

3 November, 2015

Dear Ms. Whitson,

Letter to Interior Minister Lt-Gen Shaikh Rashid bin Abdullah Al Khalifa

I refer to your e-mail of 27 October seeking an Ombudsman response to a letter from Human Rights Watch's Middle East director Sarah Leah Whitson to The Minister of the Interior. You will appreciate that as an independent Office, it would not be appropriate for the Ombudsman to respond to a letter written to the Minister.

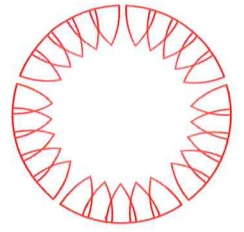
I would, however, wish to draw your attention to the Ombudsman 2015 / 2016 Annual Report and my letter to you of 5 August 2015 (attached), responding to a series of questions and information requests that you had addressed to my Office. Noting that your letter to the Minister refers to the failures of the new offices set up in response to the BICCI recommendations and raises issues about the independence of the Ombudsman, I would draw your attention to the information in these documents and, in particular:

- Independence of the Ombudsman: The Ombudsman sits entirely outside the hierarchical structure of the Ministry of Interior, but issues (public) reports to the Minister of Interior. The Ombudsman Office is administratively and financially independent as mentioned in the Decree No (27) of 2012 Concerning the Independent Ombudsman for the Ministry of Interior as amended by Decree No (35) of 2013:

Article 3

The Head of the Ombudsman's Office shall exercise his authority and duties with complete independence as regards Complaints submitted to him and the decisions made in relation to them. The Head of the Ombudsman's Office shall:

1. Have the authority of control, supervision and oversight of the Directorate of Audit and Internal Investigations in the Ministry of Interior, including as regards the allocation of work in relation to complaints.
2. Determine the expenditure required for the function of the Ombudsman's Office.



3. Make recommendations and give advice concerning the method of work of the Directorate of Audit and Internal Investigations in order to fulfil the objectives set out in Article 6 of this Decree, including recommendations concerning the gathering and safeguarding of evidence.

Propose the appropriate disciplinary penalty to be imposed upon Ministry of Interior person the competent authority .

Article 15

The Head of the Ombudsman's Office shall submit an annual report to the Minister of Interior on the carrying out of the work of the Ombudsman's Office. This report shall be published in compliance with the applicable laws in the Kingdom of Bahrain.

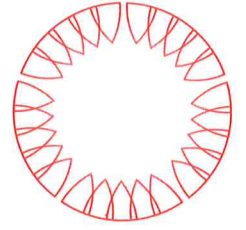
The Head of the Ombudsman's Office may also submit a report to the Minister of Interior regarding any Complaint or Complaints that have been Examined in accordance with the provisions of this Decree, and anything relating to them by way of observations and results.

Article 16

A separate part of the overall budget of the Ministry of Interior shall be allocated to the Ombudsman's Office sufficient to cover its administrative expenses. The Head of the Ombudsman's Office shall have the sole authority to decide on the disbursement of the allocated budget.

The requirement for transparency and of public reporting of the work of the Office of the Ombudsman, is a safeguard to insure the independence of the office. The public will not only be able to scrutinize the annual public report, but also other special, which may be made public upon the Ombudsman's discretion.

- The evidenced policy, practice and substantial training that has been put in place by the Ombudsman to develop investigator competence and to ensure the integrity of serious allegation investigations. This is progressively delivering robust outcomes.
- The recommendations made by the Ombudsman (and PDRC) to ensure the availability of independent evidence in connection with serious allegation investigation. It is to note that all of the new prison buildings have comprehensive CCTV camera coverage which can and is examined by the Ombudsman immediately following any allegation of
- Mistreatment. A recommendation for full CCTV coverage of every detainee from the time of arrest to release or transfer to dry Dock has been accepted by the Minister and is progressively being implemented.



- The prison estate development programme; the separation of under 18s and under 21s from the adult prison population; the provisions of the new Prison Law and Regulations; the new staff recruitment programme and the new staff training programmes have all been informed by Ombudsman findings and recommendations and are designed to create the conditions that will encourage the delivery of a fully human rights centred, rehabilitative regime. A substantial financial commitment has and is being made to these important reform initiatives.

You mention that you have interviewed 10 detainees who alleged torture. The Ombudsman has made it absolutely clear that he will investigate each and every complaint and allegation brought to him. You do not say whether my Office has been given the opportunity to investigate the allegations brought to you but we remain very willing to do so. It is to note that where complaints have been brought to the Ombudsman by other NGOs, the Ombudsman has fully reported his investigation findings. It is to note also that Ombudsman investigations have both found evidence to substantiate serious allegations made to NGOs and evidence to demonstrate conclusively that alleged incidents did not occur.

Finally, you should be aware that Ahmed al-Malki is no longer a member of the PDRC. Whilst culturally many people in Bahrain do not feel comfortable about personal information about their religious background being placed in the public domain, I must emphasise again the significant efforts that have been made to ensure that the PDRC represents all sects and doctrines of Bahraini society. As Chair of the PDRC, I take my role very seriously and I cared deeply about this objective being achieved.

Yours sincerely,



Nawaf Al Mouada
Ombudsman

Cc:

His Excellency Minister of Interior

His Excellency Attorney General

His Excellency Head of Special Investigation Unit