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Human rights situations that require the Council's attention

Written statement* submitted by the Arab NGO Network for Development, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 September 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Assessment of BICI recommendations implementation in Bahrain*

On February 14, 2011 Bahrain became the third country to experience its own “Arab Spring”, after Tunisia and Egypt with thousands of youths marching towards the capital, Manama, demanding political reforms. Indeed, the demand for constitutional reform in Bahrain goes back to 14th February 2003, when the first constitutional conference was held, the latter comprising diverse groups including political opposition, lawyers group and civil society. Nevertheless, till today, the Bahraini government’s non-adherence to popular will undermines the constitutional reform needs.

The constitutional reform was in the heart of the demands of the 14th February uprisings, which was crystallized in the letter of the opposition (7 parties) to the HE the Crown Prince Sh. Salman Al-Khalifa, who was entitled by his father HM King Hamad Al-Khalifa to engage into negotiation for settlement. The Crown Prince announced a seven points for democratic reform in March 2011. However, the invasion of the Saudi forces on March 14th aborted the negotiated settlement. The country entered a deep crisis, ongoing till today. Despite the atrocities, the opposition is still adhered to negotiated settlement, which includes constitutional reform .

In view of the committed atrocities, Bahrain was under pressure to allow independent investigation of events since 14 February 2011, including the UN option. Bahrain opted to independent investigation commission by prominent western jurists. The commission- known as Bahraini Independent Commission of Inquiry (BICI)-(was chaired by Prof. Cherif Bassiouni(US) and included selected other members (Sir Nigel Rodley –UK), Dr. Badria Al-Awadhi-Kuwait, Judge Phillippe Kirsch(Canadian), Dr Mahnoush Arsanjani (US-Iranian origin). Prof Bassiouni had conviction that he and his mates were carrying noble endeavor, where they are bound by their conscience, and free to act, as assured by The King of Bahrain, prior to initiating their mission. Moreover, as he told during an interview, he was certain that the BICI recommendations would be implemented, as affirmed by The King prior to the commissioning.

BICI mandated to prepare a report about the events that occurred in Bahrain during the months of February and March 2011 in addition to the subsequent related events, compiled a report composed of twelve chapters. As explained in the BICI website¹, “the report commences with an introduction to the Commission and its methods of work, followed by a background on the modern history and system of government of Bahrain. Then the report describes the applicable legal framework during the events under investigation, and identifies the relevant law enforcement agencies in Bahrain. A detailed narrative of the events is then presented that covers the period from the beginning of February to 31 March 2011, with a special focus on the events that occurred at the Salmaniya Medical Complex.” The report includes as well sets of recommendations to address the environment, the legislations, the culture, and the structure of law- enforcement that led to these mass and systematic atrocities. These measures aimed to address the crises and to hold officials accountable².

In about 500 pages of documented details, the report examines the human rights violations alleged to have been perpetrated by governmental agencies against individuals. These include the deaths that occurred during the events under investigation, the use of force by governmental agencies, the manner in which arrest warrants were executed, the treatment of detainees, and cases of forced disappearances. The report also tackles the demolition of religious structures, dismissals of public and private sector employees, and the expulsion of students and the suspensions of scholarships. The report then examines human rights violations perpetrated by individuals, in particular attacks against expatriates, and Sunni citizens. The report also examines the allegations of foreign involvement in the events that occurred in Bahrain, and discusses the matter of harassment by the media. Subsequently, the report reviews the measures and remedies undertaken by the Government of Bahrain to address some of the human rights violations that took place, as well as to address deficiencies in some domestic legislation.

¹ http://www.bici.org.bh/index0d2a.html?page_id=20

² Full report is available at <http://www.bici.org.bh/BICIREportEN.pdf>

The King pledged to respond positively to the recommendations in the report by setting various working groups and implementation mechanisms, except the alleged Iranian interference on the pretext that "the Government of Bahrain was not in a position to provide evidence of links between Iran and specific events in our country this year." The day the report was released, the King said he hoped "to make this day one that will be remembered in the history of this nation".

Nevertheless, the policies and actions of the government proved that it was not committed to true implementation of BICI recommendations. For instance, the PM visited the Ministry of Interior in the afternoon of the inauguration of the report and assured the top officers that none of MoI personnel will be touched consequent to BICI report, which proved to be so. Indeed, the controversy is that while human rights has been steadily deteriorating up in Bahrain, the government has been proclaiming that it has been implementing human rights recommendations it received both from BICI and HRC—UPR process. Yet, it is clear that the same government and the Parliament responsible for these atrocities, insistent on subjecting its people, and oppressive security measures will not implement BICI and HRC-UPR recommendations or introduce real reform.

Bahrain needs introducing radical, comprehensive and deep reforms in compliance with the developments in the country and in response to peoples' calls.

In this context, we call HRC members to urge Bahraini government to fully implement the calls in the joint statement signed by 47 members during the 26th session of Human Rights Council, principally:

- Expedite the full implementation of the recommendations received from the BICI and the UPR recommendations accepted by Bahrain by undertaking further measures, in particular amending or repealing legal provisions that unduly restrict human rights.
- Release all persons imprisoned solely for exercising human rights, including human rights defenders, some of whom have been identified as arbitrarily detained according to the UN Working Group on Arbitrary Detention.
- Appropriately address reports of ill-treatment and torture of prisoners and ensure an independent, thorough and impartial investigation and prosecution of these cases, as well as of other allegations of human rights violations.
- Further enhance its cooperation with the OHCHR and the Special Procedures of the Human Rights Council and reschedule previously planned visits as soon as possible.
- Pursue an open door policy for all civil society organizations.

* Bahrain Transparency Society (BTS) NGO(s) without consultative status, also share the views expressed in this statement.