

MINISTRY OF INTERIOR

SECOND ANNUAL BICI IMPLEMENTATION REPORT

1 DECEMBER 2013

The Ministry of Interior (MOI) is pleased to issue and publish this second annual report on the implementation of the recommendations of the Bahrain Independent Commission of Inquiry (BICI) which are set out at Chapter XII in BICI's report dated 23 November 2011.

All five of the recommendations that concern this Ministry – 1717, 1722(c), 1722(d), 1722(e) and 1722(g) – have been fully implemented. The reforms necessitated by and successfully implemented pursuant to each recommendation are described in detail below.

In addition, the Ministry has taken the opportunity, in these annual reports, to describe the steps that it continues to take to implement its wider reform agenda established in 2005. The Ministry's reform strategy is much broader than the recommendations of BICI and, as is evident from the information below, its wider reforms under this strategy far surpass those envisaged by BICI's recommendations.

Reforms at the Ministry during the last decade have included the creation of a community police service, an upgrade of the Ministry's processes and facilities, the introduction of new equipment and technology and a comprehensive overhaul of the training curriculum at the Royal Police Academy. The BICI reforms have now more recently resulted in the creation of a fully independent Ombudsman's office and the introduction of additional human rights training, systems to ensure arrest and detention safeguards, a determined program of staff integration and high-tech audio-visual interview recording facilities for interviews.

The Ministry of Interior praises the continued effort and hard work of its many employees, who deserve credit for the implementation of the Ministry's reform strategy. They can justifiably be proud of its ongoing achievements, which should benefit everyone in Bahrain.

1717 – OMBUDSMAN

To place the office of the Inspector General in MOI as a separate entity independent of the Ministry's hierarchical control, whose tasks should include those of an internal "ombudsman's office", such as that which exists in many other countries. The new Inspector General's office should be able to receive individual or organizational complaints, protect the safety and privacy of the complaints, carry out independent investigations and have the authority to conduct disciplinary and criminal proceedings as required by CAT, the ICCPR and the Bahrain Criminal Code to the Prosecutor General. The office should also promulgate and enforce police professional standards and carry out legal and sensitivity training for police officers.

BICI recommended the tasking of the Ministry's Inspector-General's office with the role of an internal ombudsman's office to investigate public complaints.

In fully implementing this recommendation, the government of Bahrain went further.

By way of Royal Decree no 27 of 2012, issued a few months after the BICI report, His Majesty the King established a wholly independent ombudsman's office, set up entirely outside of the Ministry and led and staffed by non-Ministry personnel. In accordance with best international practice, the ombudsman was also given full control over his work and his budget. This established a system of independent civilian oversight of complaints that goes beyond the structure envisaged by BICI.

In August 2012, Mr Nawaf Mohammed Al-Maawdah, a lawyer with considerable experience in adjudication from his work as Chief Prosecutor and thereafter Chief Monitor of the 2010 Parliamentary Elections, was appointed Ombudsman pursuant to Royal Decree no 59 of 2012. His appointment as this Ministry's Ombudsman resulted in the Kingdom of Bahrain having the very first public ombudsman in the Gulf Co-operation Council countries and one of the first in the Middle East, North Africa and Turkey region.

The establishment of the independent Ombudsman's office was accompanied by laws requiring policemen and women accused of serious crimes such as torture to stand trial in the normal criminal courts rather than being judged in specialist police courts. As noted in the Ministry annual briefing of last year, these two reforms have resulted in a fundamental change in the institutional landscape regarding police accountability in Bahrain since 2011.

A number of significant developments have taken place in relation to the office of the Ombudsman since the Ministry's last briefing, not least its official launch.

In May 2013, the Ombudsman's powers were increased by way of Royal Decree no 35 of 2013, and complaints were formally invited from the beginning of July 2013, in record time when compared to the launch of similar offices elsewhere in the world. The Ombudsman and some of his directors had already conducted learning visits to the Independent Police Complaints Commission of the United Kingdom, the Défenseur des Droits of France, the Police Ombudsman and Prisoner Ombudsman of Northern Ireland and the International Ombudsman Institute at its annual conference in New Zealand. Following the office's launch, they also had the benefit of practice from some jurisdictions in the United States.

The laws establishing the Ombudsman's office and subsequently expanding its responsibilities can be found at www.ombudsman.bh/en/legal-references.

The Ombudsman's office currently has some 35 employees, men and women who reflect the community that they serve and who include investigators and inspectors and others with specialist skills and training. The Ombudsman has the ability to secure additional manpower should he require. Necessary training for his staff has been provided by experts from within and outside of Bahrain. Relevant employees have also been required to spend time at, and learn from, the criminal and police courts, the police, the Public Prosecutor and Bahrain's prisons and detention facilities. The Ombudsman's Deputy, also appointed by Royal Decree, is Mr Osama Ahmed Khalaf Al Osfoor. The serving Directors of the office are Mr Abdulrahman Ali Abdulrahman Bilal (Complaints), Mr Hamad Salman Saleh Taqi (Monitoring of Correctional and Detention Centres), Mrs Ghada Hameed Hameed Ahmed (International Co-operation and Development) and Mr Ahmed Abdulrahman Mohammed Husain (Human Resources and Finance).

One of the Ombudsman's first objectives this year was to ensure that the public was made aware of his office and his functions and how to make a complaint. The swiftest and most effective way to achieve this was through the media, and the Ombudsman conducted numerous press interviews, in Arabic as well as in English and Hindi, in print, radio and television. The office announced its official launch widely in July and continues to engage with the community. Building trust and confidence among all stakeholders also involved speaking to those that work in this Ministry and at the Public Prosecution. During the last year, the Ombudsman has held familiarisation and mutual awareness workshops at all relevant Ministry Directorates – such as those concerned with policing, prisons, criminal investigation, customs, immigration and traffic – as well as at the police courts and the Public Prosecution. There has of course been considerable international interest in the launch of the Ombudsman's office, and this also demanded his additional interaction with visiting and resident western government officials and delegations from the United Nations Office of the High Commissioner of Human Rights, the Special Representative of the European Union for Human Rights and a number of international NGOs such as Amnesty.

The Ombudsman has successfully informed the public that complaints can be filed in any of the following ways:

1. Via the online complaints form on the Ombudsman's website, www.ombudsman.bh;
2. In person at the Ombudsman's office in the Seef district in Bahrain;
3. By post to the Ombudsman's address at PO Box 23452, Kingdom of Bahrain; and
4. At any police station in the country.

The Ombudsman's centralized electronic complaints recording system serves to ensure that all complaints received by the office are addressed, and none are overlooked. When a complaint is received, it is assigned a sequential complaint number. All entries are recorded in a tamper-proof manner making it impossible to ignore or lose a complaint. In addition, all necessary processes are now in place. These include working arrangements with relevant departments in this Ministry and in government, and particularly with the Special Investigation Unit at the Public Prosecutor with which the Ombudsman now has a Memorandum of Understanding. Where justified by the nature

of misconduct in a case, the Public Prosecutor is asked to start a criminal investigation with a view to prosecution in the criminal courts, while other infractions and disciplinary matters are sent to the Ministry's police court. As cases continue to be handled by the Ombudsman, any deficiencies in police systems or standards that come to light are notified to the Chief of Police or the Director of Prisons as appropriate. The Ombudsman expects in due course to be in a position to impart sensitivity training to police officers based on his experience of cases handled. In this connection, in October of this year, the Ombudsman's office organized a workshop entitled "Fundamental Human Rights Concepts" in partnership with the International Bar Association (IBA), which was attended by ranking police officials.

The aim of the Ombudsman continues to be to ensure that all allegations of misconduct are examined and investigated as necessary, and those found guilty of misconduct are appropriately disciplined while victims are able to seek redress. The Ombudsman is currently working on the complaints that he has already received, including in conjunction with the Public Prosecutor and the Ministry's police courts. A public report describing the conduct and outcome of his work is expected to be released in 2014.

(See 1722(d) below for the Ombudsman's role and first public report in relation to the monitoring of prisons and places of detention.)

1722c – TRAINING

To implement an extensive program of public order training for the public security forces, the NSA and the BDF, including their private security companies, in accordance with UN best practices. To ensure future compliance with the Code of Conduct for Law Enforcement Officials, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the security forces should be trained in the human rights dimensions of detention and interrogation, and in particular the obligation to refuse to participate in any actions involving torture and other prohibited ill-treatment.

The Ministry implemented this recommendation in full in 2012.

Extensive programs of public order training, human rights training and measures to ensure compliance with international norms – implemented as required by this recommendation last year – have yielded tangible and positive results this year. Some foreign observers have recently noted good faith increases in both the quantity and scope of training programs over the last two years as well as the use of considerable restraint by the public security forces.

Unfortunately, this restraint has come at a price. While many gatherings and rallies seen previously in the country were largely peaceful, there have been unprovoked and violent attacks on police in some villages in Bahrain over the last two years. Police restraint has resulted in a significant reduction of injuries to violent protesters, but it has also resulted in over 2,500 police injuries, including loss of limb and bodily function, severe burns and other life-changing conditions. 9 police officers have also lost their lives in these unprovoked attacks by what is a relatively small number of organised, funded and armed rioters.

Online videos appearing to show misconduct by police officers, which is an independent and publicly accessible way of tracking how the reforms affect “the person on the street,” have seen a significant and dramatic decrease in 2013. But, at the same time, violent attacks against police have become more sophisticated and life threatening. Bahrain’s policemen and women continue to refrain from using the deadly physical force that is permissible under international law and that one might see from a police force in other countries, such as the United States, in the face of similar violent attacks.

Bahrain has received no offer of assistance from countries like the United States or United Kingdom on public order training. Over the last two years, the Ministry has pursued its own training and reform program across the board, and its success has been gradually evident.

Classes such as, “Human Rights,” “Role of the Police in Maintaining Human Rights,” “Explanation of International Human Rights Laws and Treaties Signed by the Kingdom of Bahrain,” and “Explanation of the Police Code of Conduct” were an integral part of the Royal Police Academy training program in 2013. The Ministry had provided the numbers of those trained in 2012 in its briefing of last year. This year, 3,926 Ministry personnel received human rights training in total. This includes 228 officers, 66 civilians, 3,052 non-commissioned officers and 580 recruits. Additionally, professional development courses were given to senior command staff members, supervisory personnel and non-commissioned officers throughout the Ministry. And, for a second year in a row, a group of police officers attended courses on human rights in co-ordination with the International Institute of Higher Studies in Criminal Sciences (ISISC) in Siracusa, Italy.

The Ministry’s international human rights training programs cover subjects additional to the human rights dimensions of detention and interrogation, and thereby surpass the scope of this BICI recommendation. They continue to be taught based on a variety of international documents that were used as the source material for the courses (see last year’s briefing for details). The updated Police Code of Conduct issued last year has also been fully incorporated into the training and educational curricula at the Royal Police Academy.

Finally, under its wider reform strategy – and independently of the BICI recommendations – the Ministry has pursued a number of additional reforms and it is pleased to report on some:

(a) Chief Tariq Hassan al Hassan, who began his tenure as Chief of Public Security in December 2011, has reorganized his top command staff and worked to instil a culture of accountability within the police force. Allegations of police misconduct are investigated and officers are disciplined for failures. High ranking officials are aware of their duties in this connection. The Chief’s oversight of training, policy and system reforms have ensured that they are implemented, while senior international police advisers also continue to support the Chief to ensure delivery of these objectives;

(b) The Ministry has encouraged “train-the-trainer” programs for ongoing learning and capacity building. This has met with significant success. Trainers at the Royal Police Academy, who received instruction from internationally renowned human rights experts in 2012, have gone on to impart that knowledge to the students they teach at the Academy. As noted in the Ministry’s last briefing, the training by international experts had covered the entire rank structure of the police force. Police

Chief Tariq Al-Hassan and his highest-ranking command staff attended courses, as well as trainers at the Royal Police Academy and supervisors from Special Forces;

(c) The Royal Police Academy's curriculum and professional development courses have recently been internationally accredited by Pearson Edexcel, the United Kingdom's largest awarding body for academic and vocational qualifications. Bahrain's Police Academy is the first in the Middle East to receive this certification;

(d) Efforts to secure training and support from recognised experts from abroad to improve the use by Ministry investigators of science-based investigations and forensic evidence have continued. This training should cover the most up-to-date crime scene management techniques; and

(e) The Ministry is also looking into securing experts and the roll-out of an enhanced detective training program for its Crime Investigation Directorate.

1722d – ARREST AND DETENTION

To avoid detention without prompt access to lawyers and without access to the outside world for more than two or three days. In any event, all detention should be subject to effective monitoring by an independent body. Moreover, every person arrested should be given a copy of the arrest warrant and no person should be held incommunicado. Arrested persons should have access to their legal counsel and family visits in the same way as any person detained under the Bahrain Code of Criminal Procedure.

There are two facets to this recommendation. The first covers the introduction of certain human rights safeguards for those arrested and detained. The second recommends that detention facilities in the country are independently monitored.

Both facets, and this recommendation, have now been fully implemented by this Ministry.

It is not an exaggeration to say that the policies, practices and safeguards of arrest and detention in Bahrain today match or surpass those that exist in many western countries, including the United States and United Kingdom.

In relation to the first facet, arrests in Bahrain are not arbitrary but are, in fact, the result of the commission of a criminal act. Unless a suspect is caught *in flagrante*, in other words in the act of committing a crime or in flight from it, a warrant must be obtained from the Public Prosecutor before any arrest is made.

Further, no person in Bahrain is subjected to enforced disappearance and no person is held incommunicado. The Ministry uses a computerized prisoner monitoring system that tracks the time, location and movement of every detainee throughout the detention process and throughout his or her court appearances. The electronic database – called the *Unified Criminal Justice System*, or *Najm* in Arabic – is cryptographically protected, and it is used by this Ministry as well as by the Public Prosecutor and the Ministry of Justice.

The system is tamper-proof. It incorporates a double-confirmation procedure following arrest. In the first instance, a manual processing form documents that an arrested person has been given his or her rights, the date and time of his/her call to a lawyer (and embassy for foreigners) and any illness that he or she reports. This manual form is then input into the computerized database system. The detainee's form cannot be submitted into the system unless all questions on it are answered, and a person cannot be detained unless the form has been submitted. Further, as described below, once a person is detained, *Najm* contains a full record, which includes a record of all external visitors received by the detainee. A further important feature is that an alarm automatically sounds after 48 hours following arrest if the detainee has not yet been presented before the Public Prosecution and charged.

A typical arrest scenario in Bahrain involves the following steps:

(a) When a person is arrested, he is immediately informed of the charges against him or her. If the arrest is made for a prior crime at the direction of the Public Prosecutor or the court, the accused is shown the arrest warrant and informed how long he will be detained. If the accused has been

caught while committing a crime or fleeing from the scene, there is no court order but the suspect is informed of the charges.

(b) Officers conduct a visual inspection of the suspect to determine whether he or she is injured or whether he/she falls in a special case, such as someone who suffers from a medical condition like sickle cell anaemia. This arrest procedure includes identifying physical symptoms and checking the vital signs of the suspect. Arrests also take into consideration the physical well being of the suspect to prevent cases of positional asphyxia and other ailments.

(c) The time and location of the initial encounter and arrest is documented in electronic form by up to three sources. First, the Automatic Vehicle Locator system commonly used by the police displays the location of the police car. Second, the vast majority of officers' hand-held radios also have an encoded chip that pinpoints the officer's specific location at any given time (if, for example, he moves several blocks away from his car.) A third electronic log is established when the police officer notifies the radio dispatcher about the time and location of the arrest.

(d) The suspect is then taken to a police station that has been designated to receive and process detainees.

(e) When the suspect enters the station house, the desk lieutenant electronically logs the time of the suspect's arrival and immediately checks him or her for any visible injuries or ailments. Any evidence of the latter is electronically recorded.

(f) The suspect is specifically provided with his/her rights, including the right to contact a lawyer and the outside world. In addition, posters, stickers and pamphlets describing the guarantees, rights and obligations of accused individuals are posted in Arabic and English at all jails and detention centres, both outside and inside the cells.

(g) If the suspect does not understand Arabic or English, an interpreter is called from the suspect's community and brought to the station house to translate. For foreign suspects, the appropriate embassy is also contacted.

(h) A complete search of the suspect is conducted. Evidentiary property is recorded separately from any personal property that the suspect has in his possession. Property is documented in two ways. Video footage is taken as the property is removed from the suspect and displayed for the camera. A still photo is also taken. Property is then placed in a tamper-proof, hermetically sealed bag and locked in a property safe in the suspect's presence.

(i) Photographs, fingerprints and DNA are taken from the suspect.

(j) The suspect is asked to read and sign his processing form, which acknowledges that he has received and understood his rights. The form is deposited into the suspect's file after review and signing.

(k) As soon as possible, within 48 hours, the person now detained is taken to the Ministry of Interior's medical clinic to be examined by medical staff. The medical examination document is then placed in the detainee's file. (However, in case of any injury, a suspect or detainee is given immediate medical attention.)

(l) A warning is triggered if a detainee stays in a police station beyond 48 hours.

(m) Beyond the 48-hour mark, there is a centralized detention facility run by the Directorate of Correction and Rehabilitation where detainees awaiting investigation or trial are housed. The electronic logging system that tracks the detainees also shows which wardens are on duty at any given time at any given location. All of this information is fed into the *Najm* database.

In some cases, electronic logs are also kept as a result of contact between police and members of the public (when a citizen arrives at a police station to file a complaint, for example.) Video logs are also kept during large public events, such as football games, and also at any temporary police checkpoints and during high-profile arrests.

As shown above, extraordinary efforts continue to be undertaken by the Ministry to address any deficiencies that surface and to put in place robust policies and procedures further to its overall reform strategy. Most of the resulting measures do not form a part of the Ministry's response to the BICI recommendations. They go beyond what BICI has recommended.

In relation to the second facet of this recommendation, being the independent and effective monitoring of all detention, the Ministry has again gone further in its overall reforms by also introducing international monitoring by the International Committee of the Red Cross.

Detention facilities have always been under the constant and effective supervision of the courts and Public Prosecution. Bahraini law entitles the judicial authority to visit and inspect prisons, detention centres and jails, as well as to supervise and control the execution of prison sentences and rulings.

This year, independent monitoring by the Red Cross has continued under a Memorandum of Understanding signed with the Ministry on 8 December 2011. Moreover, in keeping with the

practice in a number of countries, the independent Ombudsman has established a separate directorate within his office to effectively and independently monitor all places of detention. His staff have received specialist training from Her Majesty's Inspectorate of Prisons (HMIP) of the United Kingdom, including 'on the job' by shadowing HMIP inspectors during their inspection visit to a UK prison. They have further visited and taken instruction from detention facilities in Maryland and California in the United States.

The Ombudsman's work has already resulted in a major monitoring visit and a number of recommendations. On 3-5 September 2013, the Ombudsman's team inspected Jau Prison, where they interviewed prisoners, reviewed prison policies and examined facilities. The Ombudsman's office modelled its protocol for the visit – called the "Ombudsman's Standards for Visiting Prisons and Places of Detention" – on that of HMIP of the UK, and published it. It is the first of its kind in the region. At the end of the month, the Ombudsman's office also published its findings at Jau Prison. Both documents can be seen on the Ombudsman's website at <http://www.ombudsman.bh/en/periodic-public-reports/>.

The Ministry has begun implementing the recommendations of the Ombudsman's report. By November 2013, the implementation of a significant recommendation from that report – namely the separation of 15-18 year old prisoners from all other prisoners – was completed and publicly announced.

(See 1717 above for the laws setting out the Ombudsman's jurisdiction.)

The government has also established the Prisoners and Detainee's Rights Commission (PDRC) which conforms to the requirements of a National Preventative Mechanism under the Optional Protocol to the Convention Against Torture.

1722e – INTEGRATION

The Commission recommends that the Government of Bahrain establish urgently, and implement vigorously, a program for the integration into the security forces of personnel from all the communities in Bahrain.

This was one of the first recommendations to be fully implemented by the Ministry. In 2012, the Ministry urgently established and vigorously implemented a program for the integration into the security forces of personnel from all communities in Bahrain.

The Ministry is now in the second year of a sustainable program to recruit an annual target of 500 men and women from all segments of Bahraini society without discrimination into front-line positions within the police. The recruitment and hiring process is conducted in compliance with applicable standards for employment in law enforcement, such as health requirements, standards of physical fitness, aptitude testing and educational history.

The size of the inaugural class of last year of 577 recruits, which entered the Royal Police Academy in 2012 and graduated in June 2013, exceeded expectation. The success of last year's program was a direct result of the Ministry's added efforts to seek recruits, as detailed in last year's briefing. The cadets who have graduated have been assigned to front-line positions in the governorate in which they reside, the aim being to ensure that the police force reflects the community it serves. These new policemen and women have all of the authority of security force personnel stipulated under the law, covering law enforcement including public order policing and judicial authority such as the power to investigate crime, search for perpetrators, gather evidence etc.

This year's effort has proceeded as follows:

(a) A second annual recruitment plan was deployed to attract people from all segments of Bahraini society for the 2013 class;

(b) As at the time of publication of this briefing, 347 applicants have been successfully cleared for hiring. This number is below the Ministry's target of 500. Similar to the recruitment push of 2012 described in last year's briefing, there appears to be community, peer, family and political pressure on certain citizens not to join the police force. This is a recognized obstacle which reflects the experience of other countries, particularly in the West, during attempts to integrate their police forces. This pressure seems to apply only to male candidates; there is no shortage of female candidates. This also reflects the experience that many other countries have faced;

(c) The Ministry is determined to ensure the success of its program, and a second recruitment drive is currently underway to try to make up the shortfall;

(d) Upon successful graduation, this year's recruits are expected also to be assigned to front-line positions in the governorate in which they reside.

1722g – AUDIO-VISUAL RECORDING

There should be audio-visual recording of all official interviews with detained persons.

Similarly, there has been no change under this recommendation since last year's briefing. This Ministry implemented it in 2012.

All venues where police interrogations of detainees take place – currently police stations and the Crime Investigation Directorate (CID) – continue to have state-of-the-art audio-visual recording equipment in use as a result of a directive in this regard from the Chief of Public Security. The Ministry has committed itself to introducing similar recording facilities at future venues (if and when constructed) where detainees are interrogated.

Video footage is stored in a separate, secure location and is tamper-proof. The main server that supports the recording system is housed in police headquarters. It logs the time and date of all interrogations, and supervisory personnel, including at the highest level if required by the Chief of Public Security, have 24-hour access to all recordings in their offices.

Entirely independently of this BICI recommendation, the Ministry has also made available dedicated rooms for detainees to have meetings with their lawyers in privacy. Further, the Ministry has continued to install CCTV cameras in public areas at police stations and at the CID as part of its overall reform strategy. These measures help to ensure that arrest and detention standards and procedures are met, and crucially also provide an important safeguard against abuse and allegations of abuse.