



August 25, 2014

King Hamad of Bahrain
Cc: Lt. General Sheikh Rashed bin Abdulla Al-Khalifa
Minister of Interior
Kingdom of Bahrain

Your Majesty,

The undersigned representatives of international human rights organizations write to urge the Bahrain government to comply with its international treaty obligations to provide victims of torture with physical and psychological rehabilitation. In particular, we urge the Bahrain government to allow and facilitate an independent assessment of the therapeutic needs of all persons who were mistreated during their detention by the Bahraini authorities, as confirmed by the findings of the Bahrain Independent Commission of Inquiry (BICI). Such independent therapeutic assessments should be made available to those who were mistreated with a view to determining the impact and continuing effects of that mistreatment on their physical and psychological health, and in order to promptly make appropriate rehabilitation available to them in a manner that does not place them at risk of retraumatization. Such independent therapeutic assessments and rehabilitation should be made available to all victims of mistreatment in the custody of Bahraini authorities, including those who currently remain in custody serving prison sentences imposed by Bahrain's courts.

As you are aware, the BICI report concluded that during their detention by Bahraini officials in 2011, opposition protestors and political activists were subjected to "a systematic practice of physical and psychological mistreatment, which in many cases amounted to torture." BICI also found that Bahraini officials subjected high-profile political detainees, 13 of whom remain in jail serving lengthy prison terms up to life imprisonment, to "a more discernible pattern of mistreatment" in detention. BICI documented the techniques most commonly used against detainees as: blindfolding; handcuffing; enforced standing for prolonged periods; beating; punching; hitting the detainee with rubber hoses (including on the soles of the detainee's feet), cables, whips, metal, wooden planks or other objects; electrocution; sleep-deprivation; exposure to extreme temperatures; verbal abuse; threats of rape of the detainee or family members; and insulting the detainee's religious sect (Shi'a).

BICI also described "a deliberate practice of mistreatment on the part of the NSA [National Security Agency] and the Mol [Ministry of Interior]" that was aimed either at "extracting confessions and statements" or were inflicted "for the purposes of retribution and punishment." Your Majesty accepted the BICI's findings in November 2011 and declared that your government would take these findings and the BICI's recommendations "to heart" and that they "must be dealt with urgently."

As documented by BICI, there were multiple allegations of beatings taking place in hospitals, including the Bahrain Defense Force (BDF) hospital. Two individuals told BICI investigators that they were blindfolded and handcuffed to their beds during their time in the BDF hospital. One alleged that security forces in the hospital threatened him with sexual abuse and execution, and made sexual threats against his wife and daughter. Another detainee told BICI investigators that he was “physically tortured and verbally insulted” in the BDF hospital. Others reported to investigators that during interrogations at the BDF hospital, security officers beat them with hoses, or in another case, a detainee alleged that a security officer at the BDF hospital pointed a gun at his head and told him, “We have the right to shoot anyone we want. I will empty this gun in your head.”

Currently, 13 high-profile detainees specifically noted by BICI as having been targeted by “a more discernable pattern of mistreatment,” remain in detention under long sentences ranging from 5 years to life in prison. These 13 cases include: Hassan Mushaima, Ibrahim Sherif, Dr Abduljalil al-Singace, Abdulwahab Hussein, Sheikh Saeed Merza Ahmed al-Nouri, Sheikh Abdulhadi Abdulla al-Makhmour, Mohamed Hassan Jawad, Mohamed Reda Ismail, Sheikh Abduljalil al-Muqdad, Salah Abdulla al-Khawaja, Sheikh Mohamed Habib al-Muqdad, Merza al-Mahrous and Abdulhadi al-Khawaja.

BICI forensic teams examined several of these individuals, and their detailed allegations of torture and mistreatment were among the 60 cases of abuse included in the annex of its report. At least two of these 13 high-profile activists noted by BICI as serving prison sentences in Bahrain currently suffer from physical conditions that have led to repeated requests for medical attention. To date, however, Bahraini authorities have either denied their requests or referred them for treatment at the Bahrain Defence Force (BDF) Hospital, where detainees remain at risk of re-traumatization, as the BDF Hospital was the site of a number of detainees’ initial mistreatment.

Khadija al-Mousawi said that her husband, Abdulhadi al-Khawaja, continues to suffer from the injuries he sustained during his arrest and pre-trial detention in 2011. Al-Khawaja continues to suffer pain in his lower spine on account of injuries that he attributes to the torture he endured in pre-trial detention in 2011. In addition, he continues to suffer discomfort as a result of the metal plates and screws that doctors inserted into his jaw after police broke it in 4 places during his arrest. Al-Mousawi says that prison authorities have offered her husband only the most basic medical care and that they have never offered him physical or psychological rehabilitation. Abdulwaha Hussain’s family said his health began to deteriorate in 2013, but that he has refused treatment at the BDF hospital, telling his family that he does not feel safe there. A third detainee, Mirza al-Mahroos, wrote a letter to his family on August 14 saying that prison administrators at Jau prison were not responding to his requests for medical treatment for conditions that he says are directly related to torture he endured after his arrest in April 2011.

In March 2013, your government established the Commission on the Rights of Prisoners and Detainees (CRPD) as a measure to prevent future mistreatment in response to the BICI recommendations. The Minister for Human Rights described the establishment of the CRPD as a “pioneering” step in accordance with Bahrain’s obligations as a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

This positive initiative is insufficient, however, to address and remedy the torture and other ill-treatment of detainees that previously occurred in Bahrain, as the BICI report established, if Bahrain is to comply with its obligations as a state party to the CAT, including its obligation to afford victims of torture redress, including rehabilitation. Article 14 of CAT states:

Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.

Under Article 14, Bahraini authorities have a particular responsibility to address the therapeutic and other rehabilitative needs of those victims of official mistreatment who remain in custody and who,

due to their continued incarceration, are unable to proactively attend to their own physical and psychological rehabilitation.

In October 2012, the Committee Against Torture—a body of independent international experts who review state parties' compliance with CAT—issued a general comment on article 14, which “explains and clarifies to States parties the content and scope of the obligations under article 14”. The Committee considers that the term “redress” in article 14 encompasses the concepts of “effective remedy” and “reparation” and entails restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

The Committee provides detailed guidance on how states can fulfil their obligations to provide a victim of torture or ill-treatment with the means for as full rehabilitation as possible. According to the Committee, specialised services for the victim of torture or ill-treatment should be “available, appropriate and promptly accessible.” These should include, inter alia:

- a procedure for the assessment and evaluation of an individual's therapeutic and other needs
- a holistic approach to rehabilitation which also takes into consideration the strength and resilience of the victim is of utmost importance.
- the need to create a context of confidence and trust in which assistance can be provided, in view of victims' risk of re-traumatisation and their valid fears of acts which remind them of the torture or ill-treatment they endured.

To date, Bahraini authorities have failed to assess the therapeutic needs of individuals mistreated in detention since 2011, as documented by BICI and others.

The undersigned organizations call upon the government of Bahrain to afford to all victims of torture and ill-treatment their right to redress in line with Bahrain's obligations under CAT, as clarified by the Committee Against Torture's general comment on Article 14. We further ask that authorities prioritize as a matter of urgency, the particular cases of the 13-high profile political detainees identified by the BICI as having been subjected to “a more discernible pattern of mistreatment” in detention. We also reiterate previous calls for the immediate release of these 13 high-profile activists and other persons detained unjustly. We remain concerned by ongoing allegations of torture and call on the relevant authorities to ensure thorough and impartial investigations into all allegations, to prosecute those responsible, and to provide appropriate redress to victims.

We look forward to receiving your response.

Sincerely,

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