

Bahrain..  
Policies of Oppression  
and Impunity





منتدى البحرين لحقوق الإنسان  
Bahrain Forum For Human Rights

Bahrain..

Policies of Oppression and Impunity

### **Bahrain.. Policies of Oppression and Impunity**

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## **Introduction**

Bahrain is mostly distressed at human rights level due to the worsening of the crisis and the dysfunction of any potential political solution. Both local and international Human rights organizations and bodies have recorded and documented all of the violations taking place. They have all expressed great disappointment to the still non- commitment of Bahraini regime to the international conventions it signed shaping for itself policies of oppression and ongoing violations reaching all aspects of life.

The mostly dangerous policy adopted by the regime is impunity -covering up all those involved in committing violations and extra-judicially killings despite the recommendations voiced by Mr Sherif Bassiouni. And this is why the higher committee of this international event has chosen ending impunity and bringing all of those individuals as well as military & security men to justice as its main axes.

What really makes this year's event soocial is the wide participation of thirty Bahraini and international human rights organizations from more than sixteen countries. It is also distinguishable by the contributing organization by each of Bahrain Forum for Human Rights and Bahrain Human Rights Observatory, which in turn presents a big name in supporting human rights and freedom defenders.

Holding the conference of Bahrain: Ongoing Violations and Impunity here in Beirut is a great chance to let all of those researchers and activists concerned in the crisis in Bahrain meet and make their great sharing in tackling the axes of impunity, Bassiouni report, and the scanning of the

human rights situation in Bahrain. This is also the reason behind exposing our publication *The Policies of Oppression* to air. This book covers various axes including to what extent the violations have gone so far against the Bahraini citizens due to their demands and freedom of expression.

Impunity or the absence of justice is a violation in itself, and when it comes officially backed up and sponsored, then the officials must also held their legal responsibilities- which is far from reach now due to the disturbing status of justice that is firmly controlled by the regime.

Through the making of this event and publishing this book, we are voicing our concern that the international committee has to take responsibilities too and hold accountable the Bahraini regime that is oppressing the human and non-violent demands of the Bahrainis. This accountability and establishing the right counter-mechanisms to bring transitional justice to bargain are on top of the organizations gathering here.

Yusuf Rabie

Barhain Forum for Human Rights

Feb. 12, 2014, Beirut

**Part One:**  
**Impunity..the Policy of the Authority**



**Bahraini Uprising's 3<sup>rd</sup> Anniversary  
Accountability for Past & Present Human Rights  
Violations must take Centre Stage**

“The international community has a responsibility to ensure that the Bahraini authorities do not persist in this “smoke screen” strategy rather than complying with their obligations. This means supporting those political forces inside Bahrain that are tirelessly working to develop a peaceful and nonviolent process to establish Transitional Justice mechanisms. It also means establishing mechanisms of early warning within the diplomatic community in Manama, ensuring that trials are monitored and facilitating regular and frequent meetings with civil society organisations and individuals at risk of harassment and prosecution”.

Niccoló Figa-Talamanca  
Secretary-General  
No Peace Without Justice



## **Bahraini Uprising's 3rd Anniversary Accountability for Past & Present Human Rights Violations must take Centre Stage**

Niccoló Figa-Talamanca  
Secretary-General  
No Peace Without Justice

During the months of February and March 2011, on the wave of similar demonstrations in Tunisia and Egypt, the people of Bahrain took to the streets and squares of the Kingdom. Their reason? To develop a democratic movement demanding more openness in the political process and sustained reform to enlarge the space for freedoms and rights enjoyed by Bahraini citizens. Protesters in Manama camped for days at the Pearl Roundabout, which became the centre of the protests, asking for greater political freedom and equality for the majority Shia population.

Those street demonstrations were met with violent repression by the police and armed forces. Peaceful protesters, human rights activists and democracy advocates faced extra-judicial detentions, imprisonment, ill treatment and torture in detention centres. The government requested military assistance from the Gulf Cooperation Council (GCC) and, on 14 March, Saudi Arabia responded by sending troops and police. A day later, the King of Bahrain declared martial law and a three-month state of emergency. During those three months, more than 80 died, hundreds were detained and entire villages and cities were cordoned off by GCC and Bahraini armed forces, who harassed people and

indiscriminately blanketed entire neighbours with CS gases, also shooting them directly inside schools and private houses.

In June 2011, the King of Bahrain announced the establishment of the Bahrain Independent Commission of Inquiry (BICI), headed by renowned international law professor Mr Cherif Bassiouni, to investigate those events and their consequences. This could have been the first of the Arab Spring's **transitional justice** efforts and a tool to address some of Bahrain's problems, particularly to acknowledge victims and to **erode the culture of impunity** by creating a sense that those violating human rights will be held accountable for their actions. Many citizens held very high hopes for what would become known as the "Bassiouni Commission". Instead, it was the start of a chequered history of operations that were widely criticised, as the Commission did not reach out to the public to explain who they were and what they were doing and failed to engage non-governmental organisations fully in its work, casting doubts on its genuineness and independence.

Five months later, on 23<sup>rd</sup> November 2011, the BICI released its report. The report confirmed that security personnel had used "excessive and unnecessary lethal force" and "terror-inspiring behaviour" against peaceful protesters during demonstrations and had arbitrarily arrested, detained, tortured, ill-treated and denied them fair trials. The BICI also noted that **Bahrain's security forces operated within a "culture of impunity"** and concluded that the abuses "could not have happened without the knowledge of higher echelons of the command structure" of the security

forces. The report included 26 recommendations to address past human rights violations and prevent future human rights violations by undertaking extensive judicial, legislative and institutional reform.

The report was officially welcomed, without reservation, by the King, who pledged to implement its recommendations fully. Bahraini civil society and several international human rights organisations also accepted the report, nurturing the hope that its implementation could be a springboard for deeper reforms and could open the way for accountability, reconciliation and respect for international human rights law in the country. However, despite being determined to make the best of the situation, those same groups considered the BICI report partial and its recommendations falling short of what was required by the facts exposed in the report itself.

To date, the promising stance of the government has not turned into concrete action. While the Bahrain Government did address some of the issues raised by the BICI report, its key and most sensitive recommendations have not been implemented and only partial and sluggish reforms have been carried out. Not even the continuous call of the international community in various human rights monitoring mechanisms, including through the Universal Periodic Review (UPR) conducted by the United National Human Rights Council in September 2012 managed to speed the reform process or stop the harassments, the illegal detentions and the political use of the judiciary. Instead, this situation has continued to fuel sectarian hatred and a culture of impunity and cover-up, which has only reinforced reactionary

forces on all sides.

To be fair, the authorities did investigate and prosecute some low-ranking security officials in connection with cases of alleged torture and unlawful killings. However, no high-ranking official at the Ministry of Interior or at the National Security Agency have so far been held responsible for alleged unlawful or negligent acts resulting in the mistreatments, torture and deaths of civilians. No official from the Bahrain Defence Forces is known to have been investigated, although the military played a leading role in the 2011 campaign of repression. As such, nobody with the legal authority to make the decision for these things to happen, or to punish their having happened, has ever been charged, let alone prosecuted or convicted. Moreover, the government has failed to commute the sentences and release all persons charged with offences involving political expression, as the BICI report recommended.

Almost three years after its violent response to citizens' rallies demanding political reform, the regime in Bahrain has failed to deliver any meaningful reform program. Worse, it continues to suppress peaceful dissent and denies to a majority of Bahrainis their fundamental rights on a daily basis. It does so by using State institutions to attack and control the population, creating an atmosphere of mistrust and fear. Severe restrictions on the right to freedom of expression and association persist unabated, including through repressive laws recently passed. Prominent civil society activists and human rights defenders, including minors, are still being exposed routinely to harassment, arbitrary detention and imprisonment, ill-treatment and unfair and politically

motivated trials leading to harsh sentences for having participated in peaceful demonstrations or criticised officials. This campaign of repressive and retaliatory practices has recently expanded further to encompass leading opposition figures engaged in the ongoing National Consensus Dialogue process that the Bahraini authorities have been touting as part of the reform process. These latest actions blatantly demonstrate the authorities' lack of commitment and further hamper the possibility of any meaningful change for the country's political future, in the short and long-term.

Despite this continued repression, Bahraini civil society is persevering in its critical role as a watchdog of the country's alarming human rights records and in its fight for the establishment of open and more democratic institutions. These advocacy and monitoring efforts must be supported. The commitment of the majority of Bahrainis to reform geared towards a political system based on respect for human rights, application of the principle of non-discrimination and accountability for violations still gives hope for a better future.

If the Government is sincere about reform aimed at anchoring the country's future to democratic values, it needs to respect the Rule of Law, stop fuelling sectarian division and ensure equality before the law for all its citizens, irrespective of religion, family ties or official status.

First and foremost, this means protecting human rights, in particular the rights of citizens to be free from fear of harassment, imprisonment and torture. It is imperative that all remaining prisoners of conscience and human rights defenders in detention for exercising their right to free ex-

pression and peaceful assembly be released without further delay. If trials are required by judicial procedures, they must respect international standards and be monitored by third parties. A peaceful solution to the current human rights' crisis in Bahrain will be achieved only if all those who are committed to peaceful and nonviolent dialogue are free to contribute fully to the process.

The Government of Bahrain must establish credible and impartial accountability mechanisms to address past violations and to prevent continuing abuses, as recommended by the BICI report and the UPR mechanism. It must also effectively investigate all allegations of torture, ill-treatment, enforced disappearances and other human rights violations and bring those responsible before a court of law. These would be important steps to break the prevailing culture of impunity and, crucially, for ensuring acknowledgement and justice for the victims. To succeed, these processes cannot be based on granting impunity for human rights violations, nor can measures designed to end impunity be carried out by those who have used the judicial system to inflict terror and persecution. All those who ordered or committed torture must be removed from positions of authority, investigated and prosecuted.

Bahraini authorities should also cooperate fully with the human rights monitoring mechanisms of the United Nations and its Special Rapporteurs, in order to allow for an independent assessment of human rights conditions, particularly on freedom of association and assembly, on the situation of human rights defenders, torture and free trial.

These are the minimum conditions to demonstrate

real commitment towards implementing the recommendations from both the BICI report and the UPR process. Unfortunately, at the time of this writing, the Bahraini authorities have not yet engaged in a serious political dialogue on the implementation of these measures nor do they seem ready to do so.

Finally, the international community has a responsibility to ensure that the Bahraini authorities do not persist in this “smoke screen” strategy rather than complying with their obligations. This means supporting those political forces inside Bahrain that are tirelessly working to develop a peaceful and nonviolent process to establish Transitional Justice mechanisms. It also means establishing mechanisms of early warning within the diplomatic community in Manama, ensuring that trials are monitored and facilitating regular and frequent meetings with civil society organisations and individuals at risk of harassment and prosecution. The international community should use international fora and international mechanisms, such as the UN Human Rights Council in Geneva and the relevant UN Special Rapporteurs, to pressure the Bahraini authorities to respect international conventions and uphold universal human rights. If necessary, this also means that Bahrain candidacies to international positions within international organisations be denied, until human rights and the Rule of Law are respected in Bahrain.

Ultimately, the international community should foster the establishment of an international monitoring mechanism with the mandate of monitoring the implementation of the BICI recommendations and the overall situation of

human rights in Bahrain, according to a specific and precise timetable. This could be done by scheduling a special session on Bahrain at the UN Human Rights Council and adopting a Resolution that calls upon the Bahraini authorities to end the crackdown, ensure accountability and cooperate with UN human rights mechanisms.

Justice and peace are integral elements of a democratic system and the international community has a duty to stand by the people of Bahrain in their nonviolent quest for democracy, rule of law and respect of fundamental human rights. The main lesson learnt two years after the release of the BICI report is that there is still a long way to go and a lot more to be done to make this a reality.

**No Peace Without Justice (NPWJ)** supports Bahraini human rights organisations and activists in their efforts to promote a democratic and nonviolent political reform in Bahrain. It focuses on assisting human rights defenders and human rights advocates to secure effective and genuine accountability for past and ongoing violations of human rights, including through outreach, monitoring and documentation. For more information, check: <http://www.npwj.org/node/5743>

## **Impunity in Bahrain... an Organized Approach!**

“By his conducts, the Prime Minister Khalifa Al Salman has demonstrated what the organized approach of impunity really is”.

Sayed Hadi Hasan Al Mousawi  
Jurist, Resigned MP  
Head of the Freedom and Human Rights  
Department Al Wifak Association



## **Impunity in Bahrain... an Organized Approach!**

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### **Officials' Impunity**

The Bahraini regime failed to keep its king's statement & promises following the speech of Mr. Mahmoud Sharif Bassiouni on 23 November 2011 in which he summarized around 600 page report recording the patterns & shapes of violations described as the worst against human's dignity including crimes against humanity, illegal murders, systematic torture and committed by the authorities through its security, military, police and the state administrative departments & institutions in a short time not exceeding a few months.

The Bahraini Independent Commission of Inquiry (BICI) report concluded recommendations specified by five international law experts headed by Professor Bassiouni and based in on the facts, observations, documentations, interviews and visits.

These violations were committed in Bahrain upon revolution of February 2011 and during the emergency period (situation of enforcing the national safety) and they get the commission astonished It is worth to point out to these violations here as headlines so that the reader of this article will

have a zoom- in image of the term violations that are hard to be even imagined.

### **The Violations occurred in Bahrain**

Murder; torture; suspension and work dismissal; destroying masajids; robbing properties; damaging properties; preventing from studying in schools; suspending some students from universities; withdrawing missions from students sent abroad; cursing and insulting due to religious affiliation; torturing the injured during treatment; broadcasting TV programs describing the peaceful demonstrators as traitors and agents to foreign countries; labeling the Shiite citizens by sons of pleasure marriage; haunting athletes and insulting them on media and arresting them; suspending some militants from the Interior Ministry; setting tents near to the check points and taking off the covers of some passers-by; beating them and stealing their properties; in addition to the sexual assaults and harassment.

But within this article, and the necessity of focusing on Impunity, it is really significant to see what the general prosecution and Bahraini Judicial authority have reached, and the results that show nothing but an organized policy of impunity.

When political activists are killed under torture in prison, and the authority doesn't sentence the torturers and murderers except in response to international pressure and local demands; and when it expresses a scene of ignorance, procrastination and hesitation in holding lawsuits against criminals, then it can't be considered but an organized policy of impunity.

When citizens are killed in protest squares while they are asleep- and haven't violated anyone- on streets, and the authority doesn't sentence the murderers because the accused or the suspected is an army man who led the operation of evacuating al Louloua roundabout on 16 March 2011, then it can't be considered but an organized policy of impunity.

When a report is issued by international experts (BICI report) and proves that the security forces were not forced in the murder cases that happened to use an exceeding level of force, and that it didn't adopt the rule of proportion and fit in using power; and ignoring a serious number of citizens who lost their lives due to these crimes without holding any criminal lawsuits in courts, then it can't be considered but an organized policy of impunity.

When authorities in collaboration with (Ministry of Defense, Ministry of Municipalities, Ministry of Justice, Ministry of Media) with the knowledge of the king and the government destroy 38 masjids belong to Shiites during the emergency period (situation of enforcing the national safety) and a certain party officially complaints to the general prosecution to sue those responsible of these criminal deeds that violate norms and local, international and humanitarian laws, then it can't be considered but an organized policy of impunity.

No.	The Violation	Official Deal/Issued Sentence
1	Killing the citizen Ali Hussein Nehme, 17 year old	The general prosecution decides that the one who shot him was in state of self defense, and the murder was allowed, and the case was reserved without moving the lawsuits in courts.
2	Killing the citizen Hossam Jassem Al Haddad, 17 years old	The general prosecution decided that the one who shot him was in a state of self defense, and the murder was allowed, and the case was reserved without moving the lawsuits in courts.
3	Killing the citizen Salah Abbas (one year)	The murderer was vindicated (a victim of a fire weapon)
4	Killing Fadel Al Matrouk on 15, February 2011	The murderer was vindicated (a victim of a fire weapon)
5	Killing Zakariyya Al Ashiri on April 9, 2011	The murderer was vindicated (a victim of torture)
6	Killing the citizen Hussein Al Jaziri on February 14, 2012	Two police men were arrested for 90 days and released by a bail of 500 Dinar (he's a victim of a fire weapon)
7	Torturing the journalist Naziha Saaid (correspondent to Monte Carlo Radio)	Vindicating the policeman (a victim of torture)
8	6 doctors	vindicating the officer and the appeal court supports the acquittal (victims of torture)
9	Killing the citizen Hani Abdul Aziz	Sentence of seven years and then decreased to six months
10	Killing two Asian delegates Mr. Mohammed Aklas and Stephan Abraham	The procedures take against criminals are unknown (the first was crushed to death and the second by army bullets)

This table doesn't include all the violations in which the authorities should immediately hold the criminals accountable for their violations against the victims in impartial just courts, without being arbitrary in their sentencing and depriving them of their rights to enjoy all details of the procedures guaranteed in the local, international and humanitarian law.

In this table, there are only specified images of the official deal pattern with cases that occurred targeting citizens and non citizens, and they are images of murder and torture, in which thousands of cases didn't find an opportunity to justice and suing, and there is no index the authority is talking about regarding its seriousness in achieving justice.

But on the contrary, the messages authorities are sending represent their inability to reach the throne of attaining justice, and we affirm that not because we are local jurist observers and maybe considered by some as enemies to the authorities, which makes our evaluation a questioned one, but it is witnessed by all the parties observing at a distance and regarding their positions as friends of the authority such as USA and UK, and those who issued the report of BICI headed by Mr. Mahmoud Sharif Bassiouni, who sees that implementing the accountability was not serious and doesn't express a seriousness in implementing the recommendations.

The main reason of the authority persistence to adopt the organized approach of impunity is that it feels itself as a part of the crime, and if the those murdered and tortured were not affiliated to, it should rather have acquitted their compartments and held them accountable for what they are

accused of a crack, a regional and international reputation deformation on the level of human rights; and because it knows that it is partner of the crime, then it can't punish itself by itself, and punishing the killers will affect the spirits of security and military affiliations, and members of the intelligence department, in which they will say that you want us to practice the role according to the issued commands and then you convict us.

There is no greater evidence other than the meeting busted on the YouTube website of the Bahraini Prime Minister, who visited the officer vindicated of torturing six doctors; the voice and visual record reveal that the prime minister is telling the torture officer that if the law is applied on you, then it should be applied on us, in a signal that the law is applied neither on us nor on you.

By his conducts, the Prime Minister Khalifa Al Salman has demonstrated what the organized approach of impunity really is.

## **The Journalists in Bahrain Victims of the Defector State**

“The reality of the regime- that is obedient and taking initiative to offering pledges in front of the international community on one side, while disobedient to any change meeting the demands (of the protesters) within its territories, on the other side”.

Adel Marzooq  
President of Bahrain Press Association



## **The Journalists in Bahrain Victims of the Defector State**

Adel Marzooq  
President of Bahrain Press Association

A day after another, the Bahraini regime presents itself as a “defector state” investing in its accepting in the public of both Bassiouni’s recommendations (2011) and the UN Human Rights Council’s recommendation (2012) and its abidance to the international law and decisions; while nothing has changed in fact- neither in its orchestrating of the worsening crisis nor in its controlling to its security forces that have been committing the maximum atrocities.

In fact also, the Bahraini regime is eluding itself from the pledges it made and from its commitment from any international obligations. Every time, new international human rights monitoring report is published, a new term emerges- the latest is its practice of the “deeply rooting culture of impunity”. This term obviously scans the reality of the regime- that is obedient and taking initiative to offering pledges in front of the international community on one side, while disobedient to any change meeting the demands (of the protesters) within its territories, on the other side.

This scanning term emerged more two years following Bassiouni’s report. This means that the recommendations that urged activating accountability tools to bring to justice those military men or individuals involved in human

atrocities have not been implemented yet. The regime has moreover adopted the state judicial system to protect them instead.

The Bahraini regime's concept of "impunity" comes after more than two years of issuing Bassiouni report's recommendations on 23 November 2011. The report's recommendations which urged the activation of accountability tools for those committed human rights violations, civilians and militants have not been implemented yet. Moreover, the regime intended to harness the judicial institutions in the country, as a tool to protect the involved in the violations!

After 7 days of acquitting the Interior Ministry officer Mubarak bin Hawil on July 1, 2013, who is accused of overseeing the torture of detained doctors in the arrest detention centres, the arrest and detention after the declaration of the emergency state in the country on March 2011, the Prime Minister Khalifa Bin Salman Al Khalifa made a private visit to the Council officer Bin Hawil to congratulate him for his acquittal given by the judicial institutions that is constitutionally controlled by the King of the state.

The Prime Minister who has himself been occupying his post for more than 40 years came to offer his congratulations to Bin Hawil and assuring him that laws are not applied to a man like him! The visit was officially kept secret but interpreted as a direct message that impunity policy is blessed by the top men in the regime and that the judicial system is absolutely not independent and its sentences are no more than political.

The officer Mubarak bin Hawil trial's outputs are similar to any other trials orchestrated by judicial authorities against any of those involved in violations that have afflict-

ed more than 200 media men since 14 February 2011. These violations led to the death of three media men (the blogger Zakaria Al Ashiri, the publisher Abdul Karim Al- Fakhrawy and the journalist photographer Ahmed Ismail).

Such trials affirm the regime's culture of impunity and its exposed delusion to bring criminals, murderers and torturers of media men to justice. The journalists are the first victimized by this policy; so are the different segments in the community and opposition elites.

The regime not just excluded the real criminals behind killing the media men, but also the First Criminal High Court did acquit five police officers on March 12, 2013 of Pakistani nationality alleged to have killed the blogger Zakaria Al-Ashiri, in prison. Yet, the BICI Report refers in its paragraph (988) that the forensic medicine has concluded "finding bruises on the neck of Zakaria Al-Ashiri" and that the death of Zakaria Al-Ashiri was announced at 9:00 a.m. on April 9, 2011 but certified as being due to a hard heart failure and the stoppage of respiration following complications from sickle-cell anemia. The BICI Report stresses that the death of Zakaria Al-Ashiri was due to torture in (al hawd al jaff) prison, knowing that Al-Ashiri was detained in the Ministry of the Interior.

The courts of appeal reduced on October 27, 2013 the sentences issued against two police men, accused of torturing Abdul Karim Fakhrawy until death from 7 years to 3 years. Abdul Karim Fakhrawy was a publisher and a co-founder of al Wasat newspaper. Al Fakhrawy was killed (49 years) on 12 April 2011 in the jail following his disappearance for 9 days whose death is reported in Bassiouni's fact-

finding report as being due to severe torture.

The Supreme Court of Appeal confirmed the First Class Court's acquaintance issued on July 23, 2013 that the officer Sarah Al-Moussa, accused of torturing until death the journalist Naziha Saeed. Add to this that the photographer Ahmad Ismae'il was shot dead on 31 March 2012 during his coverage of a peaceful demonstration in Salmabad yet the security authorities are still reticent to disclose the identities of the murderers.

Without international monitoring any can be at ease of having an honest implementation of the recommendations of both Bassiouni's reports and Human Rights Council particularly regarding bringing criminals, murderers, torturers and human rights violators to justice if only replying on the regime's pledges. The previous local and international experiences confirmed that the Bahraini government does not pay its international obligations and commitments any attention but proceed to fabricate mechanisms of detour to elude from all of them.

International monitoring is an urgent need now in Bahrain to fill the lack of justice and to start a real transitional justice project to meet the demands of the suspended human rights and compensate for victims and all of those affected; and also to bring all of actual violators whether being military officials or individuals to justice.

- (i) <http://www.youtube.com/watch?v=YVundvyyNS8>
- (ii) for more information see the annual reports of the Bahraini Press Association for the years 2011 – 2012 – 2013. [www.BahrainPA.org](http://www.BahrainPA.org)

**The justice between  
“selective” and “vindictive”  
In a transitional period**

“Finally we come to the crux of Bahrain, the majority demanding a just system in Bahrain had not demanded the removal of the King, so any settlement in the transitional stage the existing authority will participate in it, but it is supposed to allow opposition representative to participate too”.

Prof. Ahlam Baydoun



## **The justice between “selective” and “vindictive” In a transitional period**

Prof. Ahlam Baydoun

### **Introduction**

To discuss this topic and to apply it on the Bahraini situation, it is inevitable to explain the concept of justice and transitional justice generally, and their relation with the political system, then we will move to the concept of transitional justice in theory and practice, so we will approach:

#### **First: the justice and equity as a fundamental of the state's regime.**

- 1- The justice and equity as a general principle.
- 2- The state as instruments to achieve justice.

#### **Second: the transitional justice and its possibility to transform into selective or even vindictive.**

- 1- The concept of the transitional justice and its origins.
- 2- The transitional justice when it becomes selective or even vindictive regarding practice.

## **First: the justice and equity as a basic for the state system.**

- 1- The justice is a general principle all heaven laws descended to achieve (1), and conditional laws were established to protect it (2).

### **1- The justice and equity as a general principle.**

The justice was enshrined as a general principle and as a natural right, and preserved in various religious and philosophical concepts:

“And that when you judge between men, you judge with justice” a qur’anic verse ( Al Nisaa: 58)

“The justice is the principle of reign”, one governor wrote to the Caliph Omar Bin Abdul Aziz asking him a lot of money to build a fence around the state capital, and Omar told him: “what are the fences for? Fortify your capital with justice, and clean its roads from oppression”.

The justice provides security and equality, protects rights, deters the oppressors, reduces injustice and crime and spreads love and respect between rulers and citizens.

The word justice is usually used to refer to justice, but in our opinions justice is a mechanism to achieve equity, where the justice is a symbolic concept that the justice embodies it; however, in order not to get confused in terms, justice is a natural right, complying with the principle of equity and it’s a conditional right enshrined in conditional laws after being enshrined by various heaven laws.

## **1- The political systems and the mechanisms of justice devotion.**

Basically, regimes are established to spread justice among people, all the remaining rights of equality, liberty and others are branches of this main term, so justice requires equality, benevolence and various human freedoms it's responsible of protecting. From here, the fundamental mission of the state is to implement justice and equity amongst members of the society in terms of rights and duties. Therefore the mechanisms are devoted by law granted to the state to enable it to implement its mission and it's represented by legislative and judicial authorities and the right of using force solitarily. Of course when there is a need for it, which means in the case of the conciliatory and judicial means' failure, and the necessity of individual, solidarity and collective self-defense.

If the concept of fairness and justice are as explained above, so what is the meaning of transitional justice, or when we are in connection with transitional justice?

## **Second: the transitional justice and its possibility of transforming into selective and vindictive**

When do we talk about transitional justice and what are its conditions (1), and how it's transformed in practice into selective or even vindictive justice (2).

## **1- The concept of transitional justice and its origins.**

When do we talk about transitional justice and what are its origins?

When we say transitional, it's immediately understood that it's not fixed so it is temporary or interim, preparing for a certain change. Since we are talking about justice, so it is a consistent principle and it cannot be transitional, since term is used in a wrong way and it's more correct to say the justice is in a transitional stage.

Therefore, when we talk about justice in a transitional stage for some state, which means a filtering mode and the creating of transition to a new status or filter a system to transform into a new one, following the principle of justice.

The transition to a new system also assumes to deliver the authority or the administration to new members, and the transitional stage is an intermediate state between the actual status in its system and authority and between the status sought to be achieved in its new system and its new authority. The missions in this stage are established by legislative work such as the adoption of a new constitution or to amend the existing one, and to filter the actual system or its opposer. The filter is legislative, administrative and judicial; so that the accountability of those offenders and criminals from civilians, politicians and militants and fair those who were exposed to injustice and oppression of citizens and opposing people, in short the complete release before the succession of the new system or the demands to the actual one.

The transitional stage requires authority that oversee the implementation of the missions, the creation of the next stage and the mission can be entrusted to the actual authority if the demanders satisfied it to change or if it responded to the rightful demands of citizens, or to the demanders with change, or to both parts actual and opposite, or to a neutral

side and in general it will have a stage of transitional authority that takes in its turn the choice of different committees, such as the formation of a constitutional commission for codification and adoption of constitutional amendments, or set the national courts to hold administrators, and if there was inability for these courts to accomplish the mission, either for its incompetence or non-confirmation of its neutrality, it must search an impartial judicial contacts, maybe it was regional or international, particularly with regard to the political and military personalities who are accused for crimes against humanity.

That always takes place in some state after popular and elitist movements demanding the amendment of system, and does not demand to overthrow it completely; in this case, the existing authorities in the state are responsible for the adoption of justice in a determined time, which is characterized by changes on the legislation, administrative and judicial levels, thus plans are established to implement the points agreed upon, and the possible and obligatory points are implemented to filter the old situation and prepare the foundation to build up the new regime, so everyone is accounted for his deed and given his right, and if we tried to consider the Kingdom of Bahrain is in a transitional stage, the justice achievement should take into account the following:

- 1- The amendment of the constitution in line with the principle of justice, equality and freedom for all the Bahraini citizens
- 2- The amendment of the administration system so that all the Bahraini citizens are equal with right to choose the

- job that they want, of course, in terms of competency.
- 3- The accountability of the officials of the stage that have brought the situation to what it is, and we are talking here about the political responsibility, to discharge officials of the authority when they are found guilty.
  - 4- Put an end to the abuse of the authority, especially regarding the right to give the Bahraini nationality and going far with it, which makes naturalization a mean to change the demographic composition of the country, and this represents an attack on the rights of Bahrainis to enjoy their natural resources.
  - 5- The accountability of the perpetrators of abuse and crimes against citizens, whatever was their location in or outside the authority, and this issue would require cropping of criminals, as well as compensation to those affected, and every isolate from his job unfairly, release the detainees and to compensate for them.
  - 6- An apology by the authorities that existing for the Bahraini people to what he had endured by the officials whom are essentially in the authority to manage own affairs and implement his wishes, to protect his resources and achievements, and not the verse.

If the stage was completely transitional, it becomes an authority in the hands of the victor, who took the legislative, administrative and judicial affairs, and the implementation of these things returns to the nature of the new authorities, so what have become a matter of reality before the gain of a legal status and legitimacy, since if it was democratic then the transitional stage is “fair”, so we are actu-

ally in front of transitional justice stage. The fear is if the authorities empowered to supervise the transitional stage are unfair whether represented by the existing authorities or a mixture of existing authorities, revolutionists or demanders of change, or what inaccurately called by “opposition”, or if they made a total coup and gained authority by force and toppled the existing one, then we will be before a “selective justice” or perhaps “vindictive” so what is its meaning?

## **2- When justice turns into “selective” or “vindictive” in the transitional stage:**

Often the “selective” or even the “vindictive” justice is put into force in the transitional stage, whether the demand to change or reform was partial or complete, and what happened during coups and changing regimes is the bested proof of this. We shall confine ourselves here to view certain facts which happened recently in the countries of Arab popular uprising and its interventions and violence.

We are in front of a selective justice when those in the authority resort to manipulate legislations, or manipulate the administrative changes until manipulating criminal cases, arriving to achieve the status and the regime that they want, and not the regime the people want. This happened and it happens a lot, for example, the demonstrations and strikes in the 1970s that took place in Lebanon to change the sectarian-feudal system, and to replace it by a equitable just system that do not discriminate between groups of people, and put an end to corruption and theft of public money, and what happened after fifteen years of civil war with regional and international dimensions was the compromise of “Al

Taef” and opponents of yesterday took responsibility of everything, and Lebanon was supposed to witness a radical change in the transitional stage that was between the new and old regimes but none of that happened, and the transitional stage still exists until today, so the sectarian system was not cancelled, and nor a fair electoral system was established neither the administrative decentralization, and those responsible for 15 years of war were not held accountable for killing people, ravaging the country and looting the public funds, but what happened was the sharing of those in authority to the centers of power and looting public funds by an allocation the history has never witnessed, and controlling city centers by giving it to private firms, thus the regime came worse than before where corruption, waste, chaos and injustice is spread widely.

In Tunisia, the recently elected president surprised us lately by publishing a “black book”, in which he mentioned names of journalists accused by dealing with the former regime, and excluded other journalists because he has a relation with. This is considered a selective justice, and Tunisia is still living for more than two years a selective stage with unclear features.

In Egypt, the Islamic brothers came to the authority and monopolized it and started establishing a constitution according to their desires which led to their isolation and their substitution by new parties, and the irony was the acquittal of Mubarak the president of the toppled regime and his two sons and others who were involved in crimes, while others were imprisoned including president Morsi who was brought by the elections after the first stage of the revolu-

tion, and Egypt moved from a transitional stage to another and it is still the more than 90 million people country in a tense transitional stage.

In Syria all the initiatives presented by the regime of constitution amendment and canceling article 8 which makes Al- Baath Party monopolize the authority were not beneficial, and it could be considered a transitional stage, but the external conspiracy led to what we see today of the killings and systematic destruction of the resistant country, and the terrorist groups from around the globe, and the Syrians are still waiting the outcome of Geneva conference of settlement that will pave the way to a transitional stage with yet unclear features.

But Yemen, it also gave us another example of what is called “selective justice”, and we call it a justice in a transitional stage, where it turns into selective leading to the continuation of the deteriorated situation and its evolution to mobile wars, but until now things are not stable because the officials in the authority did not agree yet on dividing spoils, instead of resorting to establish and implement a fair regime.

We can't but mention Iraq too, when its people needed to invoke an atrocious foreign intervention to change its regime, and until today Iraq is still considered in a transitional stage despite what is resembled as a new state, and is still subjected to various forms of terrorism.

In contrast, it is possible to mention Sultanate of Oman, and as I remember it was one of the first countries which its people demanded reform, so its officials were wise and they responded to the demands of their people.

The “selective justice” is transformed into a “vindictive justice” when who monopolized the authority resort vindicate the opposers by imprisoning, killing, looting their properties or firing them from their jobs. And this situation does not exclude one of the Arabic countries, even if the phenomenon has varied.

Finally we come to the crux of Bahrain, the majority demanding a just system in Bahrain had not demanded the removal of the King, so any settlement in the transitional stage the existing authority will participate in it, but it is supposed to allow opposition representative to participate too. The settlement must be based on justice, and from here you can talk about transitional stage where justice is devoted; but unfortunately, despite the people’s peaceful demonstrations since more than two years, and despite reports of the pro human rights international bodies and despite Bassiouni’s report which referred to the existing authority in order to manage the situation that represents a violation to citizens’ rights, and punishing crime perpetrators, the authority still persists in its violations, fabricates various kind of charges against the opponents and their supporters, trying to escape of providing its citizens with a fair system they are demanding.

## **Conclusion**

The term of justice used, means a mechanism to achieve the justice and not the fairness in itself, because the fairness still a justice and it can't be transitional or selective or vindictive, so we rather say justice is in a transitional stage that leads up to transmit the state from an old existing regime to a new emerging one which assumes filtering the old situation politically, administratively and judicially as required by justice principles.



## Auxiliary

A clarifying table of the victim's name, most important ideas of "Bassiouni's report", death of the victim and the result of the case in courts.

 <p>Hassan Makeh</p> <p>The deceased suffered of bruises with cylindrical form and sully hurt in the head. He was suspended in the dry basin prison, and a witness was detained with him in the same dungeon, where he heard the soldiers in prison saying that due to his sickle cell anemia, they are going to put him under the shower, then open the air conditioner in his dungeon, and they won't allow him to get any medical treatment. The reason of Makeh's death was due to his torture in the dry basin prison, knowing that we he was detained at the time of his death in the Interior Ministry.</p>	<p>The family was contacted by the criminal investigation during the period of the national safety, and it received a second contact by the Department of Justice to receive compensations and after review it refused receiving. While an amount was deposited in the minors' money without referring to the family according to what the family said, and till now there isn't a case in court.</p>
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 <p>Ali Saker</p> <p>It was on all the body parts of the deceased red dark bruises that contracted around the back of the hand and the right eye, and on his wrists there were marginal red marks because of the handcuffs and these bruises are new. According to the notification submitted to the commission, Ali Saker has been subjected to torture in the detention centre of the dry basin, knowing that at the time of his death he was detained in the Interior Ministry.</p>	<p>The General Prosecution accused both that they attacked the victim's bodies Ali Issa Saker and Zakaria Rashed Al- Ashiri by beating them by a plastic tube "hoses" in various parts of their body without intending to kill them, and affected them by injuries described in the medical report which led to their deaths. While it accused the third, fourth and fifth accused, that they ignored being police men to notify a crime related to their work, which is attacking both victims Ali Issa Saker and Zakaria Rashed Al- Ashiri. The adjunct of the accused took place in the first criminal court.</p>
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 <p>Zakaria Al- Ashiri</p> <p>In the death certificate it's stated that the death was due to a hard heart attack and failure of respiration after complications because of the sickle cell anemia. His death was due to torture in the dry basin prison, knowing that at the time of his death he was detained in the Interior Ministry.</p>	<p>It reached the same result of Ali saker's case.</p>
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 <p>Abdul Karim Fakhrawy</p> <p>The death of Fakhrawy was due to torture. The investigators of the commission of inquiry received a number of oral and written testimonies, and all from people who confirmed that they saw the deceased subjected to torture. In the death certificate, it was stated that the death was as a result of injuries while he was detained at the national security agency.</p>	<p>The major criminal court issued on Sunday (30 December 2012) a decision to jail policemen of the national security system for 7 years, and referred the case to the competent civil court in the case of accusing involved people in torturing Fakhrawy.</p>
 <p>Jaber Al- Olaywat</p> <p>The incident of Jaber's death is attributed to the Interior Ministry, in which the evidence the commission received confirmed that the deceased was detained in the Interior Ministry before his death. In the death certificate it was stated that the death was as a result of his exposure to injuries during his detention in the Interior Ministry.</p>	<p>An investigation took place in the Public Prosecution and the case wasn't considered in the courts until now, and an amount of money was given to his son in the minor funds as compensation, but his mother refused to take the allocated money.</p>

 <p>Jawad Al- Shamlan</p> <p>The forensic medical report proved that the injuries of the left thigh and the abdomen indicate that a bullet was fired from a one firearm from a forward direction. The military prosecution investigations concluded that the personnel of the Bahrain Defense Force have abided by laws and applied regulations, and that there is no basis to aim charges.</p>	<p>His family said that his case is not mentioned in the court, and that there was a criminal notification which has been reserved upon in the 17 roundabout police center and that they are trying to move it to the General Prosecution because the center isn't a side to reserve the release. There is a file in the military judgment, but the family had not seen it. The family was called by the Justice Ministry, in which an amount was allocated to the deceased minor sons, and two of his sons received an amount of the compensation while the rest didn't.</p>
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 <p>Aziz Ayad</p> <p>The cause of the death was injuries resulting of a physical assault in anonymous and mysterious circumstances. Despite the mark on his hands, chest and abdomen (including a hole), the Bahrain hospital of Defense Force indicated that he died because of a heart attack. Since the real circumstances surrounding the death case were unknown, the commission cannot determine whether there was an excessive force used or not.</p>	<p>There is no case in the court.</p>
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 <p>Abdul Rida Bouhmed</p> <p>The forensic medical report confirmed the cause of the death, and concluded that the deceased was subjected to a hard head injury with destruction of the left carotid artery. The military prosecution sees that it conducted a thorough investigation, and concluded that the Bahrain Defense Force hasn't fired a warning shots but the path and the shot of the killing bullet indicates that it can't be launched by the Bahrain Defense Force.</p>	<p>There is no case in the court.</p>
 <p>Bahiya Al- Aradi</p> <p>The forensic medical report confirmed the cause of the death, and concluded that the shooting of the deceased was estimated from a distance of 50 to 75 meters. The forensic medical report couldn't determine the projectile shot that caused the injury because of the bullet deformation. Aradi's death was attributed to the Bahrain Defense Force. However, the available evidences are not sufficient to conclude that the death resulted of the excessive use of force.</p>	<p>There is no case in the court.</p>

 <p>Jaafar Maayouf</p> <p>The forensic medical report confirmed the cause of the death, and concluded that there was more than one bullet, where shots were fired in the back of the deceased from a distance of about a one meter. He was also shot by lead bullets in which its shrapnel's hit his thigh and these shots may have been fired from a distance of more than one meter. The Commission was able to prove that Maayouf was shot by security forces.</p>	<p>There is no case in the court.</p>
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 <p>Ali Mushaymeh</p> <p>The medical examiner stated that the bullet hit him from behind and its estimated distance was two meters to five meters. At the time of the shooting, there were no information indicating the presence of disorders in Al- Diyah region and the near distance is an evidence for the non existence of a justification.</p>	<p>The High Criminal Court held on Thursday (January 31, 2013) decided to imprison the police officer accused in the case of death of Ali Abdulhadi Mushaymeh for 7 years, and it is the maximum penalty in the charge against the police, and Mushaymeh is considered the first victim of the protests that took place in Bahrain on (February 14, 2011).</p>
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 <p>Fadel Al-Matrouk</p> <p>The forensic medical report referred his death to the fire of a gunshot in the back and chest and his right armpit. One of the officers admitted that he had fired a shot towards demonstrators.</p>	<p>The High Criminal Court booked a session on February 26, 2013 as the date of the judgment in the case of two policemen accused of the murder of Fadel Al- Matrouk. The court concluded that the policemen in their capacity as employees of the Interior Ministry they shot the victim (Fadel Al- Matrouk) with a lead shotgun without intending to kill him, and they caused him injuries described in the medical report which led to his death.</p>
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 <p>Mohammed Abou Taky</p> <p>The death certificate stated that the cause of death was a bullet in the chest, back and neck, which caused an internal bleeding, and the commission did not find any evidence to suggest that the protesters were armed. The shooting of the deceased was from behind at a short distance which is evidence to the non existence of an excuse to use a fatal force.</p>	<p>The Interior Ministry summoned his father to take his statement months ago. The case had not moved yet.</p>
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 <p>Ali Khdeir</p> <p>The forensic medical report confirmed the cause of the death, in which it concluded that the bullets were fired from a distance of five to ten meters. The commission hasn't received any evidence indicating the armament of the demonstrators, and the shooting of the deceased was on his back from a short distance which shows that there is no justification to use fatal force.</p>	<p>There is no case in the court.</p>
 <p>Ali Al-Muemin</p> <p>The forensic medical report confirmed the cause of the death, and concluded that the injuries of the deceased resulted from at least three shots fired at him from a distance between one meter and five meters. Therefore, the disarmament of the deceased and shooting him at close distance in his thighs does not justify the use of the deadly force.</p>	<p>The Third High Criminal Court acquitted on (September 27 / September 2012) two policemen of the killing case of Ali Al- Muemin and Issa Abdul Hassan, who were killed during the events that took place in Bahrain on February 2011. the prosecution charged the accused on the same date that in his capacity as a public employee (police officer), in the Interior Ministry and during performing his jobs, he attacked the safety of the victim's body Ali Ahmed Abdullah Al- Muemin that was shot by lead bullets that stroke him in the leg causing the injuries described in the medical examiner's report which didn't intend to kill him, but led to his death.</p>

 <p>Issa Abdul Hassan</p> <p>The forensic medical report confirmed the cause of the death and concluded that the deceased was in a standing position when shot. The shots were fired from a very close distance, probably few centimeters.</p>	<p>The Third High Criminal Court acquitted on (September 27 / September 2012) two policemen of the killing case of Ali Al- Mue-min and Issa Abdul Hassan, who were killed during the events that took place in Bahrain on February 2011. And the prosecution charged the accused that on the same date; and in his capacity as a public employee (police officer), in the Interior Ministry and during performing his job; he attacked the safety of the victim's body Ali Ahmed Abdullah Al- Mue-min who was shot lead by bullets that hit him in the leg causing the injuries described in the medical examiner's report which didn't intend to kill him, but led to his death.</p>
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 <p>Ahmed Farhan</p> <p>The forensic medical report confirmed the cause of the death and concluded that it was the result of fire from a distance of less than four meters. Many of wounds were found, that caused by lead shotgun along the right side of the back and the bullets that caused the wounds were fired from a distance of about eight meters. The failure of the deceased to carry a weapon and shooting him at close distance in his right leg before he was shot in the head refers to the non-justification for the use of deadly force.</p>	<p>The Public Prosecution began its investigation in the case.</p>
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 <p>Jaafar Mohammed Salman</p> <p>The forensic medical report confirmed the cause of the death, and concluded that there are wounds by bullet in the front part of the right arm and one on the right side of the chest. The Commission was able to prove that Mr. Salman was shot by police officers.</p>	<p>There is no case in the court.</p>
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 <p>Hani Abdul Aziz</p> <p>The forensic medical report confirmed the cause of the death, and concluded that the injury resulted of three shots at least fired at a distance of one meter. The deceased had also many bruises on his head, face, chest and shoulders, despite that these injuries were not the cause of death. The failure of the deceased to carry a weapon and shooting him three times while trying to escape does not indicate a justification to the use of deadly force.</p>	<p>The Third High Criminal Court sentenced on (September 27 / September 2012) the lieutenant in the Interior Ministry to 7 years of prison for the murder of Hani Abdul Aziz, after he was charged with the beating that led to death, and the sentence issued against the accused is the maximum penalty. The Court noted that it was satisfied by the incriminating evidence, which included that the accused on (March 19 / March 1102), and as a lieutenant at the Interior Ministry and during performing his duty he killed the victim Hani Abdul Aziz by shooting three bullets by an automatic weapon, intending to kill him, and the court decided to referral the prosecution of civil right to the competent civil court without expenses.</p>
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 <p>Issa Rida</p> <p>The forensic medical report confirmed the cause of the death, and concluded that the presence of bruises and injuries consistent with those caused by trauma clearly on the face, head, legs and left arm, chest and abdomen, trunk and back. However, the injuries of the corpse of the deceased that are consistent with what he was subjected to from beatings or shocks indicate that there is no justification for the use of deadly force.</p>	<p>There is no case in the court.</p>
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 <p>Ahmed Abdul Hassan</p> <p>The forensic medical report confirmed the cause of the death, and concluded that the injuries that are caused with the quality of injuries that caused by bullets fired by a weapon or more directly on the back of the deceased at a distance estimated by one meter. The shooting of the deceased three times in the back indicates the absence of any justification for the use of deadly force.</p>	<p>There is no case in the court.</p>
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 <p>Majeed Abdul All</p> <p>The medical report that issued by the Bahrain Defense Force Hospital indicated that the deceased entered the Salmaniya Medical Compound at about 21:00 o'clock on March 14, 2011 with a bullet wound in the right side of the head. He was transferred to the Bahrain Defense Force Hospital on 7 April, and he underwent a surgery on June 29, 2011, and he died on the next morning. The exact circumstances of this case are unknown.</p>	<p>The Family was surnamed by the general prosecution, but there is no court case till now.</p>
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 <p>Jaafar Hassan Youssef</p> <p>Witnesses said that the deceased was subjected to an assault that caused severe bruising on his body. And then he went for treatment in Jordan, where his condition was diagnosed by a pathological inflammation of the liver and a hole in the intestine. Then he returned to the Salmaniya Medical Complex. The deceased's health began to deteriorate, and then he was transferred to the intensive care unit at the Salmaniya Medical Compound on August 8, where he stayed until September 18, 2011, the date of his death. The exact circumstances of this case are unknown.</p>	<p>There is no case in the court.</p>
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 <p>Al- Sayed Ahmed Shames</p> <p>The Relatives of the deceased claimed that he and his family were on a visit to a relative's house in Saar. At almost 17:00 o'clock, they saw three police officers shooting fire and sound bombs on civilians. It was said that the deceased was wounded in the head by a tear gas canister. He fell to the ground, and then the police approached him and assaulted him physically. His father moved him to the American Mission Hospital in Saar. But he died before he arrived to the hospital. The doctor claimed that the cause of the death was a fracture in his neck. The Interior Ministry hasn't conducted effective investigations about the circumstances of his death.</p>	<p>It has been investigated in the General Prosecution and witnesses were called, and the case was preserved and his lawyer Sami Siyadi will be present oppressively.</p>
 <p>Issa Mohammed Ali</p> <p>The corpse didn't undergo an anatomy and no official reason of death was registered, and the Ministry of Interior hasn't conducted any investigation into the circumstances of his death.</p>	<p>There is no case in the court.</p>

 <p>Khadija Mirza</p> <p>The Commission received information indicating that on March 15, 2011, Ms. Abdul Hay has inhaled large amounts of tear gas after it was fired in an open yard of her house. Then her family has taken her to the Salmaniya Medical Compound, and then the deceased was detained in the hospital and she was treated for five days. But her condition has deteriorated. And her heart stopped on April 5, 2011.</p>	<p>There is no case in the court.</p>
 <p>Mr. Hamid Mahfouz</p> <p>The forensic medical report confirmed the cause of the death, and they found the body of the deceased at Badie Street behind Al- Aziziyah compound. The commission believes that Mr. Mahfouz has been subjected to unlawful killings, the presence of the deceased's body inside a plastic bag and the existence of evidence of his suffocation show a process of illegal kill.</p>	<p>There is no case in the court.</p>

 <p>Abdul Rassoul Al- Hujeiry</p> <p>The death certificate and the medical notification stated the cause of the death that was traumatic injury of the chest, abdomen, back and limbs, which led to bleeding, shock, and the presence of many of bruises on the body of the deceased, and this refers the non-justification for the use of deadly force.</p>	<p>There is no issue in court. The Justice Department contacted with the family about the compensation and they refused to receive it, so it was placed in minors funds.</p>
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**Part Two:**  
**Reports on Bahrain following Bassiouni**



## **The Path of the Bahraini Independent Commission for Inquiry**

“The government of Bahrain violations for human rights since 14 (February) 2011 until now, and issued 176 recommendations about that including confirming the necessity of serious and sincere implementation of the recommendations of Bassiouni’s commission, and it’s the highest number of recommendations addressed to any state in the history”.

Abdul Nabi Al-Aekri  
President of Bahrain Transparency



## **The Path of the Bahraini Independent Commission for Inquiry**

Abdul Nabi Al-Aekri  
President of Bahrain Transparency

On 14 February 2011, the Bahrain became the third Arab country that passed through the experience of the Arab Spring after Tunisia and Egypt. On 14 February 2011, tens of thousands of Bahraini citizens demonstrated in distinct areas across of the country, including the capital Al Manama to demand political reforms.

The request for freedom and changing via social media means Facebook, YouTube and twitter has spread, which represented an invitation to a broad movement of protesters. A many of youth resorted to the cyberspace away from the government control which violates the freedom of human rights concerning the freedom of expression. The networks of social media have succeeded making the voice to those have none to express themselves and to access a vaster space than Bahrain be heard. (1)

The constitutional demand reform goes back to 14 February 2003, when the first annual constitutional conference was convened; where the opposition political organizations and a group of lawyers and the civil society organizations and luminars participated. The conference drafted constitutional amendments and conducted a big mass campaign and a parliamentary campaign for these amendments. The parliamentary block of Al-Wifaq that consists of 18 deputies presented a plan of these constitutional amendments

parliamentary after their electing on October 2006. While the campaign got more than 100,000 signatures whereas the system control on parliament and not paying attention to the people s desire undermined the constitutional reforms until today. (2)

The demand of constitutional reforms remained in the depth of the 14 February 2011, and it's manifested in many ways. Despite the demand of the minority to perform a referendum on the republic and the rejection of supporters for any constitutional reforms indeed the majority of the population supports the radical constitutional reforms toward a constitutional monarchy and it's manifested in a letter of opposition (formed of 7 organizations) to His Highness Crown Prince the Sheikh Salman Bin Hamad Al Khalifa's, the commissioner by his father, His Majesty King Hamad Bin Isa Al Khalifa to enter into negotiations for settlements.

The compromise thwart is due to the invasion of Saudi troops on 15/3/2011 and the countries entered into a crisis that is still continuous until today. Despite the perpetrated atrocities, the opposition is holding to negotiated settlement including constitutional reforms.

With the exception of a few days of calm that followed a sit-in at the Loueloua roundabout (the Cooperation Council roundabout) and the peaceful mass manifestations after the event of 14 February 2011, though the following of 15 March 2011 was marked by bloody attacks from the security forces after the entry of foreign forces and sometimes coincident with the thugs system, for example the deployment of Bahrain Defense Force, the National Guard, the Interior Ministry Forces and the National Security Forces to

put down the revolt of February 14, 2011 demonstrated by a dawn attack against the protesters at the Loueloua round-about on 16 March 2011, then storming into the Salmaniya medical block. The mixed Bahraini Forces make checkpoints in various sides of the country as well as the work places and the performance of a big combing operation. These operations included shooting, suppression of protesters by using extra force, breaking into homes at dawn, the wide arrests, discharge of thousands from their works and destroying Shiite mosques. (4)

In order to legitimize those actions, His Majesty the King has issued a National Safety Law (Emergency) on 16 March 2011, where he authorized the operational command to the General Leader of the Bahraini Defense Force to control the operations and authorized the military deputy the inquiry trials, arrests and accused trial. This emergency state is the hardest stage in the history of Bahrain and it extended from 15 March to 31 May 2011, where he announced the ending of the emergency state, under the pressure of the Bahrain's allies especially the United States of America, and also because of its negative effects on business, especially the financial sector, where foreign banks have withdrawn or reduced their operations. Also, the motif behind the lifting of the National Security Situation was in order to absorb the internal and external pressures, and to organize the authorities for what is known by the National Accord Dialogue during June 2011, which included approximately 325 delegates, where the opposition was represented only by 35 delegates, and the issued recommendations were without sensible constitutional reform.

In the light of the atrocities committed, the Bahraini system was under intense pressure to allow an independent investigation in the events since 14 February 2011, including the option of a United Nations Inquiry Commission. Because of the quick efforts of the United States, the Bahrain has accepted the establishment of an Independent Inquiry Commission by prominent rights personalities. Through consultations, it had been agreed that the Professor Sharif Bassiouni (American from Egyptian origin) heads the commission, and who has mandated the leadership of the commission and who is doing his role through the intensive Bahraini American consultations by optionally unfading members of the commission who are Sir Nigel Rodley (British), Dr. Badriya Al Aawadi (Kuwaiti), the Judge Philip Kiresh (Canadian) and Dr. Manosh Arsa Najani (American from Iranian origin) what later became known by the Bahraini Independent Commission of Inquiry (BICI) (the commission).

### **Mission of the Commission**

The commission is considered the second international commission in the history of Bahrain. The first one was charged by Bothante the Secretary-General of the United Nations on March 1970 according to a duty of the Security Council and the head of the public security for the United Nations Mr. Vittori Joe Shibardi in Geneva to check the desires of the Bahrain's people to be an independent Arab State or join Iran. The commission reached through its referendum that the people of Bahrain had the choice of independence which the United Nations Security Council has approved upon the UN and it was paving the way for the

independence of Bahrain on 14 August 1971. It is worth to mention that this was conducted through a British mediation led by the Sir William Lopes the representative of United Kingdom in the organization and the Lord Karadon the representative of the United Kingdom in the United Nations in New York. The Bahrainies determined their choice by conditioning to make an independent democratic State under the rule of Khalifa's family but unfortunately. Since the independence on 14 August 1971, the Bahrainies are living under tyranny and the situation explodes almost every decade and the last one was the uprising of 14 February 2011. The Professor Bassiouni was firm in his belief that he and his colleagues in the commission have performed a noble task governed by their consciences only, and they are free to act which was confirmed by the King before the inauguration of his mission. On several occasions, the Professor Bassiouni praised the unprecedented King's decision in the Arab and Muslim world, and he commended the full cooperation of the Bahraini authorities including the visits not previously notified to the prisons and detention centers, and the access on the official files and registers, and the interview of the top officials except the ruling trisomy who are the King and the Prime Minister and his Crown prince. (6)

The Professor Cherif Bassiouni was really sure of the credibility of what the commission has reached. And confident that the commission's recommendations will be implemented as confirmed by King Hamad before assigning him and during the celebration of the launch of the commission report on 23 November 2011.(7)

From my own perspective as a Chairman of the Bah-

rain Transparent Society (BTS) and with my colleagues in the assembly, we have cooperated with the commission in its investigations and we have provided it with files and we have arranged its meetings with dozens of victims and their relatives. I met twice with the Professor Bassiouni and with the other members of the commission. The first was on a dinner work when I discussed lengthily with the Sir Nigel Rodley that whom I know him well since the UN meetings in Geneva from the last century, when he was the UN Special Rapporteur on Torture, the second was upon the delegation departure for the Ritz-Carlton Hotel to celebrate the launch of the report where I expressed to Professor Bassiouni and the Sir Nigel Rodley and the Dr. Badriya Al-Awadi the Bahraini public fears of the possibility of the report's collusion. But the three have assured to me the objectivity of the report. Dr. Al-Awadi has revealed that the Arabic translation of the report by Bahraini officials was distorted; it was proved that the translation is purposely misled. This has created a lot of confusion, and led the commission to remove it from its web site. But the Government of Bahrain still persists until today to adopt this Arabic translation as a source and acts on that basis.

I also attended the celebration of the launch of the commission report on 23 November 2011, and I listened to the word of the Professor Bassiouni and the Royal response speech, and I accurately measured the reactions of the audience and I have been following very carefully the implementations of the recommendations.

The features of the King were strict, and he resorted to the excuse of confidentiality regarding what he consid-

ered the involvement of Iran as a response to Bassiouni's acquittal to Iran from any responsibility in the Bahraini events.

Let's read some of what has been mentioned in Bassiouni's display for the commission track in the ceremonial speech and it was taken from the commission website and it was typed and distributed during the ceremony and was published by the local press on 24 November 2011.

The BICI was authorized to prepare a report for the events that took place in Bahrain during the months of February and March 2011, and the events associated in it. The commission assigned to put what it deems appropriate from the recommendations to hold the officials who violated freedoms and rights of individuals accountable, and prevent the recurrence of such events in the future.

“As a result, the commission has prepared its report of twelve chapters, where the report begins with an introduction of the commission and its way of it functioning, followed by a background of modern history and the regime of the government in Bahrain. After that, the report adds the legal framework that was applied during the period of investigation, and the number of applicable laws and concerned institutions. Then they are showing the sequence of events that covered the period extended from 14 February till 31 March 2011, with a focus on the events that took place in the Salmaniya medical building.

Through 500 pages of documented details, the report examines the violations of human rights which have been committed by the government agencies against the individuals and groups, and these include the torture that happened during the investigation, and the use of excessive force by

the governments' agencies through breaking in and without judicial permission to suppress protests and arrests, and the treatment of detainees and the cases of forced disappearances. Also, the report approaches the demolition of worship places, the dissimulation of the public and private sectors users and the expulsion of students from their educational institutions and the coagulation of the students' missions, and then it approaches the human rights violations committed against the individuals, including the attacks on foreigners and citizens of precious Sunnis confession. The report approaches also the allegations that implicate foreign sides for the events that took place in Bahrain, and it discusses the attacks of media. Finally, the report reviews the actions taken by the Government of Bahrain as well as approaching some human rights violations that took place, as well as approaches the decrements of the national legislations.”

The BICI report continues “The work of the commission wasn't easy, we have worked in an atmosphere of fear and tensions, and we were under an enormous pressure by the public, which wanted us to listen to the testimony of many victims, and the commission had to collect the evidences and to examine submitted documents and reports and conduct field visits, and all of that is a thorny task. Also the commission had to ensure the protection of witnesses who took their testimonies and as well as the confidentiality of information received which doubled the workload. In addition, the commission has worked with its examiners, in a way to achieve the aspirations of the Bahraini peoples in its intervention to prevent the further violations of human rights, regardless of the type of the violation kind and the identity of the violator. In general, the commission has

received nearly 9 thousands complaint, speech and certificate and did a dozens of investigations in the field across the country. Also, the Committee has sought to resolve some of the problems like dismissals, suspension of the university students study, employers or health workers and has tried to mitigate the effects of the criminal trials proceedings.

Allow me to summarize the general observations and the contained recommendations in this report of the Bahraini Independent Commission of Inquiry.

- 1- Separating protests was accompanied by force and use of fatal force which caused the death of civilians. This has increased the public anger and compounded the number of people who participated in the protests and raised their demands. As protests continued into mid-January 2011, the security situation worsened significantly in Bahrain. Cases of sectarian clashes and attacks on the foreign stores, and violent clashes took place between the university students of Bahrain and other educational institutions, and many roads were closed by the protesters that led the government to declare a state of national safety on March 15, 2011.
- 2- The king Hamad charged his son the Crown Prince, to conduct negotiations with various political parties to reach a peaceful settlement to the explosive situation. The commission considers that if the initiative and the proposals were accepted by the Crown Prince at the time, it would have opened the way to unexpected constitutional, political, economic, social reforms, and cut the way in front of later negative developments.
- 3- The commission's investigations revealed that a large

numbers of arrests conducted by law enforcement agencies are not performed on the basis of judgment permissions and didn't appear for those who were arrested. And didn't tell them about the reasons of their arrest. In many cases, the security forces resorted to use unnecessary and excessive force and in a way that frightened individuals and intended to destroy properties.

- 4- The commission's investigations revealed that many of the detainees were subjected to the torture and other forms of physical and psychological violations during their detention, which revealed a type of behavior by the government systems towards categories of detainees. The extent of the physical and psychological treatment is an evidence of deliberate practice, which sometimes targeted taking confessions under pressure, in other cases, to the aim of revenge and punishment.

Whereas the most spread violations of abuse used against detainee includes blindfolded, forcing to stand for long periods of time, beating, striking, kicking, beating the edge of body with a plastic pipe including legs, beating with a whip, steel pieces, lumber, electric shocks, sleep deprivation, exposure to very low temperatures, the threat of rape and the abuse of the Shiite beliefs.

In general, these measures fall within the term of torture that the International Covenant Against Torture (CAT) has defined, where the kingdom of Bahrain is a part in it, as well as it represents a violation of the Bahraini Penal Code. Those confessions, taken by force, were used in criminal proceedings either by the special courts that were created under the national safety law and in some cases by the crim-

inal courts.

- 1- The commission considers that the absence of the official accountability for security system in Bahrain has led to a pervasive culture of impunity where the securities of officials lack an incentive to avoid the abuses of prisoners or take a measure to prevent abuse by other officials.
- 2- It was evident for the commission that the governmental security forces breach the principles of necessity and proportionality in their dealings with the protestors, and this a legal principle that should be applicable.
- 3- Trials have took place against many individuals before the national safety courts and they were imprisoned them for their dissent of articles 165, 168, 169, 179 and 180 of the Bahraini Penal Code, where the provisions and the applications of this law ask questions about its compatibility with the International Human Rights Law and the Constitutional of the Bahrain Kingdom.
- 3- The commission recorded numerous violations of the right to legal action through litigation procedures before the courts of national safety, which was headed by military judges and two civilian judges.
- 4- The way the national safety law was interpreted by the judicial and security systems of the Bahrain government opened the door in front of a number of serious human rights violations, including forced deprivation of life, torture and arbitrary detention. Detainees were kept for long periods for questioning, and sometimes where it extended for two months where they appeared before the judge or steering formal charges against them.

Indeed the absence of the judicial control and the inspection

of the detention places by the specialized security systems, allowed the frequency of human rights violations.

1- In the period between March 21 and April 15, 2011, the security forces have raided several homes to arrest people, and it was accompanied by terrorizing home residents and the arrests were conducted by masked men during the night raids or at dawn, they internationally broken the doors of houses. These practices have been associated with sectarian verbal insults for targeted; and some women were subjected to such insults by the security personnel.

In general, the number of people who were arrested after the issue of the Royal Decree No. 18 of 2011, after the Declaration of a State of national safety, is 2929 people, where 2178 prisoners were released without steering formal charges against them. However the common accusations against people who have been brought before the courts of the national safety, it included inciting of hatred against the system and illegal assembly, vandalism, possession of anti-Government leaflets, the possession of materials that call for the overthrow of the system, provoking others to commit violence, the threat of civil servants, the use of violence against the government officials, murder, kidnapping, the attempted murder, the violent attacks, the belonging to illegal societies and the spread of rumors that harm the interest of public. Most of these charges are in fact an exercise for the freedom of expression and opinion that are guaranteed by the Bahraini Constitution and the International Covenant for Civil and political rights.

- 2- A number of worship places were destructed after the repercussions of 14 February/March events 2011. Among the 30 worship place that were inspected by the commission, 6 of it, were compatible to the rights legal and administrative conditions; however, the commission felt some anxiety for the timing and the manner of destruction, that will be seen as a collective punishment and then increases the current tension between the government and the Shiite citizens.
- 3- After the repercussions of the events of 14 February/ March 2011, more than 2000 public sector employees and more than 2400 employees of the private sector were demobilized for their participation or their support of the protest movement, on the ground that these protests are not linked to the labor issues, but the commission considers that the labor protests which took place, are illegal by virtue of the law.
- 4- Many university students were expelled or suspended from their studies due to their role connection in the events of February/March 2011. The commission considers that the universities have implemented the arbitrary rules in its disciplinary and work procedures, and the Ministry of Education considers that most disciplinary procedures were canceled by the University of Bahrain and the Polytechnic University against the students.
- 5- The Commission received sufficient facts supporting the findings that some Sunnis were targeted by protesters, either by being loyal to the government or because of their sectarian identity. Some Sunnis were exposed to verbal and physical attacks on their private property and harassment.

- 6- The commission found sufficient facts confirming that some foreigners, especially from South Asia, have been subjected to attacks through the events of February/March 2011, especially the Pakistanis who were targeted. In view of the prevailing climate of fear, some foreigners have declined from going to their works and practicing their commercial activity. The commission found that four foreigners were killed and many were wounded as a result of attacks by the mobs.
- 7- The evidences provided to the commission didn't reveal regarding the involvement of the Iranian Islamic Republic with intervention in the interior Bahraini affairs any essential connection with any specific events that occurred in Bahrain and Iran through February/March 2011. In addition to that, the commission did not find any evidence of human rights violations by the Gulf Cooperation Council Forces that were deployed in Bahrain starting from March 14, 2011.
- 8- The commission reached in its conclusions that many of the material presented to the Bahrain television include a shameful language and excitation covers, and some are inscribed within defamation and we recommend addressing this environment, legislation, culture and legal structure that led to this systematic and comprehensive atrocities, but the commission did not find evidence that the media coverage constitutes a hatred campaign, also the commission identified many of the defamation facts and the harassment, and in some cases instigation through media and social communication websites.

The commission's report is not simply a compilation

and analysis of the human rights violations which took place in Bahrain during the period of investigation, but the commission represented the following recommendations to the Government of Bahrain.

- 1- The establishment of an independent and impartial National Commission composed of prominent personalities that represent the government, the opposition and political assembly and the civil society, to follow up, monitor and implement the recommendations (commission) which must review laws and the applicable procedures after the events of February/March 2011, in order to make recommendations to the lawmakers, and to propose suitable amendments for the existing laws and to develop new legislations with respect to the recommendations of the (commission).
- 2- The establishment of an independent and impartial national mechanism to the accountability of those government officials who committed illegal acts or neglecting their which subsequent led to killings, torture, abuses of civilians for their appearance before the justice, take disciplinary procedures against those individuals who are in positions of leadership, civilians and military personnel, according to the principles of the higher leadership responsibility.
- 3- Put an office for the Inspector General of the Interior Ministry in other structure that is independent from the hierarchical control of the ministry and the mission of the office should include receiving complaints and protecting the safety and the privacy of complainants.
- 4- Amendment of the law of decree of forming national se-

curity force in order to keep its role as a system to collect intelligent information, and not law enforcement and authority of detention, whereas legislation should be enacted in which the code of criminal procedures governs imprisoned individuals, even during the state of national safety.

- 5- Enact legislation procedures that require the Attorney General to investigate the allegations of torture and other forms of the cruel treatment or harsh and non-humanitarian punishment concerning human dignity.
- 6- Review all rulings issued by the courts of the national safety where the fundamental principles of the fair trial were not-respected.
- 7- Conduct an effective investigation in all cases of death that the security forces and these officials are responsible of; as well as the effective investigation of all torture and inhuman treatment cases in an independent and impartial way, in addition making a permanent system to inquire all complaints of torture, the abusive treatment and the excessive use of the force, and other forms of violations committed by the officials authorities.

The burden of proving evidences of this treatment is the responsibility of authorities, and it should be compatible with illegalizing torture and other forms of mistreatment.

- 8- Implement a comprehensive program to train the general system of the public security forces, the national security agency and the Bahrain Defense Force, including the private security firms, according to the best practices of the UN to ensure the discipline in the future according to the model behavior list.

- 9- Avoid the arrest and the detention without the immediate right of access by lawyers and to communicate with the outside world and in all cases, the cases of detention must be under the control of an independent body.
- 10- The commission recommends the government of the immediate necessity to put, implement and disseminate an integration program for the individuals of all components of the Bahrain security forces.
- 11- Training the judges and the general deputies about the requirements to ensure that their works are contributed to the prevention of torture and the abuse treatment.
- 12- Cancelling all issued sentences against individuals regarding the freedom of expression that does not contain violence and stops the implementation of capital punishments concerning murder due to the events of February/March 2011.
- 13- Compensating the families of murdered victims in a way suitable to the immensity of loss and compensating all victims of the torture and the ill-treatment or the prolonged incommunicado detention, the commission welcomes the Royal Decree of 30/2011 to establish a victim compensation fund issued on 22/9/2011.
- 14- Rest the dismissed individuals were not dismissed for exercising their right of freedom of expression, opinion, assembly and association.
- 15- Study for the easing of control over the media to allow the opposition to have more television, radio broadcasting and printed press.
- 16- Doing appropriate procedures including the legislative

measures to prevent violence, the hatred, the sectarian and other forms of excitation leading to violated the internationally protected human rights.

- 17- Put an educational program for the primary, secondary and university levels, to promote religious, political tolerance and others, as well as the promotion of human rights and the law. In general, the commission recommends the government to develop a national reconciliation program to address the grievances of groups who are deprived of their political and social equal rights.

In His reply, the King, despite the apology expressions and suggesting excuses for the committed crimes and the resort for the unwarranted secrecy with regard to Iran or paying tribute of the professional performance of the Bahrain Defense Force and the national security forces under difficult conditions, he accepted his government's responsibility for the committed crimes and the faithful implementation of the recommendations of the BICI.

### **The Optimism of Bassiouni and the Realism of Nigel Rodley**

The Professor Bassiouni stayed the only speaker on behalf of the commission for months until Sir Nigel Rodley spoke differently after 18 months. Bassiouni intended to conduct numerous interviews for space stations, especially those associated with Saudi Arabia such as Al-Arabiya as a lawyer of the government, where he paid tribute to the full cooperation of the Bahrain Government with the commission mission, whereas he convicted the Shiite protesters for their attack on Sunnis and the Asian labor, and this is

contrary to the truth, where the Shiite were victims of thugs with a full cooperation with the security forces. Two foreign workers were killed by the security forces, and Bassiouni relied on the Bahraini courts and the national unity assembly in his information about the Shiite attacks alleged against the Sunnis, which lacks credibility.

Bassiouni confirmed that the Interior Minister was not aware of the serious violations committed by his forces, and he thought wrongly that they are taking the right procedures. He also acquitted the political leadership, the Commander-in-Chief of the defense force from the knowing and the responsibility of serious violations, despite that the cabinet sessions were held regularly, weekly and His Majesty headed some of its meetings, he also blamed AL-Wifak for losing the opportunity by not accepting the proposals of the Crown Prince for the settlement, while he knew that the opposition, led by Al-Wifak, accepted the seven points of the Crown Prince as a basis of negotiating for the settlement, but the Saudi invasion of countries has executed the initiative of the Crown.

This is unbelievable with the existence of a wide space of information flow through electronic space, documented testimonies of victims and their relatives and persistent reports issued by human rights, national, Arab and international organizations. The truth is that the political leadership and the government know well these violations and they accomplish to the formal acceptance of the commission findings and its recommendations to vent the conditions then detour over it as proven later.

Also, Bassiouni advised the King, in recognition

of rare interview with the television of De Paul University where he studies, to choose between his people and his family, if he will implement the recommendations of the commission and solve the crisis, contrary to his previous remarks.

While Nigel Rodley, confirmed in a seminar entitled “transitional justice” in the UN palace in Geneva on April 2012 that the government of Bahrain has not implemented the commission’s recommendations. In a television interview, he described the report as balanced and impartial to the government, and that it’s a road map for Bahrain to get out of its hole toward the future. He also confirmed that the report of the commission reforms Bahrain and other world countries, since it’s based upon a methodology and international standards. And he added that the implementation of the commission recommendations needs months and not years as long as the government is weaponed by political determination. He also revealed a good knowledge of the human rights status as a special Rapporteur to the UN about the torture in the 1990s and he has developed a comprehensive report of the Bahrain but he wasn’t allowed to visit it. Rodley unlike Bassiouni knew the tricks and the Bahrain government maneuvers for years, so he was more objective and careful.

### **The Coarse reached by the Commission**

His Majesty expressed his amazement for what has been mentioned in the report of the commission, although he believed that he had received the report before its release, and he had the time to check his response which was evident

in his speech. His Majesty the king, the Prime Minister and the Crown Prince were on the podium, and the audience included senior members of the Royal family, officials, Ministers, advisers, politicians and public personalities, business leaders and guests from abroad. As Bassiouni, was casting his report that included the real torture in detention centers, raids dawn, murder and the forms of various violations; the atmosphere was tense and the faces were strict so when the ceremony ended, one of the leaders of the Emergency Allegiance Organization cried out cursing the day he knew Bassiouni. (9)

The King replied defensively in a previously prepared speech, citing the European Court of Justice that usually criticizes the European states on their violations, while the international community doesn't signify it as "repressive governments". The king expressed his resentment for what has happened of abuses against prisoners and detainees treatment, noting that he usually does not read the newspapers and watch TV. At that time, he also promised to respond positively to the recommendations of the commission contained in its report and form various working commissions and put mechanism to implement that, and his speech included a sweeping attack on Iran and its role in the event, and despite that he justified the non-revealing of the evidences of Iran's involvement in the Bahraini events by the confidentiality of these information.

Then, Bassiouni gave him a copy of the report with a red fancy box, so it's all over. The King said that he hoped this day to be memorable in the history of this nation, and that's what the family of Abdul Nabi Kazem killed by the

police shortly before the king's speech, remember as well as the deputy Matar Ibrahim Matar will remember who appeared before the court days after the speech. On the evening of the ceremony day, the Prime Minister visited the Ministry of the Interior where he praised the effort and sacrifices since the outbreak of the crisis and he calmed them regarding the issue of their statuses. On the other hand, the victims and their families, the national opposition and the independent civil society organizations, and despite their reservations of the report and their lack of confidence that the government would implement the commission's recommendations which has been shown later, they have welcomed the report, but it was proved that the government's strategy and its policies are not really and sincerely committed to implementing the recommendations of the committee (10) as follows:

- 1- The implementation of the first recommendations was coming avaricious to form an Independent National Commission to implement the recommendations of the commission, where it was formed of officials and supporters without representation of the opposition and the independent civil society organizations, and it was headed by the appointed president of Shura Council Ali Saleh, and the commission consumed time for the repetitive meetings and meetings with the systems and the government ministries claiming that it's proceeding the implementation of the commission recommendations. And it was clear that the National Commission for the implementation of the recommendations lacked to the credibility.
- 2- The parliament issued formal legislations with what it considered an implementation of the commission recom-

mendations.

- 3- Using the findings of the military courts by the civil courts to install the issued sentences against the defendants, and a number of military judges were transported to the civil courts which looked in the issues of defendants events.
- 4- Rotate the top officials in the state system (the Ministry of the Interior and the public prosecutor) for the positions and institutions recommended by the commission, such as the Inspector General of police the Major General Ibrahim Al-Ghaith and set Nawaf recidivism (for the public prosecutor) as a president of the Complaints Commission of the Interior Ministry , and Nawaf Hamza (public prosecutor) as a head of the investigation unit of the torture cases, and the restructuring of the national institution for human rights under the chairmanship of Dr. Abdul Aziz Abel, and forming a compensation commission of the officials in the Ministry of Justice.
- 5- After a brief halt of violations, the state security services returned to commit systematic violations of human rights in a wider and more complicated way, with a noise pretending to implement the recommendations of the Bahraini Independent Commission for Inquiry. For this, the state skidded to a case of non-difference of law, rights, and governing provisions.
- 6- The state guaranteed the blessing of their major allies, especially the United States, the United Kingdom and the European Union, who were excited about what they called a reform process, and providing expertises in fields of security, justice, legislation, media and others. This was accompanied by a shy demand to implement the rest

of the recommendations of the mother commission, but without optimism and with a fewer number of criticisms.

What is worth to be mentioned is that the government invited for a so-called national conciliation dialogue, during June 2011, which was presided by the speaker of the House Pro Khalifa Al-Zahrani, where almost 320 participants including 35 representing the opposition were crowded aiming to move the eyes from the roots of conflict and give the government legitimacy to deal with the crisis.

The second step of legitimizing the government is including complementary elections on October 2011 for the election of Vice-Presidents the replace the 18 resigning deputies who belong to Al-Wifak block, and who acquired a 63% of total votes cast in the elections of 2010. The elections were boycotted on a wide scope, where the participation didn't exceed 18% of those who had the right to vote. The elections were held with the absence of independent observers, unlike previous elections. All the elected deputies have chose the continuity and both councils have become (deputies and al-shura) loyalists, so it's easier for the government to carry out enhancing reform process of the recommendations of the Bahraini independent commission of inquiry, with the important aim to spare the government for accountability for their actions and for the senior officials to loot the national wealth and to use the legislative authority to enact the just laws and spare the government of accountability of senior officials works for the violations and looting the national wealth, and use their powers for arbitrary legislation which gives them an ultimate power in dealing with the protest's.

But there are other factors that contributed to the revival of the report and the recommendations of the Bahraini Independent Commission for Inquiry shortly after the State ended the Emergency State and allowed a margin of freedom, the public has led the opposition with determination and courage and this was reflected in the mass protests and the harmed groups such as doctors, prisoners and the demobilized of their works and families, and the unit of opposition whether it was licensed or unlicensed. The opposition and the independent civil society organizations stocked to the report and the recommendations of the Bahraini independent commission of inquiry in holding the government accountable.

### **The Role of the United Nations**

The important date when the report of Bahrain concerning the comprehensive periodic review should be submitted to the United Nations Human Rights Council in its fourteenth session in June 2012 arrived. Despite the enhancing procedures of human rights including the establishment of a Ministry of Human Rights and the restructuring of the National Human Rights Institution and fabricating a Loyal Human Rights Organizations, and the continuing efforts to ensure the support of friendly countries and recruitment of public relations offices to ensure the support of the Parliament and the media and the Congo organizations regionally and internationally. Geneva witnessed a dicker between two competing teams in Bahrain and their supporters. In conclusion, the Human rights Council has condemned States and human rights organizations, by an overwhelming majority

the government of Bahrain violations for human rights since 14 (February) 2011 until now, and issued 176 recommendations about that including confirming the necessity of serious and sincere implementation of the recommendations of Bassiouni's commission, and it's the highest number of recommendations addressed to any state in the history of comprehensive periodic review of Human Rights Council and its includes the states issued by intimate allies of the government of Bahrain as the United States and the United Kingdom. And the organizations of human rights and its allies of the International Organization of Human Rights played an important role in changing its attitude towards Bahrain.

Despite the presence of 39 delegates of an official delegation that is led by human rights Minister Dr. Salah Ali which is the biggest delegation in the history of Bahrain Human Rights Council and the support of the Gulf Cooperation Council and some Arab states. It has failed to convince the Human Rights Council by its commitment to the implementation of the recommendations of the Bahraini Independent Commission for Inquiry, and its obligations of the comprehensive periodic review of human rights. The government was shocked by 176 recommendations of the BICI, that's why it abstained to accept voluntarily as others do demanding more time. The hugs of the regime and the loyalists press intended to threat in public the members of the Bahraini delegation in Geneva, which complicated the situation of the official delegation in Geneva.

And again the recommendations put forward the universal periodic review for the Human Rights Council as session of 21 September 2012. This time, the Bahrain gov-

ernment delegation was headed by the Foreign Minister by Sheikh Khalid Bin Ahmed Al-Khalifa, to highlight official concern who took a less arbitrarily position.

The government formally accepted 147 recommendations completely, 11 in partially and refused 18 ones. Among, those accepted recommendations for those concerning the recommendations of the BICI, which it claimed to truly implement.

## **Conclusion**

Since the issue of the recommendations of the BICI and the ongoing debate on whether the human rights situation is deteriorating reaching the level of crisis. Where the government claims it's implementing the recommendations of the commission and the recommendations of the Human Rights Council, and indeed, the commission has addressed the deteriorating human rights situation and therefore there was a need for the full implementation of the recommendation of the committee and the recommendations of the Human Rights Council.

It is clear that the government and the parliament responsible for these violations and determined to subjugate people to the security solution will not implement neither the commission's recommendations nor the recommendations of the Human Rights Council, or enter any real reforms. Therefore, the conviction of the opposition and the independent civil society organizations is supported by the majority of the Bahraini people. And the sympathy of the UN in Geneva and many friendly countries and civil society organizations globally that applying comprehensive and

radical reforms of the regime towards a constitutional monarchy is a necessary condition for the implementation of the recommendations of both the Human Rights Council and enforcing transitional justice to ensure non-recurrence of such violations.

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## **The International Mechanisms due to Bahrain's non-execution of Inquiry's Recommendations**

“The failure of the national commission responsible of the report's recommendations, and its screwing up in translating those recommendations to procedures of transitional justice and equity to all victims of violations, and to stop the aggressions against the rights and freedoms of citizens, and to curb the security, judicial, administrative excesses committed by various governmental forces..”

Dr. Monzer Al-Khour  
Human rights activist  
Directorate Member of the Gulf forum  
for the Civil Society Institutions



## **The International Mechanisms due to Bahrain's non-execution of Inquiry's Recommendations**

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### **The Committee**

The Inquiry of Bahraini Commission Government on 29 June 2011 has formed a confusing phenomenon to the human rights defenders, observers and everyone concerned in the rights field, since this commission was established due to a royal command issued by a political authority that severely violated its citizens' rights, confiscated their freedoms, and suppressed their democratic demands since the launch of the democracy-demanding popular 14 Feb. uprising in 2011 until now. Two big exclamation and question are marked about the purposes of forming this commission to investigate a series of violations and excesses committed by the authority; however, it is the authority that issued the command of establishing it! This authority has never been know in all its experiences of dealing with the demanding movements Bahrain has witnessed in its modern history any intentions of revealing truths, tracking facts, and unveiling security transcendences that is mainly a cover for its crimes. Moreover, this authority is disseminating controversial excuses over what the audience is grabbing through right re-

ports and visual, audio, readable media to an extent that can be described by deforming truth considering that deception is the best mean to obliterate truths. Furthermore, the political authority declaration of forming an investigation commission was against political and traditional norms followed by the authority and it has disrespected its honored customs.

The wonder can be invalidated upon knowing that its forming wasn't due to the authorities' personal convention or its utter consent, but rather it was a bitter choice generated by several international pressures coming mainly from western governments allied with the Bahraini government, which forced the latter to choose between two choices; either to confront a special session of human rights council on Bahrain and UN mission under UN supervision especially its right services to investigate violations and its repercussions that might lead to the accountability and punishment of those involved in security excesses; or to form a local commission to investigate the occurring events, their resulting consequences, and providing a report that comprises suitable recommendations.

There's no wonder that this commission established by official orders to investigate excesses committed by the security forces of the authority to arise great suspects about it and its purposes; this is what really happened within the effective powers domains of the Bahraini popular movement such as political activists, human rights activists, and the broad base of the popular powers motivating the demonstration process in the country, since they were afraid that this commission would be just an exit aimed toward the acquittal of the authority who is definitely accused with a long

series of excesses and violations, and thus, deforming the truths rather than revealing them. Perhaps one of the manifestations of the farsightedness of those responsible for civil society institutions including civil right, and political associations is that despite their reservations on the commission official forming procedures. But they didn't deal negatively or turn their backs to it; instead, they tackled with it positively considering that it would be an opportunity to track truths, and lead eventually to cease violations and security excesses that haven't stopped despite forming this commission and practicing its work missions. Therefore, if the work results of this commission led to revealing the truth or ceasing the violations, then the rights and political powers, and all the those affiliated to the Bahraini political demanding movement have achieved a genuine rights gain, and accomplished a huge political breakthrough for the sake of the movement; both achievements put the ruling authority in a critical condition on the behalf of the global and local public opinion, and alter into a fertile material to the International Human Rights Society to prove the involvement of the authority security forces of perpetrating wide violations against Bahraini citizens due to demanding legal democratic rights and practicing expression ways guaranteed in the International Bill of Human Rights. Whereas if the work results of the commission were biased to the authority and vindicated its security forces from committing violations, then the Bahraini rights and political movement forces expectations are true concerning the purposes of forming the commission. For this reason, the Bahraini human rights and political activists dealt positively with the commission through providing it with tactile materialistic clues that absolutely

proves the perpetration of security forces to a great number of violations and security excesses including presenting live evidences represented by violation and repression victims perpetrated by those forces against them to give their testimonies and attestations about their suffering.

The commission's report outcomes considered as a result of investigation and tracking conducted by the commission about the perpetrated violations during the time period were the pivot of the investigation, and that was an extremely short time period that didn't exceed 2 months (February and March 2011); those outcomes were highly compatible with the visuals of civil society institutions and their effective powers as human rights and political activists versus the security forces excesses, which the report documented a great number of violations, each one is capable of convicting the ruling authority and its security forces of breaching the Human International Law and assaulting public freedoms and humanitarian rights.

The commission's report comprised 26 recommendations to manage violations and eliminate their destructive impacts on victims and the Bahraini society with suggesting to form a neutral independent national committee according to specific conditions to implement those recommendations; putting a set of measures to reform the crisis of human rights conditions; modernization of independent mechanisms that lead to the accountability of governmental officials who committed violations- especially those involved in murder, torture and mistreatment of civilians; in addition to the reform of governmental departments responsible for the deterioration of human rights and political situation in

the country as security, judiciary system, media and education. All of these recommendations are implementable, and wherever they're put into true implementation with respect to legal instruments stipulated in these recommendations, then a huge number assaults and excesses committed by governmental forces against citizens and their rights can be interim-ly eradicated as an equitable solution for the victims and reducing their psychological and physical suffering, the issue that lacks the political determination of implementation.

### **The Report**

The outcome of detection and investigation conducted by the Inquiry Commission presided by the International Criminal Law Expert Dr. Mahmoud Sharif Bassiouni was an elaborated report on the commission's work results about the events of February and March 2011, and it's an extremely short period compared to the long duration of events Bahrain has witnessed since February 2011, which shortened the committed violations, and reduced it within a specific time factor, while if extended throughout the commission's work and after, even after the issuing of the report on November 23, 2011. This report has represented a documentary record to a great series of violations documented with accurate details and a methodology that can't be doubted. The majority of documentations and conclusions of the report reached harmony with the political, human rights, syndicate powers' visions, and other effective powers in the Bahraini popular movement, which didn't only contribute for these powers to accept the report's outcomes only, but

demanded to implement its recommendations in order to reform administrative, legal and judicial procedures, and manage human rights conditions spawned due to perpetrating wide-scope violations and infringements against the rights of Bahraini citizens by security and judicial forces. Despite that this report exceeds 600 pages and is divided into 12 chapters, but it missed utterly important cases concerning the events Bahrain has witnessed during the time period the commission has investigated within as the role practiced by peninsula shield forces in violations, and they weren't massively dangerous and immense only, but they were bloody to a great extent, where these forces were involved, in addition to the police, Bahrain Defense Force and the National Guard, in the second break-in of al-Loueloua roundabout in al-Manama and break up the protestors sit-in in a savagary way on March 16, 2011, which resulted in a number of victims; killed and wounded. It was also involved on March 15, 2011 launched against the villages of Setrah Peninsula that led to very wide violations and a great number of victims. Both events are within the 2-months period when the commission investigated the event's occurrences. The commission even stated in its report that "It didn't find any evidence that proves the involvement of joint Peninsula shield Forces of the Gulf Cooperation Council that was spread in Bahrain from March 14, 2011 in any human rights violations" (No. 1586). Despite missing or negating this role, but it didn't under evaluate the report as a monitor and documented paper to wide violations that happened in a short time period, where the investigation was conducted during two months only according to its commissioning assigned by virtue of the royal command No. 28 of 2011 of its establishment.

Despite the limited time period of investigations and since the commission is restricted regarding its commissioning decision stating that its investigations should be within its jurisdiction in accordance with the ninth article of the royal command 28/2011, whereas the report documented a long series of violations and security excesses committed against Bahraini citizens during February and March 2011 that included death cases or outlaw killing, torture, death caused by torture, verbal abuse, physical mistreatment, psychological abuse, sexual abuse, rape, misuse and overuse of power, arbitrary arrest, forced disappearance or lost, getting sayings coercively, unfair trial, deprivation from legal aid, deprivation from private properties, damaging private properties, destruction of religious facilities, suspension of students, preventing students from studying, cancelling scholarships of students, suspension of work in the private sector, suspension of work in the public sector, preventing from work in the private sector, preventing from work in the public sector, other claims that has to do with work, restricting the right of expression and rally, harassment of media and media instigation, preventing from travelling and other violations.

The report didn't mention those who are involved in killing, torture and mistreatment where it remained silent regarding those despite deliberating many of their names in documented international human rights reports issued by credible human rights sources, even the same commission report documented 46 cases of illegal murder, 559 cases of torture committed during the period when investigations took place in which some of them led to the death of people inside prisons, but the report avoided mentioning names of

governmental officials involved in those extremely hazardous violations, and this is considered a flagrant mistake of the report since one of its recommendations called to «put an independent and unbiased mechanism that leads to the accountability of governmental officials who committed illegal violations, or caused by their indifference killing, torture or mistreatment of civilians, and this aims toward taking legal and punitive procedures against those people including those in positions of leadership where they were civilians or militants who proves the principle of «leadership responsibility» according to international standards» (No. 1716), but its silence from naming the perpetrators of these dangerous violations represented an illogical disguise against the International Law of Human Rights that categorizes those violations as crimes against humanity that doesn't fall by obsolescence, since any investigation of a violation or assault requires to identify the responsible. Then how an investigation process of human rights violations is conducted but remains silent regarding naming the perpetrators?! Isn't this silence considered a disregard to the right of victims in equity and justice? Or a derogation of their right in demanding a fair punishment?! And how the facts are investigated and the investigation process isn't proceeded by identifying the people who should appear before the court due to what they committed from assaults and others!?

This silence is due to the commission's incapacity to breach the tight circle of the systematic impunity followed by the authority that aims to add full legal protection and impunity on its affiliated people involved in illegal killing; physical torture; physical mistreatment and other deeds against human rights and contrary to the normal human

instinct. The commission should have breached this tight circle of impunity, because the international standards of human right permit revealing the involved in crimes against humanity to judicially prosecute them in order to obtain fair penalty for what they committed, and this is what's compatible in spirit and substance with the same commission's recommendation (No. 1716) that states «taking legal punitive procedures against people including those in leadership positions whether they were civilians or militants who proves the principle of «leadership responsibility» according to international», then how the commission built its recommendation upon the basis of subdue of those people to law and discipline and kept their identities anonymous?!

No matter what the defect of the report was, but it represented a distinctive mark in the history of documenting human rights violations and narrating assaults of political, civil and religious freedoms in Bahrain. And perhaps the most important trait of this report is that it's officially acknowledged as a work result of a commission formed officially by a royal order, and its responsible were delegated to investigate committed excesses and violations against Bahraini citizens during a limited time period, whereas the documented human rights reports violations and security excesses in Bahrain has covered much more longer periods, some were local and others were international, and many of them were acknowledged and accepted internationally for their professionalism and seriousness; but they remained as usual outside the circle of official acknowledgement in Bahrain.

## **The Recommendations**

The commission provided in every chapter of its report some of its recommendations, which made the gross number of recommendations 26 ones, where they all represent an integral bundle to handle the deteriorated conditions of human rights in Bahrain, and every category is specialized with a part of violations especially the worst ones committed during the emergency period declared on March 15, 2011 (the royal decree No. 18/2011 of national security situation announcement) where the worst repressive, security, administrative and judicial practices have been committed, since various governmental, forces as Defense Force, Ministry of Interior, National Guard, National Security, Judicial System, media, education and civil service office have been unleashed; in addition to the firms of public and private sectors to suppress the popular demanding movement through the worst forms of abuse and repression like illegal murder, systematic torture, arbitrary arrest, suspension of universal students, cease of scholarships, destroying masajids, punishment of the medical staff, athletes, journalists, media people, union people, expulsion of foreign reporters, media instigation and distortion, and mock trials to civilians on the behalf of military courts, in which the country has passed through a bitter experience of wide-scope violations that affected various categories of society powers. The report has comprised an elaborate narration of events during this period, the violation cases and the massive assaults, and it concluded that the “technique followed by the security and judicial forces in explaining the national security decree permitted committing immense violations of human rights” (No. 1702). Moreover, 46 cases of outlaw murder have been document-

ed, 559 torture case, and more than 4000 work suspension not to mention other various cases disparate in their danger until the report became a recorded historical document to a great number of violations and assaults against citizens during that difficult period.

The commission aimed through its recommendations not to handle crisis of human rights only, but to curb the unstopping violations in the country, since the continuation of violations means that the message this commission was formed to convey wasn't understood by governmental officials or all perpetrators of violations and excesses on rights and freedoms, and that the possibility of reproducing those mistakes by same people is existing, and maybe on a wider scope, since the more the violations' perpetrators are away of managing their mistakes, the more they are near to repeat and commit same mistakes again. For this reason, the commission was cautious by the motif of objectivity in suggestion and management to hold the responsibility of the implementation of its recommendations as it calls to establish «an unbiased independent national committee that includes luminars of the Bahraini government, political parties and civil society to proceed the implementation of this commission's recommendations» (No. 1715), and this is a supervisional mechanism responsible for implementing the appropriate recommendations through suggesting finding a representative balance within it with various sides, in which the presence of political powers and civil society personalities represent a kind of guarantee to orient the compass of implementation toward the right direction, in addition to personalities representing the governmental side, since the monopoly of the governmental side in representing the com-

mission will necessarily lead to the deviation of the compass from the right direction, and this is what really happened to «the national commission appointed to implement the recommendations of the Bahraini Inquiry Commission» that was delegated to implement the recommendation where the governmental representation has prevailed and the required balance in orienting the compass toward its destination was lost by the investigation commission, the violations weren't resolved or stopped with delegating that governmental commission to implement the report's recommendations, and the matter of giving victims justice is suspended without true management, this is what led the head of the investigation commission Dr. Mahmoud Bassiouni to affirm in an interview with Di Paul university news radio on 25 January 2012 that «the government procedures after the issue of the report were unserious, but rather a polishing of the system only.»

Bassiouni's commission also recommended to “perform effective investigations according to the principles of effective deterrence and investigating all murder cases committed by security forces whether outlaw murder, arbitrary or without a trial, in addition to investigating all torture suits and similar treatment by an unbiased and independent commission by virtue of Istanbul's principles, and the investigation of the alleged violations should lead to directly sue the involved individuals on all levels of responsibility with the necessity of guaranteeing the consistency of the punishment of the dangerousness of the crime” (No. 1722-A). This recommendation also suggested to find an independent and unbiased mechanism to be responsible for the investigation in all outlaw murder cases and torture cases, and sentence the

involved individuals disregarding all levels of their responsibilities, and it's similar to the prementioned recommendation (No. 1716) that called to "put an independent and unbiased mechanism to the accountability of the governmental officials who perpetrated violations against law... etc". The stipulation of the commission that holds an independent and unbiased mechanism the responsibility of accountability to the perpetrators of illegal murder, torture and other examples of mistreatment reflects the attention of the commission to honestly implement its recommendations by a part that's characterized by independence and neutrality away of governmental influences, thus the results of investigations and accountability conducted by this side will be consistent with the International standards of Human Rights, fair to all victims of violations, deterrent to transgressors and aggressors on the souls, safety and rights of citizens. Furthermore, it reflects the desire to put an end to the policy of impunity followed by governmental forces through the accountability and sentencing of those transgressors, and punishing them in a just and suitable way to the crime they commission, since the commission is aware that achieving criminal justice through the accountability and punishment of those involved in murder and torture involves finding a mechanism fully independent from the ruling authority and its different forces, and stands neutral between the parts of the violation process, so it's only biased to the truth, objectivity and justice, and is committed to punish in a way that suits the committed crime. Depending on the aforementioned recommendations, the commission put the principles of deterrence and punishment to the involved in illegal murder, torture and mistreatment as a foundation to the work of the suggested

independent and unbiased commission to cease violations and aggression against others whenever those recommendations are honestly and fully implemented.

Whereas the rest of the recommendations talked about handling the other violations and finding solutions though reforming the governmental forces involved in security, judicial, media, educational, transgressions, and reforming the legislative, legal and administrative procedures as well, and finding resolutions to the violations committed against the society categories as the students suspended from the university, and works suspended from their jobs. Moreover, the conviction sentences issued by the National Safety Courts (Emergency) should be reviewed, the destructed religious facilities should be renovated, the media instigation should be ceased, and the opposition side should be allowed to use the audio, visual, readable media broadcast. The recommendation have demonstrated an integral bundle to solve the repercussions of the excessive use of power by various security forces, and managing the results of courts that lacked the minimum limit of a fair trial conditions. Whenever these recommendations had the opportunity to be honestly and seriously implemented by an independent and unbiased commission according to the commission's suggestion, then this shall result in curbing the excesses of the various governmental forces against the rights and freedoms of Bahraini citizens, monitoring the activities of those forces in accordance to legal measures that put the officials under accountability, however, the real implementation of these recommendations went away from the goals the commission sought to achieve through its suggested recommendations to handle the human rights conditions in Bahrain, and

this goes in the first place to that “the national commission responsible of the Bahraini Inquiry Commission recommendations” delegated to implement the recommendations was contradicted to the Inquiry Commission recommendation (No. 1715) in which it lacked any representation of political powers and civil society, and the governmental presence dominated, thus it negatively affected the required balance suggested by the commission, since the absence of true and honest implementation of the recommendations has led to more depression and disappointments of the audience and the international and local human rights society, and it didn’t stop on the failure of the governmental commission delegated to implement the recommendations, but the violations persisted in an escalated way after the issue of the report, the repression and outlaw murder continued in a greater way, chasing and arresting the political and human rights activists, fixing the sentences issued by military courts against civilians, persistence of the restriction of freedoms and peaceful movements such as preventing peaceful demonstrations and rallies, imprisoning the bloggers and shutting down the social communication websites, absence of accountability, reducing the sentences issued against the involved in killing, murder, mistreatment, acquittal of others who were proved to be involved in these crimes, stressing the punishments on peaceful demonstrators and protestors, withdrawing the nationality of 31 citizens, procrastination in bringing back groups of suspended people in some public firms. In addition to this, the authority forced the judicial and legislative commissions to legalize their repressive procedures against the popular demanding movement. So instead this recommendations’ implementation can be a precious valuable op-

portunity to the human rights conditions though handling all levels of violations and committed excesses, and an entrance to human rights and political reform, the repressive practices that came after the issue of the report aggravated the occurring deterioration of human rights conditions, and worsened it.

### **The International Mechanisms**

As soon as the report of the Bahraini Inquiry Commission was issued on 23 November 2011, the Bahraini human rights movement scrutinized it also to discover the strength and weakness points in its given, and the defects that might represent loopholes the authority can through its various security, judicial, administrative forces detour over the requirements and conditions of implementing its recommendations and being careful on the safety and honestly of implementation, an independent and unbiased International Commission under the supervision of the Human Rights Higher Commission was demanded to be responsible to implement those recommendations considering it the best mean to guarantee a true and safe implementation of recommendations, and therefore, accomplishing a successful management to the fact of human rights in the country. Quickly the anticipations of the Bahraini human rights activists turned into reality, since the detour over the true implementations of recommendations has started immediately after forming “the national commission responsible of the recommendations of the Bahraini Inquiry Commission report” in which the governmental side dominated the representation in this commission, and eliminated the two factors of the required

balance; both the political powers and the civil society, and this contradicts with the previously mentioned recommendation (1715), so it became a perfectly governmental commission, and it even included personalities involved in committing violations against citizens, some of them participated in the investigation commissions formed during the emergency period and investigated with many of the civil service belongers and workers, and them cooperated in the suspension decisions, which shook the trust in this commission since the start of forming it, thus it lacked the trait of honest and neutral implementation. There's no wonder that its work result was disappointing to the hopes of victims and all harmed people during the emergency period, and the audience, political and human rights powers concerned with the Bahraini human rights affair as well. From here, the demands inside and outside of the Bahrain increased including international human rights luminars, in addition to numerous international political parts mainly the European Parliament, and International Powers allied with the Bahraini government to honestly and accurately implement the recommendations with respect to the vision of the Inquiry Commission, and this reflects the trust in the seriously of the recommendations to handle the human rights condition, and on the other hand, it reflects the distrust in the governmental procedures in implementing it. Regarding this, the human rights demand appeared again to call for an international unbiased and independent mechanism to hold the responsibility of pressure, censorship and intensive follow-up to implement the recommendations of the report as an adequate and accepted mean of the honest implementation, and prevent the detour over the conditions of implementation.

The recommendations of the Inquiry Commission were one of the chapters of discussion of the member states in the Human Rights Council that was conducted in the comprehensive periodic revision session the second Bahraini Report held in Geneva on 21 May 2012, and resulted in adopting 176 recommendations on the Bahraini human rights condition comprising about 15 recommendations concerning motivating to implement the recommendations of the Bahraini Inquiry Commission including the urge to “put a suitable time frame and a transparent mechanism to follow up the acceleration of its implementation. These discussions have expressed the positions of member states toward the implementation process; since they have implicitly stated their in conviction or suspects in the implementation process or the seriousness of implementation, where a delegate of an allied country with Bahrain said that “many of the most important recommendations weren’t implemented”, whereas a delegate of a European State called the Bahraini government to “provide the results of the Inquiry Commission to the Council”. Based on the discussions, it can be concluded that there’s an annoyance even from the countries allied to the Bahraini government from the inserioucity and failure of the implementation process of all recommendations.

The adoption of Human Rights Council to specific recommendations concerning the Inquiry Commission recommendations has gained it an international dimension, in which it became with an international reference and not restrained to its local dimension as it was when the report was issued, thus it became internationally obligatory as well as locally at the same time, which gave it an additional com-

pulsory power on the basis of dual commitment of implementation. The intertwined member states of the council held on the subject of the Inquiry Commission and recommendations almost agree that this report is the only document of violations and transgressions that gained the official acknowledgment of the Bahraini government, and this acknowledgment forces the government to implement it as long as this document is a work result of a commission appointed by this government to investigate the violations and damages that harmed the Bahraini citizens.

The failure of the national commission responsible of the report's recommendations, and its screwing up in translating those recommendations to procedures of transitional justice and equity to all victims of violations, and to stop the aggressions against the rights and freedoms of citizens, and to curb the security, judicial, administrative excesses committed by various governmental forces, and its incapability to present the involved in killing, torture and physical, psychological, verbal mistreatment on the behalf of the court have strongly suggested the demand to resort to International Justice such as the International Criminal Court in order to hold accountable and punish the murderers, and the torturers, and be just to the harmed people as one of the international mechanisms to deter those and their alike from the continuance of the violations' series against citizens demanding democratic rights and freedoms, it also robustly suggested the demand of an independent and unbiased international mechanism to hold the responsibility of supervising the implementation of the report's recommendations. Those demands weren't requested by Bahraini human rights and political luminars only, but also called upon

by International Parliamentary Human Rights and political luminars as well whether on the level of organizations, states, parliaments, parties, or political associations. Since as long as the criminal justice is absent and lost inside, then it requires seeking it through available international mechanisms from outside.

It can be concluded from what has been mentioned that the failure to implement the recommendations of the Inquiry Commission is caused mainly by the lack of political determination to implement, in which the ruling authority didn't show any true or serious desire to genuinely implement those recommendations, since most of them weren't implemented, or detoured over, this permitted the governmental forces violating human rights to proceed their repressive and eliminating violations against the demanders of democratic rights supported by a legal and political cover preventing accountability, conviction and punishment, and the lack of implementation wasted a suitable opportunity to reform the human rights fact and starts solving the political crisis, because the recommendations truly manifest an exit toward political solution in the country, and liberating it toward the space of practical management of what has been corrupted by repressive, arbitrary, eliminating policies implemented on all the levels of the authority.

## **Two Years Following Bassiouni Ongoing Violations & Impunity**

“Despite of the aggressive manner in which Bahrain’s security forces handled events in 2011 the UK does not seem to intend to abandon any of its Gulf partners nor make a stand on humanitarian grounds. Such hypocritical approach pose a credibility problem to the UK and put it in a difficult position, caught between its core regional allies and mounting concern at the erosion of human rights and political space”.

Massoud Shadjareh  
Islamic Human Rights Commission  
(IHRC)



## **Two Years Following Bassiouni Ongoing Violations & Impunity**

Massoud Shadjareh  
Islamic Human Rights Commission  
(IHRC)

### **Introduction**

In the wake of the uprisings in Egypt and Tunisia in 2011, Bahrain has witnessed its wave of revolutionary mass protest demanding for constitutional changes, greater freedom and equality of the Shia population. The arrest of the prominent opposition leaders represents undoubtedly the latest move by Bahraini authorities to tighten the noose on political opposition in the country and silence anyone seen to be critical of the authorities.

Despite of the damning findings of the BICI report on any form of physical and psychological abuses perpetrated by the Bahraini authorities, there has been little changes in the government's response: still practices such as the use of electro-shock devices, suspension in painful positions, beating the soles of the feet (falaka), beatings, threats of killing or raping the detainees or members of their families seem to occur to date. What is more, since the issuance of BICI report in 2011, Bahraini authorities do not seem to have shown any signal of turnaround. As of 15 March 2013, the government was found responsible for 122 deaths as a result of excessive use of force by the police officials and of teargas during the demonstrations.<sup>(1)</sup> According to the

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(1) "Post-BICI Report, PART II", BCHR Report on Human Rights Violations since March 26th 2012, published on June 2012.

Bahrain Youth Society for Human Rights, only during the year 2013 the Bahraini Courts issued imprisonment verdicts against 651 citizens based on security charges related to the protests, while there are approximately 517 prisoners of conscience currently detained in Bahrain -either arbitrarily or as a result of their pro-democratic activities.

## **Sharing Responsibilities**

### **Bahrain's Responsibilities**

Bahraini government is accountable for failing to implement BICI's recommendations in violation of the rule of law. Not surprisingly, the Bahraini authorities to all detainees have applied the same discernible pattern: illegal and unfair trial, false allegation under the "terroristic label" and mistreatment during detention. As a fact, the public prosecution invoked against all the same accusations of "setting up terror groups to topple the royal regime, changing the constitution and collaborating with foreign state".<sup>(1)</sup> For all these reasons, Islamic Human Right Commission believes that there are no legal grounds for the continued imprisonment of these activists, who are in reality prisoners of conscience in their own country.

In addition, the IHRC intends to throw light over the need of an urgent amendment of the new counter-terrorism bill, as it has been approved by the parliament on July 2006, and the two emergency decrees approved in 2013, which are a further shameful attempt to completely ban any form of dissent and freedom of expression in the country. The

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(2) <http://www.theguardian.com/world/2012/sep/04/bahrain-condemned-activists-lose-appeal>.

main criticism revolves around two basic points. Firstly, the Bahrain is urged to repeal the draconian ban of sit-ins, public gatherings by adults and under 16 years juveniles as addressed by the decrees.<sup>(1)</sup> Secondly, the Bahraini parliament should reformulate the unsatisfactory definition of what constitutes a terroristic act as provided by art. 1 and art. 6 of the “Protecting Society from Terrorist Acts”, whereby a terrorist organization is too vaguely defined as one which aims to “harm the national unity”, without no reference to a specific intention to cause death or serious injury. Further, art. 26 and 28 of the bill need to be reviewed in their aims of legitimizing excessive detention before charge without judicial review.<sup>(2)</sup>

Finally yet importantly, all trials constitute an example of misconduct and illegality, in contradiction to the internationally known court specialties with civil defendants. Just it is worth mentioning that all arrests have been ordered without a legal warrant; the defense was denied the right to interrogate the prosecution witnesses and to present a verbal pleading or to fully assist the victims. In addition, the trial was semi-private as the court authorities refused to allow a number of independent human rights observers to attend the hearings, and lastly the medical records which included evidence of severe torture, have been deliberately neglected by judges.

To conclude, such set of laws is outrageous and undoubtedly

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(1) The decrees amendend respectively the 1973 law on public gatherings and the 1976 juvenile law.

(2) They grant the public prosecutor and security services, who are not independent judicial authorities suited to check arbitrary detention, the excessive discretion to ask for extension of pre-charge detention, on the basis of secret evidence which the detainee has not access to and cannot challenge.

represents a threat to the freedom of expression and association and undermines the human rights protection in the domestic law. In this regard, these laws may be considered a dodge measure aiming to protect the interest of the ruling family and to ensure their stability, while risking criminalizing the peaceful exercise of the freedoms of expression, and failing to offer a sufficient safeguard against politically motivated trial and unsafe convictions. As proof of that, the retrial of the thirteen defendants by a civilian criminal court of appeal is to be regarded as mere deceitful measure carried out by the Bahraini authorities in order to placate the international climate surrounding the government, rather than a real attempt of restoring the rule of law in the country. This was even more manifest when in January 2013 the civilian court confirmed the sentence of the former court against all the defendants.<sup>(1)</sup>

### **International Community's Responsibility**

The International Community is accountable for monitoring the implementation of Human Rights Law as promoted by the International Covenant of Civil, Political Rights and the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which Bahrain is bound to. Accordingly, Bahrain Government should ensure in its legal system all means of reparation, redress, compensation to victims in line with the international standards, as already recommended in the BICI Report. In addition, it is accountable for investigation against perpetrators of torture, who still benefit from the en-

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(1) <http://www.bbc.co.uk/news/world-middle-east-19474026>

trenched long standing culture of impunity. In this regard, IHRC reminds that Bahraini law did not provide clear or specific remedies for torture or ill-treatment, and that all BICI recommendation about the investigation and redress processes have been neglected.

### **Hypocrisy of the Western States: The critical friends of Bahrain**

Sad to say, the responsibilities are not limited to the modifications needed legally either in the domestic or international level. Rather, there are more political responsibilities upon the Western countries in maintaining a hypocritical attitude toward the happenings in Bahrain. As to the UK, it seems to be too supportive to Bahrain government and to have carefully calibrated response if compared with the unfavorable position it held in relation to Arab Spring protests elsewhere in the region, particularly in Libya.

Indeed, while the liberal constituencies in UK prevailed in challenging the relationship with the Libya in the name of democracy, it seems not to apply to the Bahrain case, where the regime appeared even more undemocratic and conservative. It is unquestionable that Bahrain, and more generally all Gulf States, are among the least democratic in the world, and they generally have poor human rights records. However, they are wealthy and powerful, and vitally important to many of the UK's interests on a regional and global level. <sup>(1)</sup>

Although it might be argued that Bahrain is the

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(1) The UK's relations with Saudi Arabia and Bahrain - Foreign Affairs Committee Report

smallest economy and partner for UK trade and investments among the Gulf neighbors, and the least influential in terms of economic interests, it is still vitally important to the UK due the following reasons:

- 1) Energy security and investment
- 2) Terroristic defense and geopolitical interest
- 3) Military cooperation

### **Energy Security**

By merit of its location in the Gulf and its willingness to host UK and US naval assets, Bahrain is critical to the protection of Gulf shipping lanes (through which 17 million barrels of oil are shipped per day) and global energy supplies. Further, it is one of the fastest-growing export markets in the Gulf. As reported by Foreign Committee Office, the UK imports from Bahrain had increased in 2012 to \$195 million, and, as of 2013, the current total bilateral trade of goods and services amount to £884 million.<sup>(1)</sup>

### **Terroristic Defense & Geopolitical Interest**

Bahrain remains critical to the UK's interests in terms of defense and counter-terrorism. Reportedly, the Royal Navy's use of a base in Bahrain gave the UK the ability to operate as far as the Red Sea and Gulf of Aden. Hence, Bahrain provides UK with a huge strategic platform for military operations in the Gulf, and to walk away from there would be to the detriment of Great Britain's interests.

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(1) Main professional services are in education and training; infrastructure; healthcare; business services; downstream manufacturing; and logistics.

## **Military Cooperation**

The British relationship was foundational for Bahrain's security sector, and it is as strong as ever. Suffice it to say that in 2011, the UK designated Bahrain as a key market for arms exports and, prior to 2011, the Government had granted export licenses for equipment including tear gas and crowd control ammunition, equipment for aircraft cannons, assault rifles, shotguns, sniper rifles and sub-machine guns.<sup>(1)</sup> The licenses covered equipment which could be used for riot control destined for end users including the Police, Ministry of Interior, the Bahrain National Guard and the Bahrain Defense Force. Although limitations on export licenses are currently in force, the Committees on Arms Export Controls recorded 105 extant export licenses for Bahrain as of May 2013, for a total estimation, according to the Campaign Against Arms Trade, of almost £8 million of export licenses. Despite of the aggressive manner in which Bahrain's security forces handled events in 2011 the UK does not seem to intend to abandon any of its Gulf partners nor make a stand on humanitarian grounds. Such hypocritical approach pose a credibility problem to the UK and put it in a difficult position, caught between its core regional allies and mounting concern at the erosion of human rights and political space. For that reason, the IHRC expresses concerns over the fact that human rights were juggled with the UK's lucrative trade and other strategic interests. In addition, it intends to calls on the UK to terminate any agreement on weaponry's sale with the government of Bahrain. What is on the stake is the international accountability of the UK itself, in as much as it

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(1) The UK's relations with Saudi Arabia and Bahrain - Foreign Affairs Committee Report

may risk being implicated in violating their own legal obligations if it cooperates with Bahrain government suspected of employing torture or other ill-treatment against the protesters.<sup>(1)</sup>

## **Recommendations**

Following the considerations above, the IHRC intends to address recommendations to many political actors who might play a key role in resolving the internal conflict in Bahrain, and who share the responsibility in failing to do that.

### **To the Bahraini Government**

The lack of international standards sanction the invalidity of the sentences issued. Consequently, the IHRC recommends:

- 1) To drop all trumped up charges immediately and all detainees released;
- 2) To definitely investigate all allegations of torture and ill-treatment by the Bahraini forces

Further, it recommends:

- 3) To bring laws into conformity with international standards of freedom of expression and association.
- 4) To amend the Terrorism bill which has been heavily criticized by international human rights organizations as being too vague and ambiguous in its definition of terrorism.

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(1) Rights Watch: <http://www.hrw.org/node/88200/section/2>

### **To the UK and USA:**

- 1) Both countries, that in past years supplied the military equipment to Bahrain, are recommended to boycott all forms of business or deal on weaponry with Bahrain regime, and immediately to cease military sales that could be used to repress the Bahraini people.
- 2) Both countries are recommended to issue public statements strongly and explicitly condemning the continuous human rights violations committed by the Bahraini government. Even if it not a decisive measure to end the current human rights violation in Bahrain, it might help to wield direct public pressure on the government of Bahrain.

### **To The UN**

- 1) The United Nations should challenge the Bahraini restrictive domestic law by urging Bahraini government to bring domestic law into conformity with the international standards, as they are originated by the ICCPR and CAT covenants, which Bahrain is engaged to.
- 2) As pointed out by the BCHR Report, an urgent mission needs to be sent to Bahrain to investigate the deaths and detainees condition since the release of the BICI report in 2011.
- 3) In case Bahrain fails to achieve the necessary reforms in the penal code and in the juridical legal system, the International Criminal Courts is called to bring perpetrators to justice at the Hague on the count of crimes against humanity.



## **Broken Promises**

“The situation in Bahrain is a clear example of how human’s blood is viewed less important than oil, power, and political interest”.

Mustafa Akhawand  
Director of Shia Rights Watch



## **Broken Promises**

Mustafa Akhawand  
Director of Shia Rights Watch

The situation in Bahrain is a clear example of how human's blood is viewed less important than oil, power, and political interest.

For the last three years, the government of Bahrain has carried out systematic persecution against the Shia community in this country, yet the media outlets and governments are silent. Al-Khalifa family considers the Shia majority as a threat to the continuity to its control and power.

Consequently, the government has worked tirelessly to suppress Shia Muslims who have exercised their right to peaceful assembly and expression to call for reforms. Rather than instituting these reforms, Bahraini authorities have brutally broken up peaceful demonstrations, arbitrarily arrested hundreds of Shia Muslims, and ruthlessly killed dozens more.

Amidst the growing violence practiced by the police following the February 14 revolution, the government of Bahrain was under extreme pressure to amend its immoral practices. As a result, King Hamad appointed the Bahrain Independent Commission of Inquiry (BICI) to investigate possible human rights violations that have been occurring since the early months of the uprising up till now. In November, the BICI released a report that documented a plethora of violations including systematic torture, the destruction of

Shia religious sites and widespread employment discrimination.

This report also established a set of recommended reforms that King Hamad promised to implement. Despite the King publicly announcing his success in instituting these reforms, the government has done little to address these issues. Even if the government had successfully implemented these reforms, the BICI report has critical limitations. For example, the report failed to address the role of various individuals and groups that played a major part in the violations. It did not question the role of the King, the Crown Prince, the Prime Minister, the Bahraini Army, or Saudi forces brought in to regain stability.

It also failed to recommend significant steps that must be taken, such as the release of political prisoners, the excessive use of tear gas, or the employment discrimination perpetrated by public and private employers. The report also failed to address systematic injustice that allowed these violations to occur. For example, it does not address the need for an independent judiciary; it does not solve the sectarian tensions between the Sunni minority and the Shia majority. Unfortunately, even if the BICI had addressed these limitations, the government is showing no intention of instituting real reform. Since the report was published in November of 2011, the government has continued to carry out human rights violations against the Shia community.

The systematic torture, the brutal suppression of peaceful demonstrations, the arbitrary arrests, and the ruthless killings have not stopped. Political prisoners are facing torture and mistreatment in prison, while being denied

access to a fair trial in court. Shia Muslims and those who oppose the Al-Khalifa regime live in fear of being attacked, detained, or killed.

Furthermore, life has been made extremely difficult for the Shia community. Employment discrimination in both the public and private sector has been made difficult for Shia to obtain stable jobs with reasonable pay. Because the hospitals are run by the military; it is also risky for Shia to go to the hospital for any reasons related to the peaceful protests. Some medical professionals may report any injuries sustained during the demonstrations to the authorities, leading to the arrests of victims of police brutality. Shia Muslims cannot even express their opinions without fear. Anyone openly opposing the system, even on social media, may be arrested and detained. The government has also interfered with the right to practice their own religion, often denying building permits to Shia Mosques, arresting Shia religious leaders, and disrupting religious gatherings. Just as concerning is the treatment of Shia children in Bahraini society. Innocent children have been arrested, tortured, and killed because of their religious beliefs. It is difficult for Shia children to receive an adequate education in Bahrain due to government intervention in the schools.

These violations cannot be allowed to continue. The government of Bahrain must be held accountable for these atrocious acts and immediate action must be taken to encourage meaningful reform. As a member of the United Nations, the Kingdom of Bahrain must begin complying with international law, as well as with their own constitution.

The government has clearly failed to implement the follow-

ing BICI reforms: It has failed to establish an independent and impartial national commission to implement BICI recommendations, a national independent and impartial mechanism to punish those responsible for deaths, torture, and mistreatment, or an independent body to examine all complaints of torture, excessive use of force, or other abuses by authorities. It has not required the Attorney General to investigate instances of torture or to use independent forensic experts. It also has not worked to reconcile the nation by rebuilding demolished religious structures, developing a national reconciliation program, relaxing censorship of the media, ensuring those that were unfairly dismissed are rehired and integrating personnel from all communities in Bahrain into the security forces. King Hamad's promise to institute these reforms have proven false, and any claims that the government has corrected its practices are utterly incorrect.

For any real progress to be made, the Bahraini government must immediately fulfill their promise to implement the reforms laid out in the BICI report and furthermore, they must recognize Shia Muslims as rightful citizen with all the rights to criticize and question their government. Shia Muslims have the right to be involved in their government and live in an environment that is full of peace and harmony.

**Part Three:**  
**Human Rights Reports**



## **A Report on Human Rights Situation in Bahrain**

“I conclude my statement by saying that these arbitrary procedures practiced by Bahrain concerning withdrawing nationalities and giving Bahraini nationalities to people who don’t have the conditions of withdrawing and giving are considered an international criminal infringement, in the which the government should pay attention to because the International Law has obliged the states that each person has the right to have one nationality at least it has no right to withdraw under any condition, and if the citizen committed any crime, then local laws punish him according to the crime without mentioning the issue of nationality, and any action that is against this then it would be a different talk and treatment with these countries that don’t respect these international items.”

Ambassador Dr. Haissam Bou Said  
Deputy of Minister of Foreign  
Affairs at the International Parliament  
for Security and Peace  
(Intergovernmental Organization)



## **A Report on Human Rights Situation in Bahrain**

Ambassador Dr. Haissam Bou Said  
Deputy of Minister of Foreign  
Affairs at the International Parliament  
for Security and Peace  
(Intergovernmental Organization)

At the beginning, we thank the supervisors of the Bahrain Forum for Human Rights for hosting us to demonstrate a perspective of some international organizations of the Bahraini issue and its repercussions of injustice on the popular level. We also thank the head of the forum Mr. Youssef Rabie, who is also the Ambassador of Bahrain to the UN International Human Rights Organizations as an inter-governmental organization.

I will briefly highlight two important titles of the mentioned issue and I will start first to talk about the Commission of Bassiouni which was established upon the request of the Bahraini government as recommendations that represent an entrance to the solution and not the whole solution and this is our view and the view of many international organizations that pursue right, legislative and judicial issues.

However, the strange thing came from the Bahraini government which has not worked to apply it fully but has chosen according to its first and second reports to acknowledge the non-complete implementation and this declaration

was stated in the meetings of the human rights council. But in that meeting, more than 170 recommendations was added by the civil bodies on the rapporteurs, which considered that if it was implemented by Bahrain then it would have fulfilled the required conditions that preserve the wasted rights of Bahraini people and restored the stability to the kingdom. Naturally, a strong debate on these points blared up by the Minister of Human Rights on Bahrain and the civil bodies, which invoked the need to warn the Bahraini government for harming the Bahraini people upon their return due to this altercation.

Concerning the second subject about withdrawing the nationality from Bahraini citizens which is an extremely dangerous issue in which the Bahraini government claimed that the ones it withdrew their nationalities from were detrimental to the security of the country, and after investigation the mentioned allegations, it has been shown actually that 31 people whom their names were at the top of the list have no, and I stress on the word “no” prosecution haunt when the arbitrary decision was issued, and they represented no harm to the National Bahraini Security, but those names belong to political activists, lawyers and jurists. Regarding this issue, all what the government presented is its decision based on item (3) of article (no 10) of the Bahraini Nationality Law of 1963 claiming that they were involved in “harming the security of the state”. Article (10) stipulates that the governor is permitted to command withdrawing the Bahraini nationality from its holders. It is really significant to draw attention to a very important issue which is that the immediate government decision that deprived those activists under the title of the right of expressing their peaceful opinion has ignored

all their natural rights guaranteed by article (15) of the Universal declaration of Human Rights, which is considered a manifestation of the formal international law, that states that “each person has the right to hold a nationality” and “no person is deprived of his/ her nationality arbitrarily”.

Moreover, the expulsion implemented due to this unjust decision is illegal, and it violates other rights including the right of the non-arbitrary intervention in family life by virtue of article (17) of the International Pledge of Political and Civil Rights, and it's the pledge Bahrain has joined. I would like to point out concerning this issue that Bahrain signed seven basic protocols not to skip the branches with UN in all the fields guaranteed by international legitimacy. Therefore, Bahrain as announced in one of the international meetings has some international items it can't be implemented due to private anonymous reasons, and it might be unfamiliar, since it's supposed that Bahrain should have been informed to through its legal commission, and signed it with full approbation.

We would like to add too, that some of those people whom Bahrain withdrew their nationalities from are official parliamentary member, clergymen and scientists who have been in exile from Bahrain since more than 10 years, and their speech has never called to a coup against the king, and there are only 6 people out of 31 who have another nationality (i.e. there are 25 people who don't have another nationality).

I conclude my statement by saying that these arbitrary procedures practiced by Bahrain concerning withdrawing nationalities and giving Bahraini nationalities to people

who don't have the conditions of withdrawing and giving are considered an international criminal infringement, in the which the government should pay attention to because the International Law has obliged the states that each person has the right to have one nationality at least it has no right to withdraw under any condition, and if the citizen committed any crime, then local laws punish him according to the crime without mentioning the issue of nationality, and any action that is against this then it would be a different talk and treatment with these countries that don't respect these international items.

## **The International Human Rights Agitator Arrested: Nabeel Rajab a Model**

“with the international human rights organizations reflect his commitment to international standards; and that the detentions of other human rights activists like Rajab is doubtful; and that the detentions of these people usually help spreading their ideas on wider scope just like Nelson Mandela & the Burmese opposition Aung San Suu Che who are models of human rights.”

Khaled al Sarjani  
The Arabic Network for  
Human Rights Information



## **The International Human Rights Agitator Arrested: Nabeel Rajab a Model**

Khaled al Sarjani  
The Arabic Network for  
Human Rights Information

The case of the Bahraini blogger, human rights activist and President of Bahrain Center for Human Rights Nabeel Rajab is not a model for other human rights are also suffering elsewhere in the world governed by totalitarian governments; but it is a proof that the Bahrain regime is willingly ignoring all of the recommendations issued by Bahraini report. The renowned International Law Professor Cherif Bassiouni praised Rajab for providing him thousands of documents that supported his inquiries on the events of 2011 in Bahrain: “The judgment of Rajab demonstrates a pattern of continued prosecution of people practicing the rights guaranteed by international laws; this prosecution is what King Hamad himself has promised to end. Rajab’s detention is for his tweets on Twitter!” This confirms that the composition of the commission was not to establish transitional justice or inquiring misconducts but rather to absorb the local and international outrage. This is well confirmed by not having put the recommendations into execution yet.

The Bahraini regime has ignored all of appeals of the well- established international organizations like Amnesty International, IFEX Network, Human Rights Watch and dozens others to release Rajab just to send a message to any activist to consider such fate if not silencing his/ her demands.

Moreover, the regime refuses to set Rajab free despite having spent three quarters of detention period as set in article 349 of the Bahraini code of criminal procedures No. 46 issued in 2002 which allows “Conditional release to those sentenced with freedom restraining punishment if having spent three quarters of their imprisonment and their behavior calls for confidence and that they don’t drag danger to public security”. By last November 28, Nabil Rajab had completed his three quarters period, yet still imprisoned. Such arbitrariness has driven Hassiba Hadj Sahraoui, Amnesty International Middle East and North Africa Deputy Director, to say that “The failure to release Nabil Rajab makes it undoubtedly clear that his imprisonment is not due to justice or law but for silencing him; he has been detained wrongly for more than two years in inhumane and degrading conditions.” She also adds that “Rajab was not supposed to be imprisoned at the first place, and he should be allowed freedom as a defender of human rights to practice his work away from intimidation or threat of retaliation; whereas his arrest and detention and his trial indicate that the authorities disregard human rights and freedom of expression.”

Like any other authoritarian governments, the Bahraini regime can’t comprehend that violating human rights and depriving citizens their political rights and its behavior against Nabil Rajab can’t break a man like him or make him review his ideas, but this will rather empowers him; lets as well the world know the dimensions of his case as a human rights advocator being imprisoned unjustly in awful conditions; and also to know the hugeness of the violations taking place in Bahrain. Sufficient enough that the American magazine “Foreign Policy” chose on 26 April 2012 all of Abdul

Hadi Al-Khawaja, his daughters Mariam and Zeinab, and Nabil Rajab on the list of the 100 most influential international personalities in 2012 and ranking the 48<sup>th</sup> on the list.

“Foreign Policy” reports that choosing all of these four personalities was due to their insistence to activate “freedom of expression as a universal right, regardless of where people live”, and to their administration of the Bahrain Center of Human Rights during the most complicated times. This confirms that oppression comes usually with inverse results; and thus the regime should review itself. But it seems that the desire for repression is always louder than the voice of consciousness [in such regimes].

“IFEX” Network, consisting of 88 members in 60 countries around the world, appealed on 21 November last year to the King of Bahrain, the Ministers of Justice, Interior and Human Rights Affairs to release his member Nabeel Rajab whose behavior, the organization considers, good and thus is eligible to be released on 29 November. “We firmly believe that this will be an ideal opportunity for the government of Bahrain to prove to the world that Bahrain works in accordance with its laws. Rajab doesn’t reflect a danger to public security, but rather he has proven the opposite, as he can help to promote peace and national unity. “the Network adds that “Rajab is known for his peaceful opinions; has been awarded with several prizes, including that of the members of IFEX; internationally recognized; has wide contacts with many prestigious groups of human rights; the head Bahrain Centre for Human Rights (BCHR) and Gulf Center for Human Rights (GCHR); the Deputy Secretary-General for the International Federation for Human Rights

(FIDH); the Advisory Board of the Middle East and North Africa at Human Rights Watch. And the non-respond to this speech means that Bahrain does not pay any concern for any of the organizations listed therein nor to IFEX members.”

The regime does not comprehend that Nabeel Rajab’s interrelation with the international human rights organizations reflect his commitment to international standards; and that the detentions of other human rights activists like Rajab is doubtful; and that the detentions of these people usually help spreading their ideas on wider scope just like Nelson Mandela & the Burmese opposition Aung San Suu Che who are models of human rights. Che was also chosen by “Foreign Policy” on the same list that included the four personalities of Bahrain.”

The Bahraini government knows that the campaigns standing in solidarity with Rajab has been extended since his detention, and so will they be until it sets him free. These campaigns help in parallel in letting the world know about the extent of violations in Bahrain; its repression of religious freedom; rejection of any legitimate democratic public demands of demonstrating, and enjoying a truly representative boards who reflect the religious, political and intellectual diversity rather than being loyal to one social class in power.

I believe that the non release of Nabil Rajab, who was unjustly imprisoned for expressing his opinion via social media, is not only a demonstration of the suppression of human rights advocates but also a part of the government plots to drag the attention of human rights organizations from the real cause for which Rajab himself is detained: Democracy & Religious Freedom in Bahrain. All of the cam-

paigns standing in solidarity with Rajab should be aware of this and should call for Rajab's demands for he is not separate from democracy, human & religious rights, freedom of expression's framework. He has paid the cost of this. And once he is set free, he will continue defending these rights one by one.

Freedom for Nabil Rajab



## **From Ratification to Implementation Bahrain & UN Human Rights Conventions**

“By 2014, Bahrain’s signing of the convention against torture and other cruel, inhumane or insulting treatment or punishment- issued by virtue of law decree no (4) on 18 February 1998- will be 14 year old”.

Mohammed Al-Tajer  
Bahraini Lawyer  
the Secretary-General of the  
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## **From Ratification to Implementation Bahrain & UN Human Rights Conventions**

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### **Introduction**

Geographically, Bahrain is an archipelago of thirty-three islands, five of which are inhabited and the rest controlled by al Khalifa's family. There are five provinces Al-Muharrak, Al- Wusta, Al- Shamaliya and Al- Janubiya and al Manama, the capital. It is a heavily populated land with one million and five hundred thousand most of whom are Muslims, (60-70% Shiites- the rest Sunnis); however, this percentage is suspected, because the Bahraini government has been working on the perturbation of the demographical equilibrium for more than twelve years. The land is governed by the current King Hamad Bin Issa Bin Salman Al- Khalifa. The Constitution of the kingdom of Bahrain, issued in 2002, states the reign of Bahrain is constitutional hereditary, the King is the head of the state and he himself appoints its Ministers. Prince Khalifa Bin Salman Al- Khalifa, The King's uncle, has been the Prime Minister since the pre- declaration of Bahrain independence.

The Legislative Council of Bahrain is in charge of the National Council which consists of two chambers: the Shura Council which is the supreme one with 40 members;

and the parliamentary, the lower chamber, with 40 members elected every four year and now it's a pro state block after the withdrawal of the opposition. The opposition couldn't reach any majority percentage in election due to the carefully planned distribution of the electoral constituencies, which aims to prevent the opposing majority to reach the elected council.

The king of Bahrain enjoys a wide span of executive authority by himself or by his ministers whom he appoints or dismisses; he also heads Supreme Defence Council and the Supreme Judicial Council.

### **The international protection of human rights and the violations of the Bahrain government**

What do human rights mean? Those who claimed this term is western, can they deny torture or discrimination and obtaining adequate education? Can they deny that these rights are not deeply rooted in our local culture and values? Aren't they themselves enjoying these rights at home with their families? Rights are definitely not westerns. They are human.

A Human Rights activist assesses the status of human rights with the help the international human rights law and standards as criterion. He assesses not only the country but its government too. A comparison between the international laws and conventions, as well as Bahraini laws specially their guarantees to prevent torture and mistreatment with fact-findings by Bassiouni, it becomes clear how far Bahrain is from abiding any of these.

The fact- findings are similar to what the report of

the UN Commission against Torture comes with. It discloses that security in Bahrain has arrested nearly 2,929 individuals most of which operated in night raids against houses, breaking their doors, verbally insulting and terrifying their inhabitants including women and children. The reports add that all of these methods are unnecessary.

It adds that the security system affiliated to the Ministry of the Interior, and the National security service and the army has violated domestic laws & human rights principles by blindfolding the detainees; handcuffing; forcing to stand for long periods; beating; punching; beatings with rubber hoses, wires; electric cables; whips, metal bars; wooden panels; appliances; ceiling suspension; deprivation of sleep & the use of toilets; exposure to significant differences of temperatures, verbal abuse; threatening of raping the arrested or any of his/ her family members; insulting the sect to which the detainee belongs; arresting without a warrant; denying having contact with the outer world for more than 8 weeks- the minimum rights have been denied. The result has been: disabilities; sever injuries; and 5 reported dead due to torture. Bassiouni report states that such conducts have been in patterns and systematically adopted by the security men to obtain confessions, sign affidavits of crimes, to punish and take revenge.

The Bahraini state is eluding the recommendations of the Human Rights Council's universal periodic review. Violations monitored on a daily basis reveal the security men's adaptation of torture, forced disappearance, mistreatment, denying a defence, denying any laws and standards of fair trials The Bahraini regime is using anti-terrorism laws

to suppress peaceful opposition, arrest them and denying their rights. All of which indicate creating an atmosphere of impunity.

### **The International Treaties Bahrain ratified on:**

The flood of the need of the change of human rights principles is not domestic any more. Human rights have become attractive to the entire globe in the last two decades, however solutions coming from within a context are much more in harmony with the culture like in our region rights are deeply rooted in the domestic culture and Islam itself guarantees in general what is beneficial for humanity with one red on light that any of the rights promoted must not clash with the religion.

Since inherited power, King Hamad has issued most of the current laws and ratified the following UN Human Rights conventions: the convention against torture and any other cruel or harsh treatments; the inhuman & insulting punishment; the elimination of all forms of racial discrimination; child rights protection according the international Labour Organization issued in 1999 that prevents the worst forms of child labour and the need to take immediate procedures to eliminate it; discrimination against women; the optional protocols on the involvement of children in armed conflict; child trafficking; child prostitution; porn material on children. Bahrain also agreed on the economic, social, cultural rights and ratified the civil and political rights on 2006-2007; the convention of disabled people rights on 2011; and finally, the Ambassador of the Kingdom of Bahrain to UN signed the convention of Arms Trade on Novem-

ber 23, 2013, at UN in New York.

Despite all of these obligations, the rights of Bahraini people are the least protected compared to other countries in the world. No effective regional mechanism is there to promote or protect any of these human rights- for example; there are no entities like the American States Court, the European Court of Human Rights or the African Commission of Human and Peoples Rights. Add to this that Bahrain has refused joining Rome Convention of the International Criminal Court.

An effective regional monitoring mechanism- there is one but compared to the other international conventions, it is the weakest! The Arab Charter of Human Rights adopted by a number of Middle Eastern countries. Yet, it hasn't been clear whether the appointed commission will be activating it effectively or not. The Arabic League approved the establishment of the Arab Penal Court in Bahrain with no idea of who its judges are and what laws to adopt- anyway, it hasn't been up till now!

Ratifying human rights convention is extremely important and the real challenge is when governments abide them and turn them into a reality. This requires strict commitment & a political will. It also requires the utmost possibility of engaging civil society & the public to ensure more comprehension of human rights and thus being practiced by all of them especially the most vulnerable segments due to discrimination and some other factors.

## **Ratifying Conventions Positive Impacts**

No conventions means no rights protected. It also means “the aim justifies the mean” which also means denying peaceful political opinion expression, assembly, establishing associations and thus taking participation in the government. Such a status is the happenings in Bahrain and elsewhere- sever violations of human rights, torture and oppression. This has been for tens of years- whenever an uprising take place, torture becomes dominantly remarkable in parallel leaving the ratified conventions behind.

Bahrain’s ratifying of all of these conventions, joining UN agreements and Human Rights Council, or establishing its Human Rights National in 2009 have not turned it into a secured or advanced in human rights scope; nor made its laws compatible with the civilized contents of these conventions.

The ratification of the international conventions was a difficult travail for human rights activists, but at that time it was like ironing which is the last medication as said in Arab proverbs so Bahrain’s ratifying of the convention against torture and other cruel, inhumane and insulting treatment was after the visit of the UN Special Commission on Torture in 2005, and in order to avoid the display of its violations before the Human Rights Council and issuance of any decision concerning this. Bahrain agreed to join the agreement. But it strongly rejected most of its recommendations before the Human Rights Council on May 2012. These recommendations are related to the optional protocol attached to it. Bahrain also rejected most of the recommendations of the states for the ratification and joining the Rome Convention

or the International Criminal Court which permits holding international trials to those responsible of the violations having taking place for six decades in Bahrain, particularly regarding torture- which the commission of inquiry describes as systematic; illegal killings; crimes of genocide; crimes against humanity as like prevention of treatment; targeting a religious sect by illegal killing; torture; political, economic, social, cultural and religious persecution- all of which are practiced against Shiites in general and people of Persian origins in particular in Bahrain.

### **Torture in Bahrain is an index of the worst abuses:**

By 2014, Bahrain's signing of the convention against torture and other cruel, inhumane or insulting treatment or punishment- issued by virtue of law decree no (4) on 18 February 1998- will be 14 year old.

In 1999, law decree number (34) was issued and approved on by Bahrain. But it expressed reservation on its article no (20) concerning the authorities of the anti-torture commission appointed by the convention.

This article provides the commission with the authority to verify any reliable information that contains strong evidences of systematic torture within the territory of a state that is a party of the convection.

Bahrain also expressed its reservation on the first paragraph of article no (30) of the convection related to the settlement of disputes between convention parties and thus considered itself untied to it.

The article states that "in case no settlement has been

achieved between two or more countries in dispute on interpreting or implementing this article, and one these countries requests judging without having any of these countries being able to reach a settlement in a period of 6 months, one of these countries may refer the dispute the International Court of Justice- by presenting a request according to the basic system of the court.

In 2005, after 7 years of signing the anti-torture convention, the commission of the convention conducted a comprehensive assessment of the situation in Bahrain to ensure the implementation of the convention against torture. As a result, the commission issued a number of recommendations. Bahrain took time up till 2009 to make a response to commission.

Bahrain also ratified the International Convention on civil and political rights on September 20, 2006. Bahrain also joined the International Convention on economic, social and cultural rights, on 27 September 2007.

The terms of these two conventions are similar to the convention against torture and other cruel inhumane or insulting treatment or punishment as article no 7 of the International Convention on civil and political rights states: “None to be subjected to torture or to inhumane or insulting treatment or punishment or belittling dignity”.

### **Implementing Conventions from International Perspective**

Since 2007, both local & international human rights organizations began monitoring human rights abuses and allegations of torture in Bahrain. Human Rights Watch reports

that security forces conducted on June 1, 2007 severe beatings against a detained arrested on May 21, 2007 and some other detainees were subject to torture and abuse by the interrogators.

Human Rights Watch's report adds that human rights situation in Bahrain was deteriorated in 2007.

The report demands adhering to article (4) item (1) of torture convention: "Each state party must guarantee that all acts of torture are crimes by virtue of its criminal code; this is applicable to any person attempts to commit torture or any other act that reflects complicity or involvement in torture".

The same organization reflected the same concerns of the deteriorating torture adoption in Bahrain in 2008 and 09 consecutively with the utmost outrageous in 2010 in the torture case of the arrested Professor Abduljalil Al-Sinkeese, an academic in mechanical engineering & a prominent jurist but handicapped due to polio since childhood; and the cases of a large group of activists (550) detained & most of them were released later, during the 14 Feb. Uprising in 2011; but rearrested again in the national safety period and unfortunately still imprisoned until now along with other hundreds detained each year. The regime continues belittling the rights it has signed.

Bahrain has received several inquiries from the International Commission against Torture, particularly in the need for a comprehensive review of domestic laws and administrative regulations to ensure their consistency with the convention & training the workers in the law enforcement departments & legal domains, especially the judicial author-

ity to respect the principles of human rights.

Bahrain responded to all of these concerns as follows: “The legislative authority in Bahrain has reviewed the legislations and trained police forces & judicial authority.” Has anything changed concerning ceasing torture?! Defining it? And thus criminalizing it? The Bahraini regime has not responded to any of the inquiries of the international commissions & the special rapporteurs working in the special committees’ divisions with coordination with the higher commission. The commission described Bahrain as a state that doesn’t keep its pledges. Bahrain is also known so it does in its international policy. The Bahraini regime has violated all of the rights it signed despite the several calls that have been raised. It is the policy of signing a treaty and violating it continues so rudely!

Recognition is a philosophical & social concept expressed by a group of contemporary philosophers like Paul Ricor and Excel Honth. It is the philosophy that has developed what is known nowadays by transitional justice and reconciliation. Several countries like South Africa, North Ireland and Morocco have undergone such period and experience when their people suffered from oppression, humiliation and non-recognition. It is until the Bahraini regime recognizes the violations it’s perpetrating then the Bahraini people will realize that the regime is willing to reconcile, achieve justice and be adhering to the principles mentioned in international conventions.

**“The Gulf Security Agreement  
is a Gulf Security Fact”**

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Perhaps we are not adding new information on what has been suggested in the various states of the Gulf Cooperation Council (GCC) of opinions and visions after signing the Gulf Security Agreement approved by the Gulf States and acknowledged by the Higher Council of the GCC in its 33rd session held in Bahrain.

This agreement has been sufficiently criticized by a huge number of Gulf people warning that the implementation of this agreement is not a good omen to the citizens of the GCC, and a Kuwaiti writer mentioned in the electronic newspaper “Al Watan”: “Perhaps it’s a security agreement but in fact it’s political because it has two faces, a security face and the other is the political danger”, and he added: “the agreement is dyed by a language the devil hides between its lines, that’s why they do not want it to benefit security but as Jaha’s nail and as a permanent police residence, and it’s a suspicious satanic agreement since within its details it insults the state’s authority, violates its sovereignty and subjects its people under the whips of the foreign security.”

Whereas the Bahrain News Agency mentioned in a news broadcasted by the Kuwaiti paper on 12 November 2013 that Bahrain ratified upon the Gulf Security Agreement, and the agency clarified that “the agreement comprises the domains of security cooperation and coordination between the

council states and their cooperation to prevent entrance or exit”.

Moreover, Dr. Ghanem Al Najjar wrote an article entitled “The Gulf Security Agreement Targets Confronting the Potential Popular Movements in the Region” and this is the tenor of this security agreement that was suspended between the papers of the GCC for about two decades due to its contradiction with constitutional articles in Kuwait that was rejected in the 90s of the last century, but after the appearance of the Arab Spring starting from Tunisia, Egypt, Yemen, then Bahrain and Kuwait there is no doubt that someone has gone mad in this period going left and right perhaps he re-controls the position that seemed to be going out of control for long decades on the keys of the game in the region, I am not going to go deep inside the items of the agreement signed by all the Gulf states after the Arab Spring from its legal side, since the latter was expressed by many legalists in the states of GCC, and they showed that there are many items incompatible with international human rights agreements signed by the states of GCC, and what matters to me in this agreement is the negative impact on the rights of the Gulfian citizen, and this is what we have been observing during the last three years the region has passed through after the blade up of the Arab Spring flame, the Gulfian citizen suffered from several harsh measures taken against him after the winds of change blew, and that’s only when he expressed his opinion and demanded to participate with the authority in building his future and he didn’t demand toppling the regime like what happened in a number of Arab societies that recoiled to topple its regime, and the result was that all the Gulf states responded to its citizens by oppres-

sive arbitrary judgments like what happened to the leaders of the political opposition in Bahrain, all states of GCC and the siege of activists in their countries in precedents that are never seen before, and the activists were prevented to transport between the Gulf states in a unique phenomenon found in Gulf states away of the other political entities whether the European Union, ASIAN countries conglomerate, African Union and other international political conglomerates.

### **The impact of the Gulf Security Agreement and its reflection on the Kingdom of Bahrain:**

Whatever the position is in the various Gulf states but what happened in Bahrain is considered the peak of human being underestimation, the Bahrain Kingdom might be a result of the revolutionary legacy it passed through during its long history which was characterized by its real bloodiness by the regime, and a persistent conflict that haven't witnessed a more bloody, observing and documenting violations of human rights period after the upheaval of 14 February, that period which didn't save a child, a woman, a man, or a guy of repression represented by internal and external repression, the external one certainly takes its power from that inauspicious agreement according to the citizens of the GCC especially in the Gulf ocean you are witnessing in the land of reality. Before the agreement, states of the council were exchanging information about politicians, opposition activists and they would be prevented of accessing any of the six countries forming the council, whereas after the agreement the cooperation reached a higher level arriving to form a Gulf Interpol which demonstrates a true danger in the

coming stage. Previously, only activists and politicians were prevented of transportation but after the inauspicious agreement, a whole people is sieged and prevented of transportation, and the evidences regarding this issue are many, since human rights activists in Kuwait observed many arresting, preventing, procrastination, delaying cases on the Kuwaiti-Saudi Arabian borders used by simple citizens to go to holy places such as Karbala and Al Najaf, and the danger encountered concerning this is that those who are being humiliated on the borders are mostly old people, women and children for no convincing or urgent reason, but events and incidents consistently repeating, which affirms and points out that all the Gulf regimes are involved in a systematic policy of sectarian provocation, and this is considered a clear message to the free world who is exerting a pressure toward establishing reforms the Gulf ruling families do not want, for this reason it resorts to threaten the West by exploding the region on the sectarian level. This is a fact practiced by the Gulf regime against their people, and the security agreement comes within this systematic sectarian frame, and today we find the Gulf security forces coordinating with each other and exchanging information no matter how much the bilateral relations were deteriorated on the media level, in which any citizen can be given to any state demanding him disregarding the accusation that will be charged against him, until there is a comedian sarcasm by the citizens of GCC on the social communication networks such as facebook and twitter where it was stated at that time (you commit a traffic violation in Bahrain, received by Kuwait, fined in Oman, pay the fine in Saudi Arabia, the vehicle is detained in Emirates and eventually you are vindicated in Qatar) and this is a

case showing the popular mockery of such agreements that the Gulf people had no role in, and there is also a hash tag on twitter entitled “the Gulf Security Agreement: the Gulf people expressed their opinions towards this agreement in which there was a unanimity on the worseness of its repressive articles that protects the regimes, and of its people’s discontentment and corruption.

### **The wasted freedom of expression and transportation between the Gulf States**

There is no doubt that visions differ from country to another, since there are countries with high levels of freedom of expression compared to its neighboring countries and there are countries sensitive to any word said, or opinion heard, therefore, what is considered an opinion within the allowed limits in a certain state is illicit in another one which will create a real problematic between the council states that signed on that agreement in case a state was criticized through any mean of the available expression means, and nowadays these means are uncountable especially in the age of current technological developments, what is important to me here is the siege the Bahraini people is subjected to by all the Gulf states, since many infringements were detected regarding preventing Bahraini personalities of transportation between the Gulf states, and this preventing stretched to reach other Arab countries such as preventing the Bahraini political activist Abullah Al Janahi of accessing Egypt in addition to other Bahraini activists as an implementation to a list the Gulf activists named the black list which contains the names of all activists whether they were Bahraini

or Gulfian, and in a visit of the former secretary general of Bahraini Association of Human Rights Mr. Issa Al Ghayeb to Dubai, he was prevented of going to the United Arab Emirates in March 2012 without mentioning the reasons of this preventing, and on 6 November 2011 the human rights activists Nabil Rajab was prevented of going to Kuwait, in addition to this, Dr. Rola Al Saffar was stopped at the airport and an investigation was conducted with her on 20 December 2013, and children in Bahrain also were not so far of preventing, since on 25 July 2013, the child Sayyed Mahdi Habib Mousawi was prevented of going to Kuwait, and the head of the Bahraini Transparency Association Mr. Abdul Nabi Al Akari was prevented of accessing Kuwait too on 3 October 2012, and there are further more cases of preventing activists of transportation between Gulf States.

### **State Terrorism and Impunity**

No doubt that the security agreement between the Gulf states is being coordinated between Gulf states as mentioned on the security level without even needing an agreement, since it is known that the Gulf regimes are unilateral tribal paternal ones that do not allow the states of law but what is followed and this is known since centuries is what the ruler wants and without his desire nothing can be attained, and this is a truth and not a calumny as some would like to say, we diagnose the fact as it is and not as spread that these states are states of law, agreements and others of matters and procedures, that's why as long as the state is within the hands of one ruler who gives commands and keeps all the authorities within his fist, then it's normal that he de-

cides what he wants and who objects that then his destiny would be either imprisonment for disobeying the ruler or sending away, and there are many cases that can be given as examples on the level of all the Gulf states. Regarding this issue that dominates the Gulf fact today, it's ordinary that a person who commits a crime against a whole people will have impunity as long as the ruler owns the land, people and authorities he inherited from his fathers and ancestors, and these people have no right to choose who represents it; neither a ruler nor a parliament. Thus, the phenomenon of arbitrary disappearance and open prisons phenomena awaits everyone who whispers a word the ruler doesn't like and without trails, and if there were trials then harsh sentences will be given with a speed record, and if you were one of those fortunate people and the crime can't be covered in any of the cases then you are lucky and will be imprisoned in a 5 stars jail, and this is also a fact that can't be denied in the Gulf fact, that's why when we talk about impunity it's a rooted phenomenon that can't be hidden neither in the Bahraini Kingdom nor in the rest of the Gulf countries.

## **Conclusion**

No doubt that the security agreement signed by the Gulf states is excellently security political agreement that aims towards sieging any activity that might raise the ceiling of citizens' freedom feared by the Gulf regimes that are trying to control the situation and this has lasted for the longest possible duration, and the truth shown before us today is that what is happening in the Gulf states is a resistance against change and not a security coordination through a se-

curity agreement, and this resistance today is supported by financial surpluses wasted by the ruling families, and one of the things that are getting clear to the observer is that this agreement will soon be from the past and history and it won't last too long, since the phenomena and indexes are showing up a day after day, for example the phenomenon of corruption spread and robberies of billions affirm that there is a conviction being formed by the sons of the ruling families stating that the continuation of the situation the way it is became impossible, and what makes things more coherent are the billions given here and there, but these billions will be futile in front of the determination of people to get their freedom, that's why neither the security agreement will pay its benefits nor the billions will achieve security to the Gulf ruling families, and what will attain security is conveying the updates, realizing the fact and creating a political social economic structure capable of accomplishing real security based upon humanitarian values and freedom.



