

Accountability for Torture in Bahrain **A Call for Magnitsky Sanctions**



**A report by Deighton Pierce Glynn Solicitors,
instructed by the Gulf Centre for Human Rights (GCHR)**

Contents

Contents	3
Acronyms	4
1. Executive Summary	5
a. Instructions	5
b. Methodology	6
2. Background	7
a. The Ministry of the Interior (“MOI”)	7
b. 2011 Protests	7
c. Summary of Witness Evidence	8
(i) Ebrahim Ahmed Al-Demistani	8
(ii) Mohammed Sultan	9
(iii) Yunus Ahmed Sultan	10
3. Accountability and Legal Framework	12
a. International legal framework	12
(i) UN Convention Against Torture (“UNCAT”)	12
(ii) International Covenant on Civil and Political Rights (“ICCPR”)	13
b. Domestic Remedies	13
c. Assessment of Domestic Remedies	17
4. Consistency of Complaints	22
5. Remedies in the UK	27
a. Criminal Prosecutions in the UK: Universal Jurisdiction	27
(i) Procedure for a prosecution	28
(ii) Exclusions from the UK	29
b. ‘Magnitsky’ Sanctions	30
(i) Background	30
(ii) The UK ‘Magnitsky’ rules	31
(iii) The Procedure	33
(iv) UK Magnitsky sanctions in practice	33
c. Findings	34

Acronyms

ADHRB	Americans for Democracy and Human Rights in Bahrain
BCHR	Bahrain Center for Human Rights
BDF	Bahrain Defence Force
BICI	Bahrain Independent Commission of Inquiry
BIRD	Bahrain Institute for Rights and Democracy
CAT	UN Committee Against Torture
CPS	Crown Prosecution Service
CTD	Counter Terrorism Division of the Crown Prosecution Service
DPG	Deighton Pierce Glynn Solicitors
FCDO	UK Foreign, Commonwealth & Development Office
GCHR	Gulf Centre for Human Rights
GHR	The Global Human Rights Sanctions Regulations 2020
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
MOI	Ministry of the Interior
MOIN	Minister of the Interior
NIHR	Bahrain National Institution for Human Rights
NSA	Bahrain National Security Agency
OPCAT	Optional Protocol to the Convention Against Torture
UNCAT	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
SIU	Bahrain Special Investigation Unit
SO15	Metropolitan Police Counter Terrorism Command
SSHD	UK Secretary of State for the Home Department
UN SRT	UN Special Rapporteur on Torture

1. Executive Summary

a. Instructions

1. This report is prepared by Deighton Pierce Glynn Solicitors (“DPG”), a leading law firm specialising in civil and human rights based in the UK. DPG is ranked first in London for civil liberties and human rights work by The Legal 500 and as Band 1 by Chambers and Partners for Administrative & Public Law Claimant work. The report was prepared on the instruction of the Gulf Centre for Human Rights (“GCHR”), an independent non-profit and non-governmental organization that provides support and protection to human rights defenders and promotes human rights, including but not limited to freedom of expression, association, and peaceful assembly. GCHR is registered in Ireland and operates across the Middle East and North Africa (“MENA”) region.
2. The scope of GCHR’s instructions to DPG was to investigate and analyse a set of evidence in relation to allegations of torture and mistreatment by officials in the Kingdom of Bahrain, and in particular the evidence of three Bahraini witnesses, and to consider potential accountability mechanisms. GCHR’s aim is to identify and apply accountability measures to assist victims of abuse and torture in Bahrain, and to hold perpetrators of such conduct to account in the UK (and Europe). The central consideration was accountability for egregious human right abuses, in particular the use of torture in Bahrain’s detention facilities.
3. The report finds that there are accountability mechanisms within Bahrain on paper but they are ineffective; there is no evidence of perpetrators being effectively punished or deterred, and mistreatment is continuing. So the report considers remedies available outside Bahrain, primarily in the UK. Although Bahrain is the focus of the evidence, such remedies would apply to perpetrators in other Gulf States and beyond.
4. One approach is to use so-called ‘soft law’ mechanisms, such as complaints through UN Special Procedures and Charter Bodies, which may influence at a political or diplomatic level, but do not constitute an enforceable legal remedy. These bodies have repeatedly drawn the world’s attention to human rights abuses in Bahrain. They seem to have been a factor in the release of certain high-profile individuals, as part of international publicity campaigns. However, there is limited evidence that they act as a deterrent in cases of the systemic long-term human rights abuses described in this report.
5. The UK has ‘universal jurisdiction’ laws allowing for prosecution in the UK for torture which has been perpetrated abroad. The police have limited resources for investigation and prosecution. There is a criminal burden of proof, requiring victims to give public direct evidence in person in court, which is not possible for those in jail in Bahrain. As a result, there have been very few

such prosecutions, and none relating to the Gulf. Also, in the case of perpetrators who are non-British nationals, evidence is needed of direct acts of torture. This means it is easier to prosecute the lower ranking officials who committed the torture, but not the “intellectual authors”. UK law does not provide for prosecution of non-British nationals with “command responsibility” even where there is clear evidence that they are aware of and complicit in systemic torture. Law reform would be needed to prosecute those referred to in this report such as Bahrain’s Minister of the Interior.

6. There is an immigration remedy if prosecution is not possible. Even if they decide not to open a formal investigation, as in the case of Prince Nasser of Bahrain, UK police should refer a perpetrator of torture to the Home Secretary to consider exclusion from the UK. This process is secretive. In 2021, the High Court decided the Home Secretary did not need to publicise details of her decision about whether she has considered excluding Prince Nasser from the UK.
7. The report considers the potential of the ‘Magnitsky’ sanctions approach, which was recently introduced in the UK (after the USA) and is also being used by the EU and other states. We consider whether the evidence available in relation to Bahrain would justify the use of such sanctions in relation to Bahraini officials. The report considers the witness evidence referred to in this report, against the background of authoritative evidence of systemic torture, and applies the law and published policy. We have concluded that there is a strong case for the UK Foreign, Commonwealth and Development Office to apply Magnitsky sanctions against Lieutenant General Rashid bin Abdullah Al-Khalifa (due to his role as MOIN).

b. Methodology

8. The report relies on a combination of qualitative and quantitative evidence collected over the past decade. We report examined a range of documentary information in the public domain, including legal texts, court judgments, official statements, reports and information published by human rights organisations. It further considered documents from victims, including but not limited to, complaints by Bahraini nationals to UN bodies and Special Rapporteurs, written accounts of abuse and torture in the country, photographic evidence and the report of the Bahrain Independent Commission of Inquiry (“BICI”).
9. Extensive legal interviews were conducted with three individuals who provided detailed witness evidence of their first-hand experiences of abuse in Bahrain by officials working for the Ministry of the Interior. This report relies on credible evidence provided by these witnesses. We have also had sight of first and second-hand accounts of torture from numerous other individuals in Bahrain, including women and children, who report similar patterns of ill-treatment as recently as 2019. This evidence has not been included here because of the risk of reprisals.

2. Background

a. The Ministry of the Interior (“MOI”)

10. The Bahrain Ministry of the Interior (“MOI”) is headed by the Minister of Interior, Lieutenant General Rashid bin Abdullah Al-Khalifa (“MOIN”), who has been in command since 2004. The MOI is responsible for policing, public security, prisons, detention centres, criminal investigations, intelligence and maintaining internal order in Bahrain. It commands multiple directorates and units including the Criminal Investigations Directorate (“CID”) and the Public Security Forces (“PSF”). Division chiefs report directly to MOI and the MOIN.¹ The PSF are armed units, police departments, riot control units and special forces and are responsible for order and security. The CID is responsible for criminal investigations, gathering information and evidence. The organisation Americans for Democracy and Human Rights in Bahrain (“ADHRB”) sets out the command structure of MOI and its divisions and directorates in its report “Anatomy of a Police State”.²

b. 2011 Protests

11. In early 2011, thousands of Bahraini nationals took part in a pro-democracy uprising, inspired by the Arab Spring. Protests, demonstrations, and marches took place across the country calling for democratic and human rights, the release of political prisoners, accountability for injustices committed by the Kingdom and guarantees of independent media and free expression. In anticipation of the protests, the MOI deployed and increased police patrols in communities and heightened security at important locations.³
12. MOI units including PSF and CID personnel attacked protesters. Armed units used shotguns, tear gas and rubber bullets. There is considerable testimony and video footage showing that protesters were beaten on the streets, in their homes and in detention. On 14 and 15 February 2011 respectively, protesters were shot and killed by police.⁴ Hundreds of protesters were arrested and detained simply for peacefully protesting. In response, thousands of people occupied a central location in Bahrain, the Pearl Roundabout, which became a hub for the protests.⁵
13. The Bahrain Independent Commission of Inquiry (“BICI”)⁶ found that on 17 February 2011, “orders were issued to police” to regain control of the roundabout and clear the area of

¹ Paras 145-149, P52-53, Report of the Bahrain Independent Commission of Inquiry, 2011 November 2011

² Anatomy of a Police State: Systematic Repression, Brutality, and Bahrain’s Ministry of Interior, 3 April 2019, https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2019/03/ADHRB_MOI_0319_Web.pdf

³ Para 193, 200, P66, Report of the Bahrain Independent Commission of Inquiry, 2011 November 2011

⁴ *Ibid* at para 206, p69 and p70, para 214

⁵ *Ibid* at para 215, p71

⁶ The Bahrain Independent Commission of Inquiry was appointed by Bahrain’s King on 28 June 2011 to investigate violations of international human rights law and norms in relation to the Bahrain protests and provide recommendations.

protesters.⁷ The BICI referred to MOI reports which showed that four battalions of over 1000 personnel were dispatched. The investigation found that police were armed and included personnel from the National Security Agency (“NSA”) and the Criminal Investigations Department (“CID”).⁸ These personnel were under the command of the MOI. The army, led by the Bahrain Defence Force (“BDF”), were also involved. Police units attacked protesters stationed at the roundabout, including medical staff who had set up a medical area to treat the injured. There were more extra-judicial killings of protesters.

14. Police eventually withdrew and protesters returned to the roundabout. However, on 15 March 2011, Bahrain’s King declared a three-month state of emergency following which police and military forces attacked protesters at the roundabout, arrested protesters and imposed restrictions to liberty under martial law.⁹ Hundreds were wounded.¹⁰ Two of the witnesses interviewed for this report were present and described what followed as a series of abusive practices committed against them by officials under the command responsibility of the MOI. These measures included torture, arbitrary detention, and sexual assault. A third witness evidenced similar treatment several years post-dating the 2011 protests. This pattern of abuse has been subsequently and credibly documented by third parties including the UN, state bodies and non-government organisations.

c. Summary of Witness Evidence

(i) Ebrahim Ahmed Al-Demistani

15. Ebrahim Al-Demistani (“ED”) was a medical professional employed as a Occupational Health Nurse Supervisor and First-Aid Instructor from 1995 to 2011. During the 2011 protests, he set up a medical volunteer group to treat injured protesters and carried out a first aid training course to help people respond to injured protesters. On 15 February 2011, he went to the Pearl Roundabout and helped set up a medical station with other concerned doctors and nurses. The team used their medical expertise help treat injured protesters.
16. ED was in the Medical Tent at the Pearl Roundabout when, on 17 February 2011, police officers attacked protesters in the early morning. He describes the incident as a “vicious attack”. He witnessed police officers shoot guns and teargas indiscriminately, raid the medical tent and beat and sexually abuse doctors and nurses. He was also beaten.

The Commission was chaired by the late M. Cherif Bassiouni a well-respected expert in international criminal, human rights and humanitarian law. <https://www.bici.org.bh/>

⁷ *Ibid* at p66, para 229

⁸ *Ibid* at para 229, p73

⁹ *Ibid* at para 126, 166, p47, p56

¹⁰ *Ibid* at para 688-692, pp174-175

17. He was arrested in April 2011 by MOI police and transported to the CID headquarters. He was taken inside the CID building while blindfolded and placed in a standing position. While standing, he was punched, slapped and insulted by officers walking past. He was taken to a room at the CID where he was interrogated by Lieutenant Colonel Mubarak Bin Huwail, a MOI director at the CID. The Lieutenant ordered other officers to take ED to a room which was at the time known as a torture chamber. ED said the Lieutenant was known as “the master of torture” in detention. While at the CID, ED was tortured for approximately two weeks. He experienced beating with wooden planks, punches, kicks and whipping with cables. He was forced to stand for extensive periods including at night. The officers who tortured him appear to be under the command of Lt-Colonel Mubarak Bin Huwail and ultimately the MOIN.
18. CID police called ED an enemy, traitor and used racist insults. They forced him to imitate different animals and bark like a dog. He was forced to dance, denounce various religious figures, and sing the national anthem. He was not allowed to shower or contact his lawyer. After torture sessions, he was taken to Lt-Colonel Mubarak Bin Huwail for interrogation. He was forced to sign a confession which he did not read.
19. ED was then transferred to the Dry Docks Prison. He was transported back to the CID on a few occasions to sign amended false confessions. He was then released pending trial on or about September 2011. In October 2012, he was convicted based on his false confession obtained under torture and imprisoned at Jau Prison. ED was released in April 2015. The torture has continued to have long lasting physical and mental impacts on his health.

(ii) Mohammed Sultan

20. Mohammed Sultan (“MS”) worked in the financial sector in Bahrain and also worked on a voluntary basis for the documentation team at the NGO, the Bahrain Center for Human Rights (“BCHR”) from 2008 to 2017. He joined Bahrain’s protests in February 2011 and witnessed MOI police attack protests.
21. In March 2011, his home was raided by MOI police. Some police officers wore masks and broke his room door. Police pointed guns at MS and his family. He was then arrested and beaten by police during the arrest. He was taken out of his home, punched and kicked and then detained in a police vehicle which he described as a pickup truck. He was then beaten in the truck and insulted by police. He was blindfolded during the journey.
22. He was transported to the CID in Aadliyah. When he arrived, police officers dragged him out of the pickup truck and one of them kicked him so hard in his stomach that he struggled to breath. He was taken inside the CID building and forced to kiss a photograph of the Prime Minister. He explains that was taken to a room by officers and interrogated by Lt-Col Mubarak bin Huwail.

He was slapped and beaten all over his body and told to “confess” or he would be brought back to the room. MS explained that he was tortured almost daily at the CID.

23. Lt-Col Mubarak bin Huwail told MS that he would be tortured until he signed a confession. He then kicked MS and slapped him. Lt-Col Mubarak bin Huwail also ordered other officers under his command to torture MS. Officers beat him with plastic pipes and deprived him of sleep. He was prevented from sitting down for long periods and forced to stand with while facing a wall. He was kept in handcuffs for lengthy periods. He describes hallucinating in his cell because of torture, which caused a deterioration in his health.
24. While at the CID, MS also heard sounds of other detainees being tortured. He eventually signed a false confession and was transferred to Dry Dock Prison. He believes that he was held at the CID for approximately two weeks.
25. While at Dry Dock Prison, MS was placed in a small cell with other detainees and kept in a blindfold for most of his days. He explains they had to sleep on the ground and the door was locked most of the day and night. He was often beaten by the officers inside his cell. He describes torture by police guards throughout the day and night.
26. MS was detained with a man named Zachariya Al-Asheeri. He recalls that approximately five officers beat Mr Al-Asheeri as he was having a mental breakdown. Police officers beat Mr Al-Asheeri to death whilst MS and other detainees were present in the cell. MS remembers the officer involved was called Rasheed. MS and his cell mates were then moved to a different area of the prison and prevented from speaking. MS spent approximately four months in prison and was released after the BICI was appointed.

(iii) Yunus Ahmed Sultan

27. Yunus Ahmed Sultan (“YAS”) was formerly employed as a chef at the Salmaniya Medical Complex in Bahrain. He was not politically active at the time of the 2011 protests. He is the brother of Mohammed Sultan.
28. In 2017, he received a call from a police officer at the Roundabout Police Station in Hamad Town, where he lived, and was required to attend the police station. He was then taken to a room and interrogated by a higher-ranking police officer. He understood that the officer was under the MOI command.
29. YAS was questioned about his brother (who had left Bahrain) and about other human rights activists in the country. He was accused of colluding with them. He was threatened with sexual abuse and told they would imprison him or decapitate him unless he worked with them to obtain

information about his brother and his fellow activists. He was told that if he complied, he would be given money and allowed to travel to Europe and receive state services and subsidies. The officer told him that he wanted information about his brother's movements and work and for him to act as an informant. He was given time to decide and told to leave.

30. About a week later, YAS was summoned to the same police station and interrogated by a senior police officer called Taher Al-Alawi. He was beaten, stripped naked and sexually abused by Al-Alawi and officers under his command. Al-Alawi told YAS that the police had orders "*from high above*" and threatened him with false charges unless he became an informant.
31. After his torture YAS spoke to his brother, who arranged for him to flee Bahrain in December 2017. On the day of his flight, Al-Alawi called YAS and instructed to go to the police station the following day. However, he managed to leave the country. YAS continues to have nightmares about his torture and sexual abuse.

3. Accountability and Legal Framework

a. International legal framework

32. Bahrain has acceded to and ratified nine of the main UN Human Rights Treaties.¹¹ These include the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“UNCAT”) and the International Covenant on Civil and Political Rights (“ICCPR”). This report relies on authoritative interpretations of international human rights norms by the UN Human Rights Committee in respect of these Treaties. As at the date of this report, Bahrain has not ratified the two Optional Protocols to the ICCPR and the Optional Protocol to the CAT, which provide for the implementation of secondary preventative and complaint mechanisms.

(i) UN Convention Against Torture (“UNCAT”)

33. Bahrain is a signatory to UNCAT which defines torture¹² and proscribes the absolute nature of its prohibition in international law.¹³ Torture can never be justified in any circumstance “whatsoever” whether in war, a state of political instability or state of emergency. Acts of torture, and complicity in such acts, must be proscribed as criminal offences in national legislation.¹⁴ In examining the prohibition in law, the International Court of Justice held “*the prohibition of torture is part of customary international law and it has become a peremptory norm (jus cogens)*” and “*that prohibition is grounded in a widespread international practice and on the opinio juris of States.*”¹⁵ This means that the principle is so compelling that it cannot be derogated from by way of any agreement or treaty.¹⁶
34. States have direct jurisdiction over torture and its perpetrators¹⁷ and there is a positive obligation on state parties to “*take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.*”¹⁸ There is a positive obligation on states to prosecute acts of torture in a timely manner.¹⁹ States must take necessary steps to establish jurisdiction for acts of torture.²⁰

¹¹ See Appendix 1

¹² Article 1, UNCAT: “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 is suspected of having 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....”

¹³ Article 2(2), UNCAT

¹⁴ Article 4, UNCAT

¹⁵ Para. 99, Questions Relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), Judgment, I.C.J. Reports 2012.

¹⁶ The Vienna Conventions on the Law of Treaties 1969 and 1986 state that a treaty is void if it conflicts with jus cogens (Art. 53 and 64).

¹⁷ Article 5, UNCAT

¹⁸ Article 2(1) UNCAT

¹⁹ Article 7, UNCAT

²⁰ Article 5(1) (A-C), UNCAT

35. UNCAT also provides for accountability where acts of torture have occurred outside a state's jurisdiction. This is referred to as the principle of universal jurisdiction. A state must take measures to address acts of torture in cases where the perpetrator is present in any territory under its jurisdiction.
36. The principle of universal jurisdiction carries an obligation to make a preliminary inquiry about facts. This includes bringing that person into custody for questioning if necessary to enable any criminal or extradition proceedings.²¹ Universal jurisdiction is however only the fall-back resource in the absence of effective legal processes in the state where the crimes took place. So we firstly consider action taken to address acts of torture within Bahrain. Universal jurisdiction would not be appropriate if Bahrain had effective accountability mechanisms.

(ii) International Covenant on Civil and Political Rights ("ICCPR")

37. The ICCPR, of which Bahrain is a signatory, prohibits torture and requires member states to suppress, prevent and discourage such acts. The Human Rights Committee has interpreted article 7 of the ICCPR and concluded that states must take positive legislative, administrative, judicial and other measures to prevent and punish acts of torture or other ill-treatment in any territory under their jurisdiction. It is not enough to simply prohibit and criminalise acts of torture.

b. Domestic Remedies

38. Under international law, states must implement active measures to prevent torture within their jurisdiction. Primary accountability and preventative measures should be in the form of effective legal, administrative and judicial measures. Secondary mechanisms should also be used in practice as a support towards achieving the basic priorities of UNCAT if they are empowered and have the essential functional independence, autonomy, and competence to meet their mandates. In some circumstances, secondary mechanisms are mandatory, for example, National Preventative Mechanisms set up under the Optional Protocol to the Convention Against Torture (OPCAT). Bahrain is not a signatory to OPCAT but it has established a number of other internal bodies with investigative, visiting, and advisory functions (see below).
39. Secondary mechanisms should not be used in the place of an adequate independent criminal justice system that the public can access effectively to seek accountability for acts of torture. Despite their effectiveness the basic priorities cannot be met if direct legislative, administrative and judicial measures are ultimately ineffective.

²¹ Article 5-6, UNCAT

40. Additionally, a functioning and thriving civil society is also essential to the state's role in preventing torture and ensuring effective accountability through documentation and community relationships.

(i) The Criminal Code

41. Bahrain ratified UNCAT and prohibited torture under its Criminal Code. In a report to the Committee Against Torture ("CAT"),²² Bahrain said that it had reviewed 61 allegations of torture highlighted by the BICI. It said that it spent approximately 10 hours on each case and concluded investigations for all 61 cases in just 10 days. It said these were settled "in accordance with the law". There is, however, a lack of evidence of relevant convictions. The suggestion that 61 complaints of torture were investigated in such a short period suggests an inadequate system of investigating and prosecuting such crimes.
42. As at the date of Bahrain's report to CAT, and in relation to events post-dating the BICI, Bahrain reports that 95 members of the police force have been prosecuted. The prosecutions involved five cases of alleged torture and 34 of ill-treatment. 18 individuals were found guilty and sentencing ranged from one month to seven years' imprisonment. It is not clear whether this included those accused of torture; CAT has raised concerns about unreliable data (see below).

(ii) National Institution for Human Rights (NIHR)

43. The NIHR was established to "promote and protect" human rights.²³ It can receive complaints on human rights violations, visit and monitor places of detention and refer complaints to authorities. In 2017²⁴ the rules were amended for appointing members of the NIHR; subsequent resolutions provide that NIHR Members of the Council of Commissioners are appointed by Royal Order.
44. Civil society organisations have widely criticised the NIHR as unfit for purpose. International organisations including the UN have questioned its effectiveness, credibility, and independence. It is difficult to conclude otherwise on review of the NIHR's work and institutional documents.
45. In respect of torture prevention and accountability, the mandate of the NIHR is not focused on accountability and prosecuting persons involved in torture. Its appointment system is not independent and it excludes a significant number of civil society members, in particular those

²² Bahrain State Party Report submitted under article 19 of the Convention pursuant to the optional reporting procedure, 16 June 2016

²³ Art 2, Law No (26) of 2014 on the Establishment of the National Institution for Human Rights with amendments

https://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/download/002_NIHR_Law_amend.pdf

²⁴ Royal Order No. (17) of 2017,

[http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/PDF/Royal%20Order%20No%20%20\(17\)%20of%202017%20English.pdf](http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/PDF/Royal%20Order%20No%20%20(17)%20of%202017%20English.pdf)

who have had their nationality revoked or convicted as a reprisal for their human rights activism. The restrictive appointments system excludes independent voices from appointment.

46. Surprisingly, the NHRI annual report of 2020²⁵ is silent on the use of torture. The NHRI said that it reviewed complaints against the MOI on issues such as the inability of detainees to adequately access outside space, restriction on religious worship, depriving detainees from contacting their families, revoking visitation rights, lack of adequate healthcare and ill treatment. It dismissed most of the allegations. It also criticised complaints made publicly as “stirring up public opinion” and recommended the use of “official channels”. It also criticised and dismissed concerns of abuse made by non-governmental organisations.²⁶
47. In 2016 the Global Alliance of National Institutions for the Promotion and Protection of Human Rights found that the NHRI was not sufficiently independent or transparent and that members of its Council included sitting members of Parliament and the Shura Council whose members are directly appointed by the King.²⁷ It also raised concerns about how effectively it had applied its mandate. As of 3 August 2021, the NHRI was not assessed to be fully compliant with the Paris Principles which defines the standards required for national human rights institutions.²⁸ It is reasonable to conclude it is not an effective in-country accountability or preventative mechanism in cases of torture.

(iii) Office of the Ombudsman for the Ministry of Interior

48. In response to the BICI investigation, Bahrain established the Office of the Ombudsman for the Ministry of the Interior by decree.²⁹ The Ombudsman reports to the MOI and is based in the MOI offices. The Head of the Ombudsman and deputy are both appointed by decree, “*upon the advice of the Minister of Interior and the approval of the Prime Minister*”.³⁰ Its staff are subsequently appointed by the Head of the Ombudsman following procedures which must be agreed by MOIN.³¹ The Ombudsman accepts complaints from the public which relates to any death, injury, or ill treatment made against MOI personnel. It does not investigate complaints made against any other person and has no law enforcement, prosecution, or judicial powers. The Ombudsman can decide on whether to investigate a complaint and then whether to refer it to the MOI for disciplinary action or to the Public Prosecutor for criminal action.

²⁵ Eighth Annual Report of the National Institution for Human rights in the Kingdom of Bahrain, http://nihr.org.bh/EN/MediaHandler/GenericHandler/documents/download/NIHR_2020_En.pdf

²⁶ *Ibid*: “The NIHR took notice of allegations and media statements made by several non-governmental organizations abroad regarding the human rights situation in the Kingdom of Bahrain, which were broadcast on the Qatari Al-Jazeera channel, in addition to the allegations of these organizations, which lack credibility and moderation, about democracy, economic conditions, and freedom of expression and opinion in Bahrain”.

²⁷ GANHRI Sub-Committee on Accreditation Report – May 2016 <https://ganhri.org/wp-content/uploads/2019/11/SCA-FINAL-REPORT-MAY-2016-English.pdf>

²⁸ Chart of the status of national institutions, accredited by the Global Alliance of National Human Rights Institutions, accreditation status as of 3 August 2021, Available at: <https://www.ohchr.org/Documents/Countries/NHRI/StatusAccreditationChartNHRIs.pdf>

²⁹ Decree No. (27) of 2012 Concerning the Office of the Independent Ombudsman at the Ministry of Interior

³⁰ *Ibid* at Art 2(1)

³¹ *Ibid* at Art 2(2)

49. The Ombudsman reported that from 2014-2015 it received 908 complaints, rising to 992 in 2015-2016 and 1100 in 2016-2017. However, despite the high number of complaints during this three-year period, it only exercised its discretion to refer a case to the Public Prosecutor on one occasion. It referred 29 complaints to the Special Investigations Unit and 15 to police courts.³² The standard of proof in deciding when to refer cases is unclear. In its 6th Annual Report published on 3 October 2019, the Ombudsman said that it had received 1067 complaints and requests for assistance; only 70 were referred for potential disciplinary action. We understand this to imply they were referred to MOIN for internal disciplinary action. Of these, only nine were subsequently referred to the SIU of the Public Prosecutor's office.
50. The appointment structure of the Ombudsman is not effective nor independent. Appointments and monitoring of the Ombudsman's effectiveness are in the hands of MOIN, the commander of the very department that the Ombudsman is mandated to monitor. The lack of independence is a significant barrier to its effectiveness, and a barrier to adequately preventing torture and holding those responsible to account. In our review, we could not find any attempt by the Ombudsman to tackle the systemic nature of torture which the BICI had reported in 2011. The Ombudsman has confirmed that it does not consider complaints related to any decision by the MOI and Head of Public Security, and other complaints pass through the MOIN. Such a process will be unable to establish upper command personnel and command responsibility for systemic torture. The procedure would not satisfy the primary accountability and investigative requirements of UNCAT and is unlikely to act as an effective preventative mechanism.
51. There have been widespread concerns raised by Bahraini civil society over the independence of the Ombudsman and its effectiveness. There is a lack of the trust which is essential when the Ombudsman's primary focus is to consider complaints from the public. Concerns have been raised about misleading reviews of prisons and a failure to adequately address issues of widespread torture.³³ In the context of OPCAT preventative mechanisms, the Office of the High Commissioner for Human Rights has emphasised the importance of cooperation between with civil society organisations.³⁴ While the Ombudsman does not seek to be a national preventative mechanism under OPCAT, such a relationship is crucial for torture prevention.

(iv) Special Investigations Unit

52. The Special Investigations Unit ("SIU") was set up (on the BICI's recommendation) in 2012, operating within the Public Prosecution Unit. It has powers to investigate complaints of torture

³² Paras 16-22, Summary record of 1514th meeting, Committee Against Torture, 24 April 2017, published 27 April 2017 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/100/28/PDF/G1710028.pdf?OpenElement>

³³ Subservient and Unaccountable: A shadow report on the Bahraini Ministry of the Interior's Ombudsman and Bahrain National Institute for Human Rights, July 2014, https://birdbh.org/wp-content/uploads/2014/10/ADHRB_Mechanism_Final-0814_Web.pdf

³⁴ P16, The Role of National Preventive Mechanisms, A Practical Guide, Professional Training Series No.21, https://www.ohchr.org/sites/default/files/Documents/Publications/NPM_Guide_EN.pdf

and make recommendations for criminal prosecution or MOI disciplinary action.³⁵ The SIU says that it works by *“the application of the international principles of effective investigation and documentation of torture and other inhuman or degrading treatment”*.³⁶ It is also able to appeal against criminal sentences to the appellate court and the police.³⁷

53. In 2015, the SIU confirmed that it would not take any action against police officials who mistreated a Bahraini journalist, Nazeeha Saeed, who had described serious allegations of mistreatment at a police station for reporting on the 2011 protests.³⁸
54. In 2016, the SIU said that it had investigated all allegations of torture that it received. In 2017, it said that it received 53 complaints which included complaints of torture and ill treatment. In 2020, SIU said it suspected torture was involved in the confession obtained from a detainee sentenced to death. However, the detainee's conviction was nevertheless upheld by the Court.
55. In 2021, the SIU reported that it received 67 complaints of ill-treatment, torture and the use of excessive force.³⁹ Only three of these were directly referred by victims of abuse or their families.⁴⁰ The SIU reported a significant decrease in the level of complaints since 2016, which stood at 234, but the reasons for this were not provided or addressed.⁴¹ In 2021, it referred four policemen and three officers for prosecution.⁴² It said that four individuals were convicted of assault in that year and had sentences imposed for imprisonment ranging from one to six months.⁴³

c. Assessment of Domestic Remedies

56. There have been some low-level prosecutions for acts of torture in Bahrain which suggests that a framework exists, but its effectiveness is questionable. There is a lack of reliable or transparent information, for example, about the effectiveness of these prosecutions, which perpetrators they have been applied to, and how readily available they are, despite ongoing questions raised by UN bodies and NGOs. The number of prosecutions is disproportionately low compared to the number of complaints and doesn't reflect the systemic nature of torture identified in the country.
57. Although a lower ratio of prosecutions is expected in criminal law systems for a wide range of reasons, there is evidence that the low number in Bahrain is indicative of an inadequate system.

³⁵ P4, Special Investigation Unit Statistics 2021, <https://drive.google.com/file/d/1dMmD44y68pyRSWI0oDR3uWUeWaSE6DVC/view>

³⁶ *Ibid* at 2

³⁷ *Ibid* at 6-8

³⁸ RSF demands justice for Bahraini journalist tortured in 2011, Reporters Without Borders, <https://rsf.org/en/news/rsf-demands-justice-bahraini-journalist-tortured-2011>, 20 November 2015

³⁹ *Ibid* at 12

⁴⁰ *Ibid* at 14

⁴¹ *Ibid* at 16

⁴² *Ibid* at 23

⁴³ *Ibid* at 24

This is striking when considering the scale of torture complaints in the country and the period over which these complaints have persisted. Torture has taken place on a systemic scale. The responsible bodies were identified by the BICI. Indicators of torture and ill-treatment, like those identified by the BICI, have persisted since 2011. Individuals have continued to complain about torture, to both the UN bodies and respected international NGOs, year on year, since the BICI report in 2011. Despite this overwhelming evidence available of the ongoing reliance on torture and ill-treatment in detention centres, prosecutions have been low and haven't ended the use of torture. This further demonstrates a lack of effectiveness and trust in Bahrain's internal accountability mechanisms and suggests that Bahrain's primary and secondary mechanisms have not worked to stop torture from happening.

58. Bahraini NGOs have criticised the low level of convictions in cases involving torture suspects. BCHR has commented:

*"...no high-ranking official has been held accountable, where most prosecutions have been of low-ranking officers. Second, the number of cases referred to criminal courts by the SIU is low compared to the total number of complaints, where the rate was as low as 2.9% in 2018, and no cases were referred to courts in 2020. The rates of prosecution were 4.8%, 14.7%, 2.9%, and 16.2% in the years 2016, 2017, 2018, and 2019, respectively, most of which ended with acquittals or lenient sentences."*⁴⁴

59. The primary mechanisms available for seeking accountability for torture in Bahrain are inadequate. In some of the cases examined, torture has existed through all stages of the criminal justice system. Public Prosecution evidence gathering is largely focussed on interrogations and admissions which leads to unlawful practices aimed at securing confessions. At a judicial level, confessions and evidence extracted under torture have been used to convict individuals and keep them in detention. This is evidenced by the ongoing complaints of torture and ill-treatment from detained persons, which has not abated since the BICI concluded its investigation in 2011. Additionally, individuals who have previously been convicted based on evidence extracted by torture during the 2011 protests remain detained.
60. Secondary mechanisms are not sufficiently independent, do not focus on the systemic nature of torture and as a result have not demonstrated that they are effective or deserve public confidence. Survivors of torture can submit complaints to the Ombudsman, or the SIU, who are able to either refer cases on for disciplinary action or criminal prosecution. But the position of the Ombudsman within the MOI given its role in the abuses lead to doubts about fairness and independence. The involvement by the MOI in the process, and in the appointment of senior leaders of the Ombudsman is concerning where in most cases studied by DPG, MOI

⁴⁴ P11, Defective and Deficient: A review of Bahrain's National Human Rights Bodies, 2021, Bahrain Center for Human Rights, [A-Review-of-Bahrain's-National-Human-Rights-Bodies_210421_RM.pdf \(bahrainrights.net\)](#)

directorates and personnel have either been centrally and directly involved, or in a position of command responsibility for acts of torture and other abuses.

61. Similar concerns have been raised about the involvement of the members of the Public Prosecutor and police in the SIU. Torture victims in Bahrain have consistently raised concerns about the Public Prosecutor's office and its involvement in the ill-treatment of human rights defenders, journalists, and political opponents.⁴⁵ Public confidence in these institutions is low. Their lack of independence and relationship with state bodies that are involved in torture have damaged their ability to adequately meet their mandates. In April 2013,⁴⁶ lawyers from the organisation CEARTAS found that the office of Public Prosecution was not capable of investigating torture impartially.⁴⁷ Similarly, BCHR in 2021 criticised the office's use of evidence extracted through torture in its prosecutions, which is in breach of customary international law.⁴⁸
62. Consideration has been given to Bahrain's response to CAT, in which it is claimed that the country investigated 61 claims of torture in 10 days, spending up to 10 hours on each case. Such a short timeframe would not have been sufficient for the most straightforward of claims, let alone claims involving widespread and systemic torture committed by multiple individuals in different MOI departments. Of further note is the fact that mistreatment was also alleged to have taken place at the Public Prosecution Offices during 2011, that confessions have been obtained under torture and then ultimately these were used to prosecute and convict victims of torture.
63. The CAT, as an authoritative interpreter of UNCAT, has emphasised that statements and confessions obtained under all forms of ill-treatment must be excluded.⁴⁹ The UN Special Rapporteur on Torture ("SRT") has also emphasised that the prohibition on torture extends to the prohibition on the *reliance on evidence obtained by torture*.⁵⁰ The UN General Assembly⁵¹ and the Human Rights Committee⁵² have further confirmed the position. The exclusionary rule

⁴⁵ Defective and Deficient: A review of Bahrain's National Human Rights Bodies, 2021, Bahrain Center for Human Rights, [A-Review-of-Bahrain's-National-Human-Rights-Bodies_210421_RM.pdf \(bahrainrights.net\)](#)

⁴⁶ Report on Bahrain's Attorney General Dr. Ali bin Fadhel Al-Buainain and his position in the International Association of Prosecutors, CEARTAS, April 2013, [Report on Bahrain's Attorney General \(Irw.org\)](#)

⁴⁷ Ibid at 5: "The office of Public Prosecution is not capable, nor is it in a position to impartially investigate matters of torture. In addition, the office has shown patterns of failure in the use of its statutory powers to supervise and investigate state detention facilities, which in turn has fostered a culture of impunity towards torture."

⁴⁸ P10: "The SIU association with the PPO, which tolerates torture at the very least, adversely affects the former's integrity and the public trust in it. The PPO, besides its prosecution of prisoners of conscience, has condoned allegations of torture and ill-treatment over the years. It has also accepted coerced confessions through torture. [BCHR] has documented numerous cases of torture survivors reporting their torture to the PPO to which no measures have been taken." Defective and Deficient: A review of Bahrain's National Human Rights Bodies, 2021, Bahrain Center for Human Rights, [A-Review-of-Bahrain's-National-Human-Rights-Bodies_210421_RM.pdf \(bahrainrights.net\)](#)

⁴⁹ UN Committee Against Torture (CAT), General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, CAT/C/GC/2, para. 6, available at: <https://www.refworld.org/docid/47ac78ce2.html>

⁵⁰ Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/25/60, 10 April 2014, at para. 22

⁵¹ "any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence ... in any proceedings." Article 12 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX)), Also *Supra* n. 20, para 20

⁵² "[I]t is important ... that the law must prohibit the use or admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment". See UN Human Rights Committee (HRC), CCPR General Comment No. 20: Article 7

applies not just in respect to the person subjected to torture but also in respect to any third parties involved. The text of article 15 indicates that *any* statement extracted by torture or ill-treatment will fall within the scope of this exclusion. CAT, the European Court of Human Rights, and the Inter-American Court of Human Rights have all strongly opposed the use of torture-tainted evidence obtained from third parties, regardless of whether such evidence will be used in proceedings or not.⁵³

64. The fact that torture is still taking place in Bahrain after 11 years, primarily by officers under the responsibility of the MOI, demonstrates that the internal mechanisms are not working. At best they can be seen as ineffective, and at worst they are window dressing.
65. However despite this, evidence produced by NGOs show that confessions obtained under torture have been largely admissible in Bahraini courts, contrary to the principles of CAT. In fact, confessions obtained through torture or other abusive treatment have been regularly used to not only secure convictions for low-level crimes, but for more serious crimes carrying the death penalty.⁵⁴ The reliance on torture evidence in court will inevitably ensure that torture practices continue to be relied upon to extract confessions and evidence.
66. In 2017, as part of its review of Bahrain's compliance with UNCAT, the CAT considered internal accountability mechanisms and was unequivocal in its conclusion that they were inadequate. It said:

*"While noting that persons deprived of their liberty can file complaints about torture or ill-treatment with a number of bodies created pursuant to the recommendations of the Bahrain Independent Commission of Inquiry⁵⁵...the Committee is concerned that those bodies are not independent, that their mandates are unclear and overlap, and that they are not effective given that complaints ultimately pass through the Ministry of the Interior. It is also concerned that their activities have had little or no effect, and that the authorities provided negligible information regarding the outcome of their activities."*⁵⁶

(Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), 10 March 1992, para 12, available at: <https://www.refworld.org/docid/453883fb0.html>

⁵³ See, for example, *Ktiti v. Morocco*, Committee against Torture, communication No. 419/2010 and *El Haski v. Belgium*, application no. 649/08, European Court of Human Rights, judgment, 25 September 2012, para. 85

⁵⁴ UN OHCHR, UN experts urge Bahrain to quash death sentence against two men, 12 February 2020, <https://www.ohchr.org/en/press-releases/2020/02/un-experts-urge-bahrain-quash-death-sentence-against-two-men?LangID=E&NewsID=25543>

⁵⁵ "...such as the Office of the Ombudsman (General Secretariat of Complaints) of the Ministry of the Interior, the Directorate of Internal Investigations of the Ministry of the Interior, the General Directorate of Reform and Rehabilitation of the Ministry of the Interior, the Ombudsman's Office of the National Security Agency, the Special Investigation Unit in the Public Prosecutor's Office, the National Institution for Human Rights and the Prisoners' and Detainees' Rights Commission..." Para 28, p2, Concluding observations on the second and third periodic reports of Bahrain, Committee Against Torture, CAT/C/BHR/CO/2-3, 29 May 2017.

⁵⁶ *Ibid* at Para 28, p2, Concluding observations on the second and third periodic reports of Bahrain, Committee Against Torture, CAT/C/BHR/CO/2-3, 29 May 2017.

67. This report refers to evidence that serious human rights abuses continue to take place in Bahrain. This has been documented and substantiated by both governmental⁵⁷ and non-governmental bodies.⁵⁸ Such abuses have been widespread in targeting a large portion of the population, and also directed against advocates and human rights defenders. While investigative bodies have been set up in country, they lack an effective mandate, public confidence, independence and effective oversight. Correspondingly, flaws within the criminal justice system itself further inhibit effective accountability when prosecutions are eventually brought for crimes of torture or ill treatment. As a result, the means to prosecute or otherwise hold to account high-level officials accused of torture lack overall effectiveness.
68. The witnesses referred to in this report have confirmed that have no recourse to a remedy in Bahrain because the country's systems cannot offer them a fair and independent process to investigate their experiences of mistreatment. They remain in exile for their own safety.

⁵⁷ <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/bahrain/>

⁵⁸ <https://www.amnesty.org/en/location/middle-east-and-north-africa/bahrain/report-bahrain/>

4. Consistency of Complaints

69. Following on from the BICI report, DPG examined multiple communications sent by the special procedures of the UN to the Kingdom of Bahrain between 2011 and 2020. The communications consistently raise allegations of torture perpetrated by MOI police and other officials. It is striking that complaints about torture have persisted during this period, despite the MOI repeatedly being put on notice about it; some examples are mentioned below.
70. The evidence reviewed by DPG strongly suggests that MOI practices meet the threshold of torture in the UK and international law. This includes evidence of direct complicity in torture and mistreatment in Bahrain by MOI officers from 2011 to date. The evidence confirms that MOI torture has continued to take place well after the BICI and that internal mechanisms have failed to prevent the practice.
71. The witnesses have identified practices employed by MOI officers that included severe physical abuse and beatings clearly amounting to ill-treatment and torture. They consistently experienced serious mistreatment including beating and sexual abuse, threats of being raped or killed, threats of violence against their family members, sleep deprivation and racial and religious discrimination. They experienced this mistreatment at various stages of their detention or custody under the command of MOI officers. YAS detailed his experience of sexual assault while under interrogation by a MOI police official. MS detailed his experience of being in the same room while another prisoner was beaten and tortured to death. ED described officers forcing him to stand for hours without reprieve and having to tie his hands to the wall to avoid falling over at night.
72. The accounts provided by the witnesses are similar and consistent in nature with evidence obtained and documented by other bodies about the use of torture by Bahrain's institutions, in particular MOI police. While Bahrain has some in-country institutions with responsibility for considering complaints about torture, they have failed to end reliance on torture. As a result, much of the existing evidence of systemic torture has been identified and collected by non-governmental organisations and external state or intergovernmental organisations.
73. During 2011, it is indisputable that torture was used by Bahrain state institutions, namely MOI personnel, on such a scale that the criminal justice system primarily relied on the practice to secure convictions against protesters and political opponents. The BICI report made several important conclusions and recommendations. It concluded "*the very fact that a systematic pattern of behaviour existed indicates that this is how these security forces were trained and how they were expected to act. This could not have happened without the knowledge of higher*

*echelons of the command structure of the MoI and NSA.*⁵⁹ Importantly, the BICI established that the failure to investigate practices of torture effectively and to prevent them could constitute the basis of command responsibility in relation to the MOI.⁶⁰ These conclusions stemmed from 559 complaints from detainees about mistreatment and torture during 2011.⁶¹ Despite the above findings, an investigation has never been conducted into the responsibility of MOIN for the acts of torture documented in 2011.

74. During 2012, the UN wrote to Bahrain about the ill-treatment during MOI detention of multiple individuals and human rights defenders.⁶²
75. During 2013, multiple communications were made by the UN to Bahrain concerning torture and ill-treatment committed by MOI personnel. On 10 May 2013, a communication was sent to Bahrain concerning the torture of a human rights defender at the CID building.⁶³
76. On 31 March 2014, the UN wrote to Bahrain about torture and ill-treatment of a 15-year-old boy by MOI security forces.⁶⁴ The communication said he was threatened at the CID with reprisals if he complained about the torture. Communications were also sent raising concerns about the torture of a detainee to extract a confession later used in judicial proceedings.⁶⁵ He was given the death penalty on conviction.⁶⁶
77. On 14 December 2015, the UN wrote to Bahrain about the mistreatment of multiple individuals during detention by the MOI. The mistreatment reported included sleep deprivation, slaps, intimidation and threats of torture.⁶⁷ Human Rights Watch (“HRW”) also interviewed detainees who said that they were mistreated by MOI personnel during arrest, while held in police stations, the CID for interrogation and while imprisoned at the MOI-operated Jau Prison.⁶⁸ It found

⁵⁹ Para 1179, p81, *Report of the Bahrain Independent Commission of Inquiry*, Bahrain Independent Commission of Inquiry (2011). <http://www.bici.org.bh/BIClreportEN.pdf>

⁶⁰ *Ibid* at para 1180, p281

⁶¹ Bahrain Independent Commission of Inquiry (2011). Report of the Bahrain Independent Commission of Inquiry. Available at: <http://www.bici.org.bh/BIClreportEN.pdf>

⁶² Communication reference: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24) G/SO 214 (89-15) BHR 1/2012

⁶³ Communication reference: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24) BHR 2/2013

⁶⁴ Communication reference: UAG/SO 218/2 Health (2002-7) G/SO 214 (3-3-16) G/SO214 (53-24) BHR3/2014

⁶⁵ Communications reference BHR 11/2014, see A/HRC/28/85

⁶⁶ Communications reference: AL BHR 6/2016, 1. On 15 August 2016 the UN said, further to his sentencing: “During his initial detention, Mr. Ramadan was allegedly tortured by security officers, for four consecutive days, including through heavy beatings, kicking, and threats to himself and family members, until he forcibly confessed the crime imputed to him on 22 February 2014. Mr Ramadan informed both the Public Prosecutor and at least two judges of his torture, and he recanted his confession fully before the Fourth Superior Criminal Court. The prosecutor and judges failed to consider these allegations and no investigation was opened. Mr. Ramadan was convicted on 29 December 2014, through heavy reliance on the forced confession.”

⁶⁷ Communication reference: UA BHR 10/2015 It said: “Grave concern is expressed at the alleged arbitrary arrest, detention, charges and conviction of the ten individuals named above, reportedly for exercising their right to freedom of expression and opinion on social media. Serious concern is expressed for the continued detention of Mr. Karimi in solitary confinement, as well as for the outstanding charges against Messrs. Karimi and Rajab. Further serious concern is expressed for the torture, threats and ill-treatment of the individuals named above, including for the purpose of extracting confessions.”

⁶⁸ The Blood of People Who Don’t Cooperate, Continued Torture and Mistreatment of Detainees in Bahrain, Human Rights Watch, 2015 <https://www.hrw.org/report/2015/11/22/blood-people-who-dont-cooperate/continuing-torture-and-mistreatment-detainees>

treatment which very likely amounted to torture including electric shocks, suspension in painful positions, forced standing, extreme temperature conditions and sexual abuse.

78. On 4 July 2016, the UN wrote to Bahrain about the detention of a human rights defender and in particular about placing him in prolonged solitary confinement during MOI detention. The UN commented that the use of prolonged solitary confinement potentially breaches the absolute prohibition of torture and other ill-treatment.⁶⁹ In 2016, Bahrain organisations complained about the ongoing use of torture in Jau Prison.⁷⁰
79. In 2017, the Committee Against Torture (“CAT”) considered complaints about torture in Bahrain in greater detail to assess Bahrain’s compliance with the UN Convention Against Torture. The CAT raised concerns over the conditions of detention at Jau Prison during March 2015, January 2017 and in Dry Dock Prison in 2016 and in particular the excessive use of force, ill treatment, and torture.⁷¹ On 29 May 2017, CAT concluded:

*“...the Committee is concerned that **there continue to be numerous and consistent allegations of widespread torture and ill-treatment of persons who are deprived of their liberty in all places of detention and elsewhere, particularly at the Criminal Investigations Directorate, at the moment of arrest, during pretrial detention and in prisons, in order to extract confessions or as punishment. It is also concerned at the climate of impunity which seems to prevail as a result of the low number of convictions for torture and the sentences given to persons responsible for torture** resulting, inter alia, in death, which are not commensurate with the gravity of the crime.”⁷²*

80. On 11 December 2018, the UN wrote to Bahrain raising concerns about the ongoing use of torture evidence during criminal trials.⁷³ Such evidence has been used to sentence individuals to death and the UN reminded Bahrain of its ICCPR and UNCAT obligations.⁷⁴

⁶⁹ Communication reference: UA BHR 3/2016

⁷⁰ Americans for Democracy & Human Rights in Bahrain (2015). Inside Jau: Government Brutality in Bahrain’s Central Prison, https://www.adhrb.org/wp-content/uploads/2015/06/Inside-Jau-Report_Final.pdf

⁷¹ Ibid para 24: “...the excessive use of force by security forces in Jaw Prison, including their use of rubber bullets, tear gas and shotguns, as well as the harsh treatment of the detainees by the prison administration, which included forcing inmates to spend 10 days in the open courtyard and the transfer of 100 detainees to another section of the prison where they were reportedly subjected to collective punishment amounting to ill-treatment and torture.”

⁷² Para 8, p2, Concluding observations on the second and third periodic reports of Bahrain, Committee Against Torture, CAT/C/BHR/CO/2-3, 29 May 2017

⁷³ Communication reference: UA BHR 6/2018

⁷⁴ Ibid: “We are extremely concerned about the allegations that confessions implicating several of the defendants were obtained under torture and used as evidence in court, thus forming the basis for conviction, particularly when defendants were denied the right to be assisted by a lawyer. We stress that, according to Articles 7 and 12 of the CAT, competent authorities must conduct prompt and impartial investigation whenever there are reasonable grounds to believe that torture has been inflicted, with a view to establish the facts and to bring any officer responsible, direct or supervisory, to justice. The imposition and implementation of the death penalty in such circumstances would constitute a violation of the right of every individual to life, liberty and security, as established in Article 6 of the ICCPR.”

81. In 2019, ADHRB reported that the MOI was directly involved in 570 cases of torture.⁷⁵ It said that senior commanders leading units accused of overseeing the torture of individuals in the country were either promoted or kept in a senior command post despite evidence of torture.⁷⁶
82. On 2 March 2020, the UN sent a letter to Bahrain about nine individuals in Bahrain who were subjected to torture or other ill-treatment. The incidents took place in 2019 and by officials under the command of the MOI and in CID custody. The UN described it as a pattern of coercive abuse and treatment of detainees in custody.⁷⁷ HRW said that Bahrain *“failed to credibly investigate and prosecute officials and police officers who allegedly committed serious violations, including torture.”*⁷⁸
83. In 2022, data analysed by Reprieve and the Bahrain Institute for Rights and Democracy (“BIRD”) found that torture in Bahrain was endemic, noting:
- “83% of the men executed in Bahrain since 2011 were convicted of terrorism charges. 100% of these individuals alleged torture” and “the data makes clear that in the context of the death penalty in Bahrain, torture and terrorism offences are intrinsically linked. In particular, the data suggests that individuals who are politically opposed to the Bahraini regime are being targeted, tortured, sentenced to death and executed in increasingly high numbers.”*⁷⁹
84. Various governments have highlighted similar concerns about torture in Bahrain. In the UK, the Foreign, Commonwealth & Development Office (“FCDO”) has previously designated Bahrain as a Human Rights Priority Country. In 2017, it commented that the Bahrain SIU has increasingly investigated complaints of allegations of torture or ill-treatment.⁸⁰ In 2021, the FCDO published its annual Human Rights and Democracy Report covering events in 2020. It said that in Bahrain, *“Allegations of human rights violations mainly focused on reports of torture, unsafe convictions, and the rights and treatment of detainees.”*⁸¹ The US Department of State

⁷⁵ *Ibid* at para

⁷⁶ *Ibid*

⁷⁷ P7, Joint communication from special procedures, AL BHR 2/2020, 2 March 2020: 1. The letter noted: *“...we are expressing - and reiterating - our most serious concern at what appears to be a pattern of coercive abuse and treatment of detainees in CID custody during interrogation to force them to admit the crimes imputed to them, which may amount to torture and other cruel, inhuman or degrading treatment or punishment. Our related concern is that confessions of guilt extracted from these detainees under duress have been used by the Public Prosecution and other judicial authorities as evidence to convict them. We also express concern at persistent allegations of poor conditions of detention, patterns of short-term enforced disappearance, the use of solitary confinement, the denial of medical attention, of access to lawyers and to family visits. Should they be confirmed, the facts alleged would contravene, inter alia, articles 2, 7, 9, 10, 14, 18 of the International Covenant on Civil and Political Rights, to which Bahrain is a party; as well as articles 2, 6, 12 and 15, among others, of the Convention against torture ratified by Bahrain”*.

⁷⁸ Human Rights Watch, Bahrain: No Improvement in Rights Records, 13 January 2021, Available at:

<https://www.hrw.org/news/2021/01/13/bahrain-no-improvement-rights-record>

⁷⁹ P9, From uprising to executions, The death penalty in Bahrain, ten years on from the Arab Spring, BIRD and Reprieve,

https://reprieve.org/wp-content/uploads/sites/2/2022/01/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf

⁸⁰ Corporate report, Bahrain- Human Rights Priority Country, Updated 8 February 2017,

<https://www.gov.uk/government/publications/bahrain-human-rights-priority-country/bahrain-human-rights-priority-country>

⁸¹ Corporate report, Human Rights and Democracy:2020, Foreign, Commonwealth & Development Office report, 8 July 2021,

<https://www.gov.uk/government/publications/human-rights-and-democracy-report-2020/human-rights-and-democracy-2020-foreign-commonwealth-development-office-report> state

reported in 2020 that allegations of torture in Bahrain continued and in particular such treatment took place at the CID facility. This included the torture of children sometimes younger than 15.⁸²

⁸² 2020 Country Reports on Human Rights Practices: Bahrain, Bureau of Democracy, Human Rights, and Labour, U.S. Department of State, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/bahrain/> 1. They further said: “Detainees reported that security forces committed abuses during searches, arrests at private residences, and during transportation. Detainees reported intimidation, such as threats of violence, took place at the Criminal Investigation Directorate (CID) headquarters facility. Some detainees at the CID reported security officials used physical and psychological mistreatment to extract confessions and statements under duress or to inflict retribution and punishment”.

5. Remedies in the UK

85. The UN Complaints mechanisms have been used to a great extent by Bahraini nationals affected by human rights violations. They have been used to document the nature and prevalence of rights violations and have drawn international attention to Bahrain. A detailed outline of the procedure is set out by the Office of the High Commissioner of Human Rights.⁸³ However the lack of any remedy or enforcement mechanism, combined with the UN's limited resources to promptly process complaints have meant that this approach cannot resolve the issue, or act as sufficient deterrent to the continuing existence of torture on Bahrain's detention facilities. Below, this report sets out alternative remedies that may be sought in the UK.

a. Criminal Prosecutions in the UK: Universal Jurisdiction

86. The UK has implemented the prohibition of torture in UNCAT by creating a domestic offence of torture.⁸⁴ The UK has 'universal jurisdiction' over torture, which means a person accused of committing it in another country can be brought to justice in UK courts.

87. Torture can be prosecuted in the UK even where the facts took place in another country, but in limited circumstances. Such prosecutions can be carried out regardless of the nationality of the suspect. The legislation does not make provision for 'command' criminal liability or responsibility for acts of torture, in that those in positions of command/responsibility may not be held to criminal liability for the acts of torture committed by personnel under their responsibility under the Act. Other legislation is broader, but it does not apply to torture committed outside the UK, by non-British nationals.

88. There has been an increasing interest in universal jurisdiction globally, with recent prosecutions in Europe. In November 2018 there was an application for the prosecution of Mohamed Bin Salman (as crown prince deputy PM and defence minister of Saudi Arabia) when he visited Argentina. The complaint was based on serious violations of international humanitarian law in Yemen such as air strikes on civilians, and the torture of Saudi citizens. Although the prosecution did not go ahead, the action forced him into hiding in the Saudi embassy and was a powerful message.

89. Examples of the use of universal jurisdiction in the UK include:

- Mohammed Ahmed Mahgoub a Sudanese doctor working in Scotland was charged with torture in Sept 1997 (not convicted);

⁸³ <https://www.ohchr.org/en/treaty-bodies/individual-communications>

⁸⁴ Criminal Justice Act 1988, s134

- In 2003 an application was filed for an arrest warrant for Narendra Modi, Chief minister of State, India;
- Colonel Kumar Lama, a former Nepalese army officer, prosecuted for torture allegedly committed in 2005 during Nepal's civil war (acquitted at the trial); and
- Confidential action has been taken in relation to torture in Egypt.

90. As can be seen, very few universal jurisdiction claims have been prosecuted in the UK; even fewer have led to a conviction. Some of the reasons are explained here: the lack of available evidence; a difficulty in accessing witnesses; political difficulties. The Attorney General must consent before any prosecution can proceed in the UK and access to witnesses and evidence is crucial to meet the criteria for consent. Other significant burdens exist including whether suspects have immunity from prosecution. One of the major barriers to a prosecution in the UK of Bahraini nationals is the public nature of the process and the risks to witnesses. The prosecution must disclose any relevant material to the defence. Relevant material is any material that appears to have some bearing on any offence under investigation or any person being investigated or on the surrounding circumstances unless it is incapable of having any impact upon the case. So, this would include drafts of witness statements, medical reports and communications from witnesses.

(i) Procedure for a prosecution

91. The war crimes team of the Metropolitan Police Counter Terrorism Command (known as SO15) is responsible for investigating such crimes and the Counter Terrorism Division of the Crown Prosecution Service has responsibility for prosecuting them. They have issued to War Crimes/ Crimes Against Humanity Referral Guidelines explaining the two-stage process of a scoping exercise to decide whether to instigate and then a referral to the Crown Prosecution Service ("CPS") to consider prosecution.⁸⁵

92. Investigations follow the usual pattern of a criminal investigation in the UK, where the focus is on the gathering of evidence, both in the UK and abroad, interviewing witnesses and the perpetrator and so securing reliable evidence for trial. The war crimes/crimes against humanity guidelines set out in general the stages of the investigation performed by the SO15 war crimes team is as follows:

- Scoping exercise:** a preliminary exercise to establish the background, identify the suspect and his or her location and establish whether there is jurisdiction to prosecute.
- Referral for early investigative advice:** if necessary, the war crimes team can seek the advice of the CPS Counter Terrorism Division on issues such as jurisdiction to

⁸⁵ <https://www.cps.gov.uk/publication/war-crimescrimes-against-humanity-referral-guidelines>

prosecute, immunity and offences. Any advice produced is limited to informing decision making.

c. **Final investigative scoping:** a decision is made as to whether a full investigation can be conducted.

d. **Deferral for prosecution:** if a full investigation is carried out and completed, the case may be submitted for prosecution in the UK courts.

93. An important consideration for SO15 will be whether the perpetrator is identifiable. If the perpetrator is not a UK national, as is the case of witnesses in this report, it will be necessary to establish whether they can be interviewed and prosecuted. A consideration will be whether they are in the UK's jurisdiction, or in a country which can extradite them to the UK. Alternatively, the police will consider if they can be interviewed in their current location and/or if there are reasonable grounds to suggest they will travel to the UK. The police should investigate even if the suspect is not in the country, but in practice they are reluctant do so unless they are sure that the individual will enter the UK at some point.
94. A similarly important consideration is the nature of the evidence and how this evidence can be obtained. Are the victims in the UK or in a location where they can be interviewed? The same consideration is made for any witnesses who can provide evidence.
95. The prosecution must disclose any relevant material to the defence. Relevant material is any material that appears to have some bearing on any offence under investigation or any person being investigated or on the surrounding circumstances unless it is incapable of having any impact upon the case. So this would include drafts of witness statements, medical reports and communications from witnesses, which may show inconsistencies and/or may be confidential.
96. All of these requirements are a considerable hurdle for those serving long or life sentences in Bahrain. SO15 will not investigate if it cannot be established that the perpetrator is either in the UK or will come to the UK or if the victim or witnesses are abroad, making an investigation impracticable. If it is practicable, SO15 can exercise its powers to interview all parties, including the perpetrator. The police can place the perpetrator under arrest and if the evidence is secured, make a referral for prosecution in the criminal courts. The crime of torture carries a prison sentence up to life.

(ii) Exclusions from the UK

97. If the police decide not to investigate, then SO15 should refer the case to the Special Cases Department of the National Security Directorate of the Home Office for potential future immigration action.

98. The Home Office can then make a decision as to whether or not to exclude the perpetrator from the UK under its Exclusions from the UK policy.⁸⁶ Such a decision will prevent them from legally entering the UK. The Policy highlights that this will normally be used in cases involving national security, extremism, serious crime, international crimes (including crimes against humanity) and ‘unacceptable behaviour’. A decision will be based on evidence and so the information gathered by the SO15 can play an important role. The Policy states that the Home Secretary must consider “all” the evidence available which allows for third-party evidence to be submitted. The Home Office will apply a different weight to evidence obtained by third parties in comparison with direct witness and/or police evidence. Under the Immigration Act 1971 all persons are excluded unless they have permission to be in the UK. The Home Secretary has a discretion to exclude individuals subject to immigration control on various grounds under s3 of the Act. The High Court has decided that the Home Office does not need to disclose details of decisions due to data protection rules.⁸⁷ This makes it difficult to challenge decision-making.

b. ‘Magnitsky’ Sanctions

(i) Background

99. ‘Magnitsky’ sanctions are unilateral government directions which involve asset freezing or immigration action against those responsible for human rights violations or corruption. Unlike traditional sanctions targeted at individual countries, they can be flexibly applied to perpetrators from all over the world, regardless of their geographical location.
100. The name derives from Sergei Magnitsky, a Russian lawyer who was beaten to death in jail after uncovering a multi-million-dollar fraud by Russian tax officials. In 2012, the US Congress passed a law allowing sanctions on individuals identified as being involved in his detention, abuse or death and the ensuing cover-up, or involved in gross human rights violations in Russia more generally. The Global Human Rights Magnitsky Accountability Act of 2016 extended this regime, allowing the US to impose sanctions against any foreign nationals responsible for gross human rights violations. The US targets over 300 individuals and entities from 40 countries as well as Saudi officials. At the time of writing the Global Magnitsky Human Rights Accountability Reauthorization Act was pending before the Senate.⁸⁸
101. There are now several examples of such programmes: the US Global Magnitsky Act, Canada’s Sergei Magnitsky Law, the UK’s Global Human Rights and Anti-Corruption Regulations, Australia’s Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic

⁸⁶ “Exclusion from the UK” (version 4.0, published on 31 December 2020)

⁸⁷ (R) on the application of FF v Secretary of State for the Home Department and Prince Nasser Bin Hamad Al Khalifa of Bahrain [2021] EWHC 2566 (Admin)

Sanctions) Act 2021 and the EU's restrictive measures in relation to serious human rights violations and abuses. Magnitsky-type legislation has also been adopted in Gibraltar, Jersey, Kosovo, and – before such measures were agreed at European level – three EU Member States: Estonia, Latvia and Lithuania. Ukraine and Moldova have considered adopting Magnitsky laws.

102. Each regime is slightly different in terms of both content and process. The US and Canadian regimes focus on human rights abuses against whistle-blowers and human rights defenders by foreign nationals.
103. The EU's Magnitsky-style human rights sanctions regime⁸⁹ provides for asset freezes and targeted travel bans on individuals, state and non-state actors, responsible for or associated with serious human rights violations and abuses worldwide. It covers torture and other cruel, inhuman or degrading treatment or punishment and arbitrary arrest and detentions. It also applies to other human rights violations where they are widespread, systematic, or are otherwise of serious concern as regards the objectives of the EU foreign policy. However, although the EU allows for sanctions in a broader range of cases, in practice, sanctions are only likely to be used in the most extreme cases. Unlike the US and the UK, the EU has not imposed sanctions in relation to those considered complicit in the murder of Saudi Arabian journalist Jamal Khashoggi in the consulate of Saudi Arabia in Turkey.
104. A further hurdle in relation to the EU regime is that only the High Representative of the European Union for Foreign Affairs and Security Policy and EU Member States can put forward proposals for sanctions listing. Also, unanimous agreement by EU Member States is needed.

(ii) The UK '*Magnitsky*' rules

105. The UK version of the Magnitsky sanctions is known as the Global Human Rights sanctions regime, introduced in 2020, authorising financial and immigration sanctions on individuals to deter and provide accountability for involvement in certain serious human rights violations.
106. The legal framework is based on the Sanctions and Anti-Money-Laundering Act 2018, which refers to 'gross human rights abuses', defined as torture, or other cruel, inhuman or degrading treatment or punishment. Applying the principles set out in the Act, the government adopted the Global Human Rights Sanctions Regulations in June 2020 and the Global Anti-Corruption Sanctions Regulations in April 2021.
107. The Regulations apply sanctions for violations of the right to life, as well as torture or other cruel, inhuman or degrading treatment or punishment, slavery, or forced or compulsory labour.

⁸⁹ [Council Regulation \(EU\) 2020/1998](#) and [Council Decision \(CFSP\) 2020/1999](#)

108. The rules provide that the Minister may decide to apply a sanction if it is *appropriate* to do so under the rules and there are *reasonable grounds to suspect* they are an ‘involved person’.⁹⁰ They must also be satisfied that the designation is appropriate, having regard to the purpose of deterring or providing accountability for such activities, and the likely significant effects on the person, as far as known.
109. The criteria to meet the definition of an ‘involved person’ are wide and can catch a wider range of persons than would otherwise be possible under the universal jurisdiction rules explained above. They include persons involved directly or indirectly, in the above serious rights abuses (‘activities’).⁹¹ An involved person can be acting on behalf of or at the direction of a person involved in the violation of the above rights or being associated with that person. Activities can be direct involvement in the abuse, concealing or promoting such activity, providing financial services which contribute to such an activity or profiting from such an activity, or in some cases, failing to act.⁹²
110. A policy paper published by the then Foreign & Commonwealth Office (“FCO”) outlines the general considerations that are considered in designating an individual under the sanctions.⁹³ Relevant factors include:
- The FCO’s human rights priorities: these include the promotion of democracy, freedom of expression, media freedom, gender equality, lesbian, gay, bisexual, transgender rights, and freedom of religion or belief.⁹⁴
 - The nature of the victim: victims who are journalists, civil society activists and human rights defenders are given particular attention.
 - The seriousness of the conduct: this involves assessing whether the conduct is systemic.
 - International profile and collective action: considering similar actions taken by the UK’s international partners.
 - The status and connections of the involved person: whether imposing sanctions on a perpetrator (the “involved person”) would provide effective accountability.
 - The effectiveness of other measures, including law enforcement: where law enforcement in the relevant nation has not been able or willing, additional attention is given.

⁹⁰ *Ibid* at 6(1)

⁹¹ *Ibid* at 6(2)

⁹² *Ibid* at 6(3)

⁹³ Foreign & Commonwealth Office (2020). Global Human Rights Sanctions: consideration of designations. Available from <https://www.gov.uk/government/publications/global-human-rights-sanctions-factors-in-designating-people-involved-in-human-rights-violations/global-human-rights-sanctions-consideration-of-targets>

⁹⁴ Foreign & Commonwealth Office (2019). Human Rights and Democracy: the 2018 Foreign and Commonwealth Office report. Available from <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2018/human-rights-and-democracy-the-2018-foreign-and-commonwealth-office-report#chapter-1-human-rights-and-democracy-priority-themes>

(iii) The Procedure

111. Either individuals or organisations can ask the Foreign Secretary to apply sanctions, asset freezes or immigration exclusions, against individuals involved in breaches of certain protected human rights. The stated objectives of the new rules are to provide a mechanism for accountability, and to act as a deterrence against ongoing or future abuses.⁹⁵ No limitation periods have been set for requests and the rules do not preclude the imposition of sanctions against persons for historic cases of abuse. Guidelines are available to NGOs about making submissions to the Secretary of State for designations.⁹⁶

(iv) UK Magnitsky sanctions in practice

112. When he announced the regime, the Minister, Dominic Raab, said:

“These sanctions are a forensic tool, which allows us to target perpetrators without punishing the wider people of a country that may be affected. The regulations will enable us to impose travel bans and asset freezes against those involved in serious human rights violations. We are talking about, first, the right to life, where it is threatened by assassinations and extra-judicial killing; secondly, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment.... The powers enable us to target a wider network of perpetrators, including those who facilitate, incite, promote or support these crimes.”

113. The government publishes details of who has been sanctioned.⁹⁷ During the first year of the regime, 72 individuals and six entities were designated. Twenty of the individuals were related to Saudi Arabia, all implicated in the death of Jamal Kashoggi. The figures compare favourably with the US Magnitsky regime established in December 2016, which had 116 active human rights designations as of 5 July 2021. In the majority of these cases the justification was interference with the right to life or torture.
114. The Minister has used his powers under the rules to impose sanctions on investigators for failing to adequately investigate abuse, a doctor for failing to administer medical care and high-level military commanders in a position of command responsibility for security forces engaged in such abuses.⁹⁸

⁹⁵ S4, The Global Human Rights Sanctions Regulations 2020

⁹⁶ Foreign & Commonwealth Office (2020). Global Human Rights Sanctions: Information Note for NGOs and Civil Society. Available from <https://www.gov.uk/government/publications/global-human-rights-sanctions-information-note-for-non-government-organisations-and-others-interested-in-human-rights/global-human-rights-sanctions-information-note-for-ngos-and-civil-society>

⁹⁷ <https://www.gov.uk/government/publications/the-uk-sanctions-list>

⁹⁸ Current list of designated persons: Global Human Rights https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057481/Global_Human_Rights.pdf

115. The UK's Economic Crime Act 2022 removed an option previously available for Parliamentary committees to conduct "independent reviews" of whether sanctions should be applied to perpetrators of gross human rights violations. As a result there are no formal mechanisms at present for Parliamentary oversight.

c. Findings

116. Mohammed Sultan, Yunus Sultan and Ebrahim Al-Demistani have very clearly described serious abusive activities committed by MOI officers at various stages of their custody and at MOI detention centres. Serious human rights abuses in Bahrain have also been consistently documented by organisations and other third parties since at least February 2011 in connection to the protests. Some of the evidence has been outlined above and is briefly summarised below.
117. Mohammed Sultan has set out a series of activities that he faced during his arrest and period of detention in 2011. He explained that he has received complaints of torture since at least 2008 and that he experienced torture in 2011. He was beaten by MOI police officers and security agents during his arrest and detention. He was punched, slapped, kicked, blindfolded, and threatened by different individuals under the command of the MOIN. He was detained under extreme conditions and forced to stand for long periods of time. He experienced humiliating and degrading treatment and punishment including insults and threats by detention officers. He was forced to imitate animals and degrade himself. He was also witness to abuse and torture committed by MOI officers against other individuals. Most seriously, he witnessed the killing of a detainee in his cell by officers through severe torture. The treatment set out by Mohammed Sultan amounts to activities which have violated the rights protected by the UK's Magnitsky Sanctions regime. In particular, the activities carried out by MOI officers and overseen by the MOIN, have directly breached the right to life and the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment.
118. Ebrahim Al-Demistani described activities by MOI officials in 2011 that he witnessed and personally experienced. He witnessed the sexual abuse of doctors and nurses by police officers. He was punched, kicked, slapped and threatened during his arrest and throughout his period of detention by MOI. He was denigrated and insulted, and in particular threatened with rape and sexual abuse. He was blindfolded and forced to stand for long periods of time. He described treatment which very likely meets the UNCAT definition of torture and witnessed others being tortured. He was forced to imitate different animals. The treatment he experienced resulted in long-term physical and psychiatric harm. The treatment set out by Ebrahim Al-Demistani amounts to activities which violate the rights protected within the UK's Magnitsky Sanctions regime. In particular, the activities carried out by MOI officers and overseen and/or have directly breached his right not to be subjected to torture or cruel, inhuman, or degrading treatment or punishment.

- 119.** Yunus Ahmed Sultan further set out activities by MOI police officers that he experienced when he was interrogated in 2017. He was threatened and placed in a position of fear and anguish. He experienced forced sexual abuse including penetration which likely amounts to rape. He was grabbed, stripped naked, slapped, punched, and kicked by MOI police officers. He was threatened over a period forcing him into a state of fear for his life and general safety. The treatment set out by Yunus Ahmed Sultan amounts to activities which have violated the rights protected within the UK's Magnitsky Sanctions regime. In particular, the activities carried out by MOI officers and overseen by the MOIN have breached his right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment.
- 120.** The evidence compiled by the BICI, NGOs and other third parties sets out similar activities committed by MOI officers from 2011 to date. Such activities have included beating, threats, sexual abuse, rape, sleep deprivation, forced standing, lashing and whipping, inhuman detention conditions, threats and insults. A summary was provided in earlier sections of this report. The above activities have been committed consistently over a significant period of time. This evidence is publicly available. A large majority of the evidence has been submitted to MOIN, including the BICI report.
- 121.** This evidence meets the activities criteria in new Magnitsky Sanctions regime and breaches the protected rights outlined above. We conclude that the conditions have been met for a request to consider Magnitsky sanctions against the Minister of the Interior who has overseen such treatment for a prolonged period.



Contact _____

✉ mail@dpglaw.co.uk
🌐 www.dpglaw.co.uk
🐦 @dpg_law



Contact _____

✉ info@gc4hr.org
🌐 www.gc4hr.org
🐦 @GulfCentre4HR

Deighton Pierce Glynn and Deighton Pierce Glynn Solicitors are trading standards for Deighton Pierce Glynn Limited, Company No. 07382358. We are regulation by the Solicitors Regulation Authority. The directors are: Jo Eggleton, Polly Glynn, Adam Hundt, Joanna Thomson and Sarah Ricca. The partners are: Christina Juman, Connie Sozi, Daniel Carey, Frances Lipman, Hasan Khalifah, Sasha Rozansky, Ugo Hayter & Zubier Yazdani. We use the word 'partner' to refer to a director of the company or an employee who is a member of the senior management team.