

# TRAINING TORTURERS:

ABBAS AL-SAMEA



MOHAMED RAMADHAN



SAMI MUSHAIMA



HUSAIN MOOSA



ALI AL-SINGACE



EXECUTED 15/01/2017

AWAITING EXECUTION

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**THE UK'S ROLE  
IN BAHRAIN'S  
BRUTAL CRACKDOWN  
ON DISSENT**



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# Foreword by Former United Nations Special Rapporteur on Torture, Professor Juan E. Mendez

The universality of the prohibition against torture is absolute. It is one of the most fundamental prohibitions under international law, as it is an imperative rule (*jus cogens*) of which no departure is allowed, ranking higher in the international legal order than both treaty law and “ordinary” customary rules. The number of States party to the Convention Against Torture (“the Convention”) — one of the most ratified international treaties in modern history — is a reflection of the world’s abhorrence for the practice. The Kingdom of Bahrain is among 182 states that has committed itself to eradicating torture and ill-treatment by ratifying the Convention.

Ratification, however, is only the first step in a multifaceted process aimed at eradicating torture and ill-treatment globally and at a state level. Eradication itself requires both political and legislative will to implement and uphold the rights and protections enshrined in the Convention.

The Convention’s binding positive and negative obligations serve to do more than just prohibit the use of torture – each provision provides a complementary outcome in the eradication of torture; they provide a legal framework and set of rules which serve both to outlaw and to eliminate incentives to torture. The Convention is explicit in addressing the obligations of states to prevent torture. Its provisions include but are not limited to: the obligation to exclude evidence extracted by torture in any criminal proceedings against the victim (Article 15), the obligation to investigate *ex officio* possible acts of torture (Article 12) and any torture allegations (Article 13), and the obligation to investigate, prosecute and punish every incident of torture (Articles 4 to 9).

When implemented, these provisions work in tandem to break the cycle of impunity that provides an atmosphere conducive to the use of torture. I have long advocated for a victim-centred approach to implementing these provisions because torture can only be eradicated when victims are able to access viable and effective mechanisms that will provide them with redress.

However, merely establishing mechanisms that purport to provide redress to victims of torture and ill-treatment is no guarantee of actual redress. Too often, states establish anti-torture mechanisms that are effectively cosmetic. In jurisdictions where the State lacks genuine political and legislative will to eradicate torture — where no substantive steps have been taken to institutionalise minimum standards for torture investigations — we must be mindful that such mechanisms are not abused in such a way as to become tools for whitewashing allegations of torture or for creating *de facto* impunity for perpetrators.

In this regard, I watch with concern the situation in the Kingdom of Bahrain, not least because that country’s highest court upheld the death sentence against alleged torture victim Maher

Abbas al-Khabbaz in early 2018. His imminent execution is of great concern because of fears that Bahrain's authorities conducted no investigation into his allegations of torture, despite the court initially vacating his death sentence due to concerns it was secured in contravention of his fundamental right to be free from torture. He and the other five Bahraini men discussed in this report all had their right to an impartial investigation hindered by Bahrain's pervasive culture of impunity towards combating torture.

In the aftermath of its crackdown on Arab Spring protests in 2011, Bahrain assured the international community that it was taking concrete legislative and political steps to address its historic use of torture. Yet more than seven years on, very few meaningful investigations into torture have been conducted in Bahrain, and it appears that mechanisms established to provide redress to victims may have been used to obscure allegations of torture and ill-treatment.

Bahrain established its Ombudsman for the Ministry of Interior (the Ombudsman), Prisoners' and Detainees' Rights Commission (PDRC) and Special Investigation Unit (SIU) in line with the recommendations of the Bahrain Independent Commission of Inquiry (BICI), with the goal of tackling Bahrain's impunity towards torture. Each body was established with the mandate to carry out the State's preventative obligations by providing mechanisms for victims to lodge complaints of torture and ill-treatment, and by investigating, prosecuting and punishing acts of torture. Thus, Bahrain appeared to be employing the political and legislative will that is crucial to combating torture.

To date, however, the performance of these bodies — which fall under the purview of Bahrain's Ministry of Interior and Public Prosecution Office — has served to underscore Bahrain's failure to mainstream the basic principles and guidelines in upholding the rights of victims of torture. Since their establishment, these institutions have faced consistent accusations of failing to adequately investigate allegations of torture. Contemporaneously, Bahraini police and prison guards have been accused of torturing detainees, often for the purpose of extracting confessions.

It is important to recognise the important role played by Bahrain's anti-torture institutions in the treatment of the men discussed in this report. Mohamed Ramadhan, Husain Moosa, Abbas al-Samea, Sami Mushaima and Ali al-Singace maintained their innocence and alleged that police tortured them into making confessions, yet all five were sentenced to death in trials that relied on their confessions. The Ombudsman and SIU failed to investigate their allegations in a manner compliant with the Convention. The PDRC ignored international minimum standards in examining the facilities where they were detained. Especially egregious, courts failed both to investigate their allegations *ex officio* and to exclude their illegally-obtained statements.

Accordingly, Bahrain's government took no meaningful steps to uphold the rights of these men as victims of torture. Sami Mushaima, Abbas al-Samea and Ali al-Singace have now been executed, and Mohamed Ramadhan and Husain Moosa face imminent execution.

This conduct occurs against the backdrop of the Bahraini government's consistent refusal to allow UN torture experts to enter the country. During my time as UN Special Rapporteur on torture, my office communicated frequently with Bahrain on *prima facie* cases of the continued use of torture and ill-treatment, and raised concerns that the government's new anti-torture bodies were failing to discharge their obligations under the Convention. Twice in one year I was invited to conduct a country visit to Bahrain and twice I was disinvented within a few days of my scheduled arrival. The second time, the Government mendaciously claimed that I had taken the decision to cancel the visit. Bahrain reneged repeatedly on its commitments – made to me and to the Human Rights Council as well as to States with which it has friendly relations – to grant me access for a country visit to review prison conditions and the work of these anti-torture bodies. Later, its Government even suggested that I was biased and would not fairly assess the country's progress. Bahrain has not granted entry to any UN Special Procedures mandate holder since 2010.

The violations discussed in this report paint an extremely concerning picture of Bahrain. The reform bodies that ought to be addressing the problem of torture and ill-treatment seem to be failing in their fundamental duties. The resulting view is of a country where torture remains rife, perpetrators are granted immunity, and UN torture experts are refused access.

Given this, it is concerning to see the way in which anti-torture institutions have been instrumentalised to promote a false narrative about the progress made on the issue of torture in Bahrain since 2011. The profile of Bahrain's torture reforms has been bolstered by public endorsements from global allies, including the United Kingdom, which has trained these institutions for years. There is a danger that the anti-torture bodies are used to create the veneer of compliance with the Convention, whilst deflecting global attention from the dire state of affairs that persists in Bahrain.

I do not question the intention of Bahrain's international allies; I believe they want to see the government put an end to its use of torture and impunity for perpetrators, as part of their own role in eradicating torture globally. But I am disappointed that Bahrain's close allies have not done more to encourage the government to comply with its obligations under the Convention and to cooperate with the UN's Special Procedures.

Despite promises of substantive reforms, Bahrain's political and legislative climate is still hostile to combating torture and ill-treatment in a meaningful way; it will remain so until the Bahraini government chooses transparency over impunity and demonstrates a genuine desire to fulfil its obligations toward victims under the Convention.

Going forward, it is to be hoped that the international community will commit to holding Bahrain accountable for real progress on combating torture. The Bahraini Government must take concrete steps to meet the obligations by which it is bound under the Convention to break this pervasive cycle of impunity. This must include allowing the current Special Rapporteur on Torture unfettered access to the country, and to conduct a thorough review of the structure and

investigation practices of the Ombudsman, PDRC and SIU to ensure compliance with international law.

It is my hope that this commitment is taken seriously by Bahrain, and manifests in the establishment of an independent commission to review the failings that resulted in the execution of the men mentioned in this report, and the unlawful death sentences of those still facing imminent execution. Only then can the Bahraini government truly begin to address its record on torture and progress towards its eradication.

# ACRONYMS AND ABBREVIATIONS

<b>ADHRB</b>	Americans for Democracy & Human Rights in Bahrain
<b>BCHR</b>	Bahrain Centre for Human Rights
<b>BICI</b>	Bahrain Independent Commission Inquiry
<b>BIPD</b>	Bahrain Institute for Political Development
<b>BIRD</b>	Bahrain Institute for Rights and Democracy
<b>BNA</b>	Bahrain News Agency
<b>Brexit</b>	Popular term for the United Kingdom's withdrawal from the European Union
<b>Causeway</b>	The Causeway Institute for Peace-building and Conflict Resolution
<b>CAT</b>	Convention Against Torture
<b>CID</b>	Criminal Investigation Directorate
<b>CPJ</b>	Committee to Protect Journalists
<b>CSSF</b>	Conflict, Security and Stability Fund
<b>DUP</b>	Democratic Unionist Party
<b>FCO</b>	Foreign and Commonwealth Office
<b>FOI</b>	Freedom of Information request
<b>FOIA</b>	Freedom of Information Act 2000
<b>GCC</b>	Gulf Cooperation Council
<b>GBF</b>	Global Britain Fund
<b>HMIP</b>	Her Majesty's Inspectorate of Prisons
<b>HMP</b>	Her Majesty's Prison Services
<b>IAF</b>	Integrated Activity Fund
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICO</b>	Information Commissioner's Office
<b>JSi</b>	Just Solutions International
<b>MEP</b>	Members of European Parliament
<b>MOI</b>	Ministry of Interior
<b>NIHR</b>	The National Institution for Human Rights
<b>NI-CO</b>	Northern Ireland Cooperation Overseas
<b>NIPB</b>	Northern Ireland Policing Board
<b>NSC</b>	National Security Council
<b>Ombudsman</b>	Office of the Ombudsman of the Ministry of Interior

<b>OPCAT</b>	Optional Protocol on the Convention Against Torture
<b>OSJA</b>	Overseas Security and Justice Assistance
<b>PDRC</b>	Prisoners' and Detainees' Rights Commission
<b>PPO</b>	Public Prosecution Office
<b>PSNI</b>	Police Service of Northern Ireland
<b>SIS</b>	General Directorate for State Security Investigations
<b>SIU</b>	Special Investigation Unit
<b>Stormont</b>	Northern Ireland Assembly

## EXECUTIVE SUMMARY

Since 2012, the UK Foreign & Commonwealth Office (FCO) has spent more than £5 million on a programme of technical assistance to the Kingdom of Bahrain. The programme was introduced in the wake of the Arab Spring amid widespread pro-democracy protests in Bahrain.

Drawing mainly from the cross-government Conflict, Stability, and Security Fund (CSSF), and more recently from the Integrated Activity Fund (IAF) and the Global Britain Fund (GBF), the FCO has paid a number of UK-based bodies to train different arms of the Bahraini state.

The FCO's principal implementers have been Northern Ireland Cooperation Overseas (NI-CO), a Belfast-based non-profit owned by the Northern Irish government; Her Majesty's Inspectorate of Prisons (HMIP), the UK government's prison inspectorate; and the Causeway Institute (Causeway), a private Belfast-based company chaired by the Democratic Unionist Party's (DUP) chief whip in Parliament, the Rt Hon Sir Jeffrey Donaldson MP.

The UK's main partner in pursuing reform in Bahrain has been the Ministry of Interior (MOI), which encompasses most of the country's security services. The MOI oversees Bahrain's prisons and police, and frequently employs torture in prisons and police stations. Much of the FCO-funded assistance aimed to train Bahrain's police and prison guards on human rights, as well as establish new bodies to investigate torture allegations.

However, over the course of this UK reform programme, Bahrain's human rights record did not improve but rather deteriorated dramatically. There were sustained allegations of torture in detention and coerced confessions, a tripling in the size of Bahrain's death row, and – most seriously – the resumption of executions for the first time since 2010.

During the period of the reform programme, five men – Mohamed Ramadhan, Husain Moosa, Abbas al-Samea, Sami Mushaima, and Ali al-Singace – were arrested, tortured into making false confessions, and sentenced to death.

In January 2017, following some £4m of UK reform spending in Bahrain, the Gulf Kingdom executed Abbas, Sami, and Ali in secret by firing squad, ending a seven-year moratorium on executions. Now, Mohamed and Husain face imminent execution.

Research by the human rights organisations Reprieve and the Bahrain Institute for Rights and Democracy (BIRD) reveals further alarming details: elements of Bahrain's security apparatus trained by the UK committed appalling human rights violations against these five death row inmates, and did so while or after receiving British training.

### **Mohamed, Husain, Abbas, Ali and Sami**

In 2014 and 2015, Bahraini police arrested five men and accused them of involvement in the murder of police officers: Sami Mushaima, school-teacher Abbas al-Samea, teenager and aspiring photojournalist Ali al-Singace, airport police officer Mohamed Ramadhan, and Husain Moosa were all unlawfully detained and tortured. Their torture took place at different detention facilities: Criminal Investigation Directorate (CID) Headquarters, Riffa Police Station, and Jau Prison. The torture included electric shocks; beatings and razor cuts to the head, torso and genitals; stress positions; anal rape with objects and other forms of sexual assault; sleep deprivation, and; threats to rape family members. The torture took place over the course of months and indeed years. The men were left with physical disabilities, gross disfigurement, temporary blindness, prolonged unconsciousness, missing teeth and with severe bleeding from the head.

For more than a year, Reprieve & BIRD alerted the FCO and other UK bodies involved in the reform programme that their Bahraini partners had committed egregious violations of Sami, Abbas, Ali, Mohamed, and Husain's rights. We warned that the British government risked complicity in torture and illegal executions if it did not suspend its work in Bahrain. Instead, the UK carried on

with an intensive training schedule and refused to acknowledge any wrongdoing by its Bahraini reform partners.

All five men were subjected to sham trials, in which they were denied access to lawyers and convicted almost solely on the basis of their confessions. Their allegations that police coerced these confessions through torture received inadequate investigations—or no investigations at all—by UK-trained investigators.

In January 2017, Sami, Abbas, and Ali were executed by firing squad, breaking Bahrain's 7-year moratorium on the death penalty.

The UN's Special Rapporteurs on torture and summary execution issued a joint statement condemning the torture of the three men and deeming their executions arbitrary.

Despite requests to intervene, Foreign Secretary Boris Johnson made no specific representations on behalf of Abbas, Sami and Ali.

Now Mohamed and Husain face imminent execution, too. The UK government has never called for their release or spoken out publicly against their torture and unfair trials.

This report exposes the extent of UK support to Bahrain's security sector since the Arab Spring and raises concerns that UK taxpayers funds have gone to support, and even train, torturers in Bahrain. The report reveals:

- **Protesters were raped and tortured in a prison receiving UK training and support:**  
NI-CO provided 863 days of training to Bahraini prison guards and officials, and trained 400 guards at Jau Prison, where prisoners have been tortured and are held in appalling conditions. Some of this UK training took place at specific times when Jau Prison guards are alleged to have raped Ali and tortured Abbas and dozens of other inmates.
- **UK-trained torture investigators covered up allegations of torture and forced confessions by death row inmates:**  
The Ombudsman and the Special Investigation Unit (SIU), arms of the Bahraini state that received torture investigation training from NI-CO, refused to adequately investigate allegations of torture and forced confessions from these five men, allowing their trials to rely on evidence extracted through torture.
- **Bahraini police, known for torturing peaceful political protesters, received UK training on gathering "community intelligence" on protests:**  
Just weeks after receiving NI-CO-facilitated training in Belfast on gathering "community intelligence" ahead of protests, Bahraini police arrested and tortured Ali, a teenaged protester who was later illegally executed.

- ***A UK-trained prison inspectorate ignored torture allegations of death row inmates:***  
 Shortly after Mohamed, Husain, Abbas, and Sami alleged they were tortured in a Bahraini police station, HMIP assisted Bahrain's Prisoners and Detainees Rights Commission (PDRC) in planning its inspection of that very station and writing its report. The resulting report was three pages long, and made no mention of allegations of systematic torture and forced confession. Police tortured Ali in the same station three months later.
- ***A UK-trained Bahraini state human rights institution supported illegal executions and claimed 'there is no torture' in Bahraini prisons:***  
 Immediately after the illegal executions of Abbas, Ali, and Sami, which resulted from unfair trials, the UK-trained National Institute for Human Rights (NIHR) publicly endorsed the executions. Later, the NIHR claimed that there is no torture in detention facilities in Bahrain; the UK Ambassador met with and praised the NIHR's director the next day.
- ***A DUP Minister in Northern Ireland refused to suspend assistance to Bahrain—assistance to which his party is closely linked:***  
 Stormont's economy minister, Simon Hamilton of the DUP, refused to suspend or inquire into NI-CO's work in Bahrain. The DUP is closely linked to the FCO's reform agenda in Bahrain—DUP chief whip Sir Jeffrey Donaldson MP chairs the Causeway Institute and works closely with NI-CO—raising concerns about a conflict of interest.
- ***The UK government ignored evidence of human rights abuses:***  
 Reprieve, BIRD, and UK MPs presented evidence showing that the FCO's partners in Bahrain had tortured Abbas, Sami, Ali, Mohamed and Husain, and acted to secure their illegal death sentences. The UK government rejected these concerns. The UK has never acknowledged wrongdoing by its reform bodies in the cases of death row inmates, and has never expressed concern publicly about mistreatment of any of the five men.
- ***There is no evidence of human rights conditions attached to UK assistance:***  
 Reprieve, BIRD, and UK MPs called on the UK to place conditions on its assistance and require Bahrain to take basic anti-torture steps as a pre-condition to receiving further UK assistance. It appears that no binding human rights pre-conditions were attached to the UK's assistance, and Bahrain failed to sign binding anti-torture guarantees and allow independent UN prison inspections – suggesting no such conditions were ever required.
- ***The UK lobbied aggressively for Bahrain on the international stage:***  
 Despite overwhelming evidence of these institutions' misconduct, FCO ministers lobbied enthusiastically for Bahrain around the world, even acting to suppress international criticism of Bahrain's human rights abuses at the UN Human Rights Council.
- ***The UK cloaked its reform programme in secrecy:***  
 The UK government refused to release basic details about projects whose ostensible aim was human rights reform, including any of its Overseas Security and Justice Assistance (OSJA) human rights risk assessments. The government also refused to say when UK

trainers were stationed in specific Bahraini prisons—information that would reveal whether UK government employees were present while inmates were tortured.

- ***UK bodies appear to have pulled out of their reform work in Bahrain, whilst the funding continues without any transparency:***

Reprieve and BIRD can also reveal that the bodies implementing the FCO's reform programme in Bahrain—NI-CO, HMIP and Causeway— appear to have pulled out of all of these projects. The FCO has refused to provide any information about this decision, whilst providing little detail about the new funding streams supporting future work, how much money is still being provided, or which arms of the UK government are now implementing these programmes.

Over the 5 years documented in this report, UK funds were provided to different arms of the Bahraini state against a backdrop of serious and worsening abuses. Without public and clear safeguards for human rights and the rule of law, these programmes present a disturbing picture of taxpayers' money being used without crucial guarantees of effectiveness or transparency.

Bahrain's actions over the last five years – with the assistance of the UK Government – have had real and severe consequences for individuals, with the cases of Abbas, Sami, Ali, Mohamed, and Husain standing as powerful examples of what Bahrain felt empowered to do whilst receiving training from the UK. This report is the story of these men – and the UK's involvement in their ordeals.

# METHODOLOGY

Reprieve is a legal advocacy charity that campaigns against some of the most severe human rights abuses committed by governments across the world. The Bahrain Institute for Rights and Democracy (BIRD) is a London-based not-for-profit organisation advocating for human rights in Bahrain. For several years, Reprieve and BIRD have worked together to assist persons on death row in Bahrain.

This report is the culmination of a two-year investigation into UK technical assistance to Bahrain. It follows an earlier report, entitled 'From Belfast to Bahrain: The Torture Trail', which raised concerns over the Bahrain-based activities of Northern Ireland Cooperation Overseas (NI-CO), a state-owned Belfast company.

The findings of this report were obtained largely through requests for information under the Freedom of Information Act 2000. We also sought meetings with several of the the UK bodies providing the training; NI-CO would not agree to meet with us or speak to us on the phone, suggesting that we submit questions in writing instead.

Reprieve has only been granted access to Bahrain once, in 2015. After that, and despite assurances from the Bahrain Embassy in London that Reprieve staff would be granted visas to meet with the representatives of the institutions covered by this report, including the Ombudsman, no concrete steps were taken to facilitate access. In particular, the Ombudsman has denied Reprieve, BIRD and local lawyers access to its findings from investigations purportedly carried out into the torture of Mohamed and Husain.

Reprieve and BIRD also worked with partners in Bahrain and the UK, including lawyers, doctors, and experts in the field of anti-torture reform, to help gather material such as court documents, medical examinations, and witness testimony.

Finally, as part of the assistance Reprieve and BIRD provided, we conducted interviews with the relatives of the men mentioned in this report.



# INTRODUCTION

## The Arab Spring in Bahrain

In February 2011, Bahrain's capital, Manama, was the site of a series of sustained, peaceful pro-democracy demonstrations. Protesters marched against corruption and unrepresentative government, calling for economic, social and political rights. These demands were consonant with those voiced for years by Bahrain's aggrieved Shia majority, but the protesters in 2011 were drawn from a wide swathe of secular, Sunni, and Shia society.

The Bahraini monarchy's response to these protests was swift and brutal. Over the next four months, Bahrain deployed its own security forces, backed by foreign troops from Saudi Arabia, the United Arab Emirates, Kuwait, Oman, Qatar and Pakistan. Security forces killed and tortured dozens of protesters and arrested thousands more.<sup>1</sup>



*Demonstrations in Bahrain in 2011 (The Guardian)*

After quelling the protests in mid-2011, the monarchy established the Bahrain Independent Commission of Inquiry (BICI), largely in response to international condemnation of its violent response to peaceful protests. The BICI was tasked with investigating Bahrain's response to the 2011 protests and recommending steps to be taken going forward.

The BICI's report, released in November 2011, listed a litany of human rights violations carried out by the Bahraini monarchy, including dozens of cases of torture, and made 26 recommendations to Bahrain.<sup>2</sup> Expressing apparent commitment to change, King Hamad quickly agreed to implement the recommendations, and called on the international community to help Bahrain undertake human rights reform.<sup>3</sup>

## The UK's reform programme in Bahrain

The UK government welcomed the BICI report. In the interest of engaging with Bahrain on human rights rather than "sniping from the side lines," the FCO stepped in as Bahrain's principal international partner in implementing the report's recommendations.<sup>4</sup> The FCO has described the UK as "playing a key role in implementing reforms in Bahrain."<sup>5</sup>

From 2012, the FCO began "providing a package of technical assistance to support the Government of Bahrain's reform programme and implementation of the recommendations of the Bahrain Independent Commission of Inquiry."<sup>6</sup> The FCO has argued that "UK support to Bahrain's reform programme is the most constructive way to achieve long-lasting and

sustainable reform in Bahrain”<sup>7</sup> and has “a focus on strengthening human rights and the rule of law.”<sup>8</sup>

Since then, the FCO has spent in excess of £5 million on this technical assistance programme. That money was drawn largely from the Conflict, Security and Stability Fund (CSSF), a highly secretive and controversial fund that uses the UK’s overseas aid budget to bankroll security assistance schemes rather than humanitarian relief. Recently, however, the FCO indicated that future spending on these projects will come from two other funds: the Global Britain Fund (GBF) and the Integrated Activity Fund (IAF).<sup>9</sup>

Over the last five years, this funding has paid for training to a wide range of Bahraini state agencies, but the bulk of the programme was earmarked to address the culture of torture and mistreatment that exists within Bahraini jails and detention facilities. To that end, the FCO has partnered extensively with Bahrain’s Ministry of Interior (MOI), which oversees the country’s police and prison authorities.

***The Conflict, Security and Stability Fund (CSSF)***

*The CSSF is a Government fund with an annual budget of more than £1 billion. Falling under no one Ministry’s responsibility, it sits across departments to distribute funding for overseas projects designed to prevent conflict, stabilise countries and regions and to respond to international crises.*

*However, the Joint Committee on the National Security Strategy – the Parliamentary Committee that oversees the fund – has warned that it risks being a “slush fund.”*

*In fact, in its 2017 report, the JCNSS found that the CSSF’s “objectives, operation and achievements are opaque”. It concluded that the CSSF “lacks political leadership and accountability” without an individual responsible Minister, leading to “the risk that nobody takes responsibility” – despite the significant risks to human rights. It also worried that the fund*

*remains both operated and reviewed by the same body, the National Security Council (NSC) – with the result that “the NSC is in effect marking its own homework in relation to the CSSF.”*

*One year on, the Government has so far failed to take up the Committee’s recommendations and there remains little detail available on the programmes funded, leaving swathes of funding secret, unaccounted-for, and potentially unsafe.*

*The Independent Commission on Aid Impact published a highly critical report on the CSSF in March of this year. The report found that it was still unclear whether the fund was “doing harm” rather than good. It found that the CSSF’s human rights risk assessment processes are “inconsistent,” “sometimes superficial,” and “often weak,” despite the risk that assisting rights abusers might “legitimis[e] them and their actions,” and leave the UK “complicit in violations”.*

***The Global Britain Fund (GBF) and the Integrated Activity Fund (IAF)***

*The GBF comprises a total of £141 million and, as the FCO has stated, “does not have its own focus, objectives, programme strategy, or bidding criteria.” Instead, it is used to “fund projects in support of wider diplomatic activity.”*

*The IAF is a £20 million pot earmarked exclusively for cooperation with Gulf States, including Bahrain, on security and justice assistance. There is similarly paucity of information on the nature, administration, and governance of the fund.*

*With the limited information available on these funds acquired only through FOI requests, these funds amount to well over £160 million distributed to Bahrain and other countries with no transparency as to what measures are in place to ensure this money is spent safely and accountably.*

*There is no public information on the funds’ governance and accountability, including nothing to indicate what safeguards are in place to ensure that money from these funds does not result in breaches of human rights.*

**The Overseas Security & Justice Assistance (OSJA) Policy**

*Security and justice-related CSSF projects should in theory be governed by the Government's Overseas Security & Justice Assistance (OSJA) Policy – initially introduced in 2011 after revelations about the extent of UK assistance to security forces in Libya, Bahrain and Yemen. Guidance issued by the Government's Stabilisation Unit states, "Care should be taken to ensure that CSSF programmes do not inadvertently undermine UK law or policy on human rights (see, e.g. OSJA for security and justice programmes)."*

*The OSJA policy requires UK officials to follow a step-by-step 'Assessment & Approvals Process' when reviewing the human rights risks posed by a particular assistance programme.*

*This process is required for all departmental and agency project/programme officers and HMG officials making policy decisions on UK engagement in justice and security assistance overseas, including where the actual engagement will be undertaken by external agencies on behalf of HMG and/or with HMG funding".*

*Under this process, officials are advised to make a broad assessment of the human rights situation in-country,*

*identify human rights risks and consider mechanisms to mitigate these risks such as phased deployment, assurances, memorandums of understanding, monitoring, evaluation and vetting.*

*Where there is a real risk of human rights violations, Ministers are required to be consulted.*

*Reprieve has serious concerns about the transparency and efficacy of the OSJA process, with OSJA assessments remaining secret, leaving the public without any independent assessment of whether they are doing their job. Moreover, Government agencies – such as the National Crime Agency – have in the past ignored the need to conduct these assessments, casting doubt on whether the process is at all fit for purpose.*

*In fact, the Independent Commission on Aid Impact in a report from March of this year found that the OSJA process is still not working. As it found in respect of OSJA assessments made for CSSF programmes, many were "incomplete or of low quality (typically with a stronger analysis of the UK's reputational risks than of the risk of CSSF support aggravating human rights violations) or had not been conducted at all" – all raising "concern as to whether these assessments are an effective control mechanism".*

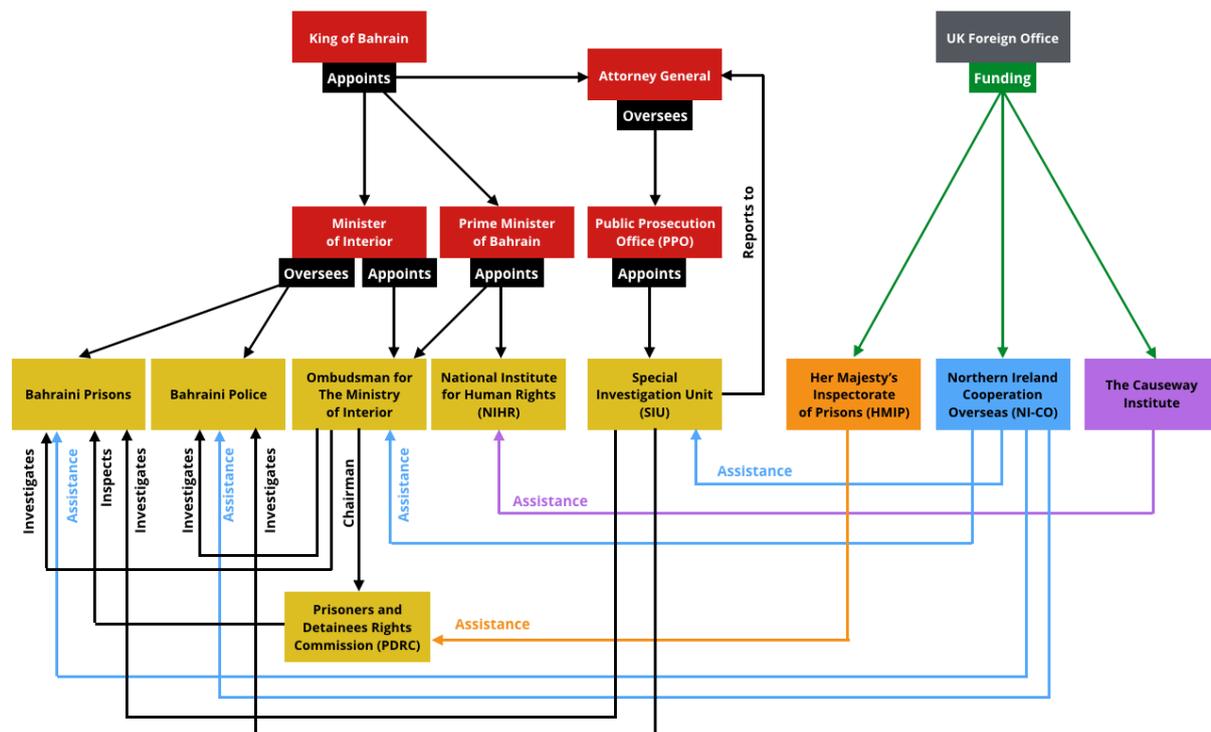
UK trainers have helped to establish and train a new torture investigator and a prisons inspectorate within the MOI. The Ombudsman for the Ministry of Interior ("the Ombudsman") receives and investigates allegations of torture and mistreatment by police, and the Prisoners' and Detainees' Rights Commission (PDRC) is tasked with carrying out unannounced inspections of Bahraini detention facilities. The UK has also provided direct training to hundreds of Bahraini prison guards and police officers, all of whom are MOI employees.

FCO trainers have provided more limited assistance to two other new reform bodies outside of the MOI: the Special Investigation Unit (SIU)—an arm of Bahrain's Public Prosecution Office (PPO)—carries out criminal investigation of alleged police abuse, including cases referred to it by the Ombudsman. The National Institution for Human Rights (NIHR) has a mandate to receive and investigate general complaints about any human rights abuses.

The £5 million in FCO funding has not gone directly to these institutions in Bahrain, but rather has paid for UK government employees and private contractors to travel to Bahrain and provide training, and for Bahraini employees of these bodies to travel to the UK to receive further instruction.

The FCO has contracted several governmental and private bodies in the UK to train the different institutions in Bahrain. London-based Her Majesty's Inspectorate of Prisons (HMIP) has spent years training the PDRC, but the FCO has routed most of the remaining assistance through implementers in Northern Ireland.

NI-CO, a Belfast-based non-profit outfit owned by the Northern Irish government, has been paid over a million pounds in overseas aid money to train police officers, prison guards, the Ombudsman, the SIU, and elements of Bahrain’s youth justice system. The Causeway Institute for Peace-building and Conflict Resolution (“Causeway”), a Belfast-based NGO with strong links to Northern Ireland’s Democratic Unionist Party (DUP), has been paid to train both the NIHR and NGOs affiliated with the Bahraini monarchy, including the Bahrain Institute for Political Development (BIPD).



*In 2017, Reprieve and BIRD received confirmation that NI-CO, Causeway, and HMIP are no longer working with their former partners in Bahrain. Nevertheless, it appears that the FCO continues to fund these projects, albeit now through the IAF and the GBF. Now, however, the FCO refuses to say which UK bodies are implementing its reform work in Bahrain, and will not disclose information about the amount of taxpayer money being spent going forward, stating only that “The Government works with a number of implementation partners on Bahraini-led reform programmes including in the field of human rights.”*

The level of assistance provided by the FCO through NI-CO, Causeway and HMIP has included UK trainers spending hundreds of days stationed in Bahrain, working inside prisons and embedding in the MOI, where one NI-CO expert spent 130 consecutive days working as an adviser to the MOI Undersecretary.<sup>10</sup>

Throughout the span of its reform programme, the FCO has praised the independence and efficacy of its institutions in Bahrain, and has maintained that Bahrain is making progress toward human rights reform.<sup>11</sup>

In response to written parliamentary questions, for example, FCO ministers have praised the work of the Ombudsman, PDRC, SIU, and NIHR, and pointed to their “increasing effectiveness.”<sup>12</sup> The FCO claimed that “UK expertise is helping to make a real difference” by establishing independent institutions,<sup>13</sup> suggesting that, “While it will take time to see the full results, UK support is having a direct, positive impact on areas of concern.”<sup>14</sup> Each year since 2013, the FCO’s Human Rights and Democracy Report has spoken of the UK-trained institutions in Bahrain as independent and enjoying increasing public confidence.<sup>15</sup>

Meanwhile, the Bahraini recipients of UK training have cited continued UK support as a British seal of approval on the monarchy’s human rights record. For example, MOI Ombudsman Nawaf al-Ma’awdah, who also heads the PDRC, has attended international conferences in New Zealand and Pakistan,<sup>16</sup> met with numerous European and American diplomats in Bahrain and abroad,<sup>17</sup> and represented Bahrain in Geneva at the UN Human Rights Council and the UN Committee Against Torture.



Each of these occasions were used by the Ombudsman and the state-run Bahrain News Agency (BNA) to claim support from the international community. Articles included headlines such as “Ombudsman’s International Cooperation Affirmed”,<sup>18</sup> and praise from European government figures was highlighted, especially that from the UK. One article claimed, “British Foreign Office lauds Bahrain human rights strides in 2013”,<sup>19</sup> whilst another suggested, “UK Ambassador to Bahrain: Ombudsman Office is the first institution of its kind in the region”.<sup>20</sup>

The UK Government has also used CSSF funds to attend sessions of the UN Human Rights Council (UN HRC) to lobby against criticism of Bahrain’s human rights record. In September 2015, the FCO used more than £4,000 to send a delegation of officials from NI-CO, HMIP, Causeway and the UK Embassy in Bahrain to Geneva ahead of a UN HRC session.<sup>21</sup> There, this delegation told NGOs and UN member states that Bahrain’s human rights situation was improving and lobbied

against a joint statement criticising Bahrain's human rights record.<sup>22</sup> The final draft was heavily watered down, with all references to torture removed.<sup>23</sup>

While acknowledging that "Bahrain is by no means perfect and has quite a long way to go in delivering on its human rights commitments," the FCO has suggested, "It is a country that is travelling in the right direction. It is making significant reform."<sup>24</sup>

## **Bahrain's political and human rights reality**

In reality, however, the human rights situation in Bahrain has deteriorated dramatically since 2011. Civil society space has been gradually closed. An expansive police force and laws banning protests in the capital limit demonstrations to village neighbourhoods.<sup>25</sup> Activists operate at risk of travel bans, torture and imprisonment.<sup>26</sup> The monarchy is quick to prosecute any criticism of the government as a criminal offence, restricting freedom of expression. For example, new laws since 2011 have increased prison sentences for insulting the King,<sup>27</sup> and have enabled criminal courts to render people stateless in anti-terrorism cases.<sup>28</sup> Journalists, bloggers and human rights activists are among those jailed and deprived of nationality by these laws.<sup>29</sup> Political detainees continue to form a major demographic in Bahrain's prisons.<sup>30</sup>

Between 2011 and 2014, a national dialogue process was repeatedly attempted, bringing together opposition parties and representatives of the monarchy to discuss a political resolution to the 2011 crisis. But the absence of senior government officials in these discussions and the continuation of policies infringing the right to political activity damaged trust between the two sides. The opposition criticised proposed reforms as superficial steps which left all real power with the executive branch of government. By late 2014, no consensus had been reached, Political parties also face severe barriers to democratic participation. After the process of national dialogue begun after the Arab Spring stalled, leading to the opposition boycotting that year's general election, the first held since the Arab Spring,<sup>31</sup> the government arrested the leader of Bahrain's largest opposition party, Al-Wefaq, and sentenced him to four years' imprisonment on charges of "attempting to overthrow the regime."<sup>32</sup>

The monarchy's intransigent attitude towards political dialogue, its hard-line security response, and the failure to achieve a political resolution to Bahrain's crisis had the effect of generating increased street violence. While peaceful protests continued regularly, over the years Bahrain also witnessed increasingly violent protests, with protesters throwing Molotov cocktails and stones at police; some segments even turned to the use of Improvised Explosive Devices (IEDs), and a series of bombings over the past several years has killed police officers in Bahrain.<sup>33</sup>

Rather than seeking a political solution, the monarchy has pursued a total crackdown on peaceful dissent. Since June 2016, both of the country's two major opposition political parties, Al-Wefaq and Wa'ad, have been forcibly dissolved.<sup>34</sup>

In May 2017, after a year-long physical and digital blockade of the village of Duraz, where demonstrators gathered at a peaceful sit-in protesting the deprivation of nationality and prosecution of the most senior Shia cleric in the country, police assaulted protesters, arresting 286 and killing five.<sup>35</sup> Nine Shia clerics were sentenced to imprisonment on charges related to their assembly and expression in 2016.<sup>36</sup>

In June 2017, the only independent Bahraini newspaper, Al-Wasat, was arbitrarily closed, eliminating press freedoms in the country.<sup>37</sup> Over 450 individuals have been deprived of their Bahraini nationality since 2012.<sup>38</sup> A recent constitutional amendment has paved the way for military trials of civilians.<sup>39</sup>

This repression is especially visible in Bahrain's treatment of its human rights defenders. The monarchy has embarked on a campaign of mass incarceration, and human rights defenders, along with politicians and journalists, now swell Bahrain's prisons.<sup>40</sup> The country's prison population doubled between 2010 and 2012, and by 2016 constituted the largest per capita in the Middle East.<sup>41</sup> The Office of the UN Secretary General recently listed Bahrain as carrying out "[abhorrent] cases of intimidation and reprisals (...) against people whose crime – in the eyes of their Government – was to cooperate with UN institutions and mechanisms."<sup>42</sup>

In August 2017, seven of the UN's top human rights experts published a 23-page communiqué listing a litany of repressive actions taken by the Bahraini monarchy and pointing to "a clear pattern of criminalising dissent in Bahrain."<sup>43</sup>

The UN High Commissioner for Human Rights has also spoken out about rights abuses in Bahrain, accusing the monarchy of "[attempting] to smash the voices of its people, rather than serve them"<sup>44</sup> and calling for investigations into the deaths of protesters killed by police.<sup>45</sup>

Shia Bahrainis, in particular, have faced discriminatory denials of political participation and an intensified crackdown. Despite constituting up to 70% of the Bahraini population, Shia continue to be excluded from most senior government roles, and are barred from serving in the army and police forces, even though the latter are deployed almost exclusively in Shia towns and villages.<sup>46</sup> The majority of political prisoners in Bahrain are Shia, and all Bahraini nationals on death row today are Shia.<sup>47</sup>

Detainees have also continued to make allegations of torture in detention throughout the past five years. Meanwhile, Bahrain has refused to allow the UN Special Rapporteur on Torture to enter the country.<sup>48</sup> In its March 2016 State Party Report to the UN Committee Against Torture, Bahrain stated that the repeated visit requests of then-Special Rapporteur on Torture Juan Mendez had "come at an inopportune time."<sup>49</sup> Separately, Bahrain's Public Security Chief has stated that Mr Mendez was not allowed to visit Bahrain because of his "biased thoughts" about the country.<sup>50</sup> In fact, Bahrain has not allowed a single UN Special Procedures mandate holder to enter the country in over ten years.<sup>51</sup>

Bahrain also resumed executions during the course of the UK's security assistance. The executions of Abbas al-Samea, Sami Mushaima and Ali al-Singace on 15 January 2017 broke a seven-year moratorium on capital punishment, and since then Bahrain's death row has tripled in size. There are currently 25 individuals under a sentence of death, and four face imminent execution, having exhausted all legal appeals. They are Mohamed Ramadhan, Husain Moosa, Maher Abbas al-Khabbaz and Husain Ebrahim Marzooq.<sup>52</sup> In nearly every death penalty trial in Bahrain, courts have relied on confessions allegedly extracted through torture.

Far from safeguarding human rights and democracy, the last five years of UK assistance has coincided with an intensified crackdown against dissent, myriad arbitrary arrests and allegations of torture, and the resumption of executions.

## 1. TORTURE AND THE DEATH PENALTY IN BAHRAIN

Despite five years of UK security assistance, Bahrain has resumed its use of the death penalty. Abbas al-Samea, Sami Mushaima, Ali al-Singace, Mohamed Ramadhan and Husain Moosa are typical of Bahrain's death row: all five are young, Shia men who were accused of terrorism offences but consistently denied involvement in any criminal activity. All five alleged they were tortured into making confessions. All five were later convicted and sentenced to death in trials that relied almost exclusively on those confessions, contrary to basic international law binding on Bahrain.

### The torture and trial of Abbas, Sami and Ali

#### Abbas al-Samea

On 3 March 2014, a bombing in the Bahraini village of Al-Daih killed three policemen. That night, police from Bahrain's Criminal Investigations Directorate (CID) arrested Abbas, a school teacher, in connection with the bombing. They presented no arrest warrant.



Officers brought Abbas to CID headquarters, where they tortured him. They stripped him naked and blindfolded him. They beat and kicked him in the head, torso, and genitals, causing him to lose consciousness several times. Officers subjected him to electric shocks and the *falaka* technique, in which he was restrained and the soles of his feet beaten with a cane. They forced him into stress positions in which he could not breathe.

Following three days of torture, Abbas lost consciousness. His torturers then transported him to the Bahrain Defence Force Al-Qurain Hospital, where he was admitted for six days, after which police withdrew him from the hospital against his doctor's wishes and

tortured him again.

Throughout Abbas's torture, police officers ordered him to confess to involvement in the al-Daih bombing. Abbas, a physical education teacher to schoolchildren, refused again and again, insisting he was innocent—he had no connection to terrorism, and in fact was teaching at the time of the bombing. Eventually however, he succumbed following days of torture and signed a false confession.

Later, in March 2015, Abbas was again severely tortured by Bahraini security officers, this time in Jau Prison, Bahrain's primary long-term detention facility for male detainees, where death row

inmates are held. Following a riot inside of Jau on 10 March 2015, guards carried out a campaign of retributive torture against inmates perceived to have been involved in the unrest. This group of inmates, which included Abbas, was isolated in Jau Prison Building 10 and repeatedly beaten. Prison guards beat Abbas in the head and face over a period of days, leaving him bleeding from the ears and knocking out several of his teeth.

### **Sami Mushaima**



On 3 March 2014, the night of the Al-Daih bombing, CID police also arrested Sami, presenting no arrest warrant. Officers brought Sami to the Riffa police station, where they accused him of involvement in the bombing along with Abbas. Sami was held at Riffa police station for the majority of the following several weeks. During his time there, officers periodically transported him to the CID building. They tortured him in both locations.

Officers stripped Sami naked and beat him. They applied electric shocks to various parts of his body, including his genitals. They sodomized him by inserting objects into his anus. Interrogators threatened to rape his mother and sisters in front of him. Sami was made to stand for hours on end without moving, during which time he was beaten, causing him to lose five of his teeth. Interrogators inserted an object into his ear, rupturing his eardrum. Sami's interrogators suspended him upside down with a pole under his knees and beat the soles of his feet with a rubber hose. Throughout the period of his torture – at least 25 days – officers kept Sami in solitary confinement. They did not allow him to shower, did not feed him regularly, and subjected him to frequent sleep deprivation. Sami was tortured so severely that he lost the ability to walk normally. Before his execution, Sami told his family that even if he was released, he feared he would never have any children because the damage to his genitals from beatings and electrocution was so severe.

Like Abbas, Sami maintained he had committed no crime, but eventually signed a false confession under torture. Sami never received any medical evaluation for signs of torture.

Neither Abbas nor Sami had any connection to terrorism. In reality, both men were targeted by police because they had attended pro-democracy marches in the past. Sami's family is also well known throughout Bahrain for their pro-democracy activities and their peaceful opposition to the monarchy—his uncle Hasan Mushaima is the leader of Al-Haq, Bahrain's largest political opposition society. He is currently serving a life sentence in prison for these activities, which Bahrain describes as an attempt to "overthrow the monarchy."

## Ali al-Singace



Abbas and Sami's co-defendant Ali al-Singace was not arrested until 2 April 2015, more than a year after the Al-Daih bombing and more than a month after he was first sentenced to death *in absentia*. He was 19 years old.

Ali was already hiding from police at the time of the bombing in March 2014, and remained in hiding until his arrest in April 2015. Like Sami, Ali was also related to prominent opposition activists in

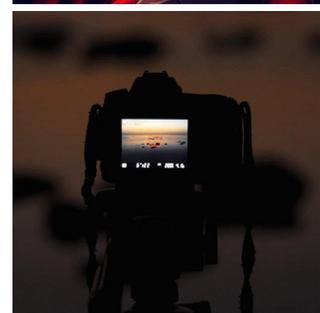
Bahrain—his uncle, Abduljalil al-Singace, is a leading Bahraini human rights activist. Alongside Hasan Mushaima, with whom he was sentenced, Abduljalil al-Singace is currently serving a life term in a Bahraini prison for peaceful pro-democracy activities, which Bahrain has labelled an attempt to “topple the monarchy.” Because of this familial connection, police had harassed Ali for years before his arrest, from the time he was 15.

Ali was an aspiring photographer and photojournalist, and he began documenting pro-democracy protests in Bahrain in 2011. Police responded to Ali's activities by repeatedly arresting him and trying to force him to pass on information about other protesters. Ali always refused, but police continued to harass him. Officers first arrested him during Arab Spring protests in January 2011 and held him for two months, during which they beat him and ordered him to work as a police informant.

Police arrested Ali again in February 2012, beat him, threatened to rape him, and ordered him to work as an informant.

A month later, in March 2012, plainclothes police officers kidnapped Ali on his way to school. They took him to an abandoned garage, where they ripped off his clothes and cut him with a razor blade. The officers sexually assaulted Ali there and took photos of his body, naked from the waist down, bleeding on the floor of the garage.<sup>53</sup> These photos later leaked onto the internet,<sup>54</sup> and Ali and his father filed a complaint about Ali's treatment at their local police station. The public prosecutor responded by claiming that Ali had caused his own injuries and charged him with false reporting of a crime, for which Ali served three months in prison.

After Ali's release in June 2012, police officers continued to threaten him, at which point he stopped going to school and effectively went into hiding. Ali later sought therapy and began



*These photos were taken by Ali, an aspiring photojournalist.*

working a few days a week selling fish in the local market, but police officers eventually found him there too, and again threatened him and ordered him to work as an informant. At that point, Ali stopped working and studying altogether and went into hiding for two years before his eventual April 2015 arrest in connection with the Al-Daih bombing.

At the time of Ali's arrest on 2 April 2015, he had already been sentenced to death *in absentia*, alongside Abbas and Sami. Nevertheless, CID officers still tortured Ali after they arrested him. They punched him in the head and face, subjected him to electric shocks on his arms and torso, and sexually assaulted him. Thereafter, police held him incommunicado in the CID building for another seven days. Officers continued to torture him during this period. After ten days, police moved Ali to Jau Prison.

For weeks after his arrival at Jau Prison, prison guards brutally tortured Ali. Immediately upon his arrival at Jau on 12 April 2015, guards blindfolded him, sexually assaulted him, and beat him so badly he could not see. Guards then brought Ali to the Jau Prison medical clinic, where the prison doctor began beating him, along with security officers. When they were finished, guards warned Ali, "You're going to be tortured much worse than this."<sup>55</sup> In testimony smuggled out of prison, one of Ali's cellmates, who called Ali "my little brother from another mother," wrote that when Ali was first brought into the prison, "his face was distorted from torture ... his appearance was truly tragic."

In his own testimony smuggled out of prison, Ali said, "in the following days, the guards kept their promise." Prison guards beat and sexually assaulted him for the next thirty days. On one occasion, Ali was pulled out of the main prison unit and isolated in an interrogation trailer, where multiple security officers beat him, stuffed his shoes into his mouth, and sexually assaulted him. Ali's cellmate wrote that Ali's torturers had raped him. This treatment continued throughout April and May 2015.

### **Fair trial denied**

Beginning on 30 April 2014, Abbas, Sami, and eight others - including their co-defendant Ali, who had not yet been arrested and was tried *in absentia* - were tried on murder charges before Bahrain's Fourth High Criminal Court. At the trial's first hearing on 30 April, both Abbas and Sami entered pleas of not guilty.

Their trial failed to accord with basic fair trial and due process rights, which are required by both Bahrain's domestic law and binding international legal covenants, namely the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention Against Torture (CAT). Both Abbas and Sami were denied access to lawyers from the moment of their arrest,<sup>56</sup> and at trial, presiding Judge Ali Khalifa al-Zahrani denied both men any opportunity to summon or examine prosecution witnesses.<sup>57</sup>

Most egregiously, the written judgments in their trial relied almost entirely on their confessions, which they had alleged were extracted under torture. At the trial's first session on 30 April 2014, the lawyer for Abbas and Sami told the court that their confessions had been extracted through torture in CID custody, and asked that the court exclude the confessions from evidence and initiate a full investigation into the torture allegations of both men. The court refused, and the false confessions constituted the principal piece of evidence used to sentence Abbas, Sami and Ali to death.

The court's reliance on their confessions constituted a violation of CAT, which requires that statements resulting from torture not be invoked as evidence.<sup>58</sup> Reliance on such statements is also in breach of the right to be free from self-incrimination, and violates the presumption of innocence, a right guaranteed by the ICCPR.<sup>59</sup> Moreover, the court's refusal to investigate their torture allegations constitutes a separate violation of CAT, which requires that all such allegations are investigated promptly and independently.<sup>60</sup>

Nonetheless, on 26 February 2015, Judge al-Zahrani sentenced Abbas, Sami and Ali to death. Following Abbas, Sami and Ali's first trial, their death sentences were confirmed by higher courts in three subsequent trials. Each time, their coerced confessions were entered as evidence, and none of the three men was ever allowed to meet with a lawyer. The Court of Cassation, Bahrain's highest court, confirmed the death sentences on 9 January 2017.

### **Executed by firing squad in secret**

All three men were executed in secret by firing squad on 15 January 2017, less than a week after their death sentences were finalised. None of their families were notified before the executions took place. Abbas, Sami and Ali's families were prevented from burying them in a cemetery of their choice, and were not permitted to hold official funerals. Several days after the executions, the monarchy delivered the bloodied clothes in which they were executed to their families.<sup>61</sup>

The executions of Abbas, Sami and Ali were unlawful, as the trial leading to their death sentences featured numerous violations of their fair trial rights. International law makes clear that executions may only be carried out following trials in which all fair trial rights are upheld.<sup>62</sup> Only full respect for these rights distinguishes capital punishment from summary execution.<sup>63</sup> The decision of Bahraini authorities to carry out these executions following patently unfair trials rendered the executions unlawful.

When Bahrain executed Abbas, Sami and Ali in January 2017, the UN Special Rapporteur on summary executions immediately declared the executions "extrajudicial killings" on her personal Twitter account.<sup>64</sup> Thereafter, the Special Rapporteurs on torture and summary execution issued a joint statement condemning the torture of the three men and deeming their executions arbitrary.<sup>65</sup> The spokesperson for the UN High Commissioner for Human Rights further declared the executions "appalling," referring to allegations of torture, forced confession and violations of fair trial rights.<sup>66</sup>

## The Imminent Executions of Mohamed Ramadhan and Husain Moosa

### Mohamed Ramadhan



On 14 February 2014, a separate bombing in the Bahraini village of Al-Dair killed a police officer.<sup>67</sup> That night, CID officers arrested Mohamed Ramadhan and accused him of involvement in the bombing. Arresting officers presented no warrant.

Mohamed was a police officer working at the Bahrain International Airport. CID officers arrested

him from his place of work on the night of 14 February and took him to the CID building, where they tortured him. Officers blindfolded Mohamed, stripped him naked, and took him to a freezing cold room. They beat, punched and kicked him. Officers focused on his head, ears and genitals. Interrogators handcuffed Mohamed's hands behind his back, periodically applied pressure to the handcuffs and beat him in the back with iron rods. Interrogators threatened to rape Mohamed's wife and other female family members in front of him, and forced him to listen to the screams of other prisoners being tortured. Sometime between 21 February and 3 March 2014, officers removed Mohamed from the CID building and brought him to a pro-government demonstration, where demonstrators chanted for his execution.

Mohamed's torture had two purposes, the first of which was to extract a confession. Throughout his torture, Mohamed's interrogators ordered him to sign a confession to involvement in the Al-Dair bombing. He eventually did sign a paper confessing to criminal activity, but this confession did not contain explicit admission of involvement in the bombing itself. Regardless, Mohamed's confession was later entered into evidence at trial and helped to convict him.

The second purpose of Mohamed's torture was retribution. Prior to his arrest, Mohamed had attended peaceful pro-democracy marches in Bahrain, calling for equal representation for all Bahraini citizens. Because Mohamed was a police officer and an employee of the state, his interrogators considered his participation in these marches to be especially treasonous. On 21



*Mohamed is a family man with a wife and three children. His children can now only see their father through a glass barrier.*

February, Mohamed's interrogators handed him a phone. The person on the phone told Mohamed that the Bahraini monarchy knew he was innocent, but that his participation in marches and other activities made him a traitor. The man told Mohamed that he would be charged with the killing of a police officer as punishment for his "treasonous" activities.

Eventually, Mohamed was sent to Jau Prison. Since November 2016, Jau Prison authorities have subjected Mohamed and fellow death row inmates to ongoing abusive treatment and substandard prison conditions, which often rise to the level of torture and ill-treatment. On 16 November 2016, Jau Prison authorities raided the death row unit on the pretext of a search, in the course of which guards subjected Mohamed and others to verbal abuse, took their food from them, and destroyed religious texts and symbols. Key fixtures, including air conditioning units and bathroom fixtures were also destroyed. During the raid, guards stomped on the bare feet of Mohamed and several others.

Since then, guards have subjected Mohamed and his cellmates to sleep deprivation. Prison staff intentionally play loud music or scream to keep them awake. Guards have also subjected them to random beatings, threats of execution, and the intentional destruction of Shia religious symbols and books, with a view to denying Mohamed and others the ability to exercise religious rites.

Jau Prison authorities have also denied Mohamed and other death row inmates access to adequate food and potable water. The water they are provided is distributed in disinfectant containers that smell of bleach and chlorine, or emptied plastic cheese containers. Inmates are also denied access to cups and spoons. Upon request of these items, prison authorities have told them, "We want you to die so that we would not have to wait for your executions."

The treatment and prison conditions are such that they have taken both a physical and mental toll on Mohamed, which is the prison authorities' intended goal. Mohamed's health has deteriorated considerably in prison, but authorities continue to deny him access to adequate medical care.

### **Husain Moosa**



On 21 February 2014, CID officers arrested Husain from the apartment of a friend in the Bahraini village of Samaheej and accused him of involvement in the Al-Dair bombing. They then transported Husain to the CID building, where they held and tortured him until 24 February 2014. In CID custody, interrogators handcuffed Husain and hung him from the ceiling, leaving him that way for three days. They took turns beating him with police batons. They beat him especially on his back and his genitals.

The main purpose of Husain's torture was to extract a false confession. Like Mohamed, Husain had also attended pro-democracy rallies in Bahrain, and his presence at those demonstrations made him a target of police. Husain's interrogators ordered him to confess to the bombing throughout his torture. He eventually confessed in order to make the torture stop, and his coerced confession specifically implicated his co-defendant Mohamed. Husain repeated that confession before a prosecutor at the PPO, though he later recanted it at trial. Husain later called Mohamed's family and apologised for implicating him in his false confession. He told them he wished he had been able to withstand the torture and apologised for failing to do so.

Husain was also sent to Jau Prison, where he has been subjected to much of the same mistreatment as Mohamed and other death row inmates.

### **Flawed trials, and rights of torture victims violated**

Mohamed and Husain were tried on murder charges before Bahrain's Fourth High Criminal Court. Just like Abbas, Sami and Ali, Mohamed and Husain always maintained their innocence, and there was no evidence connecting them to their alleged crime beyond their coerced confessions. These confessions formed the only substantial piece of evidence used by Bahrain's Fourth High Criminal Court in sentencing both men to death on 29 February 2015.

Their trial entailed the same violations of internationally-protected fair trial rights as that of Abbas, Sami and Ali. Neither Mohamed nor Husain was ever allowed to meet with a lawyer, and evidence extracted through torture was introduced at trial. Both men entered pleas of not guilty, and their lawyer urged the court to exclude their confessions on grounds of coercion, and to order an immediate investigation of their torture allegations. Nevertheless, the court ordered no such investigation, and relied on their confessions to sentence them to death.

These grave breaches of international law rendered the death sentences handed to Mohamed and Husain illegal, and their executions, if carried out, will be summary and unlawful.

## 2. UK TRAINING TO BAHRAIN'S TORTURERS

The UK's human rights reform programme saw British government trainers work closely with arms of the Bahraini state that were directly responsible for the torture and ensuing illegal death sentences handed to Abbas, Sami, Ali, Mohamed and Husain.

While UK trainers coached guards from Bahrain's death row detention facility, four of these men were tortured by guards in the same prison. Just weeks after the UK trained Bahraini police officers in gathering "community intelligence" ahead of protests in Belfast, Bahraini police identified, arrested, and tortured Ali, who went on to be raped in prison. Despite inspecting multiple facilities where the five men alleged they had been tortured and raped, UK-trained prison inspectors ignored their allegations. Rather than investigating their allegations of torture and forced confessions, UK-trained torture watchdogs instead covered them up.

These training programmes were implemented by a series of UK-based institutions, some state-owned and some private. This chapter explains who these implementers are, what the FCO paid them to do, and how they became involved with serial human rights abusers in Bahrain.

### 2.1. STATE OWNED FIRM TRAINING TORTURERS

The FCO paid NI-CO, a not-for-profit public body wholly-owned by the Northern Irish government, to carry out extensive training programmes with the Bahraini state.

NI-CO facilitated training to Bahrain's police – an arm of the Bahraini state accused of severe human rights abuses. Training provided in "public order" and "community intelligence" techniques carried a serious risk of being misused by Bahrain to further crack down on dissent and terrorise communities.

NI-CO also provided assistance to Bahraini prisons – facilities such as Jau Prison, where Bahrain's death row inmates are held and in which severe abuses such as torture are alleged to be routine.

#### **What Is NI-CO?**

*Northern Ireland Cooperation Overseas (NI-CO) is a not-for-profit public body, based in Belfast and wholly owned by the Northern Irish government at Stormont. Specifically, Invest Northern Ireland ("Invest NI"), Stormont's business development agency, owns NI-CO. Invest NI is part of Stormont's Department for the Economy (formerly the Department for Enterprise, Trade and Investment), which has been run by DUP ministers for the last decade.*

*In essence, NI-CO is a consultancy company, offering advisory and training services to governments. NI-CO describes itself as "dedicated to the building of efficient, accountable and sustainable public sector institutions" and accordingly secures contracts to deliver "a unique mix of practical training, institutional capacity building and consultancy" to governmental departments around the world.*

The Northern Irish firm also provided extensive assistance to Bahrain’s Ombudsman and SIU, state-affiliated torture investigators that have obscured or refused to adequately investigate allegations of torture and forced confession lodged by death row inmates.

NI-CO is not a high-profile arm of the Northern Irish government; it is rarely covered in the news, and some Stormont politicians and officials had never heard of it until we started raising concerns in 2016. Nevertheless, NI-CO is directly responsible to a departmental minister at Stormont. The image below shows how NI-CO’s accounting officer (Chief Executive Graeme McCammon), reports to the Department’s Permanent Secretary, who in turn answers to a minister.

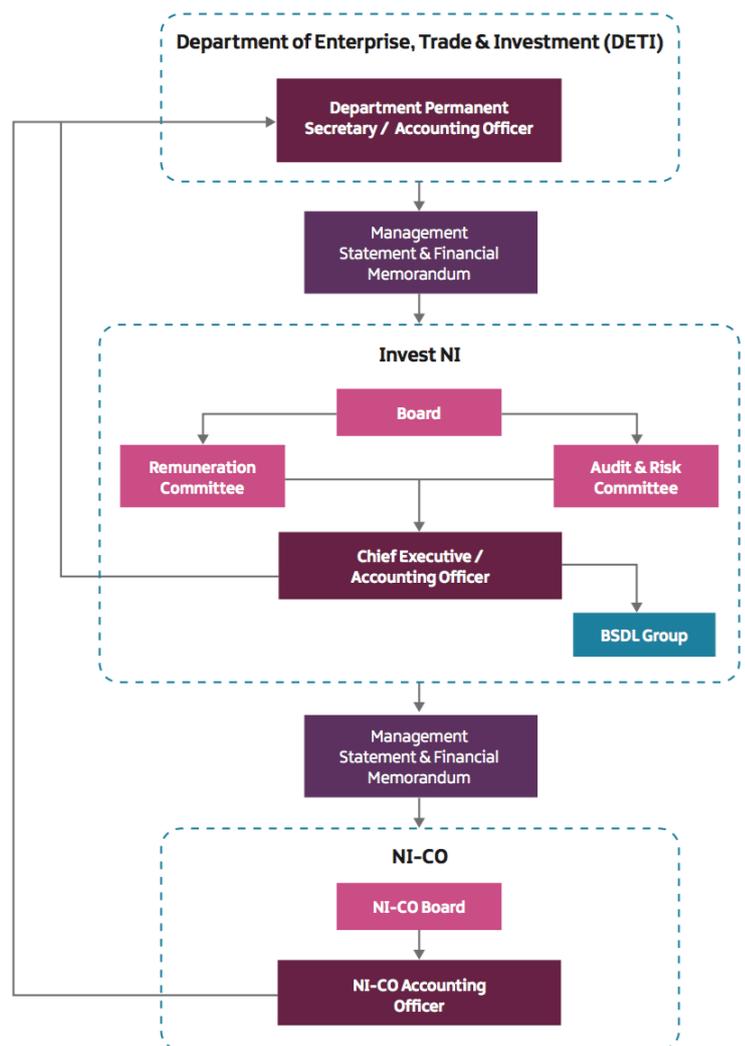


Since 2012, NI-CO has received approximately £1.5m in funding from the FCO to provide training to the Bahraini police, hundreds of prison guards, the Ombudsman, and the SIU.<sup>68</sup>

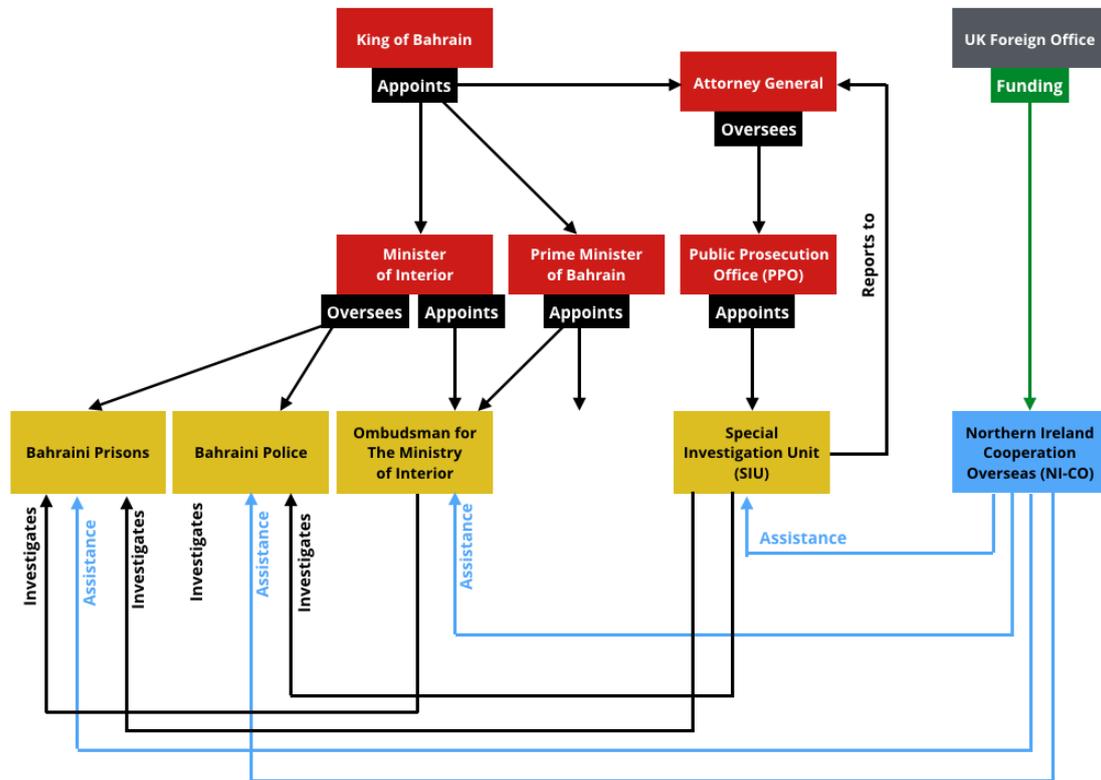
According to questions in Stormont, NI-CO received £1.457m from the FCO for its projects in Bahrain from 2012 until the end of 2016. Most of that money (£1.363m) was paid since 2015.<sup>69</sup> This has been used largely to cover salaries and travel.

### NI-CO training to Bahrain’s police

Bahrain’s police routinely subject suspects in custody to ill-treatment and torture, mainly for the purpose of extracting confessions. Torture typically happens in the Criminal Investigations Directorate (CID), which is the centre of pre-trial “investigations.” A 2015 Human Rights Watch investigation into torture interviewed nine victims of abuse at the CID. Five of them had been arrested without warrant. All were blindfolded and handcuffed behind their back throughout their time at the CID, up to five days for some, and beaten during transit to the



department. At the CID, detainees are variously subjected to forced standing for long periods of time, sleep deprivation, religious insults, sexual threats, sexual assault, and physical beatings.<sup>70</sup>



Police continue to employ such tactics. Victims of abuse interviewed by BIRD in 2017 report being slapped and beaten if they avoid answering questions or if they give interrogators the “incorrect” answer. Women reported threats of rape and incidents of sexual assault. This treatment continues from arrest until the signing of a prepared confession - interrogations last as long as is needed to force a signature.

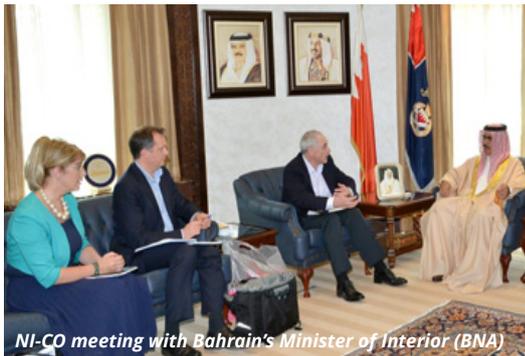


Officers involved in policing Bahrain’s almost nightly protests also frequently use excessive force, including firing live ammunition at crowds. Shotgun pellets, known as ‘bird shot’, are routinely used to wound protesters, sometimes fatally. In January 2017, armed, masked men fatally shot an 18-year-old in the back of the head with live ammunition in the village of Duraz. No arm of the security forces claimed responsibility.<sup>71</sup> In May 2017, security forces unlawfully killed five protesters in Duraz, in Bahrain’s single deadliest day in decades. Two were shot in the streets. Three more were killed inside the home of Sheikh Isa Qassim, the most senior

Shia religious cleric in Bahrain; everyone inside the house was arrested, and there are no witnesses of the killings who are not detained or security officers. No one has been held accountable for the killings.<sup>72</sup>

The FCO paid NI-CO to provide apparently unconditional assistance to Bahrain's police, despite an abysmal human rights record. Initially, this scheme focused on what NI-CO and the FCO described as "community policing". However, it later emerged that NI-CO also delivered "command and control" training in public order and intelligence tactics.<sup>73</sup>

The "community policing" project began in 2013, with NI-CO making two "scoping missions" to



Bahrain to determine how it could "[assist] Bahrain with its police/prisoner oversight and community policing practices."<sup>74</sup> In February 2014, NI-CO traveled to Bahrain to deliver a series of "community policing" trainings, and NI-CO CEO Graeme McCammon held meetings with Bahrain's Minister of Interior, Lieutenant General Sheikh Rashid bin Abdullah al-Khalifa, and Chief of Police Major General Tariq Hassan al-Hassan.<sup>75</sup>

In June 2014, a delegation of Bahraini police officers travelled to Belfast for an FCO-coordinated "study visit", some of which was facilitated and attended by NI-CO.<sup>76</sup> The Bahraini officers on this visit toured Belfast's 'flashpoint' neighbourhoods in armoured police vehicles and received sessions on Gold, Silver and Bronze Command, the three-tiered chain of command for managing major incidents utilised by the Police Service of Northern Ireland (PSNI).

The delegation from Bahrain also received training on gathering "community intelligence",<sup>77</sup> and the PSNI demonstrated its public order system and delivered another NI-CO-arranged briefing on community intelligence in connection with counter-IED systems.<sup>78</sup>

A year later, in March 2015, a dozen Bahraini police officers again visited Northern Ireland for further NI-CO-coordinated sessions on neighbourhood and community policing. This visit included more training on "community intelligence" gathering.<sup>79</sup>

The next month, in April 2015, two PSNI officers made a scoping visit to Bahrain at NI-CO's request, in relation to a planned NI-CO "command and control" project, with a view to the PSNI providing Bahrain's police with a NI-CO-coordinated command and control study visit in Northern Ireland later in the year.

That "command and control study visit" to Northern Ireland took place in August 2015, and included a week in London afterwards. A delegation of senior Bahraini police commanders and frontline officers visited Belfast to learn how to "manage large-scale public order issues in a human rights compliant fashion." The Bahraini officers received PSNI trainings on "Combined

Operational Training with a focus on Public Order” and use of water cannons and dogs.<sup>80</sup> This visit also included trainings on intelligence gathering in the context of protests—UK trainers briefed the Bahraini delegation on community intelligence gathering in the lead up to the Henry Joy McCracken parade, a republican march held annually in Belfast.<sup>81</sup>

## NI-CO training in Bahrain’s prisons

NI-CO has also trained hundreds of prison guards in various Bahraini detention facilities, including Jau Prison, where death row inmates are held.

Detention centres in Bahrain are notorious for ill-treatment and torture. The BICI report identified a number of detention facilities as sites of torture and mistreatment; BICI investigators who visited Dry Dock and Jau Prisons in 2011 stated “the majority of detainees at these locations complained about torture and the signing of forced confessions.”<sup>82</sup>



Since 2011, detainees have continued to lodge consistent allegations of torture and mistreatment taking place in Bahraini prisons. Jau Prison in particular has been the subject of serious torture allegations. In an especially egregious example, Jau Prison guards and officials are alleged to have spearheaded a month-long campaign of retributive torture against inmates in

March 2015, following a prison riot. The riot, in which a minority of inmates participated, occurred on 10 March 2015, following rumours that female relatives of an inmate had been assaulted by guards during a prison visit. Prison conditions in the lead up to the riot were also appalling: the prison was 34% over capacity at the time of an Ombudsman inspection in September 2013, with as many as twelve inmates sleeping in cells designed for six people.<sup>83</sup>



The prison responded to the March 2015 riot with a campaign of collective punishment, torture and humiliation against much of the prison population. Security forces insulted and beat inmates, and forced them to live outside of their cells for weeks in prison courtyards, where they were deprived of sleep and food. Inmates were forced to defecate in the courtyard and commit humiliating acts with human waste.

The most serious acts of torture occurred in Building 10 of the prison, where individual inmates were transferred for sustained torture. As noted earlier, Abbas al-Samea was one such inmate, and was beaten brutally in Building 10. Officers who hesitated to abuse inmates were reprimanded and transferred. The prison director was present during the operation and did nothing to stop the violence.<sup>84</sup>

Throughout this period, NI-CO worked closely with staff from Jau Prison and other detention facilities around Bahrain. Documents obtained from NI-CO indicate that at least as early as September 2014, the company was working on an FCO-funded project to deliver training to Bahraini prison guards. NI-CO later told Reprieve that its experts began “working with Reform and Rehabilitation staff from Jau, Isa Town and Dry Dock [Prisons] from the start of 2015.”<sup>85</sup>

As we discovered through Freedom of Information requests, between January 2015 and April 2017, NI-CO experts working on this project made 44 separate visits to Bahrain and spent a total of 863 days training Bahraini prison guards and officials.<sup>86</sup> They trained as many as 400 guards at Jau Prison.<sup>87</sup>

In addition, a NI-CO expert also spent 130 consecutive days, from July 2016 to December 2016, serving as an “[a]dvisor providing advice and guidance to [the Undersecretary of the Ministry of Interior]”.<sup>88</sup>

In addition to NI-CO’s 863 days training prison guards and officials in Bahrain, the company also arranged for Bahrain’s prison directors to visit prisons in Northern Ireland and England. These prison directors made at least two trips to the UK to visit prisons, spending the most time at HMP Maghaberry, Northern Ireland’s only high security jail.



***HM Prison Maghaberry (Irish News)***

HMP Maghaberry has itself faced severe criticism from inspectors, inmates and staff. In 2015, then-HM Chief Inspector of Prisons Nick Hardwick said it was the “most dangerous prison” he had ever visited, and that Charles Dickens could write about Maghaberry “without batting an eyelid.”<sup>89</sup> High-level delegations from Bahrain visited Maghaberry twice in 2015-2016, both before and after that damning inspection.

NI-CO disclosed an agenda for one visit to Maghaberry that discusses “Control and Restraint training”, “incident management” and drug detection, all areas in which HMIP criticised HMP Maghaberry.<sup>90</sup>

The agenda document also referred to security arrangements for “separated prisoners”, which is the official term for around 50 dissident republican inmates who are kept in a special zone of HMP Maghaberry called Roe House.



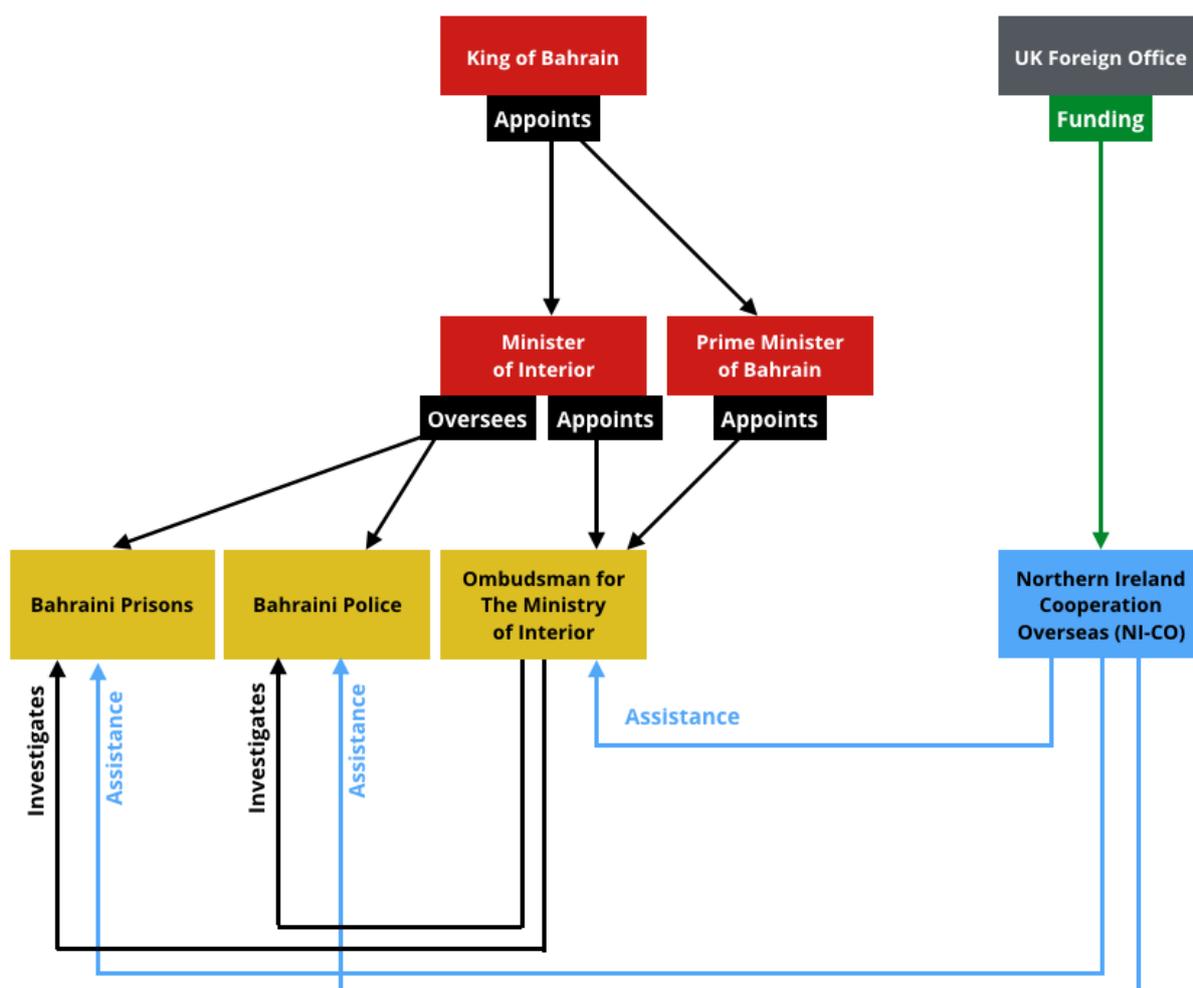
***NI-CO staff in Bahrain (nihr.org.bh)***

## NI-CO training to Bahrain's state-run torture investigators

### The Ombudsman

In 2012, in response to the BICI's recommendations, Bahrain created the Office of the Ombudsman of the Ministry of Interior. The Ombudsman is mandated to investigate misconduct by Ministry of Interior staff, which includes police officers and prison staff. Complaints about Ministry of Interior staff may be submitted by victims or on their behalf by families, attorneys or NGOs.

Both the Bahraini and UK governments have described the Ombudsman as an independent body.<sup>91</sup> However, the Royal Decree establishing the Ombudsman provides that the Ombudsman receives its budget directly from the budget of the MOI.<sup>92</sup> The same legislation states that the Ombudsman and his deputy can be appointed<sup>93</sup> and removed<sup>94</sup> by decree of Bahrain's Prime Minister and Minister of Interior, and that the staff of the Ombudsman's office shall be "agreed upon by the Minister of Interior."<sup>95</sup>



Further, the Ombudsman, Nawaf al-Ma'awdah, in addition to his duties as Ombudsman, also serves as one of the MOI's undersecretaries.<sup>96</sup> The Minister of Interior thus effectively has control over the Ombudsman's budget, as well as the appointment and dismissal of the Ombudsman and his staff, and the Ombudsman himself holds a high-ranking position within the ministry he is supposed to investigate. As a result, the Ombudsman's apparent lack of independence leaves the MOI itself investigating complaints made against it.

NI-CO's work with the Ombudsman ran from September 2013 to March 2017. In August 2016, when we began submitting Freedom of Information requests to NI-CO for full details of their work with the Ombudsman, they told us:

Year	NI-CO visits to Bahrain Ombudsman
2013	2
2014	9
2015	8
2016	6
2017	4
<b>Totals</b>	<b>29 (277 total days)</b>

Two NI-CO short-term experts visited Bahrain. These visits took place from Sept-13 to March-16. The activities supported the Ombudsman to put in place an independent complaint system and staff training.<sup>97</sup>

Through a series of additional requests, we discovered that between September 2013 and April 2017, NI-CO staff made 29 separate visits to Bahrain, spending more than nine cumulative months in the country.<sup>98</sup>

As we discovered, NI-CO experts on the Ombudsman project carried out "individual coaching and support to investigators" and conducted "investigator assessments and [gave] individual feedback."<sup>99</sup> They conducted "full [audits] of investigator serious incident and incident case files," provided "advice on the planning, evidence gathering and analysis of individual complex serious incidents and Death in Detention investigations", and "attended case conference reviews."<sup>100</sup> All of this suggests that NI-CO may have been directly involved in reviewing individual cases.

Although NI-CO refused to disclose the names of its "experts" working on the Ombudsman project, Reprieve and BIRD were able to confirm the names of two such individuals. The first is Pauline McCabe OBE. McCabe has a background in management and consultancy, and was a member of the Northern Ireland Policing Board from 2001 to 2007. She was also Northern Ireland's Prisoner Ombudsman from 2008 until June 2013, with responsibility for investigating complaints by inmates and deaths in custody.

**Ombudsman trainer Pauline McCabe (Belfast Telegraph)**



In January 2013, when McCabe was still serving as Northern Ireland Prisoner Ombudsman, Bahraini Ombudsman Nawaf al-Ma'awdah visited her for advice.<sup>101</sup> By November 2013, McCabe had resigned as Northern Ireland Prisoner Ombudsman and was working for NI-CO as a trainer on its Ombudsman

project in Bahrain. In November 2013, she made her first of many visits to Bahrain to start training the Ombudsman, beginning with a session on investigating serious complaints.<sup>102</sup>

McCabe was accompanied by Clare McVeigh, who had worked under McCabe when she was Prisoner Ombudsman in Northern Ireland.<sup>103</sup> They visited Bahrain again in December 2013, to provide a training workshop on how to develop investigative interviewing techniques.<sup>104</sup> They made another visit the following year in November 2014, to provide a workshop aimed at “honing the skills of the Ombudsman’s personnel to deal with serious complaints”.<sup>105</sup>

**Pauline McCabe with Ombudsman staff in Bahrain (BNA)**



McCabe and McVeigh may well have made more visits, and we do not know how many of the 29 total trips they joined. However, when Reprieve tried to raise concerns with McCabe privately, she responded publicly by writing an op-ed in the Irish Times titled “Bahrain deserves a chance to prove itself on human rights.”<sup>106</sup>

This op-ed was picked up by several pro-government Bahraini news outlets. One newspaper ran a front page story with under the headline, “International expert in criminal justice who worked in Bahrain: Bahrain’s human rights record is flawless.”<sup>107</sup>

A pro-government news site ran another article, featuring McCabe’s picture, under the headline, “RIGHTS CRITICS WRONG!”<sup>108</sup> A Bahraini state official followed up McCabe’s op-ed with a piece of his own in the Irish Times which claimed that the Bahrain-UK technical cooperation program has “[reshaped Bahrain’s] human rights landscape.”<sup>109</sup>

**Pauline McCabe in a Bahraini newspaper (Akhhbar al-Khaleej)**



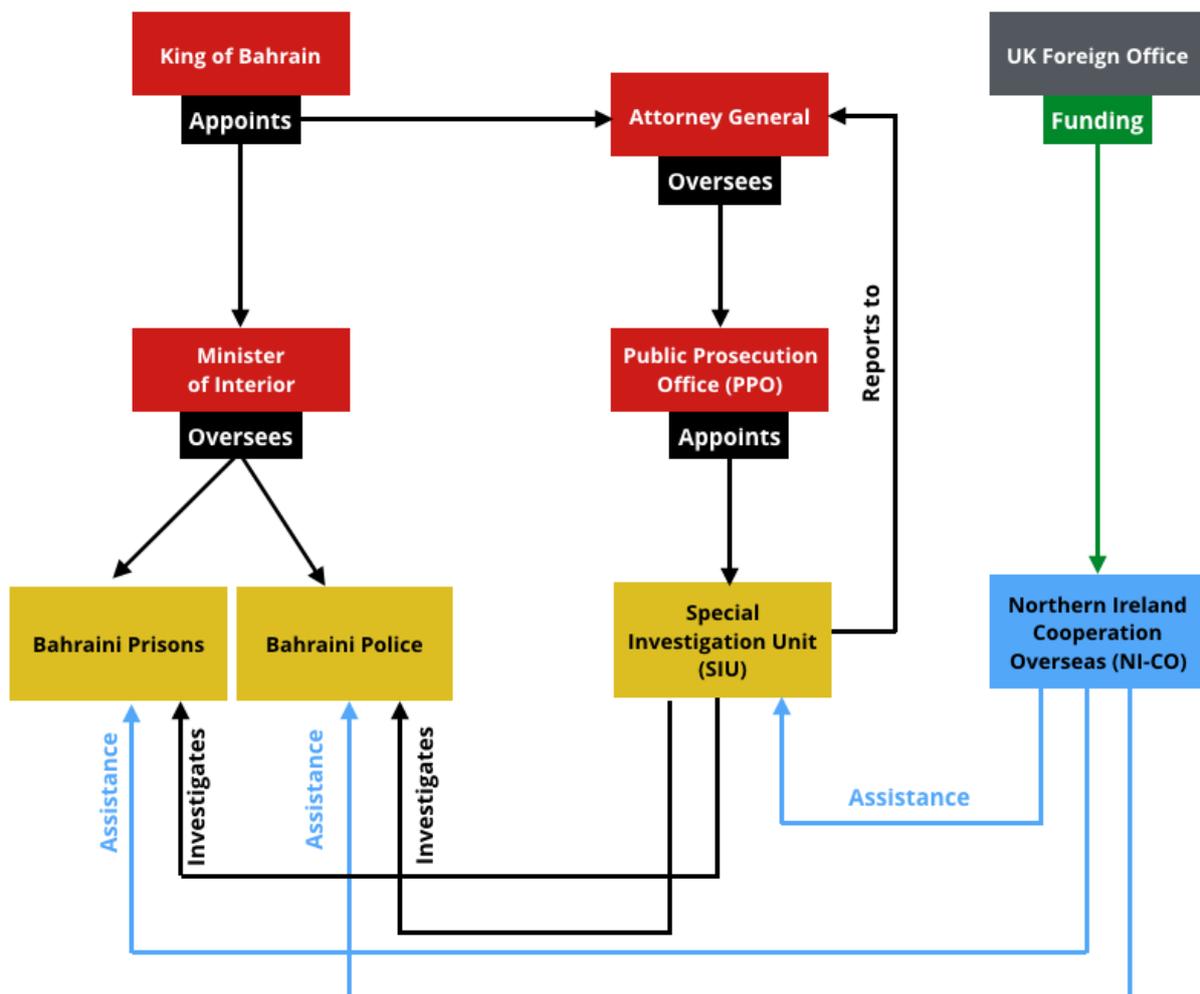
**Pauline McCabe on a Bahraini website (Gulf Daily News Online)**

## The Special Investigation Unit (SIU)

In 2012, also in response to BICI recommendations, Bahrain created the Special Investigation Unit (SIU), which exists within the PPO.<sup>110</sup> The SIU is mandated to “[determine] criminal accountability of those in government who have committed crimes of killing or torture or mistreatment of civilians.”<sup>111</sup> The SIU is supposed to investigate allegations of torture and recommend cases for prosecution where violations are sufficiently evidenced.

The SIU’s mandate overlaps with the Ombudsman, though it differs in that the SIU is meant to carry out criminal investigations which could result in criminal charges, whereas the Ombudsman carries out general investigations. Where the Ombudsman finds evidence suggesting that a criminal act may have been committed, it refers the case to the SIU for criminal investigation.<sup>112</sup>

As in the case of the Ombudsman, both the Bahraini and UK governments characterise the SIU as an independent body. However, like the Ombudsman, the SIU is closely connected to an arm of the Bahraini state—the PPO. The SIU is headed by a former Deputy Attorney General of the PPO, and the Unit is staffed by seven PPO prosecutors “under the supervision and review of the Attorney General,”<sup>113</sup> and the SIU’s offices are even located within PPO headquarters.



For years, Bahrain's PPO has been accused of routinely violating international minimum guidelines for prosecutors, namely by knowingly introducing evidence obtained through torture at trial.<sup>114</sup> When Bahraini police finish torturing a detainee until she/he confesses, they bring her/him to the PPO headquarters, where the detainee is ordered to repeat the confession in front of a public prosecutor.<sup>115</sup> Prosecutors often ignore detainee attempts to recant, or worse, threaten to send them back for further 'investigation' at the CID. At best, the prosecutors may refer the detainee for a forensic doctor's examination. But such examinations consistently fail to meet international minimum standards, and rarely draw a conclusion in favour of the victim.<sup>116</sup>

The PPO has also harassed human rights activists and political dissidents. In June 2016, the PPO began using travel bans to prevent activists from travelling to international human rights fora. In April 2017, for example, the PPO summoned 32 activists for questioning, charging the majority with "illegal gathering" and placing them on travel ban. These travel bans coincided with Bahrain's examination by the UN Human Rights Council Universal Periodic Review Working Group in Geneva, Switzerland.<sup>117</sup>

The SIU also employs a number of current and former employees of the MOI, the ministry which the SIU is supposed to investigate independently. Members of Bahrain's "judicial police," who are employed and paid by the MOI, work inside the SIU, and the US Department of State found that five of the SIU's eight full time prosecutors were also formerly employed by the MOI.<sup>118</sup> The head of the SIU, Nawaf Abdullah Hamza, used to work for Bahrain's CID, the police force most often accused of carrying out torture in the country.<sup>119</sup>

NI-CO's training to the SIU ran from October 2014 to March 2017. Since 2014, NI-CO has arranged at least two visits by Bahraini SIU members to the UK, and NI-CO experts have travelled to Bahrain to train the SIU at least six times.

NI-CO's work with the SIU focused on a Victim and Witness Care Unit (VWCU) within the SIU, which shares the exact name of a similar body in Northern Ireland. The VWCU is meant to protect victims of alleged police violence whilst their claims are being investigated.

NI-CO did disclose some information about the training it provided to the SIU. Training included focuses on topics such as "forensic strategy, scene preservation and packaging" and "interview strategies."<sup>120</sup> However, training also included instruction on how to tell grieving family members of individuals killed by police in custody that officers will not be prosecuted.

In January 2016, NI-CO brought senior members of the SIU to Belfast, including the Unit's head and the Advocate General, to give them "difficult message training," including "how prosecutors handle media contacts in difficult cases."<sup>121</sup> NI-CO coordinated a meeting between the Northern Ireland Police Ombudsman and the Bahraini SIU visitors, who expressed specific interest in a Police Ombudsman case where a PSNI officer was cleared over a shooting.<sup>122</sup>

An employee at the UK Embassy in Bahrain in fact expressed concerns to Reprieve in May 2016 that the VWCU would be “physically located in a building that might see victims and those accused of abusing them held in the same place.”<sup>123</sup> Nevertheless, NI-CO’s FCO-funded work with the SIU’s VWCU continued throughout 2016 and early 2017.<sup>124</sup>

## 2.2. UK PRISONS INSPECTOR FAILS TO DELIVER REFORM

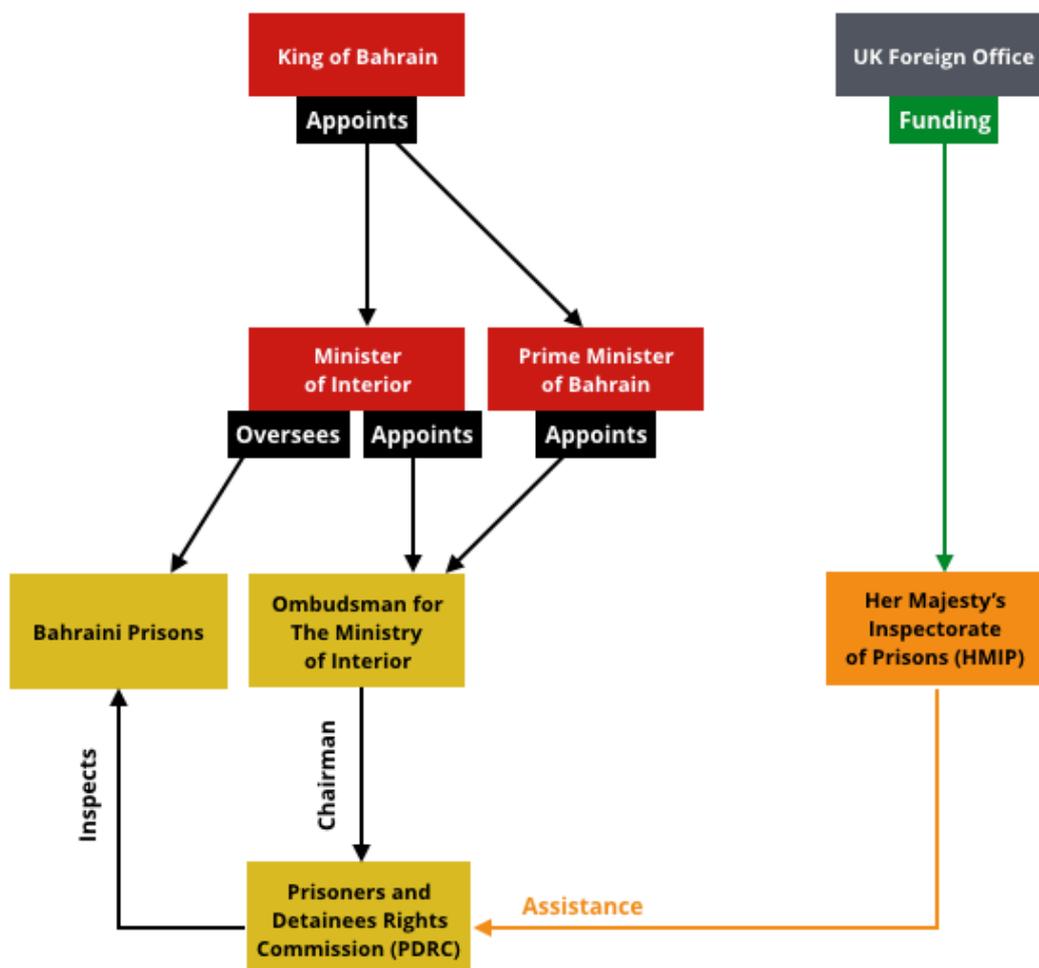
HMIP, the UK's prisons inspectorate, provided extensive training to a counterpart overseen by Bahrain's MOI. HMIP's stated goal was to convince to sign on to UN conventions requiring independent inspection of prisons. However, efforts ceased after little progress appeared to be made – leaving serious concerns that the UK has done little but risk helping Bahrain to cover up serious rights abuses.

### What is HMIP?

*Her Majesty's Inspectorate of Prisons (HMIP) is a body that inspects prison conditions in England and Wales. The UK has ratified the Optional Protocol to the UN Convention Against Torture (OPCAT), which requires state parties to establish a National Preventive Mechanism (NPM) to independently inspect detention facilities, subject to the oversight of the UN Subcommittee on the Prevention of Torture. HMIP acts as the principal body in, and the coordinator of, the UK's OPCAT NPM.*

### The PDRC: a record of whitewashing

Bahrain established the Prisoners and Detainees Rights Commission (PDRC) in September 2013, again in response to recommendations contained in the BICI report. The PDRC is an inspection body which aims to meet the Kingdom's promise to reform custody sites following the Arab



Spring, when torture in custody was widespread. The BICI report found that five civilians were tortured to death by security forces during their crackdown on protesters in early 2011.<sup>125</sup> It recommended that “all detention should be subject to effective monitoring by an independent body.”<sup>126</sup>

Though the UK and Bahrain describe the PDRC as an independent body, the PDRC is headed by MOI Ombudsman Nawaf al-Ma’awdah. As noted earlier, the Ombudsman is himself an undersecretary within the MOI, which has responsibility for all of the prisons the PDRC is supposed to inspect, and independence of the Ombudsman as a whole faces serious questions, as detailed earlier.<sup>127</sup>

The Ombudsman also appoints three more members of the PDRC, and the PDRC’s budget is drawn directly from the budget of the Ombudsman’s Office, which comes directly from the MOI.<sup>128</sup> The PDRC’s remaining members are appointed by the National Institute for Human Rights (NIHR) – whose own problems are detailed below –, as well as Bahrain’s Attorney General and Supreme Judicial Council, two key elements of a judiciary that is notorious for allowing evidence extracted through torture to be introduced at trial.<sup>129</sup>

## HMIP Involvement with the PDRC

HMIP staff met Bahraini officials eight times in the eight months before the PDRC was launched in September 2013. Hardwick personally met Bahraini visitors twice prior to the PDRC’s launch, “to welcome them and support [the] reform process.”<sup>130</sup> His inspectors travelled to Bahrain in January 2013 on a “scoping visit (...) to establish if [HMIP] could promote and help to establish human rights based inspection.”<sup>131</sup> His team flew out again in April 2013, on a “training visit (...) to Bahrain to inform of OPCAT and NPM principles and encourage development on independent inspections.”<sup>132</sup>

Bahraini delegates also accompanied HMIP on three inspections of UK immigration detention centres, including the Yarl’s Wood women’s centre, which even a UN expert was controversially barred from accessing by the Home Office.<sup>133</sup>

Year	PDRC visits to UK	HMIP visits to Bahrain	Totals
2013	7	2	9
2014	9	5	14
2015	1	4	5
2016	0	1	1
<b>Totals</b>	<b>17</b>	<b>12</b>	<b>29</b>

In total, there have been at least 29 meetings between HMIP and the PDRC since 2013, including a dozen trips by HMIP staff to Bahrain and 17 visits by PDRC staff to the UK<sup>134</sup>. Hardwick was personally present at four of these meetings. The meetings provided instruction on a wide range of topics, including inspection methodologies, international standards for prison inspections, and a strong focus on “the requirements of OPCAT.”<sup>135</sup>

### **HMIP’s OPCAT training**

While Bahrain has ratified the Convention Against Torture, it has not ratified the Optional Protocol to that convention (the OPCAT). OPCAT ratification would require Bahrain to allow UN inspectors to visit Bahraini prisons and jails,<sup>136</sup> and would thus mark an historic anti-torture step from the Bahraini monarchy.

The FCO and HMIP have said that Bahrain’s ratification of the OPCAT was the primary goal of UK involvement with the PDRC. The UK’s previous ambassador to Bahrain stated, “the establishment of the [PDRC] brings Bahrain a step closer to ratifying OPCAT,”<sup>137</sup> and the FCO describes the PDRC as “a national requirement for ratification of the Option Protocol for the Convention Against Torture (OPCAT).”<sup>138</sup> The FCO has said that the aim of UK assistance to the PDRC is to:

build the capacity of the National Preventive Mechanism and [promote] the ratification and implementation of The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in Bahrain.<sup>139</sup>

For its part, HMIP has claimed that “the existence and development of a monitoring body, which is the main practical manifestation of OPCAT, will help to encourage the process of OPCAT ratification [in Bahrain].”<sup>140</sup> Bahraini Royal Decree 61/2013, the PDRC’s enabling legislation, even references “consideration of the principles of the [OPCAT],”<sup>141</sup> and Bahrain has previously stated that it would “consider” ratifying the OPCAT in 2012, which the FCO cited as a basis of its assistance to the PDRC.<sup>142</sup>

Nonetheless, after training from HMIP and the FCO, Bahrain appears to have taken no steps toward ratification. Though UK funding continues, the UK Government appears to have failed to make its cooperation with the Bahraini monarchy conditional on such a basic step.

### **HMIP inspection and report-writing training**

In addition to instruction on the OPCAT, HMIP trainers in Bahrain provided the PDRC with several “detailed inspection planning” sessions ahead of the PDRC inspecting prisons and detention facilities. Nevertheless, the PDRC’s performance and reporting following these planning sessions has been poor.

In five years, the PDRC has carried out a total of 12 prison inspections and written 12 corresponding reports. These reports average less than 12 pages of content, and 8 of the 12

reports contain less than ten pages.<sup>143</sup> By contrast, HMIP prison inspection reports usually run more than one hundred pages.

Despite extensive training from HMIP, the PDRC's reporting has served to cover up, rather than expose, the torture that occurs inside of Bahraini detention facilities. Especially poor were the PDRC's reports on the CID building, where Abbas, Ali, Sami, Mohamed and Husain were tortured into confessing, and on Jau Prison, where Abbas was further tortured and Ali was tortured and raped by guards.

In both instances, HMIP trainers travelled to Bahrain days before the PDRC's inspections "to help the PDRC do detailed planning for a prison inspection", and later provided "report writing training sessions."<sup>144</sup> The resulting reports fail entirely to engage with the allegations of systematic torture at both facilities. Chapter 3 of this report discusses these failings in detail.

Now, it appears the PDRC may no longer even be a functioning institution. The PDRC has apparently carried out no inspections in the past eighteen months, and has inspected only three detention facilities since February 2015.<sup>145</sup>

## 2.3. DUP-LINKED FIRM RISKS HELPING WHITEWASH ABUSES

The second Northern Irish group paid by the FCO to work in Bahrain is the Belfast-based Causeway Institute for Peace-building and Conflict Resolution (“Causeway”), which has strong links to the Democratic Unionist Party (DUP).<sup>146</sup> Causeway is chaired by the Rt Hon Sir Jeffrey Donaldson MP, the DUP’s chief whip in Parliament. The DUP came under the spotlight after Britain’s June 2017 election, when the party signed a deal with Prime Minister Theresa May, allowing her Conservative party to form a minority government, after failing to achieve a majority in the House of Commons. The deal was signed by the two parties’ chief whips, with Jeffrey Donaldson signing on behalf of the DUP.

Jeffrey Donaldson’s brother, Kingsley Donaldson, is Causeway’s director, and the pair founded the organisation together around 2010. Ben Mallon, a DUP councillor, was Causeway’s project manager for Bahrain, where the company worked closely with a Bahraini state human rights institution and government-affiliated NGOs. Like NI-CO, Causeway is a provider of technical training programs to countries around the world. In addition to Bahrain, Causeway has worked in Moldova, Colombia, Ukraine and Afghanistan.

While Causeway’s projects have focused on training to purported human rights bodies and NGOs, their earliest engagement with Bahrain began with meetings between the Donaldson brothers and Bahrain’s Minister of Interior and Chief of Police—the men ultimately responsible for the security forces which arbitrarily arrested and tortured Mohamed, Husain, Ali, Abbas and Sami.



*Jeffrey Donaldson met with Bahrain’s Minister of Interior (BNA)*



*The Donaldson brothers in Bahrain (BNA)*

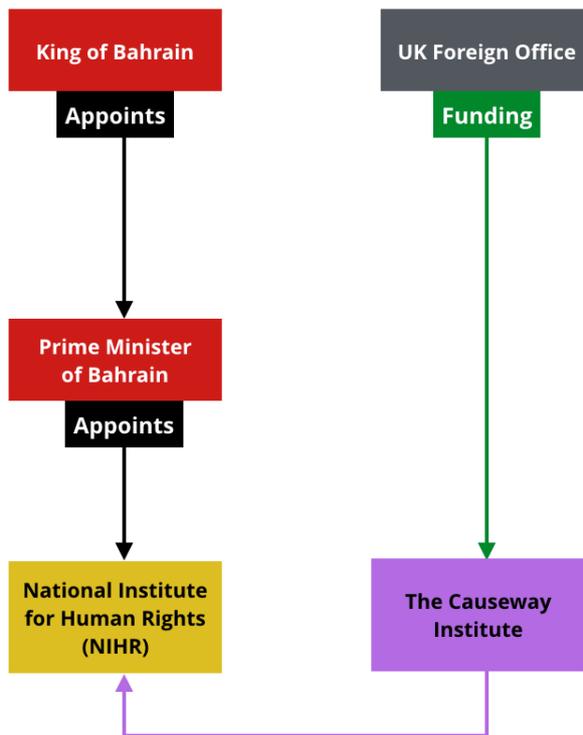
### **Bahraini ‘human rights’ body with a dubious record**

Funded by the FCO, Causeway has worked to assist Bahrain’s National Institute for Human Rights (NIHR). Established in 2014 in response to recommendations outlined in the BICI report, the NIHR has a broad mandate to “promote and protect human rights” in Bahrain. It further has the capacity to:

Receive, examine and research complaints related to human rights, refer such complaints as appropriate to the competent authorities, effectively follow-up such

complaints, or guide stakeholders on the procedures to be followed and assist them in decision-making, or settlement of cases with the authorities concerned.<sup>147</sup>

However, like the Ombudsman, the NIHR is not independent of Bahrain’s monarchy, as its members are unilaterally appointed by the prime minister,<sup>148</sup> which in part led the UN to decline to grant the NIHR accreditation as a UN-recognised human rights institution in 2016.<sup>149</sup>



The NIHR’s lack of independence has been demonstrated in public statements made by its members on several occasions. One of its longest-serving members stated on social media that those who insult King Hamad deserve the death penalty, and its president declared publicly that there is “no systematic maltreatment of any kind in Bahrain’s prisons”.<sup>150</sup>

Causeway is not a public body, and thus is not obliged to respond to requests for information under the Freedom of Information Act, making it more difficult to obtain information about Causeway’s work in Bahrain as compared to NI-CO or HMIP. However, Reprieve and BIRD have learned some details about Causeway’s work with the NIHR.



As part of its FCO-funded assistance to Bahrain, Causeway organised several NIHR trips to Northern Ireland. In November 2014, NIHR members made a five-day visit, which included a visit to the Northern Ireland Human Rights Commission.<sup>151</sup>

The NIHR came to Belfast again in October 2015, and met then-Justice Minister David Ford and Northern Ireland’s Attorney General.<sup>152</sup>

Another trip took place in February 2016, where they met an array of human rights groups and lawyers in Northern Ireland, some of whom have subsequently told Reprieve that they felt

misled about who they were meeting. The Bahraini visitors took photos with the people they met and later included them in press releases.<sup>153</sup>

## **Government-run 'reform' body with a questionable history**

Causeway has also trained a Bahraini think tank called the Bahrain Institute for Political Development (BIPD). From 2012 to 2016, the FCO paid Causeway for work in Bahrain that involved "supporting local NGOs and youth societies to promote freedom of expression" and "strengthening civil society organisations in Bahrain to support the national reform process towards sustainable stability".<sup>154</sup> This project apparently included Causeway's work with the BIPD.

The BIPD is government-established body chaired by Bahrain's Minister for Information Affairs, Ali bin Mohammad al-Rumaihi, since 2015. The BIPD's previous chairman was also an Information Minister and is King Hamad's media advisor whom the Donaldson brothers met in Bahrain in 2014.<sup>155</sup>

Al-Rumaihi has been responsible for censoring Bahrain's media and oversaw the shuttering of the Al-Wasat newspaper in June 2017.<sup>156</sup> Al-Wasat, established in 2002, is the only independent newspaper in the country, holding no financial or political ties to the Bahraini monarchy.

### ***Causeway, NI-CO and the DUP's Conflict of Interest***

*Causeway's work in Bahrain appears to have had some overlap with NI-CO projects there. In March 2016, NI-CO prison expert Terry Jackson and PR consultant Austin Hunter went to the NIHR HQ in Manama, and emails obtained under the Freedom of Information Act show that NI-CO and Jeffrey Donaldson MP were copied into some of the same emails about UK assistance to Bahrain. Furthermore, the fact that NI-CO and Causeway share a common board member, policing advisor Stephen White, is another point of connection between the two bodies.*

*In November 2016, Stormont's economy minister, Simon Hamilton of the DUP, refused to suspend NI-CO's work in Bahrain (discussed further in chapter 8). His senior colleague, Sir Jeffrey Donaldson MP, the DUP's chief whip, founded the business, run by his brother, that was being paid by the FCO to work in Bahrain on projects in parallel with NI-CO's activities. The connections between NI-CO, Causeway, and the DUP suggests troubling conflicts of interest, jeopardising the independent assessment of their activities and the corruption of their goals by personal or factional interest.*



## **2.4. ABRUPT ENDING TO QUESTIONABLE TRAINING**

NI-CO, HMIP, and Causeway's work in Bahrain came to an abrupt end in 2017. All three institutions have apparently now withdrawn from their projects there, with little information provided about why.

### **NI-CO Training to Bahrain's Police**

NI-CO's police training project ran into trouble in September and October 2015, when the Northern Ireland Policing Board (NIPB) queried a NI-CO proposal for a secondment of a PSNI officer to Bahrain for a separate "youth justice" project. Some members of the NIPB, which includes elected politicians, police, and independent experts, expressed concern regarding Bahrain's human rights record, and asked NI-CO to attend a meeting on 26 November to provide more information. NI-CO agreed, but on 16 November withdrew its proposal for PSNI officers to visit Bahrain. NI-CO still attended the 26 November NIPB meeting and discussed, among other things, "Risks to PSNI in providing training to countries with allegations of human rights abuse."<sup>157</sup> We do not know exactly what was said at that meeting, but as far as we know, NI-CO and PSNI did not continue their work with Bahraini police officers thereafter.

As demonstrated by the cases of Abbas, Sami, Ali, Mohamed and Husain, Bahraini police have a grim record of identifying individuals involved in peaceful protests, arbitrarily arresting them, and torturing them until they provide false confessions. Accordingly, while UK assistance was ostensibly aimed at stopping police abuses, training police in gathering "community intelligence" ahead of protests carried serious risks, and may have helped Bahraini police identify and target peaceful political dissidents.

### **NI-CO Training in Bahrain's Prisons**

NI-CO's work with Bahrain's prisons also ended abruptly. The company submitted a proposal to the FCO in April 2016 to continue its work with Bahrain's prisons through March 2018.<sup>158</sup> However, in June 2017, NI-CO told us that its training of prison guards and officials ended in March 2017.<sup>159</sup> NI-CO would not explain why it had stopped working with Bahrain's prisons a year early, nor whether this decision was taken by the FCO or by NI-CO itself.

Now with the source of UK funding changing from the CSSF to the GBF and the IAF, NI-CO appears to have no ongoing projects in Bahrain and receives no funding from the FCO for this purpose.<sup>160</sup> We do not know why NI-CO has ceased working on these projects, nor whether the FCO will seek to work with them again in Bahrain.

Over the course of three years of NI-CO training, guards in Bahrain's death row prison are alleged to have tortured Abbas and Mohamed and raped Ali at times when NI-CO trainers may have been embedded inside that very facility. Moreover, throughout NI-CO's nearly 1,000 days of in-country training to prison guards and officials, Bahraini prisons were the subject of sustained

torture allegations, including Jau Prison's brutal response to the March 2015 riot. There remains no evidence that the UK attached reform commitments or conditions to its security cooperation, and Reprieve and BIRD have serious concerns that NI-CO training may have helped further embed abusive practices rather than stamp them out.

### **NI-CO Training to the Ombudsman and the SIU**

NI-CO also apparently no longer trains the Ombudsman or the SIU. NI-CO ended its involvement with both institutions in March 2017, a year earlier than planned. No reasons were given for this decision.<sup>161</sup>

These projects, too, entailed risky assistance to Bahraini actors with terrible human rights records. The Ombudsman and the SIU are too closely connected to arms of the Bahraini state with records of practising torture and introducing torture-tainted evidence at trial to act as independent investigators. They lack operational independence from the MOI and PPO, both of which are implicated in patterns of serious human rights violations. Nevertheless, NI-CO and the FCO provided extensive assistance to the Ombudsman and SIU year after year, apparently with no discussion of binding human rights conditions. As a result, the Ombudsman and the SIU have failed to investigate torture allegations lodged against the MOI.

Reprieve and BIRD have been provided with no evidence that Bahrain was required to meet any pre-conditions or make binding human rights commitments before receiving this assistance, nor evidence of improvement in Bahrain's human rights record. Moreover, because Bahrain has refused to sign the OPCAT, allowing UN inspection of its prisons – all whilst UK funding continues – it appears that basic steps to safeguard detainees against torture were not required as a condition for UK assistance.

Numerous human rights organisations have examined the performance of the Ombudsman and SIU over the last several years, and have concluded that neither of these bodies has made a genuine effort to hold government employees accountable for torture.<sup>162</sup>

In November 2016, Amnesty International found that the SIU had referred 44 security officers for trial on criminal charges, but had failed to prosecute over 150 other cases of alleged torture or other ill-treatment, deaths in custody and unlawful killings. Amnesty further found the SIU has failed to conduct prompt investigations and speedily obtain medical evidence and testimonies.<sup>163</sup> In 2017, Human Rights Watch reported that of 138 cases referred to the SIU by the Ombudsman, the SIU had only successfully prosecuted one.<sup>164</sup>

Bahrain has also relied on the existence of these institutions' "investigations" to claim that allegations of torture in detention facilities are false.<sup>165</sup> Worst of all, as this report demonstrates below, both institutions have failed to investigate allegations of torture and forced confessions made by Abbas, Sami, Mohamed and Husain.

### **The end of HMIP training to the PDRC**

HMIP has told Reprieve and BIRD that it has not done any work with the PDRC since 10th October 2016, and is not currently providing any training to the PDRC. When asked why it had stopped working with Bahrain, HMIP told us there had been “little evidence of PDRC activity” of late, and “HMIP therefore decided there was little purpose in providing further support.”<sup>166</sup>

The presence of independent monitors in Bahrain's prisons would be an important step toward achieving anti-torture safeguards for detainees at risk of severe abuses. However, like NI-CO's training to the Ombudsman and SIU, HMIP's involvement with the PDRC has not achieved human rights reform, but has risked helping Bahrain cover up serious abuses. UK-funded assistance has allowed Bahrain to rely on the PDRC's inspections of its prisons as evidence that a UK-trained body has verified that Bahrain does not practise torture, and ignore the serious and credible allegations made by detainees.<sup>167</sup> As we detail further below, this is precisely what happened when the PDRC inspected the facilities where Abbas, Sami, Ali, Mohamed and Husain were tortured.

### **The end of Causeway training in Bahrain**

Finally, it appears that Causeway has also pulled out of its work in Bahrain. The FCO now says it is not funding Causeway training to the NIHR, BIPD, or any other institutions in Bahrain.<sup>168</sup>

Like NI-CO, Causeway provided training not to independent institutions, but to arms of the Bahraini state. It is not controversial that the UK should promote the existence of independent human rights institutions or NGOs, but this was not the reality. The NIHR and BIPD are not independent of Bahrain's monarchy, and accordingly have acted to whitewash rights violations and limit press freedoms.

There remains no evidence that these bodies' activities were funded on condition that Bahrain commit to real reforms, nor evidence that their human rights records were improved over the course of the assistance. It nonetheless appears to have allowed Bahrain to point to both the NIHR and BIPD as UK-approved bodies,<sup>169</sup> and risks whitewashing the serious abuses committed against individuals such as Abbas, Sami, and Ali – and placing Mohamed and Husain at greater risk.



### 3. UK SUPPORT FOR TORTURERS AND EXECUTIONERS IN BAHRAIN

Over the course of the FCO's assistance programme in Bahrain, Abbas al-Samea, Sami Mushaima, Ali al-Singace, Mohamed Ramadhan and Husain Moosa were brutalised by arms of the Bahraini state that the UK was supposedly helping to reform. All of the police, prison guards, the Ombudsman, the SIU, the PDRC, and the NIHR were responsible for torturing these five men, or for ignoring the evidence – even as they received intensive UK training.

#### SIU and Ombudsman obscured torture allegations of inmates facing execution

##### Abbas, Sami and Ali

Lawyers and NGOs submitted detailed complaints about Abbas and Sami's torture and forced confessions to the SIU and Ombudsman.<sup>170</sup> In both cases, their allegations received no meaningful investigation.

*The failure of the SIU and the Ombudsman to investigate Sami's torture allegations constitutes a violation of CAT Article 12, which requires prompt, impartial investigation of all torture allegations.*

In April 2014, shortly after his arrest, Sami's lawyer filed complaints with the Ombudsman and the SIU regarding his torture.<sup>171</sup> The complaints described Sami's torture in detail, and requested an immediate criminal investigation of those who tortured him. Despite this, there is no evidence that the Ombudsman or the SIU ever carried out an investigation of any kind. They appear to have failed to communicate with Sami's lawyer, Sami himself, or Sami's family about any ongoing investigation or investigation results, and Sami's trial was allowed to rely on a confession he maintained was extracted through torture.

In Abbas's case, the SIU claims it investigated torture complaints submitted by his mother and by the human rights organisation Americans for Democracy & Human Rights in Bahrain (ADHRB). While no details of this investigation's findings were ever released<sup>172</sup>—the only information available comes from two short articles published by Bahrain's state news agency— it appears that the SIU's investigative procedure fell well short of international minimum standards for torture investigation.

As a signatory to the CAT, Bahrain is obligated to investigate all torture allegations in a manner that complies with the UN's minimum standards for torture inquiries, which are enshrined in the Istanbul Protocol.<sup>173</sup>

The SIU's investigation into Abbas's torture violated the Istanbul Protocol in several ways. Most seriously, SIU investigators refused to arrange for Abbas to undergo an independent medical examination for signs of torture. Shortly after Abbas's arrest, on 12 March, police brought him to

Dr Hatem Mahmoud Nabil, a forensic medical examiner who works for Bahrain's Public Prosecution Office (PPO). Dr Nabil examined Abbas and wrote a two-page report that claimed he had no signs of torture on his body.<sup>174</sup>

As is often the case in Bahrain, the PPO medical examiner's report on Bahrain failed to comply with the Istanbul Protocol's minimum requirements for medical examinations of alleged torture victims. Reprieve and BIRD provided a copy of Dr Nabil's examination report on Abbas to Dr Brock Chisholm, a UK clinical psychologist and independent expert in the assessment of torture survivors using the Istanbul Protocol. Dr Chisholm produced a medico-legal assessment of this forensic medical examiner's report, and concluded that Dr Nabil's examination "fails in almost all aspects of what is required in a forensic investigation of possible torture" and "should therefore be completely disregarded."<sup>175</sup>

Nevertheless, this state doctor is the only medical professional who ever examined Abbas. Upon receiving Abbas's torture allegations, SIU investigators apparently reviewed Dr Nabil's original, non-compliant report, and then arranged for Dr Nabil to review Abbas yet again. The SIU refused to arrange for an independent doctor to perform an Istanbul Protocol-compliant medical examination.

SIU investigators also reviewed the PPO's investigations and questioning record from the time immediately following Abbas's arrest. Based solely on these PPO documents and Dr Nabil's opinion, the SIU declared that Abbas had caused his own injuries while "resisting arrest" and declared he had not been tortured.<sup>176</sup>

*The SIU's conduct in investigating Abbas's torture entailed numerous violations of basic Istanbul Protocol precepts. The PPO's medical assessments are fundamentally not independent. The SIU's reliance upon them, as well as its failure to arrange for independent medical assessments, constitutes a major violation of Istanbul Protocol paragraphs 84, 124, and 126.*

*Moreover, the SIU's refusal to allow Abbas access to his lawyer and to release investigation findings to Abbas and his lawyer violated Istanbul Protocol paragraphs 81, 84, and 126. These breaches rendered the SIU's investigation non-compliant with CAT, and constitute a serious violation of international law.*

The Ombudsman and SIU facilitated the illegal death sentences handed to Sami and Abbas. Serious allegations of torture and forced confessions were either ignored entirely or quickly dismissed without any effort to seriously investigate them in a manner compliant with international law. Throughout this period, NI-CO and the FCO carried out investigation workshops and audited individual case files with Ombudsman investigators, and later trained the SIU in how to approach families of torture victims.

### **Mohamed and Husain**

Both Mohamed and Husain were convicted and sentenced to death in trials that depended almost solely on their coerced confessions, and the Ombudsman, rather than investigating their allegations, hid them until after their death sentences had been finalised.

In July 2014, six months prior to Mohamed's death sentence, ADHRB submitted a detailed complaint about his torture to the Ombudsman.<sup>177</sup> We know for certain that the Ombudsman received and saw this complaint, because it emailed back to ADHRB, acknowledging receipt.

However, the Ombudsman did not open an investigation into Mohamed's torture allegations. Instead, it spent the better part of the next two years misleading international actors, including the European Parliament and the FCO, by insisting that it had never received any torture complaints in Mohamed's case. In January 2016, Bahrain falsely told all 750 Members of European Parliament (MEPs) that the Ombudsman had never received complaints related to Mohamed's "claims of ill-treatment and torture to extract a confession, as is now being falsely claimed by the defendant, his family and legal representative."<sup>178</sup> This claim came just days after the Ombudsman confirmed to ADHRB that it had received Mohamed's torture complaint.

*Email from Bahraini government to MEPs*

----- Forwarded message -----From: Brussels Mission <[Brussels.mission@mofa.gov.bh](mailto:Brussels.mission@mofa.gov.bh)>  
To: undisclosed-recipients;;  
Cc:  
Date: Fri, 29 Jan 2016 10:26:32 +0000  
Subject: BAHRAIN - Strasbourg Plenary: Case of Mohammed Ramadan

Dear All,

With regards to the upcoming debate on Bahrain under the cases of breaches of human rights, democracy and the rule of law during the plenary session in Strasbourg, specifically the case of Mohammed Ramadan; the Embassy of the Kingdom of Bahrain would like to attach for your information a brief on the case of the aforementioned individual.

Additionally, a report from the Office of the Ministry of Interior's Ombudsman concerning Mohammed Ramadan is attached that details the complaints submitted on behalf of Mohammed Ramadan to the Ombudsman by his family. Please note that these complaints, submitted during the period spanning from after his initial arrest until the days after his sentencing by the Higher Criminal Court, do not include any claims of ill-treatment and torture to extract a confession, as is now being falsely claimed by the defendant, his family and legal representative.

Please do not hesitate to contact the Embassy for further information/clarification.

Embassy of the Kingdom of Bahrain

Later that year, the FCO told Reprieve, BIRD, and inquiring MPs that the Ombudsman had provided it with assurances that no complaints had ever been submitted about Mohamed's torture. The FCO repeated this claim both in public responses to parliamentary questions and in letters to Reprieve and BIRD.<sup>179</sup>

Finally, after Reprieve and BIRD wrote to the FCO several times, attaching evidence showing that the Ombudsman had in fact received Mohamed's torture complaint, the UK government acknowledged it had been wrong, and informed us that the Ombudsman had now agreed to open a new investigation into Mohamed and Husain's torture allegations.

The Ombudsman then issued a statement acknowledging that his office had in fact received a complaint about Mohamed's torture in July 2014, and that "Ombudsman Office Investigators were aware" of the complaint. However, the statement continued, the Ombudsman's Office had chosen not to investigate this complaint. The Ombudsman described it as "a matter of regret"

that his office had neglected to provide full information regarding the torture complaint, and promised his new investigation would be independent.

During the two years when the Ombudsman ignored Mohamed's torture allegations, NI-CO staff visited Bahrain to work with the Ombudsman 16 separate times, and assisted with the review of individual complaints to the Ombudsman's Office. During this period, NI-CO trainers "[carried] out investigator assessments and [gave] individual feedback" and "[carried] out full audit[s] of investigator serious incident and complaint case files [and] provided individual feedback" in four consecutive months.<sup>180</sup> Some of these visits lasted for three weeks at a time. Despite this, Mohammed's torture allegations went unexamined by the body receiving targeted assistance on such matters, funded by the UK Government.

The Ombudsman began its promised new inquiry into Mohamed and Husain's torture allegations in May 2016. Unfortunately, this investigation has entailed serious Istanbul Protocol violations, including the refusal to commission independent medical examinations of Mohamed or Husain for signs of torture. Like Abbas, both Mohamed and Husain were examined by a doctor working for Bahrain's PPO shortly after their arrest. Both men were examined by the PPO's Dr Mohamed Nour al-Din Ahmad Ans Fowda on 2 March.

In each case, Dr Fowda wrote a two-page report claiming that Mohamed and Husain had no signs of torture on their bodies.<sup>181</sup> We provided copies of these reports to Dr Chisholm, the same expert who analysed Abbas's forensic medical report. Dr Chisholm's analysis of both Mohamed and Husain's reports was the same, and he concluded that each failed "in almost all aspects of what is required in a forensic investigation of possible torture." Neither Mohamed nor Husain has ever been examined by an independent doctor.

*The Ombudsman's conduct in this investigation has mirrored that of the SIU in Abbas's case. The Ombudsman's reliance on the PPO's non-independent medical assessments and its failure to arrange for Mohamed and Husain to receive new, independent medical assessments constitutes a violation of Istanbul Protocol paragraphs 84, 124, and 126.*

*and has communicated no information about its investigation to Mohamed, Husain, or their lawyers. This conduct constitutes further violations of Istanbul Protocol paragraphs 81, 84, and 126. All of these breaches have rendered the Ombudsman's investigation non-compliant with CAT, and constitute a serious violation of international law.*

*The Ombudsman has also refused to allow the two men access to their lawyers while interviewing them in prison,*

The Ombudsman also summoned Mohamed's wife for an interview, under the guise of gathering information for the investigation, but instead interrogated her. The investigator demanded that Mohamed's wife explain why she was cooperating with foreign human rights NGOs. He produced a copy of an NGO authorisation form she had signed and waved it in her face, demanding to know why she was working with groups like Reprieve and BIRD, stating, "This is the most important question in the investigation".

NI-CO delivered an “investigation workshop” to Ombudsman investigators less than two weeks before this interview.<sup>182</sup>

In October 2016, the Ombudsman announced it had finished its inquiry and was passing the matter to the SIU for further investigation. The Ombudsman refused to release any information regarding its findings. Since then, the SIU does not appear to have taken any substantive steps toward investigating Mohamed or Husain’s torture allegations. Despite numerous trainings from NI-CO experts in how to approach and deal with torture victims and their families, the SIU never contacted Mohamed, Husain, their lawyers or their families in the course of its investigation.

*The SIU’s refusal to communicate with Mohamed, Husain, and their lawyers also constitutes a violation of Istanbul Protocol paragraph 81, which requires that victims and their lawyers be kept informed of all investigatory procedure.*

On 28 March 2018, SIU investigators summoned Mohamed and Husain’s family members and informed them that the SIU had completed its investigation and was recommending that Mohamed and Husain receive a retrial before the Court of Cassation. SIU investigators did not provide any information regarding their findings into Mohamed and Husain’s allegations of torture and forced confession. A statement released later that day noted that the SIU’s investigation had unearthed “new documents that had not been known at the time of [Mohamed and Husain’s] trial and sentencing.”<sup>183</sup>

It is unclear whether Mohamed and Husain will actually receive a retrial; the SIU has recommended one, as has Bahrain’s Attorney General, but the Court of Cassation has not yet agreed to take up the case.<sup>184</sup> Regardless, while Mohamed and Husain absolutely should be retried under fair conditions, the fact remains that nearly two years after the inquiry was first announced, neither the Ombudsman nor the SIU has released any information about the findings of their investigations into Mohamed and Husain’s allegations of torture and forced confession. This will remain a matter of urgent concern even in the event of a retrial, as the absence of a proper torture investigation could result in a retrial which relies on confessions extracted through torture.

## **PDRC inspection ignored torture claims in prison**

The PDRC inspected the Criminal Investigations Directorate (CID) building on 24 and 25 December 2014. At the time of the inspection, the PDRC was aware of the allegations that Abbas, Sami, Mohamed and Husain had been tortured and forced to falsely confess in this same building just months earlier.<sup>185</sup>

Nevertheless, the PDRC’s inspection report on the CID station did not engage with the numerous allegations of torture and forced confessions connected to this facility, including those of the four death row inmates. The resulting report, which contains less than four pages of content, mentions one prior torture case but neglects to address allegations of widespread and

systematic torture in the CID building. It makes no mention of the fact that, at that point, nearly half of Bahrain's death row prisoners had alleged that CID officers tortured them into making false confessions.<sup>186</sup>

The effect of this report, and other PDRC reports like it, were disastrous for Abbas, Sami, Ali Mohamed and Husain. The PDRC claimed to inspect the CID building—the site where Abbas was beaten, where Sami's eardrums were perforated and his anus penetrated with metal objects, where Husain was suspended by his hands for days and Mohamed was beaten with iron rods—and issued a four-page report that ignored their allegations entirely. Only a few months later, Ali was brutally tortured and forced into a false confession in the same building.

When we raised these concerns with HMIP, they told us, "The PDRC's role is not to investigate complaints or specific allegations."<sup>187</sup> However, HMIP's own guidelines for prison inspections require that inspections assess detention facilities according to a number of different criteria. These include: "allegations of prisoner victimisation are investigated thoroughly and actions to protect victims taken promptly"; "where abuse is alleged or suspected to have occurred, prompt and appropriate action is taken to protect the prisoner,,"; and "prisoners who have been the victim of abuse or rape are identified and supported to address their specific needs."<sup>188</sup>

Though HMIP provided the PDRC with "detailed planning" training immediately before its CID inspection, and further trainings on report writing ahead of the publication of the PDRC's CID report, these did not appear to have much effect. We asked HMIP for its evaluation of the PDRC's report on the CID station, but they have refused to disclose it.

In fact, all four police stations inspected in December 2014 received just five or six page reports, far shorter than what would be expected of an HMIP report on a custody site in England or Wales. The PDRC's subsequent reports have been longer, but they still omit mention of high-profile cases of torture and abuse.

The PDRC's report on Jau Prison – where some of the worst torture has taken place – also does not address Abbas, Ali or most anyone else's allegations of torture within the prison. Like the CID report, it references only one case of torture and makes no attempt to address widespread and well-supported allegations that Jau is the site of frequent torture perpetrated by prison guards. Despite the report saying at its outset that the PDRC "focused on [verifying]" torture allegations "raised in reports by local and international human rights organisations," it fails to discuss them further.<sup>189</sup>

The report's account of the March 2015 unrest inside of Jau Prison, which led to Abbas being subjected to a month of retributive torture by prison guards, is especially concerning. The report repeats the Bahraini state's narrative of the events, based on information provided by the Jau Prison administration and the PPO. There is no discussion of the month-long campaign of retributive torture that followed the riot, according to the allegations of dozens of inmates.<sup>190</sup>

## **Police and prison guards tortured inmates**

Abbas, Sami, Ali, Mohamed and Husain all alleged they were tortured by Bahraini police inside of CID headquarters, but only Ali's torture occurred at a time when the UK was training Bahraini police officers. Ali was arrested by Bahraini police in April 2015, less than a month after NI-CO trained Bahraini officers in Belfast on "community intelligence" gathering ahead of protests.

NI-CO and the FCO have refused to say exactly which Bahraini police officers they trained, so we do not know if the specific officers trained by the UK were involved in Ali's arrest and torture. However, we do know that just after the UK trained Bahraini police in gathering intelligence on protesters, Ali, a former protester who had been in hiding following years of police abuse dating back to when he was 15, was apprehended by police and tortured. There is a real risk that the skills taught to Bahraini police by UK trainers were used to locate and arrest Ali.

The five men also alleged mistreatment by guards inside of Jau Prison. Abbas alleged that guards beat and tortured him in March 2015 and Ali alleged he was tortured and raped throughout April and May 2015. Mohamed and Husain have alleged psychological torture by guards in Jau Prison since the beginning of 2017.

We know that NI-CO and the FCO have been training guards from Jau Prison since the beginning of 2015, and NI-CO trainers have visited a number of Bahraini prisons and detention facilities. NI-CO has told us that none of its staff working in Bahrain ever reported any concerns related to torture, but the company has refused to disclose the precise dates when its experts visited specific Bahraini detention facilities. Given the hundreds of days NI-CO spent on this project, there is a real risk that NI-CO trainers were working inside of Jau Prison while these men were tortured.

## **The NIHR legitimised unlawful executions**

When Bahrain executed Abbas, Sami and Ali by firing squad on 15 January 2017, it did so in contravention of international law. Nevertheless, on 16 January 2017, the NIHR released a statement claiming that the trials were carried out "in accordance with recognised international standards" and that "Bahrain has not violated any of its international legal obligations by executing the death penalty pursuant to the International Covenant on Civil and Political Rights."<sup>191</sup> The statement further sought to "commend" the authorities for allowing the "relatives of the convicted to meet them on the day of the execution."

This contrasts sharply with a statement released by the Office of the UN High Commissioner for Human Rights a day later, which called the executions "appalling" and asserted, "the way the trials were conducted raises serious doubts whether the accused were provided with the right to fair trial, guaranteed by the International Covenant on Civil and Political Rights – the ICCPR - in particular Articles 9 and 14."<sup>192</sup>

The NIHR's statement was worrying not only for the falsehoods it contained about Abbas, Sami and Ali, but also because it suggested that future executions of individuals convicted under the same circumstances, like Mohamed and Husain, would also be lawful. These statements call into question the NIHR's independence and standing as a human rights institution, and raise serious concerns about continued UK assistance to a body that has come out in support of unlawful executions.

## 4. FAILURE TO ACKNOWLEDGE RIGHTS VIOLATIONS IN BAHRAIN

### The FCO turns a blind eye to torture

The FCO has refused to acknowledge that its reform partners in Bahrain are implicated in torture and illegal executions. Reprieve, BIRD and UK MPs provided the FCO with proof that the Ombudsman was wilfully ignoring Mohamed's torture complaints. Nevertheless, the FCO said for months that it had been assured by the Ombudsman that this was untrue.<sup>193</sup>

When the Ombudsman finally agreed to initiate a new inquiry, we alerted the FCO to the fact that the Ombudsman was using its new "investigation" as an excuse to victimise Mohamed's family, rather than investigate his torture allegations. But the FCO again failed to address these serious concerns, and has since stated repeatedly that the Ombudsman is "an independent human rights oversight body"<sup>194</sup> – despite the evidence we presented.

More than a year after the Ombudsman allegedly began investigating Mohamed and Husain's torture, both men continue to languish on death row, facing imminent execution. Neither the Ombudsman nor the SIU has announced any findings. The FCO has stated that it "[does] not know when these [investigations] will be concluded or published,"<sup>195</sup> and continues not to express any concerns about the Ombudsman or SIU's independence or competence.

Later, when we received word that Abbas, Sami, and Ali were on the verge of execution in January 2017, we again wrote to the government, calling on the UK to intervene at the highest levels to save the lives of these men who had fallen victim to the British reform agenda in Bahrain.

Despite this, Abbas, Sami, and Ali were executed, and the FCO's only response was a brief statement from Foreign Secretary Boris Johnson which read, in full:

The UK is firmly opposed to the death penalty, and it is our longstanding position to oppose capital sentences in all circumstances. The Bahraini authorities are fully aware of our position and I have raised the issue with the Bahraini government.<sup>196</sup>

Despite the breadth of evidence presented to it, to this day the FCO "[encourages] anyone with concerns about their treatment in detention [in Bahrain] to report these directly to the oversight bodies", including the Ombudsman and the SIU.<sup>197</sup>

Moreover, in so acting the FCO may not have followed its own Torture and Mistreatment Reporting Guidelines, which state that FCO staff must internally report all allegations of torture which arise in the course of their diplomatic work.<sup>198</sup> A Freedom of Information request revealed that between 2014 and 2016, just one report of torture was made in accordance with the guidelines in May 2014.<sup>199</sup> Only one further report in accordance with the torture reporting guidelines is known to have been logged in 2017.<sup>200</sup> This is despite BIRD, Reprieve and other

NGOs raising specific torture cases repeatedly with the FCO in the same time period, including the torture of Mohamed Ramadhan in particular.

The FCO continues to praise Bahrain's human rights record. In its latest Human Rights and Democracy Report, published July 2017, the FCO stated: "Bahrain remains progressive in women's rights, political representation, labour rights, religious tolerance and institutional accountability."<sup>201</sup> By contrast, the UN High Commissioner for Human Rights has criticised Bahrain for shutting down democratic space,<sup>202</sup> whilst UN experts have urged Bahrain to end its persecution of Shia<sup>203</sup> and highlighted reports that women prisoners have been subject to torture and sexual assault by Bahraini security forces.<sup>204</sup>

## **NI-CO's refusal to acknowledge abuses**

Reprieve and BIRD have also written to NI-CO, detailing the abuses committed by its Bahraini partners against Mohamed and Husain. We have called for all future NI-CO work in Bahrain to be made conditional upon specific anti-torture commitments by the Bahraini state, including ratifying the OPCAT.

We also raised these concerns with Invest NI, the Stormont business development agency which owns NI-CO, as well as Northern Ireland's Economy Minister, Simon Hamilton MLA, of the DUP, to whom NI-CO's CEO reports. As Stormont's Department for the Economy oversees NI-CO, we called on Hamilton to urgently suspend NI-CO's programmes in Bahrain, pending an inquiry into this work.

Like the FCO, NI-CO has refused to acknowledge that its partners in Bahrain tortured death row inmates and then ignored their torture allegations. Invest NI responded similarly, and Hamilton, whose party has close links to the FCO's Bahrain projects, refused to suspend NI-CO's work.

In fact, the only substantive response came in the form of Pauline McCabe's op-ed in the Irish Times, later described by a Bahraini newspaper as an endorsement of Bahrain's "flawless" human rights record. McCabe's piece made no mention of Mohamed, Husain, or any of the Ombudsman's well-documented abuses of either man. Instead, McCabe insisted, "The ombudsman and his team are trying to do the right thing."<sup>205</sup>

In some cases, NI-CO responded to our concerns by claiming it had never conducted training that we now know took place. When we first asked NI-CO about its plans to train Bahraini police in "command and control" tactics, the company claimed that it had never done such work, stating, "There is no [command and control] project" and "the project did not start."<sup>206</sup> However, NI-CO had in fact facilitated top Bahraini police officials traveling to Belfast to receive trainings on riot control and community intelligence from PSNI officers, as detailed earlier in this report.

We wrote again to NI-CO, Invest NI, Northern Ireland's Justice and Economy Ministers, and the PSNI, expressing concern that NI-CO and PSNI had worked with Bahraini police, and that NI-CO had sought to mislead us about that work. We pointed out that shortly after the PSNI and NI-CO trained Bahraini police on community intelligence in Belfast, Bahraini police arrested Ali al-Singace and tortured him into making a false confession. We called on all those involved to urgently suspend NI-CO's work in Bahrain, pending a full inquiry.

However, the only responses received were public denials from the FCO and the PSNI. The FCO claimed this training had not focused on intelligence gathering ahead of protests, despite documentation obtained by Reprieve and BIRD showing otherwise, <sup>207</sup> with the PSNI claiming that the Bahraini officers were not actually trained but rather "observed a number of public order events and received a number of presentations."<sup>208</sup>

This pattern has been repeated each time we have raised urgent concerns about NI-CO's involvement in Bahrain. None of the interested parties in Northern Ireland or London have taken any steps to alter the scope of NI-CO's engagement in Bahrain, acknowledge any human rights risks associated with it, or place any conditions on NI-CO's work. They have acknowledged no concerns about the treatment of Mohamed, Husain, Abbas, Sami or Ali.

## **HMIP rejects calls for conditional assistance**

Reprieve and BIRD have raised similar concerns about HMIP's work with the PDRC. We have met on several occasions with HMIP, including with HM Chief Inspector Peter Clarke.<sup>209</sup> We have written to HMIP, the Justice Secretary and Parliament's Justice Select Committee, urging them to impose strict conditions on HMIP's Bahrain work in light of the PDRC's involvement in covering up torture allegations. None of these actors have acknowledged the PDRC's abuses against Abbas, Sami, Ali, Mohamed and Husain, nor the risk that HMIP's role might legitimise Bahrain's failure to investigate the allegations.

Even after Abbas, Sami and Ali's executions in January 2017, HMIP told us, "while we have always supported OPCAT ratification in Bahrain, we do not believe our work should be conditional on it." They went on to argue that the existence of the PDRC in Bahrain "will help to encourage the process of OPCAT ratification."<sup>210</sup> As noted already, Bahrain has taken no steps toward ratifying OPCAT.

## **Shifting international appraisals**

Nonetheless, other international actors have grown more critical, including the European Parliament. Individual MEPs have condemned the UK for "propping up the Bahraini [security apparatus]" and "training Bahraini police and prison guards who continue to torture prisoners."<sup>211</sup> Others have asked pointed questions about the failings of the Ombudsman in Mohamed and Husain's case and "UK concealment of torture allegations in Bahrain."<sup>212</sup> The European Parliament as a whole has passed two separate urgent resolutions on the cases of

Abbas, Sami, Ali, Mohamed and Husain. These resolutions made specific reference to the torture allegations and unfair trials of all five men, and called for Mohamed and Husain to be pardoned or retried and their executions halted.<sup>213</sup>

The most consistent criticism of Bahrain's human rights record and its fake reform programme have come from UN human rights experts. The UN Committee Against Torture has expressed concern that Bahrain's reform bodies "are not independent, that their mandates are unclear and overlapping and that they are not effective given that complaints ultimately pass through the Ministry of the Interior."<sup>214</sup>

The UN's Special Rapporteurs on summary executions, torture, and the independence of judges and lawyers have communicated extensively on the cases of Mohamed and Abbas, addressing their torture allegations in detail.<sup>215</sup> In their most recent communication on Mohamed's case, these mandates expressed concern about the Ombudsman, noting that its conduct in Mohamed's case "raised serious questions about its independence, professionalism and thoroughness."<sup>216</sup>

The Committee Against Torture has also expressed grave concern about the cases of "Mr. Mohammed Ramadhan and Mr. Hussain Ali Moosa who face the death penalty and are said to have also been convicted on the basis of confessions extracted by torture."<sup>217</sup> The Committee also called for a new trial for Mohamed and Husain.<sup>218</sup>

Juan Mendez, the former UN Special Rapporteur on torture who was repeatedly denied entry to Bahrain, called out the UK specifically for working with the PDRC and protecting Bahrain from international criticism:

[Bahrain has] played the UK's support to maximum effect. They tell everyone, 'We have an inspectorate of prisons,' but they won't invite me. The UK should not be a party to it. (...) Bahrain considers itself shielded [from scrutiny] due to its relations with Britain and America.<sup>219</sup>

Mendez's comments followed another postponement of his visit to Bahraini authorities. Speaking to *Buzzfeed*, he spoke of the UK's responsibility to ensure Bahrain granted him access at the time, and highlighted that at least one PDRC report may have been whitewashed.<sup>220</sup>

## **UK influence over UN member states**

Nevertheless, despite this growing international chorus of condemnation, for more than two years now UN member states have been unwilling to sign on to any joint statement condemning Bahrain's human rights record at the UN Human Rights Council. In fact, the last time such a joint statement was issued was at the 30<sup>th</sup> Human Rights Council session in September 2015. The UK government spent thousands of pounds of taxpayer funds to send a delegation to that session in Geneva. Representatives of NI-CO, HMIP, Causeway and the UK Embassy in Bahrain lobbied

member states to water down the language of a planned joint statement, and succeeded in removing all references to torture.

Since then, member states at the Human Rights Council have failed to issue a joint statement on Bahrain, despite the monarchy's continued human rights crackdown. Even at the 34<sup>th</sup> session in February 2017, immediately after the executions of Abbas, Sami, and Ali, member states were unwilling to speak out against Bahrain. During that session, the UK government came out and stated publicly that it would not support a joint statement criticising Bahrain because the statement would "not recognise some of the genuine progress Bahrain has made."<sup>221</sup>



## 5. SECRECY SHROUDING UK'S REFORM WORK IN BAHRAIN

A final, troubling element of the UK's approach to reform work in Bahrain has been its insistence on shrouding this work in secrecy. In many cases, the UK government's primary response to urgent human rights concerns about these programmes was to increase its level of secrecy, disclosing less and less information about how it was spending millions of taxpayer pounds in Bahrain, until it began to disclose nothing at all.

### The FCO

The FCO was initially willing to release information about its work in Bahrain, disclosing details about which UK government bodies were providing training in Bahrain, which Bahraini bodies they were working with, and project costs. However, as evidence of misconduct by UK-trained reform bodies in Bahrain mounted, the FCO's response was not to engage with that evidence, but to release less information about its activities.

The FCO will no longer disclose what reform projects it is carrying out in Bahrain, nor how much it is spending on specific projects.<sup>222</sup> Its original funding source for its work in Bahrain was the CSSF, a fund described by a Parliamentary Committee as risking being a "slush fund" for human rights abuses. Now, instead of reforming the CSSF to ensure greater accountability and transparency for its work in Bahrain, the UK's programmes are financed by funds about which we know even less.

Though the FCO claims to have carried out the required Overseas Security and Justice Assistance (OSJA) assessments for all projects, it has refused to disclose any of them.<sup>223</sup> Without transparency surrounding these assessments, the public has no way of knowing whether the government has properly assessed the human rights risks associated with providing assistance to Bahrain's MOI, and whether its assistance is furthering human rights goals rather than undermining them.

In some cases, the FCO's secrecy appears to have been driven by Bahrain itself. In one response in April 2017, the FCO told BIRD, "While we agree there is public interest in transparency about the UK government's support to Bahrain's reform programme (...) the Government of Bahrain has requested the information remain confidential."<sup>224</sup>

### NI-CO

NI-CO, too, has refused to disclose key details of its work in Bahrain. The company has admitted that it trained hundreds of Bahraini prison guards, including those from Jau Prison, where Abbas, Sami, Ali, Mohamed and Husain were all held. NI-CO has also admitted that its trainers worked frequently inside of prisons in Bahrain, but refuses to disclose the dates when its staff were

working inside of Jau Prison. This information would allow us to match those dates up against the dates when death row inmates were allegedly tortured inside of Jau.

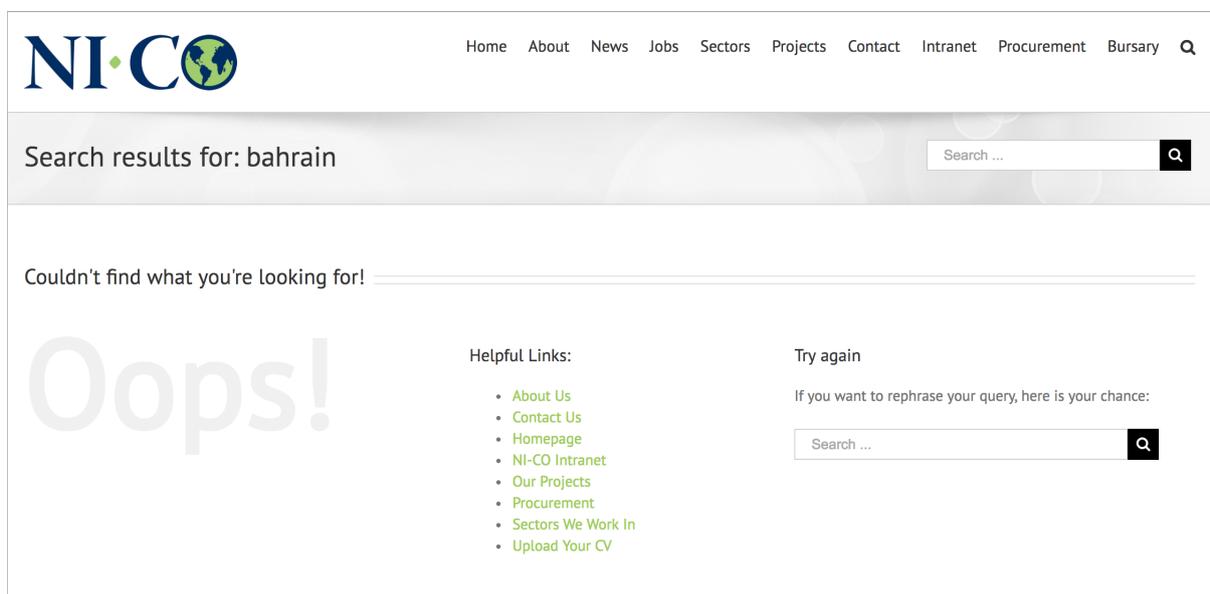
NI-CO contractors were training Bahraini prison guards throughout the first four months of 2015, when Ali was raped and beaten, Abbas was tortured, and guards tortured dozens of inmates following a riot. However, NI-CO refuses to state where its contractors were at those times, raising serious concerns over what they saw and what they did inside of Bahraini prisons.<sup>225</sup>

Our investigation also uncovered that a NI-CO employee, as part of the company's work in Bahrain's prisons, was embedded within the MOI for 130 consecutive days, acting as an adviser to the MOI Undersecretary.<sup>226</sup> This too raises concerns over why NI-CO became so deeply involved with the MOI in conjunction with a human rights reform project. NI-CO failed to answer questions about what this NI-CO employee advised on, where her/his office was located, and how this position related to NI-CO's stated aim of reforming Bahrain's prisons.<sup>227</sup>

NI-CO was also closely involved with Ombudsman investigations while the Ombudsman was refusing to investigate Mohamed's torture allegations. Throughout this period, NI-CO provided "advice on the planning, evidence gathering and analysis of individual complex serious incident and Death in Detention investigations" and "[attended] case conference reviews."<sup>228</sup>

However, when Mohamed's wife submitted a Subject Access Request to NI-CO, requesting all the information the company holds on Mohamed. NI-CO handed over just three pages of heavily redacted data, none of which referenced any internal discussion of Mohamed's case. Mohamed's wife is entitled to this information under the UK's Data Protection Act.

NI-CO disclosed this data in January 2017, years after Mohamed's torture complaint was first submitted, and after we had spent more than a year raising concerns with NI-CO about the Ombudsman covering up Mohamed's torture. The disclosed data shows that NI-CO had never discussed Mohamed's case, either internally or externally. This raises concerns that NI-CO holds more information about Mohamed than it disclosed to his wife.



**NI-CO removed all mention of Bahrain from its website (nico.org.uk)**

It is especially telling that in September 2016, after Reprieve launched an earlier report into NI-CO's work in Bahrain, all references to Bahrain disappeared from NI-CO's website – as of the time this report was published, searching the word 'Bahrain' on NI-CO's website yields an error message: "Oops! Couldn't find what you're looking for!"

## **HMIP**

HMIP has also failed to release some key information about its work in Bahrain. HMIP indicated to us that it had produced evaluations of the PDRC's reports on its inspections of Bahraini detention facilities, including the disastrous inspection of the CID building where Abbas, Sami, Ali, Mohamed and Husain were all tortured. However, when we asked HMIP to disclose these reports to us, it refused.<sup>229</sup>

## **The shadowy state of current UK assistance in Bahrain**

Reprieve and BIRD understand that all of the UK bodies implementing the reform programme have now pulled out of Bahrain.

It was only discovered that the projects had ceased by way of a routine freedom of information request, which received an opaque response.<sup>230</sup> NI-CO and the FCO refuse to tell us the reason for NI-CO's withdrawal from Bahrain. Now with the change in funding described earlier, the FCO still will not say who is now implementing these projects, how much money is going to them, and just what they are doing.<sup>231</sup>

Serious questions also remain as to NI-CO, Causeway, and HMIP's previous work in Bahrain, even if that work has ceased. While the PDRC omitted Mohamed and Husain's torture allegations from its reporting, the UK was there. While guards tortured them in Jau Prison, the UK was there. While the Ombudsman and SIU then buried their torture allegations, even as they were sentenced to death, the UK was there. As we now know, the UK is still there – but now we know even less about its activities than we did before.



## CONCLUSIONS AND RECOMMENDATIONS

The UK Government has provided extensive training and other assistance to arms of the Bahraini state implicated in severe human rights abuses. These abuses have taken place over the course of this assistance, with independent observers witnessing a marked deterioration in Bahrain's human rights record, including the resumption of unlawful executions. Bahrain's monarchy has grown even more repressive and intensified its crackdown on basic rights and freedoms, whilst the size of the country's death row has tripled. Reprieve and BIRD's findings confirm that the most serious abuses have occurred in areas that the British reform agenda specifically aimed to address.

UK assistance to Bahraini institutions known to be responsible for committing and covering up torture should have come with clear, public pre-conditions to safeguard human rights. If the UK had made its assistance conditional on Bahrain complying with international anti-torture law, this would have required the monarchy to open its detention facilities to UN inspectors, end its use of torture, and cease relying on false confessions extracted through torture to achieve convictions. These practices remain bedrocks of Bahrain's criminal justice system, and ending them would require real political will from the monarchy.

Requiring Bahrain to take basic, binding anti-torture steps – such as ratifying the OPCAT and allowing the UN Special Rapporteur on torture to visit the country – would have demonstrated whether the monarchy was serious about reform.

As this report finds, there appears to be no evidence that UK assistance was provided on condition that Bahrain commit to any binding legal steps toward genuine human rights reform. Bahrain failed to sign anti-torture guarantees and allow independent UN prison inspections – suggesting no such conditions were ever required. This is especially problematic given that the UK's principal partner in Bahrain—the MOI—has an particularly poor human rights record.

The UK's provision of this apparently unconditional assistance may have had serious consequences for vulnerable individuals in Bahrain. Abbas, Sami, Ali, Mohamed and Husain were tortured and some executed over the course of the UK's cooperation, whilst Bahrain pointed to British assistance as evidence that their abuses did not take place. Indeed, Bahrain has sought to rely on its work with the UK to cover up its abuses. The cases of Abbas, Sami, Ali, Mohamed and Husain demonstrate just what Bahrain felt empowered to do whilst receiving UK assistance.

A further flaw in the UK's approach to reform in Bahrain has been its refusal to acknowledge concerns about the performance of its reform bodies or to speak out against the monarchy's ongoing human rights abuses. The UK maintains that it will “take time to see the full results” of its reform agenda in Bahrain,<sup>232</sup> but after five years, no such positive results are apparent. To the contrary, evidence of serious wrongdoing by Bahrain over the course of UK assistance has mounted, but the UK has consistently refused to respond to it.

Again and again, human rights groups, UK MPs and media outlets have raised concerns about the UK reform agenda in Bahrain. Substantial evidence of wrongdoing by the Ombudsman, SIU, PDRC, NIHR, police, and prison guards in the cases of Abbas, Sami, Ali, Mohamed and Husain has been brought to the attention of the FCO. Nevertheless, the UK government has been unwilling to acknowledge that serious violations have occurred.

Finally, the UK government's refusal to release basic information about much of its reform work in Bahrain has greatly undermined public confidence in UK-funded reform efforts.

NI-CO refuses to disclose information that would reveal whether the company's trainers were present inside Bahrain's prisons at times when human rights abuses are known to have occurred, including the torture of Ali, Abbas, Mohamed and Husain. All mention of NI-CO's projects in Bahrain, the company's most high profile work to date, has been removed from the NI-CO website.

For its part, the FCO will not disclose which reform projects it is carrying out in Bahrain, nor how much it is spending on each one. Moreover, though the FCO claims to have carried out the required OSJA assessments for all projects, it has refused to disclose any of them.

The FCO also has provided no explanation for why NI-CO, Causeway, and HMIP have pulled out of their Bahrain projects, and will not say who it is now paying to take these projects forward, how much money is going to them, and just what they are doing in the country. The FCO has relied on an already shadowy fund, the CSSF, to finance these programmes, and instead of reforming these funds before deploying them in Bahrain, it has simply begun funding its programmes in the country using even less transparent sources of money—the GBF and the IAF. UK taxpayers remain entirely in the dark as to what their money is doing in Bahrain, whether adequate assessments of the human rights risks have been made, and whether the money is doing what the UK Government claims – or in fact undermining human rights in a country already known as a serial rights abuser.

In light of all the information included in this report, Reprieve and BIRD offer the following urgent recommendations:

## **Recommendations for the UK Government**

***With respect to the cases of Mohamed Ramadhan, Husain Moosa, Abbas al-Samea, Sami Mushaima and Ali al-Singace, the UK government should:***

- Call publicly on Bahrain to commute the death sentences of Mohamed Ramadhan and Husain Moosa and make concerted, high level private representations to that effect;
- Call on Bahrain to release the full findings of the Ombudsman and SIU investigations into the torture and forced confessions of Mohamed Ramadhan and Husain Moosa;

- Commit to sending UK government officials to monitor all hearings in any retrial of Mohamed Ramadhan and Husain Moosa;
- Actively support the presence of EU trial monitors at all hearings in any retrial of Mohamed Ramadhan and Husain Moosa;
- Call on Bahrain to commit to upholding the fair trial rights of Mohamed Ramadhan and Husain Moosa, especially those enshrined in Article 14 of the International Covenant on Civil and Political Rights;
- Urgently publish any information held by UK Government or third-party partners regarding the cases of Mohamed Ramadhan and Husain Moosa, who remain at risk of imminent execution;
- Call on Bahrain to conduct transparent and independent investigations of all torture allegations in death penalty cases—beginning with the case of Maher Abbas al-Khabbaz, who faces imminent execution—and stay all executions pending investigation results;
- Call on Bahrain to establish a Commission to independently review the detention, interrogation, torture and executions of Abbas al-Samea, Sami Mushaima and Ali al-Singace.

***With respect to assistance programmes in Bahrain, the UK Government should:***

- Publish all OSJA assessments for Bahrain between 2012-2017, including full risk assessments and steps taken to mitigate risks;
- Publish its official monitoring and evaluation of the UK's Bahrain assistance programmes, including full details of the projects, training, activities, and work undertaken, including those undertaken as part of their receipt of CSSF funding;
- Call on the Kingdom of Bahrain to ratify the Optional Protocol to the Convention Against Torture (OPCAT) and allow the UN Special Rapporteur on Torture immediate, unrestricted and continued access to the country.

***To ensure that lessons are learned, the UK government should:***

- Publish a full account of all CSSF-funded projects broken down by subject, country and region;
- Establish a presumption that all OSJA assessments should be disclosed unless there is a clearly defined reason *not* to do so – making transparency, rather than secrecy, OSJA's "default setting"; OSJA assessments for CSSF programmes should be disclosed, with redactions where necessary and appropriate.

- Take responsibility for proactive and transparent monitoring of criminal justice and security programmes deemed to carry human rights risks. The lead department responsible for the project must engage constructively with those reporting human rights concerns and allegations. Allegations concerning abuses by institutions and individuals that the UK is actively training and assisting must be independently investigated and transparently reported, and appropriate remedial action taken by the UK Government;

### **Recommendations for the Joint Committee on the National Security Strategy**

- Request that the Government present the Committee with all OSJA assessments for Bahrain between 2012-2017, alongside any and all evaluation and impact assessment documents for the Bahraini technical assistance programme (2012-2017);
- Call relevant ministers, officials and delivery partners with responsibility for Bahrain's OSJA & CSSF monitoring to provide oral evidence before the committee.

### **Recommendations for NICO; Causeway; HMIP**

- Each institution should publish all internal impact, risk management, expenditure and monitoring and evaluation assessments for its work in Bahrain between 2012-2017, including the disclosure of any and all information it holds on Mohamed Ramadhan, Husain Moosa, Abbas al-Samea, Sami Mushaima and Ali al-Singace and their relatives in unredacted form.

### **Recommendations for a future Northern Irish Assembly at Stormont**

- Establish an inquiry into NI-CO and Causeway's activities in Bahrain between 2012-2017 and call each body to provide all relevant evidence to the Assembly with particular focus on their involvement with the cases of Mohamed Ramadhan, Husain Moosa, Abbas al-Samea, Sami Mushaima and Ali al-Singace.

### **Recommendations for Bahrain**

- Immediately release the full findings of the Ombudsman and SIU investigations into the torture and forced confessions of Mohamed Ramadhan and Husain Moosa;
- Conduct Istanbul compliant investigations into all allegations of torture by defendants on death row in Bahrain;
- Quash / commute all death sentences which relied on confessions extracted through torture;
- Commit to conducting retrials of all defendants on death row who have alleged torture;

- Ensure that all resulting retrials comply with the due process and fair trial rights enshrined in ICCPR Article 14, including by allowing the presence of trial monitors from European governments and the EU;
- Invite and allow a visit from the UN Special Rapporteur on Torture;
- Ratify the Optional Protocol to the Convention Against Torture;
- Amend Decree 27/2012 establishing the Ombudsman Office of the Ministry of Interior to guarantee its total independence, by removing all authorities of the Ministry of Interior over the Ombudsman as contained within articles 2, 4, 5, 6, 7, 16 and 17;
- Amend Decree 61/2013 establishing the Prisoners and Detainees Rights Commission, in particular articles 2 and 9, to separate its leadership and finance from the Ombudsman and guarantee its total independence;
- Amend Decree 26/2014 establishing the National Institute for Human Rights, in particular article 5(a), to remove all government involvement in the commissioner appointment process, and to restrict membership of the NIHR from members of governmental bodies, including the National Assembly, Shura Council, state bureaucracy and Gulf Cooperation Council bodies, in order to ensure total independence;
- Amend Decree 8/2012 establishing the Special Investigations Unit, in particular article 1, to remove all authority of the Attorney General over it and ensure its independence;
- Re-introduce a moratorium on the death penalty with a view towards abolishing the practice;
- Establish an independent investigation of all persons responsible and potentially responsible for acts of torture in the Ministry of Interior, including the Minister of Interior, with a view towards criminal prosecution.



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- 10 Annex C, Response to 'Freedom of Information Act 2000 Request Ref: FOI-15', (*NI-CO*, 5 June 2017)
- 11 Alistair Burt's response to Parliamentary Question from Kerry McCarthy MP (HC Deb, 23 April 2013, c780W) <<https://www.theyworkforyou.com/wrans/?id=2013-04-23c.153024.h&s=bahrain>> accessed 27 October 2017, and Tobias Ellwood's response to Helen Goodman's question (HC Deb, 3 November 2014, cW) <<http://www.theyworkforyou.com/wrans/?id=2014-10-28.212308.h&s=bahrain>> accessed 27 October 2017

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