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Bahrain: Authorities must ensure justice for death in custody victim

Amnesty International today called on the Bahraini authorities to ensure that justice is done after security officers were referred to court to stand trial tomorrow in connection with the death in custody of an inmate who was tortured in Jaw Prison two weeks ago.

The Special Investigation Unit has referred six security officers to trial in relation to the death, as a result of torture, of Hassan Majeed al-Shaikh and the torture and other ill-treatment of other inmates in Jaw Prison.

Three officers were charged under Article 208 of the Bahraini Penal Code with torture leading to the death of one person and injury to other individuals held in their custody for the purpose of extracting information or forcing them to confess or punishing them for action they were suspected of having committed. The three other officers were charged with agreeing and accepting to commit such acts of torture and other ill-treatment ordered by the others officers.

Hassan Majeed al-Shaikh, aged 36 and serving a 10-year prison sentence, was beaten and tortured by officers of Anti-Narcotics Department of the Ministry of Interior who came to investigate a drug-related incident in Jaw Prison on 5 November. After the interrogation, he was put in a solitary confinement cell where he was found dead the next morning. Other inmates reportedly phoned the family to alert them to his condition.

On 6 November the Public Prosecution Office told the family that Hassan al-Shaikh died in prison and informed them that an investigation had been opened into the circumstances of his death. The next day, the family were allowed to see his body at the morgue where they saw wounds to the head, broken ribs, and bruises all over the body.

Amnesty International welcomes the investigation and referral to trial of these cases as a step towards accountability. However, concerns remain since in the few cases of abuses by the security forces that reached the court previously and where justice was expected to be served, most of those charged were acquitted.

In the past, acquittal decisions have been based on lack of evidence to directly link the abuse to the alleged perpetrator or on the consideration that the policemen were exercising their “legitimate rights to self-defence” or “acting within the limit of the law and the rule of conduct”. Those who received a prison sentence had their sentence reduced after appeal.

Far from ensuring accountability, the way the authorities have so far handled trials of security officers accused of torture and other abuses has entrenched the culture of impunity whereby those tried for abuses know that they will be exonerated of wrong-doing or given lenient sentences.
Amnesty International is also concerned that only three officers are reported to be currently in detention.

The organization urges the Bahraini authorities to ensure that, pending investigation and trial, officials and others against whom there is evidence of serious human rights violations do not remain or are not placed in positions where they could repeat such violations. All those suspected of torture and unlawful killing, including those with command responsibility, or those who condoned or committed torture, unlawful killings and other human rights violations, regardless of their position or status in the government and ranking in the security and military forces, must be held to account, including in a trial consistent with international fair trial guarantees and without recourse to the death penalty.