”<sup>372</sup> and she continues to be denied proper treatment. Prison authorities also refused **Medina** treatment for an extended period of time. Medina complained to prison officials about irregular menstruation and uterine bleeding for over a year, but she did not receive specialist care until the issue resolved naturally.<sup>373</sup>

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366 Maryam, Communication with ADHRB, 12 February 2019.

367 Phil Miller, ‘Political prisoner in Bahrain denied treatment for cancer scare despite British medical training’, Morning Star, 18 February 2019. Available at <https://morningstaronline.co.uk/article/political-prisoner-in-bahrain-denied-treatment-for-cancer-scare-despite-british-medical-training> (Accessed on 4 April 2019)

368 Karen Lee MP, Hajer Mansoor Hassan: Written question - 223509, 19 February 2019. Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-02-19/223509/> (Accessed on 4 April 2019)

369 Hajer Mansoor, telephone interview with BIRD, 27 February 2019.

370 Sima Watling, Campaigner on Bahrain, Kuwait, UAE, Oman, Qatar at Amnesty International, Interview with BIRD, 7 May 2019.

371 Nimisha Patel, Clinical Psychologist specialised in torture survivors and Professor of Clinical Psychology at the University of East London, Interview in person with BIRD, 20 May 2019.

372 Najah Yusuf, telephone interview with BIRD, 27 February 2019.

373 Medina Ali, telephone interview with BIRD, January 2019.

As well as the active denial of medical care, prison conditions have facilitated the spread of illnesses through negligence and the maintenance of a filthy, unsanitary environment. **Ebtisam** reported that due to her confinement in an isolation cell intended for the accommodation of sick inmates, when two people contracted pulmonary tuberculosis, there were inadequate safeguards to protect the rest of the prison population. **Ebtisam** reported that her room was dirty and there was blood on her bed; she later learned the previous occupier had hepatitis.<sup>374</sup> She also feared becoming infected due to blood and vomit from the diseased individuals which contaminated the communal bathroom and endangered everybody's health.<sup>375</sup>

## Right to Religious Freedom and Participation

**Zainab, Hajer, Medina, and Najah** reported instances of religious discrimination from prison officials in Isa Town Prison. The prison administration scheduled meal times to conflict with prayer times, forcing women to choose between food and prayer. **Zainab** explained, *"If you tell them [prison guards] - I wasn't able to get my food because I was praying - they get verbally aggressive and shout at you, they verbally abuse us."*<sup>376</sup>

Isa Town Prison officials reportedly discriminated against **Hajer, Medina, and Najah** and denied them their religious rites during Ashura. In a phone call on 10 September 2018, **Medina** claimed that prison officials had banned her, **Najah, and Hajer** from participating in Ashura commemorations and denied them access to religious texts.<sup>377</sup> The prison administration had allowed all other Bahraini inmates to participate in Ashura commemorative rites.<sup>378</sup> The women requested permission from Lt. Col. AlBardoli to participate in the religious activities, but the officer allegedly responded that they *"should do the rites [themselves], based on what [they] remembered."*<sup>379</sup> Lt. Col. AlBardoli allegedly proceeded to humiliate the women as they began to chant Ashura passages and perform the accompanying gestures. The women said that Lt. Col. AlBardoli loudly declared to the guards that the three women were *"crazy people who are beating themselves."*<sup>380</sup>

**Nimisha Patel**, Clinical Psychologist, commented on the effects of religious discrimination: "What it actually does is attacks a person's identity, core aspects of who they are, their beliefs and values and then abuses that aspect of their identity and makes it into a form of self-punishment: 'if you didn't have these religious beliefs we wouldn't be doing this to you - your beliefs are the reason for your suffering.' So in the end, perversely, the victim is made to feel that the enemy is not your torturer but your own beliefs."<sup>381</sup>

When **Hajer, Medina, and Najah** attempted to leave their cell to join the other inmates in the commemoration of Ashura, Hajer and Medina were allegedly physically assaulted by prison officials. The women stated that, Lt. Col. AlBardoli told them that she would allow them to commemorate Ashura, only if they did not speak of the assault to others.

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374 Ebtisam AlSaegh, interview with BIRD, 15 July 2019.

375 BIRD, 'jailed Rights Defender Ebtisam Al-Sayegh Resumes Hunger Strike as Isolation Continues', 15 August 2017. Available at: <<http://birdbh.org/2017/08/jailed-rights-defender-ebtisam-al-sayegh-resumes-hunger-strike-as-isolation-continues/>>, (Accessed on 04 July 2019).

376 Zainab Marhoon, telephone interview with BIRD, 16 April 2019.

377 Ebtisam AlSaegh, @ebtesamalsaegh, Instagram Post, 11 September 2018, Available at: [https://www.instagram.com/p/BnkSWEygaUf/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/BnkSWEygaUf/?utm_source=ig_web_copy_link) (Accessed on 3 April 2019)

378 Hajer Mansoor, telephone interview with BIRD, 24 September 2018.

379 Ibid.

380 Ibid.

381 Nimisha Patel, Clinical Psychologist specialising in torture survivors and professor of Clinical Psychology at the University of East London, Interview in person with BIRD, 20 May 2019.

## Family Visits, Phone Calls, and Time Outside Cell

The physical assault of **Hajer, Najah, and Medina** in September 2018 marked a significant turning point in Isa Town Prison as the women reported that conditions worsened significantly in the aftermath. Prison authorities allegedly began imposing various restrictions on all inmates by introducing a glass barrier between prisoners during family visitation, restricting phone calls, and confining the women to their cells for up to 23 hours a day.

**Hajer, Medina, Najah, and Zainab** claim that since the assault, all prisoners have been subjected to severe restrictions on time outside the cell. The prison previously operated under an open-cell policy and allowed prisoners up to nine hours outside their cells daily. Since the assault, all prisoners are locked in their cells for 22 to 23 hours a day and are only released from the cell for lunch, dinner, and to smoke. **Zainab** reported a stark difference in this policy between her first and second terms in prison.



"I visited Isa Town Prison in 2013, and yes they had a big hall that led to the cells and you could see women coming in and out of this area. They could come and have a meal and sit down together. We had access to Bahrain until 2015, when Amnesty last visited. Now every time there is a new excuse as to why we cannot visit. At that time, there were no glass barriers for the visiting families; the barriers came out later, as an added punishment, in a way, to prisoners."

SIMA WATLING, AMNESTY INTERNATIONAL



*"Initially, the doors were opened all the time, from 4.30am until 1.30am so we could go from one cell to the other ... Now in the prison the doors are shut almost 24 hours, except for the time for smoke. Even the water, if we need it they say - you have to wait until lunch, dinner, and smoke time to get it."<sup>382</sup>*

The glass barrier appears to have caused the most distress among women in this report, particularly for **Ameera, Zainab, Hajer, Medina, and Najah**. **Ameera's** family, for instance, found that the barrier "is causing [Ameera] and her children to suffer psychologically especially that [sic] they cannot hug each other when they are in desperate need of that."<sup>383</sup> According to Ameera's sister, prison authorities exceptionally allowed inmates with children under the age of ten to meet them alone without the barrier.<sup>384</sup> Eight weeks after the implementation of the measure, under this guideline, Ameera was able to see her children.<sup>385</sup>

After reading about the barrier, **Jo Baker**, Independent Researcher, asserted: "Our findings showed that there is a particular emotional and psychological need on the part of most mothers to stay closely involved with their children, which hugely impacts their well-being in detention. ... Policies that restrict and limit such contact may be the same as in men's prisons, but the impact tends to be different."<sup>386</sup> She also reflected that this need is recognised in the Bangkok Rules, which promotes contact with families and children, and requires that disciplinary sanctions not prevent women from being in contact with their families.

382 Zainab Marhoon, telephone interview with BIRD, 16 April 2019.

383 Ameera AlQashami's family, communication by ADHRB, 10 October 2018.

384 بنت الهدى القشعبي, @bentahudaq, Twitter Post, Available at: <https://twitter.com/bentahudaq/status/1062984226507767808>, (Accessed on 5 July 2019).

385 بنت الهدى القشعبي, @bentahudaq, Twitter Post, Available at: <https://twitter.com/bentahudaq/status/1062984226507767808>, (Accessed on 5 July 2019).

386 Jo Baker, Independent Researcher on the human rights of women in detention, Commentary provided to ADHRB, 28 May 2019.

**Hajer, Medina, and Najah** refused to see their families under such conditions. In a letter to the UN High Commissioner for Human Rights in January 2019, they stressed that *“[i]t would break our hearts to see our children behind a glass barrier and not be able to hug them. We cannot accept to see our elderly parents, some of whom are bound to a wheelchair, in distress, without being able to offer them comfort nor solace.”*<sup>387</sup>

At the time of drafting, **Medina, Najah, and Hajer** were each permitted just one, exceptional, family visitation without the barrier since the assault. These took place respectively on 8, 10, and 11 July 2019 - ten months after their last visits.<sup>388</sup>

The distress felt by the women following the imposition of the glass barrier was further emphasised by **Nimisha Patel**, Clinical Psychologist, who read through their testimonies. In her analysis, she stated, “[T]hese measures are ultimately about removing any kind of human contact for the victims. You remove what is the most natural thing in terms of human contact – to see somebody you love, to touch them, to hug them, to comfort your child, etc. – it’s a continuous degradation and dehumanisation of people. It is designed to break, to isolate and to silence and that’s what it does, right? When a woman decides that she would rather not see her family, then the torture has already achieved its aim.”<sup>389</sup>

The barrier had previously been imposed in October 2017, and was then lifted following a hunger strike by inmates. At that time, **Zainab** had also refused to see her family for two and a half months due to the distress the barrier was causing to her children.<sup>390</sup> She was eventually forced to stop her protest as her mother’s psychological state worsened.<sup>391</sup>

In addition to the barrier, since the assault in September 2018, the prison administration reduced the days allotted for phone calls from three days a week to two, subtracting time spent calling legal counsel from the time allotted to contact families. “It is particularly heinous to learn that the authorities reportedly subtracted time used to call the activists’ lawyers from the time allocated for family contact,” commented **Jo Baker**, Independent Researcher, after reading about the restrictions. “This will have a gendered impact on the women’s access to justice, given the intense feelings of separation anxiety, worry, fear, and guilt that many female detainees feel in relation to children on the outside. It presents them with an impossible choice.”<sup>392</sup>

Furthermore, **Hajer, Najah, Medina, Zakeya, and Zainab** have been denied their right to phone calls on multiple occasions. Immediately following the assault, **Hajer, Najah, and Medina** were prevented from



“The Bahraini authorities appear to have used some of these gendered tactics to try to punish and control activists, and particularly, to prevent their reporting ill treatment and poor conditions in the prison.”

JO BAKER, INDEPENDENT RESEARCHER ON THE HUMAN RIGHTS OF WOMEN IN DETENTION



387 BIRD, “Three Female Political Prisoners Appealed to UN High Commissioner for Human Rights: “Don’t Leave Us Here Alone”, 8 March 2019. Available at: <http://birdbh.org/2019/03/three-female-political-prisoners-appealed-to-un-high-commissioner-for-human-rights-dont-leave-us-here-alone/> (Accessed on 25 March 2019)

388 The dates of these visits took place were provided by: Najah Yusuf, telephone interview with BIRD, 10 July 2019; Hajer Mansoor, telephone interview with BIRD, 13 July 2019.

389 Nimisha Patel, Clinical Psychologist specialised in torture survivors and Professor of Clinical Psychology at the University of East London, Interview in person with BIRD, 20 May 2019.

390 Zainab Marhoon, telephone interview with BIRD, 16 April 2019.

391 Ibid.

392 Jo Baker, Independent Researcher on the human rights of women in detention, Commentary provided to ADHRB, 28 May 2019.

making phone calls for a week.<sup>393</sup> Additionally, Hajer, Medina, and Najah's phone calls were suspended for 15 days, from 27 February to 13 March 2019 without rationale. Similarly, **Zakeya** and **Zainab** were also denied their right to phone calls for approximately three days during the same period without explanation.

**Medina, Hajer, Zakeya, and Zainab** also reported that prison officials harassed them and often refused to give them privacy when they were able to make calls. In October 2017, prison officials harassed **Medina** as she spoke to her sick child over the phone. Officers allegedly said to her, *"So what...he's not dead. He's got a fever, he's not dead."*<sup>394</sup> In March 2018, **Hajer** complained that prison authorities were "eavesdropping" on conversations and disrupting phone calls.<sup>395</sup> **Zakeya** and **Zainab** also complained about the lack of privacy. **Zakeya** explained, *"during phone calls and visits the police sits next to us."*<sup>396</sup> Similarly, **Zainab** elaborated *"police officers would come and sit next to you to hear everything. Even the one who sits next to me to speak to their family - you get distracted and can hear everything they say. There is absolutely no privacy. It's either the other inmates who are making their own calls or it's the officers."*<sup>397</sup>

With regard to these measures, Amnesty International asserted that the "plausible inference is that they have been imposed punitively," given the absence of an apparent security or administrative requirement justifying them.<sup>398</sup> Similarly, **Aya Majzoub** of Human Rights Watch stated that these measures could be classified as 'collective punishment,' implemented following international attention. She said, "It raises the price for their activism because it makes prison conditions worse for them and for all of the other inmates. This makes their position within the broader female detainee population much more precarious ... and creates an increasingly hostile and isolating environment for these women in the prison."<sup>399</sup>

**Najah**, for instance, believes the aim of these measures is *"to suffocate us...to break us mentally."*<sup>400</sup> **Ameera's** family claimed that these policies are a collective punishment, stating that the only reason the new policies exist is because of *"the incidents of assault on several political prisoners because they were banned from observing Ashura's ceremonies, therefore it was a mass punishment."*<sup>401</sup> **Hajer** further confirmed this, alleging that, *"Lt. Col. AlBardoli punished everyone because of us. Everyone who has family visits is blaming us because of the barriers. Other inmates tell us - now we have all these restrictions because of you. You are the reason why we are stuck in our cells."*<sup>402</sup>

In agreement with the sentiment expressed by Aya Majzoub, **Nimisha Patel**, Clinical Psychologist, said of Hajer, Najah and Medina, "[T]hey are made to feel guilty, carry the shame, feel like they are the reason for other people's pain and suffering, both those within the prison as well as their family members. It is a form of torture. This is political, it's social, this is not about individuals, it's about systemic practice with the purpose to punish, isolate and silence."<sup>403</sup>

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393 Hajer Mansoor, telephone interview with BIRD, 24 September 2018.

394 Medina Ali, telephone interview with BIRD, 8 October 2017.

395 Hajer Mansoor, telephone interview with BIRD, March 2018.

396 Zakeya AlBarboori, telephone interview with BIRD, 22 February 2019.

397 Zainab Marhoon, telephone interview with BIRD, 16 April 2019.

398 Amnesty International, 'Suppression of Opposition Ahead of Bahraini Elections,' Public Statement MDE 11/9440/2018, 23 November 2018, Available at: <https://www.amnesty.org/download/Documents/MDE1194402018ENGLISH.pdf> (Accessed on 25 March 2019)

399 Aya Majzoub, Bahrain Researcher at Human Rights Watch, Skype interview with BIRD, 3 June 2019.

400 Najah Yusuf, telephone interview with BIRD, 20 March 2019.

401 Ameera AlQashami's family, communication by ADHRB, 10 October 2018.

402 Hajer Mansoor, telephone interview with BIRD, 24 September 2018.

403 Nimisha Patel, Clinical Psychologist specialising in torture survivors and professor of Clinical Psychology at the University of East London, Interview in person with BIRD, 20 May 2019.

## Prison Uniforms

In March 2019, **Najah** revealed that the prison administration imposed new rules forcing inmates to wear uniforms inside the facility, a measure previously reserved only for family visits and medical appointments outside the prison.<sup>404</sup> **Hajer, Medina, and Najah** requested a copy of prison regulations to understand the reason behind this new rule, but were consistently ignored. Coincidentally, these measures were imposed just four days after the *Daily Mail* published allegations of abuse against the head of Isa Town Prison, Lt. Col. Mariam AlBardoli.<sup>405</sup>

Initially, the women refused to wear the uniform. As a result, they were interrogated three times between 20 to 27 March 2019 and were informed that they would face sanctions. For three weeks from 1 April, the women were prevented from going to the prison shop where they buy their hygiene products.

## Food Poisoning

Prisoners have further reported that meals and drinking water in Isa Town Prison fall below basic standards. Prison officials have also refused drinking water to prisoners. On 27 February 2019, **Najah** complained that they were denied access to drinking water, sometimes for several hours.<sup>406</sup> In September 2017, six inmates fell ill, including **Ebtisam, Zainab, and Najah**. *“It’s the food,” Ebtisam explained. “We smell bad smells from the food.”*<sup>407</sup> **Zainab** and **Najah** experienced stomach pains, nausea, vomiting, and diarrhoea.<sup>408</sup> **Ebtisam** explained that *“within the bread we found ants. ... We can’t buy food from outside ... there is no doctor during the holiday and the nurse couldn’t make a decision. There is no officer on duty to make decisions.”*<sup>409</sup> As a result, **Medina** and **Ebtisam** were both taken to AlQalaa Clinic, administered by the Ministry of Interior, where **Ebtisam** was also tested for tapeworms.<sup>410</sup> The six prisoners who fell ill were unable to notify their families of their condition, as prison authorities banned all inmates from phone calls during the incident.<sup>411</sup>



“Poor prison conditions, from hygiene to food quality, is a serious matter that we see across the Middle East, with women often complaining about the heat, cold, or humidity, filthiness of blankets, or rotten food. Food poisoning is compounded by the lack of toilet facilities or limited access to them.”

SHAHRZAD MOJAB, PROFESSOR AT THE UNIVERSITY OF TORONTO



404 Najah Yusuf, telephone interview with BIRD, 20 March 2019.

405 Anthony Harwood, ‘Calls for ‘Beast of Bahrain’ female jail guard to be sacked after she ‘beat-up handcuffed mother’ five days after her son-in-law spoke in UK Parliament to highlight brutality in country’s prisons’, Mail Online, 16 March 2019, Available at: <https://www.dailymail.co.uk/news/article-6816339/Calls-Beast-Bahrain-female-jail-guard-sacked-beat-handcuffed-mother.html>, (Accessed on 31 May 2019).

406 Najah Yusuf, telephone interview with BIRD, 27 February 2019.

407 Ebtisam AlSaegh, telephone interview with BIRD, 4 September 2017.

408 Ibid.

409 Ibid.

410 Ibid.

411 Ibid.

## “Humiliating” Searches

**Najah** and **Medina** reported enduring degrading searches without justification. In March 2018, prison guards subjected **Medina** to a strip search after a family visit.<sup>412</sup> She reported that the prison guards removed her clothes and threw her garments on the floor with no apparent justification. Another inmate simultaneously underwent a standard search procedure, which did not include a strip search. “*No one should accept having to be completely stripped,*” Medina said of the event.<sup>413</sup> “This is a classic and common form of gendered abuse in prisons around the world,” commented **Jo Baker**, Independent Researcher, in relation to this incident. “This degrading search performed after a family visit ... would also impede Medina’s contact with family by making her afraid of accepting future visits.”<sup>414</sup>

**Najah** further alleges that she, **Hajer**, and **Medina** were subjected to a “*very, very, humiliating search*” in February 2019:

“*We made complaints against some police officers, in particular because they prevent us going for a walk ... I have never seen another inmate being searched in the way we were, the search was extremely humiliating. They were touching the upper part [our breasts].*”<sup>415</sup>

The impact these procedures have, particularly for those like Najah, who have been physically and sexually abused, was further discussed by **Jo Baker**, Independent Researcher, who underlined the additional factor of specific cultural contexts, which can catalyse already abusive forms of treatment: “It appears that the searches were arbitrary, aggressive, and experienced as intensely humiliating. If you consider cultural values for women around nudity and shame, especially in the GCC/MENA region, this becomes particularly problematic. The Bangkok Rules note the ‘harmful psychological and possible physical impact’ that such procedures can have on women.”<sup>416</sup>

## Hunger Strikes

As a result of poor prison conditions, ill-treatment, and restrictive measures, **Ameera**, **Hajer**, **Najah**, **Ebtisam**, and **Medina** resorted to hunger strikes during their detention. “I don’t think that we see enough international attention regarding the number of hunger strikes that prisoners are launching in the region,” asserted **Shahrzad Mojab**, Professor at the University of Toronto. “What is currently happening is very important and I think it’s indicative of the deteriorating prison conditions in many countries in the Middle East.”<sup>417</sup>

**Hajer**, **Medina**, and **Najah** launched a hunger strike from Sunday 14 to Thursday 18 October 2018 to protest the restrictions on family visits and phone calls, as well as the proximity of a smoking area to their cells. During the strike, the women reported being held “*under house arrest in the prison clinic*” and

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412 U.S. Bureau of Democracy Rights & Labor, Bahrain 2018 Human Rights Report, Washington, DC: U.S. Department of State (2018), Available at: <https://www.state.gov/documents/organization/289445.pdf> (Accessed on 25 March 2019)

413 Medina Ali, telephone interview with BIRD, 23 March 2018.

414 Jo Baker, Independent Researcher on the human rights of women in detention, Commentary provided to ADHRB, 28 May 2019.

415 Najah Yusuf, telephone interview with BIRD, 27 February 2019.

416 Jo Baker, Independent Researcher on the human rights of women in detention, Commentary provided to ADHRB, 28 May 2019.

417 Shahrzad Mojab, Professor at the University of Toronto and scholar-activist on the MENA region, Interview with ADHRB, 20 May 2019.

being subjected to “a number of violations.”<sup>418</sup> In a statement they revealed: “There was no bathroom to shower and they did not allow us to go to the prison to take our clothes, toiletries, and prayer mats for two days, namely Monday and Tuesday.”<sup>419</sup> The women were given clothes on Wednesday and “forced to wash ourselves with cold water using a water pipe available in the toilet.”<sup>420</sup> They ended their protest due to the deterioration of their health.<sup>421</sup>

On 20 March 2018, **Hajer** launched a hunger strike to protest the lack of privacy afforded to her during phone calls.<sup>422</sup> According to Hajer, a prison officer neglected to give her privacy as she attempted to speak to her family. Hajer complained to the officer by requesting that she be treated with respect, but in response, the officer allegedly threatened Hajer that her life will be made “difficult” the more she exposes the conditions of imprisonment for political prisoners.<sup>423</sup> The officer also reported Hajer to Lt. Col. AlBardoli, who punished Hajer by revoking the ten-minute phone call that she had been awarded for participating in the daily workshops at the prison. Hajer ended her protest on 24 March, after four days.<sup>424</sup> Alongside Hajer, **Medina** protested the ill-treatment of political prisoners by going on a hunger strike from 22 March 2018. She was forced to end her hunger strike when her blood sugar levels dropped.<sup>425</sup>

In October 2017, **Ameera, Hajer, Najah, and Medina** launched hunger strikes to protest the physical barrier during family visitation - imposed two weeks before - and the lack of privacy during phone calls.<sup>426</sup> **Zainab** refrained from joining the women on strike to ensure that she could “take care of them.”<sup>427</sup> On this occasion, **Hajer** committed to a hunger strike until the treatment of detainees had improved and “until they consider us humans and not animals.”<sup>428</sup> The women were successful in their endeavour and the physical barrier was removed until September 2018, when it was put back in place after the assault. The strike lasted approximately six days.<sup>429</sup>

In early July 2017, **Ebtisam** launched a 31-day hunger strike to protest the abuse she suffered during her interrogation, the denial of her right to meet with her family and lawyer, poor prison conditions, and her solitary confinement from all other inmates.<sup>430</sup> She was also protesting against the inappropriate food she was being given in view of her irritable bowel syndrome (IBS) condition.<sup>431</sup> She subsisted on tea for the first

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418 Hajer Mansoor, Medina Ali, Najah Yusuf, joint statement provided via telephone to BIRD, 25 October 2018.

419 Ibid.

420 Ibid.

421 Ibid.

422 Hajer Mansoor, telephone interview with BIRD, 20 March 2018.

423 BIRD, ‘Mother-in-law of UK-based Bahraini Activist Declares Hunger Strike, as her Mistreatment Continues’, 20 March 2018, Available at: <http://birdbh.org/2018/03/mother-in-law-of-uk-based-bahraini-activist-declares-hunger-strike-as-her-mistreatment-continues/> (Accessed on 25 March 2019).

424 Hajer Mansoor, telephone interview with BIRD, 25 March 2018.

425 BIRD, ‘Female Prisoner on Hunger Strike Hospitalised, as her Medical Condition Worsens’, 22 March 2018, Available at: <http://birdbh.org/2018/03/6148/>, (Accessed on 31 May 2019).

426 Agence France Presse, ‘Five Bahraini women detainees on hunger strike: rights group’, The Daily Star Lebanon, 27 October 2017 5:52 PM, Available at:

<http://www.dailystar.com.lb/News/Middle-East/2017/Oct-27/424142-five-bahraini-women-detainees-on-hunger-strike-rights-group.ashx> (Accessed on 31 May 2019).

427 Zainab Marhoon, telephone interview with BIRD, 16 April 2019.

428 Hajer Mansoor, telephone interview with BIRD, 25 October 2017.

429 Agence France Presse, ‘Bahrain women detainees end hunger strike: rights group’, The Daily Star Lebanon, 29 October 2017 2:30P PM, Available at: <https://www.dailystar.com.lb/News/Middle-East/2017/Oct-29/424306-bahrain-women-detainees-end-hunger-strike-rights-group.ashx> (Accessed on 31 May 2019).

430 Ebtisam AlSaegh, telephone interview with BIRD, 14 May 2019.

431 Amnesty International, ‘URGENT ACTION: Detained Defender Interrogated Continuously’, 14 July 2017, Available at: [https://www.amnesty.org.uk/files/2017-07/FI16517\\_1.pdf?sOx4RoxrL08Bi9901wZl9a8RL1nnoQd4](https://www.amnesty.org.uk/files/2017-07/FI16517_1.pdf?sOx4RoxrL08Bi9901wZl9a8RL1nnoQd4) (Accessed on 5 July 2019).

three days of her strike before switching to solely water.<sup>432</sup> Ebtisam said she lost about 18 kilograms during this period and her health deteriorated to the extent that she was hospitalised twice.<sup>433</sup> This strike ended on 1 August 2017, after Ebtisam’s husband was permitted to visit her for ten minutes.<sup>434</sup>

## Legal Analysis

The conditions that these women have reported at the Isa Town Prison violate Bahraini national laws as well as international human rights laws and norms, including those in the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Bahrain is a party.

The religious discrimination allegedly committed by officials in Isa Town prison, reported by **Zainab, Hajer, Medina, and Najah**, violates Article 18 of the Bahraini Constitution which provides that all people are “equal before the law in public rights and duties” and as such, prohibits discrimination on the basis of religion or creed.<sup>435</sup> The right to freedom of religion and freedom from discrimination is also included in Articles 2 and 18 of the ICCPR,<sup>436</sup> Article 2 of the ICESCR,<sup>437</sup> and Rule 2 under the United Nations Standard Minimum Rules for the Treatment of Prisoners (“the Nelson Mandela Rules”).<sup>438</sup> Similarly, reports by **Hajer, Najah, and Medina** of prison officers denying them access to their religious texts, physical assault when they wanted to join the commemoration of Ashura, and humiliation when they chanted Ashura passages, violates Article 18<sup>439</sup> and Article 20<sup>440</sup> of the ICCPR, which specify that religious freedom is a fundamental right and that hatred of a religion that leads to “discrimination, hostility, or violence [is] prohibited by law.”<sup>441</sup>

Further, the alleged intimidation and assaults against **Hajer, Najah, and Medina** by Isa Town Prison officers fails to meet the standards set forth in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (“The Bangkok Rules”).<sup>442</sup> Bangkok Rule 31 requires that clear policies and regulations be put in place to protect women prisoners from any “gender-based physical or verbal violence, abuse, and sexual harassment.”<sup>443</sup> As the alleged assault may have been carried out to punish or intimidate, it may also constitute ill-treatment, which is illegal under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>444</sup> and the ICCPR.<sup>445</sup>

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432 Ebtisam AlSaegh, communication by ADHRB, 26 April 2019.

433 Ebtisam AlSaegh, telephone interview with BIRD, 14 May 2019. See also: BIRD, ‘Jailed Rights Defender Ebtisam Al-Sayegh Resumes Hunger Strike as Isolation Continues’, 15 August 2017 Available at: <<http://birdbh.org/2017/08/jailed-rights-defender-ebtisam-al-sayegh-resumes-hunger-strike-as-isolation-continues/>>, (Accessed 04 July 2019).

434 Ebtisam AlSaegh, interview with BIRD, 15 July 2019.

435 Constitution of the Kingdom of Bahrain, 14 Feb. 2002, art. 18.

436 United Nations International Covenant on Civil and Political Rights, art. 18, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].

437 United Nations International Covenant on Economic, Social and Cultural Rights, art. 2, Dec. 16, 1966, 999 U.N.T.S. 3 [hereinafter ICESCR].

438 G.A. Res. 70/175, U.N. Doc. A/RES/70/175, at 2 (Dec. 17, 2015).

439 Ibid., at 18(2)-(3).

440 ICCPR, at 20.

441 Ibid., at 20.

442 G.A. Res. 65/229, U.N. Doc. A/RES/65/229, at 31 (Mar. 16, 2011).

443 Ibid, Rule 31.

444 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85.

445 ICCPR, Arts. 7, 10.

The medical negligence at Isa Town Prison reported by **Faten, Maryam, Hajer, and Medina** violates the domestic prison regulations of Bahrain, as well as Bahrain's obligations under the ICESCR, and fails to meet the standards set forth in the Mandela Rules. The prison regulations of Bahrain establish that "a medical clinic operated by a doctor shall be established in each centre, which shall take the necessary measures to ensure the health of the inmates and preventive detainees, their food safety, their accommodation, and the prevention of diseases."<sup>446</sup> Therefore, Isa Town Prison has a duty to make sure its inmates' health is preserved by providing uncontaminated food and water under its own rules and regulations.

Additionally, the alleged denial of and restrictions to medical care and the reports by prisoners, including **Ebtisam, Zainab, and Najah**, of contaminated food, drinking water, toilets, and bedding at Isa Town falls below even a basic standard of care as required under international standards. This neglect contravenes the right enshrined in Article 12 of the ICESCR, which provides that parties must recognise "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."<sup>447</sup> Additionally, the prison guards' denial of adequate medical attention and clean water at Isa Town Prison fails to meet the standards described in Rules 24, 25, and 35 of the Mandela Rules, which obligates prisons to provide health-care services to inmates, hire physicians to monitor the cleanliness of the facility, prepare and service edible food, and keep the institution clean for prisoners.<sup>448</sup>

The denial of family visits, phone calls, and access outside of the cell as described by **Hajer, Medina, Najah, Zakeya, Ameera, and Zainab** are also against Bahrain's prison regulations, Article 36 of which grants inmates an opportunity to meet with their family twice a month.<sup>449</sup> According to Bahrain's prison regulations, phone calls and family visits can be revoked only as a disciplinary sanction or by judicial order.<sup>450</sup> However, according to these women, they were not disciplined nor given an order that stated why their visits or phone calls would be restricted. Isa Town Prison's officers failed to meet the standards in the Bangkok Rules, Rule 23 of which specifies that "disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children."<sup>451</sup> Similarly, Rule 43 of the Mandela Rules states that "disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order."<sup>452</sup> The fact that the Isa Town Prison authorities prevent these women from physical contact with their children - as reported by **Ameera, Hajer, Medina, Najah, and Zainab** - falls short of Rules 23 and 52(3) of the Bangkok Rules, which state that women prisoners have the right to "maximum opportunity and facilities to meet with their children, when it is in the best interests of the children."<sup>453</sup>

Finally, keeping these women confined in their cells for over 20 hours a day can have a negative impact on both mental and physical health. Further, the imposition of these measures against the entire prison population may constitute collective punishment, which contradicts Rule 43 of the Mandela Rules, which states that collective punishment shall be prohibited.<sup>454</sup> According to these women, the privileges of leaving their cell were revoked after **Hajer** and **Medina** were assaulted by the prison guards in September 2018 and their

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446 Law no. 18 of 2014 (The Reform and Rehabilitation Institute), art. 29 (Kingdom of Bahrain).

447 ICESCR, Art. 12.

448 G.A. Res. 70/175, U.N. Doc. A/RES/70/175, Rule 24-25, 35 (Dec. 17, 2015).

449 Law no. 18 of 2014, Art. 36.

450 Ibid., Art. 56.

451 G.A. Res. 65/229, U.N. Doc. A/RES/65/229, Rule 23 (Mar. 16, 2011).

452 G.A. Res. 70/175, U.N. Doc. A/RES/70/175, Rule 43.

453 G.A. Res. 65/229, U.N. Doc. A/RES/65/229, Rule 23, 52(3).

454 G.A. Res. 70/175, U.N. Doc. A/RES/70/175, Rule 43 (1)(e).

cases received international attention, with no additional justification for these measures provided by the authorities. Isa Town Prison authorities have a responsibility to its detainees to protect their psychological health during their detention, as a State party to the ICESCR, and under the Bahraini Constitution's right to health.<sup>455</sup> Similarly, under the Bangkok Rules, "physical and psychological safety is critical to ensuring human rights and improving outcomes for women offenders, of which the present rules take account."<sup>456</sup>

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455 Constitution of the Kingdom of Bahrain, 14 Feb. 2002, art. 8.

456 G.A. Res. 65/229, U.N. Doc. A/RES/65/229, at 10 (Mar. 16, 2011).

## OVERSIGHT BODIES

*“Ultimately, these institutions are not independent. On paper, it’s admirable that Bahrain has such institutions, but reality paints a different picture. They often brush aside cases that they should be investigating and should alert the authorities when they find wrongdoing. They simply try to protect a clean image, as they don’t appreciate criticism. Any steps they do take rarely go beyond small, immediate changes that can appease the critics. It’s all on the surface.”*

SIMA WATLING, CAMPAIGNER AMNESTY INTERNATIONAL<sup>457</sup>

## Introduction

Following the Bahraini uprising in 2011, the government established several oversight institutions mandated to address human rights abuses and combat impunity, with some of these established at the recommendation of the Bahrain Independent Commission of Inquiry. However, these institutions - the Ministry of Interior (MOI) Ombudsman, the National Institution for Human Rights (NIHR), the National Security Agency (NSA) Ombudsman, and the Office of Public Prosecution's Special Investigations Unit (SIU)<sup>458</sup> - have demonstrated a lack of independence from the government - a concern repeatedly raised by international bodies such as the UN Committee Against Torture<sup>459</sup> and the UN Human Rights Committee.<sup>460</sup>

Complaints were submitted on the arrest and interrogation of six women - **Hajer Mansoor, Najah Yusuf, Medina Ali, Ameera AlQashami, Zakeya AlBarboori, and Ebtisam AlSaegh** - to various institutions, including the MOI Ombudsman, NSA Ombudsman, NIHR, and SIU. Complaints have also been submitted with regard to the prison conditions from **Hajer, Najah, and Medina**. Neither **Zainab Marhoon** nor **Zahra AlShaikh** submitted any complaints, with the latter citing fear as a factor behind her decision.<sup>461</sup> Formal complaints have most often been submitted to the MOI Ombudsman's office or the NIHR - usually by the families of the women or by human rights organisations, including BIRD and ADHRB.<sup>462</sup>

oversight institutions have failed to fulfil their mandates in each case, with the majority of responses dismissing the issue at hand and finding little or no fault in the actions of state officials. The institutions have failed to investigate complaints adequately, delayed investigations unnecessarily and unreasonably, and, in some cases, neglected to respond. On two occasions, the MOI Ombudsman even violated their confidentiality policy. Under such circumstances, these institutions both contribute to a culture of impunity and perpetuate the whitewashing of reported human rights violations.

## Complaints Concerning Arrest and Interrogation

Complaints were submitted regarding the arrest and interrogation of **Ameera, Ebtisam, Zakeya, Hajer, Medina, and Najah** to different oversight bodies, including the MOI Ombudsman, the NSA Ombudsman, the NIHR, and the SIU. As of July 2019, the women consider all of the complaints to remain unresolved, as these bodies have dismissed allegations, conducted inadequate investigations, or failed to respond entirely.

In August 2017, **Medina** personally filed a complaint about her arrest and interrogation to the MOI Ombudsman, whilst detained at Isa Town Prison. She raised the issue of her physical abuse and psychological torment and asserted that she confessed under duress. Medina's complaint was ignored by the Ombudsman as she never received any form of acknowledgement or response.<sup>463</sup> On 12 February 2017, **Ameera's** family filed a formal complaint with the MOI Ombudsman concerning the unknown identity

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457 Sima Watling, Campaigner on Bahrain, Kuwait, UAE, Omar, Qatar at Amnesty International, Interview with BIRD, 7 May 2019.

458 For further information on these institutions and their mandates, see Background, page 15.

459 United Nations Committee Against Torture, 'Concluding Observations on the Second and Third Periodic Reports of Bahrain', U.N. Doc. CAT/C/BHR/CO/2-3 (29 May 2017), para. 28, Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBHR%2fCO%2f2-3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBHR%2fCO%2f2-3&Lang=en). (Accessed on 23 July 2019).

460 United Nations Human Rights Committee, 3516th meeting, July 19, 2018, 'Concluding observations on the initial report of Bahrain', U.N. Doc. CCPR/C/BHR/CO/1 (26 July 2018), para. 8., Available at : [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BHR/CCPR\\_C\\_BHR\\_CO\\_1\\_31860\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BHR/CCPR_C_BHR_CO_1_31860_E.pdf). (Accessed on 23 July 2019).

461 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, July 2019.

462 BIRD and ADHRB were unable to verify whether any complaints were submitted on behalf of Faten Naser.

463 Medina Ali, Telephone interview with BIRD, 14 August 2019.

of arresting authorities and unknown reason for the arrest, as well as the manner in which Ameera was arrested.<sup>464</sup> The MOI Ombudsman found that there were no illegalities concerning the arrest,<sup>465</sup> despite the fact that the arresting forces allegedly refused to present a warrant in violation of Bahraini law.<sup>466</sup> Similarly, on 21 May 2018, **Zakeya**'s family filed a complaint with the MOI Ombudsman, as well as a complaint with the NIHR the following day, both concerning the circumstances of her arrest which had occurred four days prior, including the absence of an arrest warrant, undisclosed charges, and the unknown location of her interrogation and detention.<sup>467</sup> To date, the family has not received any results.<sup>468</sup>

In late 2017, **Najah** filed a complaint with the MOI Ombudsman detailing abuses against her, including physical abuse, sexual assault, and lack of access to legal representation during her interrogation in April 2017. The MOI Ombudsman referred her to the NSA Ombudsman, stating that the case was beyond their remit. The NSA Ombudsman interviewed Najah in Isa Town Prison on 18 October 2017, but has failed to inform Najah, her family, or her lawyer about any developments in its investigation to date.<sup>469</sup> On 18 April 2019, BIRD, ADHRB, and Human Rights Watch wrote to the NSA Ombudsman to enquire about the investigation into Najah's allegations.<sup>470</sup> The organisations further explained that Najah claims that CCTV footage at the Muharraq Security Complex captured the incident and that one of the witnesses who testified against her in court was allegedly present during the incident.<sup>471</sup> In its response, the NSA Ombudsman wholly dismissed the allegations and provided no indication as to whether it had sought to address the enquiries submitted.<sup>472</sup>

In **Ebtisam**'s case, the NSA Ombudsman issued a public statement while she was in custody on 24 August 2017, after speaking to Ebtisam's husband and following significant international pressure. The NSA Ombudsman's office largely detailed the investigation process and their office's "initiative" in conducting an investigation, stating "that such allegations, if founded, will result in strict adherence [to] the law and guidelines governing professional behaviour, including applicable procedures to ensure accountability, disciplinary or criminal."<sup>473</sup> The NSA Ombudsman, however, has never followed up or disclosed the outcome of their investigation.<sup>474</sup> During her time in detention, the SIU interviewed Ebtisam in the presence of her lawyer in August 2017. She detailed all of the abuses she suffered during her interrogation in May 2017, including sexual assault. Similarly, the SIU never followed up with the findings of their investigation.<sup>475</sup> Furthermore, Ebtisam's family submitted a complaint to the MOI Ombudsman, as well as the NIHR, in July 2017, regarding denial by prison authorities of phone calls and her unknown whereabouts at the time of arrest. To date, the Ombudsman has not responded.<sup>476</sup>

As part of a complaint submitted to the MOI Ombudsman and SIU on 30 August 2017, BIRD's Director of Advocacy, Sayed Ahmed Alwadaei, requested that their offices conduct an investigation into the torture

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464 Case of Ameera AlQashami, ADHRB UN Complaint Program, Communication with ADHRB, 21 May 2019.

465 Ibid.

466 See Arrest chapter, page 22

467 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Primary Documentation, May 2018.

468 Case of Zakeya AlBarboori, ADHRB UN Complaint Program, Testimony provided to ADHRB, 17 July 2019.

469 Najah Yusuf, Telephone interview with BIRD, 6 April 2019.

470 Human Rights Watch, BIRD and ADHRB, Letter to Inspector General Mohammad Rashid Al Rumaihi, 18 April 2019.

471 Ibid.

472 General Inspector's Office National Security Agency Ombudsman, Letter to Human Rights Watch, 14 May 2019.

473 NSA Ombudsman Office quoted in "NSA Ombudsman investigation into terror suspect's allegations," Bahrain News Agency, 24 August 2017, 6:49pm., Available at: <https://www.bna.bh/en/ArchiveDetails.aspx?ArchiveId=53261>, (Accessed on 23 July 2019).

474 Ebtisam AlSaegh, Interview with BIRD, 16 July 2019.

475 Ebtisam AlSaegh, Interview with BIRD, 16 July 2019.

476 Ebtisam AlSaegh, Communication with ADHRB, 21 May 2019.

allegations levelled by his relatives, including his mother-in-law, **Hajer**.<sup>477</sup> Initially, the MOI Ombudsman refused to open an investigation, citing lack of consent from the victims as an obstacle - despite being made aware that Alwadaei is a relative.<sup>478</sup> The institutions then cited consent issues in refusing to investigate the allegations a second time,<sup>479</sup> despite Alwadaei's wife specifically requesting it as a direct relative of the individuals concerned.<sup>480</sup> The MOI Ombudsman directed Alwadaei to an online consent form and requested written consent from the victims, who were in detention and therefore unable to provide written consent.<sup>481</sup> These arbitrary obstacles - in addition to further issues raised in later communications - led to Hajer's conviction without an investigation being conducted into her allegations. Of equal concern, the MOI Ombudsman admitted on 17 January that a "criminal act" had been committed against Hajer's son - Sayed Nizar Alwadaei - whose coerced confession was used to support Hajer's conviction.<sup>482</sup> After Alwadaei requested further enquiries into this finding, the MOI Ombudsman retracted their statement, claiming that the admission was "incorrectly interpreted" by staff in the office.<sup>483</sup>

## Complaints Concerning Prison Conditions

Since August 2017, BIRD submitted at least 25 complaints (including follow-up communications) to the MOI Ombudsman and the NIHR on a number of different issues related to prison conditions on behalf of **Hajer**, **Najah**, and **Medina**, including reprisals, medical negligence, and physical assault by prison authorities. To date, oversight institutions have failed to resolve complaints raised, most often by neglecting to investigate adequately, delaying investigations arbitrarily, and covering-up abuses entirely.

### COMPLAINTS OF REPRISALS

**Hajer** and **Medina** brought forth allegations of assault by the head of Isa Town Prison, Lt. Col. Mariam AlBardoli, after they tried to join their fellow inmates in the commemoration of Ashura in September 2018.<sup>484</sup> BIRD raised these allegations with the NIHR and MOI Ombudsman,<sup>485</sup> and in response, the NIHR scheduled two visits to Isa Town Prison, during which officials interviewed both **Hajer** and **Medina**, with **Najah** also present at these interviews.<sup>486</sup> The NIHR published their findings, where they dismissed the women's allegations.<sup>487</sup> Of particular concern is that, after allegedly viewing recordings of the incident, the NIHR determined that the assault on **Hajer** was "within the limits of the legal use of force, in order to ensure her safety and prevent her from causing harm to herself or others."<sup>488</sup> Despite these claims, **Hajer** was hospitalised as a result of the assault, having suffered a drop in her blood sugar level which left her unable to stand.<sup>489</sup>

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477 Private Email Correspondence, from: Sayed Ahmed Alwadaei to: Bahraini MOI Ombudsman, 30 August 2017.

478 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 8 October 2017.

479 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 18 October 2017.

480 Private Email Correspondence, from: Duaa AlWadaei and Sayed Ahmed Alwadaei to: Bahraini MOI Ombudsman, 12 October 2017.

481 Ibid.

482 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 17 January 2018.

483 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 14 March 2018.

484 See Prison Conditions, page 64

485 Private Email Correspondence, from: Sayed Ahmed Alwadaei to: Bahraini MOI Ombudsman and NIHR, 27 September 2018.

486 "NIHR's delegation visits Women's Reformation Centre in Isa Town," Bahrain News Agency, 1 October 2018, 4:45pm. PDT, Available at: <https://www.bna.bh/en/NIHRsdelegationvisitsWomensReformationCentreInIsaTown.aspx?cms=q8FmFJgiscL2f-wlzON1%2BDidUh906oOfkl1CxEx01L08%3D> (Accessed on 15 July 2019).

487 Ibid.

488 Ibid.

489 Hajer Mansoor, telephone interview with BIRD, 24 September 2018.

The MOI Ombudsman's office failed to reply and investigate promptly, compelling BIRD to send a follow-up email reiterating previous concerns.<sup>490</sup> Eventually, the MOI Ombudsman completed its investigation, and similarly to the NIHR found that the use of force was "proportionate," further denying that Hajer was hospitalised after the incident.<sup>491</sup> The findings of these oversight bodies evidently sought to gloss over the abuses, mirroring the position of Bahrain's Ministry of Interior, which denied allegations that Hajer had "suffered bruises on her hand and was not being allowed to make calls to her family" claiming that she had "tried to hurt herself by hitting her body and lying on the floor."<sup>492</sup>

## RESTRICTIVE MEASURES

Soon after Lt. Col. Mariam AlBardoli allegedly led the assault against **Hajer** and **Medina** on 16 September 2018,<sup>493</sup> prison authorities enacted a number of restrictive measures on the entire population of Isa Town Prison, including restrictions on phone calls, barriers during family visitations, and increased time spent locked in cells. BIRD called for the NIHR and the MOI Ombudsman to investigate these allegations on 27 September 2018.<sup>494</sup>

The NIHR published their findings, including that there was "no case of intentional denial or mistreatment" of these privileges.<sup>495</sup> However, on 4 October, **Hajer**, **Najah**, and **Medina** contacted BIRD to dispute the NIHR's claims. "In short, our response to the NIHR statement is that: Maria Khoury [head of the NIHR] was rushed in her meeting with us; she only put on a facade of credibility and transparency," the three women said. "Maria Khoury falsified the facts in her statement and stood with the Bahraini authorities against human rights."<sup>496</sup>

The MOI Ombudsman wholly ignored the concerns pertaining to restrictions to phone calls. They also disputed allegations that women were confined to their cells for up to 23 hours a day, stating that "Ms. Hajer and all other inmates at Isa Town are out of cell for a minimum of eight hours and 45 minutes each day"<sup>497</sup> - which contradicted the findings of the NIHR that the women were allowed two hours outside the cell each day.<sup>498</sup> The MOI Ombudsman further attempted to dismiss allegations of abuses by claiming that the hunger strikes launched by Hajer, Najah, and Medina as a result of the restrictions stemmed instead from their desire to alter their sleeping arrangements.<sup>499</sup> Despite follow-up complaints emphasising the

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490 Private Email Correspondence, from: Sayed Ahmed Alwadaei to: Bahraini MOI Ombudsman and NIHR, 5 October 2017.

491 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 18 October 2018.

492 Kingdom of Bahrain Ministry of Interior, Legal action taken against female inmate over violations; social media reports false, 19 September 2018. Available at: <https://www.policemc.gov.bh/en/news/ministry/84897> (Accessed on 24 July 2019)

493 See Prison Conditions, page 64.

494 Private Email Correspondence, from: Sayed Ahmed Alwadaei to: Bahraini MOI Ombudsman, NIHR and PDRC, 27 September 2018.

495 National Institute for Human Rights, بشأن الزيارة المعلنة المركز وإصلاح وتأهيل النزليات في منطقة مدينة عيسى بيان المؤسسة الوطنية لحقوق الإنسان في مملكة البحرين 1 October 2018. Available at <http://www.nihr.org.bh/administrator/MediaHandler/GenericHandler/documents/StateGments/2018/1Octo2018.pdf> (Accessed on 31 July 2019). The English version is not publicly available. See also "NIHR's delegation visits Women's Reformation Centre in Isa Town," Bahrain News Agency, 1 October 2018, 4:45pm. PDT. Available at: <https://www.bna.bh/en/NIHRsdelegationvisitsWomensReformationCentreinIsaTown.aspx?cms=q8FmFJgiscL2fwIzON1%2B-DidUh906oOfkl1CxEx01L08%3D> (Accessed on 31 July 2019).

496 Bahrain Institute for Rights and Democracy. "Female Detainees' Response to the Statement Issued by the National Institute for Human Rights (NIHR)," Available at: <http://birdbh.org/2018/10/female-detainees-response-to-the-statement-issued-by-the-national-institute-for-human-rights-nihr/> (Accessed on 10 July 2019).

497 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 18 October 2018.

498 National Institute for Human Rights, بشأن الزيارة المعلنة المركز وإصلاح وتأهيل النزليات في منطقة مدينة عيسى بيان المؤسسة الوطنية لحقوق الإنسان في مملكة البحرين 1 October 2018. Available at: <http://www.nihr.org.bh/administrator/MediaHandler/GenericHandler/documents/StateGments/2018/1Octo2018.pdf> (Accessed on 31 July 2019). The English version is not publicly available.

499 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 18 October 2018.

mental distress suffered by the women,<sup>500</sup> the MOI Ombudsman continued to insist that the hunger strikes were to acquire new beds.<sup>501</sup>

Since these measures were first imposed, BIRD submitted at least five further complaints about the barrier during family visitation and the time spent locked in cells. The NIHR and MOI Ombudsman have largely ignored the issues, delaying any meaningful investigation. After initially taking two months to launch an investigation,<sup>502</sup> the MOI Ombudsman has not disclosed their findings to date. During the week commencing 8 July 2019, Hajer, Najah, and Medina were granted one exceptional visit each, without the barrier, following the attention of 15 UK MPs to their case.<sup>503</sup> However, at the time of writing, the issue of family visitation and time spent in cells remain unresolved, as the NIHR and MOI Ombudsman have not adequately responded to concerns nor investigated the rationale behind these measures, nor otherwise indicated that these visits without barriers were not an exceptional measure.

## CONCERNS FOR HEALTH AND MEDICAL CARE

The MOI Ombudsman and NIHR have both failed to appropriately address BIRD's numerous complaints regarding medical care for **Hajer** in Isa Town. More specifically, BIRD submitted approximately 15 complaints (including follow-up communications),<sup>504</sup> half of which were also addressed to the NIHR. Most regularly, their offices failed to reply, or provided a delayed investigation, resulting in the persistent denial of health care for Hajer for issues including a lump in her breast, back pains, a blood clot in her leg, thyroid problems, and kidney stones.

In February 2019, BIRD provided an urgent update to both offices on a lump in **Hajer's** breast, for which she had sought medical attention in August 2018 but was never notified of the results.<sup>505</sup> While the lump had grown in size, Hajer was only verbally informed of the outcome of the mammogram six months later, in February 2019, during a follow-up examination. The NIHR only announced this a few days after a member of the UK House of Lords raised concerns on the matter.<sup>506</sup> The doctor advised Hajer to undergo further tests, but prison authorities have still not arranged the necessary screening. All follow-up complaints to the MOI Ombudsman and NIHR have not resulted in any improvement to her condition.<sup>507</sup>

BIRD also called attention to prison authorities' neglect to provide Hajer with follow-up treatment for diagnosed kidney stones in numerous complaints to both offices.<sup>508</sup> The Ombudsman informed BIRD that concerns over Hajer's health were "under investigation" 20 days after the initial complaint was made.<sup>509</sup> It was over two months after this, however, that they disclosed the outcome of their findings, informing BIRD that Hajer had been taken for an ultrasound examination over a month earlier and was now awaiting her follow-up appointment.<sup>510</sup>

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500 Private Email Correspondence, from: Sayed Ahmed Alwadaei to: Bahraini MOI Ombudsman, 19 October 2018.

501 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 21 October 2018.

502 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 22 May 2019.

503 Joint letter to the Foreign Secretary from 15 MPs, 18 June 2019, Available at: <http://birdbh.org/wp-content/uploads/2019/06/scan13-1.pdf>, (Accessed on 23 July 2019).

504 Private Email Correspondence, between Sayed Ahmed Alwadaei and Bahraini MOI Ombudsman on: 9 May 2018; 26 May 2018; 11 June 2018; 11 July 2018; 19 July 2018; 24 July 2018; 7 August 2018; 3 September 2018; 22 October 2018; 31 January 2019; 6 February 2019; 13 March 2019; 3 May 2019; 17 May 2019; 5 June 2019.

505 Private Email Correspondence, from: Sayed Ahmed Alwadaei to: Bahraini MOI Ombudsman and NIHR, 6 February 2019.

506 Private Email Correspondence, from: Lord Scriven to: Bahraini MOI Ombudsman and NIHR, 13 February 2019.

507 Private Email Correspondence, from: Sayed Ahmed Alwadaei to: Bahraini MOI Ombudsman and NIHR, 3 May 2019.

508 Ibid.

509 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 22 May 2019.

510 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 29 July 2019.

Finally, when a following complaint was lodged calling for treatment of Hajer's thyroid problems after persistent medical negligence,<sup>511</sup> the issue was only resolved after a UK MP requested information on the status of each of BIRD's complaints regarding her health.<sup>512</sup>

## DENIAL OF RELIGIOUS PARTICIPATION

In September 2018, Alwadaei complained to the NIHR and MOI Ombudsman that **Hajer, Najah**, and **Medina** alleged that prison officials arbitrarily barred them from joining their fellow inmates in the commemoration of Ashura.<sup>513</sup> The NIHR denied all allegations as inaccurate, stating that the women "were allowed to practice within permissible procedures ... in a manner that preserves safety and security for all of the Centre's staff and prisoner,"<sup>514</sup> which they claimed was corroborated by visual and audio recordings. In response to this finding, the women argued that CCTV cameras would have recorded the entire incident, and that oversight institutions should refer to this footage.<sup>515</sup>

The MOI Ombudsman, in contrast, acknowledged the women's exclusion from the rites and, in revealing the outcome of their investigation, stated, "The director of the centre said that, in line with the provisions of the Bahrain Rehabilitation Law and Regulations, this decision was taken to ensure good order and the safety and well-being of all inmates," without providing justification or context for this conclusion.<sup>516</sup> The fact that the NIHR and MOI Ombudsman came to different conclusions did not lead to any further investigations by either body, and the discrepancy between institutions was left unaddressed and unresolved.

## Violation of Confidentiality

The MOI Ombudsman has further demonstrated its lack of independence from the government by sharing confidential information with the Bahraini Embassy to the UK, despite the institution promising that "[f]ull confidentiality is guaranteed during the investigations and, according to the law, no-one can access or reveal details about them in any way."<sup>517</sup> In August 2018, the MOI Ombudsman office included the First Secretary of the Bahraini Embassy in London and the Ministry of Foreign Affairs into their email correspondence with Alwadaei without his prior consent or knowledge.<sup>518</sup> Furthermore, in March 2019, following the media attention when Lt. Col. AlBardoli was identified as the individual allegedly responsible for perpetuating the abuses against **Hajer, Najah**, and **Medina** in Isa Town Prison,<sup>519</sup> the Bahraini Embassy in London

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511 Private Email Correspondence, from: Sayed Ahmed Alwadaei to: Bahraini MOI Ombudsman and NIHR, 5 June 2019.

512 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 11 June 2019.

513 Ibid.

514 National Institute for Human Rights, بشأن الزيارة المعلنة المركز وإصلاح وتأهيل النزليات في منطقة مدينة عيسى بيان المؤسسة الوطنية لحقوق الإنسان في مملكة البحرين  
1 October 2018. Available at <http://www.nihr.org.bh/administrator/MediaHandler/GenericHandler/documents/StateGments/2018/1Octo2018.pdf> (Accessed on 31 July 2019). The English version is not publicly available.

515 BIRD, Female Detainees' Response to the Statement Issued by the National Institute for Human Rights (NIHR), Bahrain Institute for Rights and Democracy, 3 October 2018, Available at: <http://birdbh.org/2018/10/female-detainees-response-to-the-statement-issued-by-the-national-institute-for-human-rights-nihr/> (Accessed on 19 July 2019).

516 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 18 October 2018.

517 Kingdom of Bahrain Ministry of Interior Ombudsman, 'About the General Secretariat of the complaints', available at: <https://www.ombudsman.bh/en/about/>. (Accessed 13 May 2019).

518 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 29 July 2018.

519 Anthony Harwood, 'Calls for 'Beast of Bahrain' female jail guard to be sacked after she 'beat-up handcuffed mother' five days after her son-in-law spoke in UK Parliament to highlight brutality in country's prisons', Daily Mail, Available at: <https://www.dailymail.co.uk/news/article-6816339/Calls-Beast-Bahrain-female-jail-guard-sacked-beat-handcuffed-mother.html> (Accessed on 19 July 2019).

published part of Alwadaei's communication with the Ombudsman, as well as the email addresses of all those copied in the correspondence, in a string of now-deleted tweets.<sup>520</sup>

Each of these cases shows how the MOI Ombudsman, the NIHR, the NSA Ombudsman, and the SIU have ultimately failed to fulfil their mandates. Public responses and flawed investigations suggest a vested interest in protecting implicated officials. In doing so, Bahrain's oversight institutions ultimately facilitate a culture of impunity. Without effective and independent oversight institutions promoting accountability for human rights violations, the female political prisoners in this report remain at risk, with little means for fruitful redress.

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520 BIRD, UK-Trained Bahraini Ombudsman Breaches Confidentiality of Victim of Abuse, 21 March 2019. Available at: <http://birdbh.org/2019/03/uk-trained-bahraini-ombudsman-breaches-confidentiality-of-victim-of-abuse/> (Accessed on 24 July 2019). Note: the tweets have now been deleted.

**INTERNATIONAL ACTORS  
AND THE UK AND  
US GOVERNMENTS**

## International Human Rights Community

International human rights organisations have drawn attention to the impunity enjoyed by the Government of Bahrain in their campaign to silence dissent. Amnesty International has condemned the “rampant impunity enjoyed by the security forces,”<sup>521</sup> while Human Rights Watch’s 2018 report found that “civilian and military courts continue to convict and imprison peaceful dissenters, including prominent human rights defenders and opposition leaders, under the guise of national security.”<sup>522</sup> In May 2017, the UN Committee Against Torture voiced concerns about the “widespread” use of torture in Bahrain as a means to extract confessions, as well as the culture of impunity in the country.<sup>523</sup> In August 2018, the UN Working Group on Arbitrary Detention (WGAD) raised concerns about Bahrain, reminding the government that in certain circumstances “widespread or systematic imprisonment ... in violation of the rules of international law may constitute crimes against humanity.”<sup>524</sup>

The UN has expressed concerns for **Ebtisam AlSaegh**, **Najah Yusuf**, **Hajer Mansoor**, and **Medina Ali**. In July 2017, four offices from Special Procedures detailed the “severe physical and psychological torture” endured by **Ebtisam** in May 2017, and expressed “grave concern at the imminent risk of torture, including sexual violence,” she faced while in custody.<sup>525</sup> In January 2019, six UN Special Procedures mandate holders expressed serious concerns for “death and rape threats, travel restrictions and other human rights violations” levelled against Ebtisam.<sup>526</sup> Special Procedures also called attention to “acts of reprisals, including physical abuse in detention,”<sup>527</sup> against **Hajer**, echoing concerns highlighted in the UN Secretary General’s report from September 2018.<sup>528</sup> In January 2019, the UN WGAD found that Hajer and her relatives are arbitrarily imprisoned in “acts of reprisal” for their familial ties to Sayed Ahmed Alwadaei, Hajer’s son-in-law.<sup>529</sup> Concerns for Hajer’s case were also expressed in March 2017 by six UN experts,<sup>530</sup> while in February 2019, the UN Special Rapporteur on the situation of Human Rights Defenders highlighted the poor prison conditions in Isa Town Detention Centre for Women, focusing on the cases of **Hajer**, **Medina**, and **Najah**, and their assault by prison guards.<sup>531</sup>

Despite the closure of civil and political space in Bahrain and the alleged human rights violations perpetrated against **Ebtisam**, **Hajer**, **Medina**, and **Najah** gaining UN attention, Bahrain’s allies have often failed to critically engage Bahrain on its human rights record. The kingdom’s main strategic military and political allies in the West are the United Kingdom (UK) and the United States (US). While the US Department

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521 Amnesty International, Amnesty International Report 2017/18 The State of the World’s Human Rights, 2018, Available at: <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF> (Accessed on 06 June 2019).

522 Human Rights Watch, Bahrain Events of 2018, Human Rights Watch Online, 2018, Available at: <https://www.hrw.org/world-report/2019/country-chapters/bahrain#> (Accessed on 06 June 2019).

523 Committee Against Torture, Concluding observations on the second and third periodic reports of Bahrain, U.N. Doc. CAT/C/BHR/CO/2-3 (May 29, 2017).

524 United Nations Working Group on Arbitrary Detention, Opinion No. 13/2018 concerning Nabeel Ahmed Abdulrasool Rajab (Bahrain), U.N. Doc. A/HRC/WGAD/2018/13 (Aug. 13, 2018).

525 Letter to the Government of Bahrain, ref. UA BHR 9/2017 (July 13, 2017).

526 Letter to the Government of Bahrain, ref. AL BHR 7/2018 (Jan. 17, 2019).

527 Ibid.

528 U.N. Secretary-General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, U.N. Doc. A/HRC/39/41 (Aug. 13, 2018).

529 United Nations Working Group on Arbitrary Detention, Opinion No. 13/2018.

530 Letter to the Government of Bahrain, ref. UA BHR 4/2017 (March 27, 2019).

531 U.N. Secretary-General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, U.N. Doc. A/HRC/39/41 (Aug. 13, 2018).

of State (DoS) has to some extent commented on torture allegations and “unlawful killings” in Bahrain,<sup>532</sup> the UK Foreign and Commonwealth Office (FCO) has failed to address in any public way serious ongoing human rights violations perpetrated by the Bahraini government.

## UK Government

The UK and Bahrain share a longstanding historic relationship. Since Bahrain became a British protectorate in all but name in 1861<sup>533</sup> and gained independence in 1971, the two countries have maintained strong military, trade, and diplomatic ties.

To mark the 200th anniversary of the UK-Bahrain bilateral relationship, in April 2018 the UK opened a £40 million permanent naval base at Mina Salman, which was partly gifted by King Hamad bin Isa AlKhalifa in 2016,<sup>534</sup> to boost the UK’s role as a “major player” in the Middle East.<sup>535</sup>

The UK is also a major arms supplier to Bahrain.<sup>536</sup> Since the 2011 Bahraini pro-democracy protests, the UK government has approved £102 million worth of export licenses to the Gulf Kingdom.<sup>537</sup> More than half of these licenses were approved over the last three years, despite acknowledgements from the UK government each year that Bahrain is a priority country which requires assistance to strengthen the protection of human rights.<sup>538</sup> In 2017 alone, over £30.7 million worth of export licenses were authorised.<sup>539</sup> The exported equipment included firearm silencers, tear gas, and other riot control technologies capable of facilitating the Bahraini government’s surveillance of Bahraini citizens and crackdown on dissent, which continues to this day.<sup>540</sup>

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532 See US Department of State, 2017 Country Reports on Human Rights Practices: Bahrain, 20 April 2018, Available at: <https://www.state.gov/wp-content/uploads/2019/01/Bahrain-1.pdf> (Accessed on 25 June 2019); and US Department of State, 2018 Country Reports on Human Rights Practices: Bahrain, 13 March 2019, Available at: <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/bahrain/> (Accessed on 25 June 2019).

533 Marc Owen Jones, “The history of British involvement in Bahrain’s internal security”, *Open Democracy*, 8 August 2013, Available at: <https://www.opendemocracy.net/en/opensecurity/history-of-british-involvement-in-bahrains-internal-security/> (Accessed on 17 May 2019).

534 Mark Lancaster, “Royal Navy Base: Bahrain”, *House of Commons Hansard*, 20 November 2018, Available at: <https://hansard.parliament.uk/Commons/2018-11-20/debates/F280FC05-9A95-4F2E-BAEC-E2AE46190703/RoyalNavyBaseBahrain> (Accessed on 17 May 2019).

535 Peter Stubbley, “UK opens permanent military base in Bahrain to strengthen Middle East presence”, *The Independent*, 06 April 2018, Available at: <https://www.independent.co.uk/news/uk/home-news/uk-bahrain-military-base-juffair-royal-navy-mina-salman-middle-east-hms-queen-elizabeth-a8291486.html> (Accessed on 17 May 2019).

536 The Department for International Trade’s Defence & Security Organisation (DSO) identifies Bahrain as a priority market for arms sales since 2014. See: Graham Stuart, “UK Trade and Investment Defence and Security Organisation: Written Question - 161130”, *Parliament of the United Kingdom, House of Commons*, 12 July 2018, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-07-05/161130> (Accessed on 06 June 2019).

537 Campaign Against the Arms Trade, “UK export licences applied for military goods to Bahrain”, *Campaign Against Arms Trade Online*, Available at: [https://www.caat.org.uk/resources/export-licences/licence-list?region=Bahrain&date\\_from=2011-02&date\\_to=2018-09](https://www.caat.org.uk/resources/export-licences/licence-list?region=Bahrain&date_from=2011-02&date_to=2018-09) (Accessed on 06 June 2019).

538 See Foreign and Commonwealth Office, *Human Rights and Democracy Reports*, Available at: <https://www.gov.uk/government/collections/human-rights-and-democracy-reports> (Accessed on 4 August 2019).

539 Campaign Against the Arms Trade, “UK export licences applied for military goods to Bahrain”, *Campaign Against Arms Trade Online*, Available at: [https://www.caat.org.uk/resources/export-licences/licence-list?region=Bahrain&date\\_from=2011-02&date\\_to=2018-09](https://www.caat.org.uk/resources/export-licences/licence-list?region=Bahrain&date_from=2011-02&date_to=2018-09) (Accessed on 06 June 2019).

540 Campaign Against the Arms Trade, “UK export licences applied for military goods to Bahrain”, *Campaign Against Arms Trade Online*, Available at: [https://www.caat.org.uk/resources/export-licences/licence-list?region=Bahrain&date\\_from=2011-02&date\\_to=2018-09](https://www.caat.org.uk/resources/export-licences/licence-list?region=Bahrain&date_from=2011-02&date_to=2018-09) (Accessed on 06 June 2019).

Following a landmark court decision on export licenses to Saudi Arabia in June 2019,<sup>541</sup> the UK government announced that it would not approve any new export licenses to Bahrain. However, the UK government has since requested the court to set aside the decision pending an appeal.<sup>542</sup> The court had found that the appropriate due diligence had not been conducted to ensure compliance with international law, which has therefore facilitated the Saudi-led coalition's armed attacks on Yemen.<sup>543</sup>

## TECHNICAL SUPPORT: BAHRAINI POLICE AND OVERSIGHT BODIES

### a) 'Forensic and Crowd Management Training' to Bahraini Police Forces

The UK provides training to various public institutions in Bahrain,<sup>544</sup> many of which have been at the epicentre of alleged human rights abuses.

In 2015, the Police Service of Northern Ireland, in cooperation with the FCO and the government-owned non-profit Northern Ireland Cooperation Overseas (NICO), provided Bahraini officers with a £16,000 taxpayer-funded community policing and protest management training scheme,<sup>545</sup> consisting of sessions on the use of water cannons, dogs, and methods for intelligence gathering.<sup>546</sup> One of the beneficiaries of the training, Brigadier Fawaz Hassan AlHassan, was appointed as Director-General of the Muharraq Security Complex a year later.<sup>547</sup> A number of abuses, including physical and sexual torture, have been documented at the facility since his appointment. In a 30-day period between April and May 2017, officers from Bahrain's National Security Agency (NSA) allegedly intensely interrogated **Najah**<sup>548</sup> and **Ebtisam**<sup>549</sup> at the Muharraq Security Complex. Both women were summoned, beaten, and sexually assaulted in relation to their right to free expression and human rights work, respectively.<sup>550</sup>

In 2016, the UK's College of Policing conducted forensic training in crime scene investigation and fingerprint analysis<sup>551</sup> in Bahrain.<sup>552</sup> In July 2018, members of Durham Constabulary visited Bahrain and signed

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541 Lizzie Dearden, Government freezes new arms licences for Saudi Arabia after court rules them unlawful amid war crime allegations, *The Independent*, 20 June 2019. Available at: <https://www.independent.co.uk/news/uk/home-news/saudi-arabia-new-weapons-export-license-war-crime-liam-fox-freeze-a8967086.html> (Accessed on 2 August 2019).

542 Dan Sabbagh, UK ministers challenge court ruling on Saudi Arabia arms sales, *The Guardian*, 8 July 2019. Available at: <https://www.theguardian.com/politics/2019/jul/08/uk-ministers-challenge-court-ruling-on-saudi-arabia-arms-sales> (Accessed on 2 August 2019).

543 Ibid.

544 The most recent documented course was held in April 2019. See: Phil Miller, British troops train Bahraini dictator's bodyguards, *The Morning Star*, 16 April 2019. Available at: <https://morningstaronline.co.uk/article/b/british-troops-train-bahrain-dictators-bodyguards> (Accessed on 2 August 2019)

545 Phil Miller, "Britain Trained a Bahraini Police Chief Who Presided Over Abuse of Political Dissidents, *Vice News*, 6 April 2018, Available at: [https://www.vice.com/en\\_uk/article/43b4k9/britain-trained-a-bahraini-police-chief-who-presided-over-abuse-of-political-dissidents](https://www.vice.com/en_uk/article/43b4k9/britain-trained-a-bahraini-police-chief-who-presided-over-abuse-of-political-dissidents) (Accessed on 24 July 2019).

546 Ibid.

547 Ibid.

548 Ibid.

549 Letter to the Government of Bahrain, ref. UA BHR 9/2017 (July 13, 2017).

550 See Chapter X on Interrogations.

551 Phil Miller, "Police in Dictatorships Are Still Getting British Training", *Vice News*, 27 July 2018, Available at: [https://www.vice.com/en\\_uk/article/ne578d/police-in-dictatorships-are-still-getting-british-training?wptouch\\_preview\\_theme=enabled](https://www.vice.com/en_uk/article/ne578d/police-in-dictatorships-are-still-getting-british-training?wptouch_preview_theme=enabled) (Accessed on 06 June 2019).

552 A study published by the Guardian in September 2017 revealed that the College of Policing has made over £2.5m by training forces from five countries that use the death penalty, including Bahrain. See:

Lucas Amin, "UK police earned millions training officers in repressive regimes", *The Guardian*, 15 September 2017, Available at: <https://www.theguardian.com/law/2017/sep/15/uk-police-earned-millions-training-officers-in-repressive-regimes> (Accessed on 21 May 2019).

an agreement with the MOI, at the request of the FCO, to support “wider British aims in the region.”<sup>553</sup> Under this agreement, Durham Police committed to providing training “so that Bahraini officers can better make use of forensics in their investigations.”<sup>554</sup> Despite these courses, the Bahraini justice system has failed to use forensic evidence appropriately in court cases. In October 2017, **Hajer**, along with her son and nephew, was convicted and sentenced to three years’ imprisonment, despite forensic investigations producing no evidence linking the defendants to the alleged crime.<sup>555</sup>

## b) UK Technical Assistance Programme to Bahrain

Since 2012, the FCO has spent over £6.5 million of taxpayer money on technical assistance to Bahrain.<sup>556</sup> This programme ostensibly works towards “building effective and accountable institutions, strengthening the rule of law, and justice reform” in the kingdom,<sup>557</sup> in line with the UK’s “domestic and international human rights obligations.”<sup>558</sup> The programme is currently funded by the Integrated Activity Fund (IAF)<sup>559</sup> and the Global Britain Fund (GBF).<sup>560</sup> Although a list of current beneficiaries of the programme is unavailable, as the FCO now refuses to disclose information about these funds,<sup>561</sup> until 2017 the primary beneficiaries were:<sup>562</sup>

- a. The MOI Ombudsman;
- b. The Special Investigation Unit (SIU);
- c. The National Institution for Human Rights (NIHR); and
- d. The Prisoners’ and Detainees’ Rights Commission (PDRC).

The FCO has dismissed concerns raised by British parliamentarians in the cases of **Hajer**, **Medina**, **Najah**, **Ebtisam**, and **Zakeya**. Instead, the FCO states that it monitors the cases and raises them at a senior level with Bahraini authorities and also advises victims to seek justice through the NIHR, MOI Ombudsman,

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553 Durham Constabulary, “Training agreement with Bahrain”, 11 July 2018, available at: <https://www.durham.police.uk/news-and-events/Pages/News%20Articles/Training-agreement-with-Bahrain.aspx> (Accessed on 06 June 2019).

554 Ibid.

555 See Chapter X on Trials, See also: Human Rights Watch, “Bahrain: Activist’ Kin Convicted in Flawed Trial”, 30 October 2017, Available at: <https://www.hrw.org/news/2017/10/30/bahrain-activists-kin-convicted-flawed-trial> (Accessed on 06 June 2019).

556 Early Day Motion 1266: Funding Human Rights Abuses in Bahrain, House of Commons, Tabled 15 May 2018. Available at <https://edm.parliament.uk/early-day-motion/51737> (Accessed on 5 August 2019).

557 Lord Ahmad of Wimbledon, “Bahrain: Technical Assistance: Written Question - HL7913”, Parliament of the United Kingdom, House of Lords, 06 June 2018, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-05-15/HL7913> (Accessed on 06 June 2019).

558 Alistair Burt, Backbench Debate, House of Commons Hansard, 11 September 2018, Available at: <https://hansard.parliament.uk/Commons/2018-09-11/debates/D741EBB4-DB9C-4F66-AF85-B0E1043E5214/Bahrain?highlight=bahrain#contribution-5C71E97B-5231-4F13-98F3-9881AE03FDF5> (Accessed on 06 June 2019).

559 In July 2015, the National Security Council (NSC) endorsed the Gulf Strategy aimed to strengthen, deepen and broaden the UK’s engagement with the six GCC countries, increase regional stability, mutual security and prosperity; and protect and promote UK interests. The implementation of the Gulf Strategy is supported by a £20m annual investment from the Integrated Activity Fund (IAF) until the end of the current Strategic Defence and Security Review (SDSR), therefore amounting to a £80m budget until 2020.

560 Alistair Burt, “Bahrain: Overseas Aid: Written Question - 116302”, Parliament of the UK, House of Commons, 11 December 2017, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-11-29/116302/> (Accessed on 06 June 2019). See also Lord Ahmad of Wimbledon, “Gulf States: Technical Assistance: Written question - HL11330”, Parliament of the UK, House of Lords, 19 November 2018, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-11-06/HL11330/> (Accessed on 6 June 2019).

561 Catherine Philip, “Britain invokes spy clause to cover up payments to Bahrain”, The Times, 22 September 2018, Available at: <https://www.thetimes.co.uk/article/britain-invokes-spy-clause-to-cover-up-payments-to-bahrain-dlv00c66f> (accessed on 06 June 2019).

562 Reprieve, Training Torturers: The UK’s Role in Bahrain’s Brutal Crackdown on Dissent, 10 May 2018, Available at: <https://reprieve.org.uk/wp-content/uploads/2018/05/TRAINING-TORTURERS-THE-UK’S-ROLE-IN-BAHRAIN’S-BRUTAL-CRACKDOWN-ON-DISSENT.pdf> (Accessed 06 June 2019).

and NSA Ombudsman.<sup>563</sup> Numerous victims have claimed that oversight bodies have failed to investigate their claims, and in some cases, have whitewashed the abuses reported, including **Ebtisam, Hajer, Najah, Medina, Ameera, and Zakeya**.<sup>564</sup>

The FCO has never publicly acknowledged any failures by Bahrain's oversight bodies, which former FCO MENA Minister Alistair Burt previously asserted are "genuinely independent" and are "making a difference to the administration of justice in Bahrain."<sup>565</sup> In its 2018 Human Rights and Democracy report, the FCO praised the "positive effect" of Bahrain's oversight bodies, highlighting the prosecution of "some police officers accused of human rights abuses."<sup>566</sup> Similarly, at a House of Lords debate in March 2019, Minister Baroness Goldie again praised the success of the oversight institutions, stating: "We believe that they are effective in addressing allegations of torture and mistreatment in detention."<sup>567</sup> Such statements contradict the UN Committee Against Torture, which notably raised concerns that these institutions are "not effective" and "not independent."<sup>568</sup>

In cases where Members of Parliament (MPs) suggested that oversight bodies had carried out inadequate investigations, the FCO reaffirmed its support for the institutions. Following the physical assault led by prison officers against **Hajer** and **Medina**,<sup>569</sup> the NIHR<sup>570</sup> and MOI Ombudsman<sup>571</sup> denied the women's' allegations of mistreatment. Their conclusions aligned with those of the MOI, which claimed that **Hajer's** bruises were self-inflicted.<sup>572</sup> In response, the UK government referred questions back to the oversight bodies, despite their failure to hold officials accountable. The UK government further claimed that the institutions had conducted "swift and thorough investigations," effectively failing to call for any further accountability or investigation into the allegations.<sup>573</sup>

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563 Tariq Ahmad, "Hajer Mansoor Hassan: Written Question - HL15262", Parliament of the United Kingdom, House of Lords, 29 April 2019, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2019-04-11/HL15262/> (Accessed on 06 June 2019).

Mark Field, "Bahrain: Detainees: Written Question - 237192", Parliament of the United Kingdom, House of Commons, 03 April 2019, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-03-26/237192/> (Accessed on 06 June 2019).

Tariq Ahmad, "Bahrain: Political Prisoners: Written Question - HL10585", Parliament of the United Kingdom, House of Lords, 23 October 2018, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-10-10/HL10585/> (Accessed on 06 June 2019).

564 See Oversight chapter, p 80.

565 Alistair Burt, Oral Session, "Topical Questions", House of Commons Hansard, 26 February 2019, Available at: <https://www.theyworkforyou.com/debates/?id=2019-02-26b.161.2> (Accessed on 24 June 2019).

566 Foreign and Commonwealth Office, Human Rights and Democracy: the 2018 Foreign and Commonwealth Office report, 5 June 2019, Available at <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2018/human-rights-and-democracy-the-2018-foreign-and-commonwealth-office-report> (Accessed on 24 June 2019)

567 Annabel Goldie, House of Lords Debate, House of Lords Hansard, 13 March 2019, Available at: <https://hansard.parliament.uk/Lords/2019-03-13/debates/4AE8FCF2-F409-46A1-8FF1-BAD7C16CDA72/BahrainHumanRights> (Accessed on 06 June 2019).

568 See chapter X about oversight bodies. See also: Committee Against Torture, Concluding observations on the second and third periodic reports of Bahrain, U.N. Doc. CAT/C/BHR/CO/2-3 (May 29, 2017).

569 See Prison Conditions chapter, P.X

570 Bahrain News Agency, "NIHR's delegation visits Women's Reformation Centre in Isa Town", Ministry of Information Affairs, 01 October 2018, available at: <https://www.bna.bh/en/NIHRsdelegationvisitsWomensReformationCentreinIsaTown.aspx?cms=q8FmFJgiscL2fwlzON1%2bDidUh906oOfkl1CxEx01L08%3d> (Accessed on 06 June 2019).

571 Private Email Correspondence, from: Bahraini MOI Ombudsman to: Sayed Ahmed Alwadaei, 18 October 2018.

572 Kingdom of Bahrain Ministry of the Interior, "Legal action taken against female inmate over violation; social media reports false", Ministry of Interior Directorate, 19 September 2018, Available at: <https://www.policemc.gov.bh/en/news/ministry/84897> (Accessed on 06 June 2019).

573 Tariq Ahmad, "Bahrain: Political Prisoners: Written Question - HL10909", Parliament of the United Kingdom, House of Lords, 05 November 2019, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-10-22/HL10909/> (Accessed on 06 June 2019).

Despite the allegations levelled at oversight bodies, the UK continues its technical assistance programme. Limited information was disclosed in previous years, but since 2017 the UK government refuses to reveal any details regarding current beneficiaries and implementation of the programme's funding, using a number of exemptions - including national security concerns and international relations - to justify its lack of transparency.<sup>574</sup>

During a parliamentary debate in September 2018, former FCO MENA Minister Alistair Burt commented, "not everything is publishable, but we will publish as much as we can to give a clear impression of what is happening."<sup>575</sup> The programme's outcomes have been questioned in parliament, where the Foreign Affairs Committee has expressed concern for the FCO's lack of transparency.<sup>576</sup> Despite assurances from the UK government that "evaluation for the programme ... goes through a rigorous and comprehensive assessment process ..."<sup>577</sup> the ongoing deterioration of Bahrain's human rights record raises serious questions about the efficacy of the UK's technical assistance to Bahrain.

The ongoing provision of technical assistance saw the UK receive delegations from the Government of Bahrain in August 2018 and March 2019 as part of the programme.<sup>578</sup> These delegations were held in relation to a new law on alternative sentencing (Law N.18 of 2017),<sup>579</sup> providing Bahraini courts with the authority to convert prison sentences into non-custodial sentences,<sup>580</sup> aimed to reintegrate offenders into their social environments.<sup>581</sup> To implement and discuss the scope of this new legislation, from 20 to 23 August 2018, and from 14 to 15 March 2019, four Bahraini judges and MOI delegates respectively visited the UK as part of a "study visit."<sup>582</sup> These visits incurred a total cost of £14,319 on the part of the UK government, with no "record of any costs incurred by Bahrain."<sup>583</sup> Notably, of the more than 50 women benefitting from the new law,<sup>584</sup> only four – **Faten, Ameera**, and two other women not included in this report – have been identified as

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574 Catherine Philip, "Britain invokes spy clause to cover up payments to Bahrain", *The Times*, 22 September 2018, Available at: <https://www.thetimes.co.uk/article/britain-invokes-spy-clause-to-cover-up-payments-to-bahrain-dlv00c66f> (Accessed on 06 June 2019). "Dire Straits: Britain should be open about how it supports Bahrain", *The Times*, 22 September 2018, available at: <https://www.thetimes.co.uk/article/dire-straits-qt1z28jd6> (Accessed on 06 June 2018).

575 Alistair Burt, Backbench Debate, House of Commons Hansard, 11 September 2018, Available at: <https://hansard.parliament.uk/Commons/2018-09-11/debates/D741EBB4-DB9C-4F66-AF85-B0E1043E5214/Bahrain?highlight=bahrain#contribution-5C71E97B-5231-4F13-98F3-9881AE03FDF5> (Accessed on 06 June 2019).

576 House of Commons Foreign Affairs Committee, *Global Britain: Human rights and the rule of law*, Thirteenth Report of Session 2017-19, 11 September 2018, paragraph 26; Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmfaff/874/874.pdf> (Accessed on 06 June 2019).

577 Annabel Goldie, House of Lords Debate, House of Lords Hansard, 13 March 2019, Available at: <https://hansard.parliament.uk/Lords/2019-03-13/debates/4AE8FCF2-F409-46A1-8FF1-BAD7C16CDA72/BahrainHumanRights> (Accessed on 06 June 2019).

578 Lord Ahmad of Wimbledon, Answered Parliamentary Written Question #HL16768, 11 July 2019, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2019-06-27/HL16768/>, (Accessed on 17 July 2019).

579 Law No. (18) of 2017, Available at: <http://www.legalaffairs.gov.bh/Media/LegalEng/K1817.docx>, (Accessed on 17 July 2019).

580 Bahrain Embassy UK, 'New Alternative Sentencing Law Comes into Force in the Kingdom of Bahrain', Twitter, Available at: <https://twitter.com/BahrainEmbUK/status/1123251869059563520>, (Accessed on 16 July 2019).

581 See Law No. (18) of 2017, supra: Article 2 of the law sets the alternative sanctions, including community service; house arrest, confinement within a particular place; refraining from entering a particular place or places (exclusion orders); undertaking to refrain from menacing or communicating with particular persons or organisations; Submitting to electronic surveillance (electronic tagging); attending rehabilitation and training programs; Remedying the damage that resulted from the crime.

582 The judges' delegation was received at a range of government locations including: the Magistrates and Crown Courts and the National Probation Service in Liverpool, and the Central Criminal Court and the Royal Courts of Justice in London. Furthermore, the four MOI delegates were welcomed at sites including: Sefton Magistrates' Court, Bootle Police Station and Eleanor Rathbone House in Liverpool, and Longsight Probation Office and Oakland House in Manchester. See: Foreign and Commonwealth Office UK, Freedom of Information Request #0545-19, 09 July 2019.

583 Ibid.

584 Bahrain Embassy UK, 'New Alternative Sentencing Law Comes into Force in the Kingdom of Bahrain', Twitter, Available at: <https://twitter.com/BahrainEmbUK/status/1123251869059563520>, (Accessed on 16 July 2019).

political prisoners. Meanwhile **Hajer, Medina, and Najah** applied and were rejected, without explanation or a reason for the rejection. Nabeel Rajab - one of the most prominent Bahraini human rights defenders - also had his application for this measure rejected. When questioned about this, the UK government stated that it was “not aware of Mr. Rajab’s application, and subsequent rejection, for alternative sentencing”<sup>585</sup> despite the decision being widely disseminated throughout international media outlets.<sup>586</sup>

## **POLITICAL ENGAGEMENT: UK RELIANCE ON ASSURANCES BY THE BAHRAINI EMBASSY IN LONDON**

UK support to Bahrain is not limited to the provision of arms and training - it also translates into open political engagement. The UK government’s criticism of Bahrain’s well-documented rights abuses remains scarce, and UK-based rights groups have previously raised concerns that the UK’s commitment to human rights is subservient to strategic and political interests.

In its 2016,<sup>587</sup> 2017,<sup>588</sup> and 2018<sup>589</sup> FCO country reports, for instance, the UK government listed Bahrain as a human rights priority country. In all three reports, however, the human rights climate in the country is described as a “mixed picture,” without any reference to widespread allegations of torture and unfair trials or increasing restrictions to freedom of expression and assembly. Instead, the FCO maintains that Bahrain has made “real progress in human rights protection,” citing Bahrain’s efforts to improve the rights of migrant workers and tackle human trafficking.<sup>590</sup> Compounding this issue, during an oral session at the House of Commons in May 2018, Alistair Burt further claimed that the practice of torture and executions in Bahrain are limited to “the past,”<sup>591</sup> putting the UK at odds with the findings of the international human rights community.

In addition, FCO ministers have routinely failed to publicly acknowledge the abuses alleged by victims. Instead, they largely refer to assurances by the Government of Bahrain that dispute the allegations - often disseminated by the Bahraini Embassy to the UK, which actively engages in misrepresenting facts, whitewashing human rights abuses and disclosing case-specific information before the appropriate authorities in Bahrain.

For instance, the Embassy dismissed allegations of abuse and denial of medical care at Isa Town Prison, despite numerous complaints lodged by **Hajer’s** family regarding denial of medical care and the urgent

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585 Lord Ahmad of Wimbledon, Answered Parliamentary Written Question #HL16567, 04 July 2019, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2019-06-20/HL16567/> (Accessed on 19 July 2019).

586 Aziz El Yaakoubi and Lisa Barrington, ‘Bahrain court refuses to grant jailed activist Rajab a non-custodial sentence - lawyer’, Reuters, 6 May 2019, Available at: <https://uk.reuters.com/article/uk-bahrain-security/bahrain-court-refuses-to-grant-jailed-activist-rajab-a-non-custodial-sentence-lawyer-idUKKCN1SC0TI> (Accessed on 19 July 2019).

587 Foreign and Commonwealth Office, Human Rights Priority Country status report: July to December 2016, 8 February 2017, Available at: <https://www.gov.uk/government/publications/bahrain-human-rights-priority-country/human-rights-priority-country-update-report-july-to-december-2016> (Accessed on 06 June 2019).

588 Foreign and Commonwealth Office, The 2017 Foreign and Commonwealth Office Report: Human Rights and Democracy, FCO Communication Directorate, July 2018, Available at: <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2017/human-rights-and-democracy-the-2017-foreign-and-commonwealth-office-report> (Accessed on 6 June 2019).

589 Foreign and Commonwealth Office, ‘Foreign Office launches 2018 Human Rights and Democracy Report’, 6 June 2019, Available at: <https://www.gov.uk/government/news/foreign-office-launches-2018-human-rights-and-democracy-report> (Accessed on 24 June 2019)

590 Alistair Burt, Backbench Debate, House of Commons Hansard, 11 September 2018, Available at: <https://hansard.parliament.uk/Commons/2018-09-11/debates/D741EBB4-DB9C-4F66-AF85-B0E1043E5214/Bahrain?highlight=bahrain#contribution-5C71E97B-5231-4F13-98F3-9881AE03FDF5> (Accessed 06 June 2019).

591 Alistair Burt, Oral Session, “Bahrain: Death Penalty”, House of Commons Hansard, 15 May 2018, Available at: <https://hansard.parliament.uk/Commons/2018-05-15/debates/6A61F8B0-E2ED-4991-BCD2-314D0B1FB3B7/BahrainDeathPenalty> (Accessed 06 June 2019).

actions adopted by Amnesty International on her case.<sup>592</sup> The Embassy declared that Hajer “has had, and continues to have, access to all appropriate healthcare”<sup>593</sup> and, with regard to the physical assault of **Hajer** and **Medina** by prison authorities in September 2018 - an incident in which **Najah** was also involved - the Embassy also refuted allegations, stating, “[G]iven that the allegations have been clearly proven to be false, it is deeply disappointing that such groundless and potentially defamatory claims continue to be recycled for the sole purpose of spreading inaccurate and misleading allegations.”<sup>594</sup>

In relying on these assurances, the UK government appears to have ignored evidence presented by independent institutions that prove the contrary. In **Hajer’s** case, the FCO denies that her arrest and detention were in reprisal for her son-in-law’s human rights work in the UK,<sup>595</sup> despite findings from the UN Working Group on Arbitrary Detention indicating otherwise.<sup>596</sup> Similarly, FCO ministers have never acknowledged the alleged sexual assault of **Ebtisam**<sup>597</sup> and **Najah**<sup>598</sup> by the National Security Agency (NSA). Ministers further refuse to accept any connection between **Najah’s** arrest, sexual assault, and imprisonment, and her criticism of the 2017 Formula One Bahrain Grand Prix. When Parliamentarians have raised questions on her cases, Ministers have referred them to a statement from the Bahraini Embassy in London claiming that “the conviction of **Najah** has no connection whatsoever to the Formula One race, nor to any other freedom of expression issues”<sup>599</sup> rather than seeking independent clarification on the issue, despite the judgment from her case explicitly referencing a social media post calling for protests against the Bahrain Grand Prix 2017.<sup>600</sup> Finally, when allegations surfaced that the Embassy attributed tweets to Najah posted eight months after her conviction, the FCO Minister stated that her case had been raised with Bahraini officials before directing attention back to the Embassy’s statement.<sup>601</sup>

The Embassy also presented inaccurate information with regard to **Hajer’s** case. On 2 November 2017, the Embassy publicly claimed that Hajer and her relatives had been convicted on the basis of DNA and material

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592 Amnesty International UK, “Urgent Action: prisoner denied full medical check-up”, correction on 1st update of UA: 023/19 Index: MDE 11/9969/2019 Bahrain, 06 March 2019, Available at: [https://www.amnesty.org.uk/files/2019-05/FI02319\\_1a.pdf?VczRcySmqBW6NTPLo1nJbrGcf4BhqZMm=](https://www.amnesty.org.uk/files/2019-05/FI02319_1a.pdf?VczRcySmqBW6NTPLo1nJbrGcf4BhqZMm=) (Accessed 06 June 2019).

593 Bahraini Embassy UK, In response to an open letter jointly signed by 16 MPs sent to the #UK Foreign Secretary, Jeremy Hunt, expressing concern regarding female inmate Ms Hajer Mansoor, the #Bahrain Embassy has sent the following response to each of the MPs and the @foreignoffice, Twitter, 5 July 2019. Available at: <https://twitter.com/BahrainEmbUK/status/114714573300877217/photo/2> (Accessed on 5 August 2019).

594 Bahraini Embassy UK, Private Statement re. Parliamentary Questions on Bahrain, 4 May 2019.

595 Lord Ahmad of Wimbledon, “Bahrain: Political Prisoners: Written Question - HL12967”, Parliament of the United Kingdom, House of Lords, 31 January 2019, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2019-01-18/HL12967/> (Accessed on 06 June 2019).

596 Lord Ahmad of Wimbledon, “Sayed Alwadaei: Written Question - HL13128”, Parliament of the United Kingdom, House of Lords, 04 February 2019, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2019-01-24/HL13128/> (Accessed 06 June 2019).

597 Parliament of the United Kingdom, “Written Questions and Answers for Ebtisam”, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?page=1&max=20&question-type=AllQuestions&house=commons%2Clords&keywords=ebtisam> (Accessed on 06 June 2019).

598 Parliament of the United Kingdom, “Written Questions and Answers for Najah”, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?page=1&max=20&question-type=AllQuestions&house=commons%2Clords&keywords=najah> (Accessed on 06 June 2019).

599 Bahrain Embassy UK, “Statement Regarding Recently Published Articles Relating to Najah Yusuf and the Formula One Grand Prix”, Twitter, 28 March 2019, Available at: <https://bit.ly/2YE8yix> (Accessed on 06 June 2019).

600 Tariq Ahmad, “Najah Ahmed Yousif: Written Question - HL1332”, Parliament of the United Kingdom, House of Lords, 20 November 2018, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-11-06/HL1332/> (Accessed on 06 June 2019).

601 Mark Field, “Najah Ahmed Yousif: Written Question - 240622”, Parliament of the United Kingdom, House of Commons, 12 April 2019, Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-04-03/240622/> (Accessed on 06 June 2019).

evidence,<sup>602</sup> contradicting the Bahraini police's findings in the case - the MOI's forensic report found no DNA or physical evidence connecting the three to the "fake bomb" they were accused of planting.<sup>603</sup>

Despite such errors, the UK government has defended the actions and conduct of the Bahraini Embassy - even in cases where it has indicated that Bahrain's judiciary is not independent from the government. On 16 November 2017, MP Tom Brake wrote to former Foreign Secretary Boris Johnson expressing his concern for the Embassy's premature assertion that **Hajer** had been convicted by an "independent Bahraini court" - a full week before her actual conviction - which the Embassy declared was a "clerical mistake."<sup>604</sup> In his private response one month later, on 18 December 2017, former FCO Minister Burt responded claiming "[M]y officials have spoken directly with the [E]mbassy on this matter. The Embassy representatives explained their clerical error."<sup>605</sup>

Hajer's case is not the first instance where the Embassy has disclosed information on cases before the appropriate authorities have released the information in Bahrain. On 14 July 2017, it released a statement on Twitter revealing that **Ebtisam** was "detained and facing serious charges related to terrorism, links to terrorist organisation and known terrorist cells operating."<sup>606</sup> However, **Ebtisam** was only officially charged with terrorism-related offences four days later, on 18 July 2017.<sup>607</sup>

The Embassy has also coordinated with domestic oversight bodies in Bahrain to divulge private information on social media without procuring prior consent. **Hajer's** son-in-law, Sayed Ahmed Alwadaei, has been in regular correspondence with the MOI Ombudsman since August 2017. He has raised various concerns for the ill-treatment of his relatives, including Hajer.<sup>608</sup> On 20 March 2019, the Embassy published sections of this communication through a string of tweets that have since been deleted.<sup>609</sup> The incident followed significant negative attention received by the head of the prison, Lieutenant Colonel Mariam AlBardoli, following the women's allegations that she was the individual responsible for perpetuating the abuses in Isa Town Prison.<sup>610</sup>

Overall, the UK's close political and security relationship with Bahrain has done little to improve the human rights situation in the country. The provision of opaque training to Bahraini police and abusive oversight bodies has failed to prevent human rights violations, which instead have increased. Yet, despite these manifold failures, the FCO continues to legitimise the government's narrative, accepting Bahraini assurances at face value and ignoring the concerns of the international community. By giving credence to the Bahraini government's cover-ups, the UK becomes complicit to the abuses of their Gulf ally.

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602 Bahrain Embassy UK, "Embassy Statement Regarding Al-Wedaei Family Allegations", 02 November 2017, Available at: <https://mailchi.mp/bahrainembassy/embassy-statement-regarding-al-wedaei-family-allegations> (Accessed on 06 June 2019).

603 Human Rights Watch, "Bahrain: Activist' Kin Convicted in Flawed Trial", 30 October 2017, Available at: <https://www.hrw.org/news/2017/10/30/bahrain-activists-kin-convicted-flawed-trial> (Accessed on 06 June 2019).

604 Aisha Gani, "Boris Johnson Has Been Warned An Embassy in London Has Been "Colluding" In Reprisals Against Human Rights Protesters", BuzzFeedNews, 16 November 2017, Available at: [https://www.buzzfeed.com/aishagani/boris-johnson-has-been-warned-an-embassy-in-london-has-been?utm\\_term=.yrPIGbAyEl#.dsJgGLBlJg](https://www.buzzfeed.com/aishagani/boris-johnson-has-been-warned-an-embassy-in-london-has-been?utm_term=.yrPIGbAyEl#.dsJgGLBlJg) (Accessed 06 June 2019).

605 Alistair Burt, communication with Tom Brake MP, 18 December 2017.

606 Bahrain Embassy UK, "Statement Regarding Allegations in the Case of Ebtisam Al Saegh", Twitter, 14 July 2017, Available at: <https://twitter.com/BahrainEmbUK/status/885944211777957888> (Accessed on 06 June 2019).

607 Bahrain Public Prosecution, "Instagram Post", Instagram, 18 July 2017, Available at: <https://www.instagram.com/p/BWs08SZlpaGa/?taken-by=bppbahrain> (Accessed on 06 June 2019).

608 See oversight bodies chapter at page 80

609 Bahrain Institute of Rights and Democracy (BIRD), "UK-Trained Bahraini Ombudsman Breaches Confidentiality of Victim of Abuse", March 21 2019, Available at: <http://birdbh.org/2019/03/uk-trained-bahraini-ombudsman-breaches-confidentiality-of-victim-of-abuse/> (Accessed on 06 June 2019).

610 Letter to the Government of Bahrain, ref. AL BHR 7/2018 (Jan. 17, 2019). See also: Anthony Hardwood, "Calls for 'Beast of Bahrain' female jail guard to be sacked after she 'beat-up handcuffed mother' five days after her son-in-law spoke in UK Parliament to highlight brutality in country's prisons", The Daily Mail Online, 16 March 2019, Available at: <https://www.dailymail.co.uk/news/article-6816339/Calls-Beast-Bahrain-female-jail-guard-sacked-beat-handcuffed-mother.html> (Accessed on 06 June 2019).

## The Role of Enterprise: FORMULA ONE AND ITS FAILURE TO ADDRESS HUMAN RIGHTS VIOLATIONS

UK enterprise Formula One (F1) hosts the annual Bahrain Grand Prix. However, F1 has repeatedly failed to adequately address human rights violations attributed to its event in Bahrain. **Najah's** conviction on 25 June 2018 stemmed from her alleged social media activity criticising the government, in part related to the 2017 F1 Grand Prix.<sup>611</sup> The evidence presented by the Public Prosecution included a series of Facebook posts published between 12 and 17 April 2017, a week before Najah's arrest. Some of the posts called for protests against the 2017 race and criticised the government's use of F1 to "whitewash" its human rights record. Some posts further demanded to "stop dictatorship" and called for the release of individuals imprisoned for peacefully protesting against the race in previous years.<sup>612</sup>

In light of the evidence, BIRD has engaged in a dialogue with F1 on its human rights obligations. Since March 2018, BIRD has been outlining F1's responsibilities to act on behalf of Najah. Despite these efforts, F1 has been largely unresponsive and instead accepted assurances from the Bahraini government that Najah had been detained and convicted "on charges that relate back to 2010, which do not relate to any opposition she may have expressed in relation to the 2017 Bahrain Grand Prix."<sup>613</sup> However, Najah's court judgment refers to a series of Facebook posts, including one which explicitly opposes the Bahrain Grand Prix. After BIRD shared these findings with them, F1 expressed "concern" about Najah's case for the first time.<sup>614</sup>

In February 2019, a coalition of seventeen NGOs led by BIRD, ADHRB, and Human Rights Watch sent a letter to F1 urging them to act on Najah's behalf.<sup>615</sup> F1 responded by refuting the allegations and reaffirming its decision to stand by the assurances of the Bahraini government.<sup>616</sup> At the end of March 2019, a coalition of 15 NGOs wrote to F1's governing body, Fédération Internationale de l'Automobile (FIA), seeking Najah's release ahead of the Bahrain Grand Prix 2019 and requesting that the organisation visit her in prison.<sup>617</sup> The FIA did not reply. During a meeting with Liberal-Democrat peer Lord Scriven, the F1 General Counsel committed to a full independent investigation into the case, but no significant steps have been taken since on behalf of Najah.<sup>618</sup> Despite this apparent failure of F1 to advocate on Najah's behalf, she was pardoned and released in August 2019, as part of a royal practice to mark Eid AlAdha.<sup>619</sup>

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611 Najah Yusuf, Every moment I spend in prison in Bahrain stains the reputation of F1, the Guardian, 27 March 2019, Available at: <https://www.theguardian.com/sport/blog/2019/mar/27/najah-yusuf-prison-f1-bahrain-grand-prix> (Accessed on 25 June 2019).

612 Kingdom of Bahrain Public Prosecution, Referral Order: 2017/205168, case of Najah Ahmed Habib Yusuf, Criminal Proceedings of the Public Prosecution, Bahrain, 21/02/2018.

613 F1 letter to BIRD, 4 April 2018.

614 Sean Ingle, F1 finally admits concern over woman jailed for Bahrain Grand Prix protests, The Guardian, 14 November 2018, Available at: <https://www.theguardian.com/sport/2018/nov/14/f1-woman-jailed-bahrain-grand-prix-protests> (Accessed on 6 June 2019).

615 Alan Baldwin, 'Rights groups criticise Formula One over Bahrain stance', Reuters, 6 March 2019, Available at: <https://uk.reuters.com/article/uk-motor-f1-bahrain/rights-groups-criticise-formula-one-over-bahrain-stance-idUKKCN1QN21S>

616 Sean Ingle, F1 accused of 'turning blind eye' over activist's jailing in Bahrain, The Guardian, 6 March 2019, Available at: <https://www.theguardian.com/sport/2019/mar/06/f1-accused-blind-eye-grand-prix-bahrain-najah-yusif-jailed> (Accessed on 6 June 2019).

617 Read full letter available at: <http://birdbh.org/wp-content/uploads/2019/03/Joint-Letter-to-FIA-27-March-2019.pdf>; See also Alan Baldwin, Rights groups urge F1 and FIA to take a stance in Bahrain, Reuters, 27 March 2019, Available at: <https://uk.reuters.com/article/uk-motor-f1-bahrain-rights/rights-groups-urge-f1-and-fia-to-take-a-stance-in-bahrain-idUKKCN1R81TL> (Accessed 6 on June 2019).

618 BBC Sports, Formula 1 committed to investigating Bahrain activist's case, say bosses, 14 March 2019, Available at: <https://www.bbc.co.uk/sport/formula1/47563662> (Accessed on 6 June 2019).

619 Bahrain News Agency, 'HM King pardons 105 inmates', 10 August 2019. Available at <https://www.bna.bh/en/HMKingpardon-s105inmates.aspx?cms=q8FmFJgiscL2fwizON1%2bDoL%2b%2bvM%2bxPsvT01r8DWTI%2fwU%3d>. Accessed on 12 August 2019.

## US Government

The US and Bahrain have a longstanding security relationship, demonstrated in part by the American Navy's Fifth Fleet base in Manama and by former President George W. Bush's decision to designate the kingdom a major non-NATO ally in 2002.<sup>620</sup> The Trump administration has continued to develop this partnership, with President Trump telling Bahrain's King Hamad that "there won't be strain with this administration" during a meeting in May 2017.<sup>621</sup> On 23 May 2017, two days after the meeting, police forces executed a lethal raid on a peaceful sit-in protest in the village of Duraz, killing five protestors.<sup>622</sup>

Also under the Trump administration, the US has dropped all existing reform conditions from weapon transfers to the Bahraini forces, indicating that human rights concerns will not impact arms sales to the kingdom.<sup>623</sup> Since President Trump took office in January 2017, the State Department (DoS) has made determinations approving over \$8.5 billion<sup>624</sup> worth of arms sales, upgrades, services, and training to Bahrain as of May 2019. According to the Congressional Research Service, it is estimated that 85% of Bahrain's defence equipment is of US origin.<sup>625</sup> The distribution of US-made equipment across Bahraini security institutions is currently unknown.

In diplomacy abroad, administration officials have reiterated the strategic value of US-Bahraini relations. In January 2019, Secretary of State Michael Pompeo further emphasised the "continued friendship and strategic partnership" between the two countries during a visit to Bahrain.<sup>626</sup> While hailing the security partnership, Secretary Pompeo failed to publicly address human rights concerns with Bahraini government officials.

### DIPLOMATIC VISITS AND ENGAGEMENT

The US government has called attention to Bahrain's human rights record and to the individual cases of **Ebtisam, Hajer, and Medina** in its reports, statements, and press briefings. The State Department's annual country human rights reports have highlighted the ill-treatment of **Ebtisam** and **Medina** in Isa Town Prison, but have failed to critically address the full extent of the human rights situation in Bahrain. The 2017 report emphasised the Bahraini government's targeting of **Ebtisam** for her human rights work, including

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620 President George W. Bush to Mr. Colin Powell, 14 March 2002, White House, Designation of Bahrain as a Major Non-Nato Ally, Office of the Federal Register, 02-07102, Available at <https://www.federalregister.gov/documents/2002/03/22/02-07102/designation-of-bahrain-as-a-major-non-nato-ally> (Accessed on 3 June 2019).

621 Steve Holland, "Trump says ties with Bahrain won't be strained anymore," Reuters, 21 May 2017, 2:25am. Available at: <https://www.reuters.com/article/us-usa-trump-saudi-bahrain/trump-says-ties-with-bahrain-wont-be-strained-anymore-idUSKCN18H05Y> (Accessed on 3 June 2019)

622 "Bahrain: At least one dead and hundreds injured as government violently cracks down on opposition," Amnesty International (Website), 23 May 2017, 18:21 UTC, accessed 3 June 2019. Available at: <https://www.amnesty.org/en/latest/news/2017/05/bahrain-at-least-one-dead-and-hundreds-injured-as-government-violently-cracks-down-on-opposition/>.

623 Associated Press, Trump administration drops human rights conditions to sell fighter jets to Bahrain, published at The Guardian, 30 March 2019, available at <https://www.theguardian.com/film/2019/jul/23/cancel-quentin-tarantino-once-upon-a-time-in-hollywood>. Accessed on 23 July 2019. See also Americans for Democracy & Human Rights in Bahrain. Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior. Washington, DC: Americans for Democracy & Human Rights in Bahrain, 2019. Pages 90-101. Accessed 17 July 2019. [https://www.adhrb.org/wp-content/uploads/2019/03/ADHRB\\_MOI\\_0319\\_Web.pdf](https://www.adhrb.org/wp-content/uploads/2019/03/ADHRB_MOI_0319_Web.pdf).

624 For more information on all US arms sales to the Kingdom of Bahrain from 2017-present, please see the Major Arms Sales Archive from the Defense Security Cooperation Agency, available at: <https://www.dsca.mil/major-arms-sales/archives>.

625 Kenneth Katzman, Bahrain: Reform, Security, and U.S. Policy, Congressional Research Service, 5 February 2019, Available at <https://fas.org/sgp/crs/mideast/95-1013.pdf> (accessed on 6 June 2019).

626 Deputy Spokesperson Robert Palladino, "Secretary Pompeo's Meeting With Bahraini King Hamad bin Isa Al Khalifa, Bahraini Crown Prince Salman bin Hamad Al Khalifa, and Foreign Minister Khalid bin Ahmed Al Khalifa," News release, 11 January 2019, Available at: <https://www.state.gov/secretary-pompeos-meeting-with-bahraini-king-hamad-bin-isa-al-khalifa-bahraini-crown-prince-salman-bin-hamad-al-khalifa-and-foreign-minister-khalid-bin-ahmed-al-khalifa/> (Accessed on 6 June 2019).

her interrogation in May 2017 - which involved allegations of abuse and sexual assault - as well as her arrest in July 2017.<sup>627</sup> The 2018 report noted a series of hunger strikes among female prisoners in Isa Town Prison, including **Medina's**. The report noted allegations of poor prison conditions and abusive behaviour of officials, recognising that this was contrary to assurances provided by the Bahraini government.<sup>628</sup> The report notably claimed, however, that no cases involved enforced disappearances in 2018, thereby omitting allegations that authorities forcibly disappeared **Zakeya AlBarboori** for roughly 14 days.

The DoS has also expressed concerns publicly through press briefings, specifically in the cases of **Ebtisam** and **Hajer**. On 13 July 2017, the DoS called for the release of **Ebtisam** following updates on her July arrest and subsequent hunger strike.<sup>629</sup> The DoS acknowledged the “disturbing reports” of her alleged abuse during her May detention and called for the authorities “to investigate those allegations thoroughly, impartially, and hold anyone who was responsible for that to the appropriate account.”<sup>630</sup> Similarly, on 17 November 2017, the DoS publicly raised concerns for the conviction of Sayed Ahmed Alwadaei’s family members, including **Hajer**, and the allegations of confessions obtained under duress.<sup>631</sup> They noted that the US was following the situation and provided assurances that the US will “always continue to raise issues of human rights concerns with the government,” but did not provide an explanation for the absence of US officials from Hajer’s trial.<sup>632</sup>

Despite these cases of public acknowledgment of human rights concerns in specific instances in Bahrain, US officials have often failed to publicly raise broader human rights concerns during meetings with Bahraini government officials. Secretary Pompeo visited Bahrain in January 2019,<sup>633</sup> while US Secretary of Treasury Steve Mnuchin met with Bahraini Interior Minister Sheikh Rashid bin Abdullah AlKhalifa during his visit to Washington, DC in April 2019.<sup>634</sup> Public statements for both occasions indicate that counterterrorism efforts between the US and Bahrain were discussed, but no mention of the protection or promotion of human rights was provided.<sup>635</sup>

US Ambassador to Bahrain Justin Siberell has additionally met with Interior Minister Sheikh Rashid bin Abdullah AlKhalifa on 17 July 2018<sup>636</sup> and 15 May 2019.<sup>637</sup> These meetings have lacked transparency, making it unclear as to what extent Ambassador Siberell has addressed concerns pertaining to systematic human rights violations in Bahrain. That year, Ambassador Siberell also met with numerous other Bahraini institu-

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627 United States Department of State. 2017 Country Reports on Human Rights Practices: Bahrain. Washington, DC: United States Department of State, 2018. Accessed 7 June 2019. Page 3, Available at: <https://www.state.gov/wp-content/uploads/2019/01/Bahrain-1.pdf>.

628 Ibid.

629 Nauert, Heather, “Department Press Briefing, July 13, 2017,” Department of State, 13 July 2017. Accessed 6 June 2019, available at <https://www.state.gov/briefings/department-press-briefing-july-13-2017/#BAHRAIN>. These press briefings used to occur on a weekly basis. Since the Trump Administration however, these briefings have occurred less frequently.

630 Nauert, Heather, “Department Press Briefing, July 13, 2017,” Department of State, 13 July 2017. Accessed on 6 June 2019, available at <https://www.state.gov/briefings/department-press-briefing-july-13-2017/#BAHRAIN>.

631 Nauert, Heather, “Department Press Briefing November 17, 2017,” Department of State, 17 November 2017. Accessed 6 June 2019. Available at: <https://www.state.gov/briefings/department-press-briefing-november-17-2017/#BAHRAIN>.

632 Ibid.

633 Deputy Spokesperson Robert Palladino, “Secretary Pompeo’s Meeting With Bahraini King Hamad bin Isa Al Khalifa, Bahraini Crown Prince Salman bin Hamad Al Khalifa, and Foreign Minister Khalid bin Ahmed Al Khalifa.”

634 Steve Mnuchin (@stevenmnuchin1), “Good to meet with Bahrain’s Interior Minister, H.E. General Sheikh Rashid bin Abdullah Al Khalifa, to discuss important cooperation in the fight against terrorism and illicit finance,” Twitter, 9 April 2019, 3:36pm., Available at: <https://twitter.com/stevenmnuchin1/status/1115745247601090560>.

635 Ibid.; and Deputy Spokesperson Robert Palladino, “Secretary Pompeo’s Meeting With Bahraini King Hamad bin Isa Al Khalifa, Bahraini Crown Prince Salman bin Hamad Al Khalifa, and Foreign Minister Khalid bin Ahmed Al Khalifa.”

636 “Interior Minister receives US ambassador,” Bahrain News Agency, 17 July 2018, 8:50 p.m., accessed 6 June 2019. Available at: <https://www.bna.bh/en/ArchiveDetails.aspx?ArchiveId=484645>.

637 “HE Interior Minister receives US Ambassador,” Ministry of Interior Ministry News (website), accessed 10 June 2019. Available at: <https://www.policemc.gov.bh/en/news/ministry/91932>.

tions that have been accused of covering up systematic human rights violations, including the NIHR<sup>638</sup> and the Ombudsman.<sup>639</sup> Siberell lauded the NIHR for its efforts in defending human rights in the kingdom<sup>640</sup> despite the institution having condoned serious human rights violations.<sup>641</sup>

## TRAINING ASSISTANCE

The Trump administration also appears to be increasing engagement with Bahrain's Ministry of Interior (MOI) through funding and training assistance programmes, prioritising the US security relationship. Budget documents for fiscal years 2017-2019 show that the US is reviving Nonproliferation, Antiterrorism, Demining, and Related Programs - Anti-terrorism Assistance (NADR-ATA) funding to finance activities and programmes designed to reduce transnational security threats.<sup>642</sup>

These budget documents reveal that \$400,000 was requested for NADR funding for each fiscal year,<sup>643</sup> which further demonstrates that the US is developing a comprehensive training plan for MOI developments, marking a new era of American support for the Ministry. The Trump administration has proposed a wide-ranging training programme based on a July 2017 NADR-ATA country assessment of the "MOI Police force capabilities and vulnerabilities." According to DoS, "this comprehensive review has enabled [the US Embassy] to develop a training plan through 2019 with ten specific courses identified," wherein "ATA course administrators [will] regularly hold follow-up visits, conferring with relevant [Government of Bahrain] officials, and reviewing MOI implementation of materials, tactics, equipment, assets."<sup>644</sup> The exact details of these courses remain unknown as the budget for the financial year 2019-2020 is relatively opaque. While the US administration continues to propose training and assistance programmes to Bahrain, multiple Bahraini institutions have been, and continue to be, responsible for a vast range of abuses - including the torture and mistreatment of women political prisoners.

### a) Special Security Force Command

The Special Security Force Command (SSFC) is the elite, paramilitary branch of Bahrain's MOI and its lead counterterror agency, as well as one of the primary beneficiaries of US security support. Since 2012, the SSFC has regularly received funding and training from DoS, which estimates that the SSFC "relies exclusively on US government-provided antiterrorism assistance for specialised training."<sup>645</sup> It has been involved in house raids, notably the arrests of **Faten** and **Zakeya**. The SSFC has also regularly been implicated in cases where officers were not wearing uniforms,<sup>646</sup> as occurred in the arrests of Faten and Zakeya.<sup>647</sup>

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638 "NIHR receives US Ambassador," Bahrain News Agency, 15 August 2018, 12:19 a.m., accessed 10 June 2019. Available at: <https://www.bna.bh/en/ArchiveDetails.aspx?ArchiveId=486816>.

639 "Ombudsman receives US ambassador," Bahrain News Agency, 9 April 2018, 2:24 p.m., accessed 6 June 2019. Available at: <https://www.bna.bh/en/ArchiveDetails.aspx?ArchiveId=58434>.

640 "NIHR receives US Ambassador," Bahrain News Agency.

641 See Background, page 15, and oversight bodies, page 80.

642 Congressional Research Service, Department of State, Foreign Operations Appropriations: A Guide to Component Accounts, R40482, Washington, D.C.: Congressional Research Service, 2019. Accessed 6 June 2019. Available at: <https://fas.org/sgp/crs/row/R40482.pdf>.

643 Ibid.

644 Congressional Budget Justification Fiscal Year 2019 - Foreign Operations: Appendix 2, DOS, accessed 6 June 2019. Available at: <https://www.state.gov/wp-content/uploads/2018/12/FY-2019-Department-of-State-Foreign-Operations-Congressional-Budget-Justification-Appendix-2-.pdf>.

645 The requested amount for NADR funding in 2012 was \$800,000; Congressional Budget Justification Fiscal Year 2012 - Foreign Operations: Annex Regional Perspectives, DOS, accessed 10 June 2019. Available at: [https://pdf.usaid.gov/pdf\\_docs/pcaac378.pdf](https://pdf.usaid.gov/pdf_docs/pcaac378.pdf).

646 Americans for Democracy & Human Rights in Bahrain. Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior. Page 28.

647 Arrest chapter, page 22.

## **b) General Directorate of Criminal Investigation and Forensic Science**

The Criminal Investigations Directorate (CID) is the primary subdivision of the General Directorate of Criminal Investigation and Forensic Science (GDCIFS). Although the SSFC is the only MOI subdivision explicitly named in DoS budget documents, it is almost certain that NADR-ATA support for “forensic investigations,” “terror investigations” and “chain of custody” training is allocated for the GDCIFS.<sup>648</sup> **Faten, Zakeya, Medina, Zainab, Ameera, Hajer, and Zahra** have all been in contact with the CID at some stage of their arrest, interrogation, or detention.

Since 2013, DoS has prioritised NADR-ATA funding for the functions noted above, including “forensic investigations,” “terror investigations,” and “chain of custody” training for the MOI.<sup>649</sup> The training, focusing on “case management and interview techniques,” included programming for FY2015 and FY2016, with US support cited as including a “strong human rights focus” and that it would focus on “training the MOI to use more effective interview techniques, which are deemed critical as the Government of Bahrain continues to move from confession-based to evidence-based prosecutions.”<sup>650</sup> However, the GDCIFS has failed to implement such practices.<sup>651</sup> Since 2016, NADR-ATA requests have ceased to include language on “evidence-based” reforms altogether, signalling that DoS programming for the MOI will no longer actively seek to combat GDCIFS abuse. In the following years, these failures and exclusions became apparent in the CID interrogations of some of the women in this report. In the six cases where women were interrogated by CID officers - **Zakeya, Medina, Faten, Ameera, Zahra** and **Hajer** - all six alleged torture or coercion during interrogations to produce confessions. In each woman’s encounter, the institution demonstrated consistent use of confession-based interrogation tactics and often implemented psychological abuse, threats, and torture during interrogations to obtain a confession, some of which were subsequently used to secure their convictions.

Additionally, from FY2014 to FY2019, all financial reporting has emphasised operations falling under the GDCIFS. Reporting for every year highlights “advanced” forensic investigations and first-response crime scene management, with a focus on explosive and “complex” counterterrorism investigations. Such forms of forensic investigations have been misused in Bahraini courts. Although forensic evidence in **Hajer’s** case demonstrated that neither her DNA nor her fingerprints were detected, she was nonetheless convicted on the charge of planting a “fake explosive.”<sup>652</sup>

Despite these shortcomings and failures, direct support to the GDCIFS has grown under President Trump. In early September 2018, the Federal Bureau of Investigation (FBI) launched a four-day training course in combating terrorism and human trafficking with Bahraini units, including the GDCIFS.<sup>653</sup> The workshop was held in explicit partnership with GDCIFS Director-General Brig. Abdulaziz Mayoof AlRumaihi – the former CID chief who has allegedly overseen hundreds of severe human rights abuses during his

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648 DOS budget documents from FY 2013-2019, analysis available at Americans for Democracy & Human Rights in Bahrain. Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior. Page 100-102.

649 Ibid.

650 Congressional Budget Justification Fiscal Year 2015 - Foreign Operations: Appendix 3, DOS, accessed 18 July 2019. Available at: <https://2009-2017.state.gov/documents/organization/224070.pdf>; and Congressional Budget Justification Fiscal Year 2016 - Foreign Operations: Appendix 3, <https://2009-2017.state.gov/documents/organization/238222.pdf>

651 Congressional Budget Justification Fiscal Year 2015 - Foreign Operations: Appendix 3, DOS, accessed 10 June 2019. Available at: <https://2009-2017.state.gov/documents/organization/224070.pdf>

652 See Trial, page 48.

653 Kingdom of Bahrain Ministry of Interior. “Head of Criminal Investigation inaugurates course on human-trafficking.” Kingdom of Bahrain Ministry of Interior. Last modified September 2, 2018. Accessed 18 July 2019. Available at: <https://www.policemc.gov.bh/en/news/ministry/84432>.

command.<sup>654</sup> Brig. AlRumaihi served as CID chief in 2017,<sup>655</sup> indicating that he supervised the operations of the directorate at the time that **Hajer, Faten, Ameera, Zainab, and Medina** were interrogated using coercive interrogation tactics.<sup>656</sup> In at least three cases - those of **Hajer, Faten, and Medina** - coerced confessions extracted by CID officers were subsequently used to secure their convictions.<sup>657</sup>

### c) National Security Agency

The National Security Agency (NSA) is an indirect beneficiary of US NADR-ATA support which, according to the US government, is provided to support the MOI's counterterrorism capabilities. NADR-ATA programmes are not typically provided to the interior ministries of "most U.S. counterterrorism partners,"<sup>658</sup> but in Bahrain "the Bahraini Ministry of Interior (MOI) has been designated the lead for counterterrorism activities and operations"<sup>659</sup> with "the Bahrain National Security Agency providing intelligence support."<sup>660</sup> The NSA is a close partner of the MOI, particularly the SSFC and the GDCIFS.<sup>661</sup> The agency has used MOI facilities for its own interrogations, including the Muharraq Security Complex, where NSA officers sexually assaulted **Ebtisam** and **Najah** during the course of their interrogations.<sup>662</sup>

Although the DoS has publicly expressed "concern" regarding human rights violations in the cases of **Hajer, Ebtisam, and Medina** through its public statements and reporting, overarching American security interests in the region ultimately continue to eclipse concerns for human rights. Concerns voiced from the DoS fail to translate into public diplomatic engagement with Bahraini officials, evidenced by the repeated failures to address human rights issues publicly in meetings with members of Bahrain's MOI. While the US continues to bolster its security interests through the use of arms sales, trainings, and NADR-ATA funding, it is evident that further mechanisms are needed to address the implementation and evaluation of such programmes. As demonstrated by the cases of **Faten, Zakeya, Medina, Zainab, Ameera, Hajer, and Zahra**, US assistance to beneficiaries such as the SSFC, GDCIFS, or NSA runs the risk of misuse or failed implementation, which may have unintended consequences for the human rights landscape. In other instances, the US government's willingness to remove critical language on human rights reforms from its training programming indicates a lack of concern about their complicity in human rights abuses committed by directorates such as the GDCIFS. With such a lack of public messaging on human rights abuses and continued financial and security assistance, the US government must seek to re-evaluate its security relationship with Bahrain and reconsider the removal of human rights reform conditions from arms sales, funding, and assistance to the kingdom.

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654 "Head of Criminal Investigation inaugurates course on human-trafficking," Police Media Center, MOI, Kingdom of Bahrain, 2 September 2018, accessed 17 July 2019. Available at: <http://www.policemc.gov.bh/en/news/ministry/84432>. See also Americans for Democracy & Human Rights in Bahrain. Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior. Page 79.

655 AlWatan News. "العميد عبدالعزيز الرميحي: التحديات الحالي تتطلب يقظة وجاهزية لتحقيق الأمن والاستقرار." [Brigadier General Abdulaziz Al-Rumaihi: Current challenges require vigilance and readiness to achieve security and stability]. May 2, 2017. Accessed July 18, 2019. [https://alwatan-news.net/article/712815?rss%3D1&sa=D&ust=1563479523669000&usg=AFQjCNGj\]lORiTpOYFrQS2kff1-h1TCYCA](https://alwatan-news.net/article/712815?rss%3D1&sa=D&ust=1563479523669000&usg=AFQjCNGj]lORiTpOYFrQS2kff1-h1TCYCA).

656 See Interrogation, page 32.

657 See Trial, page 48.

658 Congressional Budget Justification Fiscal Year 2012 – Foreign Operations: Annex Regional Perspectives, DOS, accessed 9 June 2019. Available at: [https://pdf.usaid.gov/pdf\\_docs/pcaac378.pdf](https://pdf.usaid.gov/pdf_docs/pcaac378.pdf).

659 Ibid.

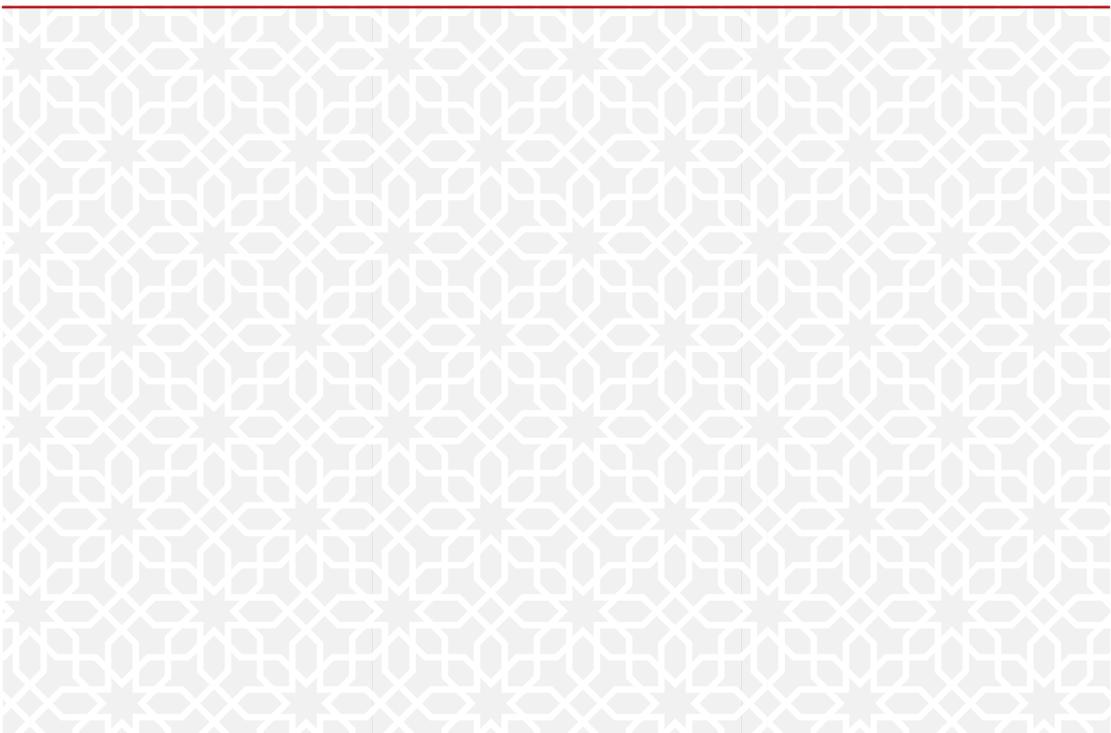
660 United States Department of State, Bahrain Country Report on Terrorism 2015, Country Reports: Middle East and North Africa Overview (n.p.: United States Department of State, 2016). Available at: <https://www.state.gov/j/ct/rls/crt/2015/257517.htm>

661 Americans for Democracy & Human Rights in Bahrain. Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain's Ministry of Interior. Page 30, 40, 42-43, 61.

662 See Interrogation, page 32.



# **CONCLUSION**



**Ameera AlQashami, Ebtisam AlSaegh, Faten Naser, Hajer Mansoor, Medina Ali, Najah Yusuf, Zahra AlShaikh, Zainab Marhoon, and Zakeya AlBarboori** are all victims of state violence aimed to silence their work, activism, and opinions, or those of their relatives. The arbitrary nature of their arrest; the physical, sexual, and psychological torture they endured; and their convictions following deeply flawed trials are all evidence of a criminal justice system designed to criminalise and punish dissent.

To date, not a single perpetrator has been held accountable for the abuses against the nine women in this report. On the contrary: the mandated oversight bodies failed to conduct investigations or provide remedies to the women's complaints. **Ebtisam** spoke about the sense of injustice she feels, knowing that no one has been held responsible for her ordeal: *"Personally I still haven't received justice*

*for the crimes committed against me - the perpetrators remain free. I cannot accept that this happens without any accountability. I was assaulted physically and sexually - there were cameras in that police station, if they want to get the perpetrators they can do it, but it's not happening."*<sup>663</sup>

The impunity enjoyed by Bahraini officials and security forces is key to state-wide ongoing propagation of violence and abuse. **Aya Majzoub** of Human Rights Watch, asserted that: "We have seen very few of the officers who have been implicated in the abuse against detainees in Bahrain be held accountable, and this has created a widespread culture of impunity in the security forces."<sup>664</sup> Such impunity is facilitated by a wilfully ineffective system of oversight mechanisms and appeased by the UK and US governments - which prioritise security, trade, economic, and military interests over the rights of the Bahraini people. The lack of accountability, and the absence of effective mechanisms to hold perpetrators accountable or enact redress thus permit human rights violations to thrive unabated. "It's crucial to look into what are the root causes of the pattern of abuse the women were subjected to," concluded **Carin Benninger-Budel** of OMCT. "[A]nd I really think that by breaking impunity you break the cycle. But it's not so easy when every single element in the picture is part of the same, flawed, state machinery. As long as there are no independent mechanisms in place, impunity will prevail."<sup>666</sup>

Impunity, and the feeling of injustice associated with it, has the potential to amplify the impact of the violence - both physical and psychological - inflicted during arrest, interrogation, and detention. The ill-treatment suffered by **Zahra**, who fled Bahrain approximately six weeks after her interrogation in search of asylum in the UK, has significantly affected her mental health. She reported that her psychological status had prevented her from seeking the assistance of a lawyer immediately after she was released by authorities.<sup>667</sup> A week after she was interrogated, Zahra began to see a psychiatrist and was prescribed medication for anxiety and depression.<sup>668</sup>



"Unless Bahrain really believes in the image they are trying to project, human rights will not be respected. If anything, it is going to create even more resentment and division in their society than already exists. How long can the people who are being crushed go on before they say 'we've had enough and we have nothing to lose?'"

SIMA WATLING, AMNESTY INTERNATIONAL



663 Ebtisam AlSaegh, Interview with BIRD, 15 July 2019.

664 Aya Majzoub, Bahrain Researcher at Human Rights Watch, Skype interview with BIRD, 3 June 2019.

665 Jo Baker, Independent Researcher on the human rights of women in detention, Commentary provided to ADHRB, 28 May 2019.

666 Carin Benninger-Budel, Programme Director at the World Organisation Against Torture (OMCT), Skype interview with BIRD, 13 June 2019.

667 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, February 2019.

668 Ibid.

“There is a whole variety of post-trauma features these women can experience, as well as extreme fear, anxiety, and depression,” commented **Nimisha Patel**, Clinical Psychologist. She elaborated, “[F]rom memory problems [and] poor concentration, to the inability to recall certain events - particularly the torture they went through. They may remember some things in acute detail and other things will be completely inaccessible. They may suffer from insomnia and nightmares related to the experiences in detention and torture. The fear of going outside and hypervigilance - the slight banging of doors, loud footsteps, police sirens, for example, can involuntarily trigger memories and trigger extreme fear.”<sup>669</sup>

**Hajer’s** testimony is reminiscent of the “fear of going outside” identified above by Nimisha Patel, and speaks to the profound and diverse long-term implications of her ill-treatment and detention. She described an acute fear of leaving the prison as one of the persisting psychological consequences of what she went through during her interrogation:

*“I am scared, I’m terrified to leave the prison and rejoin normal life. What if they decide to send me back here? If I leave, maybe at some point they will put me through the entire interrogation process again. This fear - which comes from the threats of the CID - is what makes me feel that it is safer in prison than on the outside.”<sup>670</sup>*

Similar fears were reported by **Zakeya**, who said that she is now “psychologically unstable” and constantly concerned that authorities will investigate her again.<sup>671</sup> **Ebtisam** - who is no longer in custody - also elaborated on the trauma she suffers more than two years after her initial interrogation:

*“You don’t remember all the details all the time, but sometimes a portion of those details comes into your memory. Even now, the smell of cigarettes reminds me of those days. It reminds me of the torturers smoking. But not only this - even if I open the oven I remember the lighter and when the torturers lit up their cigarettes. So yes, things like this do sometimes remind me of what happened.”<sup>672</sup>*

**Ebtisam** further recounted that as a result of her experience and abuse, she now has difficulties sleeping. “I can no longer sleep in the dark, without a light on. When I turn off the light, I remember that room - the



“From the testimony given it is clear that the gender of the activists has shaped the way in which they’ve been abused and the impact this abuse has had on them. This happens across the world because of discrimination: from those who decide and design penal systems, laws and policies, and those who manage prisons and jails. Places of detention usually magnify the discrimination and abuse that women experience in the outside world unless there are very good safeguards in place.”

JO BAKER, INDEPENDENT RESEARCHER<sup>665</sup>



669 Nimisha Patel, Clinical Psychologist specialised in torture survivors and Professor of Clinical Psychology at the University of East London, Interview in person with BIRD, 20 May 2019.

670 Hajer Mansoor, Telephone interview with BIRD, 13 July 2019.

671 Ibid.

672 Ebtisam AlSaegh, interview with BIRD, 15 July 2019.

room where I was tortured,” she said.<sup>673</sup> Similar repercussions and sleep problems have also been expressed by **Najah** and **Zainab**. **Najah** explained, “When I sleep I get nightmares. Once, I dreamt that I was with a group of people and I was pretending to speak normally but had a sharp pain within my chest. Hajer and Medina then woke me up - I was screaming.”<sup>674</sup> **Zainab** commented: “I don’t want to talk about my experience. And I don’t want to even remember it. I’m not able to sleep until very late at night, no matter how tired I get. My eyes won’t close.”<sup>675</sup> **Medina** echoed the sentiments expressed by Zainab, recounting how “every day, I make a conscious decision not to think about what happened to me. I just can’t. The moment I allow myself to think about it, I feel I could collapse. I try very hard not to remember.”<sup>676</sup>

**Nimisha Patel**, Clinical Psychologist, highlighted that on the other hand, the absence of observable psychological distress is not necessarily indicative that torture did not occur: “What may look to a lay person like low-level violence or be seen as ‘normal’/typical treatment is irrelevant, because it’s about the combination of those experiences of cruelty, degradation, and an individual’s background and past experiences which influence how a person reacts to torture. It creates a kaleidoscopic picture of pain and emotional suffering, there is no one response to torture - it can be different for each person. Often an assumption is made that if there is no discernible psychological impact that it couldn’t have been that bad or that the torture didn’t happen and that is an absolute fallacy.”<sup>677</sup>

In relation to these observations made by Nimisha Patel, **Najah** has relayed the varied and complex forms which the psychological impact she experiences can adopt in the ongoing aftermath of the torture and sexual abuse she endured. She said, “Sometimes I speak normally about my ordeal at the Muharraq Security Complex with the other women, but the truth is that I am bleeding from within - especially when I remember specific things ... Some of those things, I am unable to forget. It’s painful and I cry out from inside myself. And I have no idea when all of this is going to end or what the consequences will be after being freed from this place.”<sup>678</sup> Similarly, **Ameera’s** family attested that she tried to disguise her torment whilst on the phone with them, in an attempt to lift their spirits by giving the impression that she was “strong.” Her voice however betrayed her negative mental state.<sup>679</sup>

**Zahra, Zainab, Ameera, and Ebtisam** reported on the ways their treatment in detention affected relationships with their families and communities after their release. **Nimisha Patel**, Clinical Psychologist remarked that scarring experiences “can cause huge ruptures in families, leaving individuals isolated emotionally.”<sup>680</sup> **Zahra’s** situation reflects this most literally, since she has been forced to leave her family behind in Bahrain, including her imprisoned husband. **Zakeya** emphasised the sense of isolation from the outside world she feels while in detention, and that she is constantly asking friends and family for news of the situation outside the prison during their visits. She elaborated that this is compounded by prison restrictions, including denial of access to the prison yard and preventing access to books and religious texts.<sup>681</sup>

**Zainab’s** detention had significant consequences on her children’s lives, especially since her husband was arrested at the same time, therefore both parents were simultaneously detained. During that time, one of

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673 Ebtisam AlSaegh, Interview with BIRD, 15 July 2019.

674 Najah Yusuf, Telephone interview with BIRD, 13 July 2019.

675 Zainab Marhoon, Written interview with BIRD, 17 July 2019.

676 Medina Ali, Telephone interview with BIRD, 17 July 2019.

677 Nimisha Patel, Clinical Psychologist specialised in torture survivors and Professor of Clinical Psychology at the University of East London, Interview in person with BIRD, 20 May 2019.

678 Najah Yusuf, telephone interview with BIRD, 13 July 2019.

679 Case of Ameera AlQashami, ADHRB UN Complaint Program, Communication, July 2019.

680 Nimisha Patel, Clinical Psychologist specialised in torture survivors and Professor of Clinical Psychology at the University of East London, Interview in person with BIRD, 20 May 2019.

681 Ibid.

her sons “*was isolated, he didn’t want to speak, he cried all the time. It was terrible for them while we were away.*”<sup>682</sup> Zainab reported how they felt anxious after she was temporarily released in May 2018, fearing that she would be re-arrested - as was the case in January 2019. Having endured that experience, Zainab’s children have also been impacted:

*“My sons have started to feel scared when I leave the house without them. They ask, ‘When are you coming back? We must come with you.’ Recently, when we were out with their aunt I told them, ‘I’m going to the supermarket and I’ll join you at the restaurant.’ They were angry with my sister, saying ‘Why did you let her go alone? She might be taken.’”*<sup>683</sup>

Similarly, **Ebtisam** reported that, to this day, her youngest son has required psychological treatment, having developed behavioural issues at school and a strong fear of police officers following the “very traumatising” house raid. She elaborated: “*The most traumatising part for my kids was when they were brought to visit me after a month in solitary confinement and they had to see me in a wheelchair with IV drips coming out of my arms.*”<sup>684</sup> **Ebtisam** further described how her son began to suffer from incontinence at ten years old due to having been markedly affected by witnessing his mother’s arrest.<sup>685</sup> In general, Ebtisam spoke of her family’s alarm at her mental state following her release from prison, elaborating: “*My family was in shock, even if I was trying my best to look fresh and I took a shower, they were terrified.*”<sup>686</sup>

As in Ebtisam’s case, **Ameera** has recounted how being detained and the ensuing prolonged separation from her young children, who were 11 and nine years old at the time of Ameera’s arrest, has had a detrimental impact on their psychological state.<sup>688</sup> Ameera has spoken of the fear and deep concern she experienced knowing that her children are growing up apart from her. During her detention, her oldest son became significantly introverted and distressed in social situations, causing him to become resentful of company and fall behind on his education. Ameera’s youngest child reportedly “*cries constantly since he doesn’t understand what is happening with his mother, and because he is far away from her.*”<sup>689</sup> To compound this distress, Ameera was her family’s primary financial earner, and her continued absence also had a trying material and economic impact on their lives.<sup>690</sup>



“Based on my research, rehabilitation after prison is extremely difficult—politically, emotionally, and physically. Returning to school, work, or even to family life can present a tremendous challenge. Attention needs to be paid to these issues so that policy and procedures can be put in place to ease the transition for women.”

SHAHRZAD MOJAB, PROFESSOR AT THE UNIVERSITY OF TORONTO<sup>687</sup>



682 Zainab Marhoon, Written interview with BIRD, 17 July 2019

683 Zainab Marhoon, Written interview with BIRD, 17 July 2019

684 Ebtisam AlSaegh, Interview with BIRD, 16 July 2019.

685 Ebtisam AlSaegh, Interview with BIRD, 19 July 2019.

686 Ebtisam AlSaegh, Interview with BIRD, 16 July 2019.

687 Shahrzad Mojab, Professor at the University of Toronto and scholar-activist on the MENA region, Skype interview with ADHRB, 20 May 2019.

688 Case of Ameera AlQashami, ADHRB UN Complaint Program, Communication, July 2019.

689 Ibid.

690 Ibid.

**Zainab** reported that she had to take active steps to make her community “forget” about her case to limit the adverse impact on her children. *“I told my son’s teacher and the other mothers of his class to be careful and not say anything about my case. I wanted them to forget. I told them not to show their sons our photos as it was very upsetting for them. Then I made some stickers for my son saying ‘My dad, my hero’ and he gave them to his classmates. He was really happy.”*<sup>691</sup> During her time with her children, between her terms in prison, Zainab described how she did not want her son to suffer further: *“I was crying inside but didn’t want to show him. I didn’t want him to think I was scared.”*<sup>692</sup> “And of course that will also feed her own pain and suffering,” highlighted **Nimisha Patel**, Clinical Psychologist. “‘Thinking - what kind of mother am I, how could I not protect my children, what have I done to them, I should’ve been there for them.’ Zainab will likely feel guilt and shame. But is it her guilt? Is it her shame? No, but she carries this for the whole family.”<sup>693</sup>

**Ebtisam** also recounted the impact her experiences had on the larger community, relaying that: *“Some people were happy at my release and encouraged because of what I had done - I had become someone who had helped their cause. There were other people, though, who were instead terrified, and thought that what happened to me was so aggressive - they got scared and started to avoid me - they were terrified to see me in public.”*<sup>694</sup> Amnesty International’s **Sima Watling** met **Ebtisam** at the UN Human Rights Council in Geneva, where they struck up a friendship. She spoke of the conversation they had following Ebtisam’s release from NSA custody in May 2017: “Ebtisam is very passionate about what she does. She wants to create a change. So after she was interrogated and released, I interviewed her. Initially, she asked us not to publish any details. You have to consider the culture, society, and the fact that Ebtisam was digesting what had happened to her. So I promised that it would remain confidential, and that we would just say that she was tortured. And then she said to me, ‘You know what, please go ahead and mention the sexual assault.’ So this woman had the courage to speak out. We knew at the same time that some men had been subjected to the same thing - but it was not the men who spoke out, it was this woman.”<sup>695</sup>

**Ameera, Ebtisam, Faten, Hajer, Medina, Najah, Zainab, Zakeya, and Zahra** have all come forward and shared their stories at great personal risk. They have broken the silence and shone a light on the pattern of abuses that women political prisoners suffer in Bahrain. States and the wider international community must now take action to ensure their efforts do not lie in vain.

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691 Zainab Marhoon, Written interview with BIRD, 17 July 2019

692 Zainab Marhoon, Written interview with BIRD, 17 July 2019

693 Nimisha Patel, Clinical Psychologist specialised in torture survivors and Professor of Clinical Psychology at the University of East London, Interview in person with BIRD, 20 May 2019.

694 Ebtisam AlSaegh, Interview with BIRD, 16 July 2019.

695 Sima Watling, Campaigner on Bahrain, Kuwait, UAE, Omar, Qatar at Amnesty International, Interview with BIRD, 7 May 2019.

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## About the Experts

The views expressed by the experts in this report do not necessarily reflect those of the organisations affiliated with the expert, nor do they reflect the views of BIRD and ADHRB.

### JO BAKER

Jo Baker is a programme and policy adviser who focuses on issues of violence against women, gender equality, detention, and sexual and reproductive rights. She has worked with human rights organisations for ten years across 25 countries following a career as a journalist. Jo developed and produced a five-country research study on the human rights of women in prison with DIGNITY - the Danish Institute Against Torture, and has since developed and delivered regional trainings for penal officers with the Office for Democratic Institutions and Human Rights (ODIHR) in the Organization for Security and Cooperation in Europe (OSCE) and the Thailand Institute of Justice. She holds a Master's degree in human rights law from the School of Oriental and African Studies, London.



### CARIN BENNINGER-BUDEL

Carin Benninger-Budel is the Director of the Convention against Torture Programme at the World Organisation Against Torture (OMCT) since 2014. Previously she was the Programme Manager of its Violence against Women Programme. She has also worked at the Interdisciplinary Centre for Gender Studies (IZFG) at the University of Bern, Switzerland and as a consultant on international human rights law with a focus on issues related to torture and gender. She is the editor of a book entitled "Due Diligence and Its Application to Protect Women from Violence," published by Martinus Nijhoff Publishers in 2008.



### AYA MAJZOUB

Aya Majzoub is the Lebanon and Bahrain researcher at Human Rights Watch, where she investigates and documents human rights abuses in both countries and conducts local and international advocacy. She has previously worked for the Commission for International Justice and Accountability, where she investigated war crimes in the Middle East, and the Lebanese Ministry of Interior, where she worked on projects relating to the rehabilitation of Syrian and Palestinian refugees. She has also previously conducted research for think tanks, where her research focused on democratisation trends in the Arab world. She holds a Bachelor's degree in Politics, Psychology, and Sociology from the University of Cambridge, and a Master's degree in Middle Eastern Studies from Harvard University.



### SHAHRZAD MOJAB

Shahrazad Mojab is a professor of education and gender studies at the University of Toronto. She was formerly the Director of Women and Gender Studies and is currently the Director of Equity Studies. She has published extensively on gender, state, diaspora, and transnationality; women, war, militarization, and violence; feminism, anti-racism, colonialism, and imperialism; and Marxist-feminism and learning. A unique feature of her work is making knowledge accessible to the public through the use of art such as story-telling, dance, drama, visual art, and film, including her project *The Art of Resistance in the Middle East: Women Political Prisoners*.



### **NIMISHA PATEL**

Nimisha Patel is a Consultant Clinical Psychologist, the Director of the International Centre for Health and Human Rights NGO, and Professor of Clinical Psychology at the University of East London. In her clinical, academic, and research-based work she has specialised in the psychological care and rehabilitation for survivors of torture and gender-based violence. She has worked in various human rights NGOs, the UK's National Health Service, and internationally in many countries, including as a consultant to several United Nations agencies.



### **SIMA WATLING**

Sima Watling is Campaigner at Amnesty International, currently covering Bahrain, Kuwait, the UAE, Oman, and Qatar. Sima began her career at Amnesty International in 1998, campaigning along various research teams focusing on human rights violations in the Gulf and Iran. She has developed an in-depth knowledge of the region, more specifically on Bahrain since 2012. Fluent in English, French, and Arabic, Sima has conducted interviews with people on the ground, monitored human rights developments, provided analysis, and drafted public outputs and other research-based materials.



### **OLIVER WINDRIDGE**

Oliver Windridge is a British lawyer specialising in international criminal law and international human rights law and is a Senior Legal Consultant at Global Rights Compliance. Oliver's international criminal law practice includes over seven years working on 14 cases in the trial and appeals chambers at the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY). Oliver has prominent expertise in the African human rights system, and his international human rights law practice also includes advising individuals and NGOs in the MENA region, including Saudi Arabia, Kuwait, Iraq, and Ethiopia.



## CASE BRIEF

# Ameera AlQashami

### NAME

Ameera Mohamed Saleh Abd AlJalil Ahmed Mohamed (also known as Ameera AlQashami).



### STATUS

Released for manual labour under alternative sentencing, having served more than half of her prison term.

### ABOUT

Ameera, 36, worked as an accountant at the American Mission Hospital before her unlawful detention. She participated in popular demonstrations calling for reform and defending human rights and the rights of activists. Ameera believes that she was arrested and tortured in part to pressure her father and brother during their interrogations, and was sentenced in an unfair mass trial along with Faten Ali Naser,<sup>696</sup> two other women, and 56 men.

### ARREST

At 9.00am on 9 February 2017, two state security cars, eight riot police Jeeps, and a bus surrounded the home of Ameera's parents in Barbar, North Bahrain. Masked officers in plain clothing raided the house without a search or arrest warrant and detained Ameera's mother in the kitchen while Ameera was not present. Officers in police uniforms stayed outside the house. Upon their arrival at the house, Ameera and her sister questioned the rationale for the raid. Officers informed the two women that they were there to arrest wanted criminals.<sup>697</sup>

Fifteen minutes after Ameera was allowed to enter the house and be with her mother, officers arrested her<sup>698</sup> without a warrant and without presenting the charges against her. When her sister asked about the reason for Ameera's arrest and requested to see the arrest warrant, a policewoman replied that they did not need one. Ameera was forcibly pulled onto the bus. Her father and brother were also arrested as soon as they returned to the house.<sup>699</sup>

Twelve hours later, Ameera called her family and told them that she had been taken to the Criminal Investigations Directorate (CID) and still had not been informed of the charges against her.<sup>700</sup>

696 Kingdom of Bahrain, Ministry of Justice, Islamic affairs & Waqf, Court Directorate, *Verdict against Ameera AlQashami and Faten Naser*, Fourth High Criminal Court, case No. 07291708045, 31 Jan. 2018.

697 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, October 2018.

698 Kingdom of Bahrain, Ministry of Interior, *20 terrorists arrested, including four women*, 21 February 2017, available at: <http://www.policemc.gov.bh/en/news/ministry/60462/> (Accessed on 3 July 2019).

699 Case of Ameera AlQashami, ADHRB UN Complaint Program Documentation, October 2018.

700 Ibid.

## INTERROGATION

CID officers handcuffed Ameera in a dark room for two days, during which time she was unable to move or perform her prayers. An officer threatened to cut off her head and told her that she would never see her family or children again if she did not tell them “the truth.” On 11 February 2017, Ameera launched a hunger strike and refused food when officers attempted to force-feed her. The protest lasted until she was transferred to Isa Town’s pre-trial Detention Centre that same night.<sup>701</sup>

On 13 February 2017, Ameera was transferred to the Office of the Public Prosecution (OPP) where she was interrogated without her lawyer present. During her interrogation, she denied all charges. She remained in the building until 10.00pm, handcuffed. At the OPP, guards forced her to view her father in chains and made her listen to her brother being tortured in a nearby room.<sup>702</sup>

Guards then pressured Ameera to sign a statement without reading it. When she insisted on being permitted to review it, officers let her read the final page, which according to Ameera, stated “I deny all charges and I don’t know anything about them.”<sup>703</sup> Ameera eventually signed after receiving additional threats to her person if she refused her signature. On 15 February 2017, Ameera was charged with harbouring fugitives and joining a terrorist cell - a charge that was later dropped - and she was ordered to be detained for 45 days pending investigation.<sup>704</sup>

## TRIAL

Ameera was unable to contact her lawyer for three months after her arrest. During her trial, the court admitted the confession of her brother, which he claims was coerced through torture. On 31 January 2018, Ameera was sentenced to five years in prison on the charge of harbouring a fugitive, in a mass trial of 60 individuals.<sup>705</sup> On appeal, her sentence was reduced to three years in prison on 28 January 2019.<sup>706</sup> On 6 May 2019, the Court of Cassation upheld Ameera’s sentence. She exhausted all legal remedies available to her.<sup>707</sup>

## IMPRISONMENT

Ameera’s family was permitted to visit her one month after her arrest. While in custody in Isa Town Women’s Detention Centre, Ameera was active in protesting poor prison conditions, particularly the physical barrier placed in the visitation room. In October 2017, Ameera launched a five-day hunger strike along with four fellow inmates in protest at poor treatment from the prison authorities.<sup>708</sup>

## RECENT EVENTS

On 8 August 2019, Ameera was released from prison for manual labor as alternative sentencing,<sup>709</sup> having completed more than half of her prison term.

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701 Ibid.

702 Ibid.

703 Ibid.

704 Case of Ameera AlQashami, ADBHRB UN Complaint Program Documentation, July 2017.

705 Kingdom of Bahrain, Ministry of Justice, Islamic affairs & Waqf, Court Directorate, *Verdict against Ameera AlQashami and Faten Naser*, Fourth High Criminal Court, case No. 07291708045, 31 Jan. 2018; Case of Ameera AlQashami, ADBHRB UN Complaint Program Documentation, February 2018.

706 Case of Ameera AlQashami, ADBHRB UN Complaint Program Documentation, February 2018.

707 “Court verdicts upheld in terror case” *Bahrain News Agency*, 6 May 2019, 7:19 p.m., Available at <https://www.bna.bh/en/Courtverdictsupheldinterrorcase.aspx?cms=q8FmFJgiscL2fwlzON1%2bDr9Jc1%2bJ%2bEut9yqHe6c5ijk%3d> (Accessed on 22 May 2019).

708 “Five Bahraini women detainees on hunger strike: rights group,” *Daily Star News*, 27 Oct. 2017; Case of Ameera AlQashami, ADBHRB UN Complaint Program Documentation, February 2018.

709 Law No. 18 of 2017 with respect to alternative measures and sanctions.

## CASE BRIEF

# Ebtisam AlSaegh

### NAME

Ebtisam AbdulHussain AlSaegh

### STATUS

Released.

### ABOUT

Ebtisam, 50, is a human rights defender and former prisoner of conscience who has been repeatedly targeted for her human rights activities, including through arrest, torture, sexual assault, and detention. She is particularly outspoken on Instagram and Twitter in raising the cases of prisoners and detainees and has engaged in advocacy at the United Nations (UN) Human Rights Council and with the Office of the High Commissioner on Human Rights. She has also worked for the Bahraini Society for Human Rights and Salam for Democracy and Human Rights.

### PRIOR ABUSES

On 14 November 2014, Ebtisam was arrested with 13 other women, who were all accused of establishing and joining a public referendum organising body and charged with inciting hatred against the government and disrupting elections. Ebtisam was detained for 34 hours<sup>710</sup> and she claims that she and other women were abused during detention. She was forced to sign a confession without reading its contents. Authorities released her later that day, but did not return confiscated electronic devices for another three months<sup>711</sup>

Travel bans were placed on Ebtisam that prevented her from participating in the Human Rights Council (HRC) sessions in June and September 2016. She was told that the travel ban was an order from “high authorities.” This was all based on Ebtisam publishing tweets about human rights. Ebtisam was able to participate in the HRC session in March 2017, as the travel ban was temporarily lifted.<sup>712</sup>

After this session of the HRC, Ebtisam returned to Bahrain, where officers from the National Security Agency (NSA) detained her at the airport for seven hours. Ebtisam reports that the officers “threatened that my family would be targeted unless I stopped my human rights activities.”<sup>713</sup>

### INTERROGATION AND SEXUAL ASSAULT

On 25 May 2017 at 9.30pm, an officer from the NSA called Ebtisam and ordered her to appear at 4.00pm the following day for interrogation at the Muharraq Security Complex without revealing the purpose of the summons.<sup>714</sup> On 26 May, Ebtisam’s attorney accompanied her to Muharraq, but was prevented from



710 Ebtisam AlSaegh, written interview with BIRD, 6 August 2019.

711 Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, July 2018.

712 Ibid.

713 Ibid.

714 Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, May 2017.

being present during her interrogation, in violation of both international and Bahraini domestic laws.<sup>715</sup> The officers took her to a “black room” - a known location of torture in Muharraq - then to an office, where they blindfolded and interrogated her.<sup>716</sup> They forced Ebtisam to stand in a painful position with her legs apart, shouted at her, and questioned her for seven hours, breaking only once for ten minutes. Ebtisam was questioned about her participation in a human rights conference organised in Beirut, as well as a recent UN review of Bahrain’s human rights record, her engagement at the HRC, and plans that international organisations had regarding Bahrain in the future.<sup>717</sup> She was explicitly told that they were interrogating her because of her persistent human rights work in cooperation with the HRC and other UN human rights bodies and mechanisms.

During this interrogation, Ebtisam was sexually, physically, and verbally abused – “[The officer] touched my bosom repeatedly, while a huge sized man was holding me from behind. I started screaming and fainted, so they poured water on me, and when I gained consciousness I was ordered to stand up again. When I could not stand, the man standing behind me grabbed my hand and forced me to stand, while telling me that he could rape me and do whatever he wanted to me ... He started hitting me and kicking me violently, he also stripped me ... At the same time the tormentor was smoking noisily and scaring me with the heat of the lighter’s fire. Then he started talking about my participation in Geneva, and future human rights strategies in order to fabricate confessions that he could use against me.”<sup>718</sup> According to Ebtisam, one of her torturers “told me that he could make up whatever case against me, and whatever accusation he wished to choose. He then talked about TV channels and the media and ordered me not to participate in any of them, and to stop all my human rights activities, and he also told me to resign from Salam Organisation.”<sup>719</sup>

The interrogation reportedly lasted up to 13 hours. When she was released late on 26 May 2017, she was immediately hospitalised for her injuries. At the hospital, the doctor noted evidence of abuse, including bruising and swelling to Ebtisam’s head and trauma to “sensitive areas.”<sup>720</sup> Ebtisam received a copy of this medical report, which was later confiscated when she was arrested again in July 2017.

## **JULY 2017 ARREST AND INTERROGATION**

On 11:45pm 3 July 2017, masked, anonymous state agents arrested Ebtisam from her home without a warrant. The officers handcuffed and arrested her, confiscated her identity cards and phone, and took her to a location she did not recognise. She later called her family and informed them that she was being held in a cell alone in the Isa Town Prison. When her husband attempted to see her the next day, officials gave conflicting information as to where she was being held.<sup>721</sup> Ebtisam was forcibly disappeared from the moment of her arrest on 3 July until 5 July 2017, when she made a phone call to her family, as no one had information pertaining to her fate or whereabouts up to this time. Following her arrest, officials proceeded to interrogate Ebtisam for 12-13 hours every day over the course of two weeks whilst she was held.<sup>722</sup>

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715 Ebtisam AlSaegh, telephone Interview with BIRD, May 2017.

716 Ibid.

717 Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, May 2017.

718 Testimony of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, November 2018.

719 Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, July 2018.

720 Testimony of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, November 2018.

721 Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, July 2018.

722 Ebtisam AlSaegh, interview with BIRD, 16 July 2019.

During one of her interrogations on the evening of 10 July, Ebtisam's health drastically deteriorated causing her to be admitted to the AlQalaa clinic.<sup>723</sup> After receiving intravenous glucose and having an electrocardiogram (ECG) run, Ebtisam was then taken directly back for the continuation of her interrogation. This preceded an 18-hour long interrogation which took place shortly afterwards on 12 July.<sup>724</sup>

On 18 July 2017 Ebtisam was charged with terrorism-related offences relating to her human rights work.<sup>725</sup>

On 28 February 2019 the public prosecution shared a letter with Ebtisam's lawyer stating that the prosecution would not be pursuing her case due to lack of sufficient evidence.<sup>726</sup>

## DETENTION

In the days immediately following her arrest, a message smuggled from Ebtisam in prison to her family said, "Tell them my situation is extremely bad. They've punished me intensely."<sup>727</sup> Other detainees in Isa Town told BIRD that they saw Ebtisam in the prison wearing a neck brace and something covering her nose, indicating that she may have been beaten again.<sup>728</sup> Prisoners in Isa Town additionally reported hearing her scream and cry throughout the night on 9 July 2017. Following her arrest, Ebtisam was held in solitary confinement in Isa Town for a total of 45 days.<sup>729</sup>

After her second arrest on 3 July 2017, Ebtisam went on hunger strike to protest the abuse she suffered during her interrogation, the denial of her right to meet with her family and lawyer, poor prison conditions, and her solitary confinement.<sup>730</sup> This strike ended on 1 August, after Ebtisam was allowed a ten-minute visit from her husband.<sup>731</sup>

By 4 September 2017, Ebtisam and six other women had already suffered a bout of food poisoning, likely stemming from Isa Town's unsanitary prison conditions. She reported that the bread provided by the prison had ants inside, and upon presenting the bread to guards was told they would take a photo. Despite this, prisoners cannot buy food from outside, and the prison does not have a doctor staffed during holidays. The nurse could not make decisions, nor could the officers on duty. Prison authorities refused to allow her and other detainees to make phone calls to update family members on their respective conditions.<sup>732</sup>

Ebtisam was released on 22 October 2017.<sup>733</sup> She only received confirmation that the case against her was closed due to insufficient evidence on 28 February 2019, nearly two years after her detention and interrogation.<sup>734</sup> She claims that she is unofficially banned from traveling to the HRC due to "speaking badly about [her] country."

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723 Amnesty International, 'URGENT ACTION: Detained Defender Interrogated Continuously', 14 July 2017, Available at: [https://www.amnesty.org.uk/files/2017-07/FI16517\\_1.pdf?sOx4RoxrL08Bi9901wZl9a8RL1nnoQd4](https://www.amnesty.org.uk/files/2017-07/FI16517_1.pdf?sOx4RoxrL08Bi9901wZl9a8RL1nnoQd4) (Accessed on 5 July 2019).

724 Ibid.

725 Bahrain Embassy UK, "Statement Regarding Allegations in the Case of Ebtisam Al Saegh", *Twitter*, 14 July 2017, Available at: <https://twitter.com/BahrainEmbUK/status/885944211777957888> (Accessed on 06 June 2019); See also: Bahrain Public Prosecution, "Instagram Post", *Instagram*, 18 July 2017, Available at: <https://www.instagram.com/p/BWs08SZlpGa/?taken-by=bppbahrain> (Accessed on 06 June 2019).

726 Letter from Hamad Al Bouainain, Chief Public Prosecutor, 28 February 2019.

727 Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, July 2017.

728 Ibid.

729 Ebtisam AlSaegh, interview with BIRD, 16 July 2019.

730 Ebtisam AlSaegh, interview with BIRD, 15 July 2019.

731 Ibid.

732 Ebtisam AlSaegh, telephone Interview with BIRD, November 2017.

733 Bahrain: Further Information: Drop charges against human rights defender: Ebtisam al-Saegh," Amnesty International, 31 October 2017, Available at: <https://www.amnesty.org/download/Documents/MDE1173662017ENGLISH.pdf>. Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, July 2018.

734 Letter from Hamad Al Bouainain, Chief Public Prosecutor, 28 February 2019.

## RECENT EVENTS

Ebtisam was unable to attend a session of the HRC in July 2018, but followed the Council online and published several tweets throughout highlighting a range of human rights concerns in Bahrain. After she posted these, two other accounts (one believed to belong to a Bahraini security officer who is widely cited in a number of serious torture allegations in Bahrain) began sending her threatening messages through Twitter and Instagram. They told her to close her accounts and stop her human rights work, under threat of public defamation and rape.<sup>735</sup>

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<sup>735</sup> Case of Ebtisam AlSaegh, ADHRB UN Complaint Program Documentation, July 2018.

## CASE BRIEF

# Faten Naser

### NAME

Faten AbdulHusain Ali Naser

### STATUS

Released for manual labour under alternative sentencing, having served more than half of her prison term.

### ABOUT

Faten, 42, who runs a fresh produce stall at a market with her husband, was arrested in February 2017. She was subjected to an unfair trial along with Ameera AlQashami,<sup>736</sup> two other women, and 56 men under Bahrain's broad counter-terrorism law, and may have been arrested for her connection to family members.

### ARREST

On 9 February 2017, officers from the Special Security Force Command (SSFC), the Ministry of Interior (MOI), the National Security Agency (NSA), and masked officers in plain clothing surrounded the home of Faten's father with security vehicles and helicopters, before proceeding to raid it. The officers were armed and had video cameras directed towards individuals in the house. Officers mentioned that they were from the Criminal Investigations Directorate (CID) and stated that they had a warrant, although no warrant was presented.<sup>737</sup>

Faten was arrested<sup>738</sup> after accompanying officers to the CID under the pretext that it was her brother who was wanted. Upon their arrival at the CID, her brother was released while Faten was arrested without a warrant<sup>739</sup> and detained under suspicion of harbouring a fugitive and joining a terrorist group, the latter of which was dismissed during the trial.<sup>740</sup>

### INTERROGATION

Faten was interrogated from 9 February to 12 February 2017 at the CID, and was forcibly disappeared throughout this process.<sup>741</sup> During the interrogation, officers threatened her parents' lives, insulted her, degraded her religious beliefs, and denied her access to a lawyer.<sup>742</sup>

### DETENTION

736 See Case Brief 1

737 Case of Faten Naser, ADHRB UN Complaint Program Documentation, November 2018.

738 Kingdom of Bahrain Ministry of Interior, "Ministry News," Police Media Center, last modified February 21 2017, available at <http://www.policemc.gov.bh/en/news/ministry/60462/>. (Accessed on 19 June 2019)

739 Case of Faten Naser, ADHRB UN Complaint Program Documentation, December 2018.

740 Case of Faten Naser, ADHRB UN Complaint Program Documentation, November 2018.

741 Case of Faten Naser, ADHRB UN Complaint Program Documentation, December 2018.

742 Ibid.



After the interrogation, Faten was transferred to Isa Town Women's Detention Centre and held until her trial on 12 August 2017. She was first brought before the Office of Public Prosecution on 6 March 2017, nearly a month after her arrest.<sup>743</sup>

## **TRIAL**

Faten was given limited access to her assigned lawyer leading up to her trial, resulting in the inadequate preparation of her defence. She had one in-person meeting with her lawyer, but officers remained present and closely monitored the meeting, preventing her from speaking freely with her attorney.<sup>744</sup> On 31 January 2018, Faten was sentenced to five years in prison for harbouring a fugitive (a family member),<sup>745</sup> though her sentence was reduced to three years on appeal on 28 January 2019.<sup>746</sup>

## **IMPRISONMENT**

Following her sentencing, Faten was transferred to Isa Town Prison.<sup>747</sup> She reported a deterioration in health during her imprisonment, as she suffers from diabetes and irregular blood pressure.<sup>748</sup> Both conditions require close monitoring, checkups, and medications. Faten's family remains concerned about the effect of prison conditions on her health.

## **RECENT EVENTS**

On 6 May 2019, the Court of Cassation upheld Faten's three-year sentence. She exhausted all legal remedies available to her.<sup>749</sup>

On 8 August 2019, Faten was released from prison for manual labor as alternative sentencing,<sup>750</sup> having completed more than half of her prison term.

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743 Case of Faten Naser, ADHRB UN Complaint Program Documentation, November 2018.

744 Ibid.

745 Kingdom of Bahrain, Ministry of Justice, Islamic affairs & Waqf, Court Directorate, *Verdict against Ameera AlQashami and Faten Naser*, Fourth High Criminal Court, case No. 07291708045, 31 Jan. 2018.

746 Case of Faten Naser, ADHRB UN Complaint Program Documentation, December 2018.

747 Ibid.

748 Case of Faten Naser, ADHRB UN Complaint Program Documentation, November 2018.

749 "Court verdicts upheld in terror case," Bahrain News Agency, 6 May 2019, 7:19 p.m. [https://www.bna.bh/en/Courtverdicte\\_supheldinterrorcase.aspx?cms=q8FmFJgiscL2fwIzON1%2bDr9Jc1%2bJ%2bEut9yqHe6c5ijk%3d](https://www.bna.bh/en/Courtverdicte_supheldinterrorcase.aspx?cms=q8FmFJgiscL2fwIzON1%2bDr9Jc1%2bJ%2bEut9yqHe6c5ijk%3d).

750 Law No. 18 of 2017 with respect to alternative measures and sanctions.

## CASE BRIEF

# Hajer Mansoor

### NAME

Hajer Mansoor Hassan Ali

### STATUS

Imprisoned, serving a three-year sentence.

### ABOUT

Hajer, 51, is the mother-in-law of London-based human rights defender Sayed Ahmed Alwadaei. Her detention began in March 2017, and she was sentenced to three years in prison alongside her son and nephew in October 2017. Hajer was targeted for arrest due to her son-in-law's political and human rights activities and tried in an unfair trial under Bahrain's overly broad counter-terrorism law. Amnesty International has labelled her a "prisoner of conscience"<sup>751</sup> and the UN Working Group on Arbitrary Detention found that her detention is arbitrary and in reprisal for Sayed Ahmed's work.<sup>752</sup>

### SUMMONS

On 5 March 2017, officers of the Criminal Investigation Directorate (CID) summoned Hajer for interrogation, three days after her son, Sayed Nizar Alwadaei, 20, and nephew, Mahmood Marzooq Mansoor, 32, were detained without a warrant by a group of unidentified masked security officers. Hajer's interrogation coincided with Sayed Ahmed's participation at the UN Human Rights Council in Geneva, Switzerland.

### INTERROGATION

Hajer was held for three days without charge. CID officers forced her to remain standing throughout a ten-hour interrogation that was conducted without lawyers present. Officers repeatedly questioned Hajer about Sayed Ahmed's activities, humiliated her with abusive language, and threatened to suspend her husband's pension payments and arrest her family members.<sup>753</sup> During the interrogation, Hajer collapsed and sustained an injury to her hand and shoulder and had to be taken to hospital for treatment. Hajer was then transferred to Isa Town Women's Detention Centre on 6 March 2017, before being returned to the CID the following day. As a result of her ill-treatment, Hajer confessed to charges of planting a fake bomb, a confession that she later retracted.<sup>754</sup>

On 8 March 2017, Hajer was taken to the Office of the Public Prosecution (OPP) with her son and nephew. The evidence presented by the OPP was limited to "confidential sources." It included the coerced confessions of Hajer, her son, and nephew, as well as a fake explosive that authorities claimed to have found at the Mayouf roundabout in the village of Ali.



751 Amnesty International, Urgent Action: Prisoner of Conscience denied medical access, 22 February 2019, available at <https://www.amnesty.org/download/Documents/MDE1198862019ENGLISH.pdf> (Accessed on 3 July 2019).

752 Working Group on Arbitrary Detention, 'Opinions adopted by the Working Group on Arbitrary Detention at its eighty-second session 20–24 August 2018', *Human Rights Council*, 7 January 2019, available at [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A\\_HRC\\_WGAD\\_2018\\_51.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_51.pdf), (Accessed on 21 January 2019).

753 Hajer Mansoor, telephone interview with BIRD, 25 October 2017.

754 Hajer Mansoor, telephone interview with BIRD, March 2017.

## TRIAL

On 30 October 2017, Hajer, her son, and her nephew, were convicted under the counter-terror law and sentenced to three years in prison.<sup>755</sup> Forensic reports found no fingerprints or other evidence linking Hajer, her son, or her nephew to the alleged fake bomb.<sup>756</sup> All three have consistently claimed that their confessions were coerced. The High Criminal Court ignored their allegations of ill-treatment and did not order an investigation, claiming that the allegations were an “attempt to avoid punishment.”<sup>757</sup> The court further asserted that it “has the right to take into consideration whatever it believes to be truth and it is in the court’s discretion to determine whether the confession was the result of physical or moral coercion,” adding that it “has the right to accept confessions from the defendants ... even when they are not supported by further evidence ... whenever the Court believes it to be the truth.”<sup>758</sup> On 20 December 2017, Bahrain’s Appeals Court upheld the sentence against Hajer, her son, and her nephew. Hajer has exhausted all legal remedies, as the Court of Cassation confirmed her conviction on 25 February 2019.<sup>759</sup> She remains imprisoned until March 2020.

## IMPRISONMENT

In prison, authorities have subjected Hajer to ill-treatment, intimidation, and measures that are both punitive and discriminatory, seemingly due to her status as a political prisoner.

Hajer alleges that she has been subjected to reprisals following international attention received by her case. In July 2018, Hajer claimed that she was subjected to reprisals and threats by prison staff soon after Sayed’s engagement with the UN and the UK Parliament, and days after ADHRB’s condemnation of the detention of women activists in Bahrain at the HRC.<sup>760</sup> Hajer claims that high-level officials and prison guards threatened to punish her and other prisoners if they continued to complain about abuses in Isa Town, ultimately cancelling her scheduled family visitation.<sup>761</sup> Similarly, on 16 September 2018, Hajer alleges that prison guards physically assaulted her<sup>762</sup> following the inclusion of her case in the UN Secretary-General’s report on reprisals.<sup>763</sup> Her cellmates Medina Ali and Najah Yusuf were also involved in the incident, after their

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755 Human Rights Watch, *Bahrain: Activists’ Kin Convicted in Flawed Trial*, 30 October 2017, available at <https://www.hrw.org/news/2017/10/30/bahrain-activists-kin-convicted-flawed-trial> (Accessed on 2 July 2019).

756 Amnesty International, ‘Bahrain: Halt the Targeting of Critic Living Abroad Through the Harassment of his Family in Bahrain’, MDE 11/6486/2017, 12 June 2017.

757 Kingdom of Bahrain Fourth High Criminal Court, “verdict on Sayed Nizar Nama Baqir, Alwadaei, Hajer Mansour Hasan Ali, and Mahmoud Marzouq Mansour Hassan”, 30 October 2017. P.9.

758 Ibid, p.5

759 Aziz El Yaakoubi, ‘Bahrain court upholds jail sentence against relatives of prominent activist’, *Reuters*, 25 February 2019. <https://www.reuters.com/article/us-bahrain-security/bahrain-court-upholds-jail-sentence-against-relatives-of-prominent-activist-idUSKCN1QE0UY>, Accessed 20 May 2019

760 ADHRB, ‘ADHRB at HRC38 Condemns Detention of Women Activists in Bahrain’s Isa Town Women’s Prison’, 2 July 2018. Available at <http://adhrb.org/2018/07/adhrb-at-hrc38-condemns-detention-of-women-activists-in-bahrains-isa-town-womens-prison/> Accessed on 21 January 2019.

761 Hajer Mansoor, telephone interview with BIRD, 5 July 2018.

762 Catherine Philip, Bahrain ‘tortured woman’ to avenge human rights leaks, *The Times*, 28 September 2018, available at <https://www.thetimes.co.uk/article/bahrain-tortured-woman-to-avenge-human-rights-leaks-cb5rqlh6x> (Accessed on 3 July 2019).

763 UN Secretary General, ‘Cooperation with the United Nations, its representatives and mechanisms in the field of human rights’, *United Nations*, 13 August 2018. Available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=a/hrc/39/41](http://www.un.org/en/ga/search/view_doc.asp?symbol=a/hrc/39/41) Accessed 29 January 2019; Catherine Philip, ‘Bahrain ‘tortured woman’ to avenge human rights leaks’, *The Times*, 28 September 2018. Available on <https://www.thetimes.co.uk/article/bahrain-tortured-woman-to-avenge-human-rights-leaks-cb5rqlh6x> Accessed on 21 January 2019.

cases were raised at a UK parliamentary debate.<sup>764</sup> Hajer was left with bruises on her hands and back and suffered a drop in her blood sugar level, leaving her unable to stand and requiring hospitalisation at AlQalaa hospital.<sup>765</sup>

After the assault, the prison administration imposed new restrictions on all inmates. These included locking prisoners in cells for up to 22 hours a day, reducing the time allotted for phone calls, and placing a glass barrier between prisoners and family during visits.<sup>766</sup> At the time of writing this report, 11 July 2019 was the first and only instance since the assault upon which Hajer was allowed family visitation without the glass barrier.<sup>767</sup>

Since mid-2018, Hajer has faced a number of concerning medical issues which authorities at Isa Town have failed to address in a timely or satisfactory manner, including a lump in her breast, for which she is still awaiting the necessary follow-up appointments and kidney stones.<sup>768</sup>

Hajer has undertaken a number of hunger strikes in protest of the conditions of her imprisonment and has required hospitalisation on several occasions.<sup>769</sup> Her demands have included the removal of the glass barrier during family visitation, improved sanitary provisions, and an end to the humiliation and ill-treatment perpetrated by prison officers.<sup>770</sup>

Despite BIRD submitting multiple complaints on behalf of Hajer to the MOI Ombudsman, Special Investigation Unit, and National Institution for Human Rights on a number of different issues, including allegations of ill-treatment, reprisals, and medical negligence, these oversight institutions have neglected to investigate adequately, delaying investigations arbitrarily and whitewashing abuses entirely.<sup>771</sup>

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764 Hansard, *Westminster Hall Debate: Human Rights and Technical Assistance to Bahrain*, Volume 646, London: House of Commons, 11 September 2018, available at <https://hansard.parliament.uk/Commons/2018-09-11/debates/D741EBB4-DB9C-4F66-AF85-B0E1043E5214/Bahrain?highlight=bahrain#contribution-5C71E97B-5231-4F13-98F3-9881AE03FDF5> (accessed on 25 March 2018)

765 Hajer Mansoor, telephone interview with BIRD, 24 September 2018.

766 Hajer Mansoor, telephone interview with BIRD, 13 March 2019.

767 Hajer Mansoor, telephone interview with BIRD, 13 July 2019.

768 Hajer Mansoor, telephone interview with BIRD, 13 March 2019.

769 The Daily Star, 'Bahrain women detainees end hunger strike: rights group', 29 October 2017. Available at <http://www.dailystar.com.lb/News/Middle-East/2017/Oct-29/424306-bahrain-women-detainees-end-hunger-strike-rights-group.ashx> Accessed on 21 January 2019.

770 Hajer Mansoor, telephone interview with BIRD, 25 October 2017.

771 See Oversight Bodies chapter at page 80

## CASE BRIEF

# Medina Ali

### NAME

Medina Ali Ahmed Husain AbdulMohsen

### STATUS

Imprisoned, serving a three-year sentence.

### ABOUT

Medina, 29, is a former sales assistant. She has remained in custody following her arrest in May 2017 and was sentenced to three years in prison in February 2018 on charges of hiding a fugitive who was convicted on charges related to political unrest.

### ARREST

On 29 May 2017, Medina was arrested without a warrant by a group of approximately five masked, armed officers in civilian clothing while she was driving to work. The officers had previously raided the residence of the fugitive she was accused of hiding. Medina reported that the officers blindfolded her, transferred her to another car, and took her to the police cavalry station in Budaiya, where they beat her. The officers directed the physical abuse to her face. One officer hit her head against a wall, leaving a scar. Officers also insulted her faith, threatened to rape her, and threatened to rape her family members.<sup>772</sup>

### INTERROGATION

On the same day, the armed officers transferred Medina to the Criminal Investigation Directorate (CID) without notifying her family of her whereabouts. At the CID, authorities kept Medina in a cold room for seven hours. The interrogation itself lasted two hours, during which officers threatened to detain Medina “for years” and tried to coerce her into signing a prepared confession. Medina remained in CID custody overnight and was not permitted to sleep.<sup>773</sup>

The next morning, Medina’s ill treatment continued at the Office of Public Prosecution (OPP), where she was charged with hiding a convicted criminal. The prosecutor did not allow her to contact her family or a lawyer, despite repeated requests. When Medina insisted, the prosecutor allegedly responded, “I don’t have time to waste it on you,” and added, “you and the trash who are with you ... don’t think this will pass, you will spend over ten, 15 years with us.”<sup>774</sup> Eventually, officers coerced Medina into signing a statement without being able to read it first. When she stated that she wanted to read the statement, the Prosecutor responded, “make that request again and you’ll be returned to the CID.” Under this threat, Medina proceeded to sign the statement.<sup>775</sup>

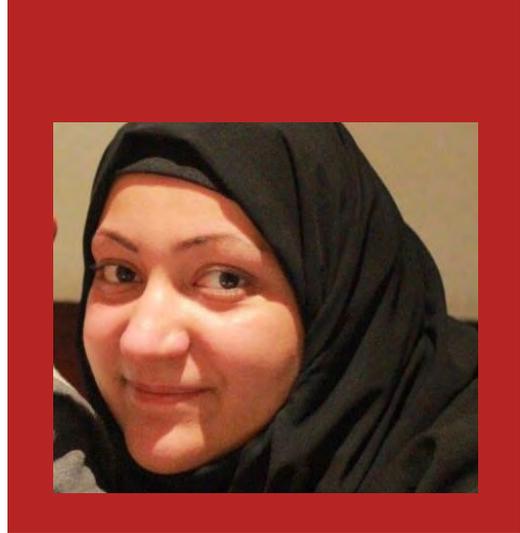
### TRIAL AND CONVICTION

<sup>772</sup> Medina Ali, telephone interview with BIRD, 11 October 2017.

<sup>773</sup> Ibid.

<sup>774</sup> Ibid.

<sup>775</sup> Ibid.



On 21 February 2018, Medina was sentenced to three years' imprisonment on charges of "hiding a convicted criminal"<sup>776</sup> on the basis of her forced confession.<sup>777</sup> Despite being in detention (and therefore state custody) throughout the duration of her trial, Medina was convicted *in absentia*. The Appeals Court upheld Medina's conviction on 26 September 2018.<sup>778</sup> She has exhausted all legal remedies as she did not file an appeal at the Court of Cassation within the appeals period.

## IMPRISONMENT AND PUNITIVE MEASURES

Medina engaged in a number of hunger strikes to protest poor prison conditions, lack of privacy, and humiliating strip searches, notably in October 2017<sup>779</sup> and March 2018.<sup>780</sup> On 16 September 2018, Medina alleges that prison guards physically assaulted her and her cellmate Hajer Mansoor.<sup>781</sup> The incident followed a debate held at the UK Parliament, during which her case was raised,<sup>782</sup> and the release of a voice recording of Medina on Ebtisam AlSaegh's Instagram account detailing prison conditions.<sup>783</sup> After the assault, Medina claims that a high-ranking officer punched her in the back, in an area of the prison without CCTV cameras.<sup>784</sup>

## RECENT EVENTS

Since the alleged assault, the prison administration has imposed restrictions on phone calls and free time outside the cell, and has placed a glass barrier between families and prisoners during family visitations.<sup>785</sup> Medina complained about irregular menstruation and uterine bleeding for over a year without being taken for a specialised visit, until the issue resolved naturally. She has further sought consultation with a forensic doctor to examine an injury sustained to her forehead during her arrest since she was first detained, but had yet to be granted this right at the time of drafting.<sup>786</sup>

Monday, 8 July 2019, was the first instance since the assault upon which Medina was allowed a family visit without the glass barrier.<sup>787</sup>

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776 BIRD, Bahrain: Four Women Sentenced to Three Years Imprisonment for Politically Motivated Charges, 21 February 2018. Available at <http://birdbh.org/2018/02/bahrain-four-women-sentenced-to-three-years-imprisonment-for-politically-motivated-charges/> Accessed on 25 July 2019.

777 Medina Ali has reported that the court used her confession in her trial. However, BIRD and ADHRB were unable to independently verify this information.

778 Case of Medina Ali, ADHRB UN Complaint Program Documentation, September 2018.

779 Daily Star Lebanon, *Bahrain women detainees end hunger strike: rights group*, 29 October 2017. Available at <http://www.dailystar.com.lb/News/Middle-East/2017/Oct-29/424306-bahrain-women-detainees-end-hunger-strike-rights-group.ashx> Accessed on 21 January 2019.

780 Ibid.

781 Amnesty International, *Continuing Lack of Adequate Medical Care in Bahrain's Prisons*, 28 September 2018. Available at <https://www.amnesty.org/en/latest/campaigns/2018/09/continuing-lack-of-adequate-medical-care-in-bahrain-prisons/> Accessed on 21 January 2019.

782 HC Deb 11 Sept 2018 Vol 646. Available at <https://hansard.parliament.uk/Commons/2018-09-11/debates/D741EBB4-DB9C-4F66-AF85-B0E1043E5214/Bahrain?highlight=bahrain> Accessed on 21 January 2019.

783 Ebtisam AlSaegh (ebtesamalsaegh), *Instagram post: recorded phone conversation (Arabic only)*, 11 September 2018. Available at [https://www.instagram.com/p/BnkSWEygaUf/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/BnkSWEygaUf/?utm_source=ig_web_copy_link) Accessed on 21 January 2019.

784 Ifex, *Conditions in Isa Town prison for women highlighted in NGO letter to UN High Commissioner*, 20 October 2018. Available at <https://www.ifex.org/bahrain/2018/10/20/isa-town-prison-women/> Accessed on 21 January 2019.

785 Ibid.

786 Medina Ali, telephone interview with BIRD, 11 October 2017

787 Najah Yusuf, telephone interview with BIRD, 10 July 2019.

## CASE BRIEF

# Najah Yusuf

### NAME

Najah Ahmed Habib Yusuf

### STATUS

Pardoned and released.

### ABOUT

Najah, 42, is an activist and a former civil servant in Bahrain's Labour Market Regulatory Authority. She was first summoned and sexually assaulted by authorities in April 2017. Najah was targeted for arrest for her activities on social media, and convicted in an unfair trial under Bahrain's overly broad counter-terrorism law.

### SUMMONS

Officers from the National Security Agency (NSA) summoned Najah to the Muharraq Security Complex on the morning of 23 April 2017, under the pretence of signing a pledge on behalf of one of her sons.<sup>788</sup>

### INTERROGATION AND SEXUAL ASSAULT

Najah's interrogation spanned a total of five days from her initial summons. Throughout the entire interrogation process, Najah repeatedly requested legal representation, but officers denied her of that right. At the end of each day, she was instructed to return the following day for further interrogation.

Officers questioned Najah about her political activities and relationship with opposition groups and activists abroad, further accusing her of working with terrorist organisations. Officers threatened Najah and forced her to hand over her phone and provide access to her email and social media accounts, some of which were managed by multiple people. On the second day of her interrogation, prison officials sought her agreement to serve as an "informant" in exchange for the release of her imprisoned son, an offer she refused.<sup>789</sup>

Throughout the process, Najah endured beatings and sexual assault in addition to verbal abuse and threats.<sup>790</sup> Officers repeatedly threatened her with rape, her death, and that of her family members. On 24 April 2017, officers stripped Najah of her headscarf, attempted to suffocate her with it,<sup>791</sup> attempted to strip her of her clothes,<sup>792</sup> and hit her on the head and shoulders with shoes.<sup>793</sup> In addition, an officer sexually



788 Phil Miller, 'Britain Trained a Bahraini Police Chief Who Presided Over Abuse of Political Dissidents', *Vice*, 6 April 2018. Available at [https://www.vice.com/en\\_uk/article/43b4k9/britain-trained-a-bahraini-police-chief-who-presided-over-abuse-of-political-dissidents](https://www.vice.com/en_uk/article/43b4k9/britain-trained-a-bahraini-police-chief-who-presided-over-abuse-of-political-dissidents) (Accessed on 29 January 2019).

789 Najah Yusuf, telephone interviews with BIRD, 2 and 8 July 2017

790 Ibid, see also: Phil Miller, 'UK Spooks Involved in Controversial Police Training Scheme for Dictatorship', *Vice*, 4 July 2018. Available at [https://www.vice.com/en\\_uk/article/bj3wmd/uk-spooks-involved-in-controversial-police-training-scheme-for-dictatorship](https://www.vice.com/en_uk/article/bj3wmd/uk-spooks-involved-in-controversial-police-training-scheme-for-dictatorship) (Accessed on 29 January 2019).

791 Najah Yusuf, telephone interview with BIRD, 6 April 2019.

792 Najah Yusuf, telephone interview with BIRD, 2 July 2017.

793 Ibid, confirmed in telephone interview with BIRD, 6 April 2019.

assaulted her. Najah told BIRD, “He entered his hand from behind [the anus], under my clothes. This was from behind. On my chest, it was over the clothes.”<sup>794</sup> Najah eventually collapsed on the floor. She stated that she would leave the office physically and emotionally exhausted and wished the officials would do “whatever they wanted” in the hope they would end the interrogation.<sup>795</sup>

To end the torture, Najah provided false confessions about people with whom she had no relationship or knowledge. On 27 April 2017, the final day of her interrogation, Najah was presented a prepared confession and told to sign it. When Najah refused to sign the statement without reading it beforehand, officers handed the statement to her. However, while she was reading it, officers beat her and threatened to rape her, prompting Najah to sign the confession without reading it in full. After signing, Najah was immediately transferred to the Office of Public Prosecution (OPP), where she was interrogated again without a lawyer present and forced to sign a prepared confession.<sup>796</sup> Her attempts to elaborate on her torture and sexual assault were dismissed.

Despite Najah having explained her physical and sexual assault to the doctor, the medical forensic report that the Directorate of Forensic Science Evidence submitted to the court failed to include any of those allegations and did not find any recent signs of injury.<sup>797</sup> Notably, the medical examination was conducted on 4 May 2017, ten days after her alleged sexual assault. The doctor further noted that there was no trace “indicating the occurrence of violence or resistance appeared on her body.”<sup>798</sup>

## DETENTION

Immediately after her interview at the OPP, Najah was transferred to Isa Town Women’s Detention Centre, where she remained until her judicial hearing.

## TRIAL

Najah stated that she was denied access to legal counsel on multiple occasions, during and ahead of court appearances which started on 22 February 2018.<sup>799</sup> On 25 June 2018, Bahrain’s Fourth Criminal Court sentenced Najah to three years’ imprisonment on charges of (1) establishing social media pages that promoted terrorist activities, inciting hatred of the government, and promoting demonstrations against the government; (2) sharing videos that incited demonstrations; and (3) contacting people who had previously been stripped of their citizenship and sending false information to them.<sup>800</sup> The appeals court upheld the sentence on 29 October 2018.<sup>801</sup>

The court reviewed the social media accounts, Najah’s phone, and her “confession,” despite Najah having spoken of her torture in previous hearings. The court rejected Najah’s claims and asserted in the judgment

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794 Najah Yusuf, telephone interview with BIRD, 8 July 2017.

795 Najah Yusuf, telephone interview with BIRD, 8 March 2018

796 Ibid

797 Directorate of Forensic Science Evidence, Public Prosecution, “Forensic Medical Report on the case with the communication number 3/2017,” 7 May 2017.

798 Ibid.

799 Najah Yusuf, telephone interview by BIRD, 2 July 2017

800 Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Verdict against Najah Yusuf, case No. 07201802559, Fourth High Criminal Court, 25 June 2018.

801 Bahrain Mirror, ‘Bahrain Flouts its Int’l Obligations by Upholding Sentence against Political Prisoner Najah Al-Sheikh, Amnesty International’, 30 October 2018, available at <http://www.bahrainmirror.com/en/news/50358.html>, (accessed on 20 May 2019).

that “the court trusts the validity of the defendant’s primary confession.”<sup>802</sup> Further, the prosecution’s main witness testifying against Najah was an individual who was present during her interrogation and abuse. Najah reported this to the court immediately, but this was also ignored.<sup>803</sup>

The court’s judgment included Facebook posts from shared social media which “incite hatred for the ruling regime.”<sup>804</sup> However, Najah maintains she did not post them, as she was only one of the multiple individuals who had access to those accounts.<sup>805</sup> Najah informed the court of the same, which did not take it into consideration. Evidence from this account also included posts calling for a series of peaceful protests surrounding the Formula One Bahrain Grand Prix in April 2017 and the release of individuals previously detained for protesting Formula One.<sup>806</sup> The posts drew additional attention to the ruling family’s alleged use of the race to whitewash the kingdom’s human rights abuses.<sup>807</sup>

Najah was unable to appeal her sentence at the Court of Cassation, as the Bahraini authorities failed to grant her lawyer power of attorney to represent Najah effectively,<sup>808</sup> despite repeated requests from her lawyer and the approval of the OPP.<sup>809</sup> Since the power of attorney is also required for lawyers to visit their clients in detention, Najah was unable to meet with her lawyer in detention and prepare an adequate defence.<sup>810</sup>

## IMPRISONMENT

After her conviction she was transferred to Isa Town Prison, where she was subjected to measures targeting political prisoners. These included restrictions to her right to practice her religion freely, family visitation, and time allocated outside the cell, as well as phone calls to her lawyer and family members. Whenever her case received international attention, these punitive measures escalated.<sup>811</sup>

## RECENT EVENTS:

On 10 July 2019, Najah was allowed a family visit without the glass barrier for the first time since the alleged assault in September 2018.<sup>812</sup>

On 10 August 2019, Najah was pardoned and released with 104 other individuals, as part of a royal practice to mark Eid AlAdha.<sup>813</sup>

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802 Kingdom of Bahrain Public Prosecution, verdict on Najah Yusuf and \_\_\_\_\_, 25 June 2018.

803 BIRD, ADHRB and Human Rights Watch, Letter to Inspector General Mohammad Rashid Al Rumaihi, 18 April 2019.

804 Kingdom of Bahrain Public Prosecution, “verdict on Najah Yusuf”, 25 June 2018. Page 7.

805 Kingdom of Bahrain Public Prosecution, “verdict on Najah Yusuf”, 25 June 2018.

806 Public Prosecution, Kingdom of Bahrain, “Order in case No. 205168/ 2017 Criminal Proceedings of the Public Prosecution”, 21 February 2018.

807 Ibid.

808 Najah Yusuf’s Lawyer, telephone correspondence with BIRD, 9 April 2019.

809 “Subject: Empowering the Defendant (Najah Ahmed Habib Yusuf Holding the ID Number 111111111) to Appoint a Lawyer.” Jassim Sarhan to Chief of the Terrorist Prosecution. 8 May, 2017. Kingdom of Bahrain.

810 Najah Yusuf’s Lawyer, telephone correspondence with BIRD, 9 April 2019; In the court of first instance and the first appeals court, legal counsel can represent their client without being granted power of attorney as the client will be present during the hearings and so can provide consent.

811 Anthony Harwood, ‘Calls for ‘Beast of Bahrain’ female jail guard to be sacked after she ‘beat-up handcuffed mother’ five days after her son-in-law spoke in UK Parliament to highlight brutality in country’s prisons’, *Daily Mail*, 16 March 2019 - available at <https://www.dailymail.co.uk/news/article-6816339/Calls-Beast-Bahrain-female-jail-guard-sacked-beat-handcuffed-mother.html>, (Accessed on 20 May 2019)

812 Najah Yusuf, telephone interview with BIRD, 10 July 2019.

813 Bahrain News Agency, ‘HM King pardons 105 inmates’, 10 August 2019. Available at <https://www.bna.bh/en/HMKingpardon-s105inmates.aspx?cms=q8FmFJgiscL2fwIzON1%2bDoL%2b%2bvM%2bxPsvT01r8DWI%2fwU%3d>. Accessed on 12 August 2019.

## CASE BRIEF

# Zahra AlShaikh

### NAME

Zahra Salman Shaikh Ali Hasan (AKA “Zahra AlShaikh”)

### STATUS

Released from custody, now residing in the UK.

### ABOUT

Zahra is an activist who has participated in peaceful sit-ins protesting the Bahraini government and its policies. She is currently in England - she fled Bahrain in October 2018 after her latest arrest. Zahra was targeted for arrest due to her activism and convicted *in absentia* in an unfair trial under Bahrain’s broad counter-terror law.

### PRIOR ABUSES

On 15 June 2012, officers from the Special Security Force Command (SSFC) arrested Zahra during a peaceful sit-in and asked her to help arrest other activists, but she refused to cooperate. Police then held her in prison for a month and tortured her, including an instance where a female police officer forced her to remove her clothing and took photos of her on a mobile phone.<sup>814</sup>

On 18 January 2013, Zahra participated in another peaceful sit-in, protesting police violence and the continued occupation of Saudi Arabian forces in Bahrain. Between 15 and 18 SSFC officers in riot gear surrounded her, beat her, and removed her hijab. Bahraini authorities then charged Zahra with assaulting security officers and detained her for four months, during which time they tortured her so brutally that she stated “I thought I would die.” In January 2014, a court found Zahra guilty and sentenced her to one year in prison. However, she was pregnant at the time of her conviction, and she was not imprisoned at this time.<sup>815</sup>

On 21 October 2014, Zahra claims that officers in plain clothing and masks, officers from the SSFC, and officers from the National Security Agency (NSA) raided her home without a warrant and informed Zahra and other family members that Zahra’s husband, Habib Ali Mubarak, had to surrender himself to the Criminal Investigations Directorate (CID). On 27 October 2014, Habib called Zahra and told her that the police were transferring him to Dry Dock Detention Center, and asked her to bring clothing. When Zahra brought Habib’s clothing, officers arrested her to serve her prior sentence. Zahra had brought her six-month-old son with her to the Detention Centre. The police took both Zahra and her baby to the Isa Town Women’s Detention Centre, where they imprisoned them until 19 July 2015 - almost nine months after their arrest. Bahraini authorities forced Zahra to delete all of her previous tweets upon her release.<sup>816</sup>

### MOST RECENT ARREST

On 9 September 2018, officers in plain clothing and masks raided Zahra’s family home while Zahra was taking her son to school.<sup>817</sup> The officers gave Zahra’s mother-in-law a summons for Zahra to present herself to the Office of Public Prosecution (OPP) the following day. On 10 September 2018, Zahra went to the OPP.



814 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, January 2019.

815 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, February 2019.

816 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, February 2019.

817 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, February 2019.

When she arrived, officers blindfolded her and took her to the CID.<sup>818</sup>

## INTERROGATION

At the CID, the officers questioned Zahra for 12 hours without a lawyer present.<sup>819</sup> Officers asked about her source of income, since her husband was in prison.<sup>820</sup> The officers threatened to hurt or kill her family and accused her of associating with and receiving funds from terrorists.

The officers accused Zahra of joining a terrorist cell. She responded that it was impossible, as she opposes violence in every form and finds terrorism “unacceptable.”<sup>821</sup> The officers slapped Zahra, pulled her hair, and threatened her family if she did not give them the answers they wanted, to which she replied that she did not have the information they were after.

Authorities told Zahra that they would temporarily release her if she apologised to the King of Bahrain on her Instagram account. Initially she refused, but officers threatened to harm her child. Zahra later stated, “I could not bear the agony and became weak and apologised and my mobile phone was confiscated.”<sup>822</sup>

Officers took Zahra to the roof of the CID and recorded her apology to the king on Zahra’s phone. The officers then took her to the OPP, where authorities charged her with terrorist crimes and set a bail of 500 Bahraini dinars.<sup>823</sup> Zahra’s family brought the bail money and the officers released Zahra but kept her phone. The next day, on 11 September 2018, they published the apology video on her Instagram account, which Zahra has since made private.<sup>824</sup>

A week after her interrogation, Zahra began to see a psychiatrist. The psychiatrist prescribed her medication for anxiety and depression, as well as medication to help her sleep.<sup>825</sup> Zahra also contacted a lawyer a week after her release, reporting that her psychological status prevented her from communicating with a lawyer immediately after she was released from the CID.

## FLIGHT TO UNITED KINGDOM

On 24 October 2018, Zahra fled Bahrain for the United Kingdom via Turkey. On 20 November 2018, Bahraini forces raided Zahra’s home in Bahrain, where her husband’s parents and brothers still reside.<sup>826</sup>

## TRIAL IN ABSENTIA

Zahra was summoned to attend a hearing at the Fourth High Criminal Court on 27 November 2018. On 13 December 2018, a Bahraini court tried and convicted Zahra *in absentia* for “concealing the identity of a terrorist.” It sentenced her to six months’ imprisonment.<sup>827</sup>

## RECENT EVENTS

Zahra still resides in the United Kingdom, and her husband Habib remains in Jau Prison.<sup>828</sup> Zahra believes that the Bahraini authorities may level the same terrorist charges against Habib.

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818 Ibid.

819 Ibid.

820 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, January 2019.

821 Ibid.

822 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, February 2019.

823 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, January 2019.

824 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, February 2019.

825 Ibid.

826 Ibid.

827 Ibid.

828 Case of Zahra Salman Hasan, ADHRB UN Complaint Program Documentation, January 2019.

## CASE BRIEF

# Zainab Marhoon

### NAME

Zainab Makki Abbas, also known as Zainab Marhoon.

### STATUS

Released, having served a one-year sentence. Zainab's citizenship was revoked, but was reinstated by Royal Order after her release.

### ABOUT

Zainab, 33, holds a degree in Islamic Studies and Islamic Law from the University of Bahrain. She comes from a politically active family, though Zainab says she is not active. Zainab's uncle, Fadhel Abbas, was shot by the police with live ammunition in May 1996.<sup>829</sup> She was subjected to an unfair trial under the vague and broad counter-terror law in Bahrain.

### ARREST

At approximately midnight on 5 August 2017, Zainab arrived home to find plain-clothes police officers and three officers from other security forces searching her house for the belongings of her brother, Hasan Makki Abbas Hasan, without a warrant. Officers accused Zainab of hiding a bag that they claimed contained explosive materials. Zainab denied knowing about these materials. The officers left the home with Zainab's husband, Ameen Habib Ali Jasim AlMansi, to search for the bag. When they returned at approximately 6.30am, Zainab was told to go with the officers and her husband to the Criminal Investigations Directorate (CID), although they showed no arrest warrant. The officers also confiscated her car, laptop, her husband's phone, and photos of her children. When Zainab inquired whether she was being arrested, officers replied that she was just being taken for interrogation.<sup>830</sup>

### INTERROGATION

Zainab arrived at the CID at Adliya at around 7.00am on 5 August 2017, and was held there for two days. Over the course of her detention, officers interrogated Zainab three times, each session lasting approximately 20 minutes, without informing her of any criminal charges against her. Officers questioned Zainab extensively about her brother's activities. Between interrogations, Zainab sat on the floor in a cold room next to the interrogation room, covering herself with a "dirty cloth" she had found on the floor to keep warm.<sup>831</sup> Officers did not provide Zainab with any legal representation during this period, but told her to make a short phone call to her family at home to inform them that she was "fine." On 7 August 2017, Zainab was taken to the Isa Town Prison clinic as her health deteriorated due to lack of sleep and low blood sugar levels. After receiving treatment, she was transferred to Isa Town Detention Centre.<sup>832</sup> She was not allowed to talk to her family again for over two weeks.



829 Malik Abdullah. "افاضل عباس لم تعلم عائلته باستشهاده إلا بعد دفته" AlWasat, 4 May 2006. <http://www.alwasatnews.com/news/586159.html>. (Accessed on 3 May 2019).

830 Zainab Marhoon, telephone interview with BIRD, 2 April 2019.

831 Ibid.

832 Ibid.

At around 7.30am on 23 August 2017, officers took Zainab to a forensic doctor for an examination<sup>833</sup> before escorting her again to the CID, where she remained until noon. Officers transferred Zainab to the OPP, where she remained until 1.30am. Zainab said that her treatment at the OPP was “far worse” than what she had faced at the CID.<sup>834</sup> She was held in a room from which she could hear the voices of two of her brothers and her husband. Zainab said it sounded like they were being tortured.<sup>835</sup>

During her interrogation, Zainab said that the prosecutor shouted at her and threatened to imprison her for 15 years. He informed her that she was charged with participating in a terrorist group and possession of explosive materials and weapons for terrorist purposes.<sup>836</sup> Zainab maintained that she had no knowledge of these charges or the alleged acts. The prosecutor printed out Zainab’s statement denying the accusations, asked her to sign it, and told her to wait outside the interrogation room. Zainab signed the document and left the room.<sup>837</sup>

After an hour, Zainab was brought back into the room during her husband’s interrogation, at which point she saw that he had cuts and bruises all over his hands.<sup>838</sup> He told her he had been handcuffed for two weeks straight. The prosecutor informed Zainab that her husband had implicated her in the crime. Zainab’s husband later told Zainab that the officers had threatened to rape her if he did not confess for both of them.<sup>839</sup>

Officers returned Zainab to Isa Town Prison at around 1.30am the following day. One of her fellow inmates, Hajer Mansoor, took her to the prison clinic where Zainab was administered fluids intravenously due to a drop in her blood sugar levels. The following day, an officer informed Zainab that she would be detained for six months.<sup>840</sup>

## **TRIAL**

Zainab was held in detention for eight months before her trial began. On 29 March 2018, Zainab’s case was referred to the High Criminal Court.<sup>841</sup> On 2 April 2018, she was summoned to attend her first hearing on 19 April.<sup>842</sup> There were four hearings in total. Zainab was tried with 20 other defendants, alongside her husband and brother. The main witnesses testifying against the defendants were MOI officers.

On 29 November 2018, the court convicted Zainab on charges of hiding weapons, ammunition, and explosive materials in her home with her knowledge of their intended use for terrorist purposes, and sentenced her to one year in prison. Despite the short sentence, Zainab was also stripped of her citizenship and rendered stateless.<sup>843</sup> The coerced confessions of Zainab’s brother and husband were used as evidence against her, despite her husband retracting his statement.<sup>844</sup> Her brother was sentenced to 15 years’ imprisonment, while her husband received a seven-year sentence. Both of them were also stripped of their citi-

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833 Kingdom of Bahrain Public Prosecution Directorate of Forensic Science Evidence, medical report for Zainab Makki Abbas, 24 August 2018, 600-800, page 122.

834 Zainab Marhoon, telephone interview with BIRD, 2 April 2019.

835 Ibid.

836 Ibid.

837 Zainab Marhoon, telephone interview with BIRD, 16 April 2019.

838 Ibid.

839 Zainab Marhoon, telephone interview with BIRD, 2 April 2019.

840 Zainab Marhoon, telephone interview with BIRD, 16 April 2019.

841 Kingdom of Bahrain Public Prosecution, documentation on Zainab Marhoon, Case No. 2017203752, 1-200, page 38.

842 Ibid., page 28.

843 Kingdom of Bahrain, Ministry of Justice, Islamic Affairs & Waqf, Court Directorate, Report Submitted by the Public Prosecution Against Defendants [including] Zainab Marhoon, Court Case No. 07201804332, 29 November 2018, pages 3-54.

844 Ibid., page 36.

zenship and rendered stateless. In response to the defence's claims that the statements of Zainab's brother and husband were made under coercion, the court asserted that there were no signs to suggest that confessions were coerced and that these allegations were just attempts to "escape punishment."<sup>845</sup> The court ruling further elaborated that "when it comes to confessions made before the [OPP], it is up to the court to decide what they want to believe."<sup>846</sup> On 25 February 2019, an appeals court upheld the decision.

## IMPRISONMENT

Zainab remained in Isa Town Prison from 7 August 2017 until 23 May 2018, but was temporarily released during her trial.<sup>847</sup> She was re-arrested on 15 January 2019, and imprisoned to complete her sentence.

Zainab described the poor prison conditions she and other prisoners endured, particularly those during the second phase of her imprisonment in 2019. These included the imposition of a physical barrier during family visitation, the lack of privacy from prison officials during phone calls, and restrictions on time outside the cell imposed by prison authorities in September 2018 that forced inmates to be in their cells for up to 23 hours a day. She also said inmates had limited access to drinking water, that prayer times conflicted with meals, requiring prisoners to choose either food or prayer, and that poor access to specialised medical treatment left inmates suffering for months.<sup>848</sup>

On 29 March 2019, Zainab was released from prison, having completed her one-year sentence, which included time already served since her initial arrest and detention. On 21 April 2019, the King of Bahrain issued a Royal Order restoring the citizenship of 551 individuals, including Zainab, her husband, and her brother.<sup>849</sup>

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845 Ibid., page 37.

846 Ibid.

847 Sayed Alwadaei, @SAlwadaei, Twitter Post, 23 May 2018, <https://twitter.com/SAlwadaei/status/999286308898996224>, (Accessed on 2 May 2018).

848 Zainab Marhoon, telephone interview with BIRD, 16 April 2019.

849 Ministry of Interior, "HM the King restores citizenship of 551 convicts" Policemc.gov.bh, 27 April 2019. <https://www.policemc.gov.bh/en/news/ministry/91399>, (Accessed on 2 May 2019).

## CASE BRIEF

# Zakeya AlBarboori

### NAME

Zakeya Isa AlBarboori

### STATUS

Imprisoned, serving a five-year sentence.

### ABOUT

Zakeya, 31, is a chemical engineer with no previous criminal record who has participated in licensed demonstrations. She was arrested in May 2018 and has remained in detention ever since. Zakeya was convicted in an unfair trial under Bahrain's overly broad counter-terrorism law.

### ARREST

On 17 May 2018 at approximately 3.00am, the first night of Ramadan, roughly ten officers in plain clothing and armed forces from the Special Security Force Command (SSFC) entered Zakeya's home after surrounding it with a number of security vehicles and landing helicopters on the roof. The officers inquired about the women in the house, asking specifically about Zakeya, and searched her room for ten minutes without allowing the family to enter. The officers then arrested Zakeya and took her to the Criminal Investigations Directorate (CID). The officers also seized Zakeya's car. Neither a warrant for the search nor for the confiscation of Zakeya's items was provided, and Zakeya's family was told to contact the CID for further information as to her whereabouts.<sup>850</sup>

The next day, at around 4.00am, officers returned to search Zakeya's room for an hour, again without a warrant. The officers refused to allow the family to approach the room and refused to inform the family of the reason for the search and arrest.<sup>851</sup>

### INTERROGATION

Zakeya called her family twice, once on 17 May and once on 21 May, after which her family did not hear from her or receive any information on her condition for approximately two weeks, during which time she was forcibly disappeared. Bahraini police interrogated Zakeya for six consecutive days following her arrest - she described this period as "exhausting."<sup>852</sup> The police held Zakeya in solitary confinement for 28 days, during which time she was subjected to "strong pressure" and lost track of time.<sup>853</sup> Throughout this period, Zakeya's family attempted to learn of her whereabouts, but the CID denied having her in their custody.<sup>854</sup>



850 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, May 2018.

851 Zakeya AlBarboori's family member, Telephone interview with BIRD, June 2018.

852 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, May 2018.

853 Ibid.

854 Ibid.

## DETENTION

On 6 June 2018, Zakeya stood before the Office of Public Prosecution (OPP) without a lawyer or prior notice, despite the fact that her lawyer previously informed the OPP that she was Zakeya's legal counsel.<sup>855</sup> Zakeya was charged with possession of explosives in the house, receiving funding from Iran, and membership in Tayar Al-Wafa Al-Islami (Al-Wafa), an unlicensed political opposition group which the Bahraini government considers a terrorist organisation. No one informed Zakeya of the charges against her until her family visited her almost a month after her arrest.<sup>856</sup> On 6 June, Zakeya's detention was extended for another month, and was extended regularly until her conviction.

On 10 June 2018, Zakeya was taken to a doctor for an unplanned medical examination. She had exhibited signs of weight loss, which the doctor confirmed - she had lost 3 kg. The doctor also prescribed her a cream to treat a skin allergy.<sup>857</sup>

On 14 June 2018, authorities transferred Zakeya to Isa Town Women's Detention Centre.<sup>858</sup> Zakeya's family was permitted to visit her the next day, but was subjected to lengthy visitation procedures and limited to 30 minutes during visitation. Her family remained separated from Zakeya by a large table designed to keep some distance between them. Additionally, a female police officer was present throughout the visit. Zakeya's family informed her of the charges against her, of which she was not previously aware.<sup>859</sup>

## TRIAL

Zakeya's lawyer did not receive the formal indictment until her hearing on 31 January 2019, which Zakeya did not attend.<sup>860</sup> On 6 February 2019, Zakeya was brought before the court and convicted. She was sentenced<sup>861</sup> to five years in prison and stripped<sup>862</sup> of her Bahraini nationality, rendering her stateless. Her conviction and five-year sentence were upheld on appeal on 27 May 2019.<sup>863</sup>

## RECENT EVENTS

On 21 April 2019, the King of Bahrain issued a Royal Order to restore the citizenship of 551 individuals, including Zakeya.<sup>864</sup>

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855 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, June 2018.

856 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, July 2018.

857 Ibid.

858 Ibid.

859 Ibid.

860 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, February 2019.

861 Bahrain Public Prosecution. *Instagram*, 6 February 2019. Accessed 14 May 2019. [https://www.instagram.com/p/BtirN53F-z\\_/?utm\\_source=ig\\_share\\_sheet&igshid=13haxars6pyte](https://www.instagram.com/p/BtirN53F-z_/?utm_source=ig_share_sheet&igshid=13haxars6pyte)

862 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, February 2019. "BAHRAIN: 7 Convicted to Life Imprisonment and 11 Revoked of Their Citizenship Including Female Activist." 2019. *Bahrain Institute for Rights and Democracy* (blog). February 7, 2019. <http://birdbh.org/2019/02/bahrain-7-convicted-to-life-imprisonment-and-11-revoked-of-their-citizenship-including-female-activist/>.

863 Case of Zakeya AlBarboori, ADHRB UN Complaint Program Documentation, May 2019.

864 Ministry of Interior, "HM the King restores citizenship of 551 convicts" *Policemc.gov.bh*, 27 April 2019, available at <https://www.policemc.gov.bh/en/news/ministry/91399>, (Accessed 2 May 2019).

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*“This report is crucial to political prisoners and to others who have suffered through the horrendous human rights violations that I and the other women in this report were subjected to. We are breaking the silence and speaking out about these violations so that these abuses won’t occur to anyone else, especially in circumstances where the perpetrators feel they can act with impunity. Despite everything that happened to me, I am one of the few lucky ones – I was pardoned and released. However, thousands of other political prisoners and women still remain imprisoned in appalling conditions. While we have broken the silence we need the international community to listen and to act!”*

FORMER POLITICAL PRISONER NAJAH YUSUF



Americans for Democracy  
& Human Rights in Bahrain